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OF THE

SIXTIETH CONGRESS, FIRST SESSION.

VOLUME XLII.

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VOLUME XLII, PART III.

CONGRESSIONAL RECORD,

SIXTIETH CONGRESS, FIRST SESSION.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Helen M. Dodge, widow of Edward R. Dodge, deceased, *v.* United States;

In the cause of the trustees of the Methodist Protestant Church of Fox Hill, Va., *v.* United States;

In the cause of Sarah Jane Bellah, administratrix of the estate of James W. Bellah, deceased, *v.* United States;

In the cause of Mary McLeod, widow of Norman McLeod, deceased, *v.* United States;

In the cause of William H. Bacon and Annie M. Smith, heirs at law of Francis H. Bacon, deceased, *v.* United States; and

In the cause of Charles E. Carter, Elizabeth Crawford Bronson, and Lawrence C. Crawford, heirs at law of John C. Carter, deceased, *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13577. An act providing for the resurvey of certain public lands in the State of Nebraska; and

H. R. 16493. An act limiting and restricting the right of entry and assignment under the desert-land law and authorizing an extension of time within which to make final proof.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of sundry organizations of Pawtucket, R. I., Washington, D. C., Fond du Lac, Wis., Wilmington, Del., Fort Smith, Ark., Highland, Ill., Madison, Nebr., and New Haven, Conn., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. PLATT presented memorials of sundry organizations of Brooklyn, New York City, and Troy, all in the State of New York, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Clifton Springs, Corinth, Matteawan, New York City, and Oswego, all in the State of New York, remonstrating against the adoption of a certain amendment to the present copyright law relating to photographic reproductions, which were referred to the Committee on Patents.

He also presented a petition of sundry business men of Brooklyn, N. Y., praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 187, International Printing Pressmen and Assistants' Union, of Elmira, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of the Deep Water Harbor Association of Portsmouth, N. H., praying that an appropriation be made for the construction of a dam at Fox Point, on the Piscataqua River, in aid of the commerce at that city, which was referred to the Committee on Commerce.

He also presented a petition of the Southwest Citizens' Association of Washington, D. C., praying for the enactment of legislation providing for additional railroad track facilities in connection with the United States navy-yard at that city, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Laconia and Surry, in the State of New Hampshire; of New York City and Brooklyn, in the State of New York; of McPherson County, Kans.; of Moorestown, Florence, and Rutherford, all in the State of New Jersey, and of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. ANKENY presented a petition of Local Union No. 170, Typographical Union, of Tacoma, Wash., and a petition of Local Union No. 65, Stereotypers and Electrotypers' Association, of Seattle, Wash., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, and remonstrating against the prohibitive price on news print paper, which were referred to the Committee on Finance.

Mr. BULKELEY presented a memorial of sundry citizens of Washington, Conn., and a memorial of sundry citizens of Lakeville, Conn., remonstrating against the passage of the so-called "Crumpacker bill," providing for the appointment of additional clerks for taking the Thirteenth Census, which were referred to the Committee on the Census.

He also presented memorials of sundry organizations of Stamford, New Britain, Thompsonville, Bridgeport, New Haven, Torrington, and Broad Brook, all in the State of Connecticut, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. DEPEW presented a petition of Local Union No. 17, Metal Polishers, Buffers, Platers, Brass Molders, and Brass and Silver Workers' Union, of Buffalo, N. Y., praying for the enactment of legislation providing for the construction of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of William G. Mitchell Post, No. 559, Department of New York, Grand Army of the Republic, of New York City, N. Y., remonstrating against the enactment of legislation proposing to abolish the different pension agencies as now existing and consolidating them into one central office at the city of Washington, which was referred to the Committee on Pensions.

He also presented a petition of the Willard Woman's Christian Temperance Union, of West Albany, N. Y., and a petition of the Van Valkenburg Young Woman's Christian Temperance Union, of Albany County, N. Y., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens on account of sex, which were referred to the Select Committee on Woman Suffrage.

He also presented a petition of Local Union No. 135, Typographical Union, of Oneonta, N. Y., and a petition of Local Union No. 523, International Typographical Union, of Tarrytown and Ossining, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. HOPKINS presented memorials of sundry organizations of Chicago, Bloomington, Rock Island, Shiloh, and Quincy, all in the State of Illinois, remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the Illinois State Horticultural Society, praying for the passage of the so-called "parcels-post bill," and also for the establishment of postal savings banks, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 342, International Typographical Union, of Canton, Ill., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. CLAPP presented a petition of the Minnesota Retail Hardware Association, praying for the repeal of the duty on logs, lumber, and other products of the forest imported into the United States, which was referred to the Committee on Finance.

He also presented a petition of the Northern Swedish Conference of the Methodist Episcopal Church of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. McENERY presented an affidavit to accompany the bill (S. 5205) granting an increase of pension to Richard S. Harrison, which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 4920) to provide a temporary home in the District of Columbia for ex-Union volunteer soldiers, sailors, and marines, reported it with an amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (S. 4035) to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 30) to provide a home for aged and infirm colored people in the District of Columbia, reported adversely thereon and the bill was postponed indefinitely.

Mr. CLARK of Wyoming. I am informed by the Senator from California [Mr. PERKINS] that inadvertently the bill (S. 1574) to create the Calaveras Bigtree National Forest, and for other purposes, was referred to the Committee on Public Lands instead of the Committee on Forest Reservations and the Protection of Game. Upon the information thus received, I report the bill back from the Committee on Public Lands and ask that that committee be discharged from the further consideration of the bill, and that it be referred to the Committee on Forest Reservations and the Protection of Game.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GAMBLE, from the Committee on the District of Columbia, to whom was referred the bill (S. 3507) to fix fees and costs in the probate court of the District of Columbia, and to provide for the collection and payment of the same, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the bill (S. 5253) to establish a fish-cultural station in the State of Wisconsin, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 1574) to create the Calaveras Bigtree National Forest, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 504) for the relief of Albert H. Raynolds, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims, which was agreed to.

Mr. CARTER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1047) to provide for the building of a public avenue on the south side of the Potomac River from the city of Washington to Mount Vernon, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims, which was agreed to.

He also, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3001) to rectify the boundary line of Rock Creek Park; and

A bill (S. 2995) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extenson of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes.

He also, from the Committee on the District of Columbia, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 31) authorizing the extension of Oak street NW.; and

A bill (S. 4118) in relation to business streets in the District of Columbia.

BILLS INTRODUCED.

Mr. DIXON introduced a bill (S. 5331) permitting persons who had instituted contest proceedings for the purpose of securing preference right of entry on public lands, which were afterwards set aside for the establishment of the Cabinet and Kootenai forest reservations in the State of Montana, to perfect title thereto, which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Lands.

He also introduced a bill (S. 5332) granting a pension to James B. How, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 5333) relating to yachts, which was read twice by its title and referred to the Committee on Commerce.

Mr. FRAZIER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5334) granting an increase of pension to Oliver T. French (with accompanying papers); and

A bill (S. 5335) granting an increase of pension to Rufus Conger (with accompanying papers).

He also introduced a bill (S. 5336) for the relief of the Cumberland Presbyterian Church, of Granville, Tenn., which was read twice by its title and referred to the Committee on Claims.

Mr. HEYBURN introduced a bill (S. 5337) for the relief of Mate William Jenney, United States Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. TELLER introduced a bill (S. 5338) authorizing the appointment of Maj. George A. Armes, United States Army, retired, to the rank and grade of major-general on the retired list of the Army, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CLAPP (for Mr. NELSON) introduced a bill (S. 5339) granting an increase of pension to B. H. Randall, which was read twice by its title and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 5340) providing for the inclusion of certain unappropriated public lands in the State of Montana within the boundaries of Madison National Forest, which was read twice by its title and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PERKINS introduced a bill (S. 5341) to authorize the enlargement, improvement, and equipment of the light-house depot at Yerba Buena Island, California, which was read twice by its title and referred to the Committee on Commerce.

Mr. GAMBLE introduced a bill (S. 5342) authorizing the President to select from the lieutenants of the line of the Army one who has distinguished himself in battle or otherwise and appoint him a captain quartermaster in the United States Army, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. LODGE submitted an amendment intended to be proposed to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and be printed.

Mr. CLAPP (for Mr. KITTREDGE) submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. DEPEW submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HEYBURN submitted an amendment proposing to appropriate $2,000 for separate State and Territorial maps, prepared or to be prepared, in the General Land Office, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Public Lands and ordered to be printed.

PAY OF THE ARMY.

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (S. 4030) to fix the pay of the Army, which was ordered to lie on the table and be printed.

COTTON-SEED PRODUCTS OF FOREIGN COUNTRIES.

Mr. BACON submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That there be printed for the use of the Department of Commerce and Labor 3,000 copies of a pamphlet entitled: "Cotton-Seed Products of Foreign Countries."

WITHDRAWAL OF PAPERS—JOSEPH T. WOODWARD.

On motion of Mr. FRYE, it was

Ordered, That there may be withdrawn from the files of the Senate all papers relative to the bill (S. 11) granting an increase of pension to Joseph T. Woodward, Sixtieth Congress, first session, there having been no adverse report thereon.

MAN AND ABNORMAL MAN.

On motion of Mr. CLARK of Wyoming, it was

Ordered, That Senate document No. 187, Fifty-eighth Congress, third session, Man and Abnormal Man, be reprinted.

PROPOSED UNIVERSITY OF THE UNITED STATES.

On motion of Mr. FRYE, it was

Ordered, That Senate document No. 143, Sixtieth Congress, first session, Appeal in behalf of proposed University of United States, be reprinted.

LOWER BRULÉ SIOUX INDIANS.

Mr. GAMBLE. I move to reconsider the votes by which the bill (S. 4889) authorizing the Secretary of the Interior to place on the books of the Treasury to the credit of the Lower Brulé Sioux Indians the sum of $50,000, and for other purposes, was ordered to a third reading and passed yesterday.

I may state that this bill was favorably reported as an amendment by the Committee on Indian Affairs, and it was included by the Senate in the urgency deficiency appropriation bill. That amendment in the bill has been agreed to by the House, the bill has passed both Houses, and there is no occasion for the passage of this bill. I make the motion in pursuance of that fact.

The motion to reconsider was agreed to.

Mr. GAMBLE. I move that the bill be indefinitely postponed.

The motion was agreed to.

CANAL AT FALLS OF WILLAMETTE RIVER, OREGON.

Mr. FULTON. There is on the table a concurrent resolution which I wish to call up. I should like to make a brief statement in regard to it. It is concurrent resolution No. 29.

The VICE-PRESIDENT. The concurrent resolution will be read for the information of the Senate.

The Secretary read the concurrent resolution submitted by Mr. FULTON on the 3d instant, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause such survey and examination to be made of the existing canal and locks at the Falls of the Willamette River at Oregon City, Oreg., as may be necessary to ascertain what sum of money, at present prices of labor and material, should be appropriated by Congress, in addition to the appropriation already made by the State of Oregon therefor, to enable the Government to acquire said canal and locks and properly repair the same.

Mr. FULTON. Mr. President, when I asked that the resolution might lie on the table I contemplated at some convenient time and appropriate occasion to submit some remarks pertinent to it. It seemed to me that it would be proper to consider the policy which the Government ought, in view of the present commercial conditions, to enter upon in the matter of improving the waterways. But since I offered the resolution the Senator from Pennsylvania [Mr. KNOX] has delivered a most instructive address on the subject, which has been published in pamphlet form and very largely covers the ground I had in mind to call the attention of the Senate to; and so far as it covers that ground it does so more completely and instructively than I could. Hence, before I take my seat I shall ask that the address of the Senator from Pennsylvania may be published as a document. I think it will be found to be especially valuable to all who are interested in this subject.

The resolution which I have offered, and which I have now called up, provides simply for a new survey and estimate touching the cost of acquiring the canal and locks of the Willamette River at the point known as the Willamette Falls. The Willamette River is one of the most splendid commercial rivers on this continent, flowing through a territory that is not exceeded and probably rarely equaled in its fertility and in the advantages it affords for settlement and for sustaining a large population. I think I do not underestimate the resources of that valley when I say that it alone could easily sustain a population of 3,000,000 people. It is penetrated by two lines of railway, but really by one line, because both lines form one system, or rather they are owned by one company.

The Willamette River is the natural regulator of freight for the people of that valley, and but for one fact it would be an all-sufficient regulation for the freight charges. That fact is that there is a natural obstruction, known as the "Falls of the Willamette."

Some years ago private parties constructed a system of canal and locks whereby this obstruction was overcome, but in the hands of a private party tolls are imposed on all commerce that passes through the locks, and therefore instead of being the regulator of freight charges which the river should be, and which nature designed it should be, in its present condition it furnishes very little aid to the shippers and the people.

The State of Oregon, realizing the importance of having the river opened to commerce, has appropriated $300,000 to aid the General Government in acquiring the canal and locks, but the sum of $300,000, under the law by which it was appropriated, is not available except when Congress shall appropriate whatever additional sum shall be necessary to acquire the works.

Pursuant to a provision in a general appropriation act in 1899, the Secretary of War was required to investigate and ascertain what the cost of acquiring the locks would be. At that time, as I recall it, the report was that it would cost about $456,000. Probably conditions have changed since then, and any committee of Congress proposing to take action in the matter would naturally desire more recent and reliable information. Therefore I have offered this resolution, and I am going to ask that it be referred to the Committee on Commerce.

I make these few remarks for the purpose of calling the attention of the Committee on Commerce to the importance of having the resolution adopted. I hold entirely with the Senator from Pennsylvania, as expressed in his address, that the best regulator of freights, that which will contribute more than all else to the commercial development of this country, will be the wider improvement of our waterways. I believe in the construction of canals that will connect the different waterways. I believe that no more important work could be undertaken by the Government than the construction of a canal from the Great Lakes to the Mississippi River, thus giving the great section of country tributary thereto the benefit of water transportation. That is only one illustration of what might be accomplished by the improvement of waterways.

But instead of enlarging on the subject at this time, Mr. President, as I had designed doing when I offered the resolution, I will content myself with asking that the resolution be referred to the Committee on Commerce, and then that this address, which I hold in my hand, which was delivered by the Senator from Pennsylvania before the Chamber of Commerce of Pittsburg on the 12th instant be printed in the RECORD, and also printed as a document.

The VICE-PRESIDENT. The concurrent resolution will be referred to the Committee on Commerce. The Senator from Oregon asks——

Mr. GALLINGER. I will ask the Senator if he will not content himself with having the address printed as a document? The RECORD is pretty heavily encumbered.

Mr. FULTON. Very well; if there is any suggestion that it is not necessary that it shall go into the RECORD, I will be content that it be simply published as a document. I think that will answer all purposes.

The VICE-PRESIDENT. Without objection, it is so ordered.

HOUSE BILLS REFERRED.

The bill (H. R. 16051) to authorize the Centreville Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala., was read twice by its title and referred to the Committee on Commerce.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 13577. An act providing for the resurvey of certain public lands in the State of Nebraska; and

H. R. 16493. An act limiting and restricting the right of entry and assignment under the desert-land law, and authorizing an extension of time within which to make final proof.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. GALLINGER. Mr. President——

Mr. ALDRICH. The Senator from Georgia [Mr. CLAY] is not feeling at all well this morning, and is anxious to submit some remarks to the Senate on the banking bill. If it suits the convenience of Senators, not to interfere with the morning business, I should be glad to ask that the bill be laid before the Senate now.

Mr. GALLINGER. I was simply about to ask for the consideration of a little bill affecting the District of Columbia. I think it will not take many minutes.

Mr. ALDRICH. It is only for the convenience of the Senator from Georgia that I make the request.

Mr. GALLINGER. Then, I will make my request after the Senator from Georgia gets through.

Mr. CLAY. I will not occupy more than thirty or forty minutes, I think.

Mr. GALLINGER. I am glad to yield to the Senator.

Mr. CLAPP. Mr. President, in view of the proposed speech of the Senator from Georgia, and with reference to the general subject of the debate upon the bill in charge of the Senator from Rhode Island, I think it is only fair to state that my colleague [Mr. NELSON] had intended to participate in the debate and he had some amendments which he proposed to advocate. It should appear in the RECORD that he was unavoidably called from the city on account of the fatal illness of a member of his family.

Mr. ALDRICH. I ask that Senate bill 3023 be now laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. CLAY. Mr. President, a proper circulating medium demands the most careful and thoughtful attention of Congress. Our financial policy during the last quarter of a century deserves severe criticism. The action of Congress in dealing with this important subject has in many respects been unjust, unwise, and harmful to the country. The power was given to

Congress to coin money and provide the people with a circulating medium. This sovereign power should be exercised by Congress for the good of the American people and should never be delegated to individuals or corporations. Now, why do I say our policy in the past deserves severe criticism? I have always held to the theory that Congress alone has the power to coin and issue money, and I fully indorse the views held by President Jackson when he declared that this power should not be delegated to corporations or individuals. The Democratic party, to which I belong, in convention assembled in 1896, declared that Congress alone has the power to coin and issue money. The Democratic party has declared time and again that all paper money which is made a legal tender for public and private debts or which is received for dues to the United States shall be issued by the Government of the United States and shall be redeemable in coin. Have we pursued that financial policy? Has Congress exercised the sovereign right and power to issue and circulate paper money or has Congress delegated this sovereign right and power to corporations and individuals? Does Congress now control the issue and the amount of our paper money or is this important right exercised by individuals and corporations?

I repeat, Congress should exercise this power not for the benefit of any particular individual or individuals, not for the benefit of any particular corporation or corporations, but Congress ought to exercise this sovereign power for the good of the entire American people. The law organizing national banks provides that every national banking association, after having complied with the provisions of the law, preliminary to commencement of the banking business and before it shall be authorized to commence banking business, shall transfer and deliver to the Treasurer of the United States, in United States registered bonds, bearing interest, or Panama Canal bonds, to an amount not less than one-fourth of the capital (the capital being $150,000 or less), as security for their circulating notes. Such bonds shall be received by the Treasurer upon deposit and shall be by him safely kept in his Office until they shall be otherwise disposed of, as in pursuance of the provisions of law.

The national banking law also provided that all transfers of United States bonds by any association under the provisions of this title shall be made to the Treasurer of the United States, in trust for the association, with a memorandum written or printed on each bond and signed by the cashier or some other officer of the association making the deposit. A receipt shall be given to the association by the Comptroller of the Currency, or by a clerk appointed by him for that purpose, stating that the bond is held in trust for the association on whose behalf the transfer is made and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association.

The national banking law also provides that the bonds transferred to and deposited with the Treasurer of the United States by any association for the security of its circulating notes shall be held exclusively for that purpose until such notes are redeemed.

The act also provides that after any association receiving circulating notes has caused its promise to pay such notes on demand to be signed by the president and vice-president and cashier in such manner as to make them obligatory promissory notes, payable on demand at its place of business, such association may issue and circulate the same as money. And the same shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and other dues to the United States, except duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt and in redemption of the national currency.

This act of Congress has made these notes as good as gold and silver and given to them all the life, power, and functions of money. It is this provision of the law which has made national-bank notes as good as gold and silver in transacting the business of the country. Instead of issuing Treasury notes, the Government has delegated to these banks the power to issue and circulate their own notes. The very fact that the Government gave to these notes of the national banks partial legal-tender qualities, making them good in the business transactions of life, in purchasing the necessities of life, in the payment of debts, and performing all the functions of money, has made them as good as gold and silver, and, in fact, they are preferred to either gold or silver, because individuals, in transacting business, find it more convenient to use them than either gold or silver.

In order to establish these banks, the Government has floated its bonds, drawing interest at the rate of 2, 3, and 4 per cent per annum, and sold them to these banking associations, giving the banking associations the right to issue and circulate national-bank notes based upon these bonds. In doing so the Government to that extent has parted with its sovereign power to issue money and lodged that power in private corporations. The paper on which these notes are printed is almost entirely without intrinsic value, and these notes would be valueless as money if it were not for the fact that the Government has given them legal-tender qualities, thereby placing life in them. A United States note would be valueless as money without possessing legal-tender qualities. The very fact that the Government stamps these notes as money, giving them legal-tender qualities, constitutes their real value. The national banking law also provides that all other national-bank notes issued by the national banks shall be redeemable in Treasury notes issued by the United States. In other words, the Government has undertaken to guarantee that all national-bank notes issued by the national banks now in circulation, or that may be placed in circulation hereafter, shall be redeemable at the Treasury of the United States in United States notes; and under the present financial policy of the Government the United States notes are redeemable in gold. Consequently all of the Treasury notes now in circulation, all of the national-bank notes now in circulation, and all of the bonds of the United States now outstanding are redeemable in gold. Whether or not this be a wise policy is not now a question I care to discuss. I have been opposed to this policy for more than a quarter of a century. I merely state that these obligations are redeemable in gold with a view of answering the argument that has been made by those who oppose the issue of notes by the Government, claiming that it would be impossible to redeem additional notes with the amount of gold we have on hand.

The purpose in passing the national banking law by Congress was to sell bonds issued by our Government and to induce capitalists to buy these bonds by giving these capitalists the right and power to issue and circulate money on these bonds. This is a privilege not enjoyed by anyone else except our national banking associations. No other corporation, no other individual, no other American citizen is entitled to this privilege except these associations. This was a sovereign power and right that belonged to Congress, that ought never to have been delegated by Congress, and that ought to have been exercised by Congress for the good and welfare of the entire American people. I have no patience with the argument sometimes advanced by those against the issue of Treasury notes—that we have not sufficient gold to redeem them. If we acted upon the theory that the quantity of our paper money issued and placed in circulation must be in proportion to the gold reserve we have on hand to redeem this paper money, then it would be impossible to furnish to the American people a circulating medium sufficient to transact the business of this country. We now have in circulation about $2,772,956,455, or a per capita circulation of about $32.22. The gold reserve in the United States Treasury amounts to $150,000,000. I repeat, I have no patience with the argument of those who claim that we must retain in the Treasury a sufficient gold reserve to redeem the paper money we have in circulation, and that if any such practice was put in operation it would be impossible to have in circulation enough paper money to do the business of the country. Let us see if this is true, and let us see to what position such contentions would lead.

We have in circulation nearly $500,000,000 of silver certificates (paper money), and under the practice of the Treasury Department these silver certificates are redeemable in gold. Who claims we have the gold to redeem them? What effort has ever been made by the holders of these certificates to have them redeemed in gold so long as they have the legal-tender qualities and perform the functions of money? The holders of these certificates have no desire to redeem them in gold. They really prefer them to gold, because by the action of Congress they have been made as good as gold and silver. They perform all the functions of money and assist in carrying on the business of the country. These silver certificates are issued and placed in circulation and are based upon the silver coin now deposited in the Treasury of the United States. Notwithstanding this fact, since we have gone to a gold standard, it is the practice of the Treasury Department to redeem them in gold when the holders of these certificates desire gold. In my judgment this policy demands the condemnation of the American people. We have in circulation $350,000,000 of United States notes that are redeemable in gold and we have in circulation about $600,000,000 of national bank notes redeemable indirectly in gold. Now, what amount of gold have we on hand to redeem them that can be applied to the redemption of this paper money? We have in circulation $678,000,000 of

gold certificates. These gold certificates represent gold deposited in the Treasury of the United States for their redemption, and this gold is pledged specifically for their redemption. These gold certificates, it is true, could be redeemed in gold, but where could we get gold to redeem our silver certificates, to redeem our national bank notes, and to redeem our United States notes if it be contended that we must keep enough gold to redeem all of our paper money? We have in circulation, say, $600,000,000 of national bank notes, $500,000,000 of silver certificates, $350,000,000 of United States notes, all paper money, and we only have a gold reserve of $150,000,000, and it would be impossible to redeem a billion and a half of paper money with one hundred and fifty millions of gold. I repeat, if we confine our paper money in quantity to an amount equal to our gold reserve, it would be impossible to transact the business of this country, and financial ruin would follow. It is a foolish policy to lodge in the Treasury seven hundred millions of gold and to issue seven hundred millions of gold certificates on this gold when three times that amount of paper money could be issued against that asset of gold.

It is ridiculous to contend that the holder of gold certificates or Treasury notes or silver certificates will constantly seek to have all of this paper money redeemable in gold when the paper money is just as good as gold and silver, and, in fact, preferable to gold and silver. Why should we issue gold certificates equal to the amount of our gold bullion in value and contend that this much gold must be kept on hand to redeem them, and at the same time authorize national banks to issue six hundred millions of paper money, the Government to issue a certain amount of Treasury notes and five hundred millions of silver certificates, with only one hundred and fifty millions of gold to redeem these different classes of paper money? As a matter of fact, so long as our Treasury notes, national-bank notes, and silver certificates are made legal tender in the payment of all debts, this fact alone keeps them as good as gold and silver. They pass as money, perform all the functions of money, and the people have no desire to exchange them for either gold or silver. The three hundred and fifty millions of Treasury notes now in circulation are not hoarded away, but these notes have been a great factor in carrying on the business interests of this country, and the people who have these notes are satisfied with them as money and would not exchange them for either gold or silver. Those of us who advocate the issuance of Treasury notes directly by the Government to meet the demands of commerce and business are sometimes charged with being in favor of fiat money, a depreciated currency, for the reason that said Treasury notes are simply the promises of the Government to pay, and by being given legal-tender qualities are made good in the payment of all debts, public and private, and pass as money.

If a United States note is fiat money, is not a national-bank note fiat money? What is fiat money? I do not maintain that the Government can issue an unlimited quantity of paper money and make it as good as gold and silver. Our finances must be conducted upon sound business principles. I maintain that a Treasury note is no more fiat money than a national-bank note. What is a national-bank note and why are national banks allowed to issue their notes and why are these notes as good as gold and silver? National banking associations are formed in pursuance of law, and these associations buy United States bonds and deposit these bonds with the Comptroller of the Currency, and the Comptroller of the Currency prints the money, gives it to these banking associations, and the officers of these associations sign the notes and they circulate as money. Why do they circulate as money? Why are they good in the payment of debts? Why do the people prefer them to either gold or silver? The United States bonds belong to these associations; are held by the Government as security for the redemption of these notes. I repeat, why are the national-bank notes as good as gold? These notes would have no life and power as money if it were not for the fact that Congress, by law, has made them money. It was the edict of the Government that gave them the power of money. You say that Government bonds are deposited with the Comptroller of the Currency for their redemption. What is a Government bond? It is simply the promise of the Government to pay the amount of the bond; that is all; nothing more. What is a United States note? It is simply the promise of the Government to pay, and one promise is as good as another. If a United States note is fiat, who will contend that if this Government should issue a billion dollars of United States notes in our present financial condition and make them a legal tender in the payment of all debts, public and private, that these notes would not pass as money and perform all of the functions of money just as the gold and silver and the national-bank notes of to-day pass as money and perform the functions of money? We must have gold and silver and paper money to carry on the business of this country. We can not do the business of this country on the amount of gold and silver we produce, and, besides, paper money is more convenient to transact business and the people are not so likely to hoard paper money as they are gold. A Republic like ours can always float a large amount of its indebtedness in the form of paper money without costing the people of the United States any interest.

Our debts at the beginning of the Spanish-American war had reached a minimum amount since the civil war. These debts existed in the way of bonds, drawing interest at the rate of 3 and 4 per cent. Instead of issuing bonds drawing interest, if we had issued Treasury notes without interest and made them legal tender in the payment of debts and paid the expenses of our Government, and if we had taken our revenue and paid our indebtedness, I believe that these Treasury notes could have been kept as good as gold and silver and we would have saved a large amount of interest to the American people. We now owe in the neighborhood of $1,000,000,000, a small amount of money for a Republic like ours. Our bonds, it is true, are drawing a low rate of interest. We have outstanding bonds due in 1930 drawing 2 per cent, amounting to $646,250,150. Our rate of interest ranges from 2 to 4 per cent. We are paying annually about $24,000,000 interest. We have in circulation United States notes called "greenbacks," to be accurate, $346,681,016. These United States notes are classed as debts of the United States. I regret that they do not amount to a billion instead of three hundred and forty-six millions. These notes do not cost the people of the United States anything. We do not pay interest on them. They draw no interest. They are legal tender in the payment of all debts, public and private, except the interest on the public debt, etc., and are redeemable in gold. They perform all the functions of money. They are great factors in developing our commerce, in carrying on the business of the country, and the people are satisfied with these notes as money and would not part with them under any circumstances. When we provided for the construction of the Panama Canal we issued bonds equal to $200,000,000, drawing interest at the rate of 2 per cent per annum and providing for their sale to secure the money to construct this great waterway. If we had provided for its construction and had issued two hundred millions of Treasury notes, making them a legal tender in the payment of all debts and used them in paying for this work, these notes would have found their way into all the channels of trade, performing the functions of money and would have been a blessing to the American people, encouraging trade, giving employment to idle labor, and this great waterway would have been completed and the American people would not have felt the expense and cost incident to the construction of the same. Congress should not leave to the discretion of individuals or corporations the amount of money that shall be placed in circulation.

This is a question to be determined by Congress. Congress represents the American people. Congress is responsible to the American people for our circulating medium and is presumed to deal fairly with every American citizen. Congress has a constitutional right to exercise this sovereign power. Congress should assume full responsibility for the exercise of such an important power and should never delegate this power to corporations or individuals for the exercise of selfish purposes. Corporations intrusted with the power to issue and circulate money, however honorable and upright, will serve their selfish ends and purposes, neglecting the best interests of the American people. Take your national banking laws. Under the provisions of your national banking laws the National Banking Association can issue national-bank notes equal to the par value of their bonds. They are not compelled to do so. What is the result? This discretion leaves to the banking associations of this country the right to say what shall be the quantity of national bank notes placed in circulation.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. CLAY. Certainly.

Mr. TILLMAN. Mr. President, I suppose the Senator from Georgia has observed that the bill which the Senator from Rhode Island [Mr. ALDRICH] has introduced strikes out of the law the nine-million-dollar limitation. So, that if we pass this bill as it has been reported from the Committee on Finance, the national banks can retire one hundred millions, two hundred millions, or five hundred millions whenever they get ready to do so.

Mr. CLAY. I am coming to that point now. If the bill of the Senator from Rhode Island shall pass, the national banking associations now in existence and the national banking associations that may hereafter be organized, under the provisions of

this proposed law, if they see proper to do so, can take out a currency in paper notes equivalent to five hundred millions, and if these national banking associations do not desire to take out one dollar of currency, they are not compelled to do so; and if these national banking associations should take out $500,000,000 of additional currency and place it in circulation, if they want to do so, they can retire every dollar of it. There is no limitation placed upon their power.

We are placing the American people absolutely in the clutches of the national banks of this country.

Mr. ALDRICH. The Senator from Georgia fails to make the distinction—and I am sure he does not intend to do so—between United States notes and Treasury notes. As to the Treasury notes issued under the act of 1890, now outstanding, they amount to but a little over $5,000,000.

Mr. CLAY. The Senator is correct.

It is a fact that can not be disputed that during our recent panic the national banking associations of this country, under existing law, if they had exercised all the power they were entitled to enjoy, could have placed in circulation nearly three hundred millions more national-bank notes than they had in circulation. To that extent the volume of our circulating medium could have been enlarged. In other words, Congress has said to these associations: "You shall exercise the sovereign right to issue and circulate notes as money; we leave it to your discretion and judgment as to the amount of these notes you will place in circulation." In other words, Congress has left to these associations the right to say how much paper money shall be placed in circulation. In fact, these associations, to a large extent, can control the paper circulating medium of this country. Congress has given to these associations the right and power that belonged to Congress and that ought never to have been parted with by Congress. At all times Congress represents the American people, acting for the entire people, and is presumed to act justly and fairly, keeping in view the interest of every citizen. Who will say when Congress delegates this power to any number of corporations that these corporations will exercise this power and right in the interest of the American people without partiality or favoritism?

Now, take the Aldrich bill. Let us analyze it and see what it means. Will all sections of the country have just, fair, and equal treatment when it becomes a law? The Aldrich bill simply enlarges the powers of the national banks without compelling them to issue one dollar of additional notes. It does not pretend to be a bill in favor of a permanent currency. We authorize banking associations to purchase State, county, municipal, and certain railroad bonds and to deposit these bonds with the Comptroller of the Currency, and to receive notes in like manner as they are authorized to receive when National Government bonds are deposited. If this bill should become a law, national banks can take National Government bonds, State bonds, city bonds, county bonds, and certain railroad bonds and deposit them with the Secretary of the Treasury and take out a circulation based upon these bonds equivalent to 90 per cent of bonds other than railroad bonds and 75 per cent of the value of railroad bonds. And this bill provides that the circulating medium shall not be increased to a larger volume than $500,000,000. Mark you, they are not compelled to take out this circulating medium. We leave it to their discretion. If they want to take out a circulating medium equal to $500,000,000 they can do so. If they do not desire to take out any additional circulating notes, they are not compelled to do so. Congress leaves it to the discretion of the banks to either increase or decrease our paper currency. We are placing the paper currency of this country entirely in the hands of the national banks. We are giving to them a power that ought to be exercised by the National Government. These institutions will eventually own the country. They will be a thousand times more dangerous than the bank that Andrew Jackson destroyed. Andrew Jackson saw the danger of intrusting too much power to one institution. It was through his iron will that this great bank was destroyed.

What benefit can the South or the West hope to secure by the passage of this bill? How can the circulating medium in the South and West be increased by the passage of this bill? Mark you, if this bill shall become a law, we give to these associations the right to buy State bonds, city bonds, and a certain class of railroad bonds and to use these bonds as a basis of a circulating medium. Take the Southern States.

Mr. HOPKINS. Mr. President, before the Senator from Georgia leaves the question of the bonds issued by the State of Georgia and by the city of Atlanta, I should like to ask him what rate of interest is paid on the State bonds?

Mr. CLAY. In Georgia?

Mr. HOPKINS. Yes.

Mr. CLAY. Well, we can sell our bonds at a lower rate of interest than we did many years ago. Some of our bonds are drawing 4 per cent, some a higher rate issued years ago.

Mr. HOPKINS. I assume that you did not refuse to sell the bonds to the people of your State or to the banks of your State, did you?

Mr. CLAY. Certainly not.

Mr. HOPKINS. The $8,000,000 of bonds that were issued by your State can be used for the purpose of this increased circulation just the same, whether they are owned in Chicago or New York or whether they are owned in Atlanta, can they not?

Mr. CLAY. Certainly, but Congress is here representing the American people, representing the men who cultivate the farms, the men who work in the shops; Congress is here representing the entire American people, and Congress ought not to give to men who have accumulated large fortunes and bought bonds the sole right to take the bonds and issue money when the humble citizen of the Republic can not enjoy such a privilege. I believe in a Congress that will do justice to the men who work for a living; that will represent the engineers, the mechanics, the machinists, the small farmers of the country. Who are the men and women who have made this Republic the greatest in the world? From whom is its character of unprecedented enterprise and success derived? I ask the Senator who are the men and women who have multiplied our manifold institutions of mercy and learning? Who are the men and women who have stood for truth and for good government and who have made this a strong and powerful and wealthy nation? The plain, industrious people of this country are entitled to equal and fair treatment at the hands of Congress.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Illinois?

Mr. CLAY. Certainly.

Mr. HOPKINS. Mr. President, the burst of eloquence of the Senator is a little aside from the issue. I am inquiring about those bonds and the rate of interest paid on them. I should like to know now if the Senator can tell me how those bonds are rated in the market at the present time?

Mr. CLAY. Our bonds are selling at ffom 107 to 114, I think.

Mr. HOPKINS. Above par?

Mr. CLAY. Yes, sir. I think a Georgia bond is as good as an Illinois bond.

Mr. HOPKINS. I trust there will be no repudiation of her bonds.

Mr. CLAY. Georgia has never failed to pay her honest and legitimate debts. She has a credit equal to Illinois or any other State in the Union. She has never and never will repudiate her honest obligations, contracted in pursuance of the laws of the State. Such an issue is foreign to the question we are now discussing. I will not be drawn from the real issue.

Mr. HOPKINS. Those bonds would be good security, would they not?

Mr. CLAY. They would.

Mr. HOPKINS. Whether they are in the hands of people in Chicago or people in Atlanta?

Mr. CLAY. They certainly would be, and nobody has insisted to the contrary. I simply mean that where bonds have been bought, enjoying no such privilege as this bill gives, I do not want to increase their value by legislation at the expense of the American people. That is exactly what I mean.

Mr. HOPKINS. Is not that an assumption of the Senator, without any foundation in fact? It was shown by the Senator from Rhode Island the other day, and it is a well-known fact among all people who have investigated the subject, that there are now more than four thousand millions of bonds that can be utilized for this purpose, outside of Government bonds. Does the Senator say that with that large volume of bonds there would be any appreciable increase in the value of the bonds if this bill should pass?

Mr. CLAY. Certainly, I do. I am afraid the Senator has not investigated it. Does the Senator believe that our United States bonds, bearing 2 per cent interest, would bring in the market 110, if they did not have the right to be used as the basis for the issuance of paper money?

Mr. HOPKINS. The Senator knows those bonds are limited, and the 110 was only reached in an emergency. The 2 per cent bonds do not sell in the market for 110 except in an emergency such as we met during the late crisis, and this bill proposes to meet such crises.

Mr. CLAY. I will say to the Senator there are very few railroad bonds either in the South or West that could be used as the basis of circulation; not a large amount, to say the least of it.

Mr. HOPKINS. I will say to the Senator on the point of railroad bonds that I am advised by some of the best bond men in Chicago that there are over two thousand millions of railroad bonds which will meet the requirements of this bill and can be utilized for this purpose.

Mr. CLAY. Regardless of the amount, I am unalterably and unconditionally opposed to taking the bonds of private citizens or corporations and making them a basis for the issuance of money, and giving any particular class of corporations or any particular class of citizens the right to use their securities as the basis for the issue of money, when the Government can circulate its own money and has all the resources of the country back of it and the taxing power to redeem every dollar that it may place in circulation.

Mr. HOPKINS. Then the idea of the Senator is that he would have the Government issue money without any security whatever?

Mr. CLAY. One moment. I will answer. You asked for it. Does not the Senator know that all the property of every citizen of the Republic is back of every note that we issue?

Mr. HOPKINS. These very greenbacks that the Senator speaks of were at a discount as compared with gold——

Mr. CLAY. I will say to the Senator this——

Mr. HOPKINS. And was not that true up to the time we resumed specie payments in this country?

Mr. CLAY. I will say to the Senator that in time of war, when the nation is in very great danger or when it is greatly embarrassed in its finances, it would be difficult to keep a large amount of United States notes as good as gold and silver. But in time of profound peace, and with millions of gold and silver and all the resources of the country back of it, the situation is entirely different. Again, United States notes have never been made a full legal tender for all debts——

Mr. HOPKINS. I want to ask the Senator a question.

Mr. CLAY. Will the Senator tell me why United States notes are as good as gold and silver?

Mr. HOPKINS. The reason of that is because the Government of the United States under the control of the Republican party has limited that issue to $346,000,000 and has placed in the Treasury of the United States one hundred and fifty millions of gold as a reserve to redeem them, and with laws that enable the Secretary of the Treasury to buy more gold to meet the $346,000,000. But without those provisions and with an unlimited issue of greenbacks we would be in the same position that we were in the early seventies.

Mr. CLAY. I say this: We have $346,000,000 of United States notes. We have $150,000,000 of gold reserve, and the $346,000,000 can not be redeemed in $150,000,000 of gold.

Mr. HOPKINS. Mr. President——

Mr. CLAY. One moment. Will the Senator please hold on? I want to get through my answer.

Mr. HOPKINS. The Senator from Georgia understands——

Mr. CLAY. I will not yield until I complete my answer.

The VICE-PRESIDENT. The Senator from Georgia has not yielded.

Mr. CLAY. We have $346,000,000 of United States notes redeemable in gold. We have only one hundred and fifty million gold reserve. We have six hundred millions of national-bank notes redeemable in gold. We have $500,000,000 of silver certificates redeemable in gold. I do not wish to refer to politics, as this is not a political discussion, but in answer to the Senator from Illinois, I will say passed by a Republican Congress.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. CLAY. Certainly.

Mr. ALDRICH. The Senator has made that statement several times, and I am sure he would not make it without having some authority. Silver certificates are not directly redeemable in gold.

Mr. CLAY. Only recently the Senator admitted all of our paper money was redeemable in gold, including silver certificates.

Mr. ALDRICH. Oh, no.

Mr. CLAY. The Treasury Department of the United States now is redeeming silver certificates in gold.

Mr. ALDRICH. That may be.

Mr. CLAY. And the Senator said on the floor of the Senate—I will not say what he has said in private—that all the paper money we have in circulation is redeemable in gold.

Mr. ALDRICH. Oh, no.

Mr. CLAY. Oh, yes.

Mr. ALDRICH. I say kept at a parity with gold. And if the Senator had read the act——

Mr. CLAY. I have read it.

Mr. ALDRICH. He would realize that silver certificates are not redeemable in gold, but in silver dollars.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Texas?

Mr. CLAY. Certainly.

Mr. BAILEY. The Senator from Rhode Island is not so candid as he usually is in this statement. The Senator knows that the act, I believe it was the act of March 14, 1900, expressly enjoins upon the Secretary of the Treasury to maintain the parity of all forms of money issued and in circulation. Does the Senator from Rhode Island say to the Senate and to the country that the Secretary of the Treasury would not redeem silver certificates in gold if such action became necessary to maintain the parity?

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. CLAY. Certainly.

Mr. ALDRICH. I rose for the purpose of asking the Senator from Georgia a question. The Senator from Georgia said that the $600,000,000 of silver certificates outstanding were redeemable directly in gold.

Mr. CLAY. I said "indirectly."

Mr. ALDRICH. It is all right if the Senator meant "indirectly."

Mr. TILLMAN. He said "indirectly."

Mr. ALDRICH. He said "directly." I appeal to the RECORD.

Mr. BAILEY. It had not occurred to me that the Senator had used the words "directly redeemable," and therefore I asked the Senator from Rhode Island the question whether the Secretary of the Treasury would not feel himself obliged under the law to redeem them in gold if their redemption in gold became necessary to the maintenance of the parity.

Mr. ALDRICH. The act of 1900 makes it the imperative duty of the Secretary of the Treasury to maintain the parity of all forms of money issued by the United States or under its authority. Under that act it is his duty to maintain the parity. There is no question about it, and he would do it in any way he could and take advantage of all ways. But silver certificates are not directly redeemable in gold, and the Senator from Texas knows it.

Mr. BAILEY. Certainly.

Mr. CLAY. No one has insisted that, when the silver certificates were issued, they were redeemable in gold, but I insist that the act which we passed in 1900, called the "Aldrich Act," putting us on the gold standard, makes all of the silver certificates redeemable in gold.

Mr. ALDRICH. I accept the apology of the Senator from Georgia.

Mr. CLAY. It is no apology; it is the truth.

Mr. ALDRICH. He used the word "directly" when he meant "indirectly."

Mr. CLAY. We reach the same result whether we use the word "directly" or "indirectly."

Mr. BAILEY. I want the Senator from Rhode Island to answer my question, which he has not answered directly; that is, whether or not the Secretary of the Treasury would be under a duty imposed by the law of 1900 to redeem the silver certificates in gold if their redemption in gold became necessary to maintain their parity?

Mr. ALDRICH. Unquestionably.

Mr. BAILEY. Then, as a matter of fact—and the Senator from Rhode Island knows as much about the purpose and history of that act as anybody—the very object of imposing upon him this duty to maintain the parity was to compel him to redeem silver certificates in gold and thus remove any question about their value.

Mr. ALDRICH. It was made his duty to maintain every dollar of money outstanding, issued by the United States or under its authority, at a parity with gold, which was made the standard of value.

Mr. CLAY. I think the Senator from Rhode Island has answered the question of the Senator from Illinois. The Senator from Illinois tried to bring partisan politics into this discussion.

Mr. HOPKINS. Oh, no; not at all.

Mr. CLAY. Indeed, I think the Senator has. I do not want to get up any issue on that question. The question is what is right—what is best for the country. He says the reason why United States notes in circulation are as good as gold is because we have $150,000,000 of gold reserve for the purpose of redeeming $346,000,000 of United States notes. I want to say to the Senator we have $346,000,000 of United States notes with $150,000,000 of gold reserve, and the Senator from Rhode

Island says that indirectly our silver certificates, of which there are nearly five hundred millions, are redeemable in gold, and that our national-bank notes, $600,000,000, are redeemable in lawful money, and lawful money is redeemable in gold. That makes about a billion and a half of paper money redeemable in gold with only $150,000,000 of gold to redeem it.

The Senator, then, does not insist that we must have a gold dollar for the redemption of every paper dollar we place in circulation. If we did, we would have only about one-tenth of the paper money we now have in circulation.

Mr. LODGE. May I ask the Senator from Georgia a question?

Mr. CLAY. With pleasure.

Mr. LODGE. The notes of the Bank of England are considered to be as good as gold and are supposed to be issued on the gold basis, but there is only 30 per cent in the reserve. The $346,000,000 of greenbacks issued, with a hundred and fifty million of gold reserve, are perfectly sound gold notes.

I will detain the Senator but a moment. I merely want, if he will permit me——

Mr. CLAY. With pleasure.

Mr. LODGE. I wish to call his attention to the fact that with currency issued against a gold reserve instead of a bond-secured currency—and I believe entirely in the system of a gold reserve and not the bond security—it is held universally that one-third of the total circulation is an ample basis. It is the case in England, which is certainly sound financially.

Now, you come to national-bank notes, which are redeemable in lawful money.

Mr. CLAY. Yes.

Mr. LODGE. Very well. They are taken out of circulation either by the gold notes or the silver notes of the United States or by the greenbacks. They are all on a gold basis, and all have a good deal more than one-third of gold behind them.

Mr. CLAY. For the gold certificates there is in the Treasury gold equal to their full value.

Mr. LODGE. Certainly.

Mr. CLAY. The Senator will concede, of course, that our national-bank notes are all redeemable in gold indirectly. They are redeemable in lawful money, and if they should be redeemed in United States notes of course the holder of those notes could go and get gold for them.

Mr. LODGE. Certainly. The greenback can redeem the bank note.

Mr. CLAY. The fact is, as I understand, under existing law all our paper money is redeemable either directly or indirectly in gold.

Mr. LODGE. Yes; but the point I wish to make is that if you redeem the national-bank notes you do not redeem them in addition to the Government paper. You substitute the Government paper for them. They are not in addition to the Government paper.

Mr. CLAY. Certainly not. If the holder of a national-bank note takes it to the Treasury and gets lawful money for it, then somebody else may get hold of that lawful money, and of course that lawful money would be redeemable in gold.

Mr. LODGE. There is no doubt of it.

Mr. CLAY. Of course when the note is taken in the first instance to the Treasury to be redeemed it is not redeemable in gold. It is redeemable in lawful money of the United States. I think I understand it. I think the Senator is correct in regard to that position.

Mr. ALDRICH. Will the Senator from Georgia pardon me for a moment?

Mr. CLAY. Certainly.

Mr. ALDRICH. I have been very greatly interested in the speech of the Senator from Georgia.

Mr. CLAY. Thank you.

Mr. ALDRICH. The argument the Senator has been making has been rather unfamiliar in the Senate for fifteen or twenty years. It was quite familiar before that time. I should like to understand him if I can. Does he think that Government notes ought to be issued to the exclusion of all other forms of currency? Do I understand that to be his position?

Mr. CLAY. I believe that the money the United States places in circulation ought to be gold and silver, coined by the Government, and paper money issued by the Government. I have never yet been able to see why we should authorize banking institutions to issue money and have the Government stand responsible for its redemption, while the Government fails to exercise that power itself.

Look at the present condition of our finances. We are at peace with the world. We are a strong and powerful nation, with more resources probably than any other nation in the world.

I believe that the function of issuing and circulating money should never be delegated to the banks. Let the Government issue the money, and let the banks be confined to the legitimate business of banking.

Mr. ALDRICH. The Senator from Georgia would then retire the national-bank notes and issue United States notes in their places?

Mr. CLAY. I am not prepared to say that now. You have to deal with conditions as you find them. We have banking associations with outstanding obligations which it would take years to redeem, and I am not prepared to say that in a year or two you can change the financial system of our country.

Mr. ALDRICH. What would the Senator do with the silver certificates? Would he retire them and issue United States notes in their places?

Mr. CLAY. I would not. They are coin.

Mr. ALDRICH. Silver certificates are not coin.

Mr. CLAY. They represent so much coin. So much coin in the Treasury stands good for them.

We are now dealing with a system that has been going on for years. It is not like building up a new system. You have to do it gradually. If I had to start a system now I would coin gold and silver. I would supplement it with the amount of paper money we need to carry on the business of the country, issued by the Government.

The national banks of the country are many of them in the hands of our best men, but they have been the pets of this nation for a long time. We have deposited in the national banks $241,000,000 of money collected by taxation from the American people.

Mr. TILLMAN. Without any interest.

Mr. CLAY. Without a dollar of interest. I would much rather the money was deposited in the banks than to lie idle in the Treasury, because if you keep it idle in the Treasury you take it away from the channels of trade.

The $241,000,000 now deposited in these banks is worth $100,000 a year in interest. The $241,000,000 was collected by taxation from the American people when it was not needed to pay the expenses of this Government. No business man who anderstood the elementary principles of finance would think of keeping idle money lying in the banks when he had interest-bearing notes outstanding. I believe, in the first place, that our monthly receipts and monthly expenses ought to equal each other, or about equal each other. You are bound to have a little surplus—$40,000,000 or $50,000,000. We have on hand to-day nearly enough surplus to pay one-third of our entire indebtedness, and I do not believe we can defend, from any standpoint, going to the American people and collecting, year after year, an amount equal to $270,000,000 when you do not need it to pay the expenses of this Government. Every time you take money out of the pockets of the people by taxation and allow it to accumulate in the Treasury and then deposit it in the banks it is to the interest of the banks and against the interests of the American people.

Mr. President, what will be the result? The national banks are allowed to take national bonds and on them issue circulation. National banks, by the provisions of this bill, will be allowed to take railroad bonds and city bonds and State bonds and county bonds and use them as the basis of circulation. National banks will be allowed, without paying any interest, to take all the revenue that you collect and do not need and keep it in their vaults and loan it to the people. National banks are the pets of the nation, enjoying privileges that no other citizens enjoy; and we have given them more power than they ought to enjoy. To-day, Mr. President, we are taking another step in increasing their power.

The friends of these institutions believe that in a few more years our national bonds will be paid and there will be no bonds to be used for the purpose of providing for the issue of national-bank notes, and now you are starting anew, starting with a certain class of railroad bonds, a certain class of city bonds, a certain class of municipal bonds. The object is to perpetuate the system when you get out of national bonds. The truth of the matter is Congress was clothed with this power to be exercised for the good of the American people, and we ought never to transfer it to any individual or to any number of individuals. We ought to exercise it for the good of the entire American people.

Where are the State bonds held? Who has purchased them? Where are they located? Who are the holders of these bonds? Very few citizens in my State hold Georgia bonds. These bonds are held in the East. The East has controlled the finances of this country since the civil war and has grown rich and powerful at the expense of the balance of the country. Where are our city bonds held—our city bonds drawing 4, 5, and 6 per cent

interest? They are held by capitalists in the East. Our banks in the South and in the West do not own and control these bonds.

No additional circulating medium will be provided by the provisions of this bill in either the South or the West. Take the railroad bonds specified in this bill. The bill provides for the class of railroad securities that shall be used. I can name but one railroad in the South that has complied with the provisions of the bill; very few, if any, in the West. The railroad bonds of the South and West could not possibly be used as a basis of a circulating medium. This bill was most skillfully drawn in the interest of the rich and powerful; in the interest of the capitalists and not in the interest of the plain American people. What has been our financial policy? In the past we have allowed those with vast fortunes to manipulate and control our circulating medium. Congress has delegated to individuals and corporations possessing large capital the right to issue money and to circulate it; giving these banking associations the influence and favor of the Government to the detriment of the American people. When Treasury notes are issued, sanctioned by the Government, without interest, and are made money by law, no partiality and favoritism is shown to anyone. Such action upon the part of Congress represents the best interests of the entire American people. Vast fortunes have been accumulated. These fortunes have been used to control the politics of our country, to direct the policy of Congress, and we have neglected the interests of the plain people of the nation.

Let us not neglect their interests. With a happy and contented population, feeling that every citizen has had just and equal treatment at the hands of the Government, we need have no fear of American institutions. The American people love justice and fair play. They do not want a few corporations or individuals able to buy bonds and form banking associations to control the circulating medium of this country. I lay down as a sound proposition that a great Republic like ours can always carry a large part of its indebtedness in time of profound peace in the way of Treasury notes, and that these notes can be made legal tender in the payment of all debts, public and private, and can be kept as good as the gold and silver of the country. We should never part from these principles. The ablest statesmen that this country has ever produced have stood for these sound and just principles. President Jackson used all of his great power to induce Congress to have the money of the nation based upon the revenue and credit of the nation. His ablest lieutenant, Thomas H. Benton, discussed this subject on the floor of the Senate with great power and force. There were lively discussions in Congress on currency in 1837. Thomas Benton said in the Senate:

> The Government ought not to delegate this power to corporations if it could.

It was too great a power to be intrusted to any banking company whatever, or to any authority but the highest and most responsible which was known to our form of government. The great Senator said:

> The Government itself ceases to be independent—it ceases to be safe when the national currency is at the will of a company.

And he might have said at the will of banking associations. Senator Benton said:

> The Government can undertake no great enterprise, either of war or peace, without the consent or cooperation of that company. It can not count its revenues for six months ahead without reference to the action of that company—its friendship or enmity, its concurrence or opposition—to say how far that company will permit money to be scarce or plentiful; how far it will let the money system go on regularly or throw it into disorder; how far it will suit the interests or policy of that company to create a tempest or suffer a calm in the moneyed ocean.

Said the great Senator:

> The people are not safe when such a company has such a power. Temptations are too great, the opportunity too easy to put up and down prices, to make and break fortunes, to bring the community on its knees to the Neptune who presides over the flux and reflux of paper. All property is at their mercy. The price of real estate, of every growing crop, of every staple article in the market is at their command; stocks are their plaything, their gambling theater in which they gamble, deal with as little secrecy and as little morality and far more mischief to communities than common gamblers can carry on their operations.

The immortal Calhoun spoke on this important subject. His famous speech should be studied, should have the careful attention of the students of finance. He spoke in 1837, with great power and force, of the danger of the Government transferring to individuals the right to control our circulating medium. This was a trying time in the history of the Republic. The great South Carolinian said:

> It is, then, my impression that in the present condition of the world a paper currency in some form is doubtless indispensable in financial and commercial operations of civilized and extensive communities. In many respects it has a vast superiority over the metallic currency, especially in great and extended transactions, by its greater cheapness, lightness, and the facility of determining the amount.

The great statesman said:

> No one can doubt but that the Government credit is better than that of any bank; more reliable, more safe. Why, then, should it mix up with the less perfect credit of those institutions? Why not use its own credit to the amount of its own transactions? Why should it not be safe in its own hands while it shall be considered safe in the hands of 800 private institutions scattered all over the country, and which have no other object than their own private profit, to increase which they extend their business to the most dangerous extremes? And why should the community be compelled to give 6 per cent discount for the Government credit, blended with that of the bank, when the superior credit of the Government could be furnished separately, without discount, to the mutual advantage of the Government and the community?

The great statesman tells us that such a course gives a preference to one portion of citizens over another that is neither fair, equal, nor consistent with the spirit of our institutions. He further illustrates:

> Suppose the Government were to take up the veriest beggar in the street and enter into a contract with him that nothing should be received in payment of its dues or for the sale of its public lands in the future, except in gold and silver and his promissory note, and that he should have the use of the public funds from the time of collection until their disbursement.

Well does he ask:

> Can anyone estimate the wealth which such a contract would confer? His notes would circulate far and wide over the whole extent of the Union, and would be the medium through which the exchanges of the country would be performed, and his ample and extended credit would give him a control over all the banking institutions and moneyed transactions of communities. The possession of a hundred millions would not give a control more effectively.

The great statesman asks:

> Would it be fair, would it be equal, would it be consistent with the spirit of our institutions to confer such advantages on any individual? And if not on one, would it be if conferred on many, and if not, why should it be conferred on any corporate body of individuals?

I repeat, if we give to any class of individuals or any class of corporations the sovereign right to issue and circulate money, which sovereign right belongs to this Government, such corporations enjoying this prerogative and special privilege will become all powerful in the Republic and will control the finances of the nation. Let the banks be confined to the banking business, and let the power to issue and circulate money be exercised by Congress.

In discussing the bank Andrew Jackson was trying to destroy, Mr. Calhoun said:

> The only safe course for both the Government and the banks is to remain as they are, separate; each in the use of its own credit and in the management of its own affairs; the less the control and influence of the one over the other, the better; confined to their own legitimate sphere—that of affording temporary credit to commercial and business men.

Mr. Calhoun further said:

> Nothing but experience can determine what amount and what denominations might be safely issued; while it might be safely assumed that the country would absorb an amount greatly exceeding its annual income.

But whatever may be the amount that can be circulated, he said:

> I hold it clear that to that amount it would be as stable in value as gold and silver itself, provided the Government be bound to receive it exclusively with those metals in all its dues.

Mr. Calhoun, in discussing this subject, further said:

> The question is not between credit and no credit, as some would have us believe, but in what form credit can best perform the functions of sound and safe currency.

The South Carolinian on this important point said:

> I have freely thrown out my ideas, leaving it to this body and the public to determine what they are worth, believing that there might be a sound and safe paper currency founded on the credit of the Government exclusively.

And he closed his remarks by declaring to the American people that he should strenuously oppose all attempts to create a national bank to reunite the political moneyed powers, more dangerous than church or state, in any form or state.

Have we forgotten the lessons taught us by Andrew Jackson, Thomas H. Benton, and John C. Calhoun? Shall we depart from the principles taught us by our greatest statesmen in the earlier days of the Republic?

The United States, at the beginning of the civil war, had no national-bank currency, and the means to prosecute the war had to be obtained on the credit of the Government by taxation; while it has been said that Treasury notes were a war measure—a measure of necessity and not of choice—these notes have exerted a most beneficial influence over the property and material interests of the individuals of the United States.

Hon. E. G. Spaulding, a Member of Congress from New York, and whose name is intimately connected with Treasury notes, has truly said:

> They have affected the debtor and creditor, producer and consumer, and the price of labor and every article consumed in the household, and they still exert a great influence socially, commercially, and po-

litically over the people of this great Republic and all the ramified and extensive business in which they are engaged.

It is true that there were statesmen in the early days of the Republic who doubted the power of Congress to make Treasury notes a legal tender in the payment of debts; many of them contended that gold and silver alone could be made a legal tender in the payment of debts, but this now is not an open question, for our Supreme Court has decided—and no one contradicts the law—that Congress has the constitutional right to issue paper money and to make this paper money a legal tender in the payment of debts.

Mr. Spaulding, who was a Member of Congress during the civil war and who was a member of the Committee on Ways and Means, has given a most interesting history of greenbacks, and to him must be attributed to a large extent the action of Congress making these notes a legal tender in the payment of debts, was sustained by able men during the debate, while many of the ablest statesmen of the country declared that the action of Congress in making them legal tender would be declared unconstitutional. This distinguished Member of Congress from New York, who was a member of the Committee on Ways and Means, closed the debate in the following forceful language and unanswerable argument:

> But, sir, knowing the power of money, and the disposition there is among men to use it for the acquisition of greater gain, I am unwilling that this Government, with all its immense power and resources, should be left in the hands of any class of men, bankers or money lenders, however respectable and patriotic they may be; the Government is much stronger than any of them; its capital is much greater; it has control of all of the banker's money and all the broker's money and all of the property of the American people.

A distinguished Representative asked the question:

> Why, then, should the Government go into Wall street, State street, or Chestnut street begging for money? Their money is not as secure as Government money; they issue only promises to pay, which, if the Government does its duty, are not half as secure as these Treasury notes based on adequate taxation of all the property of the country.

And this is true. All the great wealth of this great Republic is subject to the jurisdiction and control of Congress for the purpose of carrying out the powers delegated to Congress. If Congress should issue a half billion of United States notes and make them legal tender in the payment of debts and provide for their redemption, Congress would have the right to tax the entire property of the American people to fulfill these obligations.

Who will contend that the promise to pay on the part of the Government is not good? Who will contend that the promissory note of the Government is not better than any banker's note or any individual note?

Who will contend that the holder of United States notes, made legal by an act of Congress, would want to exchange them for gold? Why should they want to exchange them for gold when the United States notes, dollar for dollar, will buy just as much of the necessaries of life as gold? Treasury notes, issued by the Government on the faith and credit of the whole American people and limited in amount, can never depreciate while the Government is sound and not engaged in a war likely to lead to bankruptcy and the ruin of the nation. Of course if the nation should perish the promise of the Government would perish, but this is not probable. Who would prophesy the failure of this Republic?

In order for United States notes to be as good as gold Congress must make them money, giving them the qualities of money, limit the amount, and make them perform the functions of money just like gold and silver and national-bank notes. I do not believe that anybody can successfully contend that a United States note would not be as good as a national-bank note. Who will contend that the promise of a national bank is any better than the promise of the Government? National banks get their life from the Government, and their notes are kept on a parity with gold and silver because the Government is back of them.

But let us discuss for a few minutes the Aldrich bill. Those on the other side of the Chamber who discredit Treasury notes and call them fiat money and declare they will depreciate the currency, because we have not the gold to redeem them, certainly do not understand the provisions of the Aldrich bill. The five hundred millions in currency for national-bank notes provided in the Aldrich bill, based on Government, State, city, municipal, and railroad bonds, are indirectly redeemable in gold; they are redeemable as national-bank notes now in circulation are redeemable under the existing law, and, under the existing law, these notes are redeemable in Treasury notes, and the Treasury notes are redeemable in gold, and the Government of the United States guarantees their redemption.

If capitalist and banking associations should comply with the provisions of the Aldrich bill and secure and put in circulation five hundred millions of national-bank notes, all of these notes would be redeemable in gold, and the Government stands responsible for their redemption; then, if the Government at last is responsible for these national-bank notes that are redeemable in gold, I am unable to see how the Government would be any more embarrassed if it should issue Treasury notes redeemable in gold; if it would, then it will necessarily be embarrassed by the provisions of the Aldrich bill.

Who can consistently say that Treasury notes would be too great a strain against the gold reserve, and at the same time provide for national-bank notes that will result in the same strain against the gold reserve?

The only way I can account for it is that they want the special classes to issue and circulate money, and they want the Government to delegate the power to do this to the banking associations in order that these banking associations may grow rich and powerful and control the money of the country. If this should be our financial policy, we should all be at the mercy of the banking associations.

Our friends on the other side of the Chamber tell us that the United States notes now in circulation ought to be retired and that we ought not to print and put in circulation any more paper money, that this prerogative ought to be delegated to the banks, and that all paper money put in circulation ought to be issued by the banks. This would be a deplorable condition, and the people would be absolutely at the mercy of the banking associations so far as currency is concerned.

If we have arrived at that period in our history when Congress is willing to surrender unconditionally the sovereign power given to it by the Constitution to regulate our currency in behalf of the entire American people and transfer this right to a few corporations, many of whom may exercise it for selfish purposes, not keeping in view the best interests of the entire people, we have reached a sad day in our history.

I repeat: I stand for gold and silver and paper money issued by the Government, limited in quantity, but sufficient to do the business of the country; but I fear we are gradually tending in the direction of an absolute surrender of our paper money to the banks. Money is power, and great wealth will likely control the country. Special privileges, whereby one becomes rich and powerful, are never willingly surrendered. This is forcibly illustrated in tariff legislation. When a powerful interest has been fostered and protected by the Government and has grown rich, how hard it is to ever induce Congress to force a surrender of these special privileges. We should seek to do justice to all of our citizens, conferring no right upon one that we do not give to another, but giving everyone a fair chance in the race for wealth and honor. We make our national banking associations the special pets of the nation; they are allowed to use certain securities for the purpose of issuing and circulating money; but no other citizen is allowed this privilege. They become the national depositories of the United States, retaining millions of money without paying one cent interest.

We have now deposited in our national banking associations money collected from the people; about $250,000,000 wrung from the people by taxation, and lying idle in the different banks, and not paying one cent of interest. These deposits are worth $100,000 per year in interest. In one city we have deposited $75,000,000, and every cent of this money has been collected from the American people by taxation when it was not needed to pay the expenses of the Government. We ought to keep down taxes and to make our receipts and expenditures balance each other. Our monthly receipts and expenses ought to balance.

No good business man who owes money drawing interest would let his surplus money lie idle in the banks, but he would take it and apply it to his interest-bearing notes, and what excuse can Congress give for collecting from the American people $300,000,000 more than we need to pay the expenses of the Government? I am not complaining that this surplus was not left in the Treasury. It ought to have been deposited in the banks and drawing interest—in fact, it ought never to have been collected from the people, if we did not need it.

We have now enough surplus on hand to pay one-third of our entire indebtedness, and our bonds are drawing interest, and these vast sums of money are in the banks drawing no interest. We should take this money and pay our interest-bearing bonds, as far as it will go, and thus cut down our indebtedness, or we should utilize it in making public improvements—improving waterways, erecting public buildings, and giving rural-route service to the American people.

Is it true that the Republican party has arrived at that period of its history where its sole object is to tax the people and accumulate a surplus that the banks may have the use of it without any cost? If so, it is a sad day in our history. Our appropriations have grown enormously in the last ten years; we spend almost a billion annually; but, notwithstanding this

fact, taxation has been so enormous that we have accumulated a large amount of money that we do not need to run the Government.

What should be the policy of Congress? We should reduce the tariff and put it down to a revenue basis; find out if our manufacturers are not selling their products in other countries cheaper than at home, and find out if this tariff legislation is not largely responsible for the trusts that exist in this country to-day; find out if farming implements and machinery are not sold cheaper abroad by about 25 or 30 per cent than these same articles are sold to our people for home consumption; we should scrutinize most critically our appropriations; we should run the Government economically, and we should give to the American people ample money to do the business of the country.

We have in all more than a billion and one-half of gold coin and gold bullion. I wish to condemn the practice of issuing gold certificates, retaining enough gold in the Treasury to redeem the certificates so issued and at the same time issuing a billion and a half of paper money against a hundred and fifty millions of gold reserve, when even this amount is not necessary as a reserve. Why, with a billion and one-half dollar stock of gold and the Government possessing the taxing power to fulfill all of its obligations and to carry out all of its promises, the Government can issue and float ample Treasury notes to do the business of the country. If we are to pursue our policy of redeeming our paper money in gold (which I do not indorse), it is supreme folly to contend that you must have a gold dollar deposited in the Treasury to redeem every paper dollar placed in circulation. When the American people know that the Treasury notes are made legal tender by the Government and that the Government is responsible for their redemption and that the faith and credit of the Government is pledged for their redemption, the American people, having confidence in the stability of American institutions, will never desire to exchange their paper money for either gold or silver. Why make the amount of your gold certificates equal to the value of the gold bullion you have on hand and contend that no greater amount of paper money shall be issued against this gold than these certificates when you at the same time place your Treasury notes, your national-bank notes, and your silver certificates on a different basis?

Those who claim that this Government can not issue and circulate a paper currency of its own, based upon the silver and gold bullion belonging to the country and the resources of the nation, certainly can not properly appreciate the great wealth of the Republic. The wealth of this nation is greater than a hundred billions of dollars, and the entire wealth of the nation is subject to the will of Congress to carry out the promises of the Government. We not only have our gold bullion and our silver bullion to redeem the promises of the United States, but all the wealth of all the classes of this great nation is subject to the will of Congress to carry out its promises. To say that the United States can not issue and circulate ample paper money directly united with our gold and silver to perform the business of the country is a reflection upon our credit. Our promises have never yet been violated. Promissory notes based upon the faith and credit of the nation are backed by the entire wealth of the United States. Promissory notes based upon the faith and credit of the American people are backed by all of our banking capital, our agricultural interests, and every species of American wealth. Who will contend that such notes are not as good as the notes issued by any individual or any corporation? Again, the Aldrich bill meets my condemnation for another reason. This legislation gives to national banking associations the right to buy State, municipal, city, and railroad bonds and to use them as a basis of circulation. The very fact that our United States bonds, drawing 2 per cent interest, can be used as a basis for issuing money, has made them much more valuable and higher than they otherwise would be in the markets. Who owns the municipal, State, county, and railroad bonds specified in the Aldrich bill? These bonds have been purchased by the capitalists of the country. When these bonds can be used as a basis of a circulating medium, as provided in this bill, is it not true that they will gradually appreciate in value? I predict that the city, county, State, and municipal bonds now selling for 100 will, at an early day, reach 110. The effect of this legislation is to enhance the value of these bonds in the hands of capitalists. We are allowing these capitalists to enhance their fortunes by the favor of the Government. We are giving to them a privilege that none others enjoy. We are allowing them to use their bonds as a basis for circulating money. When bonds can be used for any such purposes, these bonds naturally appreciate in value.

The decision of the United States Supreme Court has placed it in the power of Congress to issue United States legal-tender notes in any amount at any time it may deem politic or advisable. This is no longer a debatable question. In 1862 the first legal-tender act was passed, and then for the first time notes having the quality of legal tender intended to circulate as money were issued by the United States Treasury. The Supreme Court held that Congress had a legal right to issue these notes and to make them a legal tender for all debts. At first the decision was based upon the constitutionality of legal-tender notes upon the war powers of Congress. The court afterwards went further and held that such notes issued in times of peace were constitutional, and it has long since been settled that Congress has power, if it deems expedient, to issue legal-tender notes in any amount, either in time of peace or war. What a blessing this decision was to the American people! Why should Congress fail to exercise such an important power in behalf of the American people? Why question the soundness of a paper currency issued by the Government and maintain that bank issues of paper money are better than Government issues? Who would be willing to exchange a Government note for a bank note of any corporation? What would your national-bank notes be worth to-day without the backing of the Government? If any special benefit is to accrue by the use of the Government credit in issuing and circulating paper money, why not give this benefit to the American people? Why should we sell interest-bearing bonds to banking associations to be a basis of circulation when the same circulation could be issued by the Government without costing the American people anything?

Of course, Congress must act prudently and wisely and limit the amount of the issue. We must act prudently and wisely about all legislation; the amount of money we appropriate for pensions, the expenses of the Army and Navy. By acting rashly and extravagantly we could destroy the Republic. In dealing with financial questions we are presumed to act with the same caution and business judgment that we act about other matters of important legislation. I repeat that with all the gold and silver that the Government possesses and with all the resources of the nation back of Congress to carry out its promises and redeem its pledges, this Government not only has the power to issue and circulate paper money, but can issue and circulate paper money sufficient in volume, coupled with the gold and silver we have, to transact the business of the entire country, and if we are not neglectful of the people's interests we will exercise this right and pursue this policy.

Mr. President, I send to the Secretary's desk, and ask to have read, a letter from a distinguished Georgian, giving his views on this important subject. He was once a Member of Congress from my State. He is a student of history; he is not only a student of history, but he has made history; he has written history, and his opinions on this important subject are valuable to the country. The intelligent readers of the Republic will appreciate the value of his suggestions if they peruse this most interesting and instructive letter. It gives me pleasure to do so.

The VICE-PRESIDENT. The letter will be read, as requested by the Senator from Georgia.

The Secretary read as follows:

THOMSON, GA., *February 4, 1908.*

Hon. A. S. CLAY, *Washington, D. C.*

MY DEAR SENATOR: The reason why the Aldrich bill and any similar bill should be defeated is that it delegates a function of government to private individuals and corporations.

To every student of government it is perfectly clear that certain great powers are absolutely essential to the sovereign. No matter what form sovereignty may take unto itself, its essential attributes must necessarily be the same.

Never has there been any dispute of the fact that the power to supply a nation with its currency is a sovereign power. No government ever allowed that power to slip from its hands if it was possible to prevent it.

One of the very first indications of disintegration and governmental chaos is the loss of the central authority of the exclusive right to coin money. Thus, in the middle ages and in the dark ages it was an unfailing sign that the barons had encroached on the king when the feudal lord could exercise, without interference, the right of private coinage. In those times, you will remember, the feudal lord claimed and exercised the right to administer justice within his own domain. In his own courts he tried his vassals for their lives, and not only sentenced them to terms of imprisonment, but sentenced them to death. The exercise of this function and the exercise of the right of private coinage was, as it were, a barometer by which you could tell the state of affairs throughout the kingdom. Wherever we find that the feudal lord exercised the right to hold his own courts and to coin money there was almost no governmental power in the hands of the king. As the central authority grew in strength, one of the very first things which marked that growth was the taking away from the feudal lord the right to coin money and administer justice.

The Aldrich bill proposes to give to the national banks additional powers to expand and contract the currency. This is a tremendous advantage, which should never be allowed to private citizens or corporations. Just as it is a sovereign right to declare war and make peace, to maintain the Army and the Navy, to regulate foreign commerce,

to make treaties with foreign nations, to make laws and execute them, so it is a sovereign right to supply the nation with its currency. We should no more delegate to private individuals or corporations the sovereign function of supplying the country with money, or with paper to be used as money, than we should delegate to private citizens or corporations the sovereign right to control the Army or to regulate foreign commerce. The historic position of the Democratic party is that the Government alone should exercise governmental functions, and to no principle was the Democratic party prior to the civil war more emphatically committed than to that of reserving to the Government the exclusive right to supply the nation with money.

When the Government issues its own Treasury notes to supply the need of paper money, every one of those notes is based upon the credit and the wealth of the entire nation. If the credit of the nation—represented in the bonds issued by the Government—affords a safe foundation for paper money, notes issued directly by the Government would equally be safe. Whatever it is that makes the bond good would make the note good.

We hear it said that the Government might issue too many notes. Why can not it be said with equal force that the Government might issue too many bonds? It is the Government that has to decide after all. The Government has to say how many men shall serve in the Army, how many in the Navy, how many ships we shall have, how many post-offices we shall have, how many custom-houses we shall have, how many public buildings we shall have, how many offices and salaries we shall have.

When we have to trust the Government with the tremendous power of declaring war, which carries with it the death knell to untold thousands of citizens, it is the merest nonsense to say that the same Government shall not be trusted with the discretion of saying how many Treasury notes shall be issued.

Another reason why a direct issue of Treasury notes by the Government is preferable to notes issued by or through the banks is that under such a system it would be practically impossible for any clique of bankers to make a corner on the nation's supply of currency, as they did last fall. In other words, if the Government were supplying the country with its currency, it would be impossible for the national banks to bring about panics, as they have done on three occasions since the civil war.

The cry for "elastic" currency is based upon an incorrect idea of the function of money itself. In any nation the supply of real money should bear some proportion to the population and to the volume of business. There being no such thing in nature as money, and money itself being a mere creation brought into existence by legal decree for the purpose of effecting exchanges in some better way than that of bartering one commodity for another, it is a tool with which people do certain work, and therefore this tool of exchange should be proportioned to the work which it was intended to do.

At present we have in actual circulation only about $1,000,000,000, where we have about 85,000,000 people doing business on property worth something like $115,000,000,000, with a volume of commercial exchanges every day of the year which is so large that the figures can hardly be grasped by the human mind. Now, it ought to be apparent that if we had an adequate supply of currency, it would circulate as the adequate supply of blood circulates in a healthy human system. Nature takes care of the circulation of our blood, and when we are in health the automatic action of the blood vessels does not attract our attention. If a congestion occurs, we know that something is wrong with the circulation, and it is then that we try to restore that natural, healthy circulation which, for some cause, has been disturbed.

The thought which I want to express and illustrate is that a healthy currency system circulates automatically, according to the law of supply and demand, just as our blood circulates when we are in health. We do not need to have the arteries opened and an artificial supply of blood pumped in. Such a performance is not elasticity in any true sense of the word, and the bankers know it as well as the people know it. What they mean to do by their so-called "elastic" feature of the currency system is to always regulate the amount of money available for circulation in such a way that interest will never be low. If our currency system were in a healthy condition there would be times when there would be little demand for money, and therefore the interest rate would drop. At other times—for instance, when the crops are moving—there would be a greater demand for the money, and the natural consequence of that greater demand would be that interest would advance.

What the bankers want to do by the Aldrich bill is to prevent what, to them, would be a dull season. Whenever by reason of Wall street gambling or otherwise there is a great demand for money and interest soars skyward, as it did last fall, they would, under this Aldrich bill, take out "emergency currency" in order to reap the golden harvest of 100 per cent or 200 per cent or 300 per cent, as the case might be.

The amount of the tax which is proposed for this emergency currency would be as nothing compared to the profit which the bankers would gain by it. The moment the abnormal demand for money passed away and business resumed natural conditions, the interest rate sinking as the demand decreased, these specially privileged bankers would call in the emergency money, thereby decreasing the supply, and the immediate effect would be that the interest rate on the supply of money which was left would rise. Thus, these favored bankers would inflate or contract at will. Under the provisions of this bill the power which would be given to them over the markets is simply incalculable. By the inevitable law of supply and demand the increase in the volume of currency would send the prices of commodities upward. The sudden retirement of currency which this bill allows the bankers to effect would, of course, send values down; thus the markets of 85,000,000 people would be see-sawing up and down all the time at the pleasure of a handful of remorseless exploiters of a governmental prerogative.

This Aldrich bill puts all the power in the hands of a few bankers and leaves none to the Government; for while the bankers will have the right to increase the currency at any time by $500,000,000, the Government will not have the power to increase it five cents. The bankers can compel the Government to allow them to inflate the currency, but the Government can not compel the bankers either to issue or to retire a single note. The Government might desire an increase of actual money, but it would be powerless to take a step in that direction. The Government might think that the emergency currency had been out long enough and ought to be called in, but it will have no authority to issue any mandate to that effect. Thus we have the astonishing spectacle of our great Republic deliberately surrendering its prerogative to a handful of irresponsible financiers and usurers who have shown that they are willing to exploit both the Government and the people without scruple and without remorse!

Consider how this Aldrich bill would operate. In part, the emergency currency is to be based on railroad bonds. We know it to be a fact that the greater number of railroad presidents are also in control of national banks. This is true of Harriman, Gould, Ryan, Belmont, and many others. By the terms of this bill these railroad magnates can issue bonds in their railroad offices and then take the same bonds to their national-bank offices and issue notes which the unprivileged millions of the country must accept as money. Could there be any greater perversion and degradation of the powers of government? Could there be any form of special privilege more odious? Could there be any delegation of sovereign powers to private persons more dangerous in its logical tendency?

If the Government were to issue its own notes to supply the country with circulating medium it would be conforming to the sound doctrine of equal rights for all. It would have its currency going out into circulation among the people without some middleman standing in between the Government and the people to rake off a tremendous profit. The money would get into circulation through the appropriations of Congress, through the payment of pensions, through the taking up of bonds, through the construction of public works, through the reclamations of swamp and arid lands, and through the construction of canals. Personally, I should favor, with all my heart, the building by the Government of a few great post-roads, stretching from sea to sea and from Lakes to Gulf. Upon these post-roads I would send the iron horse.

By the issuance of Treasury notes to be legal tender for all demands, public and private, the Government would at once unlock the hoarded treasures of banks and of private individuals. The mere fact that the Government had taken a step in that direction would prove to Wall street that the policy of congesting money in New York could no longer be indulged. The moment the Government started up its own printing presses and began to put its own imperial stamp upon the nation's currency, those heartless, remorseless usurers of Wall street, who have brought this terrible distress upon so many millions of our people, would realize that the day of their tyranny was over. Governed by the merest selfishness, they would at once begin to put their own money into circulation to prevent the Government from making such an increase of its own note issues as would effectually undermine the power of these favored bankers over the commerce of the country.

In other words, I am against the whole national banking system, for the very same reasons given by Andrew Jackson, Thomas H. Benton, and Thomas Jefferson. I believe it to be an infernal outrage, as well as an anomaly in government, to allow six or seven thousand national bankers to use for their own benefit the irresistible power of expansion and contraction. The thing is hostile to the very spirit of democracy, and is ruinously antagonistic to the true interests of the Republic.

Another reason why the Government should issue all of the money is that it is manifestly unjust that any citizen or corporation should be allowed to have the use of the national credit in his business, to the exclusion of other citizens and corporations. Every one of the 85,000,000 people who compose our population has just as much right to the use of the national credit in his business as every other; therefore the only way in which this sound principle of equity can be maintained is for the Government, which represents all the people, to use the credit of all the people for the benefit of all the people. The issuance of greenbacks would be doing that very thing.

There is still another and most important objection to the use of bonds as a basis for the currency of the country. Owing to the fact that from the very foundation of the Government down to the present day national legislation has favored the capitalists of the East to the prejudice of other sections of the Republic; the greater portion of the capital invested in bonds is held in the East. When, therefore, we allow none but bondholders the enormous privilege, power, and profit of monetizing the wealth which they have invested in bonds, we discriminate against those whose wealth has been put into other things. The millionaire of the East, who for generations has been the beneficiary of the class legislation enacted by Congress, will come forward with his wealth represented by the bonds, and will be allowed to use this wealth as money; thus he will not only draw interest upon his bonds, but will draw interest upon the notes which are based on the bonds, and thus pocket two profits on the same investment; and, of course, where he thus reaps two profits, the millions of unprivileged citizens lose what he gains.

The farmers of the South and West have, in equity, in law, and in good morals, just as much right to monetize their lands, their wheat, their corn, their hay, their cotton, their cotton-seed oil, and their live stock as the bondholders have to monetize the wealth represented by the bonds. Mine owners and factory owners, merchants, and every other class of property owners have in equity and law just the same right to monetize their property as the bondholder has to monetize his; therefore when it is proposed to grant to the holders of bonds the exclusive right to monetize their wealth, we have not only done a monumental injustice to all other forms of wealth, but we have discriminated in favor of one section of the Republic against the others, for it is a well-known fact that, as compared with the East, the South and the West are not bondholding sections.

It is undoubtedly true that we need an increase of money, but this increase should be permanent, and not temporary. It should be real money and not mere credit stuff based on bonds.

To issue $500,000,000 of paper money would be most beneficial, provided it is real money and provided it is to remain permanently in circulation. To put out the wrong sort of money will do no good, but will do harm. To put out $500,000,000 of notes of any sort, good or bad, which are to be used for a short while and then destroyed will do harm.

The country either has a sufficient volume of currency or it has not. If we have got a sufficient quantity of money in circulation, then we do not need the additional supply contemplated in the Aldrich bill; but if we have a shortage which ought to be made good by an additional supply, then it is absolutely wrong to allow six or seven thousand national bankers to supply that deficiency on their own terms and to have the privilege of destroying the notes which they issue whenever it is to their interest to do so.

I can think of no national legislation which will inevitably bring more hardship upon the mass of our people than a refusal to give them a sufficient volume of real money with which to effect their exchanges. To put the entire business world of the United States under the feet of a favored class of eastern capitalists, as the Aldrich bill proposes to do, is certainly a monstrous proposition, which would have no chance for its life in any forum where intelligence, reason, and justice prevail.

In proof that our forefathers, in instituting our Government, meant to jealously guard the sovereign prerogatives of the central Government, we have only to read the clause in which the power to create

money was denied to the States. This shows that the central Government never intended to abdicate the function of creating money to supply the country. How, then, can we believe that they meant that private corporations should ever exercise the sovereign prerogative of creating money, which was, in terms, denied to the States? It is as clear as anything can be that the fathers meant that our Government should be a full-fledged Government, and they would have rejected with indignation any suggestion that a part of the function of government should be abdicated in favor of private individuals or corporations.

Our present national banking system gives to a few favored private corporations vaster powers over the financial system of the Republic than all the States together can exercise, and this fact alone should convince any impartial student that the national banking system is utterly unconstitutional, being at war not only with the letter of that supreme law of the land, but in deadly hostility to its spirit.

No government should mutilate itself or prostitute its powers. In allowing a privileged few to farm, for the selfish profit, the great money-creating prerogative our Government maims itself of one of its necessary members and allows the greedy banker to prostitute one of its sovereign functions.

Very respectfully, yours, THOMAS E. WATSON.

Mr. LODGE. Mr. President, I did not wish to infringe further upon the time of the Senator from Georgia when he desired to conclude, but I should like to define the point which I was trying to make when he was speaking about the national-bank currency being a claim against our reserves. It is admittedly a sufficient reserve for bank circulation to hold a third in gold. That is considered amply sufficient by all the conservative banking systems of the world, and I believe the opinion is an entirely sound one.

Let me now state briefly the amounts of our Government and national-bank issues.

We have $346,000,000 of greenbacks upon which we hold $150,000,000 gold reserve, which is an ample reserve for the protection of those greenbacks. We have $825,000,000, in round numbers, of gold certificates, which are warehouse receipts representing actual gold in the Treasury. We have, in round numbers, $480,000,000 of silver certificates, which are also warehouse receipts representing actual silver in the Treasury. The total, with the greenbacks, of the Government money is, in round numbers, $1,651,000,000.

Mr. ELKINS. Greenbacks?

Mr. LODGE. No; all money—gold certificates, silver certificates, and greenbacks. I am speaking of the Government money.

Now, all the money being at parity, and all directly or indirectly redeemable, we have as a gold reserve against that mass of currency the $825,000,000 of gold represented by the gold certificates, and we have $150,000,000 of gold reserve for the payment of greenbacks, making nearly one thousand million dollars of gold held by the Government for redemption purposes against a total issue of Government paper of $1,650,000,000. In other words, we are holding a reserve of two-thirds against all the Government paper that is out.

Now, take the bank notes. They were $607,000,000, I think, in August. I think they are about $690,000,000 now. They are redeemable not directly in gold, but in the lawful money of the United States; that is, they are redeemable by any part or any form of the $1,651,000,000. Back of that $1,651,000,000 lies the thousand million dollars of gold. The bank currency, therefore, is not an additional drain on that gold. The bank notes can be taken up by any form of the Government money now out, and must not be added to the Government notes as an additional claim on the gold reserve. That was the point I intended to make, and I may say further that even if we were to add, as we have no right to do, the national-bank notes to the total of Government notes, we should still have a gold reserve of nearly 50 per cent of all issues, and it is this that makes our currency solid.

Mr. President, I did not intend to be drawn into this debate. I have thought several times during its progress of a story which was told by the late Senator Vance, whom many of us remember, when a good many years ago there was one of our great financial discussions beginning about either greenbacks or silver. Senator Vance went down to North Carolina, and at a large meeting where he was announced to make a financial speech, he said:

I have come before you to discuss this great financial question. I do not pretend to be a financial expert. The only financial principle with which I am entirely familiar is that it takes two names to float my note.

I have often felt that that was a very frank and honest confession of the amount of financial knowledge which a great many of us possess.

But, Mr. President, although I am not a financial expert, I know somewhat more, I believe, than Senator Vance admitted, and I desire to go a little bit further than his statement would carry me. There has been a statement here to-day from various quarters of financial belief, especially by the Senator from Georgia, and I should like the opportunity to make my confession of faith also.

I should be very glad to see every dollar of Government notes withdrawn. I wish we did not have a dollar of Government notes afloat. I should like to see the Government confined to coining gold and silver and only issuing, if necessary, warehouse receipts against them. I do not believe in the Government being in the banking business. I do not understand how the Government can get paper out after it has printed it unless it either lends it or spends it. I know no other way by which it can put it out. The one method is pure inflation; the other is entering upon the business of loans and discounts, which no government should touch.

I do not believe in the creation of money in order to meet current expenditures. I think that is the way toward inflation. I do not believe the Government should be in the business of lending money. That is the business of a bank. The Government should control banks unquestionably, and all governments do, because every government must hold its hand upon the money that is circulated, the creation of money being necessarily a function of a sovereign government.

But I should like to see all the paper money issued by banks issued against a gold reserve, which I think is the sound business way. I have no faith in this bond-secured circulation as a scientific method of issuing currency. It has, no doubt, at one time served our purposes admirably. We ought now to substitute for it a better system. Your bonds sell at an extravagant price and are growing more and more inadequate as a basis of circulation. The bonds of the Government, which ought to be a means for the investment of the savings of people of modest means, to-day are at fancy prices because the banks need them in order to furnish their circulation. All the objections which are made to the pending bill because of the use of bonds to secure circulation go to the very foundation of all the circulation of the national banks.

But if we adhere to a bond-secured circulation, we must enlarge the bonds which give the basis of that circulation or we shall strangle business by recurring currency famines. If we are prepared, and I wish we were prepared, to get rid of a bond-secured circulation and substitute one based upon a gold reserve, that is one thing; but if we are going to retain a bond-secured circulation, then we must enlarge the bond basis, as is proposed by this bill. We must give it a reasonable elasticity; otherwise you are making a currency so rigid that you are constantly increasing the dangers of just such panics as we had last autumn.

I should like, as I have said, to see bank notes secured on a gold reserve. I should like to have all the notes issued by banks, and I think the scientific and proper way to do it would be to have a central bank of issue, like the other great commercial countries of the world—a bank controlled as those banks are controlled, by the Government under rigid laws.

I believe the system of England and of France and of Germany is the sound system of currency, giving, as a gold reserve necessarily does, a proper elasticity, thus relieving us from the rigidity of the bond circulation and separating the Government from the business of banking.

It is one of the serious objections to our large surplus that the Government, in an indirect way, has to lend to the banks, and so to the people. Let the banks do the banking business and let the Government issue the gold and silver, as required by the Constitution. I hope that the Government will never again, under any circumstances, enter on the business of printing credit paper, and I should like to see the $346,000,000 greenbacks which are still left taken out of the circulation. But I am aware that a central bank of issue, a bank circulation based on a gold reserve, and a complete extinction of all Government credit paper are at this moment councils of perfection from my point of view. We must do the best that can be done under existing conditions. I think this bill is the best that can be done and has many valuable provisions. I believe it will do great good and that it reflects great credit on the high ability of the Senator who framed it and who was confronted by most difficult conditions. It will ward off such a panic as we have just seen. It is not designed to add to bank profits, but to help and benefit the country, and that I most thoroughly believe it will do.

Mr. TELLER. Mr. President, I do not care to enter into a general discussion of the pending bill nor of the financial question. I should like to suggest to the Senator from Massachusetts that the furnishing of money by the Government to its people is not a banking business. It is an exercise of a sovereign power, just as is the coining of gold and silver.

The Senator is very much disturbed about the Government doing a banking business. He says, let the banks do the business. I agree to that if we had banks. But I should like to ask the Senator what would have been the result the other day if the Government had not stepped in and helped the banks?

They were certainly unable to do the business of this country without the Government's aid. Is not that a fact?

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. TELLER. Certainly.

Mr. LODGE. If we had had a system such as I described, a system like that of England, or the system of France, or, best of all, the system of Germany, where they have an emergency tax currency, we would have been just as able, and a great deal better able, to deal with that situation than we are to-day. Instead of that, as we are now situated, the Government has to go in by awkward methods to relieve the situation. Under the other system the method would be all prepared beforehand for an increase of the currency and to relieve the situation.

Mr. TELLER. Mr. President, I have had some experience with this financial question myself in this body. I recall that in 1900 the Senator from Massachusetts and his associates declared that they had accomplished what the whole world had been looking for—a complete financial system—when we adopted the gold standard. I recall the debate, and if the financial millennium had not come it was supposed to be very near with the passage of that bill, and everybody expected the millenium the next morning, or, at least, very soon.

Mr. President, there is no one who can give any good reason on the face of the earth why the Government should guarantee somebody else's note and not issue its own in place of it. It is banking when the Government guarantees somebody else's note quite as much as it is when it issues a note. The Government stands, as it has been said, behind every note. To-day every bank note is guaranteed by the Government of the United States.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN rose.

Mr. TELLER. I want to say only a word or two more.

Mr. LODGE. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Massachusetts asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Colorado will proceed.

Mr. TELLER. I expect some day to take some time on the pending bill. I do not care about doing it now. We had a discussion yesterday over the reserves, which I think illustrated the wisdom of the committee at least when they did not incorporate the question of reserves in the bill. Nobody seemed to know yesterday what a reserve was or what the purpose of it was. There was evidently a confusion here with some of the Senators between a reserve and cash. Under our system, which is said not to be as good as that of Germany or France or some other country, the Government has turned over to private corporations called banks the control of the money of the country. We have turned it over on the theory that we could not trust the representatives of the people in this body and in the other House to keep within proper bounds in the issue of safer money. What we have said we were unable to do we have turned over to the banks to do. I think the banks have satisfactorily furnished about as much money as we need. Nobody can tell how much we will need when conditions arise just as they have arisen in this country, and just as they have arisen with the so-called perfect system of Germany and France. With this English financial system mentioned by the Senator from Massachusetts for twenty-two years the Bank of England did not pay gold on its notes which by law they were directed to pay in gold. For twenty-two solid years they failed to do that. They passed laws during that time——

Mr. ALDRICH. For twenty-five years.

Mr. TELLER. The Senator from Rhode Island, who is, no doubt, right about it, says it was twenty-five instead of twenty-two years. I figured it up in my mind and made it twenty-two years. They not only did not pay their notes in gold, although by it it was necessary that they should be paid in gold, but they had some system by which the council suspended the law and ordered the bank not to pay in gold, so that the bank might not be charged with an infraction of the law. That was a very strong application of the banking law to relieve the bank from the charge of breaking the law.

Mr. President, there has not been any system by which there has not come financial disturbance, and there never will be any system which will prevent all the time occurrences such as we have had. I think that the present condition is absolutely a normal condition, growing out of the condition not of the banks, but of the commerce of the country.

As I said the other day, and I want to repeat, the German system will never suit us. The French system will not suit us, nor will the English system suit us. There is no people in the world who do business as we do business in this country. Therefore you can not cite either Germany or any other country as furnishing a financial system for us.

I know, Mr. President, that of late there has been a disposition to say, of course, that if we would follow the English people in a great central bank, or the German people in a great central bank, then we would be in a good condition. In the other end of this building there are some gentlemen who insist that the thing to do is to bank upon the assets. The Senator from Texas touched that the other day. I remember very well myself when people banked on assets. I am told by some that when this bill, which we will probably pass next week, goes over to the House an attempt will be made to substitute a bill they have there for it. I do not believe the American people are prepared for a system of banking without any responsible redeemer. While there are a great many defects in our system, nobody yet, not even the Senator from Massachusetts, can present a bill here that, in my opinion, is any better than the present banking system.

Of course theoretically you say you do not want to base your banking upon a debt. The question in banking is, How will you make secure your issue? That is the one thing, the most important thing. Banking originally was not confined to receiving deposits or issuing bills. It is less than two hundred years since the first bill was ever issued, except the money issued by the old Roman government, by order of the senate, which was paper money, and that was issued only rarely.

A bank was organized for the purpose of transferring money from one section of the world to another. For ages that was the only purpose for which a bank was used. They were banks of exchange and not of issue. Then later it was thought best to issue paper money. That was supposed to be issued upon a certain amount of gold and silver, and I agree with the Senator from Massachusetts that that is the best kind of banking when you have the gold and silver back of it. I do not find any fault with the fact that we have made every bit of paper money in this country redeemable in gold, and I say redeemable in gold because it is redeemable indirectly in gold, and that is just the same as if it was redeemable in gold by positive enactment. The money is just as good. I take a bank note from Texas and I take a bank note from Massachusetts. I do not care how that bank stands. If I knew it was in bankruptcy to-day I should know the bill was worth all it carried on its face. Why? Because the Government of the United States stands back of it, and the Government ought to stand back of it. Does anybody doubt the ability of the Government to make it good? Certainly not.

Mr. President, the greenbacks were issued in time of distress, in time of war, and they got a bad name, and the people who do not consider these things very much still adhere to that idea. I must confess it is with some surprise that I hear a Senator stand on this floor and say, "I am in favor of getting rid of the greenbacks; I want the Government to go out of banking," when the Government put nearly two hundred and fifty millions of dollars in the banks to keep the banks from going into bankruptcy. I am not complaining of that, Mr. President. As I stated the other day, it was a proper thing to do. It is the only thing that has kept the banks of this country in existence to-day. If the Government had not come to the relief of the banks, in my judgment, there would not have been 5 per cent of the American banks solvent to-day. The securities they hold would have gone out of sight. Nobody would have dared to buy them, and nobody would have bought them, and nobody would have had money to buy them.

I am one of those who believe that the Government should sustain the parity of all kinds of paper absolutely on a gold standard, because that is our legal standard, silver certificates, bank notes, greenbacks, and everything else, which they must do, as the Senator from Rhode Island said, under the act of 1900. It is a duty put upon the Secretary of the Treasury to make every dollar as good as every other dollar. While the law does not say he shall take a silver certificate and exchange it for gold, yet if he did not do that when I went to the Treasury with my silver certificate, that minute he discredits that bill and that kind of money. It is a duty put upon him as plainly as if you had said in the law you must redeem in gold every silver certificate that comes to the Treasury, if you have got the gold, and if not, any other money that the holder may want.

Now, Mr. President, that is not an objectionable feature of this system of ours. It is a good thing. The greenbacks, I

said, were issued, not as many people have believed, with no promise to pay. We promised in the greenback to pay. We did not have the means to pay, Mr. President, and we made the mistake of withholding from the greenback one function of money, and that was to make it a legal tender for everything. We did not make it receivable for import duties. Then the people who wanted gold to pay duties on imports struggled for gold, and gold went up, and the greenback went down to 38 cents on the dollar.

The promise of the Government was out to pay then just as it is out now, but the condition was against paying it. Had the greenback been receivable for Government dues, there would have been a demand for several hundred million dollars of greenbacks that did not exist. Possibly it would not have brought them to par, but after January, 1875, if I recollect aright, there was a positive pledge of the Government to redeem greenbacks in gold. I believe the word was "coin," but in those days silver and gold were alike.

Now, Mr. President, that did not bring the greenback to par, but it did raise the greenback gradually toward par. I have mentioned this before and I want to mention it again. When Mr. Sherman, as Secretary of the Treasury, without any warrant of law, absolutely and in defiance of law, said, "I will take the greenback for import duties," that moment the demand made for a greenback was such that it was equal to gold, every dollar of it, and it has been equal to gold ever since. We call it lawful money now. That is rather satisfactory to me. I like to hear it called lawful money. I remember when it was derided and condemned and despised. I remember when every man who thought he was a financier and every man who thought he understood the philosophy of money, no matter how ignorant he might have been, was deriding the greenback and calling it fiat money.

Mr. President, I do not believe in fiat money. I do not believe in fiat money as it is understood in this country. I do believe that the term "fiat" applies to all money made by law, and there never was any money made in the history of mankind that was not made by law, or common use that became equivalent to law.

Mr. President, I want to spend but a moment more of time on this subject. Over two thousand years before Christ was born, in Asia, in China, they fixed the relation between gold and silver by law. Fifteen hundred years before Christ was born they fixed it by law in India. I am told to-day you can not fix it. There has not been a time in the history of mankind when law has not governed the issue of or coinage of money, and declared how much there should be of precious metal in it and what it should be used for.

As a people we think we know all about finances. I have found that a man who stood behind a counter and paid out money on checks, and perhaps collected money on notes, thinks because of that he knows all about the finances of the country and of the philosophy of money. We have had some such men in the Treasury Department, who would get frightened whenever silver rose 2 or 3 cents an ounce. The Government was buying silver and making 120 per cent on the purchase, doubling its money on it, and yet he shivered with fright because silver was likely to rise possibly to par.

Mr. President, the relation between silver and gold has been one fixed by law in every country in the world. It is so fixed to-day. We have discredited silver, but we have a law of that kind on our books. For years our Government has made a determined effort to discredit it through the whole civilized commercial world. We heard expressions of great pleasure when it was learned that Mexico went to the gold standard. We are told now that China will go to the gold standard. But we have been saved from disaster and disgrace by the fact that the gold product has increased from one hundred to four hundred million dollars each year for the last few years. Wait until China, with its 400,000,000 people, wakes up to something like the activity of the civilization of this country and begins to use gold; then that $400,000,000 per year will disappear, and you will not be able, without great effort, to hold a billion and a half in this country, as we now have.

Mr. President, a financial system should be permanent. It ought not to be one adopted for to-day or for to-morrow, but for all time. To-day it is said we ought to reform the banking system. This is the worst possible time to undertake such a task. Reform your financial system when everything is right and normal and not in the throes of a financial revolution. It could be seen yesterday, during the very short and brief discussion that took place, that no two men here think alike upon all the points which are necessary to be considered. The Senator from Massachusetts [Mr. LODGE], if he should try, could not sit down and draw a bill that would get, even on his own side of the Chamber, the support that it would need to become a law. I doubt whether half a dozen Senators, getting together and agreeing, could frame a bill upturning and changing the whole financial system that we would be willing to pass. Nobody has attempted that. Here is an emergency. Such an emergency is likely to occur again. It has occurred, in my memory, many, many times, and it has occurred within the memory of every man here at least several times.

It is not pretended that the bill reported from the committee is a perfect bill, nor is it an attempt to change our system. I have great doubt whether it will accomplish as much as we hope; but it gives an opportunity, at least, for the banks to increase their circulation at a time when they are willing to pay a tax upon the issue of 6 per cent per annum. It can not be called an "expansion of the currency." It is a moderate and conservative proposition.

Mr. President, before we get through with the debate, I mean to say something about the attacks which have been made upon the Aldrich bill. My table is covered with suggestions in regard to the currency. I have had a large correspondence on this subject. I suppose it comes partly from the fact that some years ago I took an active part in the silver discussions in this body. Thousands of men all over the country are now saying that this is the proper time to restore silver to its former condition. Men are saying that this is the time to establish a sound banking system. They say, "See what has been done in Canada; see what has been done in France." Mr. President, many of the men who are writing such letters and making such appeals practically know nothing about the financial systems of any country in the world—their own not excepted. They just set themselves up as authorities. I have received petitions of such a character that I did not care to put into the RECORD showing absolute ignorance of the very first principles of finance. The philosophy of money is one thing; the practical treatment of it is another. This bill is an attempt on our part to give it practical treatment in view of conditions that are almost absolutely certain to arise. They may not arise in many years or they may arise between now and the close of the present fiscal year, but we want to give the people who have been frightened to understand that we have at least tried to do something in this direction. The people who want an asset currency will not be satisfied. The people who want a central bank will not be satisfied, but everybody knows that we have to consider a practical question, and this is not the time to undertake experiments, however great the appeal for such action may be.

Mr. BAILEY. Mr. President, I want to say to the Senator from Massachusetts [Mr. LODGE] that whenever he gets ready to take the banks out of the Government business I will be ready to help him take the Government out of the banking business. The Senators who express so much solicitude to withdraw the Government from the ordinary operations of business never seem to feel any solicitude to withdraw the banks from the exercise of the sovereign function of coining and issuing money. It is just as much the business of the Government to coin and issue money as it is the business of the banks to discount paper and furnish loans. I no more am willing for the Government to go into the business of lending money than I am willing to have the banks go into the business of making money.

ISSUANCE OF BONDS BY TUCSON, ARIZ.

Mr. DICK. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 14638) to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Territories with an amendment, in section 1, page 2, line 11, before the word "interest," to strike out "annual" and insert "semiannual," so as to make the section read:

Be it enacted, etc., That the city of Tucson, Pima County, Ariz., pursuant to an election held for that purpose on the 14th day of March, 1907, in said city, is hereby authorized, through its mayor and board of common councilmen, to issue bonds of said city to the amount of $300,000, the said bonds to be payable thirty years from the date of their issue and sale and to bear interest at the rate of not more than 4½ per cent per annum, payable semiannually. Of the proceeds of the bonds so issued the sum of $260,000 shall be applied to the extension and repair of the water and sewer system of said city, the sum of $25,000 to the equipment and improvement of the fire department; the balance of $15,000 shall be applied to the erection of a city hall for the use of said city. Said bonds, when issued, shall bear the date of their issue and the date of maturity and the rate per cent of interest, not exceeding 4½ per cent per annum. Each of said bonds shall have sixty semiannual interest coupons attached to and printed with the bonds, and each coupon shall bear on its face the amount of interest due for six months on the bond and each shall bear a number cor-

responding with the number of the bond to which it is attached. The interest on said bonds shall be paid semiannually, and as the interest is paid the coupon representing the same shall be detached from the bond and, after being marked paid, shall be filed by the treasurer of said city and preserved as vouchers. Said bonds shall be issued under the seal of said city of Tucson, if it have a seal, and shall be signed by the mayor of said city and attested by the signature of the clerk of the common council.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time. The bill was read the third time and passed.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. Mr. President, I ask for the regular order.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2082) to codify, revise, and amend the penal laws of the United States.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. BACON. I shall have to ask the Senator from Idaho not to insist on going on with the unfinished business this afternoon. The Senator knows that some few of us have undertaken to assist him in this matter. I am one of the few, but there is a meeting this afternoon of a subcommittee of the Judiciary Committee, which would have met this morning but for the fact that it was deemed important that the discussion on the financial or currency bill should go on. The parties are in the committee room now waiting for the hearing to begin, and it is absolutely necessary that I should be there, as I am a member of the subcommittee.

Mr. HEYBURN. Mr. President, I can dispose of the question in a moment. I shall not object to the bill going over after I have made a statement as to the status of the bill for the information of the Senate, which, I think, will be not only important but interesting.

Mr. President, we have proceeded with the consideration of this bill so far that up to the point reached when it was last before the Senate we have now passed over only sections 51, 112, 113, 114, 115, and 185. This brings up to chapter 10, which refers entirely to slavery and peonage, and involves, I think, only questions that being disposed of as to one section will apply to the chapter. After that chapter—and I desire it to appear so that the status of the bill will be exactly known—after chapter 10, which is the slavery chapter, there remain to be considered only sections 286, 319, and 326. I make this statement that the Senate may be advised that we have practically disposed of the bill, except as to the title referring to slavery; and, inasmuch as the former consideration of that chapter developed the fact that there were some wide differences of opinion, it may be necessary to have present a full attendance of the Senate when that comes up for consideration. I therefore have no intention at this time of asking that we proceed further, and I now ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). At the request of the Senator from Idaho, the unfinished business will be temporarily laid aside.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to, and (at 2 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, February 17, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 14, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

APPALACHIAN AND WHITE MOUNTAIN FOREST RESERVE.

Mr. SHERMAN. Mr. Speaker, I desire to present a privileged report from the Committee on Rules.

The Clerk read as follows:

House resolution 208.

Whereas the President in his message to the Congress at its present session, on December 3, 1907, makes the following recommendation:

"We should acquire in the Appalachian and White Mountain regions all the forest lands that it is possible to acquire for the use of the nation. These lands, because they form a national asset, are as emphatically national as the rivers which they feed, and which flow through so many States before they reach the ocean;" and

Whereas there have been introduced into the House of Representatives bills for the acquirement of national forests in the southern Appalachian Mountains and the White Mountains, the same being H. R. 10456 and H. R. 10457, which provide as follows:

"That the Secretary of Agriculture is hereby authorized and directed, in his discretion, to acquire for national forest purposes, by purchase or gift, lands more valuable for the regulation of stream flow than for other purposes, and situated on the watersheds of navigable streams in the southern Appalachian Mountains within the States of Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Kentucky, and Tennessee, and in the White Mountains within the States of New Hampshire and Maine. * * *

"That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act; but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General and shall be vested in the United States.

"That the sum of $5,000,000 is hereby appropriated to carry out the provisions of this act, out of any moneys in the Treasury not otherwise appropriated, and said sum shall be available immediately and until expended for said purpose: *Provided*, That the Secretary of Agriculture shall each year make a detailed report to Congress of the lands purchased under this act, and the cost thereof:" Therefore be it

Resolved, That so much of the President's message, above referred to, which relates to the acquisition of lands in the southern Appalachian and White Mountains "for the use of the nation" be referred to the Committee on the Judiciary of the House of Representatives, together with the questions involved in the bills referred to, directing the Secretary of Agriculture to acquire for national forest purposes lands in the southern Appalachian and White Mountains, within the States named, with instructions to said committee to report fully at an early date their views as to the power of the Federal Government by legislation to acquire, by purchase, condemnation, or otherwise, the lands referred to in said bills, situated in the States mentioned, and to appropriate money therefor, and also what power and authority the Federal Government has by legislation to acquire for the purpose of forest reserves lands within a State wherein the Government of the United States has no public domain, and to make appropriation therefor.

Mr. SHERMAN. Mr. Speaker, following the reading of the preamble the resolution will make clear the subject-matter sought to be covered by this resolution. What is desired is to have the Committee on the Judiciary examine into the constitutionality of such action as is proposed by the bill which has been introduced in furtherance of the recommendation of the President in his last annual message.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state that I have a similar bill providing for the Paloduro forest reserve and park on the head of the Red River in the State of Texas.

Mr. SHERMAN. Then precisely the same constitutional question is involved in the bill introduced by the gentleman from Texas that is involved in the bill which is referred to in the preamble to this resolution, and of course the opinion of the Judiciary Committee upon the subject involved in this resolution will cover the bill introduced by the gentleman from Texas.

Mr. BARTLETT of Georgia. Will the gentleman yield to me?

Mr. SHERMAN. Certainly.

Mr. BARTLETT of Georgia. The resolution reported does not contemplate the reference of any particular bill to the Committee on the Judiciary.

Mr. SHERMAN. Certainly not. It refers a constitutional question to the Committee on the Judiciary to report upon. It does not refer any bill; it does not confer upon the Judiciary Committee jurisdiction of any particular bill, but it does refer to the committee the legal constitutional question involved in the bill which has been introduced, and also involved in the similar bill introduced by the gentleman from Texas.

Mr. STEPHENS of Texas. I desire to state that is also before the Committee on Agriculture, and I presume it will not be transferred to any other committee.

Mr. SHERMAN. Mr. Speaker, I move the previous question on the resolution.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. SHERMAN. Oh, certainly.

Mr. WILLIAMS. Mr. Speaker, for the information of this side of the House I desire to state that this is a unanimous report from the Committee on Rules recommending the passage of the resolution introduced by the gentleman from Georgia [Mr. BARTLETT] and referred to the Committee on Rules. It merely provides that the questions that are stated in the resolution shall be submitted to the Committee on the Judiciary for an opinion on the law and the constitutionality of proposed legislation of a general character, as to how far the Federal Government can go into the States and buy up lands and convert them into parks and forest reserves and all that. It seemed to all of us, irrespective of party, on the Committee on Rules, that this was a question on which we ought to receive a report from a body of lawyers to advise the conscience of the House.

Mr. CURRIER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. SHERMAN. I yield.

Mr. CURRIER. I assume that if the resolution is agreed to,

the Committee on Agriculture will defer any action until they get a report from the Committee on the Judiciary.

Mr. SHERMAN. I assume that the Agricultural Committee would not attempt to consider this bill or any like proposed measure until the Committee on the Judiciary had reported.

Mr. CURRIER. Does the gentleman think that we shall get a report so that action may be had this session of Congress.

Mr. SHERMAN. The resolution expressly provides for an early report on the part of the Committee on the Judiciary. Mr. Speaker, I ask for a vote on the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar in order to-day may be in order on the next legislative day after the passage of the appropriation bill now before the House, not to interfere, of course, with District of Columbia business.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills on the Private Calendar in order to-day shall be in order on the next legislative day after the completion of the consideration of the legislative, executive, and judicial appropriation bill, not to interfere with District of Columbia business. Is there objection?

There was no objection.

BRIDGE ACROSS MISSISSIPPI RIVER AT RICE, MINN.

Mr. LINDBERGH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12401) to legalize a bridge across the Mississippi River at Rice, Minn., which I send to the desk and ask to have read.

The Clerk read the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LINDBERGH, a motion to reconsider the last vote was laid on the table.

PRINTING AND BINDING FOR COMMITTEE ON ELECTION OF PRESIDENT, ETC.

Mr. GAINES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Committee on Election of President, Vice-President, and Representatives in Congress shall be, and is hereby, authorized to have such printing and binding done as may be required in the transaction of its business.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

REPAYMENT OF COMMISSIONS AND PURCHASE MONEYS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15660) to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That where purchase moneys and commissions paid under any public land law have been or shall hereafter be covered into the Treasury of the United States under any application to make any filing, location, selection, entry, or proof, such purchase moneys and commissions shall be repaid to the person who made such application, entry, or proof, or to his legal representatives, in all cases where such application, entry, or proof has been or shall hereafter be rejected, and neither such applicant nor his legal representatives shall have been guilty of any fraud or attempted fraud in connection with such application.

SEC. 2. That in all cases where it shall appear to the satisfaction of the Secretary of the Interior that any person has heretofore or shall hereafter make any payments to the United States under the public land laws in excess of the amount he was lawfully required to pay under such laws, such excess shall be repaid to such person or to his legal representatives.

SEC. 3. That when the Commissioner of the General Land Office shall ascertain the amount of any excess moneys, purchase moneys, or commissions in any case where repayment is authorized by this statute, the Secretary of the Interior shall at once certify such amounts to the Secretary of the Treasury, who is hereby authorized and directed to make repayment of all amounts so certified out of any moneys not otherwise appropriated and issue his warrant in settlement thereof.

With the following amendment:

Amend the title so as to read:

"A bill to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public laws."

The SPEAKER. Is there objection?

Mr. LIVINGSTON. Mr. Speaker, reserving the right to object, I want an explanation.

Mr. MONDELL. Mr. Speaker, this bill was transmitted to the House by the Secretary of the Interior, with request for its consideration, to meet a condition that has arisen, owing to the recent practice of the Department in regard to payments made upon entries not confirmed and accepted. The present law provides that where an entry has been accepted, and it shall afterwards be found that the entry must be canceled for conflict or because erroneously allowed, the money shall be repaid. But about two years ago there were very considerable withdrawals made of public lands, and the registers and receivers were instructed that when an entryman came to make final proof and payment on entries within those areas, they should receive the money, receive the proof, but hold the same until the question of the validity of the claim should be finally passed upon by the Department. That resulted in an accumulation in the offices of the registers and receivers of large sums of money, and finally some three or four hundred thousand dollars had thus accumulated.

The officials of the Department did not believe it wise to allow these large accumulations to remain in the local offices, so they instructed the registers and receivers to transmit those sums to the Department, and they then went into the Treasury and could not and can not be paid out without some express provision of law. Now, in a very great majority of those cases, probably 95 per cent of them, the entries will be allowed, or have been allowed after examination, but here and there is a case where for some reason the entry can not be allowed and perfected, and as the law now stands there is no way by which the money paid can be returned to the entryman. Then there are the cases of excess payment. In the first instance payments are generally made on the maximum acreage of the subdivision of land entered; but when the case is finally approved payment is required only for the exact acreage of the entry. The acreage is sometimes less than 40 acres, 80 acres, or 160 acres, as the case may be, and those sums having now passed into the Treasury, whereas under the former practice they remained in the hands of the registers and receivers to be repaid by them, can now only be repaid by a provision of law.

Mr. MANN. Will the gentleman yield for a question?

Mr. MONDELL. I will be pleased to do so.

Mr. MANN. As I understand this bill, it does not provide for the payment where there is fraud or attempted fraud——

Mr. MONDELL. That is true.

Mr. WILLIAMS. That express reservation is in the bill?

Mr. MANN. Yes.

Mr. MONDELL. Where an entry honestly made can not for some reason be perfected, where the character of the land after examination has proven to be not such as to make it subject to entry under a given law, or the tract has been found to be covered by a prior claim, in those cases repayment will be made.

Mr. GRONNA. There are also cases where overpayments have been made.

Mr. MONDELL. I have referred to the fact of excess payments. That is one of the provisions of the bill.

The SPEAKER. The gentleman from Wyoming requests that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill and the bill be considered at this time. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read:

A bill to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public laws.

CURRENCY QUESTION.

Mr. WEEKS. Mr. Speaker, I have a letter on the currency question which I ask unanimous consent to print in the RECORD.

The SPEAKER. The gentleman from Massachusetts [Mr. WEEKS] asks unanimous consent to print a letter on the currency question in the RECORD. Is there objection?

Mr. WILLIAMS. Mr. Speaker, from whom is the letter, about how long is it, and the date of it?

Mr. WEEKS. This letter is written by Mr. Morton Frewen, an Englishman, who has given a great deal of attention to this subject, who appeared before the Committee on Banking and

Currency the other day and made a statement which is very lengthy, and he has compiled a résumé of that statement in this letter which will be of interest to the membership of this House.

Mr. WILLIAMS. I have no objection.

The SPEAKER. The Chair hears no objection.

The letter is as follows:

21 LAFAYETTE SQUARE,
February 12, 1908.

DEAR MR. WEEKS: I think that the account I gave to-day to your Committee on Banking of Mr. Goschen's plan of currency reform is much too long and elaborate to attract public attention; but if I can condense the Goschen proposal and apply it to your existing conditions a short letter on such lines might be of use.

You recall that Mr. Goschen was chancellor of the exchequer in 1891. The Baring crisis at that time had demonstrated the weakness of our system of finance. Much of the full legal-tender money—gold or gold notes—which, had it been in the reserves of the banks would have greatly relieved the strain, was and to-day is in the pockets of the people. The more acute the crisis the greater the tendency to increase this pocket and till money at the expense of the bank deposits. Such was the problem Mr. Goschen wished to solve. Himself a banker, he was also our greatest authority on international exchange; he was orthodox and monometalist; his mind was at its best, and he thought and spoke not hurriedly, but three months after the crisis, with that full sense of responsibility which attached to his official position. I mention this because the authority behind any currency proposal should be unquestioned and unquestionable. Mr. Goschen's plan was this: He proposed to subtract a sovereign ($5) per capita of the legal-tender gold money carried by our people in their pockets and tills and to place this sum in a central reserve, to be available at any time of crisis.

But how was he to get hold of these thirty millions of gold? By what method could he purchase it? There was no point clearly in buying gold with gold, nor would he buy it with legal tenders; that way, he saw, lay inflation, and inflation would drive gold abroad, and thus defeat his object. Mr. Goschen proposed to buy the sixty millions of half sovereigns which are in the pockets of our people, giving them a small "token currency" note for 10 shillings ($2.50), the legal tender of which was to be limited to 40 shillings. These notes were to be secured by silver bullion or coins. I hope I have made the point clear.

Let me recapitulate. Mr. Goschen wanted a large central gold reserve; he wanted to fill the void created by its subtraction with "token money," not with legal tenders. Thus he leaned to the side of currency contraction, because any expansion would raise prices of commodities, would thus increase our imports, throw the balance of trade against us, and drive out of the currency the very gold he wished to retain.

Such was the Goschen plan of 1891. It was worthy of its author—a careful banking measure to secure a new huge gold reserve, and thus to clear banking and speculation of some of their attendant risks. We in England buy silver at the market price (to-day 27 pence per ounce). We coin and issue to the public just as much as they will carry at 66 pence per ounce, so that to buy up the half-sovereign to-day and issue the small note secured by silver would cost 4 shillings for each half-sovereign (10 shillings).

The Goschen plan, announced in a speech at Leeds, January 28, 1891, was vigorously opposed by the "silver men" at that time. We regarded it as a "cowardly makeshift." We pointed out that prices were everywhere falling because of the shortage of gold in currency. Notwithstanding this our chancellor of exchequer proposed to contract the full legal-tender currency to the tune of some thirty millions sterling, or 25 per cent of our entire metallic currency, and to issue in its place "pocket-money notes" secured by silver, which, on the chancellor's own showing, would not in any way support prices. It was a proposal to contract the currency. It is to-day a proposal to contract the currency, but the compensating advantages are at this time so very great that the objections we then found no longer exist. To-day, owing to the immense new gold supplies, prices of commodities are rising with unprecedented rapidity, and a plan such as this under review, which would retard the rapidity of this rise, would find few objectors. It is the rise of prices which makes from time to time a currency stringency. As you here phrase it, much money is needed "to move your crops," and of course "dollar wheat" requires more money to move it than is required by 50-cent wheat.

I can not, within the limits of this letter, explain fully the adaptation of the Goschen plan to your needs. If you adopted it you would purchase two or five or ten millions of outstanding gold certificates each month, and issue in their place small "token-money" notes representing fractional silver, the legal tender of these notes—this is the essential point—limited to $10. I believe if you would make this plan a basis for proposals to our Government the proposals would be accepted with alacrity, and, perhaps, by Germany also. This would consummate fitly the Wolcott Commission of 1897.

The Goschen plan is much more valuable to this country than even to Great Britain. You need the security of a central reserve of, say five hundred millions of "free gold." The silver to secure the token-money notes would give employment and profit to your own mines, and far more important than even your financial security—immensely important though that is to your trades—the demand for silver to put behind these small notes would, even if spread over fifteen years, raise the price of silver bullion to a dollar an ounce. The effect of this rise in silver would be magical; it would raise all the exchanges with silver-using Asia; it would thereby greatly impair the ability of Asia to export to Europe such products as wheat, cotton, rice, timber, etc.—products which compete with your exports in European markets. And again it would build up your exports to Asia, which now languish with each fall in exchange—in other words, with each fall in the price of silver bullion. You are building the Panama Canal, amongst other reasons, to assist, your trades with the Orient. A rise of 30 cents in the price of silver bullion, while giving that profit to your mountain States, would, by raising exchange with Asia, pay, and probably many times over, the entire cost of the canal. But these are not arguments, you will recognize, which apply with equal cogency to Great Britain. It is a saying with us "take care of the imports, and the exports will take care of themselves;" and we know that cheap silver does stimulate our import trade, and does reduce the price we pay for wheat, cotton, and much raw material. Nor have we any silver mines to benefit. Again, the government of India which has made the coinage of rupees a state monopoly, and sells these rupees to-day at a profit of 30 per cent—the rupee is selling for 16 pence gold, its silver contents are worth 10 pence only—made a profit of $20,000,000 out of its seignorage during its last financial year. The Indian government coined no less than 227,670,000 rupees. In deprecating the proposals of the Wolcott Commission in 1897, which would have restored the rupee to its former exchange rate, the government of India said: "The sudden rise in the rate of exchange would kill our export trade for the time at least." All these are valid objections to the Goschen plan as applied to England, though I admit the balance of advantage of financial security and reasonable rates for money easily bring down the other scale in its favor.

I anticipate here one objection, and that the locking up of $500,000,000 of gold to confront a crisis which, given such a "war chest," is never likely to occur. Whether such a burden of insurance is too considerable, that is a matter for the decision of Congress. Perhaps one-half of the reserve might be loaned at call in Europe, under conditions which would make its immediate repayment secure. Possibly a portion might be loaned to your own railroads, and their bonds held as security for an emergency currency issue in case of need. Mr. Goschen apparently would have kept his reserve free and intact, and no doubt in such conservative methods is the more perfect safety.

Believe me,

Yours, very faithfully, MORTON FREWEN.

The Hon. J. W. WEEKS, Member of Congress,
Banking and Currency Committee, House of Representatives.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

On motion of Mr. BINGHAM, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16882, the legislative appropriation bill, Mr. LAWRENCE in the chair.

The CHAIRMAN. If there is no further debate, the Clerk will begin the reading of the bill under the five-minute rule.

Mr. BINGHAM. Mr. Chairman, I understand the gentleman from Georgia [Mr. LIVINGSTON] does not desire more time for general debate on his side of the House, and there is no desire for debate on this side of the House, and I therefore ask for the reading of the bill under the five-minute rule.

The CHAIRMAN. The Clerk will begin the reading of the bill under the five-minute rule.

The Clerk read as follows:

For mileage of Senators, $47,000.

Mr. CRUMPACKER. Mr. Chairman, I offer an amendment to the paragraph just read.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 1, page 2, insert:

"*Provided*, That the mileage of Senators, Representatives, and Delegates in Congress shall hereafter be at the rate of 8 cents a mile instead of 20 cents, as now authorized."

Mr. ENGLEBRIGHT. Mr. Chairman, I make the point of order against the amendment. It changes existing law.

Mr. CRUMPACKER. I confess the amendment is obnoxious to the rules of the House and subject to the point of order.

Mr. ENGLEBRIGHT. Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Document room: For superintendent of the document room, $2,500; first assistant in document room, $2,000; assistant in document room, $1,600; assistant in document room, $1,440; clerk to superintendent of document room, $1,440; skilled laborer, $1,000; in all, $9,980.

Mr. MANN. I move to strike out the last word. I would like to say to the gentleman in charge of the bill that I notice there is an increase in the salary of the superintendent of the document room of the Senate, not an increase in salary, but an increase in appropriation over last year from $2,500 to $3,000.

Mr. BINGHAM. That is a decrease.

Mr. MANN. There are a number of other changes in salaries, mostly increases in the House and the Senate, over the appropriations of last year. May I ask the gentleman whether all of these changes are changes which have been made under or in accordance with resolutions adopted by the House or the Senate, or whether the committee itself has arbitrarily made any increases in salaries?

Mr. BINGHAM. The one change the gentleman first referred to was because of the decease of the experienced official formerly connected with the document room of the Senate. The Senate on their own recommendation fixes $2,500 as a salary in lieu of the $3,000 that had been given to the gentleman deceased. As to the other changes, we have accepted several changes of the Senate without demur, on the general rule that we could discuss them with the Senate in connection with their necessities. The other changes in the House come from the resolutions of the House which we have with us and can read to the gentleman. The resolutions of the House have been followed without change in every particular, conceding to the subordinate force of the House that which the House recommended they should receive.

Mr. MANN. Have there been any changes made by the committee itself regardless of any action taken by the House?

Mr. BINGHAM. None whatever, save those recommended in the bill, which can be debated when we come to them.

Mr. MANN. I mean in the House force.

Mr. BINGHAM. No.

The Clerk read as follows:

Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $5,000; hire of horse and wagon for use of the Clerk's office, $900, or so much thereof as may be necessary; Chief Clerk, $4,000; journal clerk, $4,000; stenographer to journal clerk, $900; two reading clerks, at $4,000 each; tally clerk, and enrolling clerk, at $3,000 each; file clerk, $3,000; disbursing clerk, $3,000; printing and bill clerk, $2,500; assistant to Chief Clerk, $2,500; distributing clerk, $2,250; index clerk, $2,300; assistant enrolling clerk, $2,200; docket clerk, assistant disbursing clerk, resolution and petition clerk, printing and document clerk, assistant journal clerk, stationery clerk, and assistant stationery clerk, at $2,000 each; librarian, assistant enrolling clerk, and superintendent clerks, document room, at $1,800 each; document and bill clerk, $1,800; assistant to printing and bill clerk, $1,800; bookkeeper, assistant in Clerk's office, assistant in disbursing office, two assistant librarians, and five clerks, at $1,600 each; assistant file clerk, $1,700; assistant index clerk, and one special employee in clerks' document room, at $1,500 each; document clerk, $1,600; locksmith, who shall be skilled in his trade, $1,200; telegraph operator, $1,400; assistant telegraph operator, authorized and named in resolution adopted January 15, 1902, $1,400; three telephone operators, at $900 each; three telephone operators, at $75 per month each during the session; one night telephone operator, $720; for services of a substitute telephone operator when required, at $2.50 per day, $450; stenographer to the Clerk, $1,200; assistant in stationery room, $1,200; one assistant in document room, and one messenger in file room, at $900 each; assistant in library, and two messengers in disbursing office, at $900 each; one page, $720; attendant in charge of bathroom, $1,000; three laborers in the bathroom, at $720 each; three laborers, page in enrolling room, and janitor in the library, at $720 each; messenger in Chief Clerk's office, $1,200; janitor in file room, $720; allowance to Chief Clerk for stenographic and typewriter services, $500; in all, $117,170.

Mr. HUGHES of New Jersey. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill how many new employees there are in any section of the bill?

Mr. BINGHAM. Three telephone operators, at $900 each; three telephone operators, at $75 per month each during the session; one night telephone operator, at $720, and for services of a substitute operator when required, $250.

Mr. HUGHES of New Jersey. If it is possible at this time, I would like the gentleman to inform the committee and myself how many new employees are authorized under this bill, if he has the information?

Mr. TAWNEY. Does the gentleman from New Jersey mean in the entire bill?

Mr. HUGHES of New Jersey. Yes, sir.

Mr. TAWNEY. If he will look at the report accompanying this bill he will get the exact number.

Mr. LIVINGSTON. I will say to the gentleman from New Jersey [Mr. HUGHES], if he will get the report he can ascertain that.

Mr. TAWNEY. I will say to the gentleman from New Jersey, that there are twenty-seven. The net increase in the entire executive service here is only twenty-seven.

Mr. HUGHES of New Jersey. I will say to the gentleman from Minnesota [Mr. TAWNEY], that I have examined the report and I have that information, but I merely asked the question so as to lead up to exactly what I wanted to know—that is, how many of those new employees are in the actual service of the House and how many of them go to the new Office Building, if any?

Mr. TAWNEY. The gentleman is talking about two things. He asked first how many increases there were in the entire bill, including all the Executive Departments, and I stated twenty-seven. There are no new employees provided for the House at all, except the messengers in the Post-Office Department that have heretofore been authorized by the House. Now, the telephone operators we are not now paying, but we are paying the telephone company for eight operators, and it is proposed to appoint these operators direct and put them under the control of the Clerk of the House, so that he can control the service and the operators and pay them direct instead of paying the telephone company. So it does not amount to any increased compensation or increased expenditure at all.

Mr. HUGHES of New Jersey. As I understand the gentleman, this bill does not carry any other appropriation for employees connected with the telephone except those referred to.

Mr. TAWNEY. Except those authorized.

The Clerk read as follows:

Office of Doorkeeper: For Doorkeeper, $4,500; hire of horses and wagon, feed, and repairs, $1,200, or so much thereof as may be necessary; assistant doorkeeper, $2,500; Department messenger, $2,250; one special employee, John T. Chancey, $1,800; one special employee, $1,500; superintendent of reporters' gallery, $1,400; clerk to Doorkeeper, $1,200; janitor, $1,500; twenty-five messengers, at $1,100 each; messenger to the Speaker's table, $1,200; fourteen messengers on the soldiers' roll, at $1,260 each; twelve laborers, at $720 each; two laborers in the water-closet, at $720 each; ten laborers, at $720 each; one laborer, $600; ten laborers, known as cloakroom men, two at $70 per month each and eight at $50 per month each; female attendant in ladies' retiring room, $720; superintendent of folding room, $2,500; Chief Clerk, $2,000; four clerks, at $1,600 each; foreman, $1,800; assistant foreman, $1,200; messenger, $1,200; page, $720; laborer, $720; thirty-one folders, at $800 each; two night watchmen, at $720 each; two drivers, at $840 each; two chief pages, at $1,200 each; two telephone operators, at $1,200 each; forty-six pages, during the session, including two riding pages, four telephone pages, press-gallery page, and ten pages for duty at the entrances to the Hall of the House, at $2.50 per day each, $12,650; horse and buggy for Department messenger, $250; superintendent of document room, $2,500; assistant superintendent of document room, $1,800; clerk in document room, $1,400; eight assistants in document room, at $1,200 each; and one janitor, $840; for the following for service in old Library portion of the Capitol (transferred from office of Superintendent of the Capitol), two attendants, at $1,500 each, and one watchman, $900; in all, $171,205.

Mr. MADDEN. Mr. Chairman, I desire to make the point of order against the item for assistant foreman, in line 3, page 19; against the item two telephone operators on line 11, page 19; against the item forty-six pages, adding two, on line 12, page 19; against the item four telephone pages, instead of two, on line 13.

The CHAIRMAN. The Chair does not understand to what the gentleman raised the point of order.

Mr. BINGHAM. One assistant foreman, $1,200, is the transfer of an employee now in the folding room.

The CHAIRMAN. The Chair did not understand the words to which the gentleman raised the point of order.

Mr. MADDEN. "Assistant foreman," on line 12.

The CHAIRMAN. Now the Chair will hear the gentleman from Indiana.

Mr. CRUMPACKER. I desire to reserve the point of order against the clause "twenty-five messengers, at $1,100" in lines 14 and 15, page 18.

Mr. BINGHAM. I will state to the gentleman that that is the current law and not subject to the point of order.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. MADDEN. I simply desire to make the point of order on line 3, to which I have referred. That is a new position and a change of existing law. On line 11, there are two new positions of telephone operators created, changing existing law. On line 12 two pages added to the existing number, and in line 13 two telephone pages added. My point of order is that this is a change of existing law.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania on the point of order.

Mr. BINGHAM. I would state to the gentleman that the assistant foreman is simply a transfer of an $800 employee from the folding room to the new building, where it is their purpose to establish a folding room. It is the only change in connection with the entire folding room, and for your convenience.

Mr. MADDEN. I will withdraw the point of order against that. That is on line 3, assistant foreman.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. BINGHAM. As to the increase of telephone operators, the chairman of the committee will answer the gentleman.

Mr. TAWNEY. Mr. Chairman, I do not think the point of order lies to either one of these paragraphs—two telephone operators, at $1,200. One of these operators, on the Republican side of the House, was appointed by and under the authority of a resolution adopted by the House fixing the salary at $1,200 per annum. This bill simply carries that position at that salary in accordance with the resolution of the House. Now, the other operator, on the Democratic side of the House, has been detailed from another department, under the Doorkeeper, and is serving that side; and it is for the purpose of equalizing the compensation paid to these telephone operators, one serving on one side of the House and the other on the other side of the House. I may say that these two telephone operators are the two that attend to the long-distance business of this House for the individual Members of the House.

The CHAIRMAN. The Chair would like to ask the gentleman from Minnesota what is the salary the resolution of the House authorized?

Mr. TAWNEY. The salary of the messenger transferred from the Doorkeeper's department to act as operator over here I am unable to state. I think, however, that it was only $900. The House having authorized one long-distance operator to serve the booth on this side of the House, and the same service being allowed to the other side of the House by a detail from the Doorkeeper's department, the Committee on Appropriations thought that it was only fair and just that both performing the same service should receive the same compensation; and the House itself having fixed the standard of compensation for that service on this side of the House, we have allowed the same on the other side.

Mr. MADDEN. Well, Mr. Chairman, I believe no law exists under which these two places can be appropriated for. It is

true that at the close of the last session of the last Congress there was a resolution passed by the House recommending a certain employment of a certain man for a certain place, but I do not understand that that is a direction to the Committee on Appropriations to appropriate for these places. My opinion is that there is no existing law authorizing the appropriation for these places.

Mr. CURRIER. Will the gentleman yield to me?

Mr. MADDEN. Certainly.

Mr. CURRIER. At this session, and only a few days ago, a resolution was reported from the Committee on Accounts authorizing the employment of a telephone operator at a salary of $1,200 to serve on the Republican side of the House. That was adopted, and the resolution was agreed to by the House, and constitutes an authorization for the employment of the man.

Mr. MADDEN. Well, I take issue with the chairman of the committee on the question of the need of the employment of these men. I believe, Mr. Chairman, that if we discharge nine out of every ten men employed in the service of the House that we will be doing a favor to the people of the country.

Mr. TAWNEY. If the gentleman will permit me, he should take issue with the House of Representatives itself and not with the Committee on Appropriations, of which he is a member, for the House has already authorized the employment and fixed the compensation.

Mr. MADDEN. At all events, Mr. Chairman, I believe that we are employing many more men than are needed. We are employing men whose services are not required at all, and certainly there is no authority of law for the employment of these two men, even though there may be authority for one. If the Chair insists that there is authority of law for one, I shall insist upon my point of order as to the other.

The CHAIRMAN. The Chair understands that a resolution was adopted by the House authorizing the employment of one telephone operator, at a salary of $1,200 a year, and he also understands that a second telephone operator provided for in this paragraph——

Mr. HUGHES of West Virginia. If the Chair will pardon me——

The CHAIRMAN. The Chair will hear the gentleman from West Virginia.

Mr. HUGHES of West Virginia. On February 5 there was an authorization for one messenger in charge of telephones, and I wish to submit an amendment so as to authorize two instead of one.

The CHAIRMAN. The amendment would not be in order while a point of order is pending. The Chair understands the second telephone operator provided for in this paragraph has not been authorized by any resolution adopted by the House.

Mr. TAWNEY. I think that is so. There has been no authorization for employment of telephone operator at that compensation; he is now serving as a detail from the department of the Doorkeeper.

The CHAIRMAN. The Chair therefore holds that there is no authority of law by which the House can now appropriate for two telephone messengers at $1,200 each.

Mr. TAWNEY. Before the Chair rules I want to appeal to my colleague, the gentleman from Illinois, who makes the point of order, that it is manifestly unfair for him or for the House to discriminate in the compensation paid to two employees of the House who are performing identically the same service, and I hope, in view of the fact, that he will withdraw the point of order and allow the authorization to go through.

Mr. MADDEN. If the two men are to be employed regardless of whether they should be employed, the fact that one is being paid $1,200 and the other $900 I think would be an injustice, and, in consequence of my desire to do no injustice to anybody, I will withdraw the point of order.

Mr. HUGHES of West Virginia. Now, Mr. Chairman, I want to renew the point of order on that special item.

The CHAIRMAN. The gentleman from West Virginia renews the point of order, and the Chair sustains it.

Mr. HUGHES of West Virginia. Now, I want to offer this amendment.

The CHAIRMAN. The amendment is not now in order, as there has been a point of order made by the gentleman from Illinois to the words "forty-six pages during the session," lines 12 and 13, page 19. The Chair will hear the gentleman from Illinois.

Mr. MADDEN. Mr. Chairman, this creates two additional pages without any authority of law.

The CHAIRMAN. The Chair will hear any gentleman on the committee as to the point of order.

Mr. TAWNEY. I understand that this is an increase of two telephone pages, made necessary by the increased number of booths on the outside of the House.

The CHAIRMAN. The Chair understands the gentleman from Minnesota to concede the fact that there is an authorization for only forty-four pages.

Mr. GILLETT. Mr. Chairman, I think the present bill carries forty-six pages, and the gentleman from Illinois is mistaken in his facts.

The CHAIRMAN. The Chair will ask the gentleman from Massachusetts how many pages were authorized by a resolution of the House?

Mr. GILLETT. I think, Mr. Chairman, I am mistaken, and that this is an increase of two.

Mr. MANN. Before the point of order is sustained, if my colleague will allow me——

Mr. MADDEN. Certainly.

Mr. MANN. I want to say that this increase of pages is caused by the increase of service necessitated by the new Office Building. Of course there will be many messages back and forth between the Capitol and the new Office Building, which will of necessity call for an increase of force. If forty-four pages were necessary before, an increase of two is very small, because the services of more than two pages is required, on an average, between the two buildings.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. MADDEN. I will withdraw the point of order.

The CHAIRMAN. The next point of order is on the words "four telephone pages," in line 14.

Mr. MADDEN. That I maintain is also a change of existing law—I refer to the telephone pages on line 13, page 19.

The CHAIRMAN. The Chair will ask the gentleman in charge of the bill to call the Chair's attention to authority under which this appropriation is made.

Mr. GILLETT. Mr. Chairman, as I understand, that is not any change in the number of pages. That does not include any new places. It is simply including four telephone pages. We are changing the nomenclature, but not changing the number of pages or necessarily their duties. I think in an appropriation bill we have the right to designate them as we please, and call them telephone pages or anything else.

Mr. MANN. The forty-four pages have gone out.

Mr. LIVINGSTON. No; two of them have gone out.

Mr. MANN. But that includes the whole thing. There are no pages left at all.

Mr. LIVINGSTON. May I ask for information of the Chair, whether, in making the ruling, the Chair ruled out two pages or the forty-six pages?

The CHAIRMAN. The point of order was raised to the words "forty-six pages," so that those words go out of the bill.

Mr. LIVINGSTON. They all go out.

The CHAIRMAN. The three words—"forty-six pages."

Mr. LIVINGSTON. Then we have no pages at all.

Mr. MADDEN. Mr. Chairman, I move that the bill be amended so as to insert the language of the existing law.

Mr. GILLETT. Mr. Chairman, are there not points of order now pending?

The CHAIRMAN. There is one point of order now pending to the clause "for telephone pages," lines 13 and 14. The Chair understands the gentleman in charge of the bill to state that there is authority of law for the appropriation for these four pages, that these four pages come under the forty-four pages authorized by law.

Mr. GILLETT. Yes. The reason I make the inquiry is because it seems to me that no amendment is admissible until the points of order are all disposed of.

The CHAIRMAN. That is right. The Chair overrules the point of order made by the gentleman from Illinois to the words "four telephone pages." There is now pending a point of order reserved by the gentleman from Indiana to the words "twenty-five messengers."

Mr. CRUMPACKER. Mr. Chairman, my point of order includes "twenty-five messengers at $1,100 each." I understand that it has been held repeatedly that a resolution of the House creating offices is a sufficient basis, of course, to authorize the Appropriation Committee to report an appropriation annually for the pay of those officers. The resolution fixes the salary of the officers. The resolution providing for messengers originally provided that there should be a certain number—I think fourteen, at $1,200 each, and fourteen at $1,000 each. That is the only basis in law for this appropriation. I believe it was in the first session of the Fifty-ninth Congress that the gentleman from Connecticut [Mr. HENRY] moved to strike out the appropriations that followed the resolutions that had been adopted by the House some time before, and to insert the provision that is

carried in this bill, or one identically the same, providing for the payment of a certain number of messengers at $1,100 each. There is no resolution or law authorizing the payment or the employment of messengers upon a salary of $1,100. There are two classes, one a $1,200 class and one a thousand-dollar class; I think in two appropriations before this this provision has been carried, but of course it was simply for the ensuing fiscal year and does not constitute law in the sense of the rules of the House as applied to the question now before the Chair for consideration. I have little or no doubt that the point of order will lie, but I simply reserved the point of order to call the attention of the House to the fact that these messengers are serving here, that they are all necessary, and that they are serving at a salary of $1,100 each. Before the change was made a couple of years ago half of them, at least, were receiving $1,200 and the other half were receiving $1,000. The House decided to equalize their salaries in the appropriation bill. The messengers as a rule come from the interior of the country. They are not residents of the city of Washington; they come here and attend the sessions of Congress, and I submit that $1,100 a year is inadequate pay for efficient men to perform the sometimes rather delicate and polite functions that apply to the service of messengers of the House. I believe they all ought to be paid at the rate of $1,200 a year, and by insisting in the point of order I could secure that salary for twelve or fourteen of them. The gentleman from Illinois [Mr. MANN] shakes his head.

Mr. MANN. Does the gentleman think that a simple resolution of the House has greater effect in law than an act of Congress passed through the House and Senate and signed by the President?

Mr. CRUMPACKER. It depends upon the resolution and upon the character of the act of Congress. The appropriation bill only purports to be legislation for one year, so that the current appropriation bill will not be legislation after the current fiscal year.

Mr. MANN. But a resolution does not purport to be current law for as long as one year.

Mr. CRUMPACKER. I want to complete my statement. The current appropriation bill ceases to be a law when this one takes effect. Therefore that kind of legislation is not law at all during the period that this bill is to operate.

Mr. MANN. Well, the gentleman would not contend that a simple resolution of one Congress could bind a succeeding Congress?

Mr. CRUMPACKER. I do not say it could bind a succeeding Congress. A succeeding Congress would have the right to deal with a resolution the same as a succeeding Congress would have to deal with any law. It can repeal a resolution or modify it, but I undertake to say that a resolution of either branch of Congress providing for its own internal affairs, affairs that are necessary for the administration of its business, constitutes law in the sense of the rule respecting appropriations. That question has been decided, and the Comptroller of the Currency, on one occasion in a decision, went into the philosophy of the proposition, and stated it to be that each House must of necessity be independent; that if each House had to depend upon the other branch for subsistence and appropriations to carry on its own affairs, it would not have that independence that is essential to a deliberative and independent legislative organism, and under the Constitution the Comptroller of the Currency practically decided that a resolution of this kind for this purpose is law in the general sense. And the decisions of the House, I think, are unbroken that it is law in the sense of the rules respecting the rights of the Committee on Appropriations to make appropriations.

Mr. MANN. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will.

Mr. MANN. Does the gentleman contend that a simple resolution of the Fifty-eighth Congress has any effect whatever upon this Congress?

Mr. CRUMPACKER. Most certainly; a resolution for the domestic economy of the House of Representatives is the law of the House, like all other statutes, until it is repealed.

Mr. MANN. As long as that House continues in existence, but when it ends the law ends.

Mr. CRUMPACKER. I differ with the gentleman. Resolutions creating officers of the House are law until they are repealed. I do not refer to resolutions respecting the parliamentary procedure; each House must have its own rules of procedure.

Mr. MANN. The gentleman will pardon me; it is true that there are a series of rulings of the Chair, which have been very fortunate for the House, upon which we predicate appropriations upon resolutions, but the same series of rulings apply to existing appropriation law, and if you can hang the present proposition on an appropriation bill to a resolution passed fifteen or twenty years ago that lost its force when that House adjourned sine die, you can hang the same proposition upon a law that is now in force. The gentleman, I think, makes a very fine distinction.

Mr. CRUMPACKER. I do not agree with the gentleman at all in his interpretation of the force and effect of resolutions reported and regularly adopted by the House creating officers for the administrative work of the House. They run and continue, in the sense of the rules of the House, applicable to appropriations until they are repealed. It has always been held that a current appropriation bill does not afford legal basis to justify the same kind of an appropriation for another year. That is only law for one year. That is a settled proposition, and the other question is equally well settled the other way. The decisions there have been that way, but, Mr. Chairman, I only want to impress upon the House the fact that while I believe this provision is subject to the point of order, these messengers ought to be paid $1,200 a year, and in doing that I am in no way responsible for any one of the twenty-five. I have no constituent on that force, no one has been appointed to that force upon my recommendation, and I am speaking entirely in the interest of these faithful men, who have come from all parts of the country, and have performed this service at $1,100 a year. I withdraw the point of order.

Mr. GILLETT. I would like to say just a word in answer to the gentleman's proposition. I move as an amendment to insert in line 12, page 19, the words "forty-four pages" instead of "forty-six pages."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 12, page 19, insert before the word "during" the words "forty-four pages."

Mr. GILLETT. And, Mr. Chairman, on that I wish to say a word to indicate the ground which the committee took upon the subject of which the gentleman from Indiana has just spoken. I do not wish to split hairs with him as to the relative weight of resolutions or an appropriation law, but the committee in this whole bill has taken the ground that this was not the time to raise salaries. The proposition was made for us to raise these messenger salaries to $1,200. We thought, regardless of the merits, that inasmuch as we had decided that this was a year when we should be economical and prudent and we were not increasing salaries at all, that it would not be wise to increase the salaries of the messengers of this House and not increase any other messengers throughout the service.

Mr. CRUMPACKER. Let me ask the gentleman if the committee had in mind the fact that by this provision it reduced the salaries of twelve or thirteen of these messengers from $1,200 to $1,100?

Mr. GILLETT. That is the disputed fact. We followed here, as we did in all other cases, the instruction the House had given us before. The House last year fixed these salaries at $1,100, and we did in this instance proceed as we have done in every instance in the bill. We followed what the judgment of the House had declared in the previous Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. I move to amend the amendment by striking out the word "four" and inserting the word "six."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the word "four" and insert in lieu thereof the word "six."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Massachusetts [Mr. GILLETT] as amended.

The amendment as amended was agreed to.

Mr. HUGHES of West Virginia. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 11, after the word "each," insert "messenger in charge of telephones, $1,200."

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

Mr. CHANEY. I desire to inquire if this simply provides for one messenger on one side of the House and not on the other?

Mr. GILLETT. The one on the other side is already provided for.

Mr. HUGHES of West Virginia. This simply provides for

one messenger in charge of telephones, and it was the intention of the Committee on Accounts that this messenger was to take charge of the telephones on both sides of the House, both in the Republican cloak room and the Democratic cloak room, and the Committee on Accounts was further informed by the Democratic members of the Committee on Accounts that they did not want this messenger on their side of the House.

Mr. CHANEY. Mr. Chairman, the man in charge of the telephones on the Democratic side of the House performs precisely the same service as the telephone messenger on the Republican side of the House, and he is getting about $75 a month on the Democratic side of the House, whereas on this side the messenger is getting $1,200. And I think it is fair that the messenger on the other side of the House should have $1,200. I therefore move to amend the amendment by making the salary of the messenger on the Democratic side of the House $1,200.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. Let the amendment be reported. The gentleman from Indiana [Mr. CHANEY] offers an amendment to the amendment offered by the gentleman from West Virginia [Mr. HUGHES], which the Clerk will report.

The Clerk read as follows:

Amend the amendment so as to read:
"Two messengers in charge of telephones, at $1,200 each."

Mr. CHANEY. One messenger in charge on the Democratic side and one messenger in charge on the Republican side.

Mr. GOULDEN. Mr. Chairman, I raise a point of order on that amendment.

Mr. HUGHES of West Virginia. I raise the point of order, Mr. Chairman.

Mr. BARTLETT. I ask that the original amendment and the amendment thereto be read.

The CHAIRMAN. The Chair understands that the gentleman from West Virginia [Mr. HUGHES] makes a point of order to the amendment offered by the gentleman from Indiana [Mr. CHANEY]?

Mr. HUGHES of West Virginia. Yes, sir.

The CHAIRMAN. The Chair sustains the point of order. The question comes upon the amendment offered by the gentleman from West Virginia [Mr. HUGHES].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For clerk hire, Members and Delegates: To pay each Member and Delegate for clerk hire, necessarily employed by him in the discharge of his official and representative duties, $1,500 per annum, in monthly installments, $594,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of one of the gentlemen in charge of this bill. Possibly the gentleman from Massachusetts [Mr. GILLETT] can enlighten me. I observe on the back of the check which Members of Congress sign in obtaining clerk hire, the following legend, "If indorsement is made by mark (x) it must be witnessed by two persons who can write, giving their place of residence in full." I desire to ask of the gentleman from Massachusetts the necessity for this provision, and how many of the Members of this House, in his judgment, avail themselves of it? [Laughter.]

Mr. GILLETT. Mr. Chairman, I do not think that was adopted with any personal reference to the gentleman from Ohio. [Laughter.] In fact, I understand it is on all Government checks, and it is put upon the checks that apply to this House as well as all others.

Mr. TAWNEY. As an administrative order. [Laughter.]

The Clerk read as follows:

Toward the construction, mechanical equipment, electric lighting, and roofing of a stack of shelving for bound newspapers and books in the southeast court of the Library building, to cost not exceeding $320,000, $100,000.

Mr. MANN. Mr. Chairman, I reserve or make the point of order to lines 5 to 9, on page 34. I reserve the point of order for the present, if I may. I would like to ask the gentleman in charge of the bill in reference to the matter included in this paragraph.

Mr. BINGHAM. I would say to the gentleman I will ask my colleague to reply to him.

Mr. MANN. In the first place, the House now has over in the Congressional Library an old file in bound volumes, probably thirty or forty stacks, as I now remember. They were transferred over there a year or two ago, and it was expected they would be transferred to the new Office Building when that building was completed. The Library people are very anxious to get rid of them. They want the space they use for newspapers. There is plenty of room in the attic of the Office Building. It is simply a matter of having them transferred over there and having the proper cases erected to put them in. I suppose it would require metallic cases. I requested the Superintendent of the Capitol to make an estimate of what the expense would be. I do not know whether he has made the estimate or not. I have not asked him since. I do not know who would have jurisdiction over a proposition of that kind in the House. There ought to be some way, and I ask these gentlemen whether they can help me out and see how the money can be provided to erect the necessary shelves in the attic of the Office Building so that these House files may be transferred there. I do not know, but there might be a considerable additional amount of space in the attic used by the Library of Congress for other purposes.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. TAWNEY. Do you know whether the House has any occasion to use the space in the attic in connection with the occupation of the Office Building by Members of the House other than the old files belonging to the House, which are now stored in the Library?

Mr. MANN. Well, I do not know what the attic may be used for as time goes on.

Mr. TAWNEY. How much space is there that would be available?

Mr. MANN. The full width of the building all the way around. The building is so constructed that as the membership of the House increases, if it should increase, it is possible to erect an additional story on the court side of the building. Of course that would cut through the attic; and at present, as I understand, it is the desire of the Superintendent of the Capitol that no permanent fixtures be put in the attic on the court side. But there is what you would call a walk down the center of it. For storage purposes of any kind I see no reason why it could not be utilized by the Library of Congress or any other departments under the control of Congress directly. There is an immense amount of space there. I do not know how much; I have not had it measured, but it is the full width of the building the entire distance around. There is some little machinery in connection with the exhaust fans that ventilate the building, but they occupy very little space. I went over there with Mr. Woods and some members of the special committee to see how much space would be required for the House files in the Library, and the amount of space required is nothing as compared with the total amount of space there.

Mr. TAWNEY. What is the height of the ceiling in the attic?

Mr. MANN. It ranges from the edge of the attic, probably 4 to 4½ to 5 feet, and in the center of the attic, why, it is 15 feet or more in height.

Mr. TAWNEY. The purpose of my inquiry, Mr. Chairman, is: I understand that the Librarian desires this additional space primarily for the storage of newspaper files that are accumulating very rapidly in the Congressional Library. The question in my mind was whether the space now occupied by these newspapers could not be utilized for book space and book shelves if the newspapers were transferred to the attic of the Office Building. That is the only purpose of my inquiry.

Mr. MANN. The space now occupied in the subbasement of the Library by the House files, as I understand, is desired for the storage of newspaper files in part. Mr. Wood and Mr. Boyd, the assistant librarian, and all of us who examined the matter were fully of the opinion from what we know of the attic that it was a simple matter to erect the necessary cases for the House files and to erect cases that would provide the necessary space for use in other respects.

I do not know whether it is practicable to put an item in this bill that would cover the matter or not. I wonder if the gentleman would be willing to pass this paragraph to see whether we can insert an item, which they would agree to, so that these files may be transferred over, if we can get at the amount of cost. As far as the point of order is concerned, I withdraw that. I have no desire to insist upon it.

The CHAIRMAN. The gentleman from Illinois does not make the point of order.

Mr. GILLETT. Then, if the gentleman withdraws the point of order, I am perfectly willing to see what we can do about the matter he suggests. This is the first time it has occurred to me. I think if it had been brought before the attention of the committee we would have been glad to cooperate with him, for it strikes me as a desirable object, and I am perfectly willing that the gentleman may draft an amendment, or, perhaps,

on consultation, we can draw something which will allow this to come up, by reverting back to some proper place in the Library appropriations, to put on such an amendment.

There is one thing that occurs to me, and that is that the gentleman will remember that one of the reasons why the files of the House were moved to the Library was that it was discovered that a great many valuable autographs had been cut out from the papers and that the files had been tampered with, and the purpose was to put them in some place where they would be safe and under careful protection. Perhaps that could be properly arranged.

Mr. MANN. I will say to the gentleman on that point that Mr. Woods and I went over to the building the other day, and we figured that by erecting metal cases for these files and then building around them a wire screen, with a lock upon it, the key of which, I suppose, would be in charge of the Clerk of the House, nobody would have access to the files except the employee of the House who was responsible for them, and nobody else could get to them.

Mr. GILLETT. I ask unanimous consent, then, that the committee may at any time revert to the proper clause in the appropriations for the Library for the purpose of making such an amendment as the gentleman may draft.

The CHAIRMAN. The request is not that this paragraph be passed without prejudice?

Mr. GILLETT. No.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the committee may, at any time during the consideration of the bill, return to the paragraph with reference to the Library, for the purpose of inserting an amendment such as has been suggested by the gentleman from Illinois. Is there objection?

There was no objection.

Mr. FITZGERALD. I wish to ask the gentleman from Massachusetts a question. If an agreement can be devised by which this space can be utilized in the new Office Building for these newspaper files, will not that eliminate the necessity for an appropriation for this book stack?

Mr. GILLETT. If the gentleman can tell me how large a space these files now occupy in the Library. I have not the least idea how much that will relieve the Library.

Mr. FITZGERALD. I do not know, but it seems to me if not only the document files but a number of these newspaper files could be stored in the House Office Building it might be possible to defer the commencement of this work, about which there is some difference of opinion.

Mr. GILLETT. That depends entirely on the amount of material, as to which I am absolutely ignorant.

Mr. McCALL. I believe there are some 35,000 bound volumes of newspapers. They are very frequently consulted. They are now located in the basement and are reached with a great deal of difficulty. It requires quite a strain upon the force to get these volumes and bring them up for the use of those who go to the Library desiring to make use of them. Of course it would be very inconvenient, even more inconvenient than it is at present, if these newspapers were put into another building like the House Office Building. It would take more time to get them; it would involve more labor.

Mr. TAWNEY. Will the gentleman state what kind of newspapers are bound and stored away in the files of the Congressional Library—how many daily newspapers throughout the United States?

Mr. McCALL. They have restricted the number of newspapers now that they bind. I think now they are binding only at the rate of 150 newspapers a year.

Mr. TAWNEY. Do they take the Sunday papers and bind everything that comes in the paper—the funny sheet, the advertisements, and everything else?

Mr. McCALL. I do not know whether they bind the funny sheet or not.

Mr. TAWNEY. Well, they do.

Mr. McCALL. I think it is very important that there should be some collection in the United States of the newspapers of the United States. As Lord Macaulay says, "The newspapers give the current history of the times." The British Museum, which has a marvelously great collection of books, preserves all the local newspapers of Great Britain. Some time ago it was suggested in Parliament that the newspapers of certain localities be sent to libraries in those localities, which would have relieved the strain a good deal upon the British Museum, only keeping the most important newspapers bound there. But it was voted down in Parliament, and a separate building was constructed in which to store them. Newspapers are very much used by men who write history, more so now than ever before. Of course they must read them with a good deal of skepticism and a good deal of care.

In addition to the demand for extra shelving space for newspapers, there is a very imperative demand for extra shelves for books. The Committee on the Library have been considering this matter for a number of years, and the plan which is now proposed, for which the Superintendent of the Library has made plans and specifications, seems to secure altogether more for the money than any other plan, and that is to put a lid on one of the courts that is not seen by the public, practically surrounded almost entirely by administrative parts of the Library, such as is proposed in this bill; simply by putting a lid on, stacks can be secured there which will increase by 60 per cent the entire shelving capacity of the Library.

Mr. FITZGERALD. Will the gentleman yield?

Mr. McCALL. Certainly.

Mr. FITZGERALD. The gentleman from Massachusetts is a member of the Joint Committee on the Library?

Mr. McCALL. He is.

Mr. FITZGERALD. Two years ago, I think it was, $2,500 was appropriated to obtain plans and estimates for whatever enlargement was necessary of the Library. My information is that that has not been done. I would be glad to see the work postponed until the gentleman's committee has an opportunity to present those plans to the House. Does not the gentleman think that that would be wise?

Mr. McCALL. Mr. Chairman, I would rather that the gentleman should complain that we have not spent the $2,500 than to express approval that we had. In the first place, I do not understand that the $2,500 was to be spent under the direction of the Committee on the Library. In the next place, I think the expenditure is entirely unnecessary.

Mr. FITZGERALD. I have not expressed surprise that the gentleman's committee did not spend the money. I am anxious about the plans.

Mr. McCALL. The proposition was that if this plan should be approved by the joint committee, that much might be expended to secure plans. I do not know of any more capable man in the world to prepare plans than the man now paid $5,000 to superintend the Library building or a more accomplished gentleman in his line. He was connected with the work before the building was put up, and he has done his work remarkably well. He has prepared plans, which I hold in my hand, and specifications, and I believe they are as good as can be prepared by any architect.

Mr. BURLESON. And will save the Government over a million dollars.

Mr. McCALL. Yes; it will save the Government a vast sum of money. The Committee on the Library is satisfied that this is a good plan to adopt. They do not believe that the two west courts should be invaded or used for any such purpose, but there can be a roof put upon this court that I speak of. It was suggested by a former colleague of the gentleman from New York, a member of the Committee on Appropriations, Mr. Littauer. It is an admirable suggestion, and it will increase the shelving capacity of the Library by 60 per cent and will only cost about 5 per cent of the cost of the building. From an economic standpoint it seems to me a very desirable thing to be done.

Mr. FITZGERALD. Are these plans which the gentleman refers to the plans originally made, the plans first prepared, or the plans last prepared, or plans that were prepared between the two?

Mr. McCALL. I can not tell when they were prepared.

Mr. FITZGERALD. I asked the question because I have heard it said by Members who have investigated that there practically have been three plans prepared by this gentleman of whom the gentleman from Massachusetts speaks. It occurred to me that the committee of which the gentleman is a member should make a careful investigation of this matter.

Not only that, but the estimate of the cost has gone up, as I understand, from $100,000 to $150,000, and then to $180,000, and now $320,000. If it is going to continue in that way, I agree with the gentleman that we had better adopt it now before it gets any higher, and I hope the gentleman's committee will make that thorough investigation that was contemplated, so that the House can act intelligently on this matter.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. McCALL. I would like two or three minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. McCALL. Certainly the Committee on the Library has not been informed that there has been such a variety of plans made by Mr. Green to accomplish this particular result.

There was a scheme originally to carry up the roof so as to have two or three stories, and another to build out a separate structure. Perhaps the gentleman refers to these as plans, but I am not aware, and I think the gentleman is not aware that any plans have been made more than this one set for utilizing the stack in the way it is now proposed to utilize it.

Mr. FITZGERALD. No; I agree with the gentleman. I think this suggestion is entirely different from the other two that were made to the Committee on Appropriations emanating from the same source, and it is just possible that in view of the fact that each year has seen a new scheme suggested, next year there may be a different one proposed.

Mr. McCALL. Of course we are liable to change our minds.

Mr. BURLESON. The new scheme was suggested because of the increased necessities of the Library.

Mr. McCALL. It does not seem possible to suggest a plan that will accomplish so much. This has been talked of for years.

The Clerk read as follows:

For three Commissioners, at $4,000 each; chief examiner, $3,000; secretary, $2,500; assistant chief examiner, $2,250; two chiefs of division, at $2,000 each; three examiners, at $2,000 each; seven clerks of class 4; fourteen clerks of class 3; twenty-four clerks of class 2; twenty-nine clerks of class 1; twenty clerks, at $1,000 each; ten clerks, at $900 each; five clerks, at $840 each; one messenger; engineer, $840; one telephone switch-board operator; two firemen; two watchmen, one elevator conductor, $720; three laborers; and three messenger boys, at $360 each; in all, $175,410.

Mr. MADDEN. Mr. Chairman, I desire to reserve the point of order on the item providing for seven clerks, page 26, line 9, and on line 10 fourteen clerks, line 10 twenty-four clerks, line 11 twenty-nine clerks. I just desire to reserve the point of order on this for the purpose of ascertaining whether the chairman of the committee can give me some information about it.

Mr. BINGHAM. What was the point of order? This was current law.

Mr. MADDEN. Oh, no; this is increasing the number of clerks very materially over current law.

Mr. BINGHAM. It is simply the increase of work that runs through the entire bill. If the gentleman's point stands, it will strike out every increase because of increased work recognized throughout the bill. It is just simply the natural increase of work in all Departments of the Government, using exactly the same verbiage.

Mr. MADDEN. Is there a sufficient increase in the work of this Department to warrant the employment of so many additional clerks?

Mr. GILLETT. Mr. Chairman, I can assure the gentleman that there is. I think this one fact will indicate it. The gentleman knows that the rural carriers have recently been put under the civil service, which is a very large increase of work in itself. They are now I forget how many months behind, but several months.

Mr. BINGHAM. Six months.

Mr. GILLETT. I think there are 19,000 blanks they have not yet been able to examine, and they asked for many more clerks than this gives them. Personally, I think they ought to have more than this.

Mr. BURLESON. We did not give them as many as they asked.

Mr. MADDEN. I withdraw the point of order.

The Clerk read as follows:

DEPARTMENT OF STATE.

For compensation of the Secretary of State, $12,000; Assistant Secretary, $6,000; Second and Third Assistant Secretaries, at $5,000 each; chief clerk, $3,000; two assistant solicitors of the Department of State, to be appointed by the Secretary of State, at $3,000 each; law clerk, and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; two chiefs of bureaus, at $2,250 each; six chiefs of bureaus, at $2,100 each; two translators, at $2,100 each; additional to Chief of Bureau of Accounts as disbursing clerk, $200; private secretary to the Secretary, $2,500; clerk to the Secretary of State, $1,800; fifteen clerks of class 4; fourteen clerks of class 3; twenty-three clerks of class 2; thirty-six clerks of class 1, two of whom shall be telegraph operators; fourteen clerks, at $1,000 each; sixteen clerks, at $900 each; chief messenger, $1,000; five messengers; twenty-two assistant messengers; messenger boy, $420; packer, $720; four laborers, at $600 each; one telephone switch-board operator; one assistant telephone switch board operator; carpenter, $1,000; for emergency clerical services, to be expended by the Secretary of State in his discretion, $2,000, or so much thereof as may be necessary; in all, $248,900.

Mr. MACON. Mr. Chairman, I make a point of order against the paragraph, beginning in line 3, providing for the increase of the salary of the Assistant Secretary from $4,500 to $6,000; also to the increase of the salaries of the Second and Third Assistant Secretaries from $4,500 to $5,000.

Mr. MANN. Mr. Chairman, I wish to make the point of order against the portion of this paragraph, lines 6 and 7, on page 38, "to be appointed by the Secretary of State," and in lines 8 and 9, on the same page, "to be selected and appointed by the Secretary of State."

Mr. BINGHAM. I understand the gentleman from Arkansas reserves the point of order?

Mr. MACON. Yes.

Mr. DALZELL. Mr. Chairman, I observe in looking over the bill that in the State Department the salaries of three Assistant Secretaries of State have been increased, the First Assistant from $4,500 to $6,000, the Second and Third from $4,500 to $5,000 each; and in the Treasury Department the salaries of the three Assistant Secretaries of the Treasury have been increased from $4,500 to $6,000 in all cases. In the War Department the Assistant Secretary of War's salary has been increased from $4,500 to $6,000, the Assistant Secretary of the Navy has had his salary increased from $4,500 to $6,000. In the Interior Department the First Assistant Secretary's has been increased from $4,500 to $6,000, and an Assistant Secretary's from $4,500 to $5,000. In the Post-Office Department the three assistants have each had their salaries increased from $5,000 to $6,000 in one case, and $4,500 to $5,000 in two cases, and in the Department of Commerce and Labor the Assistant Secretary has been increased from $5,000 to $6,000. Now, Mr. Chairman——

Mr. LIVINGSTON. May I suggest to the gentleman the basis upon which that was done?

Mr. DALZELL. Mr. Chairman, I have no objection to increasing the salary in any of these cases. I think probably they ought to be increased, but what I want to call attention to is the fact that there has been no increase of salaries in the Department of Justice. The Solicitor-General's salary has not been increased, none of the assistant attorneys have been increased, and yet they were estimated for by the Attorney-General and his testimony was taken before the committee. Now, it seems to me, Mr. Chairman, conceding that these salaries ought to be increased, as I do, that it is manifestly unfair that any discrimination should be made between these assistant secretaries and the Solicitor-General and the Assistant Attorneys-General in the Department of Justice. The Solicitor-General ought to be and is a lawyer qualified to meet the best lawyers in the United States. He is occupied almost every day in arguing cases of large importance in the Supreme Court of the United States. We all know that the Attorney-General, to a large extent, has ceased to be anything but a Cabinet officer. Almost the entire administration of the Department, in so far as court business is concerned, falls upon the shoulders of the Solicitor-General, and it does seem to me this is making a very unjust discrimination. Now, for instance, you have increased the salary of the Assistant Secretary of the Treasury, whose business it is to attend to revenue matters. Now, the time of one of the Assistant Attorneys-General is almost exclusively devoted to attending to those matters at the instance of this Assistant Secretary of the Treasury. It seems to me it is unfair to draw this distinction between them. These gentlemen are lawyers, professional men, qualified to attend to professional matters and, as I have already said in the case of the Solicitor-General, called upon to meet the best legal talent in the United States in defending the interests of the Government, and while I do not object to these increases of salary of the assistants in the various Departments I do hope that if this point of order be not sustained and these salaries be allowed, that when we come to deal with the Department of Justice the committee will do justice to the Solicitor-General.

Mr. LIVINGSTON. May I state to the gentleman that the Solicitor-General now gets $7,500 and the next man below him $7,000——

Mr. DALZELL. I understand that.

Mr. LIVINGSTON. We made this promotion a year or two ago, and we did not think it was necessary——

Mr. DALZELL. I have read the testimony of the Attorney-General before the committee, and it seems to me that he makes out quite as good a case, and in my judgment a little better, with respect to his subordinates than is made out for any of these Assistant Secretaries in the Treasury, Department of State, or Navy Department, and I hope that justice will be done all around. If you are going to cut down these salaries, well and good. If you are going to advance them—and I am perfectly willing you should—let us deal justice alike to all of them.

Mr. MANN. Will the gentleman yield for a question?

Mr. DALZELL. Certainly.

Mr. MANN. Of course the gentleman knows that the salaries for these Assistant Secretaries are the salaries that have

been provided by law for a long time, except for the Department of Commerce and Labor, whereas the assistant to the Attorney-General was just created two or three years ago, and the salary then fixed was based upon modern salaries, I suppose. Now, does not the gentleman draw a distinction between a salary fixed twenty-five or thirty years ago and a salary fixed by Congress two years ago as to the desirability of an increase?

Mr. DALZELL. I should think, of course, a salary fixed two years ago would be more nearly just than one fixed twenty-five or thirty years ago, but I would say, intrinsically, that the salary of the Solicitor-General is not a fair salary for a lawyer of his necessary attainments, and I believe anyone familiar with the work of the present Solicitor-General would be willing to testify that he is well qualified to perform all the duties he is called upon to perform.

Mr. MANN. I think the gentleman is right in that respect, undoubtedly.

Mr. LIVINGSTON. May I suggest, if my colleague will permit me——

Mr. BINGHAM. Mr. Chairman, one moment. Your committee reached the conclusion that the present compensation of the Assistant Secretaries who might be called upon to perform full service during the absence of the Secretary should receive a larger compensation and that Assistant Secretaries who are not either so authorized under the law or authorized by the President should receive, perhaps, less salary than the one who would act during the absence of the Cabinet officer or Secretary.

Therefore, without regard to the Solicitor-General, we rated them as consistent at $6,000. We gave the three Assistant Secretaries of the Treasury, who can be designated by the President to act in the absence of the Secretary, $6,000. All other secretaries who do not act in the absence of the Secretary shall receive $5,000. We have been consistent. The fact that the Solicitor-General receives $7,500 per annum, while there may be lines of work that he may do in the absence of the Attorney-General, we allowed to remain just as it was. It did not impress the committee as an immediate necessity. Congress having increased the compensation of all the secretaries of the Departments from $8,000 to $12,000, we concluded a reasonable increase would be accepted by the Congress, and therefore fixed the $6,000 and $5,000 allowances as fair and just for the assistant secretaries acting as I have submitted.

Mr. LIVINGSTON. I do not think the criticism made by the gentleman from Pennsylvania [Mr. DALZELL] is a good one. If he will turn to page 140 of the bill, he will see that the Solicitor-General gets $7,500. Now, then, the assistant to the Attorney-General, which stands in place of the first assistant in any of these Departments, who, under law, is authorized to act for the head of the Department, only gets $6,000, while this man's assistant gets $7,000. Now, we have raised the salaries of those that can not act for the head of the Department from $4,500 to $5,000. If you will notice on page 141, line 2, you will see five Assistant Attorneys-General are raised to $5,000. The Assistant Attorneys-General that are designated or detailed to the several Departments stand at $4,500. I think his committee has been extremely liberal with the Department of Justice.

Mr. DALZELL. If my friend will allow me, I do not think there is any increase of the salaries of the Assistant Attorneys-General.

Mr. LIVINGSTON. Not in this bill, but, as I said a moment ago, two years ago we made these salaries sufficiently high not to be affected now in this bill.

Mr. DALZELL. The Assistant Attorney-General gets $7,500. He is more than a $7,500 lawyer. Any lawyer can get $7,500 in a country town, and here is a lawyer engaged every day of the week in arguing cases in the Supreme Court of the United States with the best legal talent in the country.

Mr. LIVINGSTON. This is above the average that lawyers get as officials of the United States—$7,500.

Mr. DALZELL. I am sorry for them, then. I do not know where they are.

Mr. LIVINGSTON. He has had no difficulty heretofore in getting a good lawyer at $7,500.

Mr. MANN. Does the gentleman know any Assistant Secretary in a Department of the Government, capable as they are, whom he would be willing to have take charge of the legal end of the Government in the great legal work that is now going on?

Mr. LIVINGSTON. No.

Mr. MANN. That is very likely, but that probably does not apply to the Assistant Attorney-General or to the Solicitor-General. While I apprehend no increase can be made in this bill, and I certainly have no criticism of the committee, I think, as the gentleman from Pennsylvania [Mr. DALZELL] remarked, it is true that as long as the Government is carrying on legal work against private talent paid at the rate of $25,000 to $200,000 a year or more, the Government ought to be willing to pay for services in the Supreme Court of the United States more than $7,500 a year and obtain talent that corresponds. I think, however, the talent corresponds now.

Mr. LIVINGSTON. I think that is not only true with the Department of Justice, but it is true with the Post-Office Department, with the State Department, with the War Department, and the assistants in the War Department were not put there with the view of controlling the Department. If the head of the Department is competent, it does not make a great deal of difference as to who his assistants are. If he is competent, then I admit that the argument of the gentleman from Pennsylvania [Mr. DALZELL] comes with a great deal of force.

Mr. DALZELL. The Solicitor-General is not an assistant. He is virtually the head of a Department.

Mr. LIVINGSTON. The Solicitor-General is not the head of the Department. The Attorney-General is the head.

Mr. DALZELL. Nominally the Attorney-General is the head of the Department. He is a Cabinet officer. I mean to say that while the Attorney-General has in a number of cases gone into the Supreme Court, the Solicitor-General in all the cases during the last two or three Administrations has done all the court work.

Mr. MANN. Not all. Attorney-General Moody frequently appears in the Supreme Court.

Mr. DALZELL. In almost all. He is recognized as in charge of that particular work.

Mr. MANN. There is no comparison in experience between the Solicitor-General and any secretaries of any Departments that I know of.

Mr. LIVINGSTON. I am willing to admit that.

Mr. MANN. The secretaries are comparatively young men, usually appointed without any great deal of experience, educated in the Department at the expense of the Government, and make very good secretaries. The three secretaries of the Department of State—why, they do not have many more than three clerks. There is not a great deal of work possible to be done, properly divided. It is not the character of ability that is required on the part of a man as a law officer representing the Government in the Supreme Court against these great lawyers employed by private corporations. You can not expect to win cases in the courts unless you have the best ability to present the cases.

Mr. GILLETT. Mr. Chairman, I would like to say a word upon the point of order we seem to be discussing. The duties of the Solicitor-General are prescribed by statute. He is authorized to assist the Attorney-General in the performance of his duties and, in case of vacancy in the office of the Attorney-General, or his absence, to have power to exercise all the powers of his office.

Mr. DALZELL. Nominally.

Mr. GILLETT. But I agree with what the gentleman from Pennsylvania said about increase of salary for the higher offices of the Government. That applies, in my opinion, not only to the Solicitor-General, but to all the other offices and to all the Departments. My opinion is that the higher officers in our Government are underpaid. I think the whole force of the Government, clerical and administrative, ought to be reclassified and their salaries revised. I think in the last Congress, when we increased our own salaries, there was a general expectation in the executive force that in this Congress their salaries would be revised. I shared that expectation. I think the service ought to be reclassified. When we came to make up this bill we had the estimates of the different Departments making increases, but the committee concluded that under the present financial and industrial conditions we should not be justified this year in bringing in a bill that would accomplish that object. Therefore this bill has scarcely any increases. I think it should consistently have none. The committee has brought in a few increases, but I think that there are many more just as justifiable as those. I shall feel it my duty, believing, as I do, that this is not the time for increases, to make the point of order against any increases such as the gentleman suggests.

Mr. DALZELL. Well, against this pending now?

Mr. GILLETT. I shall not make the point of order against anything the committee has adopted, whether I approved it or not; but when any new amendment is offered, I shall feel it my duty to make the point of order.

Mr. MACON. Mr. Chairman, I insist upon the point of order. I am opposed to this class of legislation; this manner of increasing salaries. If any of the various officers of the Government are not receiving salaries sufficiently large to main-

tain themselves upon, then there ought to be a systematic effort made on the part of those in charge of the conduct of the Government to have the salaries increased to an amount sufficient to sustain them; but they ought to be increased by direct law and not upon appropriation bills. I do not believe it is right to pay one officer a certain salary, and another, equally meritorious and efficient, a different salary. I think salaries ought to be equalized, but I do not think they can be equalized upon an appropriation bill. If I happened to be upon a committee, and I had a personal friend at the head of one of these Departments, he could appeal to me, perhaps, in a different manner from that employed when dealing with a stranger, and I might use such influence as I had with my colleagues upon the committee and encourage an increase of my friend's salary, when some one in some other branch of the Department equally as meritorious as my friend, equally as capable as he, equally as worthy of increased pay as he, would not receive an increase because he did not have a friend on the committee. I insist that this is not the proper way of increasing salaries, and for that reason I insist upon my point of order.

Mr. Chairman, I want to add one other thought, which is that the country is not in as good condition financially this February as it was last February, and therefore this is no time for raising salaries. We have undergone a severe panic, which has shaken nearly every interest of the country from one end of it to the other, and we ought to stay close to the shore for a while.

Mr. BINGHAM. Do I understand the gentleman to insist upon making the point of order throughout the bill?

Mr. MACON. I do.

Mr. GILLETT. I would like to ask the gentleman what his point of order is? As I hear it made, it applies to the secretary, or does it apply to some of the clerks? As to them, I do not think his point of order can be sustained, and therefore I would like to know to what he addresses his point of order.

Mr. MACON. I will not insist upon the point as to the increased number of clerks, because I do not know whether they are needed or not. I have no desire to cripple the public service in any way. If they are needed, they ought to be provided for in this bill. Existing law warrants that. So I make the point of order against the increase of the salaries of the three assistant secretaries only.

The CHAIRMAN. The gentleman from Arkansas makes the point of order against the increase of the salary of the assistant secretary, $6,000, and the second and third assistant secretaries, $5,000, in lines 3, 4, and 5. The Chair understands that to be the point of order made by the gentleman from Arkansas.

Mr. MACON. Yes.

The CHAIRMAN. The Chair would ask any member of the Committee on Appropriations if he can refer to any law which will support or sustain the increase carried in the bill?

Mr. GILLETT. Mr. Chairman, I do not know of any such. I think the point of order is well taken, if the gentleman insists upon it.

Mr. LIVINGSTON. There is no doubt about it.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. MANN. Mr. Chairman, I had a point of order, upon page 38, commencing with line 6, against the words "to be appointed by the Secretary of State," and also commencing with line 8, "to be selected and appointed by the Secretary of State." It changes the law as to the method of the appointment of these officials.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. MANN. This changes the provision as to the method by which these officials are appointed. The law now provides that these officials may be appointed under the provision of the civil-service act, through the civil-service regulations, where they are covered into the civil service, and gives to the President the right to put them into the classified service, to be appointed from the eligible list. This changes that law, and provides that these officials shall be appointed directly by the Secretary of State. It is a change of the existing law upon that subject.

Mr. BINGHAM. In reply to the gentleman, I will state that we have used the exact verbiage in the bill that has been used for years past, and I understand the facts to be just the reverse, that these officials are exempted, under the rulings of the Civil Service Commission.

Mr. MANN. Whether they are exempted or not under the rulings of the Civil Service Commission, it is by Executive order. I do not know whether they are or not.

Mr. BINGHAM. It is by Executive order.

Mr. MANN. But the Executive order may be changed at any time under the civil-service law. Now, if they are exempted under the civil-service law, why does the gentleman want to put it in here? I say the purpose of the item is to change the law. The law now leaves them to be appointed in accordance with the civil-service rules, and the fact that this is in the current law makes no difference. The same matter precisely was ruled upon a few days ago by the gentleman from New York [Mr. PERKINS], Chairman of the Committee of the Whole, when the Indian appropriation bill was under consideration.

Mr. BINGHAM. I am perfectly willing to accept the gentleman's suggestion to strike it out. The fact is, it remains in effect the same.

Mr. MANN. Very likely. I do not care anything about that.

Mr. GILLETT. I wish to suggest that the point of order is against a phrase which has been used year by year for these same clerks or officials. The point of order accomplishes nothing, because at present they are exempt from the civil-service rule, and therefore it makes no difference whether the words are in or not. I confess that it appears to me that technically the gentleman is right; that technically the use of the words "to be appointed by the Secretary" does change existing law, and, inasmuch as it makes no difference practically, it is quite indifferent to the committee how the Chair rules.

The CHAIRMAN. On the face of the proposition, unless the gentleman can state something specific, the Chair is inclined to sustain the point of order. Therefore the point of order is sustained.

Mr. BINGHAM. Mr. Chairman, on page 38, line 3, in lieu of $6,000, I move to insert $4,500; and in line 4, in lieu of $5,000, I move to insert $4,500, and I offer that amendment to correct the verbiage of the bill, under the decision of the Chair.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which will be reported by the Clerk.

The Clerk read as follows:

After the first word "dollars," in line 3 on page 38, insert the following:

"Assistant secretary, $4,500; second and third assistant secretaries, at $4,500 each."

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WASHBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4922. An act providing for the platting and selling of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes;

S. 4541. An act to authorize the sale of 640 acres of the lands of the Cheyenne and Arapahoe Agency and the Arapahoe School, Oklahoma, and the use of the proceeds thereof;

S. 4289. An act for the relief of the people of Hartshorne, Okla.;

S. 4260. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906;

S. 3778. An act for the relief of the Minnesota and Ontario Bridge Company;

S. 3726. An act to authorize the Twin City Power Company to build, operate, and maintain two dams across the Savannah River, above the city of Augusta, in the State of Georgia;

S. 3342. An act to construct and place a light-ship opposite the entrance of St. Johns River, Florida;

S. 2886. An act for the relief of the legal representatives of the late firm of Lapene & Ferre;

S. 652. An act to create the office of captain in the Philippine Scouts;

S. 389. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico; and

S. 5155. An act authorizing the exchange of lands for the enlargement of maneuvering grounds.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For books and maps and periodicals, domestic and foreign, for the Library, $2,000.

Mr. MADDEN. Mr. Chairman, I was not aware that the reading of the paragraph with reference to the State Department had been completed, and I ask permission to inquire of the gentleman in charge of the bill whether the investigation

made into the needs of the State Department showed that three additional clerks of class 2 and two of class 1—one additional clerk, at $900—were found to be necessary to keep up the work of the State Department. There appears on page 38 of the bill, commencing at line 21, an item providing for twenty-three clerks, when last year there were only twenty-one; in the same line an item for thirty-six clerks, where last year there were but thirty-four; in line 22 an item for fourteen clerks, when last year there were but eleven; in line 23 an item appropriating for sixteen clerks, when last year there were but fifteen. While I do not wish to make a point of order on this matter, I would like to know from the members of the committee who made the investigation whether they are perfectly satisfied that the work of the State Department has increased so much as to require this increase of clerks.

Mr. BINGHAM. I would state to the gentleman that throughout the entire bill it is reported after a thorough investigation and is the best judgment of the committee to make certain lines of increase. Now, in connection with the statement of the gentleman in reference to the State Department, they now have 167 clerks, and they asked for 187, an increase of 20. We gave an increase of 9 wholly on the ground of necessity, because of an increase of work in that Department. That is the answer to the gentleman's line of criticism that will apply throughout the entire bill. It is the judgment of the subcommittee as well as the judgment of the general committee.

Mr. MADDEN. It did not seem to me that the work of the State Department had increased enough to warrant this additional expenditure. While I was not a member of the subcommittee that made the investigation as to the needs of the Department, my knowledge of the Department, I think, is sufficient to warrant me in believing, at least, that to add to the already great amount appropriated for the conduct of this Department is to increase the extravagance that is practiced in that Department.

Mr. CRUMPACKER. Will the gentleman yield to me for a question?

Mr. MADDEN. Certainly.

Mr. CRUMPACKER. The gentleman from Illinois is a member of the Committee on Appropriations, and is familiar, doubtless, with the methods of the committee's investigation of these questions. I am not a member of that committee. I would like to know if it is the practice of the Committee on Appropriations to report appropriations to this House for its consideration that the committee does not regard as necessary or proper?

Mr. MADDEN. I would not think that was the disposition of the committee, and it is doubtless the policy of the committee to report only what a majority of the members believe to be just, fair, and right.

Mr. CRUMPACKER. I asked the question as an innocent bystander. I have been in the habit of accepting the report of the Committee on Appropriations with a good deal of assurance, but in view of the unusual question asked by the gentleman from Illinois, whether the committee really thought the appropriation was necessary, I did not know but possibly it might be the habit of the Committee on Appropriations to report things to the House that it did not regard necessary.

Mr. MADDEN. The fact that certain members of the committee do not believe in the necessity of a certain appropriation is no evidence that each member of the committee is not conscientious in making the report and in the performance of his duty.

Mr. DRISCOLL. Will the gentleman allow me a question?

Mr. MADDEN. Yes.

Mr. DRISCOLL. I would like to ask the gentleman whether or not it is the custom of the subcommittees of the general Appropriation Committee to make reports and bring appropriation bills into the House for the consideration of the whole committee without submitting them first to the Appropriation Committee?

Mr. MADDEN. No; it is not; they are all submitted to the full committee.

Mr. DRISCOLL. Then the gentleman had an opportunity to see this bill before it came in?

Mr. MADDEN. No; not to the extent I would like to see it.

Mr. DRISCOLL. Does the subcommittee prepare large bills like this and have them brought in here for consideration without first giving the members of the general Appropriation Committee the opportunity of examining them?

Mr. MADDEN. The work of the subcommittee in this instance was submitted to the full committee for a cursory examination. The examination to which the whole committee was admitted consisted of less than two hours. I want to submit that it is impossible for members of the committee to consider important questions involved in a bill of this magnitude in two hours.

Mr. DRISCOLL. I agree with the gentleman on that.

Mr. GILLETT. The gentleman from Illinois is mistaken in his facts. The report of the subcommittee was made to the full committee, and the examination by the full committee lasted from half past 10 to 12 o'clock and from 2 to nearly 4 o'clock in the afternoon. In the meanwhile the full report of the subcommittee was before the whole committee. The whole matter was gone over in detail. Every member of the full committee had ample opportunity for criticism and such investigation as he pleased. The time that is occupied in examination of the bill does not depend on the subcommittee, but upon the full committee.

I am very sorry to hear, to my surprise, a member of the full committee criticising the subcommittee for what it seems to me they are not at all responsible for.

Mr. MADDEN. I simply wish to say in reply to my distinguished friend from Massachusetts that all the members of the full committee may have had ample opportunity to consider this question——

Mr. FOSTER of Indiana. Mr. Chairman, I rise to a point of order. This paragraph has been read and passed, and I do not see the usefulness of this discussion.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

Mr. GILLETT. Mr. Chairman, I object to going back to the section.

Mr. MADDEN. It is too late now. I submit that the objection to go back to this paragraph should have been made earlier.

Mr. FOSTER of Indiana. Nothing was submitted, Mr. Chairman, and there have been two succeeding paragraphs read.

Mr. MADDEN. Mr. Chairman, I wish to say in reply to the gentleman from Massachusetts——

Mr. FOSTER of Indiana. Mr. Chairman, can we not have a ruling on the point of order?

Mr. MADDEN. Mr. Chairman, I have this to say in connection with the opportunity which was afforded to the members of the full committee to be heard in the consideration of this bill: I received no notice of the meeting that was called to consider this bill. It was said that a notice was sent——

Mr. TAWNEY. Mr. Chairman, I would ask the gentleman if he will submit to a question?

Mr. MADDEN. Yes.

Mr. TAWNEY. I want the gentleman to state to the House whether or not it is not a fact that he was personally notified of the meeting on Saturday, three days before the meeting was held?

Mr. MADDEN. No; it is not.

Mr. TAWNEY. In addition to that, the gentleman's notice was mailed at 11 o'clock on the day before the meeting.

Mr. MADDEN. It is not a fact, and I do not know whether any notice of the meeting was ever mailed to me, but it is a fact that I never received any notice of any kind, name, or nature, except a telephone message after the committee was in session. Some one called me at the Office Building at about 11 o'clock in the morning and informed me that the committee was considering this bill, and I arrived at the committee room as soon after the message came to me as was possible. I complained about the fact that I had no notice of the meeting. I would not have complained about this but for the fact that a previous meeting was held without any notice, and I thought that it was a studied effort to keep certain members away from the committee, and I complained to the chairman and to the other members of the committee that I did not think fair treatment was being accorded to me as a member of the committee. It was said that a notice was mailed at 12 o'clock the day before the meeting was to be held. It was discovered upon investigation that the notice, which was said to have been mailed twenty-four hours before, was found in my mail box in the post-office twenty-four hours afterwards, an hour after the meeting of the committee was in session. This bill was reported with not more than two hours' consideration, as far as my best judgment enables me to make a correct statement of the case, and I submit that two hours' consideration of the important matters contained in this bill is not sufficient to give the proper light upon the subject to the members of the committee who are charged with the responsibility of reporting the bill.

Mr. GILLETT. May I ask the gentleman a question?

Mr. MADDEN. Yes.

Mr. GILLETT. Did the gentleman, at the time, wish for more time?

Mr. MADDEN. I suggested to the committee that I would object to a number of items in the bill because I did not have an opportunity of considering them, and I think the gentleman will agree that I said that.

Mr. GILLETT. Yes.

Mr. MADDEN. And I am objecting to them now because I did not have that opportunity.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TREASURY DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of the Treasury, $12,000; three Assistant Secretaries of the Treasury, at $6,000 each; clerk to the Secretary, $2,500; stenographer, $1,800; three private secretaries, one to each Assistant Secretary, at $1,800 each; Government actuary, under control of the Treasury, $2,250; examiner, $2,000; one clerk of class 4; four clerks of class 3; two clerks of class 2; four messengers; and one laborer; in all, $58,970.

Mr. MACON. Mr. Chairman, I make the point of order against the language used in lines 3, 4, and 5, page 40, "three Assistant Secretaries of the Treasury, at $6,000 each.

The CHAIRMAN. The point of order is sustained.

Mr. BINGHAM. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 40, line 3, after the word "dollars," insert: "Three Assistant Secretaries of the Treasury, at $4,500 each."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

ENROLLED BILL SIGNED.

The committee informally rose; and the Speaker having resumed the chair, Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 14766. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the Cox Building, 1709 New York avenue: Three watchmen-firemen, at $720 each; and one laborer. For the following now authorized and being paid from the appropriation for repairs of the Treasury building: One plumber, $1,100; one painter, $1,100; one skilled laborer, $840; in all, $195,410.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice all through the bill items like the one at the top of page 41, "one clerk, $900. (In lieu of one clerk at same salary, transferred from office of Director of the Mint.)" Now, I suppose this is to pay a clerk regularly in the office of the Secretary, or office of the chief clerk or superintendent, who used to be in the office of the Director of the Mint and who has been trasferred to the office of the superintendent.

Mr. BINGHAM. That is correct.

Mr. MANN. Is there any clerk in the office of the Director of the Mint replacing the clerk who was transferred?

Mr. BINGHAM. No; he is dropped, and that is consistent all through the bill.

Mr. MANN. Where a transfer has been already made you drop the clerk transferred and you show you make the necessary reduction in the other place.

Mr. BINGHAM. Throughout the bill.

Mr. DRISCOLL. Mr. Chairman, I move to strike out the next to the last word, to make an inquiry. On page 41, line 22, the bill provides for three laborers at $420 each, and then provides for eighty-seven charwomen. Are these three laborers men or women?

Mr. GILLETT. In some cases they are men and in some cases they are women, depending upon the exigency of the service. We can not tell just which they are. They are to do the most menial class of work around the office—they take care of the toilet rooms, etc.

Mr. DRISCOLL. And then you have here charwomen. What do they get?

Mr. GILLETT. Two hundred and forty dollars.

Mr. DRISCOLL. Why do you not provide salaries for them here?

Mr. GILLETT. It is provided for in the general law, so we do not have to specify.

Mr. MANN. It is provided for in the general section; and while on this subject, here are eighty-seven charwomen for the Treasury building. I was told the other day by the Superintendent of the Capitol—taking care of the new Office Building—that he was doing the work over there with twenty charwomen. I suppose that building is as large or larger than the Treasury building. While I do not have anything to say about the number of these women I have no doubt, I want to say, while I am a very ardent believer in the civil-service law, that under it there creeps in an immense number of superfluous employees in the charwomen force and elsewhere, and that probably half of these charwomen are carried on the roll simply to give pay and without actually performing the service.

Mr. GAINES of Tennessee. Mr. Chairman, when the committee passed page 37, or rather was considering page 37 and the item of the rural-carrier examining board, I was diverted at the time by one of the Members coming to my desk and talking to me about a matter of business, and the committee passed that item. I now ask the indulgence of the committee to say this, which would have been pertinent for me to have said at the time the committee was considering that item: On the 24th day of January I introduced the bill H. R. 15117—"a bill to allow the transfer of carriers from rural to city and from city to rural postal delivery service," which reads as follows:

Be it enacted, etc., That persons employed in the rural delivery service may, without further civil-service examination, be transferred into the city postal delivery service; and persons employed in the city delivery service may, without such examination, be transferred into the rural delivery service.

SEC. 2. That the Postmaster-General be, and is hereby, authorized and empowered to make all proper and necessary rules to execute this law.

Mr. Chairman, the purpose of that and the reason why I allude to it to-day is—I desire Members of Congress to think about it—is to give the country boy who wants to come to the city and enter the postal-carrier service a chance to do so by swapping places with the city carrier who possibly is tired of working in the city and wants to get the fresh air of the country to restore his health, etc. Now, the country boy coming to a city can, in my city—Nashville—go to the night school, an institution that did not obtain in that great city until about twelve or thirteen years ago, perhaps. I have received a number of letters, I may say, from rural carriers all over my district, and I have many outside of the district, each and every one of the letters commending the proposition. I submit the matter with this comment, and in the future I will go before the committee, if I can get a hearing there; if not, I will fully discuss the matter and read some of those letters to the House for the purpose of having such a proposition ultimately enacted into law.

Mr. FOSTER of Indiana. Mr. Chairman, it seems to me that on page 41, line 23, there is no provision made for the amount of money for eighty-seven charwomen.

Mr. GILLETT. There is a general law that provides that every charwoman shall be paid $240.

Mr. FOSTER of Indiana. There is no appropriation for that here.

Mr. GILLETT. There is a section in the bill that fixes it. The purpose of that is that charwomen are named in many sections of the bill, and so to save repeating each time a certain salary we say at the close of the bill, "All charwomen shall receive $240 a year."

The Clerk read as follows:

Division of appointments: For chief of division, $3,000; assistant chief of division, $2,000; executive clerk, $2,000; law and bond clerk, $2,000; three clerks of class 4; four clerks of class 3 (including one transferred from division of mail and files); five clerks of class 2; six clerks of class 1; four clerks, at $1,000 each; two clerks, at $900 each; one messenger; three assistant messengers; in all, $43,900.

Mr. BINGHAM. Mr. Chairman, I wish to make a correction of the total on line 22. In lieu of the word "nine" insert the word "eight."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 22, page 43, insert "eight" instead of "nine."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office of the Supervising Architect: In the construction branch of the Treasury: For Supervising Architect, $5,500; assistant to Supervising Architect, $3,250; superintendent of drafting and constructing division, $3,000; superintendent of computing division, $2,750; chief of law and records division, $2,750; chief of accounts division, $2,500; chief of inspection division, $2,500; chief of division of equipment, $2,500; chief mechanical and electrical engineer, $2,750; six clerks of class 4; six clerks of class 3; three clerks of class 2; two clerks of class 1; contract clerk, $2,000; foreman duplicating gallery, $1,800; four technical clerks, who shall also be skilled stenographers and typewriters, at $1,800 each; four inspectors, at $2,100 each; one inspector, $1,800; five messengers; one assistant messenger; and two laborers; in all, $82,300.

Mr. MACON. Mr. Chairman, I make the point of order on page 46, line 17, to the language "five thousand five hundred dollars," it being an increase in salary.

The CHAIRMAN. The Chair will hear the gentleman in charge of the bill on the point of order.

Mr. BINGHAM. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BINGHAM. In line 17, page 46, "5,500" should be changed to "4,500."

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BINGHAM] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 46, line 16, after the word "Treasury," insert "for Supervising Architect, $4,500."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office of Auditor for War Department: For Auditor, $4,000; Deputy Auditor, $2,500; law clerk, $2,000; six chiefs of division, at $2,000 each; twenty-four clerks of class 4; additional to one clerk as disbursing clerk, $200; fifty clerks of class 3; seventy-one clerks of class 2; eighty-three clerks of class 1; twenty clerks, at $1,000 each; fourteen clerks, at $900 each; skilled laborer, $900; three clerks, at $840 each; one messenger; five assistant messengers; and twelve laborers; in all, $391,280.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of submitting this observation. This is the office of the Auditor for the War Department. I do not propose to offer an amendment at this time to increase his salary, because it is very evident it would meet a point of order. The auditing of the Panama Canal work is now in the office of the Auditor for the War Department. It involves a great deal of responsibility and an immense amount of work, and it seems to me that so long as that work is in that office the salary of that official ought to be slightly increased. The auditing of the Panama Canal work is equal, practically, to the auditing of any of the Departments of the Government.

Mr. TAWNEY. Will the gentleman from Illinois [Mr. MANN] permit a question?

Mr. MANN. Certainly.

Mr. TAWNEY. Does not the gentleman think, however, that in view of the fact that this service is performed entirely on account of canal expenditures, the increase, if it is made, ought to be made so that the amount paid in consequence of that increase is paid out of the appropriations made for canal expenditures?

Mr. MANN. Well, I should be inclined to think that that would be the proper method and the proper place in which to put the item.

Mr. BURLESON. I will say to the gentleman from Illinois [Mr. MANN] that this very increase was discussed, and the members of the subcommittee were unanimously in favor of it, but concluded to permit it to take the course suggested by the chairman.

The Clerk read as follows:

For the force employed in redeeming the national currency (to be reimbursed by the national banks), namely: For superintendent, $3,500; teller, $2,500; bookkeeper, $2,400; assistant teller, $2,000; assistant bookkeeper, $2,000; three clerks of class 4; five clerks of class 3; seven clerks of class 2; twenty-five clerks of class 1; fifteen expert counters, at $1,000 each; twenty-one expert counters, at $900 each; one messenger; four assistant messengers; and three charwomen; in all $128,440.

Mr. BINGHAM. On page 53, after the word "each," in line 13, there has been dropped out of the print of the bill a line or so, as follows:

Twenty-one expert counters, at $800 each; eleven expert counters, at $700 each.

Those words should come in there. In the sum total it is all right, but the printer left out these words.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 53, after the word "each," in line 13, insert:
"Twenty-one expert counters, at $800 each; eleven expert counters, at $700 each.

The CHAIRMAN. The question is upon agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Territory of Arizona: For governor, $3,000; chief justice, and four associate judges, at $3,000 each; secretary $1,800; interpreter and translator in the executive office, $500; in all $20,300.

Mr. SMITH of Arizona. Mr. Chairman, I would like to ask the chairman of the committee or some member of it, what is allowed by law to the chief justice and associate justices of the Territory?

Mr. GILLETT. I think it is $3,000, the amount allowed in this bill.

Mr. SMITH of Arizona. If my memory serves me right, I think it is $3,600. That, however, can be seen. But be it as it may, I offer an amendment on line 11, page 79, to strike out the word "three" at the end of that line, and insert the word "five," and on line 14 strike out the word "twenty" and insert the word "thirty."

Mr. MACON. I make the point of order against that.

The CHAIRMAN. Wait until the amendment is reported. The gentleman from Arizona offers an amendment which the Clerk will report:

The Clerk read as follows:

On page 79, line 11, at the end of the line, strike out the word "three" and insert "five," so as to read "$5,000;" and in line 14, strike out "twenty" and insert "thirty," so as to read "$30,300."

Mr. MACON. I make the point of order on the amendment.

Mr. SMITH of Arizona. I hope the gentleman will withdraw it.

Mr. MACON. I will reserve it.

The CHAIRMAN. The Chair understands the gentleman from Arkansas to reserve the point of order.

Mr. SMITH of Arizona. If I can have the attention of the committee a moment I will be very much obliged. I hope to have the attention of my friend who makes the point of order especially against me, and trust he will see fit to withdraw it after my statement. The judges of the court of Alaska get $5,000, and with not one-fourth the work to do that the judges of Arizona have.

Mr. MANN. And considering where they have to live.

Mr. SMITH of Arizona. And considering where they have to live, as the gentleman says, to which I take no offense.

Mr. MANN. I am talking about the other judges.

Mr. SMITH of Arizona. The judges of the courts of Arizona are not only judges of nisi prius, but also judges of the supreme court, a condition anomalous enough in itself. You can not wonder that we are everlastingly trying to get rid of Territorial government. Now, the judges there are trying cases involving hundreds of thousands of dollars—some cases have involved millions of dollars—and while the bench is a fair bench, some of the judges extraordinarily good lawyers, they are reduced to the pitiful sum of $3,000 a year, which no man that keeps a respectable house to live in can possibly survive on. The result is that the Federal judges of necessity are forced to levy a tax for themselves, virtually, on the people of Arizona.

Mr. DRISCOLL. How?

Mr. SMITH of Arizona. I am informed that our counties pay the judges for going to the counties, supply them with places to live, give them money out of the county treasury, in order to keep them out of debt; and yet you hold them down to $3,000 a year, when the judges in Hawaii get six and seven thousand, and in Porto Rico as much, and in Alaska five thousand a year, while Arizona and New Mexico only get $3,000. There is no justice, there is no fairness, in it. And this committee ought to agree to permit these men to be decently paid.

Mr. GILLETT. Will the gentleman allow me?

Mr. SMITH of Arizona. Certainly.

Mr. GILLETT. I suggest that the proper forum is the Committee on the Judiciary, and if they should report in favor of a change in salary, then we would be glad to follow out the course that they decide on.

Mr. SMITH of Arizona. I am glad that the gentleman has made that suggestion. Why do you apply this rule to my amendment alone? Why did you not take that course with the other increases that you have made?

Mr. GILLETT. Because these increases were for clerks.

Mr. SMITH of Arizona. But why do you raise their salaries without submitting it to some committee having jurisdiction?

Mr. GILLETT. Because the law practically allows our committee to make them.

Mr. SMITH of Arizona. Why was not the point of order raised by you gentlemen against those clerks as well as against these judges?

Mr. GILLETT. They have been made to various items in this bill which have been stricken out.

Mr. DRISCOLL. Are these judges required to give all their time to their official duties?

Mr. SMITH of Arizona. Absolutely; and then can not get through.

Mr. DRISCOLL. Are there inferior courts in those courts?

Mr. SMITH of Arizona. They are the same judges.

Mr. DRISCOLL. Are there inferior courts? There are courts with special jurisdiction.

Mr. SMITH of Arizona. These courts have jurisdiction under the statute of all Federal cases arising in the district and circuit courts of the United States. They have jurisdiction, general jurisdiction, as trial judges for the trial of every case in the Territory, and the organic act of most of the Territories permits the Territory to have no other judges or other court of general jurisdiction.

Mr. CRUMPACKER. Will the gentleman allow a question? Does not the Territory of Arizona contribute something toward the salaries of the judges?

Mr. SMITH of Arizona. I say they have been forced to do it. That is what I am contending against. The judges, I have no doubt, would much prefer to have Congress provide a living salary.

Mr. TAWNEY. If the gentleman from Indiana will permit me, I do not think the gentleman from Arizona understood the question. He says the counties have been forced to do this. There is no contribution made under any existing Territorial law. What he means, I think, is voluntary contributions on the part of the people in the counties in which these courts are held.

Mr. CRUMPACKER. A good share of the work of the courts there is local in its nature, is it not—deciding controversies arising under Territorial laws—so that the people of the Territory would perhaps, equitably and justly, be required to pay?

Mr. SMITH of Arizona. It is impossible for me, with the confusion around me, to hear exactly what the gentleman from Indiana is saying; but catching enough of it, I will make this explanation: This is a Federal court, exercising Federal jurisdiction, both district and circuit. It is a court of general jurisdiction, having under it all cases arising in any ordinary nisi prius court or court of general jurisdiction of a State—a trial court. In addition to that they are the judges of the supreme court of the Territory, the inhibition being only that the judge who sat in the case below shall not sit in the case above on appeal. Now, these duties are on these men every day. The dockets are crowded, and $3,000 a year is all that Congress allows them, while all other judges of the United States, everywhere else on earth, with one-half the duties, get twice the amount of salary.

Mr. CRUMPACKER. I agree with the gentleman that $3,000 is not an adequate compensation for judges performing the important duties that these judges perform; but a substantial portion of the work is in the determination of controversies under the Territorial law.

Mr. SMITH of Arizona. That is true. And in order to meet that, I have a bill before Congress now permitting us to elect our own judges, and giving them jurisdiction of our own cases. We want to pay them ourselves, if we can get the privilege of choosing them ourselves.

Mr. DRISCOLL. Only a small portion of the work of these judges is done in the United States courts.

Mr. SMITH of Arizona. A very large amount.

Mr. DRISCOLL. But if Arizona was a State, there would be only one Federal judge instead of five. You would have to pay four of them out of your State funds.

Mr. SMITH of Arizona. We are perfectly willing to do that. We would gladly pay our own judges and leave the Federal Government to pay hers.

Mr. DRISCOLL. You can do it now, can you not?

Mr. SMITH of Arizona. What does the gentleman mean by the interrogatory? Is it possible that I have not made myself understood?

Mr. MANN. Will the gentleman yield for a question?

Mr. SMITH of Arizona. Yes.

Mr. MANN. I understood the gentleman to say that these judges eked out their salaries now by receiving voluntary contributions in addition to the salaries fixed by the Federal statutes. I should like to ask the gentleman from Arizona if that is the case.

Mr. SMITH of Arizona. We have a county government in the Territory, as you have in some of the States. The board of supervisors of the county levy and collect the taxes of the county. Each county has a county treasury. Every claim for an expense in the government of the county is collected through these boards of supervisors, and out of the taxes collected a certain per cent is sent to the Territorial treasury for the expenses of the Territory. Now, out of the funds collected from these taxes the boards of supervisors have been allowing a compensation that I said was voluntary. It has been allowed by these boards of supervisors to the judges of the United States district courts, and the reason, as suggested by my friend a moment ago, is because of the coming of the judges to the different counties to try the cases. We have no other court system except that. A compensation of $5,000 a year by the Federal Government will not more than pay these men what they should have. We should not be required to pay when Alaska, Porto Rico, and Hawaii are not required or forced to pay for the very same service.

Mr. DRISCOLL. You have inferior courts, haven't you?

Mr. SMITH of Arizona. I do not know what the gentleman means. We have justices of the peace and probate courts, of course.

Mr. DRISCOLL. What is the jurisdiction of your justices of the peace?

Mr. SMITH of Arizona. Three hundred dollars.

The time of Mr. SMITH of Arizona having expired, by unanimous consent, at the request of Mr. GAINES of Tennessee, it was extended five minutes.

Mr. SMITH of Arizona. I have no personal reason for pressing this. The injustice that appears on its face from a mere statement of the facts seems to me enough to convince. The men ought to have enough to live on, and this is the only way they can get it. The gentleman should appreciate the condition of a Delegate on the floor. If I am relegated to any committee to get a matter out increasing the salary, my only means of getting it is by unanimous consent, and the gentleman knows that I will never get that done at this session of Congress. I have no other means of appealing to this House except by amendment of this bill. Unarmed and helpless as we are, I can only appeal to the justice of the Members of the House to do to these people what they have done to every other Territory in the United States of America. We do not ask you to give as much as you have given to others. These men are each doing more work than any other five judges in the other courts of our territorial possessions.

I ask that this amendment be adopted, and I hope that my friend from Arkansas will withdraw his point of order. It is an easy matter to strike my amendment down by raising the point of order, but it is hard on those against whom it will fall.

Mr. MANN. Are these contributions which are made by different counties made in pursuance of law in any way?

Mr. SMITH of Arizona. I believe they are in violation of law; that is my opinion.

Mr. MANN. They are certainly in violation of law unless they are in pursuance of law; and in violation of morals for a judge to accept money outside of his salary unless it is in pursuance of some law.

Mr. SMITH of Arizona. That is the very matter I am calling to the attention of the House. In this particular instance I see no reason for casting severe criticism on these judges. They have to travel long distances; county seats are 100 miles apart or more; they have to travel back and forth and hold court three weeks or a month away from home—sometimes nights and days—at this pitiable salary.

Mr. MANN. I have no desire to criticise these men. The criticism would be on Congress, and possibly, primarily, on my friend from Arizona for not having brought it to the attention of the Committee on Territories. And yet, I have never found him lacking in zeal in anything that pertained to the Territory of Arizona.

Mr. SMITH of Arizona. I do not think the Committee on Territories would have jurisdiction of the salaries of judges. I have now had referred to committees five or six or seven bills, and if I get one through I shall be delighted. I hope the gentleman from Arkansas will withdraw his point of order.

Mr. MACON. Mr. Chairman, I believe I live in as good a State as is the Territory the gentleman lives in. I know the supreme judges of our State are as high grade of lawyers as any judges who ever sat on a Territorial bench in Arizona.

Mr. GAINES of Tennessee. How many have resigned from that bench?

Mr. MACON. About one out of twenty.

Mr. GAINES of Tennessee. Who were they?

Mr. MACON. Judge Hemenway was one and Judge Cockrell was another.

Mr. GAINES of Tennessee. Why did they resign?

Mr. MACON. Because they were offered partnerships that guaranteed them salaries of at least $10,000 per annum. These Territorial judges would do the same thing even if their salaries were raised to $5,000. But, Mr. Chairman, in the State of Arkansas, where we may be benighted, may be parsimonious, may be behind the times, we have managed to get along very well and have had a first-class supreme bench all the time. Any lawyer who will take the trouble to digest the thoughts that have been advanced by the judges of the supreme court of Arkansas as disclosed by their learned decisions will admit that our judges have been high-class lawyers. They have been receiving a salary of $3,000 a year. They have not resigned because they could not live on $3,000 per annum, but because they were offered better paying positions, just as a certain Senator resigned last year because he was offered a more lucrative position, and just as Members

of this House have resigned since I have been here, because they were offered positions that enabled them to make more than their salaries here.

While I would be glad to better the condition of every man, woman, and child in this world, if I could, I can not consistently go about the task by permitting increases of salaries of some of them on appropriation bills, while the others bear the extra burden caused thereby, but receive none of the benefits.

Mr. SMITH of Arizona. Mr. Chairman, I would ask my friend if the consistency of his course is so unbending and unyielding that he would feel the absolute necessity of enforcing it even in a case of mercy, in the case of something that appeals to him as a man—if consistency to an objection that he has the power to use will not yield to something that addresses itself to every man, as I know it sometimes addresses itself to him through the charity of his feelings, even though there be justice in the cause, if it will not appeal to him where there is urgent necessity? Here is a case where I am trying to do something that it is impossible to obtain in any other way; and although I recognize the greatness of the courts of Arkansas, yet when we compare the salaries received by the judges of courts in Porto Rico and in Alaska and in Hawaii and the Philippines and down here on the Isthmus, where they are getting twice as much——

Mr. MACON. Mr. Chairman, I will have to ask the gentleman to make his speech in his own time.

Mr. SMITH of Arizona. Oh, well, if I had known that I was interrupting the gentleman I would not have made any remarks.

Mr. MACON. While the gentleman appeals to me, still he does not convince me that I ought to surrender the position that I occupy, nor does he convince me that the judges in Arizona can not live comfortably on $3,000 a year.

Mr. SMITH of Arizona. I want to say that if they can they are the only men who can do it.

Mr. MACON. Why, Mr. Chairman, I will guarantee that there are many thousands of men in the Territory of Arizona who have not an annual income of $3,000. I know there are many of them in every State of this Union whose incomes do not even approach the sum of $3,000. Again, as long as I know that first-class lawyers do occupy the positions they do in my own State and live on $3,000 per annum, I can not help but believe that the judges in the Territory of Arizona can live comfortably upon $3,000 per annum. The gentleman compares Alaska with Arizona. I want to say, Mr. Chairman, that if it were left to me to go to Alaska to try to live on $5,000 per annum or to Arizona to try it on $3,000, I would give something to boot in order to go to Arizona instead of Alaska. Why, sir, the fuel in Alaska and the extra clothing would more than consume the difference in the salary. I can not reconcile that kind of a comparison at all, and I therefore insist upon my point of order.

Mr. GAINES of Tennessee. Mr. Chairman, I always listen with a great deal of pleasure to what my good friend from Arizona [Mr. SMITH] says in this House, and I always listen with pleasure to what my friend from Arkansas [Mr. MACON] says; but I did not hear all the gentleman from Arizona said, though I tried hard to do so—but what I thought I heard shocked me profoundly, and hence I speak. I heard it said by some one on this side that voluntary contributions were made by the people to these judges to help them along. Mr. Chairman, that, I repeat, shocked me very much, as it did the gentleman from Illinois [Mr. MANN], for above all departments, State and national, our courts should be kept above even the suspicion of accepting gifts under any circumstances, unless they are gifts of actual charity. Here is a system which it seems has grown up in that little Territory, where the judges are so "hard up," to use a short expression, that it appeals to the people who may be litigants in the court, and they, out of their kindness of heart, are actually helping to take care of the judges who enforce the law of the land—the laws that we make, the laws for that Territory, and the Federal laws. Yet Congress sits here and permits that condition to continue! Suppose we had that condition with the Supreme Court of the United States or in the States? I believe there are prohibitions against the President and other representatives of the American Government—words in the Constitution—against accepting gifts from foreign nations. Certainly, the people over whom a court presides should not be permitted to hand gifts to the court. It makes no difference how kindly it may be intended, they should not be permitted to give gifts to the judges, except those of actual charity in dire distress, where it is known as an act of charity. Centainly that system should not obtain or continue. Yet we are confronted here to-day with what seems to me is that condition, and it shocks me, heart and head, and I am satisfied that if my friend from Arkansas [Mr. MACON] had clearly heard the statements made that this was about the condition in this Territory before he took the firm position that he has taken in this matter, he, with his keen sense of justice—for he is a just man, one of the most watchful men in this body or that ever was in it, and as honest a man as the day is long—would not insist upon that position. Here we are sitting to-day—and he now is to blame—and I want to call his attention to that fact, and I hope I will have the gentleman's attention——

Mr. MACON. I am listening.

Mr. GAINES of Tennessee. We are sitting here to-day and continuing that system in that great Territory that we voted to make a State of this Union only a few months back.

Mr. MACON. And I will vote to do it again.

Mr. GAINES of Tennessee. And why? Because of a carpetbag government, to be short, out there, a carpetbag system, the best we can have in a Territorial government, and yet this condition in that great struggle was not developed. I have never heard of it before until it fell from the lips of my faithful friend and patriot the statesman from the great Territory of Arizona [applause], MARCUS A. SMITH—a man who is incapable of doing wrong, as much so, I believe, as any man who lives. [Applause.]

I hope if it is the unwisdom of the Republican party—I do not want to mix politics with this—to keep that little Territory out of the Union that MARK SMITH will live a thousand years and cheat you out of an opportunity to keep him out of the United States Senate. [Applause.] I do not know a man in Arizona but MARK SMITH. I know some of my unfortunate constituents had to go to that salubrious climate to try and regain their health, and they found enough fresh air and enough hospitable people to help take care of them and send them back restored in a great measure to health.

Mr. DRISCOLL. Is that the usual custom, to go out there for their health and get $3,000 additional? Is not that good pay?

Mr. GAINES of Tennessee. I was speaking of victims of consumption who went out there. I say, sir, that $3,000 is not enough, if these statements are to be believed. It is not an agricultural country, as I understand it, and the cost of living is very high. If it is not enough for those judges to live on, Mr. Chairman, and work as long as they do—and the people of the Territory must help them out, whether it is a house they let them have, or something else—I say to my friend from New York, whose judges get about $17,000 yearly, and sit upon the bench for fifteen years, I say to him and to this great committee, that it will be a sad commentary upon the American Congress that we let the sun of heaven go down this evening because of a mere technicality and continue that system that will reflect upon the judiciary and reflect upon this magnificent body of lawmakers. [Applause.] I appeal to my friend from Arkansas to withdraw the little technicality that so often defends virtue and not let what seems to be a vice continue out in the little Territory of Arizona.

Mr. MACON. I want to say, sir, that I am using no technicality——

Mr GAINES of Tennessee. Well, then, a rule.

Mr. MACON. I am keeping within my prerogatives here as a Representative, occupying as lawful grounds——

Mr. GAINES of Tennessee. I understand that, sir.

Mr. MACON. And I want it understood that it is not upon technical grounds——

Mr. GAINES of Tennessee. Well, I understand that——

Mr. MACON. But I am doing it because I believe it is right.

Mr. GAINES of Tennessee. It is a mere rule, and by withdrawing your objection, by taking down your hand as it were, this can be passed, and I am satisfied that this body sitting here, appalled by this condition in Arizona, will vote to put the proposition in the bill. I appeal to the gentleman now to withdraw his objection.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MACON. Mr. Chairman, it is strange to me that a Representative can not undertake to discharge his duties as he sees them, when he keeps himself clearly within the pale of the law and the rules of the House, without some one feeling called upon to lecture him about what he is doing.

Mr. GAINES of Tennessee. I want to assure my friend I was not trying to lecture him. The gentleman knows there is nobody in this House who thinks more kindly of him than I do and believes that the gentleman's sense of his obligations to his duties is as high as anybody's could be.

Mr. MACON. Mr. Chairman, flowers never take the place of food. Bouquets may be beautiful to look at, but they are not substantial enough to exist upon, and hence to throw a bouquet

at me in one breath and criticise my course in another does not appeal to me perhaps as the gentleman would like for it to do.

Whenever I seek to violate the law of the land or the rules of the House, or trample upon the prerogatives or rights of other Members upon the floor, then gentlemen can criticise me for it, but when I have pursued a consistent and legal course concerning matters of legislation here, I deny gentlemen the right to lecture me upon the subject of my duties as a Representative. I do not treat them that way, and I demand as fair treatment from them as I accord to them.

Mr. SMITH of Arizona. Mr. Chairman, I move to strike out the last two words. I am afraid that a false impression has gone out and that my friend from Tennessee [Mr. GAINES] has not understood that this pay of the judges, coming through the taxing power of the Territory, is very like the pay of judges coming through a State transacting its business through the taxing power of the State. It is not like receiving alms or charity so much as it is a recognition by the Commonwealth of the necessity of preserving its good order and trying to have it done without throwing the judge in debt on his job.

Therefore, I make this explanation, in order that no false impression may go forth as to that. The judges in receiving those contributions from the counties, passed by the board of supervisors, are receiving it from exactly the same source that the sheriff received it who waited on the court or that the clerk of the court received it from; and it naturally strikes one, as it struck my friend from Tennessee [Mr. GAINES] and the gentleman from Illinois [Mr. MANN], with the impression that they were receiving information that would shock the sense of morality.

Mr. KEIFER. I want to inquire whether these payments made from the treasuries of the counties are made in pursuance of the law of the Territorial legislature?

Mr. SMITH of Arizona. No, sir; and I do not think those payments are legal, my friend.

Mr. KEIFER. I was trying to get at it and see if they were. But you have county commissioners?

Mr. SMITH of Arizona. Boards of supervisors.

Mr. KEIFER. Do they pass a law, or do they have a power to pass a law, or rule, by which they pay this money?

Mr. SMITH of Arizona. They have no power to do it at all. They fix the rate of taxation and draw warrants on the taxes collected for payment of all just claims against the county. If they pay the judges anything there is no law for it that I know of.

Mr. KEIFER. There is no Territorial law authorizing them to do that?

Mr. SMITH of Arizona. No, sir. I think the national law, if I am not mistaken, prohibits it.

The CHAIRMAN. The attention of the Chair has not been called to any law which would authorize the appropriation called for in the amendment offered by the gentleman from Arizona. As he understands there is no such law, the Chair therefore sustains the point of order.

The Clerk read as follows:

For legislative expenses, namely: For rent, messenger, postage, stationery, fuel, lights, printing, and incidental expenses for secretary's office, for pay of members and officers of the legislative assembly, mileage, rent of rooms for the legislature and committees, furniture, stationery, printing, binding, fuel, lights, and incidentals, $24,250.

Mr. MANN. Mr. Chairman, I move to strike out the last word. It is not often, Mr. Chairman, that I feel impelled to rise for the purpose of saying anything in defense of the Territory of Arizona in the presence of the very distinguished gentleman who so well represents that Territory. But it seems to me that the committee in reporting this bill has made an undue discrimination against the Territory of Arizona. There are in the bill three items for Territorial legislatures, one for Arizona, one for New Mexico, and one for Hawaii. And I notice that under the appropriation for Hawaii there is provided expenses of telephone; that under the appropriation for New Mexico there is provided expenses of telephone service, but that in Arizona there is no expectation of the use of telephone service, and I am sure that that is a discrimination which ought not to be permitted. Nay, more. In Hawaii there is provided expenses for ice and water; in New Mexico there is provided expenses for ice and water, but in Arizona it is not expected that the Territorial legislature will indulge in the use of either ice or water, and whatever may be the fact in reference to the legislature, it does not seem to me proper to put it in the law and call attention to the fact that the Territorial legislature of that Territory does not use water in its deliberations. And it seems to me that, if we provide money to pay for water and ice in Hawaii and money with which to buy ice and water in New Mexico, we ought to do the same in Arizona. Aye, further; although the appropriation for Hawaii does not include the pay at all of the legislative body, they provide the amount of $30,000 for the expenses of the legislature, while in the Territory of Arizona, including the pay of the legislature, they only provide the sum of $24,250. I am sure that the expenses of the Territorial legislature of Arizona, with the immense distances that the gentlemen have to traverse in order to reach the capital of that Territory, with the great work that they have in hand, ought to be as great as the expenses of the legislature of Hawaii. And in order to assist my friend, and not require him alone and single-handed to fight all the battles of this great Territory, I raise my voice in protest against this discrimination.

Mr. SMITH of Arizona. Mr. Chairman, I do not know, but I appreciate it all the same, from what source my friend's kindness flows. It is only when you excite his appetite that he gets eloquent. We are willing out there to supply the water and ice and whatever else we want. Those are things we care very little for. We learned to do without it when you gentlemen were sitting in your quiet homes amid all the blandishments of civilization. These men learned to go days without it. No wonder we have good strong men out there—when you know through what they have gone—and when this Committee on Appropriations leaves them without any ice or water we care little about it. This presence will bear me witness that from the time I have been here—now nearly twenty years—I have been constantly attempting to increase the salaries of those judges, as well as the amount paid our legislators, and trying all that time to make the Committee on Appropriations give officers, at least, the amount allowed under the law—the salary which is provided. They do not even allow the officers the amount allowed by law. We have a law allowing the governor of the Territory $3,600. That is the statute, and this committee allows him $3,000, and will not give him any more. The gentleman speaks of telephones. I will only give you an idea on this same question of telephones. We are not behind in any function of progress. Do you know that in that vast area I can sit in my office at Tucson and talk over the telephone to nearly every town of importance and nearly every county seat in that Territory, which is as great in area as Indiana and Ohio and half of Illinois added. That is a development of their own. They have paid for every cent of it, and yet, while the Government has never given it, Arizona, a nickel, it has received millions of dollars from it. They have never paid back a cent, but they stand with a flaming sword at the door through which we are trying to enter into some portal of justice and right.

The Clerk read as follows:

WAR DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of War, $12,000; Assistant Secretary, $6,000; chief clerk, $3,000; private secretary to the Secretary, $2,500; clerk to the Secretary, $2,000; stenographer to the Secretary, $1,800; clerk to the Assistant Secretary, $2,100; clerk to the chief clerk, $2,100; disbursing clerk, $2,500; appointment clerk, $2,000; four chiefs of division, at $2,000 each; superintendent of buildings outside of State, War, and Navy Department building, in addition to compensation as chief of division, $250; chief telegrapher, $1,800; four clerks of class 4; four clerks of class 3; fourteen clerks of class 2; eighteen clerks of class 1; five clerks, at $1,000 each; one clerk, $900; one clerk, $720; one foreman, $1,200; carpenter, $1,000; chief messenger, $1,000; one carpenter, $900; one skilled laborer, $900; six messengers; seven assistant messengers; one telephone switch-board operator; one assistant telephone switch-board operator; two messenger boys, at $360 each; engineer, $900; assistant engineer, $720; one fireman; four watchmen; five watchmen, at $660 each; eight laborers; two laborers, at $470 each; hostler, $600; two hostlers, and one watchman, at $540 each; one messenger boy, $480; two elevator conductors, one at $600 and one at $470; four charwomen; in all, $144,060.

Mr. MACON. Mr. Chairman, I make the point of order against the increase of the Assistant Secretary's salary, on page 82, lines 3 and 4, from $4,500 to $6,000.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. BINGHAM. No.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BINGHAM. I offer the following amendment, on page 82, line 4, change the print from $6,000 to $4,500.

The Clerk read as follows:

Line 3, after the word "dollars," insert "Assistant Secretary, $4,500.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

NAVY DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of the Navy, $12,000; Assistant Secretary of the Navy, $6,000; chief clerk, $3,000; private secretary to Secretary, $2,500; clerk to Secretary, $2,250; disbursing clerk, $2,250; four clerks of class 4; stenographer, $1,800; one clerk of class 3; three clerks of class 2; four clerks of class 1; stenographer, $1,200; one clerk, $1,100; four clerks, at $1,000 each; telegraph operator, $1,100; two copyists; carpenter, $900; four messengers; five assistant mesengers (including one transferred from Bureau of Navigation); one laborer; three messenger boys, at $600

each; one messenger boy, $420; one messenger boy, $400; one telephone switch-board operator; one assistant telephone switch-board operator; in all, $69,260.

Mr. MACON. Mr. Chairman, I make the point of order against the words "six thousand dollars," in line 14, page 95, it being an increase of salary.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BINGHAM. I offer the following amendment: On line 14, page 95, strike out "six thousand" and insert "four thousand five hundred."

The Clerk read as follows:

Page 95, line 13, after the word "dollars," insert "Assistant Secretary of the Navy, $4,500."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office of Naval Records of the Rebellion: For chief clerk, $2,000; one agent, to be selected by the Secretary of the Navy from the officers of the late Confederate navy, $1,800; three clerks of class 2 (including one transferred from Bureau of Yards and Docks); two clerks of class 1; two clerks at $1,000 each; two copyists; copyist, $720; one assistant messenger; necessary traveling expenses for collection of records, $100; in all, $15,740.

Mr. WILLIAMS. Mr. Chairman, on page 96, after the word "Docks," in line 16, I move to insert the words "one clerk of class 2, indexer."

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 96, line 16, after the word "Docks," insert "one clerk of class 2, indexer."

Mr. WILLIAMS. Mr. Chairman, I will give a brief explanation of that amendment. There has been for years detailed from the Government Printing Office to the Navy Department a man who has done the work of indexing the Navy and Army rebellion records, as they are called. He receives his appointment from one arm of the Government and does his work in another. The Bureau has recommended the adoption of the amendment. In a conversation with the President of the United States, he thought, as I do, that this man's place ought to be rendered stable and, I understand, suggested substantially this amendment. The man who has been doing the work was a man whose work was known to him very well during the term of his service as Assistant Secretary of the Navy, and the object of the amendment is to give the man responsibility in the Department where his work is.

The committee did not adopt the recommendation, because I think it was not sufficiently insisted upon, but I hope the committee will not object to it now. Of course I know it is subject to a point of order if the point of order should be made.

The amendment was agreed to.

Mr. WILLIAMS. Mr. Chairman, in order to make this right, on page 96, line 20, the total of $15,700 should be changed to $17,100. Of course the transfer of this man from one arm to the other increases the aggregate of this paragraph.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 96, line 20, strike out "$15,700" and insert "$17,100."

The amendment was agreed to.

Mr. GILLETT. Mr. Chairman, to save time, I ask unanimous consent that the Clerk be authorized to change all totals in the bill incident to any amendments that are made.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the Clerk be authorized to change the totals to correspond with the action of the committee. Is there objection?

There was no objection.

The Clerk read as follows:

For a monthly Pilot Chart of the North Pacific Ocean, showing graphically the matters of value and interest to the maritime community of the Pacific coast, and particularly the directions and forces of the winds to be expected during the month succeeding the date of issue; the set and strength of the currents; the feeding grounds of whales and seals; the regions of storm, fog, and ice; the positions of derelicts and floating obstructions to navigation; and the best routes to be followed by steam and by sail; including the expenses of communicating and circulating information; lithographing and engraving; the purchase of materials for and printing and mailing the chart, $2,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph. There is no provision of law, although that has been the custom, authorizing the publication of the monthly Pilot Chart of the North Pacific Ocean. If there be a provision of law requiring the Government to publish a bulletin telling the directions and forces of the winds to be expected during the month succeeding the date of issue, it is very important legislation, because, if we could, by legislation, ascertain what the direction and force of the winds would be next month, it would be of great value to us all; also, if the regions of storm, fog, and ice during the next month could be determined by law, that would be of exceedingly great value. I think there is no provision of law for it. It is a useless publication. It may have been of benefit at one time, but the routes to be followed by steam and sail vessels have long been laid out, and do not require to be published every month.

Mr. GILLETT. Mr. Chairman, this is an appropriation which has been in the bill year after year. The exact usefulness of it I am not prepared to enlighten the gentleman about; but as to the point of order, this is a monthly chart which has been published for several years. It is a regular Government publication, a work now in progress, and it seems to me that the continuation of it is proper upon an appropriation bill. I suppose the gentleman will not deny that it is a work which we have had year by year, which is now being published, and that this is a mere continuation of what is now going on.

Mr. MANN. I will not deny that this monthly pilot chart of the North Pacific Ocean has been published for a good many years, but I do not think that requires that it shall be continued. It is not a work in progress. It is ended each month when it is published. That is the end of that month's work. Certainly that would be a very broad definition of a work in progress. The necessity for it has long since ceased, or I would not make the point of order.

Mr. GILLETT. As to the necessity of it, I am not disposed to argue, for I do not know about it.

Mr. MANN. Of course that has nothing to do with the point of order.

Mr. GILLETT. No, that has nothing to do with the point of order; but the Hydrographic Office is in existence, which is appropriated for upon the two preceding pages. There is a large force of clerks. There is an appropriation of $100,000 for this office. This appropriates for publishing results worked out by this office, and as a mere publication of results of the work of this office, it seems to me it is in order.

Mr. MANN. The Hydrographic Office is engaged in quite another work. It is engaged in important work. This is not a necessary part of the work of the Hydrographic Office at all.

Mr. GILLETT. I think I can cite a statute authorizing this, if the Chair desires it.

The CHAIRMAN. The Chair would be glad to have his attention called to that, because the Chair will state frankly that he hardly thinks the appropriation is authorized on the ground that it is a continuing work in progress.

Mr. GILLETT. I call the attention of the Chair to section 432 of the Revised Statutes, as authorizing the publication.

The CHAIRMAN. Section 432 is as follows:

SEC. 432. The Secretary of the Navy is authorized to cause to be prepared, at the Hydrographic Office attached to the Bureau of Navigation in the Navy Department, maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators, sailing directions and instructions as he may consider necessary, and when he may deem it expedient to do so, and under such regulations and instructions as he may prescribe.

Mr. MANN. Permit me to call your attention to the fact that this entirely changes the discretion of the Secretary of the Navy in that regard, and requires him to publish a chart giving particularly the directions and forces of the winds to be expected during the month succeeding the date of issue, the set and strength of the currents, the regions of storm, fog, and ice, which is not provided for in the law, but entirely overrules his discretion, and hence is a change of existing law.

Mr. GILLETT. On the contrary, Mr. Chairman, although the law does not set forth all the details, the law makes a general provision and does not compel the Secretary to publish the chart, but simply makes an appropriation for that purpose.

Mr. MANN. It does compel him to publish it.

Mr. GILLETT. It appropriates for a monthly chart; it does not compel him to publish it.

Mr. MANN. It compels him, if he does publish it, to do something without his discretion; he has to insert something new. This takes away the discretion he has under the law and compels him to show certain things which it is impossible for anybody to know.

Mr. ENGLEBRIGHT. Mr. Chairman, the gentleman calls attention to that portion relating to the direction and course of the winds to be expected during the month succeeding the day of issue. It is a well-known fact that on the ocean there are certain winds to be expected at certain times of the year, and a study of those subjects gives these officers an opportunity to draw very good conclusions as to what winds are to be expected during the succeeding month.

Mr. MANN. Do these winds change each year? Does the

information have to be published every year telling what the prevailing winds are?

Mr. ENGLEBRIGHT. The idea is that these officers, from what they observe the preceding year, get new ideas, and these should be brought to the attention of the navigators.

The CHAIRMAN. The pending paragraph appropriates money for the publication of a monthly pilot chart of the North Pacific Ocean, which, if published, is to include certain things specified in the paragraph, thereby seeming to the Chair to limit the discretion which is vested in the executive officer by section 432, to which the attention of the Chair is called. The Chair thinks it would be possible to appropriate money for publishing a monthly pilot chart of the North Pacific Ocean, but in making the appropriation the directions set forth can not be embodied. The Chair therefore sustains the point of order.

The Clerk read as follows:

For repairs to main building, $5,000.

Mr. BINGHAM. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; accordingly the committee determined to rise, and Mr. DALZELL having resumed the chair as Speaker pro tempore, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16882, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4922. An act providing for the platting and selling of the south half of sec. 30, T. 2 N., R. 11 W. of the Indian meridian, in the State of Oklahoma, for town-site purposes—to the Committee on Public Lands.

S. 5155. An act authorizing the exchange of lands for the enlargement of maneuvering grounds—to the Committee on Military Affairs.

S. 389. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico—to the Committee on War Claims.

S. 652. An act to create the office of captain in the Philippine Scouts—to the Committee on Military Affairs.

S. 2886. An act for the relief of the legal representatives of the late firm of Lapene & Ferre—to the Committee on War Claims.

S. 3342. An act to construct and place a light-ship opposite the entrance of St. Johns River, Florida—to the Committee on Interstate and Foreign Commerce.

S. 3778. An act for the relief of the Minnesota and Ontario Bridge Company—to the Committee on Claims.

S. 4260. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906—to the Committee on Interstate and Foreign Commerce.

S. 4289. An act for the relief of the people of Hartshorne, Okla.—to the Committee on Private Land Claims.

S. 4541. An act to authorize the sale of 640 acres of the lands of the Cheyenne and Arapaho Agency and the Arapaho school, Oklahoma, and the use of the proceeds thereof—to the Committee on Indian Affairs.

ENROLLED BILL PRESENTED TO THE PRESIDENT OF THE UNITED STATES FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 14766. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes.

COMMITTEE ON MINES AND MINING.

Mr. HUFF. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution:

The Clerk read as follows:

Resolved, That the Committee on Mines and Mining be authorized to have such printing and binding done as may be required in the transaction of its business.

The resolution was agreed to.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (H. R. 15669) to provide for the construction of dams, canals, power stations, and locks for the improvement of navigation and development of water power on the St. Lawrence River at or near Long Sault Island, St. Lawrence County, N. Y., was changed from the Committee on Foreign Affairs to the Committee on Rivers and Harbors.

ADJOURNMENT.

And then, on motion of Mr. BINGHAM (at 5 o'clock and 3 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Elijah Warren against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry Davis against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Paris P. Henderson against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Abby C. McNett, widow of Andrew J. McNett, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary L. Scott, widow of Pleasant S. Scott, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Jane H. Haynes, widow of Charles H. Haynes, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Margaret Bloom, widow of Andrew S. Bloom, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for equipment of coast artillery, organized militia—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Surgeon-General of the Public Health and Marine-Hospital Service submitting an estimate of appropriation for expenses of the Public Health and Marine-Hospital Service—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Surgeon-General of the Public Health and Marine-Hospital Service submitting an estimate of appropriation for maintenance of the leprosy hospital, Hawaii—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Civil Service Commission submitting an estimate of appropriation for printing and binding—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, relating to enlarged accommodations for the Bureau of Engraving and Printing—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 16964) ratifying an act of the legislative assembly of the Territory of Arizona providing for the erection of a court-house and jail at Yuma, in Yuma County, Territory of Arizona, reported the same without amendment, accompanied by a report (No. 899), which said bill and report were referred to the House Calendar.

Mr. McCALL, from the Committee on the Library, to which was referred the resolution of the House (H. J. Res. 124) authorizing the presentation of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution, reported the same with amendment, accompanied by a report (No. 900), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution of the House (H. C. Res. 17) that the statue of Jabez Lamar Monroe Curry, presented by the State of Alabama, be accepted in the name of the United States and the thanks of Congress be tendered the State for the same, reported the same without amendment, accompanied by a report (No. 901), which said resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 10413) granting a pension to Ferdinand P. Larkin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10899) granting an increase of pension to John Miller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULZER: A bill (H. R. 17136) to make October 12 in each year a public holiday, to be called "Columbus Day"—to the Committee on the Judiciary.

By Mr. RODENBERG: A bill (H. R. 17137) relating to conspiracies, restraining orders, injunctions, contempts of court, and for other purposes—to the Committee on the Judiciary.

Also, a bill (H. R. 17138) to establish a fish-hatching and fish-culture station in Monroe County, State of Illinois—to the Committee on the Merchant Marine and Fisheries.

By Mr. WATKINS: A bill (H. R. 17139) to establish a fish-hatchery and fish-cultural station in the State of Louisiana—to the Committee on the Merchant Marine and Fisheries.

By Mr. DAVENPORT: A bill (H. R. 17140) to provide for approval and ratification of sales of certain lands in partition suits in the Quapaw Indian Agency, Ottawa County, Okla., and deeds made therein—to the Committee on Indian Affairs.

By Mr. HULL of Iowa: A bill (H. R. 17141) to accord to enlister men of the Army, Navy, or Marine Corps, and their wives, the right of burial in any national cemetery—to the Committee on Military Affairs.

By Mr. DENBY: A bill (H. R. 17142) to amend an act approved June 30, 1906, entitled "An act creating a United States court for China, and prescribing the jurisdiction thereof—to the Committee on Foreign Affairs.

By Mr. GILL: A bill (H. R. 17143) authorizing the Secretary of Commerce and Labor and the Light-House Board to purchase and to establish lighted buoys at the entrance of the Chesapeake Bay—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Illinois: A bill (H. R. 17144) providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States—to the Commitee on Coinage, Weights, and Measures.

By Mr. FRENCH: A bill (H. R. 17145) authorizing States and Territories to select lands in lieu of lands included within forest reserves—to the Committee on the Public Lands.

Also, a bill (H. R. 17146) providing for the compensation of States and Territories for lands included within forest reserves—to the Committee on Appropriations.

By Mr. WILEY: Joint resolution (H. J. Res. 138) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes—to the Committee on Military Affairs.

By Mr. CHANEY: Resolution (H. Res. 238) for the payment of an additional messenger in charge of the House telephone—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 17147) granting a pension to John Lilley—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 17148) granting an increase of pension to Adam Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17149) granting an increase of pension to Freeman Burk—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 17150) granting an increase of pension to William H. Brown—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 17151) for the relief of heirs of John W. Stallings, deceased—to the Committee on War Claims.

By Mr. BOWERS: A bill (H. R. 17152) for the relief of heirs of John W. Ford, deceased—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 17153) granting an increase of pension to Samuel A. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17154) granting an increase of pension to Michael Wilkey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17155) granting a pension to Louiza J. Thompson—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 17156) granting a pension to Jacob L. Crim—to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 17157) granting an increase of pension to Elijah Tharp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17158) to pay the estate of Anna Irons, deceased, for beef cattle furnished United States Army during the war of the rebellion—to the Committee on War Claims.

Also, a bill (H. R. 17159) to pay the heirs of Mrs. E. L. Eblin, formerly Mrs. E. L. McElrath, for the rent of a saw and grist mill from January 1, 1864, to June 30, 1865, rented for the use of and used by the Federal forces in McMinn County, Tenn., the sum of $21,200, with interest from the said last-named date at the rate of 6 per cent per annum—to the Committee on War Claims.

Also, a bill (H. R. 17160) granting a pension to John T. Biggers—to the Committee on Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 17161) for the relief of Julia Ryan—to the Committee on War Claims.

By Mr. DWIGHT: A bill (H. R. 17162) granting an increase of pension to John Dammer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17163) granting an increase of pension to Henry Phelps—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 17164) for the relief of the heirs of W. D. McDowall, deceased—to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 17165) granting an increase of pension to George W. Nertz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17166) granting a pension to Sadie Doan—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 17167) authorizing the Woodlawn Cemetery Association, of St. Maries, Idaho, to purchase not to exceed 40 acres of land from the United States—to the Committee on Indian Affairs.

By Mr. FULTON: A bill (H. R. 17168) granting an increase of pension to Benjamin Harris—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 17169) granting a pension to Providence S. Ludlam—to the Committee on Pensions.

By Mr. McGAVIN: A bill (H. R. 17170) granting an increase of pension to Edward Mackin—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 17171) for the relief of Benjamin F. Curry—to the Committee on Claims.

By Mr. HULL of Tennessee: A bill (H. R. 17172) for the relief of R. F. Pippin, of Putnam County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 17173) for the relief of the estate of Mrs. Elizabeth Boyers, née Soloman—to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17174) for the relief of the heirs of Edmund Floyd Greenwood—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 17175) granting an in-

crease of pension to Samuel Godsey—to the Committee on Pensions.

Also, a bill (H. R. 17176) granting an increase of pension to John Townsend—to the Committee on Pensions.

Also, a bill (H. R. 17177) granting a pension to A. H. Sympson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17178) granting a pension to James H. Gilley—to the Committee on Pensions.

Also, a bill (H. R. 17179) for the relief of the legal representatives of John Clark—to the Committee on War Claims.

Also, a bill (H. R. 17180) for the relief of John J. Sewell—to the Committee on War Claims.

Also, a bill (H. R. 17181) to correct the military record of C. W. I. Pugh—to the Committee on Military Affairs.

Also, a bill (H. R. 17182) to correct the military record of Nelson Joseph—to the Committee on Military Affairs.

By Mr. LAW: A bill (H. R. 17183) granting a pension to Elizabeth Steele—to the Committee on Pensions.

Also, a bill (H. R. 17184) for the relief of Peter Claude—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 17185) for the relief of heirs of Zebudee Slaton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17186) for the relief of heirs or estate of Andrew J. Casey, deceased—to the Committee on War Claims.

By Mr. LIVINGSTON: A bill (H. R. 17187) granting a pension to Ellen Waters—to the Committee on Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 17188) granting an increase of pension to Timothy C. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17189) granting an increase of pension to Joseph Thompson—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 17190) granting a pension to James F. Flynn—to the Committee on Pensions.

By Mr. McGUIRE (by request): A bill (H. R. 17191) to confer jurisdiction, legal and equitable, upon the Court of Claims in the matter of the claims of certain Shawnee Indians to be enrolled as Cherokees, under treaty of July 19, 1866, agreement of June 7, 1869, the act of October 1, 1890, and decrees of the courts thereunder, and for other purposes—to the Committee on Indian Affairs.

By Mr. McHENRY: A bill (H. R. 17192) granting a pension to Harry W. Albeck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17193) granting a pension to Everett M. Letts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17194) granting an increase of pension to William J. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17195) to restore the pension of J. Boyd Robinson, late a sergeant of Company G, Tenth Regiment Pennsylvania Reserve Volunteer Corps—to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 17196) granting a pension to Daniel L. Barnes—to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 17197) granting an increase of pension to Augustus Goeller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17198) granting an increase of pension to Minor H. Greene—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 17199) for the relief of the estate of John W. McKissock, deceased—to the Committee on Claims.

Also, a bill (H. R. 17200) for the relief of the estate of David H. Hays, deceased—to the Committee on Claims.

By Mr. POWERS: A bill (H. R. 17201) granting an increase of pension to Adna T. Cushman—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 17202) granting an increase of pension to Elias D. Carnahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17203) granting an increase of pension to James M. Reed—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 17204) granting a pension to Thomas M. Bellomy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17205) granting a pension to John M. Hyden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17206) for the relief of Almareen Owens, sr.—to the Committee on Claims.

By Mr. SPIGHT: A bill (H. R. 17207) for the relief of heirs or estate of T. H. P. Morton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17208) for the relief of estate of Mrs. Jerusha Harrison, deceased—to the Committee on War Claims.

By Mr. STURGISS: A bill (H. R. 17209) granting a pension to John Todd—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 17210) to authorize the President of the United States to appoint Benjamin F. Clayton captain of infantry in the Army and to place him on the retired list—to the Committee on Military Affairs.

By Mr. WALLACE: A bill (H. R. 17211) to validate a military bounty-land warrant location made by Horace E. Bemis—to the Committee on the Public Lands.

By Mr. WOOD: A bill (H. R. 17212) granting an increase of pension to Gilbert M. Everham—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 17213) granting an increase of pension to William Coombes—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 17214) for the relief of Harry Kimmell, a commander on the retired list of the United States Navy—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of International Brotherhood of Stationary Firemen, Local No. 11, Buffalo, N. Y., for construction of battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of heirs of John W. Stallings—to the Committee on War Claims.

By Mr. BATES: Petition of Musicians' Protective Association, No. 103, of Erie, Pa., for recognition of civilian musicians in United States Army—to the Committee on Military Affairs.

Also, petition of Cigar Makers' Union, No. 107, of Erie, Pa., for building battle ships in United States navy-yards—to the Committee on Naval Affairs.

Also, petition of Keystone View Company, of Meadville, Pa., for amendment to copyright bill—to the Committee on Patents.

Also, petition of Merchants' Association of Portsmouth, Va., for building battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of Pattern Makers' Association of Erie, Pa., favoring building battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of A. H. Mahle and Eli Barton, of Corry, Pa., for a national registration law for automobiles—to the Committee on the Judiciary.

By Mr. BARTLETT of Georgia: Petition of Ware County Medical Society, for laboratories by United States for study of criminology—to the Committee on the Judiciary.

By Mr. BOWERS: Paper to accompany bill for relief of heirs of John W. Ford—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of Woman's Christian Temperance Union of Auburn, Me., against use of mails for distribution of advertising matter for intoxicating liquor—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Delaware: Petition of Pilots' Association of the Bay and River Delaware, for H. R. 6169—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of John B. Creighton, favoring H. R. 4375 and 4377, for pensions for widows and children of Doctors Lazear and Carroll—to the Committee on Pensions.

Also, petition of National Funeral Directors' Association, against custom of burial at sea—to the Committee on the Merchant Marine and Fisheries.

By Mr. CHANEY: Paper to accompany bill for relief of Louiza J. Thompson—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: Petition of Dawson Grange and citizens of Fayette County, Pa., for S. 3152, protection of dairy interest—to the Committee on Agriculture.

Also, petition of D. R. Reynolds, in favor of Kittredge copyright bill (S. 2900)—to the Committee on Patents.

Also, petition of Farmers' Institute of Somerset County, Pa., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. T. Powell and Grand Army of the Republic Association, of Philadelphia, against abolition of pension agencies—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: Petition of mass meeting of citizens of Indiana Harbor, Ind., for appropriation to improve the harbor of that place—to the Committee on Rivers and Harbors.

Also, petition of A. Orth Behin et al., of Lafayette, Ind., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. DAVIS of Minnesota: Resolutions adopted by the National German-American Alliance, relative to immigration—to the Committee on Immigration and Naturalization.

Also, memorial of Merchant Tailors' National Protective Association, indorsing H. R. 534, relating to industrial education—to the Committee on Education.

Also, petition of Michael Cook Post, Grand Army of the Republic, of Faribault, Minn., for the Lafean bill—to the Committee on Invalid Pensions.

Also, petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. DAWSON: Petition of 223 citizens of Clinton for a system of pensions for aged persons—to the Committee on Pensions.

Also, petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturaliztion.

By Mr. DUNWELL: Petition of Frank E. Pearsall, against amendment of copyright bill inimical to photographers—to the Committee on Patents.

Also, petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturalization.

Also, petition of T. B. Walker, for currency legislation—to the Committee on Banking and Currency.

By Mr. DUREY: Petition of J. C. Worley, of Ballston, N. Y., against amendment of copyright law as regards photographers—to the Committee on Patents.

By Mr. FITZGERALD: Petition of National Funeral Directors' Association, for legislation to prevent burial at sea—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Downtown Taxpayers' Association, for construction of a battle ship at Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. FLOYD: Paper to accompany bill for relief of George Rawlings—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: Papers to accompany bills for relief of Samuel Lyda, Catharine Lyda, and Frances L. Ferguson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George W. Irvin—to the Committee on Pensions.

By Mr. FOCHT: Paper to accompany bill for relief of David M. Wiswander—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of New York Post-Office Laborers' Protective Association, for increase of pay—to the Committee on the Post-Office and Post-Roads.

Also, petition of Paint Manufacturers' Association of the United States, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAFF: Petition of Edward H. D. Couch, for travel pay as an officer of the United States Volunteers for war service in the Philippines—to the Committee on War Claims.

By Mr. HIGGINS: Petition of Companies I and L, First Infantry, and Company E, Second Infantry, Connecticut National Guard, favoring H. R. 14783, for promotion of efficiency of the militia—to the Committee on Militia.

Also, petition of Germania Lodge, Sons of Hermann, of Norwich, Conn., against prohibition or interstate-commerce liquor measures now before Congress—to the Committee on the Judiciary.

Also, petition of Business Men's Association of Willimantic, Conn., against any changes in the present parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of Charles K. Payne, jr.—to the Committee on Invalid Pensions.

By Mr. HUFF: Papers to accompany House bill for the relief of Harry Kimmell, to be placed on the retired list of the Navy—to the Committee on Naval Affairs.

By Mr. HULL of Iowa: Petition of Army and Navy Union, of Erie, Pa., for increase of pay of officers and enlisted men in Army and Navy—to the Committee on Military Affairs.

By Mr. KELIHER: Petition of women of Boston, for legislation providing for a 1-cent 2-ounce general letter post and for a cheap rural post—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. B. Clark Company, of Boston, against increase of census clerical force save in compliance with civil-service rules—to the Committee on the Census.

Also, petition of National German-American Alliance, against change in immigration laws—to the Committee on Immigration and Naturalization.

Also, petition of East Asiatic Society of Boston, for joint resolution No. 90, relative to consular establishments in China, Japan, and Korea—to the Committee on Foreign Affairs.

By Mr. KNAPP: Petition of W. G. Mendeville, of Lowville, N. Y., against amendment of copyright law as regards photographers—to the Committee on Patents.

By Mr. LEE: Paper to accompany bill for relief of heir of James Freeman—to the Committee on War Claims.

By Mr. LINDBERGH: Petition of Samuel H. Harrington and others, for pension legislation granting $30 per month to all Union soldiers—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: Paper to accompany bill for relief of Ellen Waters—to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: Paper to accompany bill for relief of Ambrose M. Phelps—to the Committee on Invalid Pensions.

By Mr. PATTERSON: Paper to accompany bill for relief of Mathew Ready, jr.—to the Committee on War Claims.

Also, paper to accompany bill for relief of Mount Pleasant Baptist Church—to the Committee on War Claims.

By Mr. REEDER: Petitions of Homer Calvin et al. and Milo Robinson et al., for the Sherwood bill—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: Papers to accompany bills for relief of James Powell, Daniel Snively, and John McNevin—to the Committee on Invalid Pensions.

By Mr. SPIGHT: Papers to accompany bills for relief of estate of Jerusha Harrison and estate of T. H. P. Morton—to the Committee on War Claims.

By Mr. STERLING: Papers to accompany H. R. 16851—to the Committee on Indian Affairs.

By Mr. STURGISS: Paper to accompany bill for relief of William D. Graham—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of John Todd, Isaac D. Caldwell, Nelson Hendrick, Charles H. Keefer, R. A. A. Collins, John C. Dearing, and John M. Collins—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of George Murphy, against amendment in copyright bill inimical to photographers—to the Committee on Patents.

By Mr. WALLACE: Paper to accompany bill for relief of Horace E. Bemis—to the Committee on the Public Lands.

By Mr. WOOD: Petition of Mrs. C. B. Dickinson, for restoration of motto "In God we trust" to the coins—to the Committee on Coinage, Weights, and Measures.

Also, petition of G. G. Green, against amendment to pure-food and drugs act of June 30, 1906—to the Committee on Agriculture.

Also, petition of G. G. Green, against H. R. 11762, prohibiting distribution of advertising matter in the District of Columbia—to the Committee on the District of Columbia.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 15, 1908.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for the deep and abiding patriotism which characterizes the American people and which insures the perpetuity of our Republic; that we are not unmindful of those who sacrificed themselves on a thousand fields in the service of their country. We are reminded of the brave men who, ten years ago to-day, went down to death on the ill-fated *Maine*.

Grant, O God, that their sacrifice may be an inspiration to the living; that our country is not only worth living for, but, if need be, it is worth dying for; that vigilance is not only the price of liberty, but it is the price of everything worth while.

Help us, therefore, to be patriots in times of peace and in times of war; and we most fervently pray, O God, that war shall never come to us again, but that we may live in harmony with each other and in peace with all the world; and Thine will be the praise, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SECOND-CLASS POSTAGE.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent to print as a document a communication addressed to me by the Third Assistant Postmaster-General relative to the attitude of the Department toward second-class mail.

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to inquire if the document is concerning Erastus Moore?

Mr. OVERSTREET. Not at all. I have had many inquiries, as other Members have, relative to the new rules of the service

affecting the second-class matter, and this document will enable Members to fully advise in regard to it.

Mr. BARTLETT of Georgia. Will the gentleman yield?

Mr. OVERSTREET. I will yield to the gentleman from Georgia.

Mr. BARTLETT of Georgia. If I understand, this has reference to the rule which prescribes that in case of a daily paper, if the subscription is not paid within a certain specified time, the subscriber's name shall not be counted in the general make-up of the numbers of bona fide subscribers.

Mr. OVERSTREET. I may say that it covers the entire subject of second-class matter of postage; it gives a full review of the cases—those that have appeared in recent months—and the new rules which have been promulgated.

Mr. BARTLETT of Georgia. But the gentleman does not answer my question.

Mr. OVERSTREET. I say that it covers that, and others as well.

Mr. BARTLETT of Georgia. Mr. Chairman, may I ask the gentleman this question. Some of us are very anxious to know, and a number of the constituents of many of us are anxious to know, the authority of the Postmaster-General to make these rules. Is that also conveyed in this communication?

Mr. OVERSTREET. The entire subject, I repeat, is treated in this communication, and it is prepared with a view of furnishing full and exhaustive information on that subject.

Mr. BARTLETT of Georgia. Now, in the event the House or Congress should be of the opinion that the rules, one of which I have referred to, are not proper rules in that regard, what relief is there for the people from such a rule?

Mr. OVERSTREET. Any relief which requires legislation would have to be considered by Congress.

Mr. BARTLETT of Georgia. I understand that, but the gentleman is the chairman of the Committee on the Post-Office and Post-Roads, and if these rules and regulations are binding then the real relief must come through the committee, so far as this House is concerned.

Mr. OVERSTREET. I suggest, Mr. Speaker, that in my judgment this communication, which I ask shall be printed as a document, carries sufficient information to enable the gentleman from Georgia, as well as others, to satisfy themselves concerning what is the rule and what is the policy of the Department, and then they can take such steps as may seem best to them for any relief which they may think may be wise.

Mr. BARTLETT of Georgia. I am glad to have the information, and I am satisfied the press of the country and the people generally will be glad to know by what authority these rules have been adopted.

Mr. OVERSTREET. I would like to couple with my request for unanimous consent for printing as a document that 5,000 copies be printed. I may say that 5,000 copies can be printed, or about five times as many as the limited number that would be printed if no requests were made, for about $133. I think that will cover the entire expense of the 5,000 copies of the document.

Mr. BARTLETT of Georgia. May I ask the gentleman where these extra copies will go—to the Members or to the document room?

Mr. OVERSTREET. I have no objection, just so this is printed and they can be available. I have no objection to coupling with that the request that the documents be distributed through the folding room.

The SPEAKER. Is there objection?

Mr. CRUMPACKER. Mr. Speaker, does that assign to each Member a particular number?

Mr. OVERSTREET. Yes.

Mr. CRUMPACKER. I think that is a very wasteful way of distribution.

Mr. McCALL. In the other way a few Members would get them all.

Mr. CRUMPACKER. I do not like that method of distribution, because I regard it as exceedingly wasteful. If every Member took his quota out of the folding room, it would be a different proposition, but there are train loads of documents piled up in the Capitol building that have never been called for.

Mr. OVERSTREET. I will call the gentleman's attention to the fact that under the recent joint resolution the Committee on Printing controls the total amount printed, and the full number is not printed unless the demand justifies it.

The SPEAKER. The Chair hears no objection, and it is so ordered.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

Mr. McCALL. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution which I send to the desk and ask to have read.

The Clerk read as follows:

Joint resolution (H. J. Res. 139) to fill a vacancy in the Board of Regents of the Smithsonian Institution.

Resolved, etc., That the vacancy in the Board of Regents in the Smithsonian Institution of the class "other than Members of Congress" shall be filled by the appointment of Charles F. Choate, jr., a citizen of Massachusetts.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The resolution was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. McCALL a motion to reconsider the last vote was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16882), the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The Committee is in the Whole House on the state of the Union for the purpose of considering the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes. When the committee adjourned last evening the committee was considering the bill under the five-minute rule and had reached line 4, on page 104. The Clerk will now resume the reading of the bill.

Mr. JONES of Washington. Mr. Chairman, I desire to ask unanimous consent to return to page 102 for the purpose of offering an amendment, which I will ask to have read from the Clerk's desk.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to page 102 for the purpose of offering an amendment, which will be read by the Clerk.

The Clerk read as follows:

On page 102, in lieu of that stricken out on point of order, insert the following:

"For a monthly pilot chart of the North Pacific Ocean, showing graphically the matters of value and interest to the maritime community of the Pacific coast, including the expenses of communicating and circulating information, lithographing and engraving, the purchase of material for and printing and mailing the chart, $2,000."

Mr. BINGHAM. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will resume the reading of the bill.

Mr. JONES of Washington. Mr. Chairman, I ask the gentleman to reserve his point of order until I make a brief statement with reference to the matter.

The CHAIRMAN. Does the gentleman from Pennsylvania reserve his point of order?

Mr. BINGHAM. I am willing for the gentleman to make a statement if he desires to do so, but I object to returning to any part of the bill save that to which the committee has already conceded.

Mr. LIVINGSTON. The gentleman can make a statement when the next paragraph is reached under the five-minute rule.

Mr. JONES of Washington. When I make my statement here I do not believe that there will be any objection to my amendment.

Mr. LIVINGSTON. It is a waste of talk; we are not going back to it.

Mr. JONES of Washington. Mr. Chairman, when this matter came up on yesterday it was a proposition that had been in the bill for a great many years, and no question had been raised on the floor of the House with reference to it, and I will frankly state I did not know anything about the importance of this matter, and therefore I did not propose my amendment on yesterday. This morning I called at the Hydrographic Office to inquire with reference to the matter, and I find that this chart has been prepared every year since about 1882 or 1885 and that it is considered by the Office of the very greatest value, especially to the maritime interests on the Pacific coast. The pilot charts are compilations of observations made by something like 2,000 voluntary observers of the Department, and they show the results of those observations for twenty or thirty years.

There are great demands for this chart, especially by the maritime interests, by the navigators, and also by the schools, colleges, and public institutions of the country, and it seems to me that it is a matter that this House ought not to cut out, especially as it has been used for twenty-five or thirty years. As I say, they have something like 2,000 voluntary observers who send in their reports to the Department, and these charts are simply a compilation of these reports, and that is all there is to it. They will show the experience of navigators with the currents of water and the prevailing wind and all that sort of thing for twenty-five or thirty years. From these observations they are able to determine pretty fully and accurately what they may expect in the future. The Department considers this of the very greatest importance. Eighteen hundred copies of this North Pacific chart are issued monthly, and practically all are sent out. The provision I have sent has been carried in the bill here for twenty-five or thirty years and there ought not to be any objection to it. I have eliminated the objectionable features upon which this matter went out on the point of order yesterday and have simply carried the general proposition and appropriated what they already have had, and I hope there will be no objection to going back for the purpose of adopting the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. TAWNEY. Mr. Chairman, I object.

The Clerk read as follows:

Nautical Almanac Office: For the following assistants in preparing for publication the American Ephemeris and Nautical Almanac, namely: Three, at $1,600 each; two, at $1,400 each; three, at $1,200 each; two, at $1,000 each; one copyist and typewriter, $900; one assistant messenger and one messenger boy, $420; in all, $15,240.

Mr. SIMS. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I want to speak for a few minutes on a matter that is not, perhaps, germane to the bill before the House, but I will not occupy much time. I will read only a part, and insert in the RECORD the rest, of an article which appears in this morning's Washington Post. Briefly stated, it gives an account of an assault and robbery of a white lady at 6 o'clock or thereabouts yesterday afternoon near the British embassy, or gardens of the British embassy, on Connecticut avenue, one of the most fashionable, best lighted, and best protected avenues in the city of Washington.

This is one of twenty-one of these robberies from the person that have taken place since the 25th of September. There is to-day virtually a reign of terror among all those white women who are compelled to go upon the streets of Washington at night unattended and unprotected. Matters are getting worse instead of better. I am informed, from what I regard as a reliable source, that there are more policemen in the District of Columbia than in any city of like population in the United States. In addition, there are the watchmen in the public parks and public grounds who have police powers. In addition, there is a regimental post of United States cavalrymen——

Mr. TAWNEY. Will the gentleman permit an inquiry?

Mr. SIMS. Certainly.

Mr. TAWNEY. Is the gentleman's criticism to the effect that there is not a sufficient number of policemen, or is it because of inefficient administration?

Mr. SIMS. I think the gentleman will gather from my remarks what is intended when I get through. Within telephone call is a regiment of soldiers at Fort Myer. At the navy-yard a marine company is on guard. There seems to be enough armed protectors and preservers of the peace within telephone call to prevent anything that can be prevented by police protection, if efficient.

Now, Mr. Chairman, I want to say that, having read these instances of robbery, I do not believe it is possible to entirely prevent their occurrence with less than a policeman upon every block. They are not committed by professional pickpockets. Those professionals rob you without letting you know it, and leave you, at least physically, without injury. These robberies are in every instance, so far, by negroes, who begin the robbery by vicious assault upon the unprotected and unaccompanied white woman. Her purse is snatched. Murder has been committed since the 25th of September in one instance, but the victim was a man.

Now, Mr. Chairman, what are we to do about it? An increase of 100 policemen might prevent some of these occurrences. I do not believe it possible that a hundred policemen can prevent all of them. A negro or a white man watching for an unprotected woman whose purse he may snatch is also watching to see that no policeman is within sight. The robbery is committed in an instant, and the culprit gets away, and there is no means of identifying him. The report of the major of police shows that there was reported an increase of 3,000 arrests in the District of Columbia for the last year. The report says that these were due to increase of population and vigilance of the police.

Mr. Chairman, it is impossible to account for the increase of crime at that rate by increase of population. The population of the District of Columbia is not increasing at the rate of 10 per cent per annum, but crime is, and crime of this character is on the increase, and I will tell you the cause, and I will tell you the remedy.

The cause is that there is coming to Washington City more and more of the very class of idle criminals who commit these crimes, and they are going to remain here as long as present conditions are here, and will increase. Why is it? These criminals are of a low order and not professionals. They are the hangers-around and frequenters of saloons, filled with vile stuff that they can buy for 15, 20, or 25 cents a pint. As temperance legislation has closed the saloons in so many places throughout the States near Washington, this criminal element has flocked to Washington. A segregation of the saloons of the city of Washington accelerates instead of prevents these crimes. We can not prevent it by an increase of police. The police, by increase of vigilance, may prevent part of it, but if you want to stop the blood of helpless women from flowing in the District of Columbia, if you want to prevent the capital city of the United States being held up to the nation as being utterly unable to defend white women as early as 6 o'clock in the evening, close your $800-license saloons, and not one of these cases will occur.

[Here the hammer fell.]

Mr. SIMS. Mr. Chairman, I would like to ask for five minutes more.

There was no objection.

Mr. SIMS. An analysis of the arrests shows a vast number due to disorderly conduct, and it shows that while the negro population of the District of Columbia is not over one-third of the whole, the arrests for disorderly conduct among the colored people were double that among the whites during the last year reported.

These arrests for disorderly conduct are almost in every instance due to some stage of intoxication. Get rid of these "criminal-creating establishments," and there will not be half the number of arrests, and we will not need more than half the policemen you have now, and it will be a rare thing that one of this kind of crimes will be committed in the District.

We may have professional pickpockets afterwards; we will have some disorderly conduct; we will have some assaults; but we will reduce them to an extent that they will appear as nothing compared with the present. Now, we will be driven to this course by the fact that the States have closed the saloons in so large a part of the contiguous country, and by that means have caused a great many of the criminal element to come to Washington from those places. Say what you please, if Washington is to be a model to the country in morals and in the execution of the laws, it will have to be a model in morality and in moral institutions, and we will have to have here, however much you may dislike it, not simply regulation of saloons in the District of Columbia, but eradication. [Applause.]

Mr. WEBB. Can the gentleman state what kind of vagrancy law there is in the city?

Mr. SIMS. I can not tell you specifically, and therefore will not undertake to answer the inquiry.

Mr. WEBB. If the city had a strict vagrancy law, carefully enforced, in my opinion in less than ten days 10,000 worthless negroes and trifling whites would leave the city.

Mr. SIMS. The gentleman's statement may be true, but the best law that we can enact is one to get rid of the business that makes vagrants and fosters vagrancy. [Applause.]

Mr. WEBB. I agree with you in that.

Mr. SIMS. I here insert the article, as follows:

[From Washington Post, February 15, 1907.]

THUG ATTACKS GIRL—NEGRO KNOCKS DOWN AND ROBS MISS MAY MULLAN—NEAR BRITISH EMBASSY—CONNECTICUT AVENUE RESIDENT IS THE LATEST VICTIM—TWENTY-FIRST CASE OF THE KIND SINCE LAST SEPTEMBER—FAMILY APPREHENSIVE THAT SHE MAY NOT RECOVER—NAVY PAY INSPECTOR M'GOWAN AND OTHER CITIZENS TELL OF ASSAULT—UNIDENTIFIED MAN GETS AWAY WITH CASH AND CHECKS.

Knocked down and brutally beaten by an unidentified negro, who had been hiding in the gardens of the British embassy, at Connecticut avenue and N street NW., Miss May Mullan, of 1310 Connecticut avenue NW., proprietress of a laundry at 1134 Connecticut avenue NW., was robbed last night of her pocketbook containing about $75.

Miss Mullan, in falling, struck her head against the fence which encircles the grounds of the embassy and sustained a deep gash over the right eye and contusions of the face and head.

The attack upon Miss Mullan was perhaps the most daring of its kind that has occurred in the city. She is the twenty-first victim of negro desperadoes since last September.

Miss Mullan is suffering from shock, and is confined to her bed. Her condition was such last night that members of her family are deeply apprehensive concerning her condition.

BRILLIANTLY LIGHTED THOROUGHFARE.

Connecticut avenue is one of the most fashionable thoroughfares in the United States, and it is brilliantly lighted near the British embassy. It is doubtful if any street in the city is better illuminated. Many of the embassies and residences of men eminent in political and social life are located in this street. Members of the British embassy had entered the house a few minutes before the attack was made. A number of persons living in the embassy rushed out and assisted in caring for Miss Mullan. They insisted that she be taken into the house, but, after temporarily recovering, Miss Mullan asked that she be taken to her home, a short distance away.

Immediately after the attack was made a crowd gathered. Several persons were on the opposite side of the street, but, owing to the fog which enveloped the city last night, they did not realize what had happened until they saw the negro disappear through N street. A car was passing at the time. The lights from it illuminated the surroundings and gave those aboard and persons on the street an inkling of what had happened. There is a large arc light on the corner of Connecticut avenue and N street, but the rays from this were dimmed by the fog.

LOOKED OVER CHECKS.

Miss Mullan left her place of business shortly after 6 o'clock. It is her custom to leave at 6 o'clock, but, having some important matters to attend to last night, she was a little late. She had received some checks, in payment for work that had been done, during the day, and these she placed in her pocketbook. She was going to take them home and place them in the bank in the morning.

HIT HER ON THE HEAD.

The negro did not get the pocketbook when he first grabbed for it, and, becoming angered, lifted his right fist and hit Miss Mullan on the head as she was attempting to rise. Miss Mullan again fell to the ground unconscious. The negro grabbed the pocketbook.

TWENTY-ONE VICTIMS OF ROBBERS.

The following women have been attacked and in most instances robbed by footpads in the streets of Washington since September 25:

September 25, 1907.—Miss Mamie Esher, 609 Florida avenue NW., knocked down and robbed of a pocketbook containing $2.80.

October 8, 1907.—Mrs. Julia Priest, 1706 S street NW., robbed of pocketbook containing $2

October 19, 1907.—Miss Edna Sheckels, 1300 Tenth street NW., robbed of pocketbook containing $5.80.

October 26, 1907.—Miss Louisa Lewis, robbed in front of 1325 Q street NW., of pocketbook containing $13.

October 29, 1907.—Miss Clara Helf, 2118 Eighteenth street NW., pocketbook containing $5.85 snatched.

October 29, 1907.—Mrs. S. N. Vail reported attempt made to snatch her pocketbook by two negro boys.

November 1, 1907.—Mrs. Mary Hickman, 918 Second street NE., robbed of hand bag.

November 9, 1907.—Mrs. Catherine Baer, 1115 Fifth street NW., pocketbook snatched by two colored boys.

November 18, 1907.—Bessie Smith, colored, knocked down and robbed of hand bag by colored man.

November 21, 1907.—Mrs. Robert Hickman knocked down and robbed of money, watch, and pin.

December 12, 1907.—Mrs. Jennie Williams, of Maryland, hand bag snatched by negro.

December 14, 1907.—Mrs. Alwine Perkins, 1935 Thirteenth street NW., hand bag containing gold watch snatched.

December 28, 1907.—Miss Tyler, 1337 L street NW., knocked down and robbed of purse and car tickets.

January 3, 1908.—Miss Fawkes, 1836 Fifteenth street NW., knocked down and robbed of a hand bag and $1.

January 9, 1908.—Ellen Upshur, 305 N street NW., negro attempted to snatch her hand bag in N street NW.

January 14, 1908.—Miss Kelly knocked down and robbed in front of Portland apartment of bag containing $19.

January 26, 1908.—Mrs. Margaret Welch, 626 B street SW., knocked down and robbed of pocketbook containing $8.

February 7, 1908.—Mrs. Xanten, Twelfth street SE., robbed of pocketbook containing $11.

February 17, 1908.—Miss Sadie Dick, 605 L street NW., robbed of $10 by negro while at Eleventh and F streets NW.

February 12, 1908.—Miss Anna Schaeffer, 1216 Eighteenth street NW., knocked down and robbed by negro at Twenty-third street and Pennsylvania avenue NW.

February 14, 1908.—Miss May Mullan, 1310 Connecticut avenue NW., knocked down and robbed of pocketbook containing money and checks.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR.

Office of the Secretary: For compensation of the Secretary of the Interior, $12,000; First Assistant Secretary, $6,000; Assistant Secretary, $5,000; chief clerk, $3,000; assistant chief clerk, $2,500; and to the chief clerk and assistant chief clerk there shall be distributed by the Secretary the duties prescribed by law for the chief clerk and such other duties as the Secretary may direct; additional to one member of Board of Pension Appeals, acting as chief of the board, $500; twelve members of a Board of Pension Appeals, to be appointed by the Secretary of the Interior, at $2,000 each; eight special inspectors, to be appointed by the Secretary of the Interior, to be subject to his direction, and whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at $2,500 each (in lieu of one special land inspector and five special inspectors, at $2,500 each, and six Indian inspectors, at $2,500 each, heretofore provided for in the Indian appropriation act); chief disbursing clerk, $2,250; clerk in charge of supplies, $2,250; clerk in charge of mails, files, and archives, $2,250; four clerks, at $2,000 each; private secretary to the Secretary of the Interior, $2,500; thirteen clerks of class 4 (two clerks of class 4 transferred to Indian Office and one transferred to General Land Office); sixteen clerks of class 3; twenty-one clerks of class 2 (three clerks of class 2 transferred to Indian Office and two transferred to General Land Office); twenty-four clerks of class 1 (six clerks of class 1 transferred to Indian Office, three transferred to General Land Office, and two omitted); returns office clerk, $1,200; female clerk, to be designated by the President, to sign land patents, $1,200; three clerks, at $1,000 each (three clerks, at $1,000 each, transferred to General Land Office); five copyists (seven transferred to Indian Office); switchboard telephone operator; nine messengers; seven assistant messengers; eighteen laborers; two skilled mechanics, one at $900 and one at $720; two carpenters, at $900 each; plumber, $900; electrician, $1,000; one laborer, $600; six laborers, at $480 each; one packer, $660; two conductors of elevator, at $720 each; four charwomen; captain of the watch, $1,200; forty watchmen; additional to two watchmen acting as lieutenants of watchmen, at $120; engineer, $1,200; assistant engineer, $1,000; seven firemen; one clerk, to be appointed by the Secretary of the Interior, to sign, under the direction of the Secretary, in his name and for him, his approval of all tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory, $1,200; in all, $283,090.

Mr. MACON. Mr. Chairman, I make the point of order on the language "six thousand dollars" in line 4, page 109, and "five thousand dollars" on line 5 of the same page.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. The Chair can dispose of one thing at a time.

The CHAIRMAN. Does the gentleman in charge of the bill desire to be heard on the point of order made by the gentleman from Arkansas? If not, the Chair sustains the point of order.

Mr. MANN. I have several points of order I wish to make. I reserve the point of order upon the whole paragraph. To line 6, page 109, I make the point of order on that or I will reserve it; on the language "for assistant chief clerk, $2,500; and to the chief clerk and assistant chief clerk there shall be distributed by the Secretary the duties prescribed by law for the chief clerk and such other duties as the Secretary may direct."

Mr. GILLETT. Mr. Chairman, I think there is an explanation of that which certainly appealed to the committee, and I hope will appeal to the gentleman from Illinois. The Secretary of the Interior asked of us a great many changes to reorganize his force. Now, I think the Committee on Appropriations is quite as much opposed to any changes or reorganization as any Member of the House, because it interferes seriously every year with our comparison of the appropriations with the preceding year and makes it very difficult for us in each year to keep track of the bills; and therefore we are naturally conservative and opposed to changes. The Secretary of the Interior impressed me, and I believe every Member upon the subcommittee, with the fact that the reorganization that he had in view would very much increase the efficiency of the Department and was very much to the advantage of the public service. He asked at this particular place to which the gentleman makes the point of order, instead of the appointment of chief clerk and assistant chief clerk, the appointment of two undersecretaries, his purpose being that the duties now performed by the chief clerk and another clerk should be taken up by these two undersecretaries, who should have control over, as I remember it, the buildings and supplies, and accounts of the Department, the clerical force, the two acting together and having together control over the whole administrative functions of the Department, subject, of course, to the Secretary. He made it clear to the committee that that was a very advantageous and desirable proposition, and convinced us that it would result in great saving to the Government and efficiency to the Department. But we did not like to introduce into the bill this new phrase, "undersecretary." We thought the same could be accomplished by the phraseology which we have used, and that we could accomplish this desirable object by having a chief clerk and assistant chief clerk and allowing the Secretary to distribute between them this class of duties which I have described.

I think it would be very much to the advantage of the work of the Department if he were allowed this legislation, and I hope the gentleman will not insist on his point of order.

Mr. BURLESON. In addition to the statement made by the gentleman from Massachusetts, I desire to direct his attention to the fact that the Secretary of the Interior stated that it would effect a saving, as he confidently believed, of about $300,000 a year to the Government if he was permitted to reform the force.

Mr. GILLETT. That was by the whole plan of reorganization.

Mr. TAWNEY. Mr. Chairman, I sincerely hope that the gentleman from Illinois will not insist on his point of order; and my reason for that statement is the fact that this particular paragraph is involved in, and is an essential part of, reorganization of the Interior Department. The committee felt that it was warranted in approving that part which will result in better administration and effect economy.

As the gentleman from Massachusetts [Mr. GILLETT] has said the estimates as submitted by the Department to the committee contemplated the entire reorganization of the Interior Department. That is true; but it was not deemed necessary to effect or approve the entire reorganization in order to bring about the economy and better administration which the Secretary contemplates will result from the reorganization.

There is one particular fact in connection with this reorganization I want to call attention to. Under the old organization there was in the Interior Department an intermediate division;

that is, a division to which the work of the bureau went before going to the Secretary. These intermediate bureaus were, in the judgment of the Secretary of the Interior, absolutely unnecessary, and, in his judgment, better results could be obtained by their elimination, holding the bureau chiefs responsible for their work and letting whatever work they performed requiring his approval come to him to his office direct. That is one of the recommendations of the Secretary of the Interior which the committee has approved and recommends to the House.

The forty-odd employees that have heretofore been employed in the intermediate division have been distributed to the several bureaus in the Interior Department whose work has been in areas, and the work of these bureaus is now being brought up current as the result of changing these employees who heretofore have been employed in the intermediate division.

Now, the Secretary of the Interior who, when he appeared before the committee, made a very clear and convincing statement as to the beneficial results of this organization, claimed that he wanted two undersecretaries, who should perform generally under his supervision the duties now devolving upon the chief clerk and the chief of the appointment division of the Interior Department, so that the physical property belonging to the Government under the control of the Interior Department could be placed under control of one of these undersecretaries, and the supervision of the personal accounts, etc., could be placed under the control and supervision of the other undersecretary.

The committee, as the gentleman from Massachusetts has said, did not believe that it was for the best interests of the service to have a divided responsibility there, and did not favor the creation of officers designated as "undersecretaries" contradistinguished from assistant secretaries. The committee thought it was for the purpose of giving somebody a high-sounding title, regardless of what the duties of the office might be; therefore the committee kept as close to the existing organization as possible, providing for a chief clerk and an assistant chief clerk, which will enable the Secretary to have the service of these two officers under his control in his office and perform all the services which, in the judgment of the Secretary, are necessary for the best administration of his Department and in addition to such services as are now required by law of the chief clerk of that Department.

If this paragraph is eliminated, then, of course, that involves an entire recasting of this particular paragraph and of providing for the office of the Secretary of the Interior Department along the lines of current law. I might say, as the result of that reorganization, the Secretary of the Interior is satisfied, and the committee so thought, that he would effect economies aggregating over two or three hundred thousand dollars a year in the administration of his Interior Department.

Every member of this House who has paid any attention at all to the consideration of the legislative appropriation bill knows that there is no Executive Department of the Government so much in need of reorganization as was the Interior Department. I want the gentleman from Illinois and the Members of the House to understand that the ideas of the Secretary have not been adopted and are not recommended in full by the Committee on Appropriations or by the subcommittee reporting this bill to the whole committee; only those recommendations which appealed to the committee as being in the interest of better administration or greater economy in the prosecution of the business of that Department have been recommended by the committee.

And if the gentleman insists upon making this point of order he ought to be able to justify his action on the ground that the proposed reorganization will not effect economies and will not result in better administration. If the statement is made, as I heard it a moment ago, that this change is for the purpose of taking care of somebody in the Interior Department, I want to say that there is no foundation for that statement at all. No information that the committee could elicit from the Secretary of the Interior indicated that there was a particle of personal favoritism involved in the recommendation of the Secretary, and certainly it is not the intention of the committee in recommending this provision to encourage or approve of any favoritism in the Interior Department or in any other Department. I sincerely hope that the gentleman from Illinois, before insisting upon his point of order against this paragraph, will consider the question whether or not this reorganization, so far as we have approved of it, will be of less advantage than the organization under the current law. One or the other must necessarily be adopted, and if this paragraph goes out it involves a recasting of all the provisions for the Interior Department, and for that reason I sincerely hope the gentleman from Illinois will not insist upon his point of order.

Mr. MANN. Mr. Chairman, does the gentleman from Minnesota seriously insist that this whole appropriation for the Interior Department depends upon whether this particular man is taken care of in the bill?

Mr. TAWNEY. There is no particular man to be taken care of.

Mr. MANN. Well, this position?

Mr. TAWNEY. I say that if you change this, take out this paragraph and return to the old plan——

Mr. MANN. The gentleman is referring to the whole paragraph.

Mr. TAWNEY. I am referring to the effect that it has on the entire paragraph.

Mr. MANN. I reserved the point of order on the paragraph because there are several things in it which I propose to make the point of order upon, but the point of order that is now pending is against nothing but the assistant chief clerk. Does the gentleman seriously contend——

Mr. TAWNEY. The point of order not only relates to the assistant chief clerk, but also refers to the language which gives the Secretary of the Interior authority to require these officers to do certain duties in addition to those provided by law, and that is one of the vital points in the proposed reorganization in so far as the committee has approved it.

Mr. MANN. Mr. Chairman, it may be true, though it will take a great deal more than even the eloquence of the gentleman from Minnesota to convince me, that putting in a new officer at $2,500 a year will save $300,000 a year expense in the management of the Interior Department. I think that the statement itself bears on its face sufficient evidence that it is ridiculous, so that the gentleman from Minnesota would not for a moment insist upon it. I understand it is true that the Secretary of the Interior, for whom personally I have great admiration, endeavored to promote a scheme of reorganization in his Department, which would save a number of officials in the Department; but that it saves $200,000 or $300,000 I do not understand. I understand the contrary to be, that in order to reorganize the Department economically it requires more money to carry it on, and that is the usual case when all of these propositions come in to us. I am perfectly willing to reorganize any Department of the Government upon a more economical basis, or upon a more expensive basis if there be reason for it; but I undertake to say that the proposition that was submitted to the gentleman's committee did not propose a reduction in expenses, but proposed an increase in expenses, if you take out the men who are dropped from the Pension Office because they have not sufficient work to employ them. I ask the gentleman if that is not true?

Mr. TAWNEY. No; it is not true. The Secretary of the Interior, upon my personal request, filed a statement with the committee showing in detail where these economies would be effected, and what they would aggregate, independent of the reduction in the Pension Office.

Mr. MANN. Most of them were in the Pension Office. Now, if they desire to have an assistant chief clerk, as they have in the Treasury Department, I have no objection. They have more bureaus in the Treasury Department than they have in the Interior Department, but if they need an assistant chief clerk in the Interior Department, I have no objection. But I object, when we have several assistant chief clerks under the Government at lower salaries, to fixing this one at $2,500 for a specific individual, and then I object to changing in this the law which provides——

Mr. TAWNEY. Who is the specific individual that the gentleman refers to?

Mr. MANN. Mr. Speaker, I am naming no names.

Mr. TAWNEY. The gentleman has more information on this subject regarding the personnel in the Interior Department than the Committee on Appropriations.

Mr. MANN. I may say to the gentleman that that is not the first time that has happened. [Laughter.]

Mr. TAWNEY. I am speaking of the personnel of the Interior Department.

Mr. MANN. I am speaking of the personnel also.

Mr. TAWNEY. We have all the acquaintance we desire.

Mr. MANN. It is not the first time. The Committee on Appropriations does great service, and I have the greatest respect for them, but they do not extract all the information that is in the minds of men who appear before them, nor do they obtain all knowledge upon the subjects which come before them. Now, the gentleman has given, and can give, so far as I believe, no reason for changing the law in reference to any division of power given under the law to the chief clerk. I can see no occasion for putting in such a provision as this, that these people shall perform such other duties as the Secretary may direct. He may send them to California upon some duty of his own, he may send them to New York, he may

put them in the Indian Service, he can do anything with these two people that he pleases under this provision of law. They are not confined to the duties now provided for a chief clerk, they are not confined to the duties ordinarily conferred on chief clerks, but he may have within his power the discretion to put upon them such duties as he may direct. There is no such provision in the law anywhere in reference to officials which are created, and it is a vicious principle of law, which undoubtedly passed by the Committee on Appropriations without due scrutiny.

Mr. TAWNEY. Will the gentleman permit an interruption right there?

Mr. MANN. I will permit the gentleman anything.

Mr. TAWNEY. Does the gentleman contend on this floor that it is vicious to give to the superior or head of a Department the power to require services that he deems for the interest and benefit of the Department? Does the gentleman characterize authority in the heads of the Departments to control their subordinates as vicious?

Mr. MANN. I characterize as vicious the principle, where you provide that a clerk shall perform certain duties, that you shall give to the Secretary power to say that he shall perform such other duties as the Secretary may direct.

Mr. TAWNEY. That is a very common provision in relation to all the public service.

Mr. MANN. Well, that is not my observation nor experience.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BARTHOLDT. I am not interested except in a general way in this paragraph, but I should like to ask my friend this question. Supposing this paragraph is stricken out under the point of order made by the gentleman from Illinois, and the Senate reinserts it, which in all likelihood will happen, because this paragraph has the support and influence of a great Department behind it. Then the bill will come back to the House, and having the support of the Committee on Appropriations. What will happen then? Will these paragraphs against which points of order are being made not finally go into the bill and will the House not, by doing business in this way, deprive itself of the benefit of the influence it might otherwise have in initiating beneficial changes in appropriation bills? We here observe the rule religiously—we say there shall be no legislation on appropriation bills; but when the bill goes to the Senate these same amendments are inserted, in fact we here are being told, if we want a change of this kind, an increase of salary or whatever it may be, to go over to the Senate in order to secure it. Then these bills come back here, and the House usually concurs, and what is the result? The Members of the House deprive themselves of the credit which through changes and modifications of this kind would otherwise accrue to them, and the only men who have any standing with the Departments as influential enough to effect legislation are the Senators of the United States.

Mr. MANN. Well, that would not be the case if the gentleman would stand by the action of the House. It very often happens that the Committee on Appropriations, when it is defeated in this House on a point, through some underground method obtains the insertion of the item in the Senate, or perhaps the heads of Departments do. I do not hold myself responsible to follow either the Committee on Appropriations or the Department. I try to perform the functions of my office. They endeavor to perform the functions of their office.

If in the end they have their way, that is their good luck; if I have my way, that is my good luck. Sometimes I do.

Mr. BARTHOLDT. Mr. Chairman, if the gentleman will permit me, the purpose of the few remarks I submitted was to call attention to the fact that the House should insist upon its rules, even if the bill comes back from the other House. Then, there would never be any legislation upon an appropriation bill, and the Senators could not derive any special credit at the expense of the House. If possible, at such a late date, I desire to see the parity of the two Houses and their membership reestablished, and I hope the majority will concur in this view.

Mr. MANN. I am very glad the gentleman called attention to that fact. We ought not to need anybody to call our attention to that fact. The Committee on Appropriations ought to stand strong, like a stone wall, against these legislative items being put in by the Senate. I think they do pretty well about it.

Mr. TAWNEY. May I make an inquiry?

Mr. MANN. Certainly.

Mr. TAWNEY. You are referring to these two positions. I see in the note on the bill, which I hold in my hand, that the two undersecretaries were recommended by the Secretary of the Interior in lieu of a chief clerk at $3,000 and one clerk, now chief of a division, at $2,250. Now, the salaries which were recommended for the two undersecretaries were $3,000 each. The chief clerk is now receiving $3,000 and the chief of the division, who by this provision is made assistant chief clerk, is receiving $2,500, so we are not creating any new places and we are not increasing any salaries.

Mr. MANN. You are increasing salaries.

Mr. TAWNEY. No; we are not increasing salaries.

Mr. MANN. You are not only increasing salaries, but paying a higher salary in this case to the assistant chief clerk than is paid anywhere else by the Government. You do that in this very item.

Mr. TAWNEY. The appointment division is abolished; there is no provision made for it.

Mr. MANN. In this identical bill you have no assistant chief clerks at any such salary as this. I have said I have no objection to providing for the place at the ordinary salary, but——

Mr. TAWNEY. The salary the assistant chief clerk is to receive is the salary now paid to a man filling a position that is dropped, namely, the chief of the appointment division, $2,500, and the salary of the chief clerk remains the same as it is now, $3,000. The important part about this is enlarging the scope of the Secretary's control over the actions of these two men so that he may divide the responsibility of the chief clerk and an Assistant Secretary of the Interior, giving to the one control over the physical property under the control of the Interior Department and to the other control over the personnel and the accounts and supplies. It is involved in the whole reorganization.

Mr. LIVINGSTON. I would suggest to my colleague, Mr. Chairman, with the permission of the gentleman from Illinois, that the labor of these two men is divided in this way under his recommendation. One looks after the personnel of the Interior Department and the other after the business transactions which come up in the Department, and the salaries added together are just the same that they now draw. There is no increase of salary.

Mr. MANN. The gentleman can offer his amendment as he pleases in regard to it. I make the point of order commencing in line 6 with the word "assistant" down to the word "direct" in line 10.

The CHAIRMAN. It seems to the chair that the language upon which the gentleman from Illinois raised the point of order is clearly legislative. The chair sustains the point of order.

Mr. MANN. I make the further point of order upon line 13, beginning "to be appointed by the Secretary of the Interior"——

Mr. KEIFER. Mr. Chairman, I would like to make an inquiry——

The CHAIRMAN. Wait until the gentleman from Illinois has finished making his point of order.

Mr. MANN. On the words in line 13, "to be appointed by the Secretary of the Interior." The same in line 15, "to be appointed by the Secretary of the Interior, to be subject to his direction."

Mr. TAWNEY. Does the gentleman make the point of order as to the limitation placed upon their employment? That is new legislation.

Mr. MANN. I understand it is.

Mr. TAWNEY. And to be consistent the gentleman ought to make a point of order on that.

Mr. MANN. The gentleman will define his own consistency. I do not make the point of order upon your bill on everything subject to the point of order. If I did you could not recognize a single page of it.

Mr. KEIFER. Mr. Chairman, I do not rise to mix up in this controversy. I always, with the greatest uniformity, stand by my committee whenever I can. [Laughter.] And I am with the committee now, and I wanted to find out from the Chair, or from the gentleman from Illinois [Mr. MANN], whether he proposes to go through this paragraph with points of order against parts of it, and when he gets through insist upon his point of order against the whole of it?

Mr. MANN. I do not, as far as I am concerned, Mr. Chairman.

Mr. KEIFER. Then he withdraws his point of order against the paragraph, as I understand it?

Mr. MANN. I reserve the point of order upon the paragraph.

Mr. KEIFER. The two things are inconsistent. He must insist upon his point of order against the paragraph or waive it before going to the other.

Mr. MANN. I reserve the point of order in order to let the

gentleman explain the paragraph. If it will suit the gentleman from Ohio [Mr. KEIFER] any better, I will withdraw the point of order against the paragraph and make the point of order, and that will end this discussion.

Mr. KEIFER. I wish to say——

Mr. MANN. I wish to make a point of order, Mr. Chairman.

Mr. KEIFER. I would like to have one-hundredth part of the time for five minutes—just a one-hundredth part of the time for five minutes.

Mr. MANN. The gentleman has insisted that I make a point of order.

Mr. KEIFER. No, sir; I did not. I insist that you should not.

The CHAIRMAN. If the gentleman from Ohio [Mr. KEIFER] will permit, the Chair understands that the gentleman from Illinois [Mr. MANN] has made a point of order to the language "to be appointed by the Secretary of the Interior," lines 13 and 14, and also to the language "to be appointed by the Secretary of the Interior, to be subject to his direction," in lines 15 and 16.

Mr. MANN. And on page 111, line 8, "to be appointed by the Secretary of the Interior."

Mr. KEIFER. Do I understand the gentleman from Illinois can have the floor all the time and take anybody off his feet?

The CHAIRMAN. The gentleman from Illinois has the floor, and is entitled to make his point of order.

Mr. KEIFER. He did not have it, though, except to answer my question.

Mr. MANN. I am perfectly willing to yield the floor to the gentleman, although he was endeavoring to take me off the floor.

Mr. CRUMPACKER. I want to make a suggestion in connection with one of these points of order. I understand that the language from line 14, page 109, down to line 24 is new legislation?

Mr. TAWNEY. I would suggest to the gentleman from Indiana that this is new legislation only in this sense. At the present time in the current law the authority exists for the appointment of twelve inspectors, to be appointed by the Secretary of the Interior without any limitation whatever. We reduced the number from twelve to eight, leaving the authority for the appointment where it exists to-day under the law. But we do place a limitation upon their employment, while heretofore they could be employed for the purpose of inspecting anybody and anything. And the Secretary of the Interior suggested to the committee that he would be perfectly satisfied to have their employment limited to the inspection of the outside offices of the Interior Department, so that the limitation here is all that is really new. The other is a reduction from twelve to eight inspectors, leaving the authority for their appointment just as it is at the present time.

Mr. CRUMPACKER. Upon that hypothesis these eight inspectors would seem to be authorized for the purposes expressed in the clause, the limitation for this particular purpose, and it would seem to me that the balance of the clause standing without any objection being made to it, or any point of order being made against it, this being only a portion of it, it will be like an amendment to an amendment, against which a point of order would lie. The only question that could be made upon that would be whether it would be germane. If an amendment should be offered to a bill, and no point of order is made against it, although it might be new legislation, then any amendment that is germane to that would be in order. Now, if this provision is subject to a point of order, this whole clause, it would seem any portion of it would be in order if it is germane to the clause. And I submit that observation to the Chair for his consideration in ruling upon the particular point of order—that the whole clause is subject to a point of order, and the objection to a particular part of the clause on the ground that it is new legislation does not lie. It would stand exactly upon the same basis as an amendment proposed to an amendment that is not in order, but, no point having been made to it, the objection can not be taken advantage of.

The CHAIRMAN. The Chair understands the gentleman from Illinois as making the point of order to the language "to be appointed by the Secretary of the Interior," in lines 13 and 14. Does the gentleman in charge of the bill desire to be heard on the point of order?

Mr. BINGHAM. No.

The CHAIRMAN. The Chair sustains the point of order. The gentleman from Illinois also makes the point of order against the language "to be appointed by the Secretary of the Interior, to be subject to his direction and." The Chair sustains that point of order. What was the other point of order?

Mr. MANN. On page 111, line 8, "to be appointed by the Secretary of the Interior."

The CHAIRMAN. The Chair also sustains that point of order.

Mr. TAWNEY. Mr. Chairman, I called the attention of the Chair to the fact that these inspectors are now, under existing law, appointed by the Secretary of the Interior. If this provision be stricken out, then who will appoint and who will direct these inspectors?

The CHAIRMAN. That is not for the Chair to determine. The Chair asked the gentleman in charge of the bill if he desired to be heard on the point of order.

Mr. TAWNEY. I made the statement a moment ago that these inspectors were appointed by the Secretary of the Interior under existing law, that there were twelve of them serving under those appointments, and we merely reduced the number to eight.

The CHAIRMAN. The Chair, then, was acting under a misapprehension and will hear the chairman of the committee.

Mr. MANN. There is no provision of law.

The CHAIRMAN. Just a moment. Allow the Chair to withdraw the ruling on the point of order made by the gentleman from Illinois to the language in lines 15 and 16. The Chair will then hear the gentleman upon that point.

Mr. MANN. There is no provision of law in reference to these except the civil-service law. The same provision, exactly in the same language, was stricken out of the Indian appropriation bill last week on a point of order.

Mr. TAWNEY. That was a new provision.

Mr. MANN. No, it was not; it had been carried in the appropriation bill for years.

Mr. TAWNEY. These men are now in the employ of the Government.

Mr. MANN. And they will remain.

Mr. TAWNEY (continuing). Under existing authority in the current legislative appropriation act, and we only reduce the number from twelve to eight; but that does not change in any way the authority under which these men have heretofore been appointed.

Mr. MANN. The matter is very clear, Mr. Chairman. These Indian inspectors who were carried in this bill, I am inclined to think, are also carried in the Indian appropriation bill which we have passed. Under existing law they are appointed by the Secretary of the Interior. That is in the existing appropriation law only, which expires on the 30th of June next. The existing law in reference to the appointment of the officials of the Government is the civil-service law, which authorizes the President to cover all these employees into the classified service and have them appointed by the Civil Service Commission. If they are not covered into the classified service, then the law has provided that they shall be appointed by the Secretary of the Interior, subject to the provision that they might be covered into the classified service. That is the law. It was in the appropriation law. The fact that it is in the appropriation law for last year does not make it in order upon this bill, because that only applies to that appropriation year. If there is any desire to have these people appointed different from the classified service, all the Secretary has to do, and he has the nerve to make the request if it is proper, is to ask the President to except these employees from the civil-service law, and let the President take the responsibility of putting them out of the classified service instead of shoving that responsibility upon Congress.

Mr. LIVINGSTON. Mr. Chairman, there are twelve of these inspectors now, and we will reduce the number to eight. The fact exists all the same, notwithstanding the gentleman from Illinois, that they were appointed by the Secretary of the Interior under the present law, and it is a law which carries with it their appointment by the Secretary and under his direction. That is all there is in it, and when the gentleman undertakes to say that an act of Congress, though it be an appropriation act, is not a law and can not be binding, he contradicts every proposition upon which these points of order have been made in this House. They go out because they were not in the last appropriation bill. Then it is a change of law, and is the basis of law determining and settling that question. Now he comes and crosses it over and says because they are in the law now and the Secretary has the right and power not only to appoint but to direct them, it is subject to the point of order.

The CHAIRMAN. The Chair would like to ask the gentleman from Minnesota if there is any other authority for the appointment of these special inspectors by the Secretary of the Interior than that contained in an annual appropriation bill?

Mr. TAWNEY. I will say to the Chair I know of no other authority for the appointment of these twelve inspectors except

the authority of existing law, which authorizes their appointment and which carries the appropriation to compensate them for their services.

Mr. LIVINGSTON. There is no other law.

Mr. TAWNEY. I do not admit that the current appropriation is not law.

Mr. MANN. Mr. Chairman, it seems to be impossible to get the Committee on Appropriations to understand the distinction which is made in the rulings in regard to what is in the current appropriation act.

The rulings are to the effect that the creation of an office in the current appropriation act authorizes a provision in the bill, covering the same thing; but a legislative provision in the current appropriation act expires at the end of the current fiscal year and does not authorize anything beyond that. While that is a purely arbitrary ruling, originally made probably without any logical reason, the rulings exist as a precedent, and they have been followed, and I hope that the Committee on Appropriations will study these decisions and learn in the course of time what these rulings are.

Mr. TAWNEY. It is impossible for the Committee on Appropriations to understand the illogical rulings which the gentleman from Illinois has just referred to. We have not that mental facility which the gentleman possesses that would enable us to understand illogical parliamentary rulings in this House.

Mr. MANN. I got that illogical facility in following the Committee on Appropriations. [Laughter.]

The CHAIRMAN. So far as the Chair can learn, these inspectors have been appropriated for from year to year, and their appointment provided for in the current appropriation bills, and that is the only legislative authority which it is claimed makes this provision at the present time proper. The Chair understands that the rulings formerly made are to the point that an item or a provision in an appropriation bill only makes law for the current year, and can not be made the basis for future appropriations when the point of order is raised. The Chair sustains the point of order.

Mr. BINGHAM. Mr. Chairman, on page 109, line 4, I move to insert the words "first assistant secretary, $4,500; assistant secretary, $4,500."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 109, after line 3, insert "first assistant secretary, $4,500; assistant secretary, $4,500."

The amendment was agreed to.

The Clerk read as follows:

General Land Office: For the Commissioner of the General Land Office, $5,000; assistant commissioner, to be appointed by the President, by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents, and to perform such other duties as may be directed by the Commissioner, and shall act as Commissioner in the absence of that officer or in case of a vacancy in the office of Commissioner, $3,500; chief clerk, $2,500; chief law clerk, $2,500; two law clerks, at $2,200 each; three inspectors of surveyors-general and district land offices, at $2,000 each; recorder, $2,000; two chiefs of division, at $2,400 each; nine chiefs of division, at $2,000 each; two law examiners, at $2,000 each; ten principal examiners of land claims and contests, at $2,000 each; two examiners of mineral claims and contests, at $2,000 each; thirty-eight clerks of class 4 (including one transferred from Secretary's office); sixty-four clerks of class 3; sixty-nine clerks of class 2 (including two transferred from Secretary's office); seventy-two clerks of class 1 (including three transferred from Secretary's office); sixty clerks, at $1,000 each (including three transferred from Secretary's office); sixty copyists; two messengers; ten assistant messengers; six skilled laborers, who may act as assistant messengers when required, at $660 each; sixteen laborers; one laborer, $480; one packer, $720; one depositary acting for the Commissioner as receiver of public moneys, $2,000; librarian for the law library of the General Land Office; in all, $572,100.

Mr. MANN. Mr. Chairman, I reserve the point of order, on line 5, page 112, on the words "to be appointed by the President, by and with the advice and consent of the Senate." That relates to the Assistant Commissioner of the Land Office. I know of no provision of law authorizing that. So far as I know, he is the only assistant anywhere in the Government appointed by the President. Why should this be?

Mr. TAWNEY. It has been the uniform custom and practice for years. The Assistant Commissioner of the General Land Office has been appointed by the President, subject to confirmation by the Senate. The gentleman from Illinois seems to be having a private conference with the gentleman from Wyoming [Mr. MONDELL], who was formerly the Assistant Commissioner, and I hope he will give the committee the benefit of it.

Mr. MANN. Until the gentleman from Minnesota interfered, I was about to withdraw the point of order, and now since he has interfered, I will withdraw the point of order. [Laughter.]

Mr. TAWNEY. I will ask the gentleman whether he withdraws his point of order in consequence of private information which he has received from the gentleman from Wyoming?

Mr. MANN. While I do not wish to divulge any private information I have received, I may say that the only information I have received was from the gentleman from Wyoming and the gentleman from Minnesota [Mr. TAWNEY], and I did not withdraw the point of order on account of any information received from the gentleman from Minnesota.

Mr. MONDELL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk, to come in at the end of the paragraph.

The Clerk read as follows:

After line 7, on page 114, insert:

"That the Secretary of the Interior be, and he is hereby, authorized to designate an officer or employee of the General Land Office to act temporarily as an Assistant Commissioner of that Office during the absence of the Assistant Commissioner or in case of a vacancy in the office of such Assistant Commissioner, or when such Assistant Commissioner is acting as Commissioner, and all acts performed by any officer or employee while acting under such designation shall have the same force and effect as if performed by said Commissioner or Assistant Commissioner."

Mr. GILLETT. I see no objection to that amendment.

The amendment was agreed to.

Mr. BINGHAM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 114, in line 6, after the word "office," insert "one thousand dollars."

Mr. MACON. Well, Mr. Chairman——

Mr. BINGHAM. This does not make any increase. It is to make a correction.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert the following paragraph at the close of the amendment just adopted:

"That the Secretary of the Interior be, and he is hereby, authorized to designate an officer or employee of the General Land Office to perform the departmental duties of recorder of that Office in the absence of that officer, and in case of a vacancy in the office of such recorder the acts of such person so designated shall have all the effect of an act so performed by the recorder."

Mr. MANN. The gentleman has reported a bill covering the two amendments which he has just offered. I suppose that he desires them to be permanent law, but in the manner in which they are presented here they will only be law for the fiscal year in which the appropriation is made.

Mr. MONDELL. The gentleman was of the opinion that this would be a permanent law.

Mr. MANN. Then I venture to put my opinion against the opinion of the gentleman. The ruling is that unless you use the word "hereafter" it only relates to the fiscal year for which the appropriation is made. I see no objection to making it permanent law.

Mr. MONDELL. Mr. Chairman, following the suggestion of the gentleman from Illinois, I move to amend my amendment by inserting the word "hereafter" after the word "That."

The CHAIRMAN. The gentleman from Wyoming modifies his amendment as indicated. Is there objection?

There was no objection.

The amendment was agreed to.

Mr. MONDELL. Now, Mr. Chairman, I ask unanimous consent to insert the word "hereafter" after the word "That" in the first amendment which I offered and which was agreed to.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to modify the amendment heretofore offered and agreed to by inserting the word "hereafter" after the word "That." Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Patent Office: For the Commissioner of Patents, $5,000; Assistant Commissioner, who shall perform such duties pertaining to the office of Commissioner as may be assigned to him by the Commissioner, $3,000; chief clerk, $2,500; 2 law clerks, at $2,500 each; 3 examiners in chief, at $3,000 each; examiner of interferences, $2,500; examiner of trade-marks and designs, $2,500; 42 principal examiners, at $2,500 each; 58 first assistant examiners, at $2,000 each; 68 second assistant examiners, at $1,800 each; 78 third assistant examiners, at $1,600 each; 100 fourth assistant examiners, at $1,400 each; financial clerk, who shall give bonds in such amount as the Secretary of the Interior may determine, $2,250; librarian, $2,000; 6 chiefs of division, at $2,000 each; 3 assistant chiefs of division, at $1,800 each; 9 clerks of class 4; 9 clerks of class 3; 15 clerks of class 2; 90 clerks of class 1; skilled laborer, $1,200; 3 skilled draftsmen, at $1,200 each; 4 draftsmen, at $1,000 each; 85 clerks, at $1,000 each; messenger and property clerk, $1,000; 106 copyists; 100 copyists, at $720 each; and during the fiscal year 1909 classified laborers in the Patent Office may be appointed copyists at $720, but may not be further promoted unless they shall have passed the civil-service examination; 3 messengers; 25 assistant messengers; 14 laborers, at $600 each; 15 laborers, at $480 each; 39 messenger boys, at $360 each; in all, $1,131,310.

Mr. MANN. Mr. Chairman, I reserve a point of order to page 120, commencing at the word "and," line 15, down to the word "examination," in line 19. This gives apparently an unlimited authority to employ classified laborers as copyists, without any limit to the number or anything else. What is the purpose of it?

Mr. GILLETT. The purpose of the provision is that there are in the Patent Office thirty classified laborers. They are on the roll as laborers, but they are doing the work of copyists.

Mr. MANN. They are there now?

Mr. GILLETT. They are there now.

Mr. MANN. Well, there might be sixty next year.

Mr. GILLETT. We dropped them as laborers and put them in as copyists.

Mr. MANN. There is no limitation on this at all. If this goes through, there will be many Members who will want one of these clerks. When we provided copyists a few years ago in this same Department—twenty-five of them, I think—they divided them up at a Cabinet meeting. [Laughter.]

Mr. GILLETT. The intention of the committee was to provide for only those that are now employed. I am quite willing to put in as an amendment the words "now employed."

Mr. MANN. "During the year 1909 classified laborers now employed."

Mr. GILLETT. Yes; that would remedy the gentleman's objection, and that was our purpose.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. GILLETT. Now I offer an amendment that, on line 16, page 120, after the word "laborers," the words "now employed" be inserted.

The amendment was considered and agreed to.

The Clerk read as follows:

Bureau of Education: For Commissioner of Education, $5,000; chief clerk, $2,000; statistician, $1,800; specialist in charge of land-grant college statistics, $1,800; translator, $1,800; collector and compiler of statistics, $2,400; specialist in foreign educational systems, $1,800; specialist in educational system, $1,800; two clerks of class 4; two clerks of class 3; four clerks of class 2; seven clerks of class 1; five clerks, at $1,000 each; six copyists; two copyists, at $800 each; copyist, $720; two skilled laborers, at $840 each; one messenger; one assistant messenger; three laborers, at $480 each; laborer, $400; in all, $57,000.

Mr. MACON. Mr. Chairman, I make the point of order against the language "five thousand dollars," in line 19, page 121, it being an increase of salary.

The CHAIRMAN. The gentleman from Arkansas makes the point of order to the words "five thousand dollars," in line 19, page 121, on the ground that it is a change of existing law. The Chair sustains the point of order.

Mr. BINGHAM. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In line 18, page 121, after the word "Education," insert: "For Commissioner of Education, $3,500."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office of the Superintendent of the Capitol Building and Grounds: For Superintendent of the Capitol Building and Grounds, $5,000; chief clerk $2,000; chief electrical engineer, $2,000; draftsman, $1,000; assistant draftsman, $800; one clerk, $1,400; stenographer and typewriter, $1,200; foreman, $1,500; compensation to disursing clerk, $1,000; one messenger; person in charge of the heating of the Supreme Court and central portion of the Capitol, $864; laborer in charge of water-closets in central portion of the Capitol, $660; seven laborers for cleaning Rotunda, corridors, Dome, and old library portion of Capitol, $660 each; two laborers in charge of public closets of the House of Representatives and in the terrace, at $720 each; in all, $24,720.

Mr. MACON. Mr. Chairman, I make the point of order against the words "one thousand five hundred dollars," in lines 6 and 7, on page 123, it being an increase of salary.

Mr. MANN. Mr. Chairman, I will ask the gentleman if he will reserve his point of order?

Mr. MACON. Yes.

Mr. MANN. Mr. Chairman, this is not one of the matters the gentleman has had in mind, with which I largely agree with him. This is the foreman under the Superintendent of the Capitol. He has had his work very largely increased on account of the new Office Building, and while I have nothing to do with the matter of increasing his salary, it is not great at the utmost, and I really think that with the work that is now put upon him it is not possible to keep a man there at a salary of $1,200 a year who does the work that he does. I only say that because on account of the work I have had in connection with the new building I have more or less come in contact with this foreman, and he is an exceedingly bright man.

Mr. MACON. Mr. Chairman, it being specifically known that this employee's services have been increased I have no desire to make a point of order against his salary, because if his services have been increased, his compensation no doubt should be. For that reason I withdraw the point of order.

The Clerk read as follows:

For rent of offices for surveyor-general, pay of messenger, stationery, printing, binding, drafting instruments, typewriters, books of reference for office use, furniture, fuel, lights, and other incidental expenses, $2,000.

Mr. DRISCOLL. Mr. Chairman, I move to strike out the last word. I want to ask if the chairman can state about how much the Government is paying now in rentals in the city of Washington?

Mr. BINGHAM. About $400,000 a year.

The Clerk read as follows:

For surveyor-general of the Territory of Arizona, $2,000; and for the clerks in his office, $7,000; in all, $9,000.

Mr. SMITH of Arizona. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 19, page 125, after "Arizona," strike out "two" and insert "three," so as to read "$3,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MACON. I reserve the point of order on that.

Mr. BINGHAM. My recollection is that for thirty-two years we have run that appropriation at $2,000.

Mr. SMITH of Arizona. I think I have the floor. I have not yielded it.

Mr. BINGHAM. I beg the gentleman's pardon.

Mr. SMITH of Arizona. Mr. Chairman, it is true that they have been doing that very thing, and that is the shame of it. The law gives them $3,000, and the committee gives them $2,000. No point of order can lie on that account. Besides, during this time, I will say to the chairman of the committee, there has been other compensation than the mere salary. Now, that has been all cut off, and the amount allowed in this bill is clearly insufficient. But I shall not detain the House on that, for every one of the States having surveyors-general are interested in this, and the gentlemen representing those States must see the necessity of this amendment. I have already occupied more of the time of the committee than is necessary, and I shall be very glad to have this amendment agreed to, because I can see that the amendment to all these surveyors-general ought to go as this goes. Therefore I insist upon the amendment, and yield the floor.

Mr. MONDELL. Mr. Chairman, I desire to call attention to the fact that not only does section 2210, Revised Statutes, provide for the payment of $3,000 per annum for the surveyors-general of most of the States, but the estimates submitted to the committee this year by the Department provides for the payment of $3,000.

Now, $3,000 has never been too large a salary. I do not know why the salaries were gradually reduced during a series of years unless it was because these officers were receiving fees in addition to their salaries, but finally they were all placed upon a plane of $2,000. These offices are exceedingly important. They are certainly as important as the offices of registers and receivers of the land offices, and those officials receive $3,000. These men have charge of all the public-land surveys in their respective States. They are under a bond of at least $30,000 for the faithful execution of those surveys. They have the letting of all contracts for all the public-land surveys. They pass on all the public-land surveys, and their action in that regard is final save in and alone for the final indorsement of the survey by the General Land Office. Now, there is another reason why these salaries should be increased at this time, and I call attention to the fact that in the note on page 106 of the Book of Estimates attention is called to the fact that the surveyors-general have heretofore been allowed to collect certain fees for copies of records in their office. The Commissioner of the General Land Office considered this matter and concluded that it was not in the interest of the public service to have those fees remain in the hands of the surveyors-general, so by a recent order those fees now flow into the Treasury. Just how much surveyors-general obtain in the way of fees it is impossible for us to determine at this time.

Mr. NORRIS. Will the gentleman permit a question on that point?

Mr. MONDELL. Certainly.

Mr. NORRIS. Does the law provide whether the surveyors-general shall be allowed to retain those fees?

Mr. MONDELL. Well, I assume that there is no mandatory provision of law on the subject.

Mr. NORRIS. The point I want to get at is, I do not see how the Commissioner of the General Land Office can determine that. Either those fees belong to the surveyors-general

legally or they do not. If they do not, and they have been taking them wrongfully in the past——

Mr. MONDELL. The gentleman lives in a public-land State, and I presume he is acquainted with the practice that formerly prevailed in the offices of registers and receivers, under which clerks in the office, after hours, made plats for those desiring them, retaining the funds so received. I assume the Department has the authority which it exercised whereby all fees received by offices of surveyors-general now flow into the Treasury. Now, as I said a moment ago, Mr. Chairman, I am not able to say to what extent surveyors-general have profited by this long-established custom. I inquired of the Commissioner of the General Land Office in regard to that, and he said he had no information on the subject, but that it was undoubtedly a considerable sum in many instances, and he called attention to the fact that the salaries now received by those men, in view of the importance of the duties they perform and the character of the men required for those positions are altogether too small.

Mr. DRISCOLL. Will the gentleman permit a question?

Mr. MONDELL. Certainly.

Mr. MARSHALL. This paragraph of the bill provides for clerks in the office to be paid $7,000. Does the gentleman know how these clerkships are farmed out, or who fixes the salary, or by what law or discretion they are made so?

Mr. MONDELL. As I understand it, I will not be positive about that, the salaries of these clerks are fixed by regulation.

Mr. MARSHALL. If the gentleman will permit, these employees of the Surveyor-General's office are all under civil-service regulations. The chief clerk receives about $1,600 and the rest are graduated from that down.

Mr. MONDELL. The gentleman inquired how the compensation was fixed.

Mr. DRISCOLL. Why are they not provided for specifically instead of giving them a lump sum?

Mr. MONDELL. That has been the practice for years.

Mr. MANN. It is fixed by the Secretary and the Land Commissioner——

Mr. MACON. Will the gentleman allow an interruption?

Mr. MONDELL. I would be pleased to.

Mr. MACON. You say existing law provides that these surveyors-general shall be paid $3,000?

Mr. MONDELL. It does as to most of them.

Mr. MACON. Well, these particular surveyors-general?

Mr. MONDELL. Yes.

Mr. MACON. That being the case I do not see how an objection could be proper. I think it would be an act of injustice to not appropriate the full amount of a man's salary employed by the Government when the law directs that he shall receive that amount.

Mr. MONDELL. We feel that it is, particularly in view of the fact that a considerable revenue heretofore enjoyed by the surveyors-general has now been cut off.

Mr. DRISCOLL. Does the gentleman say that the law provides for this particular surveyor-general?

Mr. SMITH of Arizona. Yes, sir; it does.

Mr. BONYNGE. In section 2210 of the Revised Statutes.

Mr. MANN. Will the gentleman yield to a question?

Mr. MONDELL. I will be pleased to do so.

Mr. MANN. What duties do these surveyors-general perform?

Mr. MONDELL. Mr. Chairman, I regret I have not the law before me, for the law very clearly outlines them.

Mr. MANN. I would much rather have the gentleman's opinion in general language than the law.

Mr. MONDELL. The surveyors-general have charge of the execution of all of the public-land surveys within their respective States. They let all the contracts for public-land surveys. The lump-sum appropriation for public-land surveys in the public land States is apportioned by the Commissioner of the General Land Office under the law to the various States in accordance with their needs and the demands of the service, and within that lump-sum appropriation the surveyor-general is authorized to enter into contracts, after advertisement, with deputy surveyors to survey the public land. There is a corps of clerks in the surveyor-general's office who makes the original plats, who transcribe the original notes, and who make the original records of all these surveys which are finally filed in the General Land Office and become the foundation of the record of the survey of the public lands. The surveyor-general supervises all of this work.

Mr. MANN. Suppose the Department here orders some portion of land in Arizona surveyed?

Mr. MONDELL. The Department here does not do that.

Mr. MANN. The Department here can do it. Congress frequently does it.

Mr. MONDELL. I doubt if the Department would have authority to do it, but the Department, at any rate, never does it.

Mr. MANN. Who determines, then, whether a piece of land shall be surveyed?

Mr. MONDELL. The surveyor-general determines what land shall be surveyed, and when——

Mr. MANN. We pass an act of Congress requiring a piece of land to be surveyed——

Mr. MONDELL. On the contrary, we pass acts of Congress authorizing the resurvey of lands. We never pass an act of Congress providing for the survey of a piece of land unless it be an Indian reservation.

Mr. MANN. I was going to say we have passed a good many acts since I have been here, opening up Indian reservations, that provided that they should be surveyed.

Mr. MONDELL. I excepted the Indian reservations. They are not public lands.

Mr. MANN. Does the surveyor-general act in reference to this on his own motion?

Mr. MONDELL. As to Indian reservations, I will say to the gentleman, they are surveyed in accordance with specific provisions of law, and the appropriation for those surveys is ordinarily made in the bill providing for the opening of the reservation, and that appropriation can only be used for the survey of that particular tract.

Mr. MANN. What I wanted to get at was——

Mr. MONDELL. And the surveyor-general must proceed to the survey of those lands. But what I intended to refer to was the public lands generally.

Mr. MANN. I suppose there is a large amount of unsurveyed land in Arizona yet. Who has the responsibility of determining whether any of this land shall be surveyed or not?

Mr. MONDELL. The surveyor-general.

Mr. MANN. Of Arizona?

Mr. MONDELL. Yes, sir.

Mr. MANN. And he receives an apportionment of the total appropriation for that Territory?

Mr. MONDELL. He does.

Mr. MANN. He spends that as he pleases?

Mr. MONDELL. He does.

Mr. MANN. And makes the contracts with whom he pleases?

Mr. MONDELL. He does, after advertisement—not with whom he pleases, but with the lowest responsible bidder.

Mr. MANN. Unfortunately not the lowest responsible bidder in many cases under the provisions of the law. He is the one who is responsible for the whole surveying business in the Territory?

Mr. MONDELL. He is.

Mr. KEIFER. I think that is not true as a general proposition.

Mr. MONDELL. It is, absolutely.

Mr. KEIFER. It is, within the amount of the appropriation that is assigned to him, but, to take it broadly, that answer is not accurate.

Mr. MONDELL. Of course he can not make contracts for a sum in excess of that in his hands.

Mr. DRISCOLL. I will ask the gentleman if the surveyor-general can not let contracts in excess of the amount in his hand?

Mr. MANN. This is the total amount appropriated, and this is apportioned.

Mr. KEIFER. He enters into contracts to the extent of the surveys he shall make.

Mr. MANN. And the extent of money that he can use.

Mr. KEIFER. Yes; that is the measure of it.

Mr. MARSHALL. Mr. Chairman, I would like to add to the statement made by the gentleman from Wyoming as to the duties and responsibilities of the surveyor-general. In addition to those recited by him he is custodian of all the records of all the surveys that have ever been made in the State. He is therefore placed under a very heavy and expensive bond for their safe-keeping.

Mr. ENGLEBRIGHT. Mr. Chairman, I would like to add a word as to the extent of the duties of the surveyor-general. And that is that he is charged with all mineral surveys in the mining States, and it is under his direction that surveys are made upon which all mining patents are issued, and upon which he incurs a great deal of responsibility in passing on their being in proper form and shape.

I will also add that in all the surveys that are made in the surveying of the public lands it is the duty of the surveyor-general to pass upon the character of the lands, as to whether they are mineral lands or whether they come in other various classes; and at times he exercises practically a judicial authority in passing upon these matters. It requires a man of a

good deal of knowledge on the subject, and he must be competent to fill that position. I indorse this amendment.

Mr. MONDELL. Mr. Chairman, I am glad that the gentleman from California has referred to the fact that mineral surveys are also under control of the surveyor-general. There are a great many surveys executed on deposits made by mineral claimants and not chargeable to the public funds. In every mining State these surveys are executed, and they are very complicated. It is a very important interest.

Mr. DRISCOLL. I would like to ask the gentleman from Arizona if he knows the man who is now surveyor-general of Arizona?

Mr. SMITH of Arizona. I do not know that I do.

Mr. DRISCOLL. I would like to ask the gentleman if the present surveyor-general of Arizona is a duly admitted surveyor or engineer?

Mr. SMITH of Arizona. Now, you have me there. As to the surveyor, I suppose I have met him; I knew the former surveyor-general, but I do not know the present surveyor-general so as to know whether he is qualified. I think that he is a qualified man, but I am not able to speak of that thoroughly.

Mr. DRISCOLL. Is he a professional engineer and qualified to make these surveys?

Mr. SMITH of Arizona. If he is not, he ought to be.

Mr. MONDELL. Most of them are.

Mr. DRISCOLL. Are these surveyors qualified as surveyors and engineers?

Mr. MONDELL. Many of them are. The surveyor-general in the State of Wyoming is one of the best in the West.

Mr. DRISCOLL. My information is that the surveyors-general in many of these States are only ordinary men, without qualifications, who have gone out there and by politics have got a job of $2,000 a year, and they are not qualified to do the work they are required to perform, and that they have been becoming less and less competent for many years.

Mr. MONDELL. I know the gentleman does not want to make a misstatement. The fact is, that while some of the States may not recently have expended as large a sum as formerly for the survey of lands, the average amount that is expended for surveys is now larger than formerly.

Mr. DRISCOLL. Who makes the surveys?

Mr. MONDELL. They are made by deputy United States surveyors, and under contracts made with the surveyor-general.

Mr. DRISCOLL. They are real surveyors?

Mr. MANN. They ought to be, but often it is guesswork, and very poor guesswork at that?

Mr. TAWNEY. The gentleman from Wyoming stated a moment ago, if I understood him, that the surveyor-general of Wyoming was the best land surveyor in that State?

Mr. MONDELL. One of the best.

Mr. TAWNEY. Does he not do a great deal of work outside his duties as surveyor-general as surveyor for other people?

Mr. MONDELL. He does none at all; and if I understand the law correctly, the surveyor-general is prohibited from doing so. I never heard of a surveyor-general doing any outside work.

Mr. MARSHALL. I will say that there is not a line in the law that makes it necessary that the surveyor-general should be a surveyor, and it is not necessary that he should be, in order to perform his duties properly. I think I have a right to speak on this subject, because I have been familiar with the workings of the surveyor-general's offices in North and South Dakota for thirty-five years, having worked in person for many years under one or the other; and I would say that the responsibilities of the surveyor extend far beyond that of merely running a line. I want to say that there is absolutely no justification for the statement that these surveys are worse than guesswork. Years ago there were more or less frauds in the Government surveys, but the service has improved from year to year, and the fact is to-day that not one single mile of Government survey is accepted, much less paid for, until it has undergone the rigid inspection of a representative of the General Land Office, and the service never was in such good condition as it is to-day.

Mr. MANN. Has the gentleman read the report of the Commissioner of the General Land Office for the last year?

Mr. MARSHALL. I have not.

Mr. MANN. I thought not.

Mr. MARSHALL. But I know this much, that there has not been a mile of survey accepted that has not been accepted in accordance with my statement. The report may apply to surveys that were made years ago, but I doubt very much if there is any criticism of recent surveys.

Mr. TAWNEY. Mr. Chairman, this is not a proposition alone to increase the salary of the surveyor-general of the Territory of Arizona, but to increase the salaries of fourteen surveyors-general of the United States. There are fourteen in all. Their present salary was fixed thirty-two years ago, and I am satisfied that the responsibilities of their office are no more now than they were thirty-two years ago, when their compensation was fixed at $2,000 a year. And inasmuch as this committee has not approved of a single increase in salary from the beginning of the bill down to the present time, I trust that the committee will continue to carry out its policy of adhering to existing salaries and existing compensation for the service employees of the Government are required to do. If we are going to commence here at this end of the bill to increase the salaries of all these surveyors-general, as is now proposed, we ought to return to the beginning of the bill and make increases in compensation where stronger arguments can be made in favor of increases than have been made in favor of this proposed increase.

This office is purely administrative. It does not require any technical skill, knowledge, or education to be a surveyor-general. I have in mind a surveyor-general whom I know personally, whose appointment was made, as I feel almost certain most of them have been made, because of political influence. This surveyor-general knows no more about surveying than I do, and for six years he has used his office as a private office. He has discharged absolutely no duties with respect to the service, except the mere supervisory duties that are performed. I submit that it is not in keeping with the policy of the Committee of the Whole, in respect to the question of salaries, for us to begin here at this end of the bill to increase the salaries of the surveyors-general throughout the United States.

Mr. JONES of Washington. Is it not a fact that this is simply a proposition to appropriate the salary provided by law, and not a proposition to increase the salary?

Mr. TAWNEY. That proposition doubtless was made upon this floor at a time when the Government was far better able to pay the salary fixed by law than it is now or than it will be during the next fiscal year. The salary fixed by law has not been followed by Congress for thirty-two years, and I submit that it is rather a poor time to commence increasing the salaries of these surveyors-general, especially in view of the fact that in every succeeding Congress the Land Office proposes to abolish a number of them because they have become of absolutely no consequence and the work of the office is being completed.

Mr. NORRIS rose.

Mr. TAWNEY. I will yield to the gentleman from Nebraska.

Mr. NORRIS. I want to ask the gentleman for my own information, and I think for the information of the House, whether there is any doubt about the statement heretofore made in this discussion that the surveyor-general is prohibited by law from performing any other work except official work of his office?

Mr. TAWNEY. I do not know whether he is prohibited or not. The surveyor-general to whom I referred a moment ago has conducted his business all the time he served as surveyor-general. I do know he is not a surveyor.

Mr. MONDELL. Will the gentleman yield to me?

Mr. TAWNEY. I now yield to the gentleman from Utah.

Mr. HOWELL. Has the gentleman taken into consideration the fact that the honorable Commissioner of the Land Office has certified to the fact that by giving the salary to the surveyors of the General Land Office that heretofore prevailed, it is in effect a reduction, for he has issued an order prohibiting them from taking the perquisites which they have heretofore enjoyed?

Mr. TAWNEY. The principal reason for the recommendation of the Secretary of the Interior with respect to this increase is put on a comparative basis between the salaries paid to the surveyor-general and the salaries paid to the registers and receivers of the General Land Office, and also a comparison of the inspectors and special agents. It is not put upon the ground that because the Executive order or administrative order perquisites heretofore enjoyed by these surveyors-general have been taken away. It is true the Commissioner of the General Land Office refers to that fact, but the Commissioner of the General Land Office, through the Secretary of the Interior, has made a great many recommendations for increases of salary in his Department, none of which has the Committee on Appropriations approved or recommended. If we had done so, none of them would have met with the approval of the Committee of the Whole. As I said from the beginning of this bill down to the present time, not a single increase of salary has been allowed. Even when the proposed increase was to bring the salary up to the maximum fixed by law the increase has not been allowed to pass the scrutiny of the gentleman from Arkansas [Mr. MACON] and the gentleman from

Illinois [Mr. MANN] and other gentlemen who have carefully guarded against any increases of salary. I will now yield to the gentleman from Colorado.

Mr. BONYNGE. I want the floor in my own right after the gentleman is through.

Mr. JONES of Washington rose.

Mr. TAWNEY. I will yield to the gentleman from Washington.

Mr. JONES of Washington. Is it not a fact that every other salary has been paid to these men where it is fixed by law except to the serveyors-general?

Mr. TAWNEY. No, sir; there are a number of salaries in this bill that are less than the maximum fixed by law, and in determining the question whether or not we would follow the recommendations of the heads of Departments who recommended increases of salary, we were not governed by the amount allowed by law. We were governed primarily by the amount which these employees have heretofore received, and by the fact that under existing conditions of our public revenue we are not justified in making the increases of salary.

Mr. JONES of Washington. What particular official in this bill is there where the salary is fixed by law that is not receiving the amount the law fixes?

Mr. TAWNEY. I can not recall now definitely, but nearly all the officers in the Territory have greater salaries fixed by law than are carried in the bill, and greater than Congress has heretofore allowed. I want to remind Members that these salaries were fixed thirty-two years ago, and Congress has never seen fit to increase them prior to this time, and that this is no time to begin an increase of salaries.

Mr. MACON. The gentleman says these salaries were fixed thirty-two years ago.

Mr. TAWNEY. They were reduced to $2,000 thirty-two years ago.

Mr. SMITH of Arizona. How were they reduced?

Mr. TAWNEY. From the amount authorized by law.

Mr. SMITH of Arizona. You mean that when Mr. Randall went through and cut down appropriations without any reference to the service. You have got them all back except those referring to the Territories.

Mr. TAWNEY. I am obliged to the gentleman from Arizona for giving to the Committee on Appropriations the indorsement of that distinguished man who served as chairman of the Committee on Appropriations. If the Committee on Appropriations reduced these salaries to $2,000 thirty-two years ago because of the then existing conditions of the public revenue and Congress since that time has not seen fit to increase them to the maximum fixed by law, I say that this would be a very poor time to depart from the precedent established by Mr. Randall and all succeeding Congresses for thirty-two years.

Mr. HACKNEY. Mr. Chairman, I desire to ask the gentleman from Minnesota a question. I would like him to state to the House whether there has been any complaint to the committee that if these salaries were not increased above $2,000 there would be any vacancies in the office?

Mr. TAWNEY. None whatever.

Mr. BONYNGE. Mr. Chairman, this is not a proposition, and I want to impress it upon the committee, for any increase in the salary of any officer. The statute expressly provides in the case of nine surveyors-general, and not fourteen as the gentleman has stated, that the salary shall be $3,000 per year. The section is 2210 of the Revised Statutes, and it reads:

> The surveyors-general of Colorado, New Mexico, California, Idaho, Nevada, Montana, Wyoming, Utah, and Arizona shall each receive their salary at the rate of $3,000 a year.

I do not believe that the gentleman is correct, either, in his statement that the salary has been fixed at $2,000 for the past thirty-two years. In a letter directed to Mr. MONDELL by the Commissioner of the General Land Office, dated January 22 of this year, the Commissioner states:

> The foregoing salaries relating to those now provided for by the statute were gradually reduced in the appropriation acts—

Not by one reduction from $3,000 to $2,000, but—

> Were gradually reduced in the appropriation acts until the passage of the act of March 2, 1895, since which date no salary at over $2,000 per annum has been provided for these offices, and several of them have been allowed but $1,800.

So that instead of being for thirty-two years, the Commissioner of the General Land Office gives the authority and refers to the statute, 28 Statutes at Large, 799, when the salary was fixed at $2,000. But, Mr. Chairman, we are not asking for any increase, either in the amount fixed by statute or compensation heretofore paid to these officers.

Mr. TAWNEY. Is the gentleman not asking for an increase of the amount appropriated from $2,000 to $3,000?

Mr. BONYNGE. But not that fixed by statute.

Mr. TAWNEY. The gentleman is not proposing now to increase the maximum allowed by law, but he does propose to increase the amount they are receiving for their services from $2,000 to $3,000.

Mr. BONYNGE. No; as I now propose to show the gentleman, and to give the reason why we are not proposing to increase their compensation. The amount appropriated by the bill that is reported to the House in effect is a reduction in the salary of these officers, and not an increase. It has already been stated in this debate that these officers have been receiving heretofore certain fees for the preparation of maps and plats. In my State the surveyor-general wrote me and stated that the annual amount that he received for such certified copies and maps amounted to from $750 to $1,000, so that heretofore he has been receiving compensation at the rate of $3,000 or thereabouts per annum, $2,000 appropriated by the Appropriation Committee and the other $750 or $1,000 that he received from these certified copies. Now, because of the order made by the Commissioner of the General Land Office only a short time ago—and it is because of that order that the Commissioner chiefly based his recommendation for the increase—these officers have been deprived of that other source of revenue. So that if we now appropriate only the sum of $2,000 per annum we are at this time in effect reducing the compensation that these officers have received for their services, and not in any way increasing—not only not increasing, but not giving them the same compensation that they have heretofore received.

Mr. LIVINGSTON. Has any one of these officers in all these long years attempted to get his lawful salary?

Mr. BONYNGE. I can not answer that. I am glad the gentleman asked the question, for I have no doubt that when the Appropriation Committee brought in in the first instance the allowance of $2,000 they used, undoubtedly, the argument against these officers for not appropriating the entire amount that they were receiving this additional compensation by way of fees that they received for the copies of plats and maps, and I have no question in my own mind that originally that was the reason the Appropriation Committee did not appropriate the entire amount allowed by statute for their compensation. Now that you have taken from them this additional compensation, we are simply asking you to give them the same salary that they received heretofore.

Mr. LIVINGSTON. Let me suggest to the gentleman that it is usual when the Appropriation Committee appropriates a sum of money less than the salary allowed by law it is conditioned upon their accepting that in lieu of the salary allowed by law.

Mr. BONYNGE. Very well; but they were at that time, when you did not appropriate the entire amount allowed by statute, receiving these additional fees and allowances with the full knowledge and consent of their superior officers.

Having cut them off from that emolument we are now asking you to simply do them justice and give them the salary the statute authorizes. This is no time, I submit to the gentleman from Minnesota, to commence reducing salaries of these officers who have not had an increase. Some gentleman asked some time ago if there was any danger of there being a vacancy in these offices if the salary should not be increased to the $3,000. I have not any idea, Mr. Chairman, that if we do not appropriate the full $7,500 compensation for the Members of the House that there would be any trouble in filling the office of Representative in the district from which the gentleman hails who asked that question——

Mr. SMITH of Arizona. At $2,000 a year?

Mr. TAWNEY. Your proposition is to increase these salaries to $3,000 a year on the basis we have taken from these men certain emoluments. Have you any evidence to show that these emoluments even approximate $1,000 in any other district or State except your own?

Mr. BONYNGE. I can not answer for any district or State except my own.

Mr. TAWNEY. Do you think it would be good business sense for this committee to proceed upon the theory that because these emoluments given in your State amounted to $700 a year it would amount to the same in other States where possibly they were simply nominal if there were any receipts at all?

Mr. BONYNGE. I do not believe they were merely nominal——

Mr. TAWNEY. I know some are.

Mr. BONYNGE. And my authority for saying they were not merely nominal is the Commissioner of the General Land Office in the same letter to which I have heretofore referred. In that letter the Commissioner says:

> Surveyors-general were authorized by a circular of October 13, 1886, to charge fees at the rates allowed registers and receivers for exem-

plified copies of plats or other records, which authority was revoked by circular letter "A" of April 15, 1907. The income derived from this source was considerable; just how much was realized can not be stated, as the moneys thus earned were not reported to this Office.

I have given what they were in my particular State on the authority of the surveyor-general of Colorado, and I can not answer as to any other State.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. FRENCH. Mr. Chairman, I desire to say further, in line with the question asked by the chairman of the committee, that at no later day than day before yesterday, in a conversation with the Commissioner of the General Land Office he made the statement similar to that embodied in the letter quoted by the gentleman from Wyoming. The surveyor-general throughout the West, in addition to the compensation that has been paid to them as a salary, have been receiving fees because of extra work they have done. In reply to the statement of the chairman of the Committee on Appropriations that these men who are appointed to the positions of surveyor-general are not men of sufficient consequence to really fill a position that would entitle them to $3,000 a year—I do not know to what surveyor-general the chairman referred——

Mr. TAWNEY. I would say to the gentleman from Idaho the chairman of the Committee on Appropriations made no such statement the gentleman has just uttered.

Mr. FRENCH. The chairman of the Committee on Appropriations made a statement to the effect that a certain surveyor-general was using his office for a loafing office and from that point was exercising a sort of general supervisory direction of the force of his office. In line with that I want to say every surveyor-general in the State of Idaho so long as I have been familiar with the office, has been one of the very best surveyors there is to be found within the State of Idaho. Another statement he made, or inference that can be drawn from a statement he made, is, that the work of surveyor-general's offices has in some way pinched out, and because of that fact the surveyor-general should receive less compensation. I want to say that if there is merit for that statement from conditions in some States, it does not bear out in the State of Idaho. In the State of Idaho not less than 80 per cent of all the lands in that State are to-day unsurveyed lands. In the State of Idaho 28,000,000 acres of land are unsurveyed, that are to-day not either included within the forest reserves, or that are not included in land heretofore surveyed and owned by private individuals. In that State, according to the estimates of the surveying division of the office of the Commissioner of the General Land Office, $1,000,000 will be required to ultimately survey the land that will need to be surveyed within the State of Idaho.

The surveyor-general's office in that State has a force of something like from ten to fifteen or sixteen men and women working constantly. That body is under the direction of the surveyor-general as in every other State where there is a surveyor-general. A man who has the direction of the work of such a body of men and women, a man who has direction of the work that has to do with the survey of the land in States that are new, like the States of Idaho, Colorado, and Wyoming, that have been mentioned, is worthy to receive the compensation that was provided in the law when the office was established within those States. In Idaho it was provided that $3,000 should be the compensation. You have now in this bill proposed to cut that amount of salary to $2,000 per year. I have no doubt, as has been suggested, but that the office could be filled at that, or even at a less salary, but I have a serious doubt, Mr. Chairman and members of the committee, that the office of surveyor-general in Idaho or in other States can be filled by a man who is willing and capable of assuming the responsibilities of the office and directing it as it should be directed, if the office shall be cut to a salary of $2,000 a year without any prospect of the extra thousand dollars being received by him either in form of fees or by direct appropriation at the hands of some future Congress.

Mr. DRISCOLL. How many years has the surveyor-general of the State of Idaho been receiving only $2,000 a year?

Mr. FRENCH. He should have been receiving $3,000 a year. He has been receiving fees in addition to $2,000 a year up until, I think, April, 1907.

Mr. DRISCOLL. Is the gentleman or anyone else able to state what amount of fees he received?

Mr. FRENCH. Why, no; I do not know the amount of fees that he has been receiving.

Mr. DRISCOLL. There has been a lot of talk about fees, but nobody seems to be able to give any facts or information.

Mr. BONYNGE. I gave you the facts from Colorado. They amount to from $750 to $1,000.

Mr. DRISCOLL. Where did the gentleman get the facts?

Mr. BONYNGE. In a letter from the surveyor-general to me.

Mr. DRISCOLL. What are those fees for?

Mr. BONYNGE. For exemplified copies of plats and maps.

Mr. DRISCOLL. Did he get the fees?

Mr. BONYNGE. He got the fees himself.

Mr. FRENCH. And the reason why the policy of permitting the surveyor-general to receive fees has been discontinued is because the Commissioner of the General Land Office and the Interior Department believed the policy was an iniquitous one; that it was a policy that might lead to certain practices that might be questionable, and because they believed that these offices that had a definite line of work to perform had better be paid a definite salary than to be paid in part a definite salary and for the remainder of the salary be permitted to receive fees that might be much or might be little, and might lead to questionable practices in their office.

The CHAIRMAN (Mr. BOUTELL in the chair). The time of the gentleman has expired.

Mr. GILLETT. It seems to me that we have debated this question as long as the House cares to do so. I would like five minutes, perhaps longer. I would suggest——

Mr. SMITH of California. If the gentleman will permit, I would like to make a little inquiry. I would like to know what has become of the fees that have been taken away. Do they now go into the General Treasury of the country?

Mr. BONYNGE. They do.

Mr. SMITH of California. They are enriching the Treasury of the country to the extent of these fees which have heretofore gone to the surveyors-general, and deprives them of that much. It seems to me it is quite clear, if the Treasury is to receive the benefit of those fees——

Mr. TAWNEY. It is also proposed to increase the expenditures from the Treasury a specific amount on the basis of an indefinite and uncertain amount of fees that are going into the Treasury. Nobody, except the gentleman from Colorado [Mr. BONYNGE], can give the House any information at all as to what these fees amount to, and therefore we are not justified in increasing or creating a specific or direct obligation on the Treasury on the basis of an uncertain quantity, the amount of which nobody can state.

Mr. LIVINGSTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Georgia [Mr. LIVINGSTON] rises to a parliamentary inquiry. The gentleman will please state it.

Mr. LIVINGSTON. Under the rule is debate not exhausted on this paragraph?

The CHAIRMAN. There is a point of order pending, and the entire debate is proceeding by unanimous consent.

Mr. LIVINGSTON. I did not know that a point of order was pending, Mr. Chairman, with all due deference to the statement of the Chair.

Mr. MACON. I reserved the point of order until I found the existing law provided for the payment of $3,000 to these surveyors-general, and then, of course, it did not apply.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arizona [Mr. SMITH].

Mr. GILLETT. Mr. Chairman, I move that debate on this amendment close in ten minutes, five minutes to be occupied now by somebody in favor of the amendment and five minutes by myself.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLETT] moves that debate on this amendment close in ten minutes, five minutes to be controlled by those in favor of the amendment and five minutes by himself. Is there objection?

Mr. MANN. I am willing to have debate close in ten minutes; but I will make the point of order.

The CHAIRMAN. The gentleman from Massachusetts moves that all debate close in ten minutes.

The question was taken, and the motion was agreed to.

Mr. SMITH of California. Now, just another word of debate on this matter. It seems hardly fair for the chairman of the committee, who is presumed to bring to the House full information with reference to the legislation that is proposed, to accuse us of dereliction in not bringing him information as to how much these fees amounted to.

Mr. TAWNEY. Not accuse you.

Mr. SMITH of California. Then "josh" us.

Mr. TAWNEY. The Commissioner of the General Land Office or the Secretary of the Interior did not even make an oral request of the committee when they were before the committee for this increase, and if it was so urgent and so necessary it would seem that they, being at the head of the Department, would have made the request in this case.

Mr. SMITH of California. It is more a question of fairness than of urgency and necessity from the standpoint of the Commissioner. I do not imagine the offices are going to be vacated if this amount is not allowed; but it is a matter of fairness, and when these gentlemen have been deprived of the fees which are now going into the Treasury it is only fair that they should be compensated by way of the salary allowed by law out of that much of the fees which are now going into the General Treasury of the country.

Mr. HOWELL of Utah. I wish the attention of the gentleman from Minnesota. He makes the statement that nothing was said by the Commissioner of the General Land Office in favor of this increase of salary for surveyors.

Mr. TAWNEY. No; I said there was no oral statement made by an officer, the Commissioner of the General Land Office or the Secretary of the Interior, in favor of this increase when they appeared before the committee urging increase of salaries, promotions, and increases of offices in other branches of the service. They submitted a statement with the annual estimates, giving the reasons for it.

Mr. HOWELL of Utah. I want to call the attention of the gentleman from Minnesota to the statement made by the Commissioner when he was interrogated upon the subject. Mr. Ballinger says:

> I would say in connection with this matter that through the Secretary an order was promulgated cutting off surveyors-general from any right to receive compensation for plats, maps, and other papers made outside of office hours, which amounted to quite a little compensation to them and which they had been getting for a good many years. In view of that being cut off—and we believed it was good administration, so that the Government would get the compensation from the work done by the force and not part of it go into the pockets of the surveyor-general and his clerks—we believe it is now proper to return the salary to the amount fixed by statute, $3,000.

Mr. ENGLEBRIGHT. Mr. Chairman, as there seems to be some little doubt as to whether there are any fees in connection with this office, I dropped in at the Land Office a few days ago at the request of one of the engineers of my district who wanted some copies of certain papers. I left a deposit of $3.60 with the Commissioner to pay for these papers. I had to apply to him for these copies on account of the records in San Francisco having been destroyed. That is a sample of the fees that have been going to the office of the surveyor-general. I am well aware that the fees the surveyor-general of the State of California received in former times amounted to large figures. My first business relations with that office were about thirty years ago, and at that time the fees were supposed to be worth $5,000 a year, and the fees, certainly, at this time should be greatly in excess of a thousand dollars a year. So that there is no excuse in the world why the actual salary provided in this statute should not be paid to these officers.

Mr. GILLETT. Mr. Chairman, one feature about this question is impressive to me, and that is that when in the committee we took this subject up not a word was said to the committee as to any raise in these salaries.

Mr. MONDELL. Does the gentleman refer to the fact that no Member of the House appeared before the committee?

Mr. GILLETT. No Member of the House or Department officer suggested it.

Mr. MONDELL. The gentleman from Utah has just read a statement which Mr. Ballenger made before the committee.

Mr. BONYNGE. Before the committee in the hearings.

Mr. GILLETT. I did not hear him.

Mr. MONDELL. Well, that was my understanding. I did not have that understanding from any member of the subcommittee, but my understanding was that there was not going to be any question but the committee would follow this recommendation of the Commissioner and the Secretary, based as it was upon the equities of the case and upon justice.

Mr. GILLETT. It is rather singular, if the gentleman had that understanding and others had that understanding, that no Member of the House suggested to the committee that that understanding should be carried out.

Mr. MONDELL. We thought, of course, the committee were going to do their duty.

Mr. GILLETT. The committee were trying to do their duty. There seems to be gentlemen who are asking this increase present to-day who yesterday were not present when in another place in the bill there was an attempt to raise the salary up to the statutory amount. This similar motion was made when these gentlemen were not present.

This is not the only place in the bill where the statutory salary is not appropriated for.

Mr. SMITH of Arizona. More's the pity for the bill.

Mr. GILLETT. We are following here the precedent which we have followed every year. The gentleman from Colorado [Mr. BONYNGE] says that when this was cut down it was probably cut down because then the surveyor-general was allowed the fees; but the statute he cited disproves his logic, because it seems that away back from 1866 they were allowed the fees. I suppose the reason it was cut down was because these men are getting as much salary now as other men are getting in those States for similar services. I believe that is so, and I think that is the reason the salary has been cut down.

This bill gives the same salaries which have been appropriated in recent years. And I call the gentleman's attention to the fact that if they should carry this it would not apply to all these surveyors, because while nine whom the gentleman mentioned have by statute an authorized salary of $3,000, some of the salaries fixed by statute since then have been fixed at $2,000 only. Increase in those salaries are subject to a point of order, and that shows what was the intention of Congress. The intention of Congress was to give these men but $2,000, of recent years, and then, when they passed laws creating new surveyorships, they fixed their salaries, not at $3,000, but at $2,000, the same sum which the others had been receiving.

Mr. ENGLEBRIGHT. The gentleman is just reversing that.

Mr. GILLETT. Obviously this is the course which Congress has deliberately marked out, and it seems to me now, when we have a bill in which we have sedulously avoided raising other salaries, it is the last time that the gentleman should come in and ask to raise salaries in this case. I wish to read just a word from the Secretary of the Interior on the subject of these surveyors. He says:

> The general question of the system of surveys under the surveyors-general demands the most careful attention. The present system is not satisfactory. It is both expensive and subject to very great delays. I believe that a very great saving, both in efficiency and expedition, would be made if the Secretary were given authority to have the surveys made under the direct control of the Commissioner of the General Land Office.

So they are not doing their work satisfactorily, and we are giving them the same appropriation that they have had for the last forty years.

Mr. TAWNEY. Thirty-two years.

Mr. BONYNGE. Since 1895.

Mr. GILLETT. I think it is thirty years, but it is better for my argument if it is only since 1895, because since that time the country has been in a much better position to pay $3,000 than it is to-day.

This bill has been formulated on the theory that we would not raise salaries above what they have been in recent years, and I hope the committee, after refusing to raise other salaries, will refuse to raise the salaries of these officials who live in the States of the Members urging the increases.

The CHAIRMAN. The gentleman's time has expired. The time for debate on this amendment has expired.

Mr. HOWELL of Utah. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Utah asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HOWELL of Utah. Mr. Chairman, the merits of the proposed amendment have been fully and ably presented by the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Colorado [Mr. BONYNGE] and others who have participated in the discussion. I wish to add a word in support of this amendment, which I consider most reasonable and just. The law especially fixes the salary of these officers at $3,000 per annum, but for a number of years past the law has been ignored by the Appropriations Committee and an arbitrary compensation of $2,000 per annum given for this service. In addition to this compensation the surveyors of the several districts have been allowed the fees arising from furnishing copies of maps, plats, and other official records of their offices, which have constituted perquisites of the office. The Commissioner of the Land Office by a recent order has deprived these officers of all such perquisites and requires that they account for and pay over all fees into the public Treasury.

This matter was presented to the committee by the Land Commissioner, and he strongly recommended that in view of his action in this respect that the salary provided by law—$3,000—be appropriated for these officers.

The Commissioner has also directed attention to the importance of the service rendered by and the responsibility of these officers, and pointedly states that they are really deserving and entitled to a greater compensation than registers or receivers.

Mr. Chairman, I submit that the duties incumbent upon the surveyor-general require a high order of ability and integrity. He represents the Government in awarding contracts for all

surveys of the public lands within his district. These contracts often involve many thousands of dollars. He also has jurisdiction over the surveys of mining claims, involving interests of the greatest value. He is required to furnish a large bond, and all the surrounding conditions of this office, particularly in the mining States, demand an officer of high character and ability. Now, the committee, while disclaiming any intention to reduce these salaries, have utterly ignored the fact that by the cutting off of the fees heretofore allowed as perquisites of the office by order of the Commissioner, that in effect these officers are being subjected to reduction of salary.

The committee has brought in increases of salary for certain high officers in the Deparments above that provided by law, and justify their action by asserting that these salaries were fixed by law a long time ago, and that, conditions having changed, these departmental officers are justly entitled to a more liberal compensation. This argument, I confess, seemed plausible and convincing to me, and I was considerably surprised in the course of this debate to hear members of the committee urge as a reason for opposing this amendment the fact that the salary provided in this bill had been the same for a great number of years, despite the fact that it has been clearly shown to the committee that the action of the Department has deprived them of remuneration in the shape of fees that has heretofore been allowed.

In the light of the facts shown, the position of the committee is utterly inconsistent and untenable. I believe the committee can not fail to have been convinced in the course of this discussion of the reasonableness and justice of this amendment, and I hope no pride of opinion will operate against their approval of the fair and just pending amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming, to strike out in line 19, page 175, the word "two" and insert the word "three."

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. BONYNGE. Let us have a division.

Mr. TAWNEY. Let the amendment be reported again.

The Clerk read as follows:

Page 25, line 19, strike out "two" and insert "three,"

So that it will read:

For surveyors-general in the Territory of Arizona, $3,000.

The committee divided, and there were—ayes 33, noes 30.

Mr. BINGHAM. I ask for tellers.

Tellers were ordered and the Chairman appointed Mr. BINGHAM and Mr. BONYNGE.

The committee again divided, and the tellers reported—ayes 37, noes 49.

Accordingly the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 125, line 20, after the word "thousand," where it first occurs, insert the words "five hundred."

Mr. MONDELL. Mr. Chairman, I want to call the attention of the House to the fact that the salaries of the surveyors-general of eleven States are the only salaries reduced by this bill, and that at a time when the salaries paid for a number of years have been a thousand dollars less than the salaries provided by law, this committee proceeds, as regards eleven Western States not represented on that committee, to reduce the salaries of surveyors-general, the only reduction carried in the bill. And while the salaries of officials of the Departments here in the District of Columbia are increased all along the line, the salaries of these western officials, charged with important duties out in the mountain States, unfortunately not represented on the Committee on Appropriations, are reduced. That reduction is called to the attention of the Committee on Appropriations—their attention is called to the fact that these salaries have been below the amount provided by law, and their attention has been further called to the fact that by reason of the cutting off of certain fees, the continuation of the salary heretofore provided amounts to a reduction of salary. I was unable to answer the question that was asked me, how much that reduction would amount to in my own State, but I have no doubt the surveyor-general of Wyoming has been receiving a considerable amount. Years ago, at the time these appropriations were reduced below the amount provided by law, the fees, in many instances, were very large, because at that time we had not provided for photolithographic township maps. Some years ago we began to provide for photolithographic maps of townships, and there has been nothing like the demand on surveyors-general for plats executed in their offices since. The salaries were probably reduced because they were receiving fees in addition to their salaries. Now the fees have been cut off and there can be no question but that the fees in every instance amounted to more than $500 a year. So my proposed amendment, Mr. Chairman, is simply to retain these salaries at somewhere near the compensation paid to surveyors-general in the past. Surely, this committee does not want to single out these officers in these Western States and reduce them at a time when we are generally increasing the salaries of public officials?

Mr. GILLETT. Mr. Chairman, I will just take a moment, because this is a repetition of the debate that has gone before. I suppose the gentleman is repeating it now because there are a few gentlemen in the House who were not in then. I wish to say that the gentleman from Wyoming is mistaken when he says these are the only cases in the bill that have not been appropriated for up to the amount provided by law. If the gentleman had been in the House yesterday and heard the debate on another case, he would not have made that statement.

Mr. MONDELL. The gentleman from Wyoming did not say that this was the only case where the appropriation was not the amount provided for by law. Although I call the attention of the committee to the fact that——

Mr. GILLETT. Mr. Chairman, I claim my time; I did not yield to the gentleman to make a speech.

Mr. MONDELL. May I correct the gentleman's statement?

Mr. GILLETT. Yes; if the gentleman will do that; but I do not think it is courteous, after I yielded to him, to go making a speech.

Mr. MONDELL. What I said was that this was the only reduction in salary provided for in this bill.

Mr. GILLETT. That is exactly what I thought the gentleman said, and it is unfortunately a mistake. There are other places in the bill where the amount appropriated is not the full amount, and that is the only way in which this is a reduction. We are giving them exactly the same that we have given them year after year since 1895. This is not a bill where we are raising salaries; the bill goes on exactly the other theory—that this is not a time to raise salaries, and that we must stand on the present basis. There are no salaries being raised in this bill, and therefore, instead of this being a discrimination against the surveyors-general, if it were possible, it would be a discrimination against the gentlemen who have come in here this afternoon and tried to pass the amendments.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. GILLETT. Yes.

Mr. MONDELL. Is it not a discrimination when you retain the salaries of these officers at the rate carried in previous bills in face of the fact that your attention has been called to the fact that certain fees which they heretofore received are now turned into the Treasury—that these fees amounted to a considerable sum?

Mr. GILLETT. Mr. Chairman, we can not tell how much they amounted to, except in one State, but I can not see how they had any right to take these fees.

Mr. BONYNGE. Under the order of the Commissioner.

Mr. GILLETT. The Commissioner can not make a law; he can not give them fees or take away fees. If they are taking fees against the law, the Commissioner can stop it. If the law gives them fees, the Commissioner can not stop it. We are the only ones who can give or take away fees. Therefore, we are giving them exactly what we have appropriated year after year, and this is not the time, I think, when the House wants to abandon the practice.

Mr. MANN. Mr. Chairman, I called the attention of the committee a while ago to the fact that very often the proposition for economy was to be effected at considerable increase over the amount paid. This is one of the illustrations. The gentleman says that now the Department has cut off the fees, amounting in the highest that has been mentioned from $750 to $1,000 a year, in order to recompense the gentleman who lost the fees that have been cut off as a matter of economy, we should therefore increase the salary $1,000 a year.

Mr. MONDELL. Only $500.

Mr. MANN. That is in the principal case. The Colorado office does one of the principal businesses in surveys, but in most of the cases the fees have not amounted to $150 a year, certainly not to $250 a year. In order to accomplish that little economy, they say the Department recommends that the salary should be increased by $1,000 a year. Economy! Economy! Now, what does the Land Office say? What does the Secretary of the Interior say about the whole system? We know the difficulty of abolishing offices. At $2,000 a year no office is vacant and nobody declines to accept the office, so far as we know. There is no surveyor-general's office to which some one has not been appointed at $2,000 a year. The Department

wants to abolish all of the offices. If you can not abolish them at $2,000 a year, what chance will there be of abolishing them at $3,000 a year?

Mr. MONDELL. Does the gentleman from Illinois consider that a fair argument as against a fair salary, that even at the low salary the offices do not go begging?

Mr. MANN. The gentleman knows I do not make unfair arguments. I am talking about the abolition of the office. I am not arguing against the proposition that the salary ought to be increased. What does the Secretary of the Interior say about the offices themselves? He says in his report, on page 9, and I call this to the attention of the distinguished gentleman from North Dakota [Mr. MARSHALL], who says the methods of the surveyor-general's office are entirely satisfactory. He says:

The general question of the system of surveys under the surveyor-general demands the most careful attention. The present system is not satisfactory. It is both expensive and subject to very great delay.

Yet in the face of the recommendation of the Secretary of the Interior that this method is expensive, the gentleman proposes to increase the expense without in the slightest degree increasing the efficiency.

Mr. MARSHALL. I do not know that I made the statement that the surveys were satisfactory to the Department. I said they were well made and thoroughly made and thoroughly inspected.

Mr. MANN. The gentleman when he made the statement—and I only yield for a question—undoubtedly had reference to the time when he was in the office of the surveyor-general himself, and I have no doubt that the work was well done then, but it has deteriorated since he left the office and came to Congress. [Laughter.]

Mr. MARSHALL. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MARSHALL. It does not necessarily make it so, does it, because the Secretary of the Interior says that these surveys could be expedited if the business was handled from Washington? That is the peg on which he hangs his recommendation. The Postmaster-General might recommend that everybody's mail should go to Washington, but that would not expedite the work.

Mr. MANN. Of course the opinion of the Secretary of the Interior does not make a thing so. It is his opinion. That is all we want. It is his opinion that the system is unsatisfactory and expensive.

The gentlemen from the States involved do not propose any method to increase the efficiency, but only a method of increasing the expense. I would much rather increase the efficiency than increase the expense.

Mr. SMITH of California. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. SMITH of California. I think if the gentleman will read that quotation again, the gentleman will find that it is not a criticism of the surveyors-general, but of the system of surveys provided by law.

Mr. MANN. I have read the opinion a number of times and if the gentleman had listened to what I had said, he would have understood that I was criticising the system.

Mr. SMITH of California. I was listening all the time.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. COOK of Colorado. Mr. Chairman, I desire to ask the gentleman from Illinois a question. I would like to know if the gentleman has had any experience or known anything about the laborious work of the surveyors-general and the duties which they are required to perform?

Mr. MANN. Well, if the gentleman wants to know that, I can tell him that I have. I have been engaged in legal work relating to land all my life, ever since I was admitted to practice at the bar.

Mr. COOK of Colorado. At what point?

Mr. MANN. Well, at the city of Chicago, which deals with a great many questions of surveys, but I do not propose to enter into a personal controversy with the gentleman.

Mr. COOK of Colorado. I would like to ask the gentleman, Mr. Chairman, if there are any Government lands for entry in the State of Illinois?

Mr. MANN. Why, Mr. Chairman, that is an idle question. Every foot of land in the State of Illinois is supposed to have been surveyed by surveyors-general. Does the gentleman think the only land that surveyors-general have anything to do with are lands they have not surveyed? I take my judgment of the surveyors-general by the work that they have done, not by the work that remains to be done.

Mr. COOK of Colorado. I would like to say, in answer to the gentleman from Illinois, these surveys were no doubt made before the gentleman from Illinois was on this earth.

Mr. MANN. The gentleman pays me a great compliment.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chairman announced that the noes appeared to have it.

On a division (demanded by Mr. MONDELL), there were—ayes 29, noes 36.

So the amendment was rejected.

Mr. FRENCH. Mr. Chairman, I move to amend line 20, page 125, by inserting after the word "dollars" the following words:

And all fees received by the surveyor-general not in excess of $1,000, but all fees in excess of $1,000 shall be placed in the Treasury of the United States.

Mr. GILLETT. Mr. Chairman, I make the point of order upon the amendment.

The CHAIRMAN. The gentleman from Idaho offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 125, line 20, after the word "dollars," insert:
"And all fees received by the surveyor-general not in excess of $1,000, but all fees in excess of $1,000 shall be placed in the Treasury of the United States."

The CHAIRMAN. Upon this amendment the gentleman from Massachusetts reserves the point of order.

Mr. LIVINGSTON. Mr. Chairman, I make the point of order; we have had discussion enough.

The CHAIRMAN. Does the gentleman from Idaho desire to be heard upon the point of order.

Mr. FRENCH. I would like to be heard on the point of order. The proposition that I make goes to the very essence of the question of salaries received. The members of the Committee on Appropriations contend that the amount of fees is a very nominal amount. I have offered this amendment in order to provide that those fees shall go to the salary of the surveyor-general, but if they are in excess of a thousand dollars the excess shall go into the Treasury of the United States.

The adoption of my amendment would obviate the necessity of making a direct appropriation of either $1,000 or $500; and at the same time it takes the words of the gentlemen for their full value, that the fees amount to a very small figure. I would like to have the point of order withdrawn, or if it shall not be sustained, that a vote be taken upon this amendment in order to test the sincerity of the gentlemen who have opposed the increase of salary or, rather, the maintenance of salary, at $3,000, on the ground that the fees amount to nothing.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

For rent of office for the surveyor-general, stationery, binding records, drafting supplies, books of reference for office use, typewriter and repairs, repairs of furniture, freight and drayage, filing cases, drafting tables, and other incidental expenses, $1,000.

Mr. MONDELL. I move to strike out the last word. I think we should not pass this question of public-land surveys after what has been said in the recent discussion without a brief statement in regard to the present contract system of public-land surveys and the execution of those surveys through the offices of the surveyors-general. Now, I am not surprised, Mr. Chairman, at the suggestion made by the Commissioner of the General Land Office.

Mr. MANN. By the Secretary of the Interior.

Mr. MONDELL. Oh, very well; the Secretary makes the statement.

Mr. Chairman, you may search the reports of all the Department officials of this Government for years past, and I do not believe you will find in them many favorable statements with regard to any public service not performed under their immediate charge and directly from Washington. We all appreciate the fact that the civil-service people in the bureaus here are constantly working to make this more and more a Government of centralized and all-powerful bureaus. We all know that those in the bureaus who influence and color the views of the heads of Departments are prone to exaggerate, if not in some instances to possibly slightly misrepresent, with regard to the execution of Government business not performed directly under the charge of the bureaus. They can not believe that any good thing can come out of a western Nazareth.

A number of years ago, Mr. Chairman, we tried the experiment of departing from the contract system of public-land surveys. One of the charges against the contract system is that it is expensive. A certain bureau of the Government has for many years sought to enlarge the field of its activity and acquire jurisdiction over public-land surveys, and no one connected with that great bureau at least ever has any good thing

to say with regard to the present system. A number of years ago in the Indian Territory the experiment was made of giving this bureau an opportunity to execute some surveys under a special law. I have no knowledge but that those surveys were well executed. Probably they were. I do know that they were not particularly expeditiously executed. I know that they were not executed as expeditiously as the public-land surveys are often executed under the surveyors-general, and I do know that they cost more per mile than the same class of surveys over the same kind of country costs under the contract system. A little later, Mr. Chairman, this same bureau was given an opportunity to survey a State boundary line, State boundary lines having been up to that time surveyed by deputy surveyors under contract. This survey was executed, not specially expeditiously, and it cost more than twice as much to execute it as had ever been paid, so far as I know, or as had been paid up to that time for any other similar survey and establishment of monuments. The expense was practically prohibitive. If we were to continue to mark out our State boundaries and establish our important lines through that method, we would bankrupt the Treasury. So that when the Secretary says that this method is expensive he certainly could not have had in mind the experience we have had of the execution of surveys by the Geological Survey in the Indian Territory and on a certain State boundary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, there was a time when the contract system of surveys was a failure. Aye, more than that, it was a fraud, when there was no examination in the field of these surveys, and when they were not well executed and not well monumented. But that condition ceased to exist many years ago, and I have personal knowledge, and I think the Commissioner of the General Land Office will certainly insist, that those surveys are to-day well executed.

If they are not, it is the fault of the Land Office, for they have a large and efficient force of examiners who go over these surveys, examine them as to distances and directions, and as to the character of the monuments.

Now, as to the work of the surveyor-general's office, I appreciate the fact that the departmental officials would prefer to have 100 more clerks in one of the Departments here rather than have 100 clerks in offices of surveyors-general throughout the public-lands States; that they would prefer to have more officials directly under their control here, traveling back and forth, executing surveys, rather than to have local men in the intermountain States doing that work.

Mr. Chairman, this system has been in existence ever since we were a Government. It brings close to the work of surveying the men charged with responsibility for it. It does give employment in some of the Western States for a few Government clerks and officials, and it gives the people of that country—the young men and women of that country—who prepare themselves for that kind of work an opportunity of Government service. That opportunity is largely denied them if all the work of the Government is to be carried on in the bureaus here. I believe the contract system, as now carried on, is a good system. I believe that the surveyor-general system is a good system. If we have surveyors-general who are not qualified, they should make way for those who are. If the work is not well done in any respect, the Interior Department should insist on its being well done. But it is a fact that surveys are being well executed. They are being executed under contract at a price at which it would be utterly impossible for the Government to send a force of men from Washington out into those regions and make surveys. From $500 to $800 for a survey of 36 square miles of rough and broken territory certainly is not an expensive system; and if the work is not well done it is the fault of the General Land Office, and no one else.

The Clerk read as follows:

For surveyor-general of California, $2,000; and for the clerks in his office, $11,400; in all, $13,400.

Mr. ENGLEBRIGHT. Mr. Chairman, I move, on line 3, page 126, to strike out the word "two" and insert the word "three."

The Clerk read as follows:

Page 126, line 3, strike out the word "two" and insert the word "three;" so as to read "three thousand dollars."

Mr. ENGLEBRIGHT. Mr. Chairman, I recognize here this afternoon that this subject is being discussed from two points, from two directions, one from the East and one from the West. With all due respect to the gentlemen who are on this committee, they certainly must admit that this is a subject upon which they are not fully posted. So far as the office of the surveyor-general of the State of California is concerned, I ought to know something about it. When we consider what this subject amounts to and what are the interests of the United States, it is impossible to expect a $2,000 man to do the business of that office. The duties of that office are entirely different from what those of the surveyor-general were when there was such an office in the State of Illinois. It is an entirely different problem to deal with, when the mineral lands of this State are sending into the Treasury of the United States from the surveyor-general's office in fees thousands of dollars annually. Again, these are not the fees that the surveyor-general has been in the habit of receiving. The fees that he has been receiving are for copies of documents and copies of maps from his office, and the surveyor-general has the benefit of taking to himself the difference between what it costs to make the copies of these documents and what he receives. It is these fees that the recent ruling or order of the Department takes away from him.

Mr. MANN. Will the gentleman yield for a question?

Mr. ENGLEBRIGHT. Certainly.

Mr. MANN. Does the gentleman know how much of the $400,000 appropriated last year for surveys was apportioned to California and under the control of the surveyor-general of California?

Mr. ENGLEBRIGHT. I do not.

Mr. MANN. Only $10,000.

Mr. ENGLEBRIGHT. But does the gentleman from Illinois know how much money the mining interests of the State of California paid into the surveyor-general's office for surveys? If you will examine into the fees paid by them, you will come to an entirely different conclusion about it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. ENGLEBRIGHT. Division.

The committee divided, and there were—ayes 15, noes 34.

Accordingly the amendment was rejected.

The Clerk read as follows:

For surveyor-general of the State of Colorado, $2,000; and for the clerks of his office, $17,225; in all, $19,225.

Mr. BONYNGE. Mr. Chairman, I move to amend by striking out the word "two" in line 12 and inserting in lieu thereof the word "three."

The Clerk read as follows:

On page 126, line 12, strike out "two" and insert "three."

Mr. BONYNGE. Mr. Chairman, I realize that it is a good deal like tempting fate to discuss this proposition after we have had such a prolonged debate upon it. But it has seemed to me that it can not be possible that the members of this committee understand the nature of the question that is here before them, or they would not act in this picayunish manner. There is nothing else to it, Mr. Chairman, except that it is being penny wise and pound foolish. Here is an officer, with a staff of clerks under him, drawing $17,500 a year for clerical services; an officer who is obliged to furnish a bond in the sum of $30,000; an officer who is not only obliged to keep all of the surveys of the State of Colorado, but every single mining patent that is issued in that State, upon the most valuable mining properties, is based upon field notes that have to pass under his observation. We are only asking here that he be given the salary authorized by the statute and the compensation that he has heretofore received.

Now, mark you, gentlemen, we are not asking that he shall have his compensation increased. All we are asking is that he shall receive in the future the same compensation that he has received in the past. Some will say that in the past we have appropriated only $2,000. That is true; but the Commissioner of the General Land Office, in the circular that has been called to your attention, shows that in the past the surveyors have received the fees under an order issued by the Commissioner himself, and in the State of Colorado, according to the information that I have, those fees have amounted in the past to from $750 to $1,000 a year; so that practically it is no increase in his compensation.

Mr. Chairman, years ago, during the mining activity in the State of Colorado, this office was worth many thousands of dollars per annum. The surveyor-general was not restricted to the $2,000 appropriated by Congress, but the fees that he received for these plats, maps, and copies amounted to many times his salary. By the present proposition, which is not to increase his salary, but simply to pay him the same compensation that he has received in the immediate past, the Government can not lose more than perhaps $250 at the outside, because, under the recent order of the Commissioner, these fees now go into the Treasury; and as they amount to some $750

to $1,000, we are not taking out of the Treasury in excess of $250 more than has heretofore been taken from the Treasury for this purpose. So I say it does seem to me it can not be possible that this Congress, which in the past has increased the salaries of so many officers, will now single out for a reduction a little petty office, the salary of which is only $2,000 a year, and where the total compensation has been but $3,000, and that the same men upon this floor, who but one year ago voted to increase their own salaries $2,500 a year, or 50 per cent, will now cut down the salary of this one officer 33⅓ per cent, making a total saving of less than $1,000, and all to avoid a deficit in the National Treasury. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question being taken, on a division (demanded by Mr. BONYNGE) there were—ayes 23, noes 32.

Mr. BONYNGE. I demand tellers, Mr. Chairman.

Tellers were refused, only twelve Members seconding the demand therefor.

Accordingly the amendment was rejected.

The Clerk read as follows:

For surveyor-general of Idaho, $2,000; and for the clerks in his office, $10,500; in all, $12,500.

Mr. FRENCH. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 126, line 33, strike out the word "two" and insert the word "three," so as to read "$3,000."

Mr. FRENCH. Mr. Chairman and gentlemen of the committee, it is not often that I occupy the attention of the committee, but I am prompted to do so at this time because of my earnestness in this matter. I feel that the committee in an attempt to do what they believe is right and just is doing an injustice to several States of the West whose public lands have not as yet been surveyed.

In my remarks a few minutes ago I took the position that the fees had been taken away from the surveyor-general's salary about a year ago. The gentleman from Minnesota, chairman of the Committee on Appropriations, said that the fees could not and did not amount to any considerable sum. In order to test the sincerity of the gentlemen of the committee, I introduced an amendment providing that in addition to the $2,000 they should receive, the fees that accrue to the respective offices, not to exceed $1,000, should be paid to the officer, and the balance in excess of a thousand dollars should be placed in the Treasury of the United States. It remained for members of the committee to raise the point of order upon the proposed amendment, and thereby keep the proposition from being considered on its merits by the members of the committee.

Again, I want to reaffirm my belief that the offices of surveyors-general in these States are offices that require heavy work, worthy of men capable of earning and deserving to be paid $3,000. In various land offices the policy of the Government is to permit the officer that has little work to do to receive a small compensation. There are numerous receivers and registers of land offices receiving a few hundred dollars per annum in order to close up the work of their respective offices. In my own State in one land office up to a year or so ago, because of the small amount of work in the land office, the register and receiver received something like $2,900, and not $3,000; nor until the work had been brought up to the work of a land office of maximum rating did the receiver and register receive the maximum of salary provided by law. So it might be in this work. If there are States where lands that were public have been so sufficiently surveyed as to minimize the work of the surveyor-general, then, by all means, as a matter of economy, let the General Land Office close up the balance of the work and let us abolish the office of surveyor-general in such States.

But in my State only 20 per cent—yes, less than 20 per cent—of the domain has been surveyed. Over 80 per cent, or 28,000,000 acres within the State outside of forest reserves, have never been surveyed, and the work that will be required of the surveyor-general is the same character of work as that which was required of the surveyors-general in the States of Indiana, Illinois, Nebraska, and Kansas in the days gone by. The older States have cleared up their lands and had them surveyed, so that the office of surveyor-general may not be abolished, because there is no more work to do. That is not a valid argument why the pay of the surveyor-general in the States whose lands have never been surveyed should be cut down, the fees taken from him, and the capability of the office for efficient service most seriously hampered. I trust my amendment may prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The question was taken and the amendment was rejected.

The Clerk read as follows:

For surveyor-general of Montana, $2,000; and for the clerks in his office, $11,000; in all, $13,000.

Mr. PRAY. Mr. Chairman, I offer the following amendment:

In line 12, page 127, strike out the word "two" and insert the word "three," so that it will read: "Three thousand dollars."

Mr. PRAY. Mr. Chairman, it is not my purpose or desire to occupy the attention of this committee in view of what has already transpired with reference to other amendments of like character, but I do feel, inasmuch as it is, or should be, within the knowledge of every member of the committee that the State of Montana is one of the greatest public-land States in the Union; that it has a large area of unsurveyed public land, and likewise immense tracts of unsurveyed mineral lands; that there is, and necessarily must be, great responsibilities devolving upon the surveyor-general, and I submit to the gentlemen of this committee that, in all fairness, you ought to add to the salary of the surveyor-general of Montana rather than reduce the compensation given him by section 2210 of the Revised Statutes of the United States. It is my recollection from a conversation had with the surveyor-general of Montana a few months ago, that his fees heretofore have amounted to about $600 to $1,000 a year. At any rate, whatever his fees were, he is now deprived of them. All such emoluments heretofore received by him are now covered into the Treasury, and you propose by this paragraph to deprive him of one-third of the salary that the statute says he shall have.

I hope that my amendment will not meet with the fate heretofore accorded the amendments that have been submitted. I trust that the gentlemen here will stop and reflect for a moment before they vote it down. The case of this official is worthy of better treatment at your hands. Demands upon him are constantly increasing with the influx of settlers and home-seekers into this great new State. Only a short time ago I received a petition from some of the citizens of one of the great counties in the northern part of my State—a county larger territorially than many of the Eastern States, urging a special appropriation for the survey of all of the unsurveyed lands of that county, by reason of the insistent demands of the army of settlers for more surveyed lands for entry.

Mr. MANN. In that connection will the gentleman yield for a question?

Mr. PRAY. Yes.

Mr. MANN. I notice that for the last fiscal year there were surveyed in Montana 2,818,000 and odd acres of land, more than one-third of all the land surveyed in the United States. Can the gentleman inform us whether that ratio is likely to keep up, or whether the unsurveyed lands have been in the main surveyed in the State?

Mr. PRAY. I am glad that the gentleman brought that out. I think it will exceed that very greatly. I think that $50,000 was appropriated at the last session for the survey of these lands, which is in excess of the appropriations for other States, but far too small for Montana.

Mr. MANN. Out of the $400,000 which is appropriated for the last fiscal year, $50,000 was apportioned to Montana, which was $20,000 more than was apportioned to any other State, I may say to the gentleman.

Mr. PRAY. That simply goes to show, and, in fact, amounts to proof of my contention, that the responsibilities of the surveyor-general of my State are as great, if not greater, than that of any other State, and that he should not be deprived of the salary provided by law.

Mr. MARSHALL. May I make one suggestion, that in addition to the $50,000 that was apportioned to the State of Montana, unquestionably the surveyor-general had supervision of a large amount of surveys made on Indian reservations, which is paid for ultimately out of the sale of the Indian lands and was appropriated for in the bills opening the reservation, so that the $50,000 would not indicate in any considerable degree the total amount of work.

Mr. MANN. The $50,000 for that State was $20,000 more than was appropriated for any other State.

Mr. MARSHALL. Yes.

Mr. MANN. And the amount surveyed in that State was six or eight times more than was surveyed in any other State.

Mr. MARSHALL. That is explained by the fact that it was Indian lands.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana.

The question was taken, and on a division (demanded by Mr. PRAY) there were—ayes 17, noes 28.

So the amendment was rejected.

The Clerk read as follows:

For pay of messenger, stationery, printing, drafting instruments, plats, drawing paper, binding records, telephone, registration of letters, post-office box rent, drayage, towels, books of reference for office use, and other incidental expenses, $1,000.

Mr. GRONNA. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

On page 128, after line 8, insert the following:
"For surveyor-general of North Dakota, $2,000, and for clerks in his office, $4,000; in all, $6,000."

Mr. GILLETT. Mr. Chairman, I reserve the point of order on that.

Mr. GRONNA. Mr. Chairman, I want to say that this amendment is not subject to a point of order. It does not change existing law. Section 2208 of the Revised Statutes provides for the appropriation of $2,000 as salary of the surveyor-general of North Dakota, and I am offering this amendment in conformity to that law. Mr. Chairman, I offer it in conformity to the appropriation that was made at the last session of the Fifty-ninth Congress, and I hope that the amendment will prevail. I consider, Mr. Chairman, that it will be an injustice to the people of the State of North Dakota to abolish this office at this time. We have thousands—yes, hundreds of thousands—of acres of mineral lands in our State that are yet to be surveyed. It is true that most of the public lands have been surveyed, but it is also true that we have reservations in that State and lands in those reservations that are unsurveyed. We also have lands on reservations that, while they have been surveyed, will have to be resurveyed, the same as lands on other reservations that have heretofore been resurveyed.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. GRONNA. Yes.

Mr. TAWNEY. It is proposed, is it not, by the Interior Department to abolish the office in North Dakota on July 1? That is the reason that no estimate has been submitted to Congress for the appropriation to continue this office. Now, upon the abolition of the office, then, the Commissioner-General of the Land Office is ex officio the surveyor-general and has full power and authority to approve all surveys in that State, as in the State of Minnesota, which office was abolished on the 1st of January of this year.

Mr. GRONNA. Mr. Chairman, I want to say in answer to the gentleman from Minnesota, the chairman of the Committee on Appropriations, that I do not know that is so; and if it is a fact, if either the Secretary of the Interior or the Commissioner of the General Land Office has so informed the chairman of the Committee on Appropriations, I will be obliged to him to make that statement upon this floor; but, Mr. Chairman, even though such a recommendation has been made, I will say to this committee that it is not a wise recommendation—not at all—because we have in our State, as I have said before, hundreds of thousands of acres of mineral lands—that is, coal lands—that are now public lands, all of which must in the future be surveyed or resurveyed.

Mr. MANN. Will the gentleman inform the House how much of the $400,000 appropriated the last fiscal year ending June 30 was set apart for surveys in the State of North Dakota?

Mr. GRONNA. I understand the provisions of that law. A certain amount was appropriated for surveys last year. The amendment I offer has reference only to the surveyor-general's salary and other specific expenses.

Mr. MANN. Four hundred thousand dollars was appropriated for the fiscal year ending June 30, 1907, for surveys. That was apportioned by the Department of the Interior among the various States, public-land States, and that is expended through the surveyors-general. Now, can the gentleman inform us how much of that was apportioned to the State of North Dakota?

Mr. GRONNA. The gentleman has the list and can inform the committee.

Mr. MANN. I will be glad to do so, indeed; not a single red cent.

Mr. GRONNA. Mr. Chairman, I want to say in reply to the gentleman that that is no reason why this office should be abolished. It is no reason why the amount should not be appropriated at this session the same as it was at the last session of Congress, so long as the surveyor-general has his duties to perform. I am not asking for an increase. I am simply asking, Mr. Chairman, for the same appropriation that we had during the Fifty-ninth Congress, and I sincerely hope that my amendment will prevail. The Committee on Appropriations has seen fit to bring in a bill to this House making no appropriation for the office of surveyor-general of North Dakota, which means the abolishment of that office.

Mr. GILLETT. Mr. Chairman, I withdraw the point of order.

Mr. MARSHALL. Mr. Chairman, the gentleman from Illinois points out the fact that of the $400,000 which was appropriated by Congress for public-land surveys in the United States or in the public-land States not a single dollar was apportioned to North Dakota. It does not necessarily follow because of this that surveys are not being executed there at this time. It does not necessarily follow that the surveys in North Dakota are completed because no part of that $400,000 was apportioned for that State last year. I called up the Assistant Commissioner of the General Land Office, who is familiar with the conditions there, since this debate commenced, and I am advised there are a number of contracts pending there which are incomplete. Now, there are perhaps two objects in cutting this item from the bill: One of them is economy. I would like to ask the chairman of the Committee on Appropriations if he believes for one moment that if they bring the business of that office from Bismarck, N. Dak., to Washington it can be done cheaper than it is being done out there. How far would $6,000 go in the Department down here toward paying the expenses of conducting the business of an office of that kind? Now, about this suggestion of the Secretary of the Interior (for whom I have the highest respect) of centralizing this work in Washington. I have had experience in this matter of surveys, and for that matter with other matters in which the question of expense to the Government comes into account, and I want to say to the gentlemen of the committee that there is not a man of us but who knows the nearer you get to the city of Washington the more the work will cost. This Government would be bankrupt if all the work that is done in little country places, far-distant points from this city, cost what it does to do similar work in Washington. [Applause.] Six thousand dollars! It will cost more than that to guard the archives of this office if it was brought here to Washington. [Applause.] This office is a convenience to the public of the State of North Dakota. It is located at the capital. The various county surveyors go there to examine the records and make extracts from them or procure copies of them, and the State officials visit the office almost daily for data and information. Now, I am not in the habit of taking up much of the time of this committee, and I will simply say that there is absolutely no excuse for—and there is certainly no economy in—abolishing this office, and I sincerely hope every man in this committee will do us justice and support this amendment.

Mr. TAWNEY. Mr. Chairman——

Mr. MARSHALL. Just one moment. I note in the report that there is coupled along with the State of North Dakota the offices of Florida and Minnesota. These offices in Florida and Minnesota have been maintained for years, and I am very safe in making the statement that neither one of them needed the office for the last twenty years one-half as badly as North Dakota will need it for the next twenty years.

Mr. TAWNEY. Mr. Chairman, the office of the surveyor-general was abolished on the 1st of January, and it is now proposed, as the gentleman from North Dakota now says, to abolish it at the end of the present fiscal year. The office in Florida and the office of North Dakota it is proposed by the Land Department to abolish, and the effort that is being made to prevent the Department from carrying out this recommendation here to-day is only another evidence of the difficulty of getting rid of offices created by Congress, or personal service of any other character.

Mr. MARSHALL. Will the gentleman yield for a question?

Mr. TAWNEY. In just a moment. Now, in the judgment of the General Land Office this office is no longer necessary. They can complete the work of the office and turn over the records to the State of North Dakota by the end of the current fiscal year, and the surveys, or the charts, maps, and plats that must be completed and certified hereafter, can be and will be certified to by the Commissioner of the General Land Office as ex officio surveyor-general for the State of North Dakota. It is because the office is no longer necessary, in the judgment of the men charged with the responsibility of administering this branch of the public service, that no estimate was submitted to Congress, and I submit the committee would not be justified in continuing it longer in view of those facts.

Mr. MARSHALL. Does the chairman of the Appropriation Committee believe that it would be economy to abolish this office? Does he not believe it would cost the Government more

to perform the duties that are now being performed by the surveyor-general of North Dakota here at Washington than the amount asked for in my amendment?

Mr. TAWNEY. The amount which the Government is now paying for the land office in North Dakota is $7,000. Now, I can only answer the gentleman from North Dakota by stating what has been the saving by the abolition of the office in the State of Minnesota. That office was likewise receiving $7,000 a year for clerical services. All of these services and all of these salaries have now ceased, and the Government is saving that amount and doing the work that remains to be done here in the Department with no additional expense to the Government.

Mr. GRONNA. Will the gentleman permit me to ask him another question?

Mr. TAWNEY. Certainly.

Mr. GRONNA. Does the gentleman think it is economy, providing this amendment is put on in the Senate and sent back to the House?

Mr. TAWNEY. If the amendment is put on in the Senate and sent back to the House, I can only say I think the conferees on the part of the House will resist concurring in the final adoption of an amendment which proposes to take money out of the Treasury merely to perpetuate a few clerks in office.

Mr. MARSHALL. Will the gentleman yield for one question?

Mr. TAWNEY. Yes.

Mr. MARSHALL. Does the committee know or have any means of knowing whether they have a lease of this office or not? Is it not a fact that they have a lease?

Mr. TAWNEY. That is clearly an administrative act of the Department. If they have a lease, it will expire at the end of this fiscal year, when it is proposed to abolish the surveyor-general's office in North Dakota.

Mr. MARSHALL. Are those the terms of the lease?

Mr. TAWNEY. They can not lease for more than a year.

Mr. MARSHALL. Oh, yes.

Mr. TAWNEY. They are not allowed to do so under the law.

Mr. MANN. Mr. Chairman, there was some merit in the proposition to increase the salary of an official who was needed, but it has been recommended in two annual reports that this office be dispensed with. It only illustrates the greed—I will not say the greed, but the desire of gentlemen representing their States to show how active they are on the floor of the House in behalf of their States. In the last annual report of the Commissioner of the General Land Office he says, under the title of "Closing surveyors-general offices:"

I beg to repeat the suggestion of last year as to this matter and to report that conditions remain the same in the cases of three States, Florida, Minnesota, and North Dakota.

Which he recommended be abolished last year.

The gentlemen from Florida have not had the nerve to ask that their surveyor-general be increased; the gentleman in charge of the bill has not had the nerve to present to the House such a proposition; but the distinguished gentlemen from North Dakota, very properly, I suppose, present to the House, and will receive great acclaim at home, for insisting that a useless office be continued at great expense, without any benefit.

Mr. GRONNA. Is the gentleman aware of the fact that in the western part of North Dakota it is only within the last few years that it has been necessary to make surveys so far as coal lands are concerned?

Mr. MANN. I am aware of this fact, that out of $400,000 appropriated by the Government last year for the survey of public lands, not a dollar of it was spent in North Dakota.

Mr. GRONNA. Seven thousand dollars of the money appropriated was spent.

Mr. MANN. I have got the report of the Commissioner of the Land Office in my hands, giving the full apportionment of $400,000, and not a cent is apportioned to the State of the gentleman.

Mr. MARSHALL. I know the gentleman from Illinois wants to be fair, and is always that. I have explained twice to him, and I think three times, but without results, that the activity of this office did not depend upon the portion of the money apportioned. We are opening Indian lands and surveys are being made of them all the time.

Mr. MANN. I am willing to admit one thing to the gentleman—that the activity of the official who wants his office increased does not depend upon the amount of money or the amount of work that he is to perform.

Mr. MARSHALL. But I want to say that they are opening the Indian reservations there and making surveys.

Mr. MANN. The Indian reservations are all taken care of in the bills that pass.

Mr. MARSHALL. But they never expend the money.

Mr. MANN. The gentleman knows that no land will go unsurveyed in North Dakota because of the abolishment of this office.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken and the chairman announced that the noes seemed to have it.

Mr. GRONNA. Division!

The committee divided, and there were—ayes 24, noes 25.

Mr. GRONNA. I demand tellers.

The question was taken on ordering tellers.

The CHAIRMAN. Seven gentlemen have arisen in support of the demand for tellers; not a sufficient number, and tellers are refused.

Mr. PAYNE. Mr. Chairman, I move to strike out the last word, for the purpose of congratulating the House that one office which seems to have passed into innocuous desuetude has been stricken out for the time being. It gives me a good deal of hope; and I am seriously considering the proposition of introducing a bill, and asking the Committee on Ways and Means to report it to the House, to abolish at least one port of the United States where the expenses are $600 to $800 and the collection only $1. I hope for better things. [Laughter and applause.]

The Clerk read as follows:

For the surveyor-general of Utah, $2,000; and for the clerks in his office, $10,000; in all, $12,000.

Mr. HOWELL of Utah. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend, on line 25, page 121, by striking out "two" and inserting "three," so as to read "three thousand dollars."

Mr. HOWELL of Utah. Mr. Chairman, the questions involved in this amendment have been pretty thoroughly thrashed out this afternoon, and I regret that the committee has seen fit to stolidly refuse to recognize the merits of the several amendments proposed. In behalf of the State which I have the honor to represent I desire to say that the work in the surveyor's office is constantly increasing. But a small part of the vast area of public lands within the State has yet been surveyed. There is a marvelous development of the mineral resources of the State constantly going on. During the past year new oil fields were discovered in the southern part of the State, and the result is that there is a demand for a survey of these oil-bearing lands. A careful estimate has been made of these oil-bearing lands, and in order to survey these public lands embraced within only three counties will require an expenditure of $142,000. I desire to read a communication to the officers of the land office in Utah bearing upon this subject:

SALT LAKE CITY, UTAH,
January 14, 1908.

Hon. THOMAS HULL, *Surveyor-General;* E. D. R. THOMPSON, *Register;* M. M. KAIGHN, *Receiver, Salt Lake City, Utah.*

GENTLEMEN: Coal has long been known to exist in southern Utah, and recently petroleum in commercial quantities has been discovered in Washington County, and there is abundant reason for believing that the oil formation underlies nearly all of Washington County, the west half of Kane County, and considerable parts of Iron and Garfield counties of the said State.

Petroleum seeps were discovered in southern Utah and in that part of Arizona north of the Grand Canyon of the Colorado River many years ago, and some locations were made under the placer act, but no systematic development was attempted until 1907, when parties from Nevada brought in machinery and sunk a well a few hundred feet deep on North Creek, in the Virgin River valley, near the town of Virgin, T. 41 S., R. 12 W.

This first well, as soon as completed, began to yield a good grade of oil in large quantities, which was immediately utilized for fuel in place of cedar and pine wood at other rigs that had been installed in the neighborhood to sink additional wells.

In all, sixteen wells have been started, the deepest being about 1,100 feet in depth.

The success of the Nevada oil men and the excellent quality of the oil found in their first well created an excitement, and a rush to secure oil locations ensued and has been continued until the field is nearly covered with filings, from near St. George east almost to the west line of Kane County, and from near Cedar City south to and far beyond the Arizona line.

The petroleum locations have been made under the provisions of the laws relating to placer mineral claims, as provided in the act of Congress approved February 11, 1897. (See United States mining laws and regulations thereunder approved May 21, 1907, pages 19, 34, and 35.)

A small percentage of the petroleum territory has been surveyed by the Government as agricultural land, but far the larger part remains unsurveyed.

Wherever the lands had been surveyed the claimants were able to make their claims conform to legal subdivisions of 10, 40, 80, and 160 acres, and usually did so; but upon unsurveyed land, having nothing to guide them, they have made and are still making locations that are far from conformable with the rectangular subdivisions of the public-land surveys as required by the regulations.

In the majority of cases locations are intended to cover 160 acres, but the boundary lines of such of these as are located on unsurveyed lands are far in excess of the legal length, and deviate greatly from the directions prescribed by law, viz, north, south, east, and west.

The locators, in nearly all cases not being surveyors, can not be expected to make their claims conform to legal subdivisions, either in size or direction of lines, and they do not do so.

The result of these erroneous locations will be litigation or violence, or both, as the ground becomes more valuable, unless the Government intervenes in time and extends its surveys over the land in question.

The oil belt being wide and extending apparently in a northeast and southwest direction, covers all of Washington, the west half of Kane, the western part of Garfield, and the eastern part of Iron counties, Utah, and as petroleum locations will soon be made over the entire oil region, I, like many others who have visited the field, am of the opinion that it is advisable for the Government to extend the public-land surveys over all the unsurveyed land in the region outlined above, and so recommend.

Day by day locations are being made as nearly according to law as the locators are able, but still in such manner as to leave opening for dispute, and it is to be hoped Congress and the Department of the Interior will intervene in time to prevent the confusion of lines which is always the prime cause of mining litigation.

Unlike lode claims, which are usually isolated, petroleum claims are located consecutively until a territory many square miles in extent is covered, involving enormous expense to individual claimants if surveyed under the procedure prescribed to obtain patent to mineral lands.

Yours, respectfully,

M. T. BURGESS.

I will also insert in the RECORD the report of the surveyor-general of Utah to the Commissioner of the General Land Office in reference to the survey of this oil region:

DEPARTMENT OF THE INTERIOR,
OFFICE OF UNITED STATES SURVEYOR-GENERAL,
DISTRICT OF UTAH,
Salt Lake City, Utah, January 16, 1908.

Honorable COMMISSIONER GENERAL LAND OFFICE,
Washington, D. C.

SIR: I have the honor to submit herewith copy of letter received from Mr. M. T. Burgess, which is self-explanatory.

Some time ago I received a communication from the commissioners of Washington County, Utah, dated November 25, 1907, stating that the citizens of Washington County were forwarding a petition to the honorable Secretary of the Interior upon this same subject and asking my support in the matter. To this communication I replied, suggesting that persons desiring to locate oil claims should proceed under the United States land laws and the regulations of the Interior Department.

The letter of M. T. Burgess, however, emphasizes the need of some relief for the situation existing in the territory referred to, and I respectfully submit the matter to you. I feel that the subject is worthy of consideration.

I inquired of Mr. Burgess as to the probability of the sale of land in case the surveys were made, and he assures me that there is no doubt that large quantities would be purchased, for there is every indication of permanency of the flow of oil. In addition to this there is a great deal of land valuable for dry farming, but which can not be settled under any of the land laws which contemplate residence upon the land to secure title.

I have compiled, and submit herewith, an estimate of the number of miles and acres to be surveyed, and have the honor to submit same to you with an estimate of the cost of field and office work. This estimate is necessarily approximate and is submitted simply to guide you in the consideration of this matter. No account is taken of the expense of field examination. The estimate follows:

For surveys and resurveys in Garfield, Iron, Kane, and Washington counties, State of Utah:

Township, standard, and guide meridian	miles	1,548
Section lines	do	7,214
Total number of acres		2,754,140

Estimated cost of above surveys:

Township, standard, and guide meridian	$27,864
Section lines	93,782
Total cost of field work	121,646
Total cost of office work	20,354
Entire estimated cost	142,000

The number of full and fractional townships are as follows:

In Garfield County	45
In Iron County	10
In Kane County	45
In Washington County	58
Total	158

Very respectfully,

UNITED STATES SURVEYOR-GENERAL FOR UTAH.

I have introduced a bill providing for a survey of these lands and making an appropriation for the same, which I hope will meet with the unanimous support of the distinguished and broad-minded members of the Committee on Appropriations. My object at this time in calling attention to this is to present before this committee the character and importance of the work now pending before the surveyor-general of Utah and to refute the intimation of the honorable chairman of the committee that the work of these officers is on the decrease. In the case of my own State he is certainly mistaken, and I believe that his statement is not well founded by the facts in the other States.

In conclusion, I am proud to state that the surveyor-general of Utah is a gentleman of ability and fitness for the duties of the office. He can command the salary I propose to give him in private employment. He is industrious, painstaking, and efficient in the discharge of his duty, giving to the Government, in looking after its interest, his full time and conscientious effort. I hope this committee will show its appreciation of these qualities by adopting the amendment I have offered.

The question being taken on the amendment, it was rejected.

The Clerk read as follows:

For surveyor-general of Washington, $2,000; and for the clerks in his office, $7,800; in all, $9,800.

Mr. JONES of Washington. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After "two thousand," in line 8, page 29, insert "five hundred," so that it will read "$2,500."

Mr. JONES of Washington. Mr. Chairman, I see that the committee appreciates the justice of this amendment, and I ask for a vote. [Applause and laughter.]

The question being taken on the amendment, on a division (demanded by Mr. JONES of Washington) there were—ayes 19, noes 22.

Accordingly the amendment was rejected.

The Clerk read as follows:

For surveyor-general of Wyoming, $2,000; and for the clerks in his office, $10,500; in all, $12,500.

Mr. MONDELL. Mr. Chairman, I move to amend by striking out the word "two," in line 16, and inserting in lieu thereof the word "three."

The Clerk read as follows:

In line 16 strike out "two" and insert "three."

Mr. MONDELL. Mr. Chairman, I offer this amendment as an evidence of good faith. [Laughter.] I realize that in the present frame of mind of this committee all arguments fall on deaf ears. Gentlemen have concluded that for the present they will not do us justice. Later, of course, in another place, these items will all be inserted, and then other gentlemen, without the expenditure of any effort on their part, will have all the credit that the membership of the House are entitled to for their efforts to secure justice for efficient public officials. In due course of time that increase will be accepted, after some sparring, of course, by the House, and we shall have taken another step along that road which removes the House from its rightful position as the originator of legislation.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming.

The question being taken, the amendment was rejected.

The Clerk read as follows:

Provided, That no expenses chargeable to the foregoing appropriations for clerk hire and incidental expenses, in the offices of the surveyors-general, shall be incurred by the respective surveyors-general in the conduct of said offices, except upon previous specific authorization by the Commissioner of the General Land Office.

Mr. BINGHAM. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 16882, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

STATUE OF JABEZ LAMAR MONROE CURRY.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Concurrent resolution 17.

Resolved by the House of Representatives (the Senate concurring), That the statue of Jabez Lamar Monroe Curry, presented by the State of Alabama to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished civic services.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Alabama.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The concurrent resolution was agreed to.

JOINT PRINTING COMMISSION.

The SPEAKER laid before the House the following communication:

To the Speaker:

It has just come to my knowledge that I am still a member of the Joint Printing Commission.

It has been and still is my opinion that membership of the Joint Committee on Printing is intended to carry with it ex officio membership on the Joint Commission on Printing. I therefore tender herewith my resignation as a member of said Joint Commission on Printing in order that the gentleman from South Carolina, the Democratic member of the Joint Printing Committee, may be appointed in my stead on the Joint Commission on Printing.

Respectfully, JAMES M. GRIGGS.

The SPEAKER. The Chair suggests——

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If that resignation be accepted, it is within the power of the Speaker to appoint the member of the Joint Committee on Printing to membership on this Commission.

The SPEAKER. The Chair is of the opinion that the Joint Commission referred to is a statutory office, created by law. The gentleman may resign from it without leave from the House.

Mr. MANN. The question is, Who can fill the vacancy?

The SPEAKER. The Chair will examine the law.

Mr. MANN. I ask that the communication lie temporarily on the Speaker's table until that can be determined.

The SPEAKER. It might be treated in the nature of surplusage; however, there is no objection to its lying on the table.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 712. An act granting a pension to Agnes Lange Smith—to the Committee on Invalid Pensions.

ADJOURNMENT.

Mr. BINGHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 22 minutes p. m.) the House adjourned until Monday, February 17, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named as follows:

Mr. BENNET of New York, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 13079) to amend section 21 of the immigration law, reported the same without amendment, accompanied by a report (No. 957), which said bill and report were referred to the House Calendar.

Mr. WILEY, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 138) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," reported the same without amendment, accompanied by a report (No. 958), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee on the Whole House as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1037) granting an increase of pension to Edward A. Russell, reported the same with amendments, accompanied by a report (No. 902), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1063) granting an increase of pension to Nicholas S. Chrisman, reported the same without amendment, accompanied by a report (No. 903), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1484) granting an increase of pension to Marshall W. Rogers, reported the same without amendment, accompanied by a report (No. 904), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2355) granting an increase of pension to Samuel Donaldson, reported the same without amendment, accompanied by a report (No. 905), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2711) granting a pension to Simon Levy, reported the same with amendments, accompanied by a report (No. 906), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3329) granting a pension to Theodore F. Kendall, reported the same with amendments, accompanied by a report (No. 907), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3611) granting an increase of pension to Alexander McNabb, reported the same with amendment, accompanied by a report (No. 908), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4674) granting an increase of pension to Henry R. Fancher, reported the same with amendment, accompanied by a report (No. 909), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6038) granting a pension to Edwin May, reported the same with amendments, accompanied by a report (No. 910), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6057) granting an increase of pension to Katharine Seiberlich, reported the same without amendment, accompanied by a report (No. 911), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6065) granting an increase of pension to George M. Coykendall, reported the same without amendment, accompanied by a report (No. 912), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6641) granting an increase of pension to James A. Cobb, reported the same with amendment, accompanied by a report (No. 913), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6875) granting an increase of pension to James S. Walsh, reported the same with amendments, accompanied by a report (No. 914), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7012) granting an increase of pension to Jacob B. Nelson, reported the same with amendment, accompanied by a report (No. 915), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7300) granting a pension to Magdalena Hansman, reported to the same with amendment, accompanied by a report (No. 916), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7946) granting an increase of pension to William Brogan, reported the same with amendment, accompanied by a report (No. 917), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8142) granting an increase of pension to Wilson Graham, reported the same with amendment, accompanied by a report (No. 918), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8332) granting an increase of pension to George Uhles, reported the same with amendments, accompanied by a report (No. 919), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8610) granting an increase of pension to John Shields, reported the same with amendment, accompanied by a report (No. 920), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8978) granting an increase of pension to Marques D. Mason, reported the same with amendments, accompanied by a report (No. 921), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9748) granting an increase of pension to Herbert C. Mattoon, reported the same with amendment, accompanied by a report (No. 922), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10163) grant-

ing an increase of pension to Myron A. Hawks, reported the same with amendments, accompanied by a report (No. 923), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10436) granting an increase of pension to Henry Hill, reported the same with amendments, accompanied by a report (No. 924), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10698) granting an increase of pension to Andrew J. Lyons, reported the same with amendment, accompanied by a report (No. 925), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10723) granting an increase of pension to William H. White, reported the same without amendment, accompanied by a report (No. 926), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10763) granting an increase of pension to William C. Milliken, reported the same with amendment, accompanied by a report (No. 927), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10824) granting an increase of pension to Caswell Lovitt, reported the same with amendment, accompanied by a report (No. 928), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11043) granting a pension to Elisha Cole, reported the same with amendments, accompanied by a report (No. 929), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11282) granting an increase of pension to John W. McCormick, reported the same with amendment, accompanied by a report (No. 930), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11471) granting an increase of pension to Frederick Spackman, reported the same with amendment, accompanied by a report (No. 931), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11868) granting a pension to Alexander Hyde, reported the same with amendments, accompanied by a report (No. 932), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12619) granting a pension to Hannah M. Crowley, reported the same with amendment, accompanied by a report (No. 933), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12990) granting an increase of pension to Jerome Long, reported the same without amendment, accompanied by a report (No. 934), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13245) granting an increase of pension to Martin V. B. Davis, reported the same with amendment, accompanied by a report (No. 935), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13336) granting a pension to Regina Albert, reported the same without amendment, accompanied by a report (No. 936), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13372) granting an increase of pension to John H. Seagrist, reported the same with amendment, accompanied by a report (No. 937), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13683) granting an increase of pension to Thomas W. Treadwell, reported the same without amendment, accompanied by a report (No. 938), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13920) granting an increase of pension to Fernando D. Stone, reported the same with amendment, accompanied by a report (No. 939), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14310) granting an increase of pension to Thomas Porter, reported the same with amendment, accompanied by a report (No. 940), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14747) granting a pension to William B. Haines, reported the same with amendment, accompanied by a report (No. 941), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14818) granting an increase of pension to Roswell L. Nason, reported the same without amendment, accompanied by a report (No. 942), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14978) granting an increase of pension to Josiah Dixon, reported the same with amendment, accompanied by a report (No. 943), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14989) granting an increase of pension to Jerome King, reported the same without amendment, accompanied by a report (No. 944), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15167) granting an increase of pension to Titus W. Allen, reported the same with amendment, accompanied by a report (No. 945), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15193) granting an increase of pension to Milo Brewster, reported the same with amendment, accompanied by a report (No. 946), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15579) granting an increase of pension to Alonzo C. Abbey, reported the same without amendment, accompanied by a report (No. 947), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15616) granting an increase of pension to Hugh Irwin, reported the same with amendment, accompanied by a report (No. 948), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15686) granting an increase of pension to William H. Turner, reported the same without amendment, accompanied by a report (No. 949), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15821) granting an increase of pension to Thomas Larkin, reported the same with amendment, accompanied by a report (No. 950), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16019) granting a pension to Grace S. Wood, reported the same with amendments, accompanied by a report (No. 951), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16020) granting an increase of pension to Moses T. Kelly, reported the same with amendment, accompanied by a report (No. 952), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16335) granting an increase of pension to Henry F. Tomlin, reported the same with amendment, accompanied by a report (No. 953), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16394) granting an increase of pension to Isaac N. Forman, reported the same with amendment, accompanied by

a report (No. 954), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16533) granting an increase of pension to James S. Anderson, reported the same with amendment, accompanied by a report (No. 955), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 15824) granting an increase of pension to Christine M. Hamre—Committee on Naval Affairs discharged, and referred to the Committee on Pensions.

A bill (H. R. 15825) granting a pension to Abraham T. Angell—Committee on Naval Affairs discharged, and referred to the Committee on Pensions.

A bill (H. R. 15827) granting a pension to Margaret Quirk—Committee on Naval Affairs discharged, and referred to the Committee on Pensions.

A bill (H. R. 13558) granting an increase of pension to Abby A. Brightman—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14321) granting a pension to Minnie R. Bacon—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10119) granting an increase of pension to William Mayer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12820) granting an increase of pension to Jacob Amberg—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14478) granting a pension to Robert E. Taber—Committee on Invalid Pensions discharged, and referred to the Committee on pensions.

A bill (H. R. 17086) granting a pension to Nancy E. Clark—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14985) granting a pension to Thomas J. Bradshaw—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KNAPP: A bill (H. R. 17215) for the erection of a dwelling for the keeper of the Cape Vincent, New York, lighthouse—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of Iowa: A bill (H. R. 17216) relating to liability of common carriers to their employees—to the Committee on the Judiciary.

Also, a bill (H. R. 17217) to provide for the erection of a public building at Ottumwa, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. CHANEY: A bill (H. R. 17218) to aid in the erection of a memorial monument to Pocahontas at Jamestown, Va.—to the Committee on the Library.

By Mr. COX of Indiana: A bill (H. R. 17219) to amend an act entitled "An act to amend the act of Congress approved March 3, 1875, entitled 'An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, and to further regulate the jurisdiction of the circuit courts of the United States, and for other purposes'"—to the Committee on the Judiciary.

By Mr. COOPER of Pennsylvania: A bill (H. R. 17220) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. HAGGOTT: A bill (H. R. 17221) providing for the resurvey of a certain township of land in the county of Kiowa, Colo.—to the Committee on the Public Lands.

Also, a bill (H. R. 17222) providing for the resurvey of certain townships of land in the county of Archuleta, Colo.—to the Committee on the Public Lands.

Also, a bill (H. R. 17223) providing for the resurvey of a certain township of land in the county of Routt, Colo.—to the Committee on the Public Lands.

Also, a bill (H. R. 17224) providing for the resurvey of the lands in Cheyenne County, Colo.—to the Committee on the Public Lands.

By Mr. BURNETT: A bill (H. R. 17225) to amend an act approved June 4, 1906, authorizing the use of the waters of Coosa River at Lock No. 4, in Alabama—to the Committee on Rivers and Harbors.

By Mr. WEBB: A bill (H. R. 17226) to define vagrancy in the District of Columbia and prescribe the punishment therefor—to the Committee on the District of Columbia.

By Mr. HAMILTON of Michigan: A bill (H. R. 17227) to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: A bill (H. R. 17228) to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: Resolution (H. Res. 240) concerning the revenue and support of the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL of Tennessee: Resolution (H. Res. 241) directing the Committee on Ways and Means to report to the House bills reducing import duties; also income-tax bills—to the Committee on Rules.

By Mr. SULZER: Resolution (H. Res. 242) requesting the Secretary of the Navy to send to the House certain information concerning the wreck of the battle ship *Maine*—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of New York: A bill (H. R. 17229) granting an increase of pension to Henry Fuersbach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17230) granting an increase of pension to Michael Umbehaun—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17231) granting an increase of pension to Elijah M. Sandford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17232) granting an increase of pension to William H. Roberts—to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 17233) for the relief of Fred A. Emerson—to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 17234) granting an increase of pension to Gifford Ramey—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 17235) granting a pension to William L. McFarland—to the Committee on Pensions.

Also, a bill (H. R. 17236) granting a pension to Annie C. Almond—to the Committee on Pensions.

Also, a bill (H. R. 17237) for the relief of heirs or estate of Thornton Martin, deceased—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 17238) granting an increase of pension to John Strahley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17239) granting an increase of pension to John A. Thomas—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 17240) granting an increase of pension to John L. Bryan—to the Committee on Invalid Pensions.

By Mr. COOK of Colorado: A bill (H. R. 17241) for the relief of William E. Moses—to the Committee on the Public Lands.

By Mr. CRAWFORD: A bill (H. R. 17242) granting an increase of pension to James Berry Duckett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17243) granting an increase of pension to William H. Deaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17244) to correct the military record of Joseph S. Penland—to the Committee on Military Affairs.

Also, a bill (H. R. 17245) for the relief of F. M. Rhineheardt, H. R. Cook, and Joseph S. Penland—to the Committee on Military Affairs.

Also, a bill (H. R. 17246) to extend the time for filing claims for property taken from Confederate soldiers at the close of the civil war—to the Committee on War Claims.

By Mr. DAVENPORT: A bill (H. R. 17247) granting an increase of pension to Wesley I. Bond—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: A bill (H. R. 17248) granting an increase of pension to William H. Steel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17249) granting an increase of pension to George W. Mathis—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 17250) granting an increase of pension to James D. Timmoney—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 17251) granting an increase of pension to Wesley Amos—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 17252) granting an increase of pension to Matthias J. Brower—to the Committee on Invalid Pensions.

By Mr. HAGGOTT: A bill (H. R. 17253) granting an increase of pension to William Lockstone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17254) granting an increase of pension to Frank G. Sayre—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17255) granting an increase of pension to Emily M. J. Cooley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17256) granting an increase of pension to George F. Gibbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17257) granting an increase of pension to Oliver M. Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17258) for the relief of George Ivers, of Boone, Pueblo County, Colo., administrator of William Ivers—to the Committee on War Claims.

By Mr. HAMILTON of Michigan: A bill (H. R. 17259) granting an increase of pension to Charles E. Breithaupt—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 17260) granting an increase of pension to Nathaniel B. Petts—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 17261) granting an increase of pension to Logan M. Tays—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17262) granting an increase of pension to Madison Chapel—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 17263) referring to the Court of Claims the claim of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased—to the Committee on Private Land Claims.

By Mr. LAWRENCE: A bill (H. R. 17264) to place the name of Charles Webster upon the retired list of the United States Navy as commander—to the Committee on Naval Affairs.

By Mr. LILLEY: A bill (H. R. 17265) granting an increase of pension to Anna Schneider—to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 17266) granting an increase of pension to Milton P. Noel—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 17267) for the relief of the Georgia Railroad and Banking Company—to the Committee on Claims.

By Mr. MOORE of Pennsylvania: A bill (H. R. 17268) granting an increase of pension to J. Davis Duffield—to the Committee on Pensions.

By Mr. MUDD: A bill (H. R. 17269) for the relief of George Wollett—to the Committee on War Claims.

Also, a bill (H. R. 17270) for the relief of Thomas B. Gourley—to the Committee on Claims.

By Mr. NELSON: A bill (H. R. 17271) granting an increase of pension to John R. Knudson—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 17272) granting a pension to Julius Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17273) granting a pension to Frank Taphorn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17274) granting an increase of pension to N. L. Bennett—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 17275) to remove the charge of desertion from the military record of James Quinn—to the Committee on Military Affairs.

By Mr. SLEMP: A bill (H. R. 17276) for the relief of S. R. Hurley—to the Committee on Claims.

By Mr. SMITH of Arizona: A bill (H. R. 17277) for the relief of George S. Patten, of Williams, Coconino County, Ariz.—to the Committee on the Public Lands.

By Mr. STANLEY: A bill (H. R. 17278) for the relief of George W. Smith—to the Committee on War Claims.

Also, a bill (H. R. 17279) for the relief of Frank W. Clark—to the Committee on War Claims.

Also, a bill (H. R. 17280) granting an increase of pension to John Coombs—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 17281) granting an increase of pension to John McIntosh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17282) granting an increase of pension to Newton K. Andrew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17283) granting a pension to Dennis O'Shey—to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 17284) for the relief of the heirs of Peter Anderson—to the Committee on War Claims.

Also, a bill (H. R. 17285) for the relief of the estate of Samuel D. Kelley, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17286) for the relief of the estate of R. A. Myrick, deceased—to the Committee on War Claims.

By Mr. WILSON of Illinois: A bill (H. R. 17287) to appoint Edgar C. Sturges a captain in the Army and place him on the retired list—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Paper to accompany bill for relief of William Nicholls—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Paper to accompany bill for relief of Catherine Crockett (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. ASHBROOK: Paper to accompany bill for relief of Gifford Ramey—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Joseph Jackson—to the Committee on Invalid Pensions.

By Mr. BONYNGE: Petitions of Union Label League No. 1 and International Association of Mechanics, of Denver, Colo., for building battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. BURLEIGH: Petition of Woman's Christian Temperance Union of Bethel, Me., against use of mails for circulating liquor advertisements—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of National Funeral Directors' Association, against burial at sea—to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDERHEAD: Petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturalization.

Also, petition of Mrs. H. B. Asher, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of National German-American Alliance, against interstate liquor legislation—to the Committee on the Judiciary.

Also, petition of Mrs. Dora Nester and others, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of National Funeral Directors' Association, against burials at sea—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of B. J. Ross, A. M. Hemphill, U: G. Riley, C. M. Hemphill, and H. A. Hoch, all of Broughton, Kans., against sale of intoxicants on all Government property—to the Committee on the Judiciary.

Also, petition of Kansas State Retail Merchants' Association, for enlargement of power of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Kansas State Retail Merchants' Association, for increase of pay for officers and enlisted men of Army and Navy—to the Committee on Military Affairs.

Also, petition of J. J. Pennell, against amendment to copyright bill inimical to photographers—to the Committee on Patents.

Also, petitions of D. A. Brodbeck and Kansas State Retail Merchants' Association, of Topeka, Kans., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CHANEY: Papers to accompany bill for special act of Congress for relief of John Strahley, late of Company F, Forty-third Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. COUDREY: Paper to accompany bill for relief of Edward P. Rice—to the Committee on Invalid Pensions.

Also, petition of National Supreme Lodge, C. S. P. S., against all prohibition legislation—to the Committee on the Judiciary.

Also, petition of Merchants' Exchange of St. Louis, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVENPORT: Petition of Muskogee Typographical Union, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. DENVER: Petition of Mrs. Joseph H. Richards, for the Altruistic Club of Hillsboro, Ohio, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. DRAPER: Petition of Merchants' Association of New York, for a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of Cleveland Chamber of Commerce, for pensions for widows and children of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

By Mr. FOCHT: Paper to accompany bill for relief of Sadie Doan—to the Committee on Invalid Pensions.

Also, petition of citizens of Franklin County, Pa., for additional protection to dairy interests—to the Committee on Agriculture.

By Mr. FORNES: Petition of Stephen Mummery, of Brooklyn, N. Y., for the Kittredge and Barchfield bills on copyright—to the Committee on Patents.

Also, petition of Edward Favenza, for amendment of copyright law beneficial to musical composers—to the Committee on Patents.

By Mr. FULLER: Paper to accompany bill for relief of James D. Timmoney—to the Committee on Invalid Pensions.

By Mr. FULTON: Paper to accompany bill for relief of Benjamin Harris—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Petition of Lake Seaman's Union, North Tonawanda, N. Y., favoring H. R. 14941—to the Committee on the Merchant Marine and Fisheries.

Also, petition of New York Post-Office Laborers' Protective Association, for increase of salaries of laborers in such post-offices as New York and Brooklyn from $700 to $900 per year—to the Committee on the Post-Office and Post-Roads.

By Mr. GRONNA: Petitions of the Woman's Christian Temperance Unions of Park River, Bowdon, Turtle Lake, Lakota, Cavalier, Page, and Walhalla, all in the State of North Dakota, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. HARDWICK: Letter of committee and resolution of Augusta Exchange and Board of Trade, against H. R. 67; also minority report of said organization in support of H. R. 67—to the Committee on Agriculture.

Also, memorials of Chamber of Commerce of Augusta, and Manufacturers and Merchants' Association, of Rome, Ga., for river and harbor legislation—to the Committee on Rivers and Harbors.

By Mr. HOWELL of New Jersey: Petition of National German-American Alliance, against immigration legislation until commission reports to Congress—to the Committee on Immigration and Naturalization.

By Mr. HOWELL of Utah: Petition of Sweet Candy Company, for uniform classification of railway freights—to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Washington: Petition of Tacoma Chamber of Commerce and Board of Trade, for application of civil-service rules to employees of Thirteenth Census—to the Committee on the Census.

By Mr. KELIHER: Petition of congregation of Bethlehem of Israel Church, of Malden, Mass., protesting against amendments to immigration law—to the Committee on Immigration and Naturalization.

By Mr. KNAPP: Petition of M. S. Lovell, of Oswego, N. Y., against amendment of the proposed copyright law—to the Committee on Patents.

By Mr. LINDBERGH: Petition of Josiah S. Tyhe et al., for a pension of $30 per month for all honorably discharged soldiers of the civil war—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: Paper to accompany bill for relief of William Mayer (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. NORRIS: Petition of Miss Jessie F. Lindsay, of Fairfield, Nebr., against proposed amendment to the copyright bill—to the Committee on Patents.

Also, petition of citizens of Bloomington, Nebr., protesting against establishing parcels-post routes—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Rear-Admiral Pickering Garrison, No. 4, of Erie, Pa., for increased pay of officers and enlisted men of Army, Navy, and Marine Corps—to the Committee on Naval Affairs.

Also, petition of Grand Army of the Republic of Albany, N. Y., protesting against abolishment of pension agencies—to the Committee on Appropriations.

Also, petition of Southern Illinois Division of National German-American Alliance, asking repeal of act prohibiting sale of wines and beer in post exchanges—to the Committee on Military Affairs.

By Mr. TOWNSEND: Petition of Edward Pomeroy Post, No. 48, Grand Army of the Republic, of Jackson, Mich., for the Sherwood bill (H. R. 7625)—to the Committee on Invalid Pensions.

Also, petition of citizens of Adrian, Mich., for restoration of motto "In God we trust" to coins—to the Committee on Coinage, Weights, and Measures.

By Mr. WALLACE: Paper to accompany bill for relief of Virginia Tirrell (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. WHEELER: Petition of J. A. Tanner and 30 others, of Mercer County, Pa., in favor of S. 3152—to the Committee on Agriculture.

Also, petitions of H. G. Preston and 123 others, of Warren County; W. H. Williams and 11 others, of Venango County; R. G. McGarr and 23 others, of Mercer County; and J. W. Morester, of Elk County, all of the Twenty-eighth District of Pennsylvania, in favor of S. 3152—to the Committee on Agriculture.

SENATE.

MONDAY, *February 17, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of William O. Robards *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 14638) to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 12401. An act to legalize a bridge across the Mississippi River at Rice, Minn.;

H. R. 15660. An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public laws; and

H. J. Res. 139. Joint resolution for the appointment of a member of the Board of Regents of the Smithsonian Institution.

The message further announced that the House had passed a concurrent resolution accepting the statue of Jabez Lamar Monroe Curry, presented by the State of Alabama, to be placed in Statuary Hall, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Indiana State Live Stock Breeders' Association, praying for the ratification of treaties looking to the betterment of the markets abroad for agricultural and live-stock products, which was referred to the Committee on Finance.

He also presented a memorial of the National German-American Alliance, remonstrating against the enactment of further legislation to regulate immigration until the investigation of the Immigration Commission has been completed, which was referred to the Committee on Immigration.

He also presented a petition of Local Union No. 17, International Stereotypers and Electrotypers' Union, of Washington, D. C., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented memorials of sundry organizations of Fort Wayne, Ind.; Charleston, S. C.; Washington, D. C.; Nashville, Tenn.; Wheeling, W. Va.; Kansas City, Mo.; St. Louis, Mo.; Philipsburg, Mont.; Baltimore, Md.; West Hammond, Ill., and Memphis, Tenn., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the Illinois State Horticultural Society, praying for the passage of the so-called "parcels-post bill," and also for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 178, Musicians' Protective Union, of Galesburg, Ill., praying for the enactment of legislation to prohibit Army and Navy musicians from entering into competition with civilian musicians, which was referred to the Committee on Military Affairs.

Mr. PLATT presented a petition of the Merchants' Association of New York City, N. Y., praying for the enactment of legislation to create a permanent nonpartisan tariff commission, which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 511, International Typographical Union, of Batavia, N. Y., and a petition of Local Union No. 167, International Typographical Union, of Schenectady, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of New York City, Ossining, Rochester, and Saratoga Springs, all in the State of New York, remonstrating against the adoption of a certain amendment to the present copyright law relating to photographic reproductions, which were referred to the Committee on Patents.

He also presented memorials of sundry organizations of Albany, New York City, Newburgh, Buffalo, Brooklyn, Yonkers, Middletown, and Dolgeville, all in the State of New York, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New York City, N. Y., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of Local Union No. 126, United Garment Workers of America, of Syracuse, N. Y., praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the New York Board of Trade and Transportation, of New York City, N. Y., remonstrating against the adoption of certain amendments to the present pure-food and drug law relating to standards for foods and drugs, which was referred to the Committee on Manufactures.

Mr. McLAURIN presented a petition of Local Union No. 14, Commercial Telegraphers' Union, of Chicago, Ill., praying that an investigation be made into the conditions of the telegraph companies of the country, which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented the petition of Thomas E. Young, of Washington, D. C., praying for the adoption of a certain amendment to Senate bill 3976, relating to the extension of railroad tracks to the navy-yard in that city, which was ordered to lie on the table.

He also presented the petition of H. B. Brown, of Washington, D. C., praying for the enactment of legislation to change the name of Sixteenth street NW. to White House road, which was referred to the Committee on the District of Columbia.

He also presented a petition of the American Medical Association of Chicago, Ill., praying for the enactment of legislation to establish a dental corps and a corps of trained women nurses for the United States Navy, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Manchester and West Rindge, in the State of New Hampshire; of Wallkill, N. Y.; of North Henderson, Ill.; of Stanhope, N. J., and of Sault Ste. Marie and Grand Rapids, in the State of Michigan, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of Local Union No. 63, International Brotherhood of Stationary Firemen, of Washington, D. C., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. du PONT presented a petition of the Pilots' Association for the Bay and River Delaware, of Philadelphia, Pa., praying for the enactment of legislation providing for the retirement of district superintendents, keepers, and crews of the Life-Saving Service, which was referred to the Committee on Commerce.

Mr. KEAN presented the memorial of William V. Ruton, of East Orange, N. J., and a memorial of Thomas M. K. Lee, jr., Post, No. 5, Grand Army of the Republic, Department of New Jersey, of Camden, N. J., remonstrating against the enactment of legislation proposing to abolish certain pension agencies in different parts of the country, which were referred to the Committee on Pensions.

He also presented the memorial of W. H. Klinedinst, of Morristown, N. J., remonstrating against the adoption of a certain amendment to the present copyright law relating to photographic reproductions, which was referred to the Committee on Patents.

He also presented a memorial of Local Branch No. 6, Glass Bottle Blowers' Association, of Salem, N. J., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 3, Cigar Makers' International Union of America, of Jersey City, N. J., and a petition of Local Union No. 94, Typographical Union, of Bayonne and Jersey City, N. J., praying for the enactment of legislation providing for the construction of the proposed new battle ships at the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented a petition of the Woman's Christian Temperance Union, of Vineland, N. J., and a petition of sundry citizens of McAfee, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the Union County Board of Agriculture, of Elizabeth, N. J., praying for the passage of the so-called "parcels-post bill," and also for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of W. J. Purvis, of Vineland, N. J., praying for the enactment of legislation to create a forest reserve in the southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Union No. 94, Typographical Union, of Bayonne and Jersey City, N. J., praying for the removal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 248, American Federation of Musicians, of Paterson, N. J., and a petition of Local Union No. 204, American Federation of Musicians, of New Brunswick, N. J., praying for the enactment of legislation to prohibit the competition of Army and Navy musicians with civilian musicians, which were referred to the Committee on Military Affairs.

Mr. SMITH of Michigan presented a memorial of the Farmers' Institute of Montcalm County, Mich., remonstrating against any reduction of the duty on sugar coming into the United States from foreign countries or from the insular possessions, and also against any revision of the tariff at the present time, which was referred to the Committee on Finance.

Mr. MARTIN presented a petition of Local Division No. 152, Order of Railway Conductors of Richmond, Va., praying for the reenactment of the so-called employers' liability bill, so as to meet the recent decision of the Supreme Court of the United States, which was referred to the Committee on Interstate Commerce.

Mr. STONE presented a memorial of the Sharpshooters' Society, of Herman, Mo., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Greene County Medical Association, of Springfield, Mo., praying for the enactment of legislation granting pensions to the widows of Dr. J. W. Carroll and Dr. James Lazear, which was referred to the Committee on Pensions.

He also presented a memorial of the board of directors of the Merchants' Exchange, of St. Louis, Mo., and a petition of St. Joseph Council, United Commercial Travelers, of St. Joseph, Mo., remonstrating against the passage of the so-called "parcels post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Local Union No. 8, International Stereotypers' and Electrotypers' Union, of St. Louis; of Local Union No. 635, International Typographical Union, of Poplar Bluff; of Local Union No. 40, International Typographical Union, of St. Joseph; of Local Union No. 119 International Typographical Union, of Jefferson City; of Local Union No.

206, International Typographical Union, of Sedalia, and of Local Union No. 18, International Brotherhood of Bookbinders, of St. Louis, all in the State of Missouri, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. McCUMBER presented a petition of Local Union No. 311, International Typographical Union, of Grand Forks, N. Dak., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. DEPEW presented a petition of sundry citizens of Brooklyn, N. Y., praying for the enactment of legislation providing for the construction of the proposed new battle ships at Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 511, International Typographical Union, of Batavia, N. Y.; and a petition of Local Union No. 187, Printing Pressmen and Assistants' Union, of Elmira, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. CLAPP presented a petition of Local Union No. 630, International Typographical Union, of St. Cloud, Minn., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of West Duluth, Minn., praying for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HEMENWAY presented a petition of Dela Hunt Post, No. 152, Grand Army of the Republic, Department of Indiana, of Cannelton, Ind., praying for the enactment of legislation granting to the widows of soldiers a pension of $12 per month, which was referred to the Committee on Pensions.

He also presented a petition of the Indiana State Live Stock Association, praying for the ratification of treaties looking to the betterment of markets abroad for agricultural and live stock products, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Lafayette, Ind., and a petition of sundry volunteer officers of the civil war of Terre Haute, Ind., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. HOPKINS presented a petition of Local Union, No. 520, International Typographical Union, of Mattoon, Ill., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented memorials of sundry organizations of Chicago, Freeport, Decatur, Freeburg, Bloomington, and Moline, all in the State of Illinois, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. PENROSE presented a paper to accompany the bill (S. 4980) granting a pension to Anna E. Siple, which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3145) granting an increase of pension to Emily E. Woodley, which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 4964) granting an increase of pension to Annie D. Mickley, which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 4965) granting an increase of pension to William Lamon, which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3910) granting an increase of pension to Thomas Heimbach, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3909) granting an increase of pension to John H. Stover, which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 3908) granting a pension to Henry Miller, which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 3138) granting an increase of pension to William Bessinger, which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 4962) referring to the Court of Claims the claim of Anna K. Carpenter, widow of the late Bvt. Maj. Thomas H. Carpenter, captain, United States Army, retired, which were referred to the Committee on Claims.

Mr. LONG presented petitions of sundry citizens of Neosho Rapids, Emporia, Edna, Manhattan, Winfield, Columbus, Laharpe, Independence, Garfield, Leroy, Olathe, Coffeyville, Ray, Iola, Cedarvale, Burlingame, Topeka, Tescott, Ottawa, Broughton, and Cloverdale, all in the State of Kansas, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of Fullington & Held and sundry other citizens of Clay Center, Kans., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a paper to accompany the bill (S. 4926) granting an increase of pension to Tyra Montgomery, which was referred to the Committee on Pensions.

Mr. BURKETT presented a petition of Local Union No. 106, Pressmen and Assistants' Union, of Lincoln, Nebr., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of Capital City Branch, No. 8, National Association of Letter Carriers, of Lincoln, Nebr., praying for the enactment of legislation granting letter carriers thirty days' annual leave with pay, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented a petition of sundry citizens of Reno County, Kans., praying for the enactment of legislation for the relief of officers, soldiers, sailors, and marines who were confined in Confederate prisons during the civil war, which was referred to the Committee on Pensions.

He also presented petitions of Garfield Post, No. 5, Department of Oklahoma, Grand Army of the Republic, of Muskogee, Okla., and a petition of sundry citizens of Muskogee, Okla., praying for the adoption of certain amendments to the present homestead laws relative to the taking of homesteads, which were referred to the Committee on Public Lands.

He also presented a memorial of sundry citizens of Clay Center and Clay County, in the State of Kansas, remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the First Baptist Church of Topeka, Kans., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Union No. 781, International Typographical Union, of Iola, Kans., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of Local Council No. 99, United Commercial Travelers of America, of Atchison, Kans., remonstrating against the enactment of legislation to secure the use of United States rural mail equipment and to place the rural service on a paying basis, and also against the consolidation of third and fourth class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 3126) to carry into effect the judgment of the Court of Claims in favor of the contractors for building the U. S. battle ship *Indiana*, reported it without amendment and submitted a report thereon.

Mr. CRANE, from the Committee on Interstate Commerce, to whom was referred the joint resolution (S. R. 24) directing the Interstate Commerce Commission to investigate and report on facing point switches and the appliances for the automatic control of such switches, reported it with an amendment and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (H. R. 14282) to authorize the appointment of a deputy clerk at Big Stone Gap, Va., reported it without amendment.

Mr. WETMORE, from the Committee on the Library, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 44) for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H.;

A bill (S. 45) for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H.; and

A bill (S. 160) to aid in the erection of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the

Revolution fought at that point between the colonial troops and Indians October 10, 1774.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 49) authorizing the Secretary of War to permit not exceeding seven Filipinos to receive instruction at the United States Military Academy, reported it with amendments and submitted a report thereon.

RESIDENT PHILIPPINE COMMISSIONERS.

Mr. LODGE. From the Committee on the Philippines I report back favorably without amendment the joint resolution (H. J. Res. 130) providing for salaries of the Resident Commissioners from the Philippine Islands, and I ask for its present consideration.

The Secretary read the joint resolution, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LODGE. In the order made by the Senate the other day admitting the Philippine Commissioners to the privileges of the floor there were two clerical errors, one in the name of a Commissioner and the other in terming the legislative body of the Philippines the "Philippine assembly." It should follow the act of 1902, and be termed the "Philippine legislature;" and the name instead of Pablo Ocambo should be Pablo Ocambo de Leon. I desire to thave those amendments made in the order, and for that purpose I send to the desk a new order properly drawn.

The order was read, considered by unanimous consent, and agreed to, as follows:

Ordered, That the privileges of the floor be extended to Benito Legarda and Pablo Ocambo de Leon, Resident Commissioners to the United States, elected by the Philippine legislature in accordance with the provisions of the act approved July 1, 1902.

COOSA RIVER BRIDGE, ALABAMA.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 13102) to authorize the county of Elmore, Ala., to construct a bridge across Coosa River, Alabama, to report it favorably with an amendment, and I submit a report thereon.

Mr. BANKHEAD. I ask unanimous consent for the consideration of the bill just reported by the Senator from Virginia.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, to add at the end of section 1 the following proviso:

Provided, That any bridge constructed under this act shall be erected at sufficient height above the water of said river at high and low water stage to permit the free and easy passage of steamboats and other water crafts navigating and accustomed to navigate the Alabama and Coosa rivers, or shall be constructed a drawbridge, subject to such regulations for the security of navigation below the Coosa and Alabama rivers as the Secretary of War may prescribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BUST OF PRESIDENT ZACHARY TAYLOR.

Mr. DANIEL. From the Committee on the Library I report back favorably without amendment the bill (S. 1048) authorizing the Joint Committee on the Library to purchase a bust of President Zachary Taylor, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Joint Committee on the Library to purchase of Mrs. Lola Wood, widow and sole executrix of John Taylor Wood (who was a grandson of President Zachary Taylor) a bust of President Zachary Taylor in her possession for a sum not exceeding $2,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MARTIN introduced a bill (S. 5343) to authorize the President to appoint as a passed assistant engineer in the Navy Henry Worthing Robie, and place him on the retired list, which was read twice by its title and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. WETMORE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5344) granting an increase of pension to Mary M. Allen;

A bill (S. 5345) granting an increase of pension to Annie E. J. Miller;

A bill (S. 5346) granting an increase of pension to Susan A. Dolloff; and

A bill (S. 5347) granting an increase of pension to James A. Bowden.

Mr. McLAURIN introduced a bill (S. 5348) for the relief of Matthew Burns, which was read twice by its title and referred to the Committee on Claims.

Mr. McCREARY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5349) for the relief of Madison County, Ky.;

A bill (S. 5350) for the relief of the Methodist Episcopal Church South, of Raywick, Ky.;

A bill (S. 5351) for the relief of Frank W. Clark;

A bill (S. 5352) for the relief of George W. Smith;

A bill (S. 5353) for the relief of the estate of R. M. McClelland, deceased; and

A bill (S. 5354) for the relief of Mrs. Helen S. Hogan.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5355) granting an increase of pension to John Masters; and

A bill (S. 5356) granting a pension to George W. Bowling (with an accompanying paper).

Mr. CULLOM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5357) granting an increase of pension to Jacob Konigstein; and

A bill (S. 5358) granting an increase of pension to W. H. Reid.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 5359) to amend an act to regulate plumbing and gas fitting in the District of Columbia, approved June 18, 1898;

A bill (S. 5360) authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW.; and

A bill (S. 5361) to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia.

Mr. WHYTE introduced a bill (S. 5362) for the relief of the mayor and city council of Baltimore, Md., which was read twice by its title and referred to the Committee on Claims.

Mr. FOSTER introduced a bill (S. 5363) to provide for the purchase of a site and the erection of a public building thereon at Franklin, La., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. HOPKINS introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5364) granting an increase of pension to Maberry Riggs; and

A bill (S. 5365) granting an increase of pension to Christian R. Harmon.

Mr. du PONT introduced a bill (S. 5366) granting an increase of pension to Adele Jeanette Hughes, which was read twice by its title and referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 5367) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, which was read twice by its title and referred to the Committee on Commerce.

Mr. DICK introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5368) granting an increase of pension to Alonzo D. Holcomb;

A bill (S. 5369) granting an increase of pension to Bertha Forbriger; and

A bill (S. 5370) granting an increase of pension to William E. Thompson.

Mr. ANKENY introduced a bill (S. 5371) granting an in-

crease of pension to George Hazzard, which was read twice by its title and referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 5372) to authorize the President of the United States to appoint Col. John Green, retired, to be a brigadier-general, United States Army, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CRANE introduced a bill (S. 5373) granting an increase of pension to James H. Wright, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 5374) to place William F. Greeley on the retired list of the Army, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. SMOOT introduced a bill (S. 5375) granting an increase of pension to Elizabeth B. Bean, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BANKHEAD introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 5376) for the relief of James T. Dowdy;

A bill (S. 5377) for the relief of the estate of Robert Pruitt, deceased;

A bill (S. 5378) for the relief of heirs and estate of William Wann, deceased;

A bill (S. 5379) for the relief of heirs and estate of Andrew J. Peacock, deceased;

A bill (S. 5380) for the relief of George P. Plowman;

A bill (S. 5381) for the relief of heirs and estate of J. R. B. Eldridge, deceased;

A bill (S. 5382) for the relief of heirs and estate of Alfred Hambrick, deceased;

A bill (S. 5383) for the relief of heirs or estate of Alexander F. Perryman, deceased; and

A bill (S. 5384) for the relief of Lewis E. Brown.

Mr. JOHNSTON introduced a bill (S. 5385) for the relief of the estate of Isaac Winston, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. PERKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5386) granting a pension to Thomas P. Clark; and

A bill (S. 5387) granting a pension to Laura Schofield.

Mr. LODGE introduced a bill (S. 5388) for the relief of Benjamin C. Welch, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5389) granting an increase of pension to Gertrude Smith;

A bill (S. 5390) granting an increase of pension to Timothy Hayne;

A bill (S. 5391) granting a pension to William Cannon;

A bill (S. 5392) granting an increase of pension to William C. Webber;

A bill (S. 5393) granting an increase of pension to William Lambert;

A bill (S. 5394) granting a pension to Mary Irvin;

A bill (S. 5395) granting an increase of pension to Margaret Ryan;

A bill (S. 5396) granting a pension to Ely L. Jones (with an accompanying paper);

A bill (S. 5397) granting an increase of pension to Mary A. Jordan;

A bill (S. 5398) granting an increase of pension to Richard Carr (with accompanying papers); and

A bill (S. 5399) granting an increase of pension to Maggie A. Young.

Mr. PENROSE introduced a bill (S. 5400) to provide oil portraits of the Chief Justice and associate justices of the United States Supreme Court from the first appointments made by President Washington to date, which was read twice by its title and referred to the Committee on the Library.

He also introduced a bill (S. 5401) for the relief of C. H. and W. M. Cramp, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5402) for the recognition of the military service of noncommissioned officers and enlisted men of the United States Volunteers as commissioned officers in certain State military organizations, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. DICK introduced a bill (S. 5403) extending the franking privilege, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

He also (by request) introduced a bill (S. 5404) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers, who served in the civil war and the war with Mexico," approved February 6, 1907, which was read twice by its title and referred to the Committee on Pensions.

Mr. STONE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5405) granting an increase of pension to Emma A. Porch;

A bill (S. 5406) granting an increase of pension to William McCaw;

A bill (S. 5407) granting an increase of pension to James F. Walker (with accompanying papers); and

A bill (S. 5408) granting a pension to John McCann (with accompanying papers).

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5409) for the relief of the county of Laclede, State of Missouri; and

A bill (S. 5410) for the relief of the county of Greene, State of Missouri.

Mr. CURTIS introduced a bill (S. 5411) for the relief of Charles Coody, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5412) granting an increase of pension to Byron C. Mitchell;

A bill (S. 5413) granting an increase of pension to Eli Lewis; and

A bill (S. 5414) granting a pension to Mercy E. Baker.

Mr. PILES introduced a joint resolution (S. R. 56) making an appropriation for improvement of Grays Harbor and Chehalis River, Washington, which was read twice by its title and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $500,000 to enable the Secretary of State to purchase such suitable lands and buildings as should comprise and be connected with the consular establishment and the United States court at Shanghai, China, intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,373,643 to enable the Secretary of State to purchase such suitable lands and buildings as should comprise and be connected with the consular establishment in China, Japan, and Korea, intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. WHYTE submitted an amendment relative to the office of the chief clerk, Bureau of Construction and Repair, Navy Department, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURNHAM submitted an amendment relative to the employment of six meteorological observers at $840 each at the Naval Observatory, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. BACON submitted an amendment proposing to appropriate $400,000 for the purchase of suitable buildings and grounds at Paris, France, for the use of the embassy, intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. BURROWS submitted an amendment directing the Secretary of the Interior to make a complete roll of the Ottawa and Chippewa Indians of Michigan who are entitled to participate in the funds arising from the judgment of the Court of Claims in case No. 27537, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

OCEAN-MAIL SERVICE.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean-mail service between the United States and foreign ports and to promote commerce," which was ordered to lie on the table and be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. CRANE submitted an amendment intended to be proposed by him to House bill 15372 known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. JOHNSTON submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. STONE submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and be printed.

Mr. BROWN. I submit an amendment intended to be proposed by me to the bill (S. 3023) to amend the national banking laws. It is short, and I ask that it be read and that it lie on the table and be printed.

The proposed amendment was read and ordered to lie on the table and to be printed, as follows:

On page 10, line 12, after the word "depositaries," insert:

"*Provided*, That all national banks having on deposit public money belonging to the United States shall pay to the United States interest thereon at the rate of 2 per cent per annum, to be collected by the Secretary of the Treasury; which interest so collected shall constitute a special fund in the Treasury of the United States to be designated as a depositors' guaranty fund, and which shall be held to the order of the Secretary of the Treasury, to be used by him to reimburse depositors in national banks for losses resulting from the failure of any national banking association."

ACCOUNTS OF POSTMASTERS IN COLORADO.

Mr. TELLER. I submit a resolution calling for information, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to have audited in the Sixth Auditor's Office the salary accounts of former postmasters, named on annexed memorandum schedule, who served at post-offices in Colorado in terms between July 1, 1864, and July 1, 1874, and who applied to the Postmaster-General prior to January 1, 1887, for payment of increased salary under the act of March 3, 1883, such salary accounts to be stated upon the registered returns of each postmaster for each term of service, and by the method and rule laid down by the Postmaster-General for the statement and payment of salary accounts of former postmasters under the act of March 3 1883, in his public order of February 16, 1884; and the Secretary of the Treasury is hereby directed to report to the Senate such stated salary accounts of former postmasters as soon as they can be made ready.

Memorandum schedule.

Post-office in Colorado.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Arvada	Benj. F. Wadsworth	1884	70-72	$46	$24	$22
Do	do	1884	72-74	40	26	14
Badito	Chas. O. Unfug	1884	70-72	143	64	79
Big Thompson	Jas. M. Smith	1884	72-74	200	160	40
Black Hawk	H. M. Orahood	1883	64-66	1,800	810	960
Boonville	Albert G. Boone	1884	64-66	262	90	172
Boulder	R. J. Woodward	1884	70-72	429	231	198
Do	do	1884	72-74	2,500	1,460	1,040
Do	A. J. Mackey	1883	64-66	287	212	75
Do	do	1883	66-68	420	283	133
Do	do	1883	68-70	563	440	123
Breckenridge	Marshall Silverthorn.	1883	68-70	185	136	49
Do	do	1883	68-70	260	220	40
Do	do	1883	72-74	340	280	60
Canon City	B. F. Rockafeller	1883	70-72	790	320	470
Do	do	1883	72-74	1,500	980	520
Do	S. M. Cox	1883	68-70	310	220	90
Caribou	W. F. Sears	1884	72-74	1,000	780	220
Colorado City	Emile Gehrung	1884	68-70	330	280	50
Do	do	1884	70-72	830	400	430
Colorado Springs	John Potter	1885	72-74	4,050	2,750	1,300
Conejos	Herman Schiffer	1884	72-74	135	104	31
Do	Lafayette Head	1884	64-66	43	14	29
Edgerton	Harlan M. Teachout	1884	70-72	95	24	71
El Paso	Jas. Woodbury	1883	70-72	182	24	158
Empire	Jas. W. Drips	1884	64-66	330	213	117
Erie	R. J. Van Valkenburg.	1884	70-72	180	24	156
Evans	W. J. Kram	1884	70-72	400	205	191
Fair Play	L. F. Vallton	1884	68-70	720	620	100
Do	Albert B. Crook	1885	72-74	1,100	860	240
Do	H. L. Hitchcock	1883	66-68	285	82	203
Fort Collins	P. D. McClanahan	1884	70-72	220	24	196
Do	Jos. Mason	1884	66-68	216	12	204
Do	do	1884	68-70	220	24	196
Fort Lyon	Samuel G. Bridges	1883	72-74	900	660	240
Fountain	C. I. Croft	1884	72-74	335	220	115
Do	A. H. Terrell	1884	66-68	95	46	49
Do	do	1884	70-72	127	50	77
Do	E. H. Gould	1884	72-74	172	110	62
Golden	Chas. H. Danforth	1884	70-72	1,800	1,200	600
Golden	Chas. H. Danforth	1884	66-68	$450	$225	$225
Do	Jonas M. Johnson	1884	64-66	320	147	173
Golden City	Geo. R. Kimball	1885	72-74	3,200	2,400	800
Granada	M. W. Robbins	1884	72-74	212	12	200
Granite	Chas. Mater	1884	72-74	200	150	50
Greeley	Jas. B. Flower	1884	72-74	3,200	2,800	400
Greenland	A. Arnold	1885	72-74	52	12	40
Hamilton	Geo. L. Hopson	1884	72-74	155	114	41
Helena	Andrew Bard	1885	70-72	47	34	13
Hugo	Wm. A. Hill	1884	72-74	30	12	18
Hutchinson	W. Head	1885	72-74	40	12	28
Idaho Springs	Geo. A. Patten	1883	72-74	900	600	300
Littleton	Richard S. Little	1884	70-72	57	24	33
Montezuma	W. W. Webster	1883	70-72	40	24	16
Do	do	1886	72-74	40	12	28
Monument	J. C. Henry Limbach	1883	70-72	140	24	116
Oro City	H. A. W. Tabor	1884	68-70	310	44	266
Do	do	1884	72-74	440	320	120
Pueblo	J. W. O. Snyder	1883	68-70	1,440	940	500
Do	Wm. Ingersoll	1884	70-72	3,000	1,600	1,400
Do	J. J. Thomas	1884	66-68	850	620	230
Do	Mark G. Bradford	1886	64-66	348	74	274
Riverside	Geo. Leonhardy	1885	72-74	62	12	50
Rockyford	Ashael Russell	1883	72-74	62	12	50
Rollinsville	Fred. T. Gooch	1883	70-72	100	24	76
Saguache	Robert Jones	1884	72-74	102	33	69
Sedalia	Henry M. Clay	1885	72-74	72	12	60
South Arkansas	John D. McPherson	1883	70-72	59	24	35
Spanish Bar	Sylvester Edwards	1883	64-66	200	50	150
Spring Valley	Jos. Giles	1884	66-68	80	52	28
Do	do	1884	70-72	150	106	44
Trinidad	H. A. Baraclough	1884	68-70	770	460	310
Do	do	1884	70-72	1,260	920	340
Do	do	1884	72-74	1,720	1,420	300
Ula	Jos. A. Davis	1886	72-74	300	150	150
Walsenburg	Fred. Walsenburgh	1884	70-72	38	24	14
Do	do	1884	72-74	52	12	40

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. KEAN. Does it propose to call for a list of postmasters all over the United States under the Spalding Act?

The VICE-PRESIDENT. The resolution is limited to Colorado.

Mr. KEAN. Is present consideration asked?

The VICE-PRESIDENT. The present consideration of the resolution is requested.

Mr. KEAN. Let it go over.

The VICE-PRESIDENT. Objection is made, and the resolution will lie over.

INLAND WATERWAY FROM MOBILE BAY.

Mr. JOHNSTON submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of an inland waterway from Mobile Bay to Perdido Bay, in the State of Alabama, and from said Perdido Bay to Escambia Bay, in the State of Florida, for the purpose of estimating the probable cost of the construction of a canal 300 feet wide by 9 feet deep, or of such width and depth as will be sufficient to permit of the navigation of such vessels as ordinarily navigate said bays, and for other purposes.

OCEAN MAIL SERVICE.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of Senate bill 4050.

Mr. GALLINGER. Mr. President, I call the attention of the Senator from Florida to the fact that by a unanimous-consent agreement the so-called "shipping bill" was to be considered this morning immediately after the morning business was concluded. I will further state that, because I have been unable to collect some necessary data which I desire to present to the Senate, I shall not ask that the unanimous-consent agreement be carried out to-day, but will ask to have the date changed from Monday to Wednesday. I make that request.

The VICE-PRESIDENT. The Senator from New Hampshire asks that the unanimous-consent agreement for the consideration of Senate bill 28 immediately following the conclusion of the morning business to-day shall be changed to the same time on Wednesday next. Is there objection? The Chair hears none, and it is so ordered.

FORT MARION RESERVATION, FLA.

Mr. TALIAFERRO. I now ask that the Senate proceed to the consideration of the bill (S. 4050) to authorize the sale of certain parts of Fort Marion Reservation in the city of St. Augustine, Fla.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TEMPORARY HOME FOR EX-UNION SOLDIERS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4920) to provide a temporary home in the District of Columbia for ex-Union volunteer soldiers, sailors, and marines.

Mr. WARREN. I do not wish to object to the request of the Senator from New Hampshire if there shall be no discussion on the bill. By an arrangement made at an earlier date the Senate is to have an executive session to-day.

Mr. GALLINGER. I will say to the Senator from Wyoming that if there is to be discussion on the bill, I will withdraw the request.

The VICE-PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with an amendment, in section 4, page 2, line 25, to strike out "$30,000" and insert "$50,000, or so much thereof as may be necessary," so as to make the section read:

SEC. 4. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary, for the purchase, repair, remodeling, and equipment of such home, to be expended by the Secretary of War for that purpose, upon conference with said board of managers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had on the 14th instant approved and signed the following acts:

An act (S. 485) to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes; and

An act (S. 1256) for the relief of Pope & Talbot, of San Francisco, Cal.

PUBLIC EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. BURKETT. Mr. President, I ask unanimous consent that to-morrow morning after the regular routine morning business the Senate shall take up and consider Order of Business 177, Senate bill 4032.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent that at the close of the routine morning business to-morrow the Senate shall proceed to the consideration of Senate bill 4032.

Mr. McCREARY. What is the bill?

Mr. HOPKINS. Let the bill be read by title.

The VICE-PRESIDENT. The Secretary will read the bill by title.

The SECRETARY. Under Rule IX, Order of Business 177, a bill (S. 4032) to establish the direction and control of public education in the District of Columbia.

Mr. STONE. I desire to say to the Senator from Nebraska that on the day following to-morrow I shall be obliged to leave the city for several days, and I wish to-morrow morning, after the close of the morning business, to occupy something like thirty or forty minutes of the time of the Senate in submitting some remarks on what is known as the Aldrich bill, amending the national banking laws.

Mr. BURKETT. I will change my request, then. I will not call it up, I will say to the Senator from Missouri, until after the conclusion of his remarks.

Mr. CLAPP. Mr. President, I rise to make an inquiry. It is whether agreeing to the request will make the bill the unfinished business or that it will take any place further than to-morrow morning? If it does, I will object.

The VICE-PRESIDENT. The bill will have preference up to the hour of 2 o'clock.

Mr. CLAPP. That will be for to-morrow?

The VICE-PRESIDENT. For to-morrow.

Mr. CLAPP. Will that condition be carried over into the succeeding day?

Mr. GALLINGER and others. No.

The VICE-PRESIDENT. Not unless it is so agreed. Is there objection to the request made by the Senator from Nebraska?

Mr. CLAPP. I object if it gives the bill any place beyond to-morrow.

Mr. FRYE. It would not cover any place except to-morrow.

Mr. CLAPP. Then I withdraw the objection.

Mr. BACON. I wish to make a suggestion to the Senator from Nebraska. In reply to the Senator from Missouri he stated that he would not call up the bill until after his speech, but if there is a unanimous-consent agreement to take it up at a certain time the Senator can not change that unanimous-consent agreement.

Mr. BURKETT. I change my request so as to make it apply after the conclusion of the remarks of the Senator from Missouri.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska, which is that following some remarks to be made by the Senator from Missouri [Mr. STONE] at the conclusion of the routine morning business to-morrow the Senate shall proceed to the consideration of Senate bill 4032.

Mr. ALLISON. Mr. President——

Mr. NELSON. I object.

The VICE-PRESIDENT. Objection is made by the Senator from Minnesota.

Mr. ALLISON. I rose to ask the Senator from Nebraska if it is his intention that the consideration of the measure shall go beyond 2 o'clock to-morrow?

Mr. BURKETT. It is not.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Nebraska.

INQUIRY AS TO CERTAIN WESTERN LAND GRANTS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on the Judiciary and ordered to be printed:

To the Senate:

In compliance with the resolution of the Senate of February 3, 1908, requesting the President "if not incompatible with the public interest, to inform the Senate what information, if any, has been received, and what action, if any, has been taken by the Department of Justice with respect to the matters and things in the preamble to this resolution set forth." I transmit herewith a letter from the Attorney-General, together with a statement showing in detail the information received by the Department of Justice with respect to land grants made in the act of Congress approved July 25, 1866, as amended by the acts of June 25, 1868, and April 10, 1869; also the act approved May 4, 1870, which is subject to the partial forfeiture imposed by the act approved January 31, 1885.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 17, 1908.*

EXECUTIVE SESSION.

Mr. WARREN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After four hours and thirty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 18, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 17, 1908.

FIRST ASSISTANT POSTMASTER-GENERAL.

Charles P. Grandfield, of Missouri, to be First Assistant Postmaster-General, vice Frank H. Hitchcock, resigned.

UNITED STATES ATTORNEY.

William L. Day, of Ohio, to be United States attorney for the northern district of Ohio, vice John J. Sullivan, whose term expired January 13, 1908.

INDIAN AGENT.

Lawrence F. Michael, of Gettysburg, S. Dak., to be agent for the Indians of the Lower Brule Agency in South Dakota, vice Robert H. Somers, term expired.

APPOINTMENT IN THE ARMY.

General officer.

Col. Daniel H. Brush, Twenty-fourth Infantry, to be brigadier-general from February 17, 1908, vice Davis, retired from active service.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Lieut. Col. William H. Bixby, Corps of Engineers, to be colonel from February 14, 1908, vice Davis, appointed brigadier-general.

Maj. Edward Burr, Corps of Engineers, to be lieutenant-colonel from February 14, 1908, vice Bixby, promoted.

Capt. James B. Cavanaugh, Corps of Engineers, to be major from February 14, 1908, vice Burr, promoted.

First Lieut. Clarence O. Sherrill, Corps of Engineers, to be captain from February 14, 1908, vice Cavanaugh, promoted.

Second Lieut. Thomas H. Emerson, Corps of Engineers, to be first lieutenant from February 14, 1908, vice Sherrill, promoted.

TO BE PLACED ON THE RETIRED LIST.

Maj. Thomas Swobe, quartermaster, with the rank of lieutenant-colonel.

Capt. George L. Goodale, quartermaster, with the rank of major.

POSTMASTERS.

ARKANSAS.

F. G. Briggs to be postmaster at Judsonia, White County, Ark. Office became Presidential January 1, 1908.

J. A. Steele to be postmaster at Lewisville, Lafayette County, Ark., in place of Frederick W. Youmans. Incumbent's commission expires April 27, 1908.

ILLINOIS.

T. P. Hawkins to be postmaster at Rushville, Schuyler County, Ill., in place of William W. Colt. Incumbent's commission expired November 24, 1907.

Edward W. Hilker to be postmaster at Madison, Madison County, Ill., in place of Edward W. Hilker. Incumbent's commission expired January 21, 1908.

KENTUCKY.

E. S. Morrison to be postmaster at Latonia, Kenton County, Ky., in place of Frank W. Stith, resigned.

Everett P. Taylor to be postmaster at Beaver Dam, Ohio County, Ky. Office became Presidential January 1, 1908.

LOUISIANA.

John T. Charnley to be postmaster at Alexandria, Rapides Parish, La., in place of John W. Miller. Incumbent's commission expires February 18, 1908.

MAINE.

Isaac Dyer to be postmaster at Skowhegan, Somerset County, Me., in place of Isaac Dyer. Incumbent's commission expired February 12, 1908.

NEBRASKA.

David S. Beynon to be postmaster at Burwell, Garfield County, Nebr., in place of David S. Beynon. Incumbent's commission expires February 29, 1908.

Henry C. Hooker to be postmaster at Leigh, Colfax County, Nebr. Office became Presidential January 1, 1908.

Edward M. Parker to be postmaster at Guide Rock, Webster County, Nebr. Office became Presidential January 1, 1908.

NEW HAMPSHIRE.

Frank S. Huckins to be postmaster at Ashland, Grafton County, N. H., in place of Frank S. Huckins. Incumbent's commission expired February 1, 1908.

Jesse C. Parker to be postmaster at Hillsboro (late Hillsboro Bridge), Hillsboro County, N. H., in place of Jesse C. Parker, to change name of office.

NEW JERSEY.

William R. Poe to be postmaster at Glen Ridge (late Glenridge), Essex County, N. J., in place of William R. Poe, to change name of office.

NEW YORK.

Austin Hicks to be postmaster at Great Neck, Nassau County, N. Y., in place of Austin Hicks. Incumbent's commission expired January 18, 1908.

James M. Requa to be postmaster at Tarrytown, Westchester County, N. Y., in place of James M. Requa. Incumbent's commission expired November 19, 1907.

Winfield S. Spencer to be postmaster at New Rochelle, Westchester County, N. Y., in place of Winfield S. Spencer. Incumbent's commission expires February 20, 1908.

NORTH CAROLINA.

J. Sanford Patterson to be postmaster at Spray, Rockingham County, N. C., in place of J. Sanford Patterson. Incumbent's commission expires February 29, 1908.

OHIO.

Frederick G. Withoft to be postmaster at Dayton, Montgomery County, Ohio, in place of Frederick G. Withoft. Incumbent's commission expired January 11, 1908.

PENNSYLVANIA.

John C. Crissman to be postmaster at Arnold, Westmoreland County, Pa. Office became Presidential October 1, 1906.

TEXAS.

John W. Chichester to be postmaster at Eagle Pass, Maverick County, Tex., in place of Charles W. Burr, deceased.

Orion L. Niccolls to be postmaster at Marfa, Presidio County, Tex., in place of Orion L. Niccolls. Incumbent's commission expired January 27, 1908.

Jacob A. Wright to be postmaster at Crowell, Foard County, Tex. Office became Presidential January 1, 1908.

VIRGINIA.

Charles W. Wickes to be postmaster at Newmarket, Shenandoah County, Va. Office became Presidential January 1, 1908.

WASHINGTON.

William M. Clemenson to be postmaster at Clarkston, Asotin County, Wash., in place of William M. Clemenson. Incumbent's commission expired January 29, 1908.

WITHDRAWAL.

Executive nomination withdrawn from the Senate February 17, 1908.

Otis Mouser to be postmaster at Stonega, in the State of Virginia.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 17, 1908.

UNITED STATES ATTORNEY.

Thomas Ward, jr., of Colorado, to be United States attorney for the district of Colorado.

PROMOTIONS IN THE ARMY.

Lieut. Col. William W. Wotherspoon, Nineteenth Infantry, to be brigadier-general.

Col. Ramsay D. Potts, Fifth Field Artillery, to be brigadier-general from January 31, 1908.

Capt. Charles S. Walkley, chaplain, Coast Artillery Corps, to be chaplain with the rank of major from February 6, 1908.

Corps of Engineers.

Capt. Jay J. Morrow, Corps of Engineers, to be major from January 31, 1908.

First Lieut. Edward N. Johnston, Corps of Engineers, to be captain from January 31, 1908.

Second Lieut. Jarvis J. Bain, Corps of Engineers, to be first lieutenant from January 31, 1908.

APPOINTMENT IN THE ARMY.

Coast Artillery Corps.

Quartermaster-Sergt. Clarence E. Seybt, Third Company Coast Artillery Corps, to be second lieutenant from January 1, 1908.

POSTMASTERS.

CALIFORNIA.

Arthur G. Fisk to be postmaster at San Francisco, San Francisco County, Cal.

ILLINOIS.

Frank Nickerel to be postmaster at Collinsville, Madison County, Ill.

Benjamin F. Shaw to be postmaster at Dixon, Lee County, Ill.

IOWA.

John B. Cook to be postmaster at Farley, Dubuque County, Iowa.

Frank E. Lundell to be postmaster at Stratford, Hamilton County, Iowa.

Zenas G. Preston to be postmaster at Woodward, Dallas County, Iowa.

NEW MEXICO.

Henry Rankin to be postmaster at Elida, Roosevelt County, N. Mex.

OKLAHOMA.

Frances K. Ahern to be postmaster at Frederick, in the county of Comanche and State of Oklahoma.

PENNSYLVANIA.

Edward Hunter to be postmaster at Patton, Cambria County, Pa.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 17, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read and approved.

ARMY APPROPRIATION BILL.

Mr. HULL, chairman of the Committee on Military Affairs, by direction of that committee, reported the bill (H. R. 17288) making appropriations for the support of the Army for the fiscal year ending June 30, 1909, which was read a first and second time, ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. HAY reserved all points of order on the bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed with amendment the bill (H. R. 14638) to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes, in which the concurrence of the House of Representatives was requested.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12420. An act to extend immediate transportation privileges to the subport of Alburg, in the customs collection district of Vermont;

H. R. 9218. An act to amend an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;"

H. R. 14040. An act to authorize the County of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties;

H. R. 14781. An act to authorize Campbell County, Tenn., to construct a bridge across Powells River;

H. R. 13430. An act to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind.;

H. R. 6231. An act to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district;

H. R. 2756. An act for the relief of L. K. Scott;

H. R. 12398. An act to authorize the War Department to transfer to the State of Kansas certain land now a part of the Fort Riley Military Reservation; and

H. R. 16050. An act to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota.

THE THIRTEENTH CENSUS.

Mr. CRUMPACKER, chairman of the Committee on the Census, by direction of that committee, reported the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial census, which was read a first and second time, ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

ASSISTANT CLERK TO COMMITTEE ON THE PUBLIC LANDS.

Mr. HUGHES of West Virginia. Mr. Speaker, I desire to present a privileged resolution.

The Clerk read as follows:

House resolution 201.

Resolved, That there shall be paid out of the contingent fund of the House for the services of an assistant clerk to the Committee on the Public Lands compensation at the rate of $1,400 per annum, payable in equal monthly installments until otherwise provided for by law: *Provided*, That the pay of such clerk shall commence from the time of entry upon the discharge of the duties, which shall be ascertained by the certificate of the chairman of said committee.

With the following committee amendment:

In line 4 strike out the word "four" and insert the word "two."

Mr. WILLIAMS. Mr. Speaker, will the gentleman from West Virginia explain to the House why this new clerk is found to be necessary?

Mr. HUGHES of West Virginia. I will explain. The gentleman from Wyoming [Mr. MONDELL], chairman of the Committee on the Public Lands, appeared before the Committee on Accounts and stated that there were so many bills before his committee that it was impossible for him to consider them with the force that the committee has at present, and that it was necessary to give him an additional clerk or to allow the work to suffer for want of attention. He further stated that up to this time he had employed an assistant clerk who was doing this work and was paying him out of his own pocket.

Mr. WILLIAMS. Is this a unanimous report from the Committee on Accounts?

Mr. HUGHES of West Virginia. It is.

Mr. WILLIAMS. I do not make any objection to the passage of the resolution, Mr. Speaker, but I want to call attention to the fact that we are providing a great many new clerks at this session. In this case it seems to be warranted.

The amendment was agreed to.

The resolution as amended was agreed to.

ASSISTANT CLERK TO COMMITTEE ON ENROLLED BILLS.

Mr. HUGHES of West Virginia. Mr. Speaker, I offer the following privileged report.

The Clerk read as follows:

In lieu of resolution No. 156.

"*Resolved*, That there shall be paid out of the contingent fund of the House, for the services of an assistant clerk to the Committee on Enrolled Bills, compensation at the rate of $6 per day during the present session, the pay of said clerk to commence from the date on which he entered upon the discharge of his duties, which shall be ascertained and evidenced by the chairman of said committee."

Mr. WILLIAMS. Mr. Speaker, I would like to have the gentleman from West Virginia explain the necessity for this, also. Is this a clerk that the Committee on Enrolled Bills has usually had?

Mr. HUGHES of West Virginia. It is customary at this time of the session to give them this clerk. This is the usual resolution. One clerk can not prepare the bills, and for that reason the urgent deficiency appropriation bill the other day was not examined at the time it should have been, because the Enrolling Committee did not have the force required.

Mr. WILLIAMS. Then this is not any addition to the usual expense?

Mr. HUGHES of West Virginia. This is the usual expenditure for a session clerk.

The resolution was agreed to.

JANITOR FOR OFFICE OF JOURNAL CLERK.

Mr. HUGHES of West Virginia. Mr. Speaker, I offer the following privileged report.

The Clerk read as follows:

In lieu of House resolutions Nos. 199 and 230.

"*Resolved*, That there shall be paid out of the contingent fund of the House compensation at the rate of $720 per annum for the services of a janitor in the office of the Journal clerk, and an additional room assigned to the members of the press, under the direction of the Clerk of the House, until otherwise provided by law."

Mr. WILLIAMS. Will the gentleman explain the necessity for this?

Mr. HUGHES of West Virginia. This janitor is needed on account of the Journal clerk's room being moved upstairs. At present they have no janitor. There was also a resolution introduced for another janitor for the press gallery, and instead of allowing one for each of these rooms we allowed one to take care of both rooms, as they are located near each other.

Mr. WILLIAMS. Is this, then, a decrease?

Mr. HUGHES of West Virginia. No; this is an additional janitor.

Mr. WILLIAMS. I understand it is an increase of one janitor.

Mr. HUGHES of West Virginia. Yes.

Mr. WILLIAMS. What is the necessity of additional labor this session over last?

Mr. MANN. If the gentleman from West Virginia will allow me, Mr. Speaker, I will say to the gentleman that in the rearrangement of rooms the Journal clerk was moved to the floor above and an additional room was set apart for the press, where they have a lot of typewriting machines, so as to expedite the work of the reporters of the press. I introduced a resolution to assign a janitor and messenger to the Journal clerk's office and another resolution, at the request of the reporters of the press gallery, to assign a janitor and messenger to the rooms set apart for their typewriting machines. Of course I accept with equanimity the recommendation for a single janitor, though I think I can assure the gentleman, my own committee room being on the same floor there and seeing the necessity of it, that in the end he will find that they will need, each of them, a janitor and a messenger.

Mr. HUGHES of West Virginia. Mr. Speaker, it has been complained that the Committee on Accounts should have allowed a janitor to each of those rooms who should also act as messengers. The committee thought one janitor sufficient, but so far as I am concerned I think perhaps two would have better served the purpose. The janitor we provide will also perform messenger duty. That is the custom and the requirement.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

CONTINUING ACT MARKING GRAVES OF CONFEDERATE SOLDIERS AND SAILORS.

Mr. WILEY. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 138, to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution 138.

Resolved, etc., That the act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," approved March 9, 1906, be, and the same is hereby, continued in full force and effect for two years from this date: *Provided*, That the provisions of this act shall not be construed to apply to the Confederate Mound in Oakwood Cemetery at Chicago: *And provided further*, That the compensation of the commissioner shall be fixed by the Secretary of War.

With the following amendment:

Line 10, strike out "this" and insert "said."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the House joint resolution as amended.

The resolution was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. WILEY, a motion to reconsider the last vote was laid on the table.

DAM ACROSS WHITE RIVER, KNOX COUNTY, IND.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16956) to authorize the Hydro-Electric Company to construct a dam across White River near the village of Decker, in Knox County, Ind., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Hydro-Electric Company, a corporation organized under the laws of the State of Indiana, its successors and assigns be, and they are hereby, authorized to construct, maintain, and operate a dam across the White River on the boundary line between the counties of Knox and Gibson, at some point within 2 miles of the northeast corner of the township of White River, in said county of Gibson, in the State of Indiana, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following amendments:

Line 6, page 1, strike out "On the boundary line between the counties of Knox and Gibson."

Line 8, strike out "Within 2 miles of the northeast corner of the township of White River, in said county of Gibson," and insert: "Near the village of Decker, Knox County."

The SPEAKER. Is there objection?

Mr. CHANEY. I would like to ask if the Secretary of War has given his recommendation for this dam?

Mr. LANDIS. I would say that he has.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the amendment.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

BONDING TUSCON, ARIZ.

The Speaker laid before the House the bill (H. R. 14638) to enable the city of Tuscon, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SMITH of Arizona. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes. The Clerk will resume the reading of the bill under the five-minute rule.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent to go back to page 109, line 14, in order to move to strike out the word "eight," and insert the word "two." The eight special agents which are indicated in the bill should be simply two.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 109, line 14, strike out the word "eight" and insert the word "two."

The question was taken, and the amendment was agreed to.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent simply to correct a total.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to correct a total. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 116, line 24, strike out "twenty thousand three" and insert "twenty-one thousand two."

The question was taken, and the amendment was agreed to.

Mr. BINGHAM. One more additional amendment, which is simply a correction.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 118, in line 11, strike out "six thousand eight hundred and twenty" and insert "two thousand two hundred and seventy."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office First Assistant Postmaster-General: For First Assistant Postmaster-General, $6,000; chief clerk, $2,500; superintendent division of salaries and allowances, $4,000; assistant superintendent division of salaries and allowances, $2,250; chief, division of correspondence, $2,000; nine clerks of class 4; seven clerks of class 3 (including one transferred from office of Postmaster-General); eleven clerks of class 2; eight clerks of class 1; five clerks, at $1,000 each; ten clerks, at $900 each; one messenger; four assistant messengers; one laborer; two pages, at $360 each; in all, $88,250.

Mr. MACON. Mr. Chairman, I make the point of order against the words "six thousand dollars," on page 132, line 24, as being an increase of salary.

The CHAIRMAN. The gentleman from Arkansas makes the point of order against the words "six thousand dollars," on page 132, as being a change of existing law. The Chair sustains the point of order.

Mr. BINGHAM. Mr. Chairman, in line 24, page 132, I move to strike out the word "six" and insert the word "five."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 24, page 132, strike out the word "six" and insert the word "five," so as to read "$5,000."

Mr. BINGHAM. That is the current law.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office Second Assistant Postmaster-General: For Second Assistant Postmaster-General, $5,000; chief clerk, $2,500; superintendent division of railway adjustments, $2,500; assistant superintendent division of railway adjustment and law clerk, $2,250; superintendent division of foreign mails, $3,000; chief clerk division of foreign mails, $2,000; chief division of inspection, $2,000; chief division of contracts, $2,000; chief division of equipment, $2,000; twelve clerks of class 4; forty-one clerks of class 3; thirty-five clerks of class 2; twenty-eight clerks of class 1; eighteen clerks, at $1,000 each; six clerks, at $900 each; messenger in charge of mails, $900; seven assistant messengers; in all, $222,390.

Mr. MACON. Mr. Chairman, I make the point of order against the words "five thousand dollars," in lines 2 and 3, page 134, as being an increase of salary.

The CHAIRMAN. The gentleman from Arkansas makes the point of order against the words "five thousand dollars," in lines 2 and 3, page 134, as being an increase of salary. The Chair sustains the point of order.

Mr. BINGHAM. Mr. Chairman, page 134, line 2, after the words "Assistant Postmaster-General," strike out the words "five thousand dollars" and insert the words "four thousand five hundred dollars."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 2, page 134, after the word "General," insert the words "four thousand five hundred dollars."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Division of railway mail service: General superintendent, $4,000; assistant general superintendent, $3,500; chief clerk, office of general superintendent, $2,000; two clerks of class 4; five clerks of class 3; six clerks of class 2; five clerks of class 1; three clerks, at $1,000 each; two clerks, at $900 each; in all, $40,400.

Mr. BINGHAM. Mr. Chairman, I desire to offer an amendment, which is simply a correction in the print.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 135, in line 2, strike out "four" and insert "three."

The question was taken, and the amendment was agreed to.

Mr. SULZER. Mr. Chairman, I move to strike out the last word for the purpose of asking unanimous consent to print in the RECORD in connection with my remarks a speech recently delivered in New York City by the Hon. William J. Bryan on currency reform. It is an excellent speech on a topic of much moment, and, in my judgment, it should be printed in the CONGRESSIONAL RECORD for the benefit of the Members of Congress and the people of the country. It sheds much light on a most engrossing subject, in which all the people take a deep and abiding interest.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The speech is as follows:

CURRENCY REFORM.

[Speech of William Jennings Bryan at Economic Club dinner, Hotel Astor, New York, February 5, 1908. Victor Morawetz, Andrew Carnegie, and Hon. Lyman J. Gage, former Secretary of the Treasury, preceded Mr. Bryan.]

Mr. STETSON. I think that Mr. Gage underestimated his power as a pulpit orator, yet I do not think he can hold a rushlight in that capacity to the next gentleman, whom I regard as the greatest pulpit orator of our day, Mr. Bryan. [Great and continuous applause.]

Mr. BRYAN. Mr. Chairman and gentlemen, I have had a number of delusions shattered here to-night. I had understood that for the last forty-seven years our financial affairs had been in the hands of men who possessed all the qualities that Mr. Gage has suggested a commission should possess. And now to learn from excellent American and Scottish authority that we not only have the worst system in the world, but worse than he, with his fruitful imagination, could imagine, what shall I say to my people when I go back home? How shall I explain that three conspicuous financiers, who have given this subject great thought, and who know all the intricacies of finance, should be agreed upon but one proposition, and that is that they do not know what ought to be done. [Applause and laughter.]

I am assured by one of them that that is not a fair statement. I will withdraw any statement that is considered unfair, although it seems to me that after I have traveled 1,500 miles to drink in wisdom from authoritative sources, it is a breach of promise at least [laughter] not to give me some information. And yet, as each one approached the important part of the subject, he concluded that we ought to have a commission to consider the matter. Is it not strange that the commission is always resorted to by those who do not care to elaborate before an election a plan that might not be popular at the election? [Great applause.] Is it not strange that all of our great financial programmes are brought out just after the election, when the people can not sit in judgment upon the subject? [Applause.]

The time allotted to me is not sufficient to answer all of the financial fallacies that have been advanced to-night. I, the champion of sound money [great laughter], have not time to defend the honest dollar from the attacks that have been made upon it. [Laughter.] And as I listened to those from whom I expected some clear, specific remedy, I was reminded of the words of the Great Apostle, and I do not know but I might paraphrase those words and say: "That sound finance which ye ignorantly worship, that come I to declare unto you." [Great laughter and applause.]

When I defend anything that we have in finance, you will not accuse me of defending anything with which I have had any connection. These greenbacks that have been described in uncomplimentary language were not issued by me or by my party. [Laughter.] But it seems to me that it is straining a point to denounce the Government for issuing three hundred and forty-six millions of promises to pay, bearing no interest, when he (Ex-Secretary Gage) does not denounce the issue of seven hundred millions of banks' promises to pay, that bear no interest. If a bank's promise to pay, bearing no interest, is fit to serve as money, why should not a government's promise to pay, bearing no interest, be fit to serve as money?

I understood that the subject to-night is the currency question as it presents itself at this time, and therefore it is not necessary to discuss our whole financial system. I do not want to enter into the discussion of a subject as large as our financial system. But I remind you, that if we follow the suggestion that nothing but gold be considered good for reserve, then we will either have to stop making deposits in the banks or increase our gold, so that we can keep in the banks a reserve large enough to protect the banks in the doing of their business. [Applause.] We have not the gold in this country, and we can not get it without drawing gold from countries that need it. If we draw the gold from other countries and discard the use of money that serves to-day in the place of gold, then the effect must be to diminish prices in foreign countries and lessen their ability to trade with us.

To-day we hold in our reserves not only gold, but silver and silver certificates and greenbacks. And the silver and silver certificates and greenbacks amount to nine hundred and forty-six millions—six hundred millions of silver and three hundred and forty-six millions of greenbacks. We have about twelve hundred millions of gold in the country; that is the best estimate that I have been able to get. Now, if we are going to discard, as has been suggested, the use of silver and greenbacks, we must go somewhere and get nine hundred and forty-six millions of dollars of gold, and it will not be an easy matter. How can we get it? I will tell you one way to get it—make the farmer sell his foreign export for less, and lay upon him the burden of getting the money to substitute for silver and the greenback. That may please some, but I am not surprised that it is not advanced seriously pending a campaign, for it would not please the producing masses of the country. [Applause.]

It is not my business to explain this panic. I have not felt as much of it as some of you have. In fact, my connection with it has not been embarrassing. [Laughter.] And, politically, my connection with it has been anything but embarrassing, for it has at least robbed the country of the argument that my party was the only party under whose administration a panic could come. [Great laughter and applause.]

If I were a financier and my word was good on finance, I would say that, instead of locating the blame on too large an issue of paper money, it ought to be located on the issue of stocks and bonds that do not represent value or even honesty in business. [Great applause.] The gentleman, ex-Secretary Gage, did me the honor to quote something that I said last night. I am glad that he quoted it; I was afraid it would not get into the papers. The fact that he quoted it shows that it appeared in print, and I am gratified. And, my friends, I do not overstate it. In fact, knowing that I was where language was carefully examined, I was especially cautious as to the use of language, and I shall not put this Government, which bought silver at 60 cents and coined it into a dollar, in the same category or company with those who floated the billions of dollars of stocks and bonds that represented nothing but the expectation that those who issued them would, unmolested, reach their hands into the pockets of the people and draw from them dividends to which they were not entitled. The Government did buy silver at 60 cents and coin it into a dollar, and no man who took the dollar ever lost one cent. That can not be said of the men who took the securities and suffered a shrinkage of one-half. So much for the cause of the panic.

But, my friends, the study of causes does not help us unless it suggests remedies, and it seems to me it is time to suggest remedies. I have heard that elastic currency was necessary. I am led to the conclusion to-night that we have overestimated the need for elasticity, for if we can postpone for a year the getting of that elasticity merely because the campaign is on, the need is not as urgent as I have been led to think. [Great applause and laughter.] I have been losing sleep at night [cries of "You don't look like it!"] wondering how long it would be before we could respond to the urgent need for elastic currency. I had been anxious that as little time should intervene as possible and have been much disturbed by the failure of our advisers to agree upon some plan which would at once relieve the stringency. We have two bills in Congress, one known as the "Aldrich bill" and one known as the "Fowler bill." The Aldrich bill attempts to provide an emergency currency by the issue of bank notes upon certain specific securities deposited with the Government. The Fowler bill contemplates an entire change in our bank currency. It is even more radical than that proposed by the Aldrich bill. At present the bank notes rest on Government bonds, and I do not think it is so absurd, as Mr. Gage seems to, that the Government should make its bonds the basis of notes, if we are to have bank notes, nor that the Government should guarantee the notes that rest upon its own bonds. And the stringency is not now as great as it would have been if there had been doubt as to the ability of the banks to redeem their notes. The best feature of the bank note is the Government guaranty. When men take it, they do not ask whether the bank is a good one; they take it because the Government is back of it. Here is the difficulty about the emergency currency proposed. It must either be a bank currency or a Government currency, and those who want a bank currency seem to be so determined that it shall be a bank currency that they are not willing that the distress shall be relieved by a Government currency. In other words, the principle involved is to them more than the need to be supplied. Certainly the emergency is not great if it can be postponed or defeated merely because you have to accept a Government note instead of a bank note. The first thing to be considered is whether this should be a Government note or a bank note. If I were discussing the Aldrich bill, there are several features which I would criticise—one of them the use of the railroad bond as a security.

If I were discussing the Fowler bill there are a number of features of that bill that I would criticise. The Aldrich bill proposes a bank note resting on various kinds of bonds, and the Fowler bill proposes a bank note resting upon no bonds, but upon the assets of the banks. I prefer that the emergency currency shall be a United States note, and not a bank note at all. I am not afraid to trust the United States; I am not afraid to have its notes issued. And I remind those who are fond of bank notes that when gold and silver went to a premium the banker did not take the trouble to go out and find gold and silver. The greenback was good enough for him; he redeemed bank notes with it. Concede the point that this note shall be a Government note and it will be easy then to agree upon the security upon which it shall be loaned. And, my friends, I would not appreciate your courtesy as I do if I did not speak to you frankly. I do not live in New York; I am some distance from New York; but we in the West have had experience. How many banks have suspended in New York? How many in Brooklyn? Our experience teaches us that it is better to trust the Government than to trust the financiers in the control of money. If any of you think that proposition unsound, present the opposite proposition and give the voters a chance to express themselves. This is a Government of 80,000,000 people and not a Government of 6,000 bank presidents. No financial system can be expected to be permanent in this country that does not have back of it the hearty approval of the public. We are told that this must be left to a commission made up of men who will put their patriotism above their party. Financiers are not the only patriotic men. You can find men in every hamlet who put their patriotism above their party. A few people can not settle these things for the rest of the people. If you appoint your commission the bill when it comes in has to be passed upon by all the people, through their representatives in Congress. Now, if you concede the point that the Government shall issue the money, then it becomes a matter of detail. The Government can meet the need simply and quickly, and I believe provision should be made for the issue by the Government of the United States notes like our greenbacks in form and in redemption, and that these United States notes should be loaned by the Government upon sufficient security and at a rate of interest which will compel the retirement of the notes when the emergency is

over. I am not sure but we could combine the suggestions made in different bills. One suggests that bonds be deposited—State, county, and municipal bonds—and we have between two and three billions of them. They would make a good basis. All the Government needs is security, if it is going to loan the money, and these would make good security.

I do not think that railway or industrial bonds ought to be used for such security. Mr. M. E. Ingalls suggests that the country be divided into clearing-house districts, enough so that there will be a representation of the needs of different communities. He suggests that these clearing houses might borrow from the Government on collateral other than bonds. I will go further than that. If we create a district and authorize the clearing house of the district to bind all the banks of the district, the Government could loan money to it without any specific security, for it has back of it all the assets of all the banks. And if the loan was limited to a certain per cent—say, for instance, to 20 or 25 per cent of the total capital and surplus of the banks—there could be no loss to the Government. But there is no difficulty about details. If we need emergency currency, if elasticity is desired, it is possible to provide it without any change in our monetary system. Without any innovations at all, it is possible to provide all the elasticity for which anybody can show a need. And are we asking too much when we insist that this shall be in the control of the Government and not in the hands of individuals?

What we need, I think, even more than an increase in our currency is confidence. Think of it! [Applause.] I am now the evangel of confidence. I am now the "advance agent" of confidence. If we can bring money from hiding and hoarding and get it into the banks, the banks will have more money to loan than we can possibly furnish them by any emergency currency. What we need to-day is to restore confidence in the depositors. John Wanamaker was quoted as saying—I can not rely entirely on what the newspapers say—but he was quoted as saying that a billion dollars was hidden under carpets. The Government only loaned the banks about $250,000,000, and if Mr. Wanamaker is right, we have four times as much in hiding. The Postmaster-General, in recommending a postal savings bank, says that we are sending out many millions every year to be deposited in Government banks in Europe, by people who are not willing to trust our banks. The people of this country are being driven to the postal savings bank because they need a place to deposit their money where they can get it when they want it. Some of you have thought me very anxious to enlarge the work of the Government. I have never insisted that the Government should undertake any business that could be done satisfactorily by the individual. I believe in individualism. I want the individual to have the largest possible sphere of action.

And only where it is impossible for the individual to act, or unsafe for the community that he should act, have I suggested that the Government should act. I have believed for years that if the banks did not allow the banking to be made safe they would drive the country to the postal savings bank. I would rather have the banking done by the bankers than by the Government. [Applause.] I am in favor of the postal savings bank, but a postal savings bank is only an alternative to be selected if we can not get the security that the people demand.

And to-day the greatest need we have is legislation that will make people feel that when they deposit money in the banks they can go and get it whenever they want it. The stringency that has spread over this country in a night has taught the people the necessity for this protection.

They tell us that the timidity which people have manifested is not justified. That is generally true. I am not prepared to speak for this community, but I am sure that in the West there is no reasonable excuse for this timidity. [Laughter.] Our crops have been bountiful; our prices have been good; our people have money; they fill the banks with their money, and there was so much that they sent a large part of it down here to New York to be invested, and they have been waiting—waiting—waiting for its return. [Laughter.] Our banks are good, and yet, my friends, when a bank suspends payment on checks you need not be surprised if the ultratimid become alarmed and want to get their money out. [Laughter.] If I was a banker I would not be proud of a system that had to run rivalry with a carpet as a safety deposit vault and have the carpet preferred in times of stress. [Laughter.] A man does not hide money under a carpet if he can find any safer place. [Laughter.] I repeat that what we need to-day is to make the bank safe. You may laugh down here in New York, but in Oklahoma—you call it a wild western State—the first thing they did was to pass a law to guarantee bank deposits. How did they do it? They authorized a banking board to collect an assessment on the 17th of this month of 1 per cent on the deposits of the banks. I think it is higher than necessary. One-half of 1 per cent would have been enough, even one-fourth of 1 per cent would have been sufficient, but they said 1 per cent, and they empowered the board to assess at any time and to any extent necessary to keep that reserve intact. And thus they put behind every bank the assets of all the banks. In anticipation of the operation of that law the bankers of Kansas petitioned their governor to call a special session of the legislature to pass a law like it so as to keep the money from being drawn out of Kansas banks and deposited in Oklahoma. [Great laughter.]

And the legislature is now in session. It will enact such a law. It has been introduced in Illinois. It has been introduced in Ohio, and I had the honor to receive an invitation from the Republican legislature of Ohio to come and address that legislature on a guaranty bank. Possibly I was invited because some fourteen years ago I tried to secure the enactment of such a law by Congress. We had a failure in our town and many poor people suffered the loss of their savings, and the hardships visited upon our community caused such a cry of distress that some one came to me—I wish I could remember his name—and suggested a guaranty fund, and I introduced in Congress a bill that provided for the collection of a small tax each year until a guaranty fund was provided. The bill provided that when a bank failed the Comptroller should, from this fund, pay every depositor immediately, so that there would be no interruption of business to the community and no loss to the depositor, and then proceed to collect the assets of the bank and reimburse the fund as far as the assets would go.

Now, that was some thirteen or fourteen years ago. What was the objection raised? That if all the banks were good, the big banks would not have any advantage over the little ones, and so it was necessary—necessary that the depositors should all be unsecured that the big banks might have an advantage over the little banks. Where is the patriotism that we have been hearing about in our financiers? Do they insist upon a system that requires that the depositor shall have his interests jeopardized and that the community shall suffer that the big banks may have an advantage over the little banks?

I went out to Nebraska and got that bill introduced there. I thought surely if we can not have it in the United States we can have it in Nebraska. [Laughter.] But when the bill came up there was a lobby of national bankers to oppose it. "Why," they said, "if State banks are safe, people will not deposit in national banks." [Laughter.] What is the objection now? Mr. Forgan, the head of one of the largest banks in Chicago, stated as his objection that it would make all banks secure. [Laughter.] What an objection! He said that, under such a system, you could just stop in any bank and deposit your money! That would be awful! [Applause.] I ask you this question my friends, Must we leave the depositor helpless? Must we leave the community helpless rather than have all banks secure? What is more important than the security of the depositor? Why not look at this question once from the standpoint of 80,000,000 of people who have lost hundreds of millions of dollars in this particular crisis that they never can get back? Is that not sufficient reason for a different plan, or shall we sit back and say: "No; it would not do to make all banks secure, for then the big banks would not have any advantage over the little banks." The big banks will still have an advantage over the little banks. It does not need to rest upon the insecurity of all. The fact that it has a large capital and surplus enables it to loan more to one individual than the small banks can. A bank can only loan one-tenth of its capital and surplus to one person, and a bank that has ten times the capital and surplus of another can accommodate the man who wants to borrow large sums. Isn't that an advantage? And then there is another advantage. It has an advantage resting upon vanity. People like to do business with the big banks; they like to go in and have the president of the biggest bank bow to them and smile. [Laughter.] Isn't that some advantage? Wouldn't that remain, even when all banks were safe?

What is the other objection? They say that if all the banks are secure and the depositor can not lose the banks will be recklessly managed. I am glad that that argument is made now, when we have seen the extreme care that is exercised under present conditions. [Laughter and applause.] My good friend here, Chairman Stetson, suggested that a difference as large as an ocean separated him from some of the speakers, and I thought I could notice a slight inclination of the head in my direction. [Laughter.] I wonder if there can be a large gulf between us on this subject. The managers become careless! Why, my friends, the officers of the bank are selected by the directors, and the directors are chosen by the stockholders, and the stockholders would lose all of their capital, all their surplus, and then they would have to respond to the 100 per cent liability deposit before any other bank could lose anything. Wouldn't that be enough to make the officers careful? If that isn't enough, suppose we try the criminal law and see if that will make them careful. What has been the difficulty with our banks? Our financiers will tell you that the banks that have failed have failed in almost every instance because the officers of the banks have violated their trust and used the money of other people to advance their own private interests! Isn't that true, Mr. Gage?

Mr. GAGE. Yes, sir.

Mr. BRYAN. Isn't that true, Mr. Baker?

Mr. BAKER (president First National Bank of New York). Yes, sir.

Mr. BRYAN. Why hasn't it been remedied? Because the managers of the bad banks don't want to be restrained and the good bank isn't anxious to have the other ones restrained, because the good bank can point to the recklessness of the others and draw away deposits.

I am not supposed to know anything about banking, and yet these distinguished men, who have shed luster on the banking business, admit that I have put my finger upon the sore place in the banking system. Now, when we make all the banks responsible for each bank, then they will be interested in effective regulation. We will find them favoring legislation that will protect the public from a misappropriation of funds. We have been asking for this regulation all the time. I introduced a bill in Congress to increase the penalty for embezzlement where the amount was large. I supposed that I would have unanimous support. I supposed the stockholders would be glad to hold over their officers the danger of a longer penal term if they were dishonest and took money, but I could not get that through. [Laughter.]

I welcome the prospect of guaranteed banks, because I think it will enable us to get some regulation that we need. For instance, I think it might help us to pass a law to make more than directory the rule that a bank shall not loan more than one-tenth of its capital and surplus to one person. A man testified in the case of a Chicago banker last summer that that law was merely directory; that if an examiner found that a bank was loaning more than 10 per cent to one man, the Department would send him a formal letter calling his attention to it, and then if he did not correct it by the next examination he might expect to be forcibly reminded by another courteous letter. Is that good banking? Is that safe and sound finance? If one-tenth of the capital and the surplus is all that ought to be loaned under our present system, if it is the judgment of those who make the law that the loan shall not exceed that, then I insist that we ought to make a criminal law to compel the officers to do that which they were directed to do by the authorities. [Applause.] Wouldn't that be a good law, Mr. Gage?

Mr. GAGE. Yes, sir.

Mr. BRYAN. Would not that be a good law, Mr. Baker?

Mr. BAKER. Yes, sir.

Mr. BRYAN. My friends, if I keep on I will be in standing after a while. [Laughter and applause.] Now, I think there is another thing that we ought to have. I think more of the reserve ought to be kept in the bank and less loaned. Isn't that right?

VOICES. Right again. [Laughter and applause.]

Mr. BRYAN. If more of the reserve is kept in the bank the bank can be allowed to keep a part of it in bonds, upon which emergency notes can be borrowed from the Government. It was the deposit of western and southern reserves in New York that caused the stringency to spread throughout the country. Now, I want to remind you that for forty-seven years our laws have been made by financiers, and yet we reach the condition which confronts us to-day and eminent bankers admit here in your presence that I, a farmer from Nebraska, can suggest changes that your financiers did not think of, or at least did not put into the law. [Laughter.]

Why?

A VOICE. You ought to be right part of the time. [Laughter.]

Mr. BRYAN. Thanks; it is a concession that I appreciate, and I wish I could return the compliment by saying that our financiers have been right even part of the time. [Great applause and laughter.]

Now, there is another safeguard. I would like to see a law that would make it a criminal offense for any bank official to become a gambler upon the stock market. Don't wait until he has lost or committed suicide, but make it criminal to begin. Save the man's life, and his honor, and his family by protecting him from the temptation.

I read a few years ago that a bank official found that the market had gone against him and shot himself, and another official who was associated with him in the bank came in and found him dead, and, knowing that he had shared in the dead man's speculation, he shot himself and fell dead across the body of the other man.

In Iowa not long ago I was told that within a radius of, I think it was 100 miles, ten bankers had committed suicide as the result of speculation. It would be a mercy to these men to protect them from this temptation. The man who has in his keeping the money of others ought to be protected, as far as law con protect him, from the temptation to gamble. Am I not right?

VOICES. You are; you are.

Mr. BRYAN. Again I am right. [Applause.]

Now I am afraid that I have talked over my time. [Cries of "Go on!" "Go on!"] When you say, "Go on!" "Go on!" I am reminded of a fellow down in Kentucky who was making a speech. He had to leave on a certain train. When he saw the time was near for his train to depart, he said: "My train will go in a moment now," and they said, "Go on!" "Go on!" and he talked until his train had gone. Finally he stopped and said: "You see, gentlemen, that I have been persuaded by your entreaties to miss my train." They said: "Why we told you to go on." [Laughter and applause.] I am not sure just what you mean by "Go on." [Laughter.]

Now, I have said what I have upon this question because I believe it should be presented. It is not necessary to wait until the election is over to find out what ought to be done. Take a plan that appeals to the common sense of the average man and you need not be afraid to present it before election. The people of this country are the most intelligent people in the world. They want to do what is right. Some of you misunderstand our people. [Laughter.] You think we are anarchists. You think we want to injure the country. I think I am a fair representative of the average man out in the West, at least I have been able to keep in touch with him in spite of all the newspapers. He and I get along pretty well together. Why? Because I have tried to appeal to the hearts and consciences and judgments of these men. You have said that we are arraying class against class. It is false.

You have accused us of disregarding property rights. That is not true. The man who defends human rights is the best defender of property rights. [Applause.] The man who prosecutes the wrongdoer is the best friend of honesty. [Applause.] And all that we have asked is that you view this great question from the bottom and not from the top.

There is a theory that God selected a few men and endowed them with greater wisdom and fitness and then put the country in their hands. That used to be the theory. First, it was the king who could do no wrong; then it was the aristocracy that ruled; now it is the democracy.

These men, whose deposits make your banking profits; these men, whose deposits are the basis of your fortunes; these men ought to be considered—not only their interests, but their opinions. You like to persuade a man that the bank is a good place to deposit his money, and if his judgment is good when you are trying to persuade him to deposit his money in your bank, trust his judgment a little when he wants to regulate the methods to be employed by those who have charge of his money. [Applause.] We will have to meet this issue some time, and we may as well do so frankly and boldly now. If our finances had been conducted as they ought to have been, there would have been no stringency now. If you tell me that you need an elastic currency, I will take your word for it, but if you tell me that you object to it unless you can hold both ends of the elastic, I will tell you that you do not need it as much as you thought you did. Trust the Government, the representatives elected by the people. These men, acting in the open and responsible to their constituents, are more trustworthy than those who act behind closed doors and are responsible to no one but themselves. I think you will have to consider the opinions of the voters on this question, whether you try to settle it now or by a commission selected for the purpose of preparing a bill that you would not present before the election. It must come before the people and you might as well take them into your confidence first as last.

If you want this elastic currency, let the Government issue it and control it, and you will have no difficulty about the security. Then lay upon the banks the responsibility for making the banks safe. If the banks say that they do not want to be held responsible for other banks, my answer is that if your bankers will not trust each other they should not expect the people to trust them with their money. [Applause.]

The slight tax that this plan contemplates would be more than compensated for by the money drawn from hiding that you could then loan out and on which you could charge interest. This is a system that protects the depositor, protects the community, and gives the banks a large advantage at a small price.

I thank you for this opportunity to speak to you; it is the first I have had. I have been talking for many years, and this is the most respectable crowd that I have ever talked to in my life [laughter and applause]—that is, measured by New York standards. [Laughter.] It is no more respectable, however, than the people among whom I live. The man who toils by the day, who goes out in the morning and works all day, who commences in the spring and works all summer, though his hands be hard from work and his clothing not of the latest cut, he is a respectable man, and I have been addressing responsible audiences all over the country, but this is the most highly financial audience that I have yet addressed. [Applause.]

And if I have exceeded my time limit and spoken with an earnestness for which I should apologize, just remember how long I have waited for the opportunity, and remember also that I may never have it again. [Prolonged applause.]

The Clerk read as follows:

Office Third Assistant Postmaster-General: For Third Assistant Postmaster-General, $5,000; chief clerk, $2,500; superintendent division of stamps, $2,750; superintendent division of finance, who shall give bond in such amount as the Postmaster-General may determine for the faithful discharge of his duties, $2,250; assistant superintendent division of finance, $2,000; superintendent division of classification, $2,750; four special agents, division of classification, at $2,000 each; chief division of redemption, $2,000; superintendent division of registered mails, $2,500; six assistant superintendents division of registered mails, at $2,000 each; nine clerks of class 4; twenty-three clerks of class 3; thirty-two clerks of class 2; forty-five clerks of class 1; thirty-one clerks, at $1,000 each; twenty clerks, at $900 each; one messenger; five assistant messengers; twelve laborers; one page, $360; in all, $255,270.

Mr. MACON. Mr. Chairman, I make the point of order against the words "five thousand dollars" in lines 4 and 5, page 135, it being an increase of salary.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BINGHAM. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 4, after the word "General," insert "$4,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office Fourth Assistant Postmaster-General: For Fourth Assistant Postmaster-General, $5,000; chief clerk, $2,500; superintendent division of rural free delivery, $3,000; assistant superintendent division of rural delivery, $2,000; four clerks of class 4; three clerks of class 3; twelve clerks of class 2; thirty-one clerks of class 1; stenographer, $1,600; stenographer, $1,000; forty-five clerks, at $1,000 each; nineteen clerks, at $900 each; two messengers; one assistant messenger; two laborers; and two pages, at $360 each; in all, $147,840.

Mr. MACON. Mr. Chairman, I make a point of order against the words "five thousand dollars" in lines 24 and 25, on page 136, it being an increase in salary.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BINGHAM. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 24, page 136, after the word "General," insert "$4,500."

Mr. BINGHAM. Mr. Chairman, I offer an amendment for correction of the bill.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 137, line 6, after the word "thousand," insert "two hundred."

Mr. BINGHAM. Mr. Chairman, that is merely a misprint—a dropping of words.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Division of dead letters: Superintendent, $3,000; one clerk of class 4, who shall be chief clerk; two clerks of class 4; eight clerks of class 3; ten clerks of class 2; twenty-nine clerks of class 1; forty-four clerks, at $1,000 each; forty-six clerks, at $900 each; one messenger; three assistant messengers; fifteen laborers; six female laborers, at $480 each; in all, $171,180.

Mr. MACON. Mr. Chairman, I make the point of order against the words "three thousand dollars" in lines 13 and 14, on page 137, it being an increase in salary.

The CHAIRMAN. The gentleman from Arkansas makes the point of order against the words "three thousand dollars," lines 13 and 14, page 137, it being change of existing law. The Chair sustains the point of order.

Mr. BINGHAM. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 137, line 13, instead of "three thousand," insert "two thousand five hundred."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For miscellaneous expenses in the Division of Topography in the preparation and publication of post-route maps and rural-delivery maps or blueprints, including tracing for photolithographic reproduction, $31,000. And the Postmaster-General may authorize the sale to the public of post-route maps and rural-delivery maps or blueprints at the cost of printing and 10 per cent thereof added, the proceeds of such sales to be used as a further appropriation for the preparation and publication of post-route maps and rural-delivery maps or blueprints. Of this amount $100 may be expended in the purchase of atlases, geographical and technical works needed in the Division of Topography.

Mr. MURPHY. Mr. Chairman, I would like to go back to lines 2 and 4 on page 140 to call attention to a matter, namely, the Official Postal Guide.

Mr. TAWNEY. Mr. Chairman, there is so much confusion here that nobody can hear a word. I do not know what the request of the gentleman is.

Mr. MURPHY. It is to go back to lines 1 to 4 on page 140 for just a question.

The CHAIRMAN. The gentleman from Wisconsin [Mr. MURPHY] asks unanimous consent to return to the paragraph at the top of page 140 for the purpose of asking a question of the chairman of the committee. Is there objection?

There was no objection.

Mr. MURPHY. I wish to ask the chairman of the committee relative to the situation as to the Postal Guide. It is not furnished to Members, and it is a great inconvenience. If Members desire to obtain a copy of it, they have to pay $3 apiece for it.

Mr. MANN. Does the gentleman mean a Member of the House?

Mr. MURPHY. Yes, sir.

Mr. MANN. The gentleman is mistaken.

Mr. MURPHY. The gentleman is not mistaken. That is the situation. It is a matter that is not furnished by the Post-Office Department to Members.

Mr. MANN. The gentleman receives one copy of the Official Postal Guide every year as long as he is a Member of the House. He already has his this year, and if he will ask his clerk for it he will discover it.

Mr. MURPHY. What I desire to call attention to is this: In order to secure a copy of this Official Postal Guide, which is needed and that there is a great call for in many of our districts, the only way we can do it, aside from a single copy—if that can be secured—is by paying $3 for it, not to the Government, but to a private company in the city of New York that prints it. It strikes me some provision should be made by which copies of this Guide may be furnished to Members if necessary in the discharge of their duties to their constituents.

Mr. KEIFER. Allow me to suggest that it should be printed and furnished to Members at cost.

Mr. MURPHY. There would be some relief if printed at cost.

The Clerk read as follows:

Office of the Attorney-General: For compensation of the Attorney-General, $12,000; Solicitor-General, $7,500; assistant to the Attorney-General, $7,000; five Assistant Attorneys-General, at $5,000 each; Assistant Attorney-General of the Post-Office Department, $4,500; solicitor of internal revenue, $4,500; solicitor for the Department of State, $4,500; two assistant attorneys, at $3,000 each; two assistant attorneys, at $2,750 each; four assistant attorneys, at $2,500 each; one assistant attorney, $2,400; two assistant attorneys, at $2,000 each; assistant attorney, in charge of dockets, $2,500; law clerk and examiner of titles, $2,700; chief clerk and ex officio superintendent of the buildings, $2,500; superintendent of buildings, $500; private secretary to the Attorney-General, $2,500; clerk to the Attorney-General, $1,600; stenographer to the Solicitor-General, $1,600; two law clerks, at $2,000 each; one law clerk of class 4; one law clerk in office of the solicitor of internal revenue, $1,800; attorney in charge of pardons, $2,750; disbursing clerk, $2,750; appointment clerk, $2,000; librarian, $1,600; five clerks of class 4; eleven clerks of class 3; four clerks of class 2; seven clerks of class 1; telegraph operator and stenographer, $1,200; one clerk, $1,000; eleven clerks, at $900 each; chief messenger, $1,000; two messengers; six assistant messengers; four laborers; three watchmen; engineer, $1,200; assistant engineer, $900; three firemen; two conductors of the elevator, at $720 each; nine charwomen. Division of accounts: Chief of division of accounts, $2,500; chief bookkeeper and record clerk, $2,000; three clerks of class 4; five clerks of class 3; seven clerks of class 2; seven clerks of class 1; two clerks, at $900 each; one packer, $900; in all, $234,660.

Mr. BINGHAM. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 143 strike out all beginning with the word "two," in line 8, down to and including the word "charwomen," in line 12, and insert in lieu thereof the following: "Three messengers; six assistant messengers; five laborers; three watchmen; engineer, $1,200; two assistant engineers, at $900 each; four firemen; two conductors of the elevator, at $720 each; twelve charwomen;" and in lines 18 and 19 strike out "thirty-four thousand six hundred and sixty" and insert in lieu thereof "thirty-eight thousand five hundred."

Mr. BINGHAM. The purpose of this amendment is simply to make consistent in this bill the action of the House a few days ago in the urgent deficiency bill, which is now law.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

From the appropriation for pay of special assistant attorneys United States courts: One attorney, at $5,000; one attorney, $3,250; two attorneys, at $3,000 each; one attorney, at $2,500; one assistant examiner of titles, $2,000; in all, $18,750.

From the appropriation for prosecution of crimes: One superintendent of prisons and prisoners, $3,000; one chief examiner, $2,750; three examiners, at $2,500 each; four examiners, at $2,250 each; two examiners, at $2,000 each; three examiners, at $1,800 each; one clerk, at $900; in all, $32,550.

Mr. MANN. I move to strike out the last word. There are a number of these items similar to the one just read. I wish the gentleman would explain to us just what this means.

Mr. GILLETT. Mr. Chairman, there has been appropriated in past years in the sundry civil bill sums for these various classes. And under this lump-sum appropriation the Attorney-General has employed counsel in the several instances to defend suits. Now, that has gone on so long that it was thought by the committee better (which is in pursuance of the principle which the gentleman knows the committee follows in all cases) that, instead of being paid out of a lump sum, they should be paid by specific appropriation, so that Congress would know what is being paid and have some control. We have made the transfer in all of these cases at exactly the salaries they are now receiving and for the duties that they are now performing, which the Attorney-General thinks is not at all too much; in fact, he thinks it inadequate for the services rendered under this special paragraph.

Mr. BUTLER. What was the amount of the lump sum heretofore appropriated?

Mr. GILLETT. In this particular case the lump sum was $60,000.

Mr. MANN. Will the gentleman yield further?

Mr. TAWNEY. Before the gentleman from Illinois says anything further, I want to say, in answer to the gentleman from Pennsylvania, that, as I now recall the testimony, the aggregate appropriation—the lump sum—from which all these men were paid is $126,000, heretofore carried in the sundry civil appropriation bill. This provision will transfer them from the sundry civil bill to the legislative, where they belong, where their salaries will be appropriated for specifically, instead of leaving their salaries to be fixed in the discretion of the head of the Department. So that we will drop out of the sundry civil bill an amount equivalent to the aggregate salaries heretofore paid from the lump sum carried in the sundry civil bill.

Mr. BUTLER. May I ask the gentleman from Minnesota, Why were not these carried in the sundry civil bill?

Mr. TAWNEY. Simply because the service when it was originally established was supposed to be temporary. It was not supposed that these people would be retained permanently in this service; consequently a lump-sum appropriation was made. Now the business of the Department has so increased that this service is absolutely necessary, and necessary permanently. So that it is for the purpose of putting all of these employees of the Department of Justice in the legislative bill, where they will be provided for specifically and where Congress will know what salaries are being paid; otherwise they will continue to be paid from lump-sum appropriations.

Mr. MANN. Let me ask a further question. Are all these items carried annually the same in this specific line like the one for the enforcement of the antitrust law?

Mr. GILLETT. That is a sum which has gone on from year to year. There are about $140,000 left of it.

Mr. TAWNEY. We carried $200,000 additional in the sundry civil bill of last year.

Mr. GILLETT. It has been reappropriated for several years.

Mr. MANN. We have not yet reached the item. I see an item in here for the Spanish Claims Commission.

Mr. GILLETT. For the attorneys defending the cases.

Mr. MANN. Five thousand dollars. Has the gentleman any information as to how long that Commission is going to continue?

Mr. GILLETT. They have been telling us in the past they were nearly through, but the Attorney-General says he is afraid it will take some time still.

The Clerk read as follows:

All persons employed on June 30, 1908, under the appropriations "Defending suits in claims against the United States," "Prosecution of crimes," "Punishing violations of the intercourse acts and frauds," and "Care of rented buildings, Department of Justice," may be, in the discretion of the Attorney-General, transferred to the places provided for them under the appropriation "Salaries, Department of Justice, 1909," without reference to the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and without reference to the rules and regulations promulgated thereunder.

Mr. MANN. I reserve the point of order on the paragraph just read. I would like to ask the gentleman whether, if it is desired to have these persons provided for under the civil-service law, if it is not perfectly possible for the Attorney-General to make an application that the President shall issue an order transferring all these people inside of the civil-service act without putting the responsibiliy on Congress for that action?

Mr. GILLETT. Mr. Chairman, it certainly is possible for the President to accomplish the same end by extending such an order. The Attorney-General impressed upon us that this class of clerks had been employed in his office for a long time doing this very thing and that it was important that they should be covered in, and we followed what has generally been the practice of the House. We find about twelve persons, so far as we could ascertain, would be affected by this paragraph.

The gentleman is quite right; it can be done by an Executive order as well as by a vote of Congress, and if the gentleman

insists upon this point of order, I recognize that it must be sustained.

Mr. MANN. Is it true that the Attorney-General has been employing people under a lump-sum appropriation regardless of the civil-service rule?

Mr. GILLETT. I understand that most of them have gone in under the civil service, but that there are about twelve who have not.

Mr. MANN. As to the twelve, have they been employed by the Attorney-General under a lump-sum appropriation, contrary to the provisions of the Executive order covering all these classes of people into the classified service?

Mr. GILLETT. These have been employed for a number of years, and when they were employed I understand they were exempt from any Executive order which made them subject to the civil-service law.

Mr. MANN. I presume some of them have been very recently employed?

Mr. GILLETT. I think not.

Mr. MANN. I can not agree with the gentleman that the Attorney-General himself wanted this action taken. The Attorney-General is the president of the National Civil Service Reform League, and has constantly and consistently upheld the merit system and objected to any violations, in spirit or in fact, of the law. I do not believe that he wants us to cover these people into the classified service or desires to have the President do it himself. I am sure he would insist that all places of this sort should be filled under the civil-service law.

Mr. TAWNEY. Does the gentleman from Illinois doubt the statement of the gentleman from Massachusetts?

Mr. BINGHAM. I will ask the Clerk to read a telegram which I received from the Attorney-General this morning.

Mr. MANN. Oh, perhaps somebody's name was signed to it.

Mr. BINGHAM. I am merely giving you consistency in the statement.

Mr. GILLETT. I ask the Clerk to read the telegram.

The CHAIRMAN. If there be no objection, the Clerk will read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
February 13, 1908.

Hon. H. H. BINGHAM, *House:*

The provision authorizing proposed transfers without reference to civil-service law is made necessary by reason of the fact, as stated in my former telegram, that twelve of the persons now employed were appointed without civil-service examination. The twelve were appointed under the appropriation act authorizing the execution of certain laws and the expenditure of public funds, but not creating specific positions. The positions being made specific by this act, the right of the present holders to retain them may be questioned without this provision.

CHARLES J. BONAPARTE,
Attorney-General.

Mr. MANN. So, Mr. Chairman, we are met with this proposition, that if Congress appropriates specifically for a place it is filled under the civil-service law; but if we appropriate a lump sum, the head of the Department proceeds to make appointments absolutely contrary to the spirit of the law and, in my judgment, contrary to the letter of the law, and then asks us to assume the responsibility of putting these people under the civil service. I do not believe that the Attorney-General desires us, in cold and sober judgment, to take any such action, and I would not be used that way even if he did desire it.

Mr. GILLETT. Mr. Chairman, the trouble with the gentleman's statement is that he does not fairly state the facts. The Attorney-General did not appoint these men himself. They were appointed by his predecessors, and the Attorney-General explicitly said to us when before us:

I have since my incumbency directed that all temporary and lump-sum employees shall be secured from the eligible list of the Civil Service Commission.

Mr. MANN. In making that statement he only bears out the reputation that he has heretofore established.

Mr. CRUMPACKER. These clerks or functionaries have been in the public service for some years, and I have no doubt have demonstrated by actual service their fitness for the work in which they are engaged.

Mr. GILLETT. That is what he says.

Mr. CRUMPACKER. And it does not occur to me that the proposed legislation would in any respect reflect upon or be inconsistent with the merit system of appointments. The only object of the merit system is to secure efficient clerks and appointees in the various Departments, and where the efficiency of an applicant has already been demonstrated and is a matter of public record the merit system is promoted by retaining or employing such applicant in the public service.

Mr. GILLETT. I should differ from the gentleman on one point, and that is on the general proposition that while the merit system is intended to secure efficiency in office, yet that as to one particular place it might not do it, and yet it might be unwise for us to depart from the general principle, because the principle is of general application, and if you once begin to make exceptions you are going into uncertainties. But I agree with the gentleman in this case, for instance, where these men were employed years ago, and were not required to be appointed under the civil-service rules, and have proved their efficiency, and the head of the Department so recommends, I think it is better to follow that recommendation.

Mr. CRUMPACKER. The gentleman's criticism relates to the original appointment of these men. There may have been a violation of the merit principle in their selection, but that occurred a number of years ago. They are all now in the service, and this legislation is occasioned simply by the change in the character of the appropriations; that is all. If the appropriation was carried this year as in former years this legislation would not be required, and if this legislation is not enacted all of these men who are valuable servants, who have demonstrated their efficiency by actual service, would have to be separated from the public service.

Mr. MANN. I entirely disagree with the gentleman in the statement that these men were appointed by permission of law in the first place. The Executive order covering certain cases of people into the classified service, to be appointed from the eligible list under the civil service office, covered these identical people, and they were appointed, no matter whether by the Attorney-General or not, they were appointed contrary to law in the first instance, and this is merely an effort to have Congress take the responsibility and put them into the classified service. Only the Executive has the right to cover them into the classified service by a mere order.

Mr. CRUMPACKER. I doubt if they were appointed contrary to law. Where offices are created by statute we put them in the classified service, of course, but the appointment must be under the civil-service law. But if a lump sum be given to the head of a Department, authorizing him to employ servants and clerks to carry on a certain work, without defining the tenure of offices or fixing their salaries, it has been held by the Comptroller of the Treasury that they do not come within the scope of the civil-service law. I have looked it up recently.

Mr. MANN. The gentleman knows that a very large share of the officials of the Government employees are paid for out of a lump sum appropriated, notably in the Department of Agriculture and some other Departments.

Mr. TAWNEY. Not here in the city of Washington?

Mr. MANN. Here in the city of Washington, and wherever they are in the classified service by Executive order.

Mr. BUTLER. I would like to ask the gentleman from Massachusetts a question.

Mr. GILLETT. Very well.

Mr. BUTLER. I would like to know what will be the result if this paragraph is adopted; will it be a transfer to the eligible list of the men who have not taken the examination prescribed?

Mr. GILLETT. It will not put them on the eligible list; it will put them into the service. They are men who have been in the service for many years, and this simply retains them there.

Mr. BUTLER. This paragraph makes an exception of individuals employed in Washington.

Mr. GILLETT. This paragraph does what it has been the custom of Congress to do when persons went into the civil service and were not required to take an examination, and have been there many years—they have almost invariably been blanketed under the civil service.

Mr. BUTLER. That was done by Executive order?

Mr. GILLETT. Yes; by Executive order, but the point I am not certain about is whether when these men went in they ought to have taken an examination. I do not believe they ought. I believe they went into the Attorney-General's Office before the Executive order covered these lump-sum appropriations.

Mr. MANN. The Executive order covered all this class of service before the lump-sum appropriations were made.

The CHAIRMAN. The Chair understands that the point of order was reserved.

Mr. MANN. I make the point of order, Mr. Chairman.

The CHAIRMAN. The pending paragraph, the Chair understands, gives to the Attorney-General powers which he does not now possess, and it is clearly a change of existing law. The Chair sustains the point of order.

The Clerk read as follows:

DEPARTMENT OF COMMERCE AND LABOR.

Office of the Secretary: For compensation of the Secretary of Commerce and Labor, $12,000; Assistant Secretary, $6,000; private secretary to the Secretary, $2,500; confidential clerk to the Secretary, $1,600; private secretary to Assistant Secretary, $1,800; chief clerk and superintendent, $3,000; disbursing clerk, $2,750; chief

of appointment division, $2,250; two chiefs of division, at $2,000 each; ten clerks of class 4 (including one census clerk); ten clerks of class 3; twelve clerks of class 2; ten clerks of class 1; ten clerks, at $1,000 each; five clerks, at $900 each; two telegraph operators, at $1,200 each; five messengers; nine assistant messengers; seven messenger boys, at $480 each; one engineer, $1,000; one skilled laborer, $840; two conductors of elevators, at $720 each; two firemen, at $660 each; nine laborers; one packer, $840; one driver and foreman of stables, $840; six hostlers, at $660 each; one cabinetmaker, $1,000; one carpenter, $900; captain of the watch, $1,200; six watchmen; fifteen charwomen; in all, $156,840.

Mr. MACON. Mr. Chairman, I make the point of order against the words "six thousand" in line 20, page 146, being a change of existing law, being an increase of salary.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BINGHAM. Mr. Chairman, I offer an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 146, line 20, insert after "Secretary" the words "five thousand dollars."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For compensation at not more than $10 per day and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, $35,000; and the results of such investigations shall be reported to Congress.

Mr. HARRISON. Mr. Chairman, I offer the following amendment, which I send to the desk, and ask to have read.

The Clerk read as follows:

Amend by inserting on page 147, line 24, after the word "abroad:" "And for the employment of experts to prepare reports on technical subjects, when required by the Secretary of Commerce and Labor."

Mr. BINGHAM. Mr. Chairman; I make the point of order to that.

Mr. HARRISON. I hope the gentleman will withhold his point of order.

Mr. BINGHAM. I reserve the point of order.

Mr. HARRISON. I want to ask the gentleman in charge of the bill in the first place whether this appropriation is not smaller than the appropriation of last year?

Mr. BINGHAM. It was $50,000 last year and it is $35,000 this year.

Mr. HARRISON. Will the committee explain why this was cut down?

Mr. BINGHAM. Because in the judgment of the committee that was all that was needed for the work that could be done.

Mr. HARRISON. Will the gentleman tell us in what way the money was expended last year? Was it all expended or was there a balance left over?

Mr. GILLETT. There was a large balance left over. The year before last, if I remember right, it was $29,000 and this year it will be $31,000. I may have that reversed. Consequently, we have appropriated more than they have needed in either one of the last two years.

Mr. HARRISON. Was the money paid for salaries or traveling expenses.

Mr. GILLETT. Both.

Mr. HARRISON. How many special agents were employed by the Department?

Mr. GILLETT. Six, is my recollection.

Mr. HARRISON. I desire to call the attention of the committee to a state of affairs which unfortunately seems to be inherent in the kind of government we have now—that is, government by bureau and government by commission. The duties performed by these special agents abroad, I believe, are well performed, but we are asked now for an appropriation to cover a field which is practically being also covered by two or three other Departments of the Government. The Department of State sends out special consuls-general—consuls-general at large. I believe there are five of them, and their duties are practically the same as the duties of these special agents of this Department. They also are charged with the duty of investigating consulates, but in a general way they also cover this same field. The Treasury Department asks for an appropriation to cover special agents of the Treasury engaged in inspecting exporters abroad. In the diplomatic and consular appropriation bill we are asked to make appropriation for commercial attachés as well, which is a system that England is just abandoning in favor of this system of special agents of the Department. In other words, we have a quadruplication of work which could be performed, I venture to say, by any one set of these men, whereas there are now three sets of men drawing salaries and there are likely to be four sets of men drawing salaries for the same purpose.

Mr. TAWNEY. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. TAWNEY. Then the logic of the gentleman's position is this, that it all ought to be stricken out.

Mr. HARRISON. If it were subject to a point of order, I might make the point of order.

Mr. TAWNEY. I think possibly if the gentleman would move to strike it out, it might go out.

Mr. HARRISON. I would like to say to the gentleman that of all these employees these seem to be the most beneficial.

Mr. BURLESON. I hope the gentleman will not move to strike it out. That is an item to cover a special line of investigation. The consular agents have no means of investigation along these lines.

Mr. HARRISON. Well, I will say to the gentleman I entirely agree with what he says. I think these are the most useful officials engaged in this species of work. When they appoint a man the Department of Commerce and Labor consults the large business interests as to which special investigation is desired, and after consultation with those business interests they send abroad the men specially trained in that particular business, and therefore I believe the best results are arrived at under this appropriation rather than under the other appropriations.

Mr. MANN. Will the gentleman yield?

Mr. HARRISON. With pleasure.

Mr. MANN. These places were created before the places were created under the Department, and when that proposition came before the House it was understood with the State Department that the appropriation to give them the consuls-general—I forget the exact terms.

Mr. HARRISON. Consuls-general at large.

Mr. MANN. Would not in any way at all duplicate the work done by these special agents and would not affect this work in the slightest degree. It was on that plea that Congress made the appropriation for the Department of State.

Mr. HARRISON. Well, I will say to the gentleman that I think the work might all be performed by one set of officials.

Mr. MANN. Well, I may say to the gentleman that when the matter came before the House it was very much inclined to take the position that the gentleman takes, and yet, after a full presentation of the subject in the House at the time, the House thought, and I think rightly, that the consuls-general at large were performing work that these men could not perform and that they were desirable.

Mr. HARRISON. Well, I will inform the gentleman that there are several bills before the House now for the purpose of investigating this whole subject, and it will possibly be taken up in due time, and I do not wish to take the time of the committee any longer on that point. I offer an amendment here, and I would like to discuss the amendment if I have any time remaining.

The CHAIRMAN. The gentleman has three minutes remaining.

Mr. HARRISON. My amendment proposes to extend the scope of this appropriation so as to allow the Department of Commerce and Labor, in cases where it seems to the Secretary of that Department wise, to secure reports upon technical subjects abroad, if necessary, by foreigners, rather than paying a man's traveling expenses to go abroad at $10 a day and his incidental expenses. Now, last year, when denatured alcohol was put on the free list, there were a great many inquiries of the Department of Commerce and Labor as to the manufacture and preparation of this article. The subject was comparatively little known in the United States and was very well understood in Germany. An expert in Germany wrote to the Department and offered, for the sum of $100, to make a technical report on this subject, which would have been published by the Department and sent to manufacturers throughout the United States if they had had any appropriation with which to pay the $100; but there was no such appropriation. Now, suppose a question were to arise as to the silk or any textile industry of Italy or Spain, a report might readily be made by some one on the spot instead of sending a man abroad for the purpose or instead of sending to the consul on the spot and asking him to make a technical report on a subject about which he knows next to nothing and as to which he might go to an encyclopedia and take out what he can find there and write that back as the best knowledge he can get on the subject. Instead of that I would ask to allow the Department under this amendment to disburse this sum of money as it wishes and pay for special reports made by experts abroad instead of sending these special agents everywhere there may be a call for such a report. My amendment provides that the Department shall be allowed to spend this money for the purposes here described in the bill and also for the employment of experts to prepare reports on technical subjects when required by the

Secretary of Commerce and Labor, and I would ask for a vote on that amendment.

Mr. GILLETT. Mr. Chairman, personally, I have no antagonism to the proposition made by the gentleman from New York. In fact the only objection I see to it is the one which I think the House feels in all these propositions, of allowing a Department to pay money to men who have some special subject they wish to write up. Of course, we all must recognize that there is a danger in that. We see it now in some of the Departments, and it seems to me it would be still more dangerous to allow them to hire somebody abroad, whom they do not know anything about, and pay them money for writing articles. At the same time, personally, I have no opposition to it if the gentleman desires it. And I want to say further as to his general proposition, that I think it is one of the vices of our Government that we are duplicating the collection of statistics, though I should hardly ascribe it to the Bureau—I should be quite as apt to ascribe it to the mode of government in this House—that one committee has jurisdiction over one set of officials and another committee to another set of officials, and we are getting statistics from one office and from another office, and they are overlapping each other. In my opinion, the whole subject of getting statistical information for this House needs a thorough and radical revision. I think the gentleman has struck a danger which we are now getting into in our dealings both in foreign and domestic statistics. I am only afraid the amendment might exaggerate that danger, but, personally, I do not oppose it.

Mr. MANN. I do not know whether it will have any effect or not, but I certainly hope the amendment will not be adopted. I would have no objection to the amendment in the form of an original proposition, because I do not think that we yet have any way of obtaining too much information in regard to the possibilities of our foreign trade. There is pending before the Committee on Commerce a bill introduced by the gentleman from Alabama [Mr. RICHARDSON], and quite earnestly advocated by a large number of southern Members of this House, to appoint additional agents to go abroad and study specially the possibilities of the cotton-print trade. Now, the proposition is here not only to reduce the amount in the sum total, but to reduce it still further by taking away the pay that may be given to agents studying abroad and turn it over to somebody else.

Mr. HARRISON. Will the gentleman yield? I understood the gentleman in charge of the bill to say the balance was unexpended last year.

Mr. MANN. That is very true, Mr. Chairman, and very probably there will always be a balance unexpended. The original appropriation was $25,000. It was supposed to carry at least three or four special agents. I think there are four abroad now. There was one in South America, one in China, one somewhere in Europe, and for a long while there was one in Canada. They have been acquiring information and sending it back to us, which is communicated to the manufacturing interests all over the country, and which I am told by those manufacturing interests are of great value to them. It is not a very large amount of money. We do not know enough yet, certainly, about the possibilities of selling cotton prints abroad. We ought to have a very large share of the Chinese and the oriental trade for the cotton manufacturing industries of the South. We ought to have a large share of the trade of South America in a good many directions. We are extending our trade in Canada very rapidly. Now, if the manufacturers themselves did not desire this information, I certainly would not be in favor of it. But they do desire it.

Mr. HARRISON. Does the gentleman yield?

Mr. MANN. In just a second. Now, while it is true that the entire amount of money appropriated last year was not expended, it is also true that this form of investigation grows up quite gradually. You can not pick these men up all at once and know where to place them. There ought to be a possibility of extending this service. There is a great demand for extending the service, and all the money that is appropriated in here, and much more, ought to be used for that purpose. The Committee on Appropriations not only have reduced the amount, but in another way they have endeavored to kill this item. They provide that these agents shall receive not more than $10 a day. They might not obtain the character of men who ought to be sent abroad on this service at the rate of $10 a day, which is less than $4,000 a year.

Mr. BURLESON. Will the gentleman permit an interruption?

Mr. MANN. Certainly.

Mr. BURLESON. I want to assure the gentleman that he is mistaken in his statement. The suggestion to limit the expenses to $10 did not come from the Committee on Appropriations. It was made by the Secretary of Commerce and Labor. I want to state to the gentleman that I am very friendly to this item.

Mr. MANN. I know the gentleman has made a very strong fight for this, and I have been for it, and glad to follow him.

Mr. BURLESON. The item in the bill is entirely satisfactory to the friends of the item.

Mr. MANN. That is the reason for my being against the amendment. I do not wish to take out of the fund used for this purpose and divert it to some other purpose, nor do I wish to give the Secretary of Commerce and Labor the right to divert it because a pressure is brought to bear by consuls or the consular agents or the political agents in Congress who wish the money for special favorites. [Applause.]

Mr. HARRISON. I agree with all the gentleman says about the necessity of obtaining all the information we can get about these trade questions; and I submit it as a suggestion of economy that if we knew that there was a man on the ground skillful and competent to give us a report for a small sum of money upon certain given conditions, it would be more economical to employ him than for us to send one of our four special agents provided for by Congress half across the world and pay his traveling expenses.

Mr. MANN. But we do not send our special agents halfway across the world to get information at any one place at all.

Mr. HARRISON. We have only four. We will divide the world into four parts, if the gentleman wishes.

Mr. MANN. They go to a place and study the whole thing. They get all the information they can, say on the cotton question. What good would it do to get part of the information in relation to a portion of the East when it should be made to apply to the whole? Why should we get special information about Canton, when we want to cover the whole subject? Now if you will not seek to divert the fund specially set apart for that special purpose, I would not object; but I do not want to see this fund taken away from this Department, to send able men abroad to study the needs of the people there, and aid our manufacturers at home in obtaining trade abroad.

Mr. LOVERING. Mr. Chairman, it seems to me that this is hardly the place for an amendment of this measure. I wish to bear testimony to the value of the service of these special agents who are send abroad. The reports which they have returned have more than justified the appointments of the men and the appropriations made to maintain that service. I hope that it may be kept intact as it now stands in the bill; and for that reason I shall oppose the amendment offered by the gentleman from New York.

Mr. HEFLIN. Mr. Chairman, in reply to the suggestion of the gentleman from New York [Mr. HARRISON] that this work can be accomplished by writing for or purchasing the desired information abroad regarding our cotton trade and the manufacture of cotton goods, I wish to say that this work can not be done intelligently and successfully other than the way it is now being done. These expert agents representing the United States Government can obtain information regarding the cotton trade with other countries that the private citizen can not obtain. It is a business proposition, and a wise one, for us to do anything in our power to increase our export trade with foreign countries. Especially should we give our attention to our cotton trade, for it is cotton that gives us the balance of trade and brings us gold from foreign countries when all other products fail. Let us follow the example of England, France, and Germany. These countries have expert agents in all the countries of the East, looking after their cotton-goods trade.

Let us take no backward step in this matter. We ought to have a dozen agents instead of the four mentioned by the gentleman from Illinois [Mr. MANN]. I trust that this provision will remain in the bill as reported by the committee.

Mr. TAWNEY. Mr. Chairman, I want to say just a word in defense of the action of the committee in reducing the amount appropriated for this service. It appears in the hearings that the Department of Commerce and Labor during the fiscal year ending June 30 last expended of this $50,000 for this service less than $30,000, and that during the current year they will expend less than $28,000. The Department does not contemplate increasing the force of inspectors, and it is not claimed that more men will be needed. We have provided for this service to the full extent which the Department finally estimated was necessary for the service. I do not favor the amendment of the gentleman from New York. It provides for an expenditure of money only to pile up more statistics in regard to our foreign trade and foreign trade relations. There is a great deal of duplication in the matter of securing statistical information in all of the Departments and in all the different branches of the public service. We have a statistical bureau, and nearly every

Department has an independent statistical organization; and in this particular Department there are now two distinct statistical bureaus, either one of which, if the information is necessary or valuable, could obtain the information sought to be obtained by the pending amendment.

The committee has not discriminated in the least against this service. We have given all and more than they are now expending. In view of the statements made to the committee that they were expending only about $28,000 this year for this service, and that they did not deem it necessary to increase the service, I do not think this House can justify its action in appropriating more money for a given service than the Department having control of that service deems necessary for the same.

Mr. HARRISON. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. HARRISON. I ask, now by way of obstruction, but simply to obtain information, what are the two bureaus which can obtain and furnish the information that I seek to get by this amendment that I have offered?

Mr. TAWNEY. We have three bureaus. We have the Bureau of Statistics, supposed to cover generally all statistics, including trade statistics. We have also in the Bureau of Manufactures a bureau to which our consular reports are sent, where they are compiled and published, instead of having them published by the Department of State, as heretofore. They contain all the information that our consuls and all the information that these special agents gather in their investigations abroad.

In addition to that we have the Census Bureau, that is doing a large amount of general statistical work independent of the statistical work incident to the census.

Mr. HARRISON. Will the gentleman not admit that something besides statistics are required? All kinds of trade secrets have to be ascertained—processes and formulas.

Mr. TAWNEY. That is exactly what is being done by these six special agents. Their reports are sent here to the Department of Commerce and Labor, and the Bureau of Manufactures is engaged in classifying, compiling, and arranging that information, and then publishing the same for the benefit of our exporters.

Mr. HARRISON. I gave the committee an instance where there was no means of obtaining information in this line last year where it was considered desirable by the Department. I think these instances arise quite frequently, and I do not see that the gentleman has pointed out how we are to obtain the information that we desire. By enumerating the different bureaus of statistics he has not pointed out where to cover this ground.

Mr. TAWNEY. By these special agents.

Mr. HARRISON. There are only four of them.

Mr. TAWNEY. There are six of them.

Mr. HARRISON. Six of them to cover the whole world.

Mr. TAWNEY. They are investigating these questions, and, in addition to that, the reports coming to the State Department from our consular service regarding trade relations and trade conditions.

Mr. HARRISON. I do not wish to obstruct matters. I want to broaden the scope; that is all.

Mr. TAWNEY. I think the scope of it is ample now.

Mr. STEVENS of Minnesota. Did the committee receive a communication from the Secretary of Commerce and Labor relative to an investigation of the export wheat and flour trade?

Mr. TAWNEY. The Secretary of Commerce and Labor stated that he expected to have that subject investigated during the next fiscal year.

Now, I may say, Mr. Chairman, that there is one criticism I have always made against this service, or against the administration of this appropriation. It was not the intention of Congress when this provision was first inserted in an appropriation bill creating this service that it should be specialized. The purpose of this service was to obtain information concerning trade conditions abroad in relation to our exports in general and not to particularize. For example, at the beginning of the last Congress every Member of the House was flooded with petitions for an appropriation of $30,000 for a special investigation into the conditions of our foreign trade in machine tools. Now, the Committee on Appropriations did not favor specializing any more than we had done. Congress did not provide for specializing this particular service, but notwithstanding that, under this general appropriation, under this general language, the manufacturers of machine tools in the United States have secured a special representative for the purpose of making that investigation, and the expenses are paid out of this appropriation. They also took up and specialized the cotton industry and cotton-seed oil and its products. And so to-day only two of these men are investigating general subjects connected with our foreign trade. The other four special agents are not engaged in any investigation concerning trade conditions generally, but trade conditions in particular or some special branch of our foreign trade.

Mr. KEIFER. Mr. Chairman, I do not rise for the purpose of participating particularly in the discussion of the proposed amendment. I feel the importance of the investigations abroad into all classes of industry. While it may be that in some sense we are duplicating the work, it is very important.

The principal reason I took the floor is, if possible, to sound the alarm against recent legislation in England, which is forcing some of our manufacturers in this country to go to England to manufacture their goods. A statute that was passed some time ago by the Parliament of England for the first time in the history of England requires that patentees under the laws of England shall use their patents by manufacturing under them in England, and power is given under that act to cancel patents taken out in England by people from this country, perhaps any country, unless it is shown that they manufacture their goods exclusively within the United Kingdom, or mainly so. This is a new thing in the history of patent legislation. In all the times past we have had reciprocity in the matter of patents. The Englishmen come here and take out their patents and we protect them. We protect them as faithfully as we protect our own people who are patentees under our statutes, and prior to the 1st day of January, 1908, the English Government protected our people in their patents, although they did not go to England or the United Kingdom for this purpose of manufacturing exclusively or mainly under the patents. And we still protect England's people who take out patents here. They patent some new and useful invention or process, some mechanism, or some machinery, or parts of machinery, in this country, and this country protects them as fully as it does our own people, and we are excluded from its use in our manufactures; but if a citizen of the United States procures a patent under the patent law of England we are obliged to go there to manufacture under that patent, or under the present patent law of England the patent may be annulled.

I would put in the RECORD, if I had the names at hand, the individuals, corporations, or firms who, it is reported, have been obliged to move their establishments from this country to England in order to save their patents from becoming public property. By permission of the committee, I will add a copy of a sufficient part of the law of England on this subject to show its purpose and character. I am sorry I can not now give the names of the corporations or individuals that have already made preparation to move out of the United States into England for the purpose of preserving their patents. The law operates against other countries as well as the United States.

The following is the provision of the new British patent law under which patentees under the English laws are liable to have their patents revoked on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside of the United Kingdom:

27. (1) At any time not less than four years after the date of a patent, and not less than one year after the passing of this act, any person may apply to the comptroller for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside of the United Kingdom.

(2) The comptroller shall consider the application, and if after inquiry he is satisfied that the allegations contained therein are correct, then, subject to the provision of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in the United Kingdom, or gives satisfactory reasons why the article or process is not so manufactured or carried on, the comptroller may make an order revoking the patent either (*a*) forthwith, or (*b*) after such reasonable interval as may be specified in the order, unless in the meantime it is shown to his satisfaction that the patented article or process is manufactured or carried on within the United Kingdom to an adequate extent.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, can we have the amendment again read?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

The CHAIRMAN. The Chair understood the gentleman from Pennsylvania to reserve a point of order on the amendment.

Mr. BINGHAM. I insist on the point of order, Mr. Chairman.

The CHAIRMAN. The attention of the Chair has not been called to any existing law which would justify this amendment in the general appropriation bill, and therefore the Chair feels compelled to sustain the point of order.

Mr. HITCHCOCK. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

In line 2, page 148, after the word "Congress," add: "including information as to the prices at which American-made goods are sold abroad to merchants and at retail."

Mr. BINGHAM. I reserve a point of order on that, Mr. Chairman.

Mr. HITCHCOCK. Mr. Chairman, the paragraph we have before us is very largely in the interest of American manufacturers. To a very great extent these manufacturers are in the enjoyment of a high protective tariff to enable them to compete, as it has been supposed, with foreign manufacturers in the American fields. It is an open secret, a notorious fact, one I think not even denied, that a great many of these manufacturers are selling their goods in European and other markets to consumers abroad at prices much below the prices that they name in the American market and that American consumers are compelled to pay.

Now, the object of this amendment is to require our agents in making reports on our foreign trade to include information for the American people on this important point, as to the prices of American-made goods in foreign lands.

I am perfectly willing and the American people are perfectly willing to have these agents of the United States investigate trade conditions abroad for the purpose of developing such facts as may be helpful in spreading American trade, but it certainly seems to me that we should couple with them instructions to our agents to ascertain authoritatively and officially whether the charge is true that these American manufacturers, protected by law, favored by the Government of the United States, are actually engaged in selling their products at prices to foreigners in foreign markets far below those that they charge to Americans in the American market, and I hope the gentleman will not insist on his point of order. This additional information will cost nothing, and it certainly will be of value. If the charge is true, it ought to become known. If it is false, it will do no harm to ascertain that fact.

Mr. GILLETT. Mr. Chairman, just one word. This provision is not made for the purpose of ascertaining any such facts as the gentleman speaks of. We have appropriated enough to obtain the information which this is intended to provide, to extend American trade, and it does not appropriate for these men to acquire the information the gentleman speaks of. It would require an entirely different class of service and possibly a different set of men; at any rate a much larger number of men, which is not within the province and purpose of this section; and, regardless of the point of order, I should hope that the gentleman's proposition would not be adopted.

Mr. BINGHAM. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," namely: Chief of Division of Naturalization, $3,500; assistant chief of division, $2,500; three clerks of class 4; three clerks of class 3; five clerks of class 2; seven clerks of class 1; four clerks, at $1,000 each; two clerks, at $900 each; one messenger; one assistant messenger; in all, $39,460.

Mr. BINGHAM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 156, line 15, strike out the words "thirty-nine thousand four" and insert "thirty-eight thousand nine."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Bureau of Standards: For director, $5,000; physicist, $4,000; chemist, $4,000; associate chemist, $2,500; three associate physicists, at $2,500 each; one associate physicist, $2,200; two associate physicists, at $2,000 each; six assistant physicists, at $1,800 each; seven assistant physicists, at $1,600 each; one assistant chemist, $1,800; one assistant chemist, $1,600; assistant chemist, $1,400; eight assistant physicists, at $1,400 each; eight laboratory assistants, at $1,200 each; seven laboratory assistants, at $1,000 each; six laboratory assistants, at $900 each; four aids, at $720 each; two aids, at $600 each; three laboratory apprentices, at $540 each; four laboratory apprentices, at $480 each; storekeeper, $1,000; librarian, $1,400; secretary, $2,000; one clerk of class 3; one clerk of class 2; one clerk of class 1; two clerks, at $1,000 each; two clerks, at $900 each; two clerks, at $720 each; one messenger boy, $480; three messenger boys, at $360 each; one elevator boy, $360; chief mechanician, $1,600; mechanician, $1,400; two mechanicians, at $1,200 each; two mechanicians, at $1,000 each; mechanician, $900; two watchmen; skilled woodworker, $840; three skilled laborers, at $720 each; draftsman, $1,200; two assistant messengers; engineer, $1,800; one assistant engineer, $1,200; two assistant engineers, at $1,000 each; assistant engineer, $900; three firemen; electrician, $900; four laborers; janitor, $660; janitor, $600; and two female laborers, at $360 each; in all $139,940.

Mr. BINGHAM. I offer the following amendment.

The Clerk read as follows:

On page 158, line 24, strike out the words "thirty-nine thousand nine" and insert "forty-one thousand five."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Books for libraries of circuit courts of appeals: For the purchase of law books and rebinding law books for the nine libraries of the United States circuits courts of appeals, to be expended under the direction of the Attorney-General upon the requisition of the court (all books purchased hereunder to be plainly marked "The property of the United States"), $9,500.

Mr. SMITH of California. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 164, line 15, before the word "nine" insert "twenty," so as to read $29,500."

Mr. SMITH of California. Mr. Chairman, the purpose of the addition is to provide a sum with which to replace the law library belonging to the court of appeals in San Francisco, which was entirely destroyed by the fire there two years ago. If this matter has been brought to the attention of the committee and it has passed judgment on it, I do not care to consume the time of the House in arguing it, but the judges have sent to me a copy of a letter which is addressed to Mr. JENKINS, chairman of the Committee on the Judiciary. I suppose they thought likely that such a subject would be brought to the attention of the House through that committee.

Mr. TAWNEY. Can the gentleman explain to the committee why the judges did not bring this to the attention of the Department of Justice and the Department of Justice submit an estimate for what was deemed necessary to replace this library; if it is necessary?

Mr. SMITH of California. I am entirely in ignorance as to why they did not take that course.

Mr. TAWNEY. The Department of Justice sent no estimate for it, and it is through the Department that these estimates properly come.

Mr. SMITH of California. I think that is correct; but it is quite probable that the judges did not know the legislative procedure, although Judge Morrow, who was formerly a Member of this House, is a member of that court, and if it had been brought to his attention he probably would have remembered how these things are done. The facts are that this entire library of the court was destroyed in the fire there two years ago, and out of the small assignment of funds made in this general appropriation it has not been able to replace it. They say in this letter that this court has jurisdiction over the cases arising in all of that western territory, including Alaska, Montana, Idaho, and Washington, and include a great variety of questions, and, of course, they need not specify that they need a workable library. They enumerate some thirty or forty States of the Union from which they have no set of State reports. I am now reading from the letter:

The text-book library consists of about 157 volumes. Many of them are out of date. Of the annual appropriation of $1,000 for the library of the court but a small margin is left after the purchase of the current books.

Therefore they have no fund with which to give them the former library which they had, and which every court, of course, needs.

Mr. FITZGERALD. Will the gentleman yield?

Mr. SMITH of California. Yes.

Mr. FITZGERALD. Does the gentleman say they enumerate thirty or forty States from which they have no State reports?

Mr. SMITH of California. They enumerate forty-two States from which they have no reports at all.

Mr. FITZGERALD. Does the gentleman know any circuit court of appeals with a library of reports of all the States of the Union——

Mr. SMITH of California. Possibly not all, but I presume they have a number of the State reports.

Mr. FITZGERALD. I doubt if any circuit court of appeals has State reports of every State.

Mr. SMITH of California. Let me read another paragraph indicating what they have.

Mr. MANN. Will the gentleman yield for a question?

Mr. SMITH of California. Certainly.

Mr. MANN. I understand the gentleman to say that the library was destroyed at the time of the earthquake.

Mr. SMITH of California. Yes, sir.

Mr. MANN. How did it happen that these old books were saved?

Mr. SMITH of California. I can not tell you that.

Mr. MANN. Did they in their zeal take the trouble to pick out the old text-books and save them and let the new text-books burn?

Mr. SMITH of California. Well, I hope the gentleman from

Illinois will not "josh" about a subject as important as this. This is an item very well worth taking care of, and this is no time to say they did a foolish thing in that great day of catastrophe. They did not go and pick out purposely the old books and save them. How it happened I do not know, but I will read you this letter.

To the Hon. J. J. JENKINS,
Chairman of the Judiciary Committee, Washington, D. C.

SIR: We, the undersigned, who are the judges of the United States circuit court of appeals for the ninth circuit, hereby respectfully make this application to you for your considerate assistance to secure an appropriation from the Sixtieth Congress of the United States in the sum of $20,000, to be used for the purchase of a library for the court.

The jurisdiction of this court, as you know, is very extensive, embracing appeals from Alaska, Montana, Idaho, Washington, Oregon, Nevada, California, Arizona, Hawaii, and the United States court for China. A great variety of questions is presented to the court for decision. A well-selected law library is of the utmost importance and necessity to the court for the proper performance of its work. The library of the court, however, has always been most meager and insufficient. Prior to April, 1906, the want of books, while a matter of considerable inconvenience to the court, was partially overcome by borrowing the most necessary ones from the public and private law libraries in San Francisco. The San Francisco Law Library was an unusually well-supplied institution, with a total of 44,000 volumes. Since the conflagration of April, 1906, however, and the destruction of practically all the law libraries in San Francisco, both public and private, the court has been greatly inconvenienced and delayed in the performance of its work by the want of books.

The National Reporter system, published by the West Publishing Company, at St. Paul, is the only complete set of books in the library. Besides this system, the court has incomplete sets of reports and statutes of eleven States and Territories. It has no reports or statutes of any of the following States and Territories: Alabama, Arkansas, Colorado, Connecticut, Dakota, Delaware, Florida, Georgia, Indiana, Indian Territory, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey (Law), New Mexico, New York supreme court, superior courts, and lower courts, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming.

The text-book library consists of about 157 volumes, many of which are out of date.

Of the annual appropriation of $1,000 for the library of the court but a small margin is left after the purchase of the current books.

Believing that the court, in justice to itself and to the people of the large section of the United States over which it exercises appellate jurisdiction, should have for its convenient use a good working law library, we earnestly ask your assistance to secure from this Congress the above appropriation of $20,000 for the purchase of such a library.

A copy of this letter has been sent to each of the Congressmen from California, with the request that they cooperate with you in the accomplishment of the desired purpose.

Very respectfully,

(Signed) WM. B. GILBERT,
ERSKINE M. ROSS,
WM. W. MORROW,
JOHN J. DE HAVEN,
WM. C. VAN FLEET.

SAN FRANCISCO, CAL., *November 30, 1907.*

Mr. DRISCOLL. From whom is that letter?

Mr. FITZGERALD. The gentleman reads from——

Mr. SMITH of California. Let me answer this question. It is signed by Judges William B. Gilbert, Erskine M. Ross, William W. Morrow, John J. De Haven, and William C. Van Fleet.

Mr. FITZGERALD. The gentleman has read that these judges have signed this letter, in which they say that they have incomplete reports from eleven States, and they have no reports at all from forty-two States. Now, where are those other States located? They are not in the American Union.

Mr. SMITH of California. I have not figured that up, I am sure.

Mr. FITZGERALD. If the judges were no more accurate than that, I suggest we wait until——

Mr. NEEDHAM. That includes the Territories, and you have hurriedly counted up these States.

Mr. FITZGERALD. We can not reconcile this difference.

Mr. SMITH of California. I ran over this very hurriedly, but the statement of these judges is certainly entitled to full credit by this body—that they have no library and that they are at present supplied with but very few books.

This matter, of course, should have been brought to the attention of the committee when it was framing this bill, but it was overlooked by myself and probably by the other members of the delegation.

Mr. PARKER of New Jersey. May I ask if the gentleman has communicated with the chairman of the Committee on the Judiciary [Mr. JENKINS] and talked over what he wants?

Mr. SMITH of California. I have not. The judges sent up this communication and asked us to present the matter as we could.

Mr. DRISCOLL. Do they state how much is necessary?

Mr. SMITH of California. Yes; $20,000. The bill carries $0,000, and my motion is to increase it to $29,000.

Mr. DRISCOLL. I do not suppose they expect to buy the reports of all these other States. They never have had the reports of all the States?

Mr. SMITH of California. I do not know what they had before.

Mr. DRISCOLL. They do not expect to get the reports of those States that they did not have before the fire?

Mr. SMITH of California. I presume they would like to have a fund with which they could provide themselves with the reports that they need. If there is an opportunity for the committee at this session to consider this before final action is taken, I would desire that to be done, but if you desire to act upon it now, I submit the matter with this information.

Mr. GILLETT. Mr. Chairman, it appeals to us, of course, to do anything we can for the relief of San Francisco and the sufferers from the fire. But I do not think it is fair for the gentleman to come in before the committee of the House and submit this proposition, which was never brought to the attention of the Committee on Appropriations at all, whose merits we can not go into as minutely as we ought to do. We can not tell how much we ought to appropriate. Obviously, from this letter, they are attempting now, under the guise of supplying what they had before, to get a very much better library than they had before. And it hardly seems to me right to appeal to our sympathy for that purpose.

Mr. SMITH of California. If you will allow me a moment——

Mr. GILLETT. Certainly.

Mr. SMITH of California. After consultation with the chairman of the committee, if it is agreeable to this committee of the House, I will withdraw this amendment and undertake to submit the matter to the Committee on Appropriations through the general deficiency bill.

The CHAIRMAN. Without objection, the amendment is withdrawn. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

SEC. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated for performing the service for which such person has been employed, and the heads of Departments shall cause this provision to be enforced either by the demotion or removal of such person from the public service.

Mr. LANGLEY. Mr. Chairman——

Mr. KEIFER. Mr. Chairman——

Mr. GOULDEN. Mr. Chairman, I raise a point of order on section 3. I desire to object to that section, first, because it is of an affirmative character and contains new legislation; secondly, the recommendations therein are not as they would have us believe when they undertake to place a limitation upon anything of that character. This distinctly is of an affirmative character, and I beg to call attention to the section adopted at the last session of Congress, in the same bill, and to say that this is not, as claimed in the report, a reenactment.

Mr. LANGLEY. Pending the decision of the Chair on the point of order, I desire to offer an amendment.

Mr. GOULDEN. I can not yield for that purpose at this time.

Mr. LANGLEY. I thought the gentleman had yielded the floor.

Mr. KEIFER. Mr. Chairman, I desire to know what question is before the committee.

Mr. GOULDEN. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. The gentleman from New York [Mr. GOULDEN] has made a point of order to the paragraph.

Mr. KEIFER. To section 3?

The CHAIRMAN. Section 3.

Mr. KEIFER. The whole section?

The CHAIRMAN. The whole section, on the ground that it is a change of existing law, and he is now addressing the committee on the point of order.

Mr. GOULDEN. Mr. Chairman, not only does it change existing law, but it is in conflict with the civil-service law, and, as the committee claims for it, it is not a limitation. It can not be a limitation, as it is of an affirmative character and not negative. I beg to call attention of the chairman to section 3 of the prevailing law that was adopted during the Fifty-ninth Congress. This section, I beg the Chair to note, is a radical change in the matter. The Chair will find that they have added, in section 3, line 22, "either by the demotion or removal of such persons from the public service," and, in line 3 of the prevailing law, "otherwise than temporarily." It is therefore, in my opinion, a direction and new legislation as well. When they undertake to say also "shall not be available," it is an affirmative recommendation—a direction in fact, and not in the shape of a limitation, which should simply be of a negative character. And therefore I submit to the chairman that it is in violation of Rule XIII provided with regard to new legislation as well as for the limitation.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that an amendment which he desires to offer may be read for information. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Page 166, in line 23, insert the following:

"*Provided*, That this section shall not apply to employees who served in the Army or Navy of the United States during the war of the rebellion, or who as members of State militia organizations aided in suppressing the rebellion, nor to the widows of such persons."

Mr. GOULDEN. I will insist upon my point of order.

Mr. GILLETT. Mr. Chairman, upon the point of order which the gentleman makes, the only ground upon which I can see the point of order can be sustained would be upon the ground that this limits the powers of the heads of Departments, because by it the heads of the Departments are instructed by law to cause this provision to be enforced. Now, I would suggest to the gentleman that, in his view upon the subject, he had better not insist upon his point of order, because the law now instructs the Departments to enforce this provision. The clause which we have put in——

Mr. KEIFER. I would like to ask the gentleman what law he refers to?

Mr. GILLETT. The current law of the last appropriation bill.

Mr. KEIFER. But that only makes provision for one year; that is not permanent legislation.

Mr. GILLETT. But the gentleman argues on this law.

Mr. KEIFER. This bill deals with the appropriation for 1909.

Mr. GILLETT. The gentleman bases his argument upon that ground. The current law compels the heads of the Departments to cause this provision to be enforced, and would compel them to eject from the Departments the clerks who come under this provision. We have limited that by providing that they can enforce the provision either by removal, which they would have to do under the present law, or demoting them. Instead of narrowing the scope of the Department, really we enlarge it, and it is really for the benefit of the employees that this provision should be in, because this allows them to be kept at a lower salary, whereas under the present law they are to be entirely removed from the Department; so that I think the gentleman, with his views on the subject, had better not make the point of order.

Mr. KEIFER. Does the gentleman from Massachusetts think that this proposed section will have any effect at all upon the future; that section 3 of the old law would now apply if this is stricken out and the point of order is sustained, and the section 3 of last year's appropriation would apply to the coming fiscal year?

Mr. GILLETT. No; it simply applies to this year. It is our purpose to apply it to the coming fiscal year.

Mr. KEIFER. If I understood the statement of the distinguished gentleman from Massachusetts, he concedes that this section 3 of the bill is new legislation and changes existing law?

Mr. GILLETT. I do not say that.

Mr. KEIFER. But he did concede that there was new legislation in the section. Now, under the circumstances, as the section would apply only to the appropriations to be made in this bill, then this is new legislation, and he might as well admit it as deny it, because the fact is perfectly clear that it is new legislation. There never has been any legislation such as is proposed in this section, and legislation on the same subject in the appropriation act for this fiscal year (1908) is not permanent law.

Now, Mr. Chairman, when this matter was before the committee, and I am not complaining that I did not have plenty of time to investigate it, because I did; but I was told that the provision was the same in this bill as in the bill applicable to the fiscal year 1908, and I now find on examination here that that was an error. The provision in the law applicable to this fiscal year excepts from the operation of the law persons who are temporarily disabled, and this requires the heads of the Departments to dismiss or by demotion—I do not like that word—get rid of those who are temporarily disabled. It is another method—not intentional—of attempting to do what was more directly proposed in a former Congress: To provide by law for the dismissal of the old soldiers in the Departments, and they were then willing to vote down the provision to retain them provided they performed their work as well as others. Here we have a measure for carrying out the same purpose, but in different language. Now, if you will allow me I will point out the difference. Section 3 of the act applying to this fiscal year reads:

The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated otherwise than temporarily for performing such service, and the heads of the Departments shall cause this provision to be enforced.

Section 3 of the present bill follows that language up to a place where the committee desired to make a departure to create this wholly new measure. Let me read it:

SEC. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any person incapacitated for performing the service for which such person has been employed, and the heads of Departments shall cause this provision to be enforced either by the demotion or removal of such person from the public service.

Here is omitted the word "temporarily," and in the section of this bill it is made imperative on the heads of the Departments to enforce the provision, and it provides how they shall do it. Before, it might be done in various ways, but this section 3 of the bill requires it to be done either by demotion or removal. And, more than that, we have a civil service that requires examination in order to show capacity for admission into the different Departments of clerks and others; but here it is proposed to leave it to some bureau chief to report to the head of the Department that somebody is incapaciated and then cut his head off. I should like to have a civil-service examination of the old soldiers before they are to be mustered out upon the say so of somebody who may have but very little judgment on the subject of what constitutes capacity. [Applause.]

Mr. TAWNEY. Mr. Chairman, although this clause has been carried substantially as now proposed in the legislative, executive, and judicial appropriation bill for ten years, this is the first time that it has ever provoked any discussion or criticism, either on this floor or in the press of this city. It has heretofore been carried in language far more drastic than the language now proposed. Heretofore it was the duty of the head of the Department to dismiss the clerk incapacitated for the performance of his duty. If this provision is agreed to, they can either dismiss or demote, as they see fit. Heads of Departments have come before the Committee on Appropriations at each session of Congress, and when asked if they had any person in their Department who was incapacitated for the discharge of the duties assigned to them or for which they had been employed, they answered that they had. When asked why they did not enforce this provision, they said it was impossible to dismiss people of that kind from the service, although it would be for the betterment of the service.

By this provision we propose to liberalize the existing law, and, instead of making it the duty of the head of the Department to remove, make it his duty in such case to reduce or remove. We have therefore liberalized the existing law by giving to the heads of Departments the alternative, in case of an incapacitated person, of demoting rather than dismissing.

This provision originated some ten years ago, when a certain Assistant Secretary of the Treasury adopted what was known then as an "honorary list," which was, in fact, a civil pension list, by demoting those who had reached the top of the service and become physically incapacitated for the discharge of the duties for which they were employed, thereby establishing a civil pension roll. But the power of demotion was taken away from the Departments, leaving only the power of dismissal in the event that the employee was incapable of discharging the duties for which he had been employed.

Mr. Chairman, this provision does not relate to the subject of superannuation. It does not require either the dismissal or the demotion of an employee because of age. The language is that he must be incapacitated for the discharge of the duties for which he has been employed. There is not a single word in this paragraph upon which any Member of this House can justly claim that it does relate in the least to the question of age. A man may be 100 years of age and yet if he is capable of discharging the duties for which he has been employed he can neither be demoted nor dismissed from the service under this paragraph. But the subject of superannuation is a convenient subject in this House for men to try and popularize themselves in the large cities, where a great many Federal officeholders live and vote. It is also a convenient medium for the newspapers of this city to try to increase their circulation. The moment there is anything in the legislative bill that even hints at the question of superannuation it is availed of immediately as a basis for criticising the Committee on Appropriations. The press of this city, knowing there are 30,000 Government employees here, all anxious to read something about themselves, or something in their defense, and are therefore eager to buy the evening or morning papers pending the determination of such a question, take advantage of anything that looks like superannuation to increase their circulation in the city of Washington. It is this, rather than the provision in this bill, that has prompted all of the criticism we have heard on this floor and that we have recently seen in the local press re-

garding this provision, for there is nothing in the provision regarding age or superannuation.

Now, Mr. Chairman, the point of order against this proposition does not lie. It is a limitation on the appropriations, and the last part of the sentence—

And the heads of Departments shall cause this provision to be enforced—

Which is the language in current law, is the language which this paragraph has carried in all previous bills for a number of years, supplemented by the language which is now proposed—

Either by the demotion or the removal of such persons from the public service—

Which is a part of that limitation. The entire section reads:

SEC. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any person incapacitated for performing the service for which such person has been employed, and the heads of Departments shall cause this provision to be enforced either by the demotion or removal of such person from the public service.

The first part of that is clearly a limitation on the appropriation carried in this bill for the public service. The last part is an essential part of that limitation, namely, conferring upon the heads of Departments the power to enforce the limitation. The one is a limitation and the other is an essential part of the limitation, because, without the power given to somebody to enforce it, the limitation would be a nullity, would be of no force, and of no effect whatever. I maintain, therefore, Mr. Chairman, that the section as a whole is a limitation upon the appropriation made for the public service, and that without the language "the heads of Departments shall enforce this provision either by demotion or by dismissal" leaves the limitation without any effective way for its enforcement. Therefore, it being an essential part of the limitation, it is as much in order as the language which says that no part of this appropriation shall be paid to persons who are incapacitated, and so forth. Without that language how can that limitation be enforced? Who is to determine whether or not the employees are incapacitated who we say shall not receive any part of this appropriation because of incapacity?

Mr. HEPBURN. Will the gentleman yield for a question?

Mr. TAWNEY. I will yield to the gentleman from Iowa.

Mr. HEPBURN. Is it not true that the first portion of this section is addressed to the auditing officers of the Government and the balance of it to the heads of Departments?

The appropriation herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated for performing the service for which such person has been employed.

That is addressed to the auditing officers. Have they not the power, under that, to refuse compensation without regard to the action of the heads of Departments?

Mr. TAWNEY. If they know that the person is incapacitated for the discharge of his duties, or for the duties for which he is employed, the auditing officer could refuse to pass the account for the payment of the service of that person. But this power is not limited alone to the auditing department.

Mr. HEPBURN. Do you not impose upon him the duty of inquiring whether he can make these payments or not, because if it is paid to a person who is incapacitated——

Mr. TAWNEY. No; I think not. In the absence of testimony the presumption would be that he was capable and had sufficient capacity for the discharge of his duties. I do not think the presumption would be that he was incapacitated, but the presumption would be in favor of the clerk.

Mr. HEPBURN. He has the advantage of the presumption that the Civil Service Commission can do no wrong. [Laughter.]

Mr. TAWNEY. I think the presumption would be in favor of the clerk. No matter to what extent he might be incapacitated for the performance of his duty, unless the Auditor had knowledge of his incapacity, I think he would not be justified in refusing the payment. While the Auditor has the power, where he has the knowledge, it is also proposed by this section to continue to impose upon the heads of Departments the duty of either demoting or dismissing, and thereby enforcing this limitation. Heretofore it has been the duty of heads of Departments to dismiss; there was no alternative; and under this provision some of the employees, within the last six months or during the fiscal year, have been removed from office because they were totally incapacitated for the discharge of their duties.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. COOPER of Wisconsin. I notice that in line 19 you say "shall not be available for the compensation of any person incapacitated." Must that incapacity be permanent or temporary?

Mr. TAWNEY. If the gentleman will read further the words "incapacitated for performing the service for which such person has been employed," he will see that the provision answers his question.

Mr. COOPER of Wisconsin. A man might be incapacitated for a month or two by breaking his arm, and he might be permanently incapacitated by senile dementia. Is this a permanent or temporary incapacity?

Mr. TAWNEY. It is permanent.

Mr. COOPER of Wisconsin. It does not say so.

Mr. TAWNEY. Not in express language; but he must be incapacitated for the discharge of the duties for which he has been employed.

Mr. COOPER of Wisconsin. For how long?

Mr. TAWNEY. Permanently incapacitated.

Mr. COOPER. I think the provision applies to a temporary incapacity as well.

Mr. TAWNEY. Oh, no; it does not.

Mr. POLLARD. I should like to ask the gentleman whether he has any information he can give this House which will enlighten us as to the number of employees that will be affected by this section if it should be literally enforced?

Mr. TAWNEY. I can not, but there are very few; under our system of life tenure of office it is a fact that there are quite a number of old men who now occupy positions at the head of our public service and who have reached that position because of long service and of having been promoted from one grade to another until they have gotten to the top, but who now, by reason of age or other physical disability, are totally incapacitated for the discharge of the duties in these higher grades. Nevertheless, the heads of the Departments do not demote them or can not demote them, and if they could they could be retained in the public service and these positions at the top—clerkships that command a salary of from $1,800 to $2,000 a year—could be filled by younger men and men who are capable of discharging the duties of the office, thereby not only greatly improving the efficiency of the public service but also reducing the demand for more clerks in the higher grades. One of the reasons that Congress is asked every session to increase the number of $1,800 and $2,000 clerks is because there are so many in the public service who have become incapacitated, either by age or other physical disability, and who can not be removed or demoted. The duty of removing has heretofore been placed upon the heads of the Department, but as a matter of mercy these old men have been retained in these higher places and have not been dismissed. It is now proposed not to separate them from the service, but when they are totally incapacitated for the discharge of the duties of the position to demote them to positions where, notwithstanding their incapacity for the performance of the duties devolving upon a high position, they may be able to perform duties that are less onerous and in that way be retained in the public service. I submit, Mr. Chairman, that in view of the fact that the first part of this is a clear limitation, and that without this language the limitation would be ineffective, it therefore becomes and is a part of the limitation.

Mr. KEIFER. Mr. Chairman, I would greatly prefer that this question of order should be decided on the reading of the third section of the bill than upon various statements and assumptions and allegations as to what is in that section. The inquiry of the distinguished gentleman from Iowa [Mr. HEPBURN] took away the necessity of my commenting particularly upon one point, but I am not satisfied with the voluminous answer made by the chairman of the Committee on Appropriations, where he said the bill meant in its reading that the officer, to wit, whose duty it was by the bill, to wit, the auditing officer, was to pay without knowing whether the party was incapacitated for performing the service, but simply on the presumption of capacity. Now, there is nothing of the kind in the section, and there is nothing which justifies that view by reason of any connection with any other matter in it. Moreover, then comes the inquiry from the distinguished gentleman from Wisconsin [Mr. COOPER] as to whether or not this demotion or dismissal could not come in case of a temporary incapacity, and the distinguished chairman says no, that it must be permanent only, whereas in the last bill and the last law, and the one applicable to this fiscal year, the word "temporarily" appears as an exception to the operation of that section; and when the committee came to draw this section of the bill under consideration it used different language in order to get away from the temporary clause, and to make it ferocious and drastic, they struck out the clause relating to the exception in favor of those only temporarily incapacitated. Then the distinguished chairman says we do not mean what we say in the bill at all.

Mr. TAWNEY. Will the gentleman permit an interruption?
Mr. KEIFER. Yes.

Mr. TAWNEY. Is the gentleman aware of the fact that at the last two sessions of Congress he voted for this provision without the words "otherwise than temporarily" in that provision? The House has always passed it in that way, and the Senate has put in those words.

Mr. KEIFER. Oh, Mr. Chairman, let me make half of my speech and he may make the other. It is the custom here of people to make most of another man's speech, and I would like to get half the time. I am aware of the fact that the Appropriation Committee at the first session of the Fifty-ninth Congress reported an open, frank, thoroughly avowed provision in an appropriation bill requiring the heads of Departments to dismiss all old soldiers, practically, that there were in the service, if they showed any signs of decay by age, and I did not vote for that. That provision went out on a point of order, and it would have gone out by a very large vote of the House. I might go further and say what took place before that provision of the bill reached that point, but I will not; it may not be proper. Now, let us get back, Mr. Chairman, if I can have the attention of the Chair for a minute, to the real question, and that is whether, as the gentleman from Minnesota [Mr. TAWNEY] alleges, this is a limitation to put this language in here. I might put my statement against his and say it was not a limitation, but I prefer, Mr. Chairman, that the Chair should read the section himself, and I want to call the attention of the Chair to this, that there is no limitation on the expenditure of the money at all. It is only a provision requiring it to be paid out to persons who are adjudged to be capacitated in the opinion of those over them, and it is not a provision that it shall not all be paid out.

When the language used operates to prevent the use of the money at all, that is the time that a limitation comes in within the rule; when there is something provided in a bill that prohibits the expenditure at all, save on certain conditions being complied with, then the rule might admit the provision. This does not so limit it. It is equivalent to saying to the accounting officers of the Treasury, You shall pay this money all out to persons who are, in the opinion of somebody—heads of Departments, if you please—capacitated, and there is not a cent of money to be saved, only it is not to go to the superannuated old soldier, as some young fellow in a Department may decide. [Laughter and applause.] Now, is there any limitation? It is only limited to paying the strong-bodied people and not those who have acquired a capacity to do work by long experience and in general in a satisfactory way, but yet have grown old and feeble and frail. It is not the worst thing that could happen to a great Government like this that we should pay some old, broken-down man who has to toil painfully, on account of age and infirmities, to discharge his duties. There is not a manufacturing establishment in my country, there is hardly a railroad in this country, that does not have people on the retired list; you may call them pensioners, if you please. I remember a very interesting incident that happened here in this city in the Administration of Gen. Ulysses S. Grant. He had for his Secretary that great old man, Zachary Chandler, and he, too, took one of those spasmodic spells of reform and sent word around in his Department to find out who were incapacitated, and he found some and issued his order to dismiss them. One old maiden lady, frail and feeble from age, and who performed her work, doubtless through pain and tribulation, took her little discharge one afternoon up to the White House and worked her way into General Grant's presence and showed it to him. She told him her name was Meade, that she was the sister of Maj. Gen. George G. Meade, that she had labored in her place all the time through the period she had been there as hard as she could and as well as she could, and while she was somewhat frailer now, she was still trying to do her duty. General Grant heard her and said, "Wait." He took up a small card and wrote on it: "Mr. Secretary Chandler, let Miss Meade stay as long as we stay," and signed it "Grant." She took it back and handed it to the Secretary, and he thought that he would not be behind General Grant; that he would go him one better, and he ordered Miss Meade to take her desk or table and retain it, and then issued an order that he would dismiss the first head of a department who made a complaint about her work to him. [Laughter and applause.] There was some humanity, some sentiment, in that. We are now scared all along the line that we are liable to get somebody on the roll who is not quite as strong physically as he ought to be.

But there is no limitation here, Mr. Chairman. The money is to be expended, and the only limitation is that it is to go to people who are strong bodied, whether strong-minded or not I do not know. [Applause.]

Mr. MANN. Mr. Chairman, of course the question to which we must address ourselves now is the point of order. It is very apparent, I think, that the first part of this section is not subject to the point of order, that it is a mere limitation, and very likely that part of the section which provides that "the heads of Departments shall cause this provision to be enforced" is not subject to the point of order, because it can not be a change of law, for it is the duty of heads of Departments to enforce the law. But the paragraph goes on to say, and I call the attention of the gentleman from Minnesota particularly to this, "to be enforced either by the demotion or removal of such person from the public service." Grant that the first part of the section is a limitation purely and that it is the duty of heads of Departments to enforce that as an enforcement of the law, this latter part does affect the discretion of the heads of Departments as to the manner of the enforcement. It might easily be, Mr. Chairman, that a person employed in one office would be wholly incapacitated from performing the duties of that office and might well be capacitated to performing the duties of a higher office and might well be promoted instead of demoted so far as capacity is concerned, or a person might be incapacitated from performing the duties of one office and be transferred to another at the same salary, but this provision would restrict the discretion of the heads of Departments in that respect, and hence it seems to me it must be considered new legislation.

The CHAIRMAN. The Chair is ready to rule. The gentleman from New York makes the point of order against section 3, on page 166. That section provides:

SEC. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated for performing the service for which such person has been employed, and the heads of Departments shall cause this provision to be enforced either by the demotion or removal of such person from the public service.

The House, of course, has a right to withhold an appropriation in whole or in part. It also has a right to specify in what way an appropriation shall be expended, by what is called a limitation. But a limitation may not be such as when fairly construed is an affirmative change of existing law. It seems clear to the Chair that this paragraph limits the discretion of heads of the Departments in that it requires them to do certain things which they would otherwise not be required under the law to do. The Chair, therefore, sustains the point of order.

Mr. GILLETT. Mr. Chairman, I offer an amendment as a substitute for the paragraph which has just been stricken out; that is, beginning at line 17 down to the words "heads of Departments."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 166, after line 16, insert:
"SEC. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any person incapacitated for performing the service for which such person is employed."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. CHANEY. Mr. Chairman, I offer an amendment to be inserted at the conclusion of the amendment just adopted.

The CHAIRMAN. The gentleman from Indiana [Mr. CHANEY] offers an amendment which the Clerk will report.

The Clerk read as follows:

After line 23, page 166, add the following:
"*Provided*, That in the case of clerks incapacitated for the performance of their respective duties, and who are discharged from the civil service on this account, they shall be retired from the civil service at 50 per cent of their respective salaries at the time of their retirement: *And provided further*, That the heads of the respective Departments of the Government shall withhold from the annual salaries of all clerks in said Departments one-half of 1 per cent of their respective salaries to constitute a fund from which to pay such retired salaries.

Mr. GILLETT. Mr. Chairman, as to that, I make the point of order that it changes existing law.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLETT] makes the point of order that the amendment changes existing law. Does the gentleman from Indiana [Mr. CHANEY] desire to be heard on the point of order?

Mr. CHANEY. No; I am willing that the Chair shall rule upon it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LANGLEY. Mr. Chairman, I desire that my amendment be read again. I offer it now as an amendment to the amendment which has just been adopted by the committee.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 166, line 23, insert at the conclusion of the section:
"*Provided*, That this section shall not apply to employees who served in the Army or Navy of the United States during the war of the rebellion or who, as members of the State militia organizations, aided in suppressing the rebellion; nor to the widows of such persons."

Mr. LIVINGSTON. I would suggest to the gentleman that he had better cover the Confederates.

Mr. TAWNEY. Mr. Chairman, I reserve a point of order.

Mr. LIVINGSTON. The gentleman had better cover the Confederates who are now serving in United States Departments as employees. Is the gentleman willing to amend by doing that? I propose to amend it with this language——

Mr. LANGLEY. I am willing. I think the old Confederates and their widows should also be protected in this respect. I drew the amendment hurriedly here on the floor, and followed the phraseology of existing law along similar lines.

Mr. LIVINGSTON. Those who served in the war in the Confederate army and who are now employed in the Departments of the Government.

Mr. BURLESON. I think we ought to include the soldiers of the Mexican war and the war of 1812.

Mr. MANN. How about the Revolutionary war?

Mr. MACON. And the Indian wars, too?

Mr. TAWNEY. Mr. Chairman, I make the point of order that this amendment comes too late. This section has been agreed to and has been passed. This amendment ought to have been offered before that amendment was adopted.

Mr. GOULDEN. The gentleman had offered his amendment while the other was pending.

The CHAIRMAN. The gentleman's amendment was simply read for the information of the committee.

Mr. LANGLEY. I addressed the Chair in time, but he did not hear me.

Mr. TAWNEY. I understand this is the parliamentary status: The amendment to the bill offered by the gentleman from Massachusetts [Mr. GILLETT] has been adopted, and the gentleman from Indiana [Mr. CHANEY] had offered another new section.

The CHAIRMAN. The gentleman from Massachusetts offered an amendment as a new section, and that was agreed to by the committee. That action having been taken, the Chair must hold that it is now too late to amend.

Mr. LANGLEY. Then, Mr. Chairman, I offer the amendment as an additional section.

The CHAIRMAN. The gentleman from Kentucky offers an amendment as a new section, which the Clerk will report.

The Clerk read as follows:

Insert as a new section the following:
"*Provided*, That the previous section shall not apply to employees who served in the Army or Navy of the United States during the war of the rebellion, or who as members of State militia organizations aided in suppressing the rebellion, nor to the widows of such persons."

Mr. FINLEY. I make the point of order on that, that it changes existing law.

Mr. TAWNEY. I would suggest also that it is simply an amendment to the section that has already been adopted.

The CHAIRMAN. The gentleman now offers it as a separate section.

Mr. TAWNEY. It is an amendment, in fact. It modifies the former section.

The CHAIRMAN. It seems to the Chair that the contention of the gentleman from Minnesota is correct, and he therefore sustains the point of order.

Mr. LANGLEY. Then I ask unanimous consent of the committee that it may be considered at this time. These old soldiers and their widows ought to be retained whether they are able to work much or not.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the amendment which he has offered may be considered at this time.

Mr. FINLEY. I object.

The Clerk read as follows:

SEC. 5. No person now or hereafter employed in the classified service of any Executive Department shall be transferred from one Executive Department to, or be otherwise employed in, another Executive Department until such person shall have served continuously not less than three years in the Department from which he seeks transfer or in some other Department as an employee in the classified service.

Mr. GOULDEN. Mr. Chairman, I make the point of order against section 5, that it is new legislation.

The CHAIRMAN. Does the gentleman in charge of the bill desire to be heard on the point of order?

Mr. TAWNEY. Mr. Chairman, this paragraph with the exception of a few words is permanent law—that is, the law at the present time prohibits the transfer of an employee from one Department to another Department until that employee has served at least three years in the Department from which the transfer is desired.

The CHAIRMAN. The Chair understands the gentleman from Minnesota to state that this is permanent law.

Mr. TAWNEY. It is permanent law, adopted by the last Congress. Now, the language of this paragraph, which is new and which changes the law—I do not claim it is not subject to the point of order, but submit this to the gentleman in the hope he may possibly withdraw his point of order——

Mr. GOULDEN. I shall be glad to if the gentleman shows me a good reason why.

Mr. TAWNEY (continuing). Are the words "or to be otherwise employed in another Executive Department."

Now, the reason for that change is this: The employees in the several Executive Departments here have found a convenient way of evading the law we have heretofore passed. They know they must remain in the Department to which they have been appointed three years before they can secure a transfer. At the present time, instead of waiting three years, they go and take a civil-service examination. In the meantime they look around to find out where there is an opportunity for a higher salary, and are certified from the eligible list to the Department requiring the services of someone at a higher compensation than they are receiving in the Department to which they were originally appointed. Then they resign, and take an original appointment in the other Department. It was this condition of affairs that induced the committee to recommend to this House an increase in the salary of some employees in the Internal Revenue Department, in order that that Department could retain their employees in a certain division, when not a single person in that division had been in the employ of the Department for more than seven months.

Mr. GOULDEN. I wish to ask the gentleman from Minnesota if he does not consider it entirely right and proper for employees of the Government to take civil-service examinations in order to better their condition, and take new places if they can obtain them? Why would the gentleman dampen the ambition of these people?

Mr. TAWNEY. Why, Mr. Chairman, this condition exists to-day. We have here in the city of Washington Executive Departments competing with one another for the services of the best men; and in some of the Departments in particular, where a large part of the service is paid out of lump-sum appropriations and the compensation is fixed by the head of the Department, they can increase their salaries and make a special bid for the employees of other Departments to come out of the service they are in and go into this particular service where a larger compensation is paid.

Mr. CRUMPACKER. Mr. Chairman, I would like to ask the gentleman a question or two on this provision. Does it not permit temporary detail of clerks from one Department to another?

Mr. TAWNEY. No; they can detail within the Department, but they can not detail from one Department to another Department.

Mr. CRUMPACKER. Now, there is this objection I have to this provision. I think wherever there is a drastic provision respecting the administrative service of the Government made that might perhaps operate to its embarrassment and detriment, methods will be found to get around it. If the law had limited the period of employment to one year it would have been all right. Clerks may demonstrate within less than two years peculiar aptitude for a particular kind of service and for the service generally. I think that the three-year period is too long before authorizing a transfer of these clerks to a position where their aptitude and capability would seem to peculiarly fit them.

One year is long enough to prevent the abuse that the gentleman from Minnesota complains of, it seems to me, and in attempting to cure one abuse the Congress, I believe, has created a much greater one.

Mr. TAWNEY. The one-year limitation would be evaded just as readily as the three-year limitation.

Mr. CRUMPACKER. Then what is the use of having any?

Mr. TAWNEY. I have called attention to the fact that in the Internal Revenue Bureau there is to-day in one division not a single employee who has been there more than seven months, and some of those who are now there have been offered positions in another Department at an increased salary, and have taken civil-service examinations and are eligible to appointment in that other Department; and the reason they have done so is simply because in that other Department the salaries are not fixed by Congress, but are fixed by the head of the bureau at a rate that will enable them to secure the best men. We ought certainly to try either to get all the public

service on a strictly classified basis, so that there would be no inducement for one Department to compete with another, or else we ought to make it impossible, within a reasonable limit of time, for a transfer to be made from one Department or employment in another Department. The language is clearly subject to the point of order, and I do not intend to discuss that.

Mr. GOULDEN. The gentleman has not given sufficient reasons why I should withdraw my point of order. I want to say that there is nothing I would not like to do for my distinguished friend from Minnesota, because we saw the light of day within 2 miles of each other, and therefore I look upon him as my particular, personal, special friend; but I can not withdraw the point of order, and therefore insist upon it.

The CHAIRMAN. The Chair understands the gentleman from Minnesota to concede that the paragraph is subject to the point of order. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 6. In the discretion of the Secretary of the Interior, persons employed June 30, 1908, as additional members of the Board of Pension Appeals may be transferred and appointed to places in the classified service of the Department of the Interior without reference to the "Act to regulate and improve the civil service of the United States," approved January 16, 1883.

Mr. LANGLEY. Mr. Chairman, I make the point of order on that section.

The CHAIRMAN. The gentleman from Kentucky makes the point of order that this is contrary to existing law. Does the gentleman in charge of the bill desire to be heard on the point of order? If not, the Chair sustains the point of order.

The Clerk resumed and completed the reading of the bill.

Mr. MANN. Mr. Chairman, I ask to recur to page 34, under the order heretofore adopted, for the purpose of offering an amendment.

The CHAIRMAN. Consent having been previously given, the committee will now return to page 34. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 34, after line 9, insert:
"Files, House of Representatives: To move the files of the House of Representatives from the Library of Congress to the House Office Building and construct the necessary equipment therefor, $6,250."

The amendment was agreed to.

Mr. BINGHAM. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, and had directed him to report the same back to the House with certain amendments, and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BINGHAM. I move the previous question on the bill and amendments to the final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the vote will be taken and the amendment engrossed.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. HITCHCOCK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HITCHCOCK. I rise to move that the bill be recommitted, with instructions to report certain amendments.

The SPEAKER. Will the gentleman send his motion to the desk?

Mr. HITCHCOCK. The amendment, Mr. Speaker, which I have sent up is to be added to line 2, page 148, after the word "Congress."

The SPEAKER. The gentleman from Nebraska moves to recommit the bill to the Committee on Appropriations with instructions to report the bill with the following amendment, which the Clerk will report.

The Clerk read as follows:

Including information showing the prices at which American-made goods are sold abroad to merchants and at retail.

Mr. TAWNEY. Mr. Speaker, I make a point of order against the motion of the gentleman from Nebraska. It is new legislation. It would not be in order on the bill if offered in Committee of the Whole. In fact, this identical amendment was ruled upon in Committee of the Whole and held not to be in order for the reason that it was not germane and that it was new legislation.

The SPEAKER. The Chair will hear the gentleman from Nebraska.

Mr. HITCHCOCK. Mr. Speaker, concerning the first objection, that this amendment is not germane, there can hardly be an argument in support of such a position. This is a paragraph which provides for the employment of certain agents of the United States Government at a stipulated compensation per day, such agents to investigate trade conditions abroad. Now, my amendment simply specifies one of the trade conditions abroad which these agents are required to investigate, namely, the prices at which American-made goods are sold abroad.

As to the second point, that this is new legislation, I think the objection is without force. Here we have, Mr. Speaker, a condition in which the Government is seeking to foster American manufactures and American foreign trade. It seeks to foster American manufactures by providing a high protective tariff to protect those manufacturers in the sale of their goods in the United States. In doing so it practically levies a tax upon the whole American people, and the charge has been openly made and never denied that these manufacturers so protected by law in the American market against foreign competition go into the foreign markets and sell to the foreigners in those foreign markets these American-made goods at a much lower price than they sell in the American market.

Now, Mr. Speaker, I am not finding fault with the provision in this bill which proposes by the use of money from the United States Treasury to spread American trade abroad. I am not finding fault with the object in view of extending, as far as possible, the foreign trade in American-made goods, but I do think it is very important, when the United States is spending this money for the promotion of that trade, to require its agents who are investigating foreign trade conditions in giving information to Congress, as provided in the paragraph, to let Congress know officially and authoritatively whether or not the prices at which American-made goods are sold abroad are lower than they are sold for in the United States.

Mr. LIVINGSTON. Will the gentleman from Nebraska allow me to suggest that he had better broaden his instructions? We have authorized six agents at $25,000; and if the gentleman's amendment be adopted, it would take twenty-six agents. He had better broaden his instruction and authorize the committee to ascertain the number that would be necessary to do that work which he has indicated.

Mr. HITCHCOCK. I think I have gone as far in this amendment as I can go within the rules. I believe my amendment is strictly within the rules. It is certainly germane; it relates to the foreign trade conditions specified in the paragraph; it relates to the sale of American-made goods abroad; and this information should be had not only by the people of the United States for political reasons, but it should be had by Members of this Congress when they are legislating to encourage manufactures at home and to spread the sale of American-made goods abroad.

Mr. WILLIAMS. Mr. Speaker, this clause to which the amendment is sought reads "for compensation and actual traveling expenses of special agents to investigate trade conditions abroad." Now, then, in regard to the point that this is new legislation. The whole idea of the amendment is that these special agents authorized under this clause to "investigate trade conditions abroad" shall, as a part of their "investigation of trade conditions abroad," inquire whether "the trade conditions abroad" are such that American-produced goods are being sold lower abroad than at home. Now, Mr. Speaker, a part is never greater than the whole, nor can you change existing legislation by specifying a thing already contained generically in existing legislation.

As to the question whether it is germane or not, it seems to me that requires no argument, and the point as to whether it is new legislation or not is the point to be considered. I suggest that so long as it only suggests a particular direction within the line of inquiry already provided for by existing legislation the amendment itself can not be new legislation.

Mr. UNDERWOOD. Mr. Speaker, I just desire to say one word in reference to the point of order as to whether this is new legislation. I think it is clearly within the power of this House, not of members of the Committee of the Whole House on the state of the Union, but within the power of this House, to put new legislation on an appropriation bill. The House continually authorizes new legislation to be put on an appropriation bill by a rule that is brought into the House and passed and authorized by the House of Representatives; in other words, it changes Rule XXI to that extent by order of the

House. I say that this motion to refer with instructions amounts to the same thing as bringing in a rule and authorizing the new legislation to be put on the bill, and therefore I contend that this House has a right to instruct a committee, not that the committee can bring it in itself, but the House of Representatives may instruct a committee to bring in a bill with new legislation on it just like the Committee on Rules often authorizes new legislation to be put on an appropriation bill.

Mr. MANN. Mr. Speaker, I ask that the amendment be again reported.

The SPEAKER. Without objection the Clerk will again report the amendment.

The Clerk again reported the amendment.

Mr. MANN. Mr. Speaker, as to the last proposition of the gentleman from Alabama [Mr. UNDERWOOD], I take it that it has been repeatedly ruled that you can not by a recommitment obtain the insertion in a bill of an item which is subject to a point of order in the Committee of the Whole. You can not accomplish, in other words, indirectly what you can not accomplish directly, and if this amendment were subject to a point of order in the committee, then it is subject to a point of order on the motion to recommit. It seems to me that the amendment is subject to a point of order both because it is not germane and because it is new legislation. The purpose of the paragraph is manifestly entirely apart from the question of obtaining retail prices of these American goods sold abroad. The purpose of the paragraph is to investigate the conditions of trade with a view of increasing the sale of goods abroad, and the information particularly given to merchants at home. We put in the paragraph originally for the special purpose of accommodating our distinguished friend from the South in regard to the cotton trade.

Mr. HITCHCOCK. Will the gentleman permit an interruption? The paragraph states what the purpose is—"and the results of such investigation shall be reported"—not to merchants, but "to Congress."

Mr. MANN. Well, the gentleman will discover, if he goes through the law, that these reports are required to be made and published, and that they are distributed to the merchants and the manufacturers in the shape of special bulletins issued by the Department of Commerce and Labor under another law, which does not confine itself to the appropriation bill. It is true that the item in the appropriation bill requires that these investigations shall be reported to Congress. They are also reported to the manufacturers and merchants. Now, the purpose of the amendment is to accomplish an entirely different matter. There is no relation between the two propositions so far as the actual work is concerned, and it would require an entirely different character of person in the agent to accomplish the one result from what it would to accomplish the other result. In other words, if it should be held that this amendment be in order and the amendment should go into the law, it will entirely destroy the object of the first part of this section and absolutely kill the investigation that is now going on, and that of itself, it seems to me, is a test of the germaneness of the proposition. That it is new legislation it seems to me clearly the case. These agents now are subject to the discretion of themselves and the Department of Commerce and Labor, which gives them directions, and this proposition directs them and interferes with that discretion which the Department now has, and hence is of itself a change of law because interfering with the discretion now possessed.

The SPEAKER. The gentleman from Nebraska moves to recommit the bill to the Committee on Appropriations with an instruction to report the same back to the House amending that portion of the bill to be found on pages 147 and 148, which reads as follows:

For compensation at not more than $10 per day and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, $35,000; and the results of such investigations shall be reported to Congress—

By adding at the end after the word "Congress" the following:

including information showing the prices at which American-made goods are sold abroad to merchants and at retail.

The Chair has verified his impression that the item as reported in the bill and agreed to by the House dwells in the bill alone, or in other words, it is not authorized by existing law, and if a point of order had been made upon it in Committee of the Whole, or if it had been considered in the House, and the present occupant of the Chair had been called upon to rule upon that point of order, he would have sustained it. The authorities are many and uniform touching the effort to amend upon a motion of this kind.

On page 360 of the Manual, under the title of "change of existing law" the Chair reads as follows:

A paragraph which changes existing law being allowed by general consent to remain, it may be perfected by any germane amendment. But this does not permit an amendment which adds additional legislation.

This adds, as is patent upon its face, additional legislation, and it seems to the Chair to dispose of the point of order. The Chair listened with interest to the gentleman from Alabama. This is a motion to recommit, which motion—the Chair does not now speak of instructions—is in order notwithstanding the previous question has been ordered which cuts off all amendment. But you can not do indirectly that which you can not do directly. If you could not make the amendment while it was being considered in the committee you can not make the amendment on a motion to recommit. The Chair could rule upon the second point as to whether it is germane or not, but the Chair is admonished from rulings of Speakers in all the past that when you find something that disposes of the point of order there is no use in piling Pelion upon Ossa. Therefore the Chair sustains the point of order.

Mr. TAWNEY. Mr. Speaker, I move to recommit the bill and upon that I ask the previous question.

Mr. HITCHCOCK. Mr. Speaker, I appeal from the decision of the Chair. With apologies for having addressed the Chair as Mr. President and with apologies for dissenting, I appeal from the decision of the Chair, and on that I ask the yeas and nays.

Mr. TAWNEY. Mr. Speaker, I move to lay the appeal upon the table.

The SPEAKER. The gentleman from Minnesota moves to lay the appeal upon the table.

Mr. WILLIAMS. Upon which I ask the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 120, nays 111, answering "present" 7, not voting 151, as follows:

YEAS—120.

Alexander, N. Y.	Cushman	Howell, N. J.	Needham
Allen	Davidson	Howell, Utah	Nelson
Andrus	Davis, Minn.	Howland	Norris
Bannon	Dawes	Huff	Nye
Barclay	Dawson	Hughes, W. Va.	Parker, N. J.
Bartholdt	Draper	Hull, Iowa	Parsons
Bates	Driscoll	Humphrey, Wash.	Payne
Beale, Pa.	Edwards, Ky.	Jenkins	Perkins
Bede	Ellis, Mo.	Jones, Wash.	Pollard
Bennet, N. Y.	Ellis, Oreg.	Kahn	Porter
Bingham	Esch	Kelfer	Pray
Birdsall	Foss	Knopf	Reeder
Bonynge	Foster, Ind.	Knowland	Roberts
Boyd	Foster, Vt.	Küstermann	Rodenberg
Brownlow	Gaines, W. Va.	Landis	Slemp
Brumm	Gardner, Mass.	Langley	Smith, Cal.
Burke	Gardner, Mich.	Laning	Smith, Iowa
Burton, Del.	Gardner, N. J.	Lawrence	Snapp
Butler	Gillett	Lindbergh	Southwick
Campbell	Graff	Littlefield	Sperry
Capron	Greene	Longworth	Stafford
Caulfield	Gronna	Loudenslager	Stevens, Minn.
Chaney	Hale	Lovering	Sturgiss
Chapman	Hall	McCall	Sulloway
Cocks, N. Y.	Harding	McMillan	Tawney
Conner	Haugen	Madden	Taylor, Ohio
Cook, Colo.	Henry, Conn.	Malby	Tirrell
Cooper, Wis.	Hepburn	Mann	Vreeland
Cousins	Higgins	Marshall	Wood
Crumpacker	Holliday	Mouser	Young

NAYS—111.

Alexander, Mo.	Denver	Johnson, Ky.	Reid
Ansberry	Edwards, Ga.	Jones, Va.	Richardson
Ashbrook	Ellerbe	Keliher	Rucker
Bartlett, Ga.	Ferris	Kipp	Russell, Mo.
Bartlett, Nev.	Fitzgerald	Kitchin, Claude	Russell, Tex.
Beall, Tex.	Floyd	Kitchin, Wm. W.	Sabath
Bell, Ga.	Fornes	Lamar, Mo.	Saunders
Booher	Foster, Ill.	Lamb	Shackleford
Brantley	Fulton	Leake	Sheppard
Broussard	Garner	Lee	Sims
Brundidge	Garrett	Legare	Slayden
Burgess	Gillespie	Lewis	Smith, Mo.
Burleson	Gregg	Livingston	Smith, Tex.
Burnett	Hackett	Lloyd	Sparkman
Byrd	Hackney	McHenry	Spight
Caldwell	Hamill	Macon	Stanley
Candler	Hardwick	Maynard	Stephens, Tex.
Carlin	Harrison	Murphy	Sulzer
Carter	Hay	O'Connell	Talbott
Clark, Fla.	Heflin	Page	Thomas, N. C.
Clark, Mo.	Helm	Patterson	Tou Velle
Clayton	Henry, Tex.	Peters	Underwood
Cockran	Hitchcock	Pou	Wallace
Cox, Ind.	Hobson	Pujo	Watkins
Craig	Houston	Rainey	Webb
Crawford	Hughes, N. J.	Randell, Tex.	Williams
Davenport	Hull, Tenn.	Ransdell, La.	Wilson, Pa.
De Armond	Humphreys, Miss.	Rauch	

ANSWERING "PRESENT"—7.

Adamson	Finley	Hamilton, Iowa	James, Ollie M.
Brodhead	Goulden	Howard	

NOT VOTING—151.

Acheson	Flood	Knapp	Padgett
Adair	Focht	Lafean	Parker, S. Dak.
Aiken	Fordney	Lamar, Fla.	Pearre
Ames	Foulkrod	Lassiter	Powers
Anthony	Fowler	Law	Pratt
Barchfeld	French	Lenahan	Prince
Bennett, Ky.	Fuller	Lever	Reynolds
Boutell	Gaines, Tenn.	Lilley	Rhinock
Bowers	Gilhams	Lindsay	Riordan
Bradley	Gill	Lorimer	Robinson
Brick	Glass	Loud	Rothermel
Burleigh	Godwin	Lowden	Ryan
Burton, Ohio	Goebel	McCreary	Scott
Calder	Goldfogle	McDermott	Sherley
Calderhead	Gordon	McGavin	Sherman
Cary	Graham	McGuire	Sherwood
Cassel	Granger	McKinlay, Cal.	Small
Cole	Griggs	McKinley, Ill.	Smith, Mich.
Cook, Pa.	Haggott	McKinney	Steenerson
Cooper, Pa.	Hamilton, Mich.	McLachlan, Cal.	Sterling
Cooper, Tex.	Hamlin	McLain	Taylor, Ala.
Coudrey	Hammond	McLaughlin, Mich.	Thomas, Ohio
Cravens	Hardy	McMorran	Townsend
Currier	Haskins	Madison	Volstead
Dalzell	Hawley	Meyer	Waldo
Darragh	Hayes	Miller	Wanger
Davey, La.	Hill, Conn.	Mondell	Washburn
Denby	Hill, Miss.	Moon, Pa.	Watson
Diekema	Hinshaw	Moon, Tenn.	Weeks
Dixon	Hubbard, Iowa	Moore, Pa.	Weems
Douglas	Hubbard, W. Va.	Moore, Tex.	Weisse
Dunwell	Jackson	Morse	Wheeler
Durey	James, Addison D.	Mudd	Wiley
Dwight	Johnson, S. C.	Murdock	Willett
Englebright	Kennedy, Iowa	Nicholls	Wilson, Ill.
Fairchild	Kennedy, Ohio	Olcott	Wolf
Fassett	Kimball	Olmsted	Woodyard
Favrot	Kinkaid	Overstreet	

So the appeal was laid on the table.

The Clerk announced the following pairs:

On this vote:

Mr. WATSON with Mr. WEISSE.

Mr. TOWNSEND with Mr. WILEY.

Mr. STEENERSON with Mr. TAYLOR of Alabama.

Mr. SCOTT with Mr. SMALL.

Mr. OVERSTREET with Mr. SHERWOOD.

Mr. OLMSTED with Mr. RYAN.

Mr. MUDD with Mr. ROBINSON.

Mr. MCCREARY with Mr. RHINOCK.

Mr. LOWDEN with Mr. MOORE of Texas.

Mr. LAFEAN with Mr. MCDERMOTT.

Mr. KNAPP with Mr. LINDSAY.

Mr. KENNEDY of Ohio with Mr. LASSITER.

Mr. HUBBARD of Iowa with Mr. KIMBALL.

Mr. HASKINS with Mr. HILL of Mississippi.

Mr. HAMILTON of Michigan with Mr. HARDY.

Mr. FOCHT with Mr. GORDON.

Mr. DUNWELL with Mr. GOLDFOGLE.

Mr. DIEKEMA with Mr. GODWIN.

Mr. DALZELL with Mr. MOON of Tennessee.

Mr. CARY with Mr. GLASS.

Mr. CALDERHEAD with Mr. FAVROT.

Mr. CALDER with Mr. CRAVENS.

Mr. BURTON of Ohio with Mr. FLOOD.

Mr. BURLEIGH with Mr. BOWERS.

Mr. ACHESON with Mr. ADAIR.

Mr. KINKAID with Mr. HAMMOND.

Mr. FORDNEY with Mr. OLLIE M. JAMES.

For this day:

Mr. WALDO with Mr. GILL.

Mr. OLCOTT with Mr. WILLETT.

Mr. COOPER of Pennsylvania with Mr. LEVER.

Mr. SMITH of Michigan with Mr. ROTHERMEL.

Mr. COUDREY with Mr. NICHOLLS.

Mr. FASSETT with Mr. BRODHEAD.

Mr. COOK of Pennsylvania with Mr. JOHNSON of South Carolina.

Mr. HILL of Connecticut with Mr. HOWARD.

Mr. CHANEY with Mr. DIXON.

Mr. REYNOLDS with Mr. WOLF.

Mr. COLE with Mr. DAVEY of Louisiana.

Mr. THOMAS of Ohio with Mr. PADGETT.

Mr. BARCHFELD with Mr. MCLAIN.

Mr. LILLEY with Mr. COOPER of Texas.

Mr. HAWLEY with Mr. GRANGER.

Until further notice:

Mr. FOULKROD with Mr. HAMLIN.

Mr. FAIRCHILD with Mr. AIKEN.

Mr. DWIGHT with Mr. MEYER.

Mr. MCMORRAN with Mr. LENAHAN.

Mr. KENNEDY of Iowa with Mr. HAMILTON of Iowa.

Mr. DENBY with Mr. SHERLEY.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. BOUTELL with Mr. GRIGGS.

Mr. AMES with Mr. LAMAR of Florida.

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. BRADLEY with Mr. GOULDEN.

Mr. ADAMSON with Mr. WANGER.

Mr. CURRIER with Mr. FINLEY.

Mr. TAWNEY. Mr. Speaker, I move to recommit the bill, and upon that motion I ask the previous question.

The SPEAKER. The question is upon ordering the previous question.

The question was taken; and the previous question was ordered.

The SPEAKER. The question now is on the motion to recommit.

The question was taken; and the motion was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the bill was passed.

Mr. BINGHAM. Mr. Speaker, I move to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion was agreed to.

PRINTING COMMISSION.

The SPEAKER announced the appointment of Mr. FINLEY as a member of the Printing Commission under the act approved March 4, 1907.

CENSUS.

Mr. CRUMPACKER. Mr. Speaker, I desire to give notice to the House that to-morrow, immediately after the conclusion of the consideration of pension business on the Calendar, I will move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill providing for the taking of the thirteenth and subsequent censuses.

LEAVE TO WITHDRAW PAPERS.

Mr. PADGETT, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of William Johnson (H. R. 9821), Fifty-eighth Congress, no adverse report having been made thereon.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES.

Mr. GREENE. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on the Merchant Marine and Fisheries be authorized to have meetings of the committee during the session of Congress.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

PRESIDENT'S ANNUAL MESSAGE.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the resolution distributing the annual message of the President; and, pending that, I ask unanimous consent that all general debate be considered closed. If I may be indulged a word, I would like to dispose of this resolution distributing the President's annual message. I have introduced a resolution, which has been referred to the Committee on Ways and Means, which will report a resolution distributing the last message from the President. So that there will be ample time for general debate upon that proposition.

Mr. WILLIAMS. With the understanding that there will be opportunity for debate when the committee reports the resolution distributing the last message of the President, having no demands for time at present, I have no objection.

Mr. PAYNE. I ask unanimous consent that all general debate be considered closed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The motion to go into Committee of the Whole House on the state of the Union was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. VREELAND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of House resolution No. 43, of which the Clerk will report the title.

The Clerk read as follows:

A resolution distributing the President's message.

Mr. PAYNE. Mr. Chairman, this resolution was read in full in the Committee of the Whole and has been most thoroughly and conscientiously debated in the committee by a great many

Members of the House, extending over quite a good many days. I have no doubt it is thoroughly understood, although not a word was said about it during the whole debate; and, unless some gentleman has some amendment to offer to the resolution, I shall move that the committee rise and report the resolution to the House with the recommendation that it do pass.

Mr. CLARK of Missouri. Mr. Chairman, I agreed with the gentleman from New York that I would not oppose this motion provided he would at an early day introduce a resolution to distribute this last message.

Mr. PAYNE. I will say to the gentleman from Missouri that I have introduced a resolution, which has been referred to the Committee on Ways and Means, for the distribution of the last message.

Mr. CLARK of Missouri. I am very glad to hear it.

Mr. PAYNE. I intend to call a meeting of the committee this week to consider that resolution, and if there are votes enough we will report it to the House.

Mr. CLARK of Missouri. All right.

Mr. PAYNE. I move that the committee do now rise.

Mr. MANN. May I inquire whether the resolution has ever been read?

Mr. PAYNE. It has.

Mr. MANN. The resolution will have to be read. We concluded general debate. I am sure that the gentleman from New York would not want to inaugurate a system of reporting a measure from the Committee of the Whole without having been read.

Mr. PAYNE. The resolution is all in one section, and it is not necessary to read it a second time, but in order to please the gentleman from Illinois, I will ask unanimous consent that the resolution be read again by the Clerk.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the resolution be again read.

Mr. MANN. It has to be; it is not a matter of unanimous consent, Mr. Chairman; it is a matter of right.

The CHAIRMAN. The point of order of the gentleman from Illinois is well taken.

The resolution was again read.

Mr. HUGHES of New Jersey. I desire to offer the following amendment:

The Clerk read as follows:

Add the following words: "So much as relates to new legislation be referred to the 'big five' of the House."

[Laughter.]

Mr. PAYNE. Mr. Chairman, I am afraid I shall have to raise the point of order on that.

Mr. WILLIAMS. Upon what ground does the gentleman from New York raise the point of order—that it is new legislation or a new rule?

Mr. PAYNE. Because there is no such committee in the House except as it exists in the exuberant imagination of my friend from Missouri. [Laughter.]

Mr. WILLIAMS. Not a change of existing customs of the House at all?

Mr. PAYNE. I make the point of order that it is the function of the House and not this committee to appoint.

The CHAIRMAN. The point of order is sustained.

Mr. PAYNE. I move that the committee do now rise and report the resolution to the House with the recommendation that it do pass.

Mr. HUGHES of New Jersey. There is an amendment pending. Has the Chair ruled on the amendment?

The CHAIRMAN. The Chair ruled on the amendment and sustained the point of order. The question is on the motion of the gentleman from New York that the committee rise and report the resolution to the House.

The question was taken, and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. VREELAND, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House resolution 43, relating to the distribution of the annual message of the President of the United States, and had directed him to report the same back to the House with the recommendation that it do pass.

The resolution was agreed to.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 22 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Director of the Mint submitting an estimate of appropriation for coal bunkers at the Philadelphia mint—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for carrying out the obligations of the Rio de Janeiro conference—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for printing certain maps—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate for the construction of a barge office building in New York City—to the Committee on Immigration and Naturalization and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred, as follows:

Mr. HIGGINS, from the Committee on the Territories, to which was referred the bill of the House (H. R. 17055) to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico, reported the same without amendment, accompanied by a report (No. 964), which said bill and report were referred to the House Calendar.

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 13465) to amend the laws concerning transportation between ports of the Territory of Hawaii and other ports of the United States, reported the same with amendments, accompanied by a report (No. 965), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 3330) for the relief of William L. Best, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL of Iowa, from the Committee on Military Affairs: A bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909—to the Union Calendar.

By Mr. STANLEY: A bill (H. R. 17289) for the further protection of interstate trade—to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: A bill (H. R. 17290) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies"—to the Committee on the Judiciary.

By Mr. COOPER of Texas: A bill (H. R. 17291) to supplement an act entitled "An act to promote the safety of employees and travelers on railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous train brakes, and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, and March 2, 1903—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDWELL (by request): A bill (H. R. 17292) granting pensions to teamsters of the war of the rebellion and Indian wars from 1861 to 1865, inclusive—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 17293) providing for daily reports of amount of cotton ginned—to the Committee on the Census.

By Mr. LITTLEFIELD: A bill (H. R. 17294) conferring upon the court of appeals of the District of Columbia, and upon any judge thereof, the jurisdiction to hear and determine the constitutionality or legality of any public expenditure—to the Committee on the Judiciary.

By Mr. MADDEN: A bill (H. R. 17295) to aid the Lincoln Farm Association, of New York, to build and endow a national memorial to Abraham Lincoln on the site of the Lincoln birthplace farm in Kentucky—to the Committee on Appropriations.

By Mr. McKINLEY of Illinois: A bill (H. R. 17296) providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. SMITH of Michigan: A bill (H. R. 17297) authorizing the extension of New York avenue from its present terminus, near Fourth street NE., to the Bladensburg road—to the Committee on the District of Columbia.

Also, a bill (H. R. 17298) to define the size and capacity of receptacles used in the sale of farm and garden produce generally, and for other purposes—to the Committee on the District of Columbia.

By Mr. HUMPHREY of Washington: A bill (H. R. 17299) to authorize the Commissioner of Education to conduct special investigations and report and diffuse information and advice respecting the same—to the Committee on Education.

By Mr. SULZER: A bill (H. R. 17300) to establish a Department of Labor—to the Committee on Labor.

By Mr. STEPHENS of Texas: A bill (H. R. 17301) to authorize the Secretary of the Interior to lease allotted or unallotted Indian lands for mining purposes—to the Committee on Indian Affairs.

By Mr. HAUGEN: A bill (H. R. 17302) appropriating $5,000 to enable the Secretary of the Treasury to complete the Federal building at Mason City, Iowa, according to the original plans and specifications—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 17303) authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW.—to the Committee on the District of Columbia.

Also, a bill (H. R. 17304) to amend an act to regulate plumbing and gas fitting in the District of Columbia, approved June 18, 1898—to the Committee on the District of Columbia.

Also, a bill (H. R. 17305) to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOWLAND: A bill (H. R. 17306) to provide for the cancellation and revocation of certain rights of way over public lands—to the Committee on the Public Lands.

By Mr. PATTERSON: A bill (H. R. 17307) to restore to certain citizens the proceeds arising from the sale of their lands under the several acts levying direct taxes, and for other purposes—to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17308) to permit distilled spirits to be transferred from the original packages into bottles and cases while in distillery bonded warehouse—to the Committee on Ways and Means.

Also, a bill (H. R. 17309) providing for a vacation for storekeepers, storekeeper-gaugers, and gaugers in the Internal-Revenue Service—to the Committee on Ways and Means.

Also, a bill (H. R. 17310) to fix the proof of spirits bottled in bond—to the Committee on Ways and Means.

By Mr. TAYLOR of Alabama: A bill (H. R. 17311) to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. BEDE: Joint resolution (H. J. Res. 140) authorizing the printing of 10,000 copies of the complete orders of Gen. George Washington during the war of the Revolution—to the Committee on Printing.

By Mr. WEBB: Resolution (H. Res. 243) referring to the Court of Claims the bill H. R. 16303—to the Committee on War Claims.

Also, resolution (H. Res. 244) referring to the Court of Claims the bill H. R. 16302—to the Committee on War Claims.

By Mr. BARTHOLDT: Resolution (H. Res. 247) for payment of an assistant clerk to the Committee on Public Buildings and Grounds—to the Committee on Accounts.

By Mr. SHACKLEFORD: Resolution (H. Res. 248) directing the Secretary of the Treasury to furnish to the House certain information concerning the subtreasury at St. Louis—to the Committee on Ways and Means.

By Mr. OVERSTREET: Resolution (H. Res. 249) for the payment of a messenger to the Committee on the Post-Office and Post-Roads—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 17312) granting a pension to Ruben Driskill—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: A bill (H. R. 17313) granting an increase of pension to John Ropp—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 17314) granting an increase of pension to James C. Stephens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17315) granting an increase of pension to George W. Brink—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 17316) to correct the military record of Balsor Gudermuth—to the Committee on Military Affairs.

Also, a bill (H. R. 17317) authorizing the President to appoint E. Russell Mears captain and paymaster, United States Army—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 17318) granting an increase of pension to Wiley Lype—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17319) granting a pension to Nancy West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17320) granting a pension to D. W. Crawford—to the Committee on Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 17321) granting a pension to Isaac R. Jester—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 17322) for the relief of J. W. Causey—to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 17323) for the relief of the estate of Dr. Robert E. Peyton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17324) for the relief of William H. Robinson—to the Committee on War Claims.

Also, a bill (H. R. 17325) for the relief of the estate of James T. Ball, deceased—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 17326) granting an increase of pension to Thompson H. Withers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17327) granting an increase of pension to William W. Davis—to the Committee on Invalid Pensions.

By Mr. COCKS of New York: A bill (H. R. 17328) granting an honorable discharge to James F. De Beau—to the Committee on Military Affairs.

By Mr. DRISCOLL: A bill (H. R. 17329) for the relief of the heirs of Asa O. Gallup—to the Committee on War Claims.

By Mr. EDWARDS of Kentucky: A bill (H. R. 17330) granting an increase of pension to Shadrach Stacy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17331) granting an increase of pension to John Mogg—to the Committee on Pensions.

Also, a bill (H. R. 17332) granting an increase of pension to Alonzo H. Chism—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17333) granting an increase of pension to James R. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17334) granting an increase of pension to Henderson Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17335) granting an increase of pension to John Doss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17336) granting an increase of pension to George W. Mason—to the Committee on Pensions.

Also, a bill (H. R. 17337) granting an increase of pension to Laban McGahan—to the Committee on Pensions.

Also, a bill (H. R. 17338) granting an increase of pension to William S. Gregory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17339) granting an increase of pension to John P. Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17340) for the relief of Thomas J. Wells—to the Committee on Military Affairs.

Also, a bill (H. R. 17341) granting a pension to Margaret E. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17342) granting a pension to Martha Jones—to the Committee on Pensions.

Also, a bill (H. R. 17343) granting a pension to Warner Raiser—to the Committee on Pensions.

By Mr. FULTON: A bill (H. R. 17344) for the relief of Frederick Daubert—to the Committee on Claims.

By Mr. FOWLER: A bill (H. R. 17345) granting a pension to Frances J. Dalrymple—to the Committee on Invalid Pensions.

Mr. FOSS: A bill (H. R. 17346) granting life-saving medals to Edward Spencer, Charles H. Fowler, and Joseph C. Hartzell—to the Committee on Interstate and Foreign Commerce.

By Mr. FAVROT: A bill (H. R. 17347) for the relief of heirs of Martha Bennett Slack and Charles A. Slack, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17348) for the relief of the estate of Henry Ware, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17349) for the relief of heirs or estate of Edward Gaudin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17350) for the relief of heirs or estate of Mrs. Emiline J. Penny, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17351) for the relief of heirs or estate of Mrs. Hyacinth A. Morgan, deceased—to the Committee on War Claims.

By Mr. GORDON: A bill (H. R. 17352) for the relief of the estate of Jacob Glenn, deceased—to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 17353) granting a pension to Thomas Cline—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 17354) granting an increase of pension to James M. Eudailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17355) authorizing the Court of Claims to investigate and report the facts on the claims of Emmetta Humphreys, administratrix of Gen. John Sevier and of John Sevier, jr.—to the Committee on Private Land Claims.

By Mr. HAMLIN: A bill (H. R. 17356) granting an increase of pension to O. A. Stine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17357) granting an increase of pension to John H. Bull—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Iowa: A bill (H. R. 17358) granting an increase of pension to Robert F. Appleby—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 17359) granting an increase of pension to Mary L. Walker—to the Committee on Pensions.

By Mr. HARDING: A bill (H. R. 17360) for the relief of Oglesby & Barnitz Company, of Middletown, Ohio—to the Committee on Claims.

By Mr. HEPBURN: A bill (H. R. 17361) granting an increase of pension to L. C. Hodges—to the Committee on Invalid Pensions.

By Mr. HILL of Mississippi: A bill (H. R. 17362) for the relief of heirs of Samuel R. Garner, deceased—to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 17363) granting an increase of pension to Edward L. Bradley—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 17364) referring to the Court of Claims the claim of the legal heirs of John Harper, deceased, to certain lands in the State of Virginia—to the Committee on Claims.

By Mr. HULL of Tennessee: A bill (H. R. 17365) granting a pension to Elizabeth Parham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17366) granting a pension to Joshua Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17367) granting a pension to Andrew J. Sells—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 17368) granting an increase of pension to John Bush—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17369) granting a pension to John H. Case—to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 17370) granting an increase of pension to Harrison Davis—to the Committee on Invalid Pensions.

By Mr. KIMBALL: A bill (H. R. 17371) granting an increase of pension to Jeremiah Kincaid—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17372) for the relief of the estate of Mrs. Prudence Hensley, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17373) for the relief of Mrs. Helen S. Hogan—to the Committee on Claims.

Also, a bill (H. R. 17374) for the relief of the heirs of Henry Cohen—to the Committee on War Claims.

Also, a bill (H. R. 17375) granting a pension to Nannie Kenny Thomas—to the Committee on Pensions.

Also, a bill (H. R. 17376) granting a pension to John B. Skidmore—to the Committee on Pensions.

By Mr. LANING: A bill (H. R. 17377) granting a pension to Sarah Goff Beach—to the Committee on Pensions.

Also, a bill (H. R. 17378) granting a pension to Abbie C. Fleharty and Louise Fleharty—to the Committee on Invalid Pensions.

By Mr. LEGARE: A bill (H. R. 17379) for the relief of the heirs of Denis O'Callaghan, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17380) for the relief of Sarah Watts—to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 17381) granting an increase of pension to Peter L. Cramer—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 17382) granting an increase of pension to John H. Plush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17383) granting an increase of pension to Henry Hibner—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 17384) granting an increase of pension to James H. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17385) granting an increase of pension to John Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17386) granting an increase of pension to Cosma T. Coleman—to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 17387) granting an increase of pension to Trowbridge Suwarrow—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 17388) granting an increase of pension to Joseph H. Hadley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17389) granting an increase of pension to John Boyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17390) to authorize the accounting officers of the Treasury Department to readjust the accounts of transportation companies for the transportation of troops, and for other purposes—to the Committee on Claims.

By Mr. RICHARDSON: A bill (H. R. 17391) granting a pension to Charles M. Stebbins—to the Committee on Pensions.

By Mr. RODENBERG: A bill (H. R. 17392) granting an increase of pension to Newton F. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17393) granting a pension to Alexander Lamont—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17394) for the relief of Emma T. Reid, widow of John B. Reid—to the Committee on War Claims.

Also, a bill (H. R. 17395) granting a pension to Emma T. Reid—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 17396) granting an increase of pension to Harvey N. Tennant—to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 17397) to refund certain taxes paid by the S. C. Herbst Importing Company, of Milwaukee, Wis.—to the Committee on Claims.

By Mr. SMITH of Michigan: A bill (H. R. 17398) granting an increase of pension to Samuel W. Dunham—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 17399) granting an increase of pension to William H. Shriver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17400) granting an increase of pension to Noah Gross—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 17401) for the relief of Mrs. George Goldthwaite—to the Committee on Pensions.

By Mr. SULZER: A bill (H. R. 17402) granting an increase of pension to Louis Fricke—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 17403) granting an increase of pension to A. B. Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17404) granting an increase of pension to Gilbert F. Gould—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 17405) granting a pension to Emma C. Peterson—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 17406) to complete the military record of Reuben K. Deaver—to the Committee on Military Affairs.

By Mr. WILSON of Pennsylvania: A bill (H. R. 17407) granting an increase of pension to George W. Musto—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17408) granting an increase of pension to Joseph R. Duffield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17409) granting an increase of pension to William W. Ritchey—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Lake Seamen's Union of Buffalo, N. Y., for H. R. 14941, preventing insufficient crews on steam vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALEXANDER of Missouri: Papers to accompany bills for relief of William Wilson (H. R. 15989), Francis M. Bennett (H. R. 16108), and Ruben Driskill—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of Farmers' Institute of Defiance, Ohio, February 10, 1908, for a parcels-post law—to the Committee on the Post-Office and Post-Road.

By Mr. BARTHOLDT: Petition of board of directors of St. Louis Merchants' Exchange, for an amendment to interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of board of directors of St. Louis Merchants' Exchange, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Bottlers' Local Union of St. John, Mo., against legislation favoring prohibition—to the Committee on the Judiciary.

Also, petition of friends of the public school, against legislation favoring prohibition—to the Committee on the District of Columbia.

By Mr. CALDER: Petition of New York Board of Trade and Transportation, against S. 42 and other kindred bills of House and Senate—to the Committee on Agriculture.

Also, petition of Buffalo Oil, Paint, and Varnish Company, against further commercial legislation as regards the paint industry—to the Committee on Interstate and Foreign Commerce.

Also, petition of South Bend National Bank, of South Bend, Ind., favoring currency legislation—to the Committee on Banking and Currency.

Also, petition of Irving T. Bush, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. CALDWELL: Petition of United States Plumbers' Steam Company, Local Union No. 137, for building battle ships in United States navy-yards—to the Committee on Naval Affairs.

By Mr. CANDLER: Paper to accompany bill for relief of J. W. Causey—to the Committee on War Claims.

By Mr. CHANEY: Paper to accompany bill for relief of William W. Davis—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of New York Board of Trade, against S. 42 and kindred bills of House and Senate—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of H. J. Swift, department commander of the Grand Army of the Republic, Department of New York, against abolition of pension agencies—to the Committee on Invalid Pensions.

Also, petition of Buffalo Oil and Paint Company, of New York, against commercial legislation to affect the paint industry—to the Committee on Interstate and Foreign Commerce.

Also, petition of South Bend National Bank, of South Bend, Ind., for currency legislation—to the Committee on Banking and Currency.

Also, petition of Merchants' Association of New York, for a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of Irving T. Bush and others, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Central Federated Union of Greater New York, for battle ship construction in United States navy-yards—to the Committee on Naval Affairs.

Also, petition of New York Board of Trade and Transportation, against S. 42 and kindred House and Senate bills—to the Committee on Agriculture.

By Mr. DUREY: Petition of H. B. Settle, of Saratoga Springs, N. Y., against amendment of proposed copyright law inimical to photographers—to the Committee on Patents.

By Mr. EDWARDS of Kentucky: Paper to accompany bill granting a pension to William H. Lewis (H. R. 10835)—to the Committee on Pensions.

By Mr. ELLIS of Oregon: Petition of Commercial Club of Eugene, Oreg., for appropriation to improve channel at mouth of Siuslaw River, Oregon—to the Committee on Rivers and Harbors.

By Mr. ESCH: Petition of Chicago city council, for arbitration of telegraph strikes—to the Committee on Labor.

Also, petition of Milwaukee Association of Credit Men, approving present bankruptcy law—to the Committee on the Judiciary.

By Mr. FAVROT: Papers to accompany bills for relief of estate of Mrs. E. J. Penny, estate of Mrs. Hyacinth A. Morgan, estate of Edward Gaudin, and heirs of Martha Bennett Slack and Charles A. Slack—to the Committee on War Claims.

By Mr. FORNES: Petition of Charles Hallen, of New York City, against amendment of copyright law relative to photographers—to the Committee on Patents.

By Mr. FOWLER: Petition of Christian Endeavor Union of Plainfield, N. J., against traffic in intoxicants—to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Washington, State of New Jersey, for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of W. H. Klinedinst, of Morristown, N. J., against proposed amendment to copyright bill—to the Committee on Patents.

Also, petition of Union County Trades Council; International Moulders' Union, of North Dover, N. J., for building battle ships in United States navy-yards—to the Committee on Naval Affairs.

Also, petition of Union County Board of Agriculture, of Elizabeth, N. J.—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Marion Campbell, president South Bend National Bank, for guaranty of bank deposits—to the Committee on Banking and Currency.

Also, petition of Edward J. James for H. R. 7619, for relief of Col. W. W. Robinson—to the Committee on Military Affairs.

Also, petition of Southern Indiana Teamsters' Association, for bill to pension Army teamsters (Fifty-ninth Congress, H. R. 12243; Sixtieth Congress, H. R. 8487)—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of E. W. Hickman—to the Committee on War Claims.

By Mr. GORDON: Papers to accompany bills for relief of estate of John Millington and estate of Jacob Glenn—to the Committee on War Claims.

By Mr. GOULDEN: Petition of Lake Seamen's Union of Detroit, Mich., favoring H. R. 14941, to correct the undermanning evil on steam vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of James A. Garfield Post, Grand Army of the Republic, of San Francisco, Cal., for H. R. 220—to the Committee on the Judiciary.

Also, petition of Merchants' Association of New York City, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. HAMILTON of Iowa: Petition of people of Grinnell, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. HARDWICK: Petition of Credit Men's Association of Atlanta, Ga., for H. R. 13266, amending bankruptcy law—to the Committee on the Judiciary.

By Mr. HEPBURN: Petition of Chicago Commercial Telegraphers' Union, for legislation on various subjects relating to telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of Iowa State Traveling Men's Association and Council Bluffs (Iowa) Council, United Commercial Travelers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Paper to accompany bill for relief of Dallas Seaburg—to the Committee on Invalid Pensions.

By Mr. HILL of Mississippi: Paper to accompany bill for relief of heirs of Samuel R. Garner—to the Committee on War Claims.

By Mr. HOWARD: Memorial of mayor and council of city of Brunswick, in behalf of the Atlantic and Great Western Canal—to the Committee on Rivers and Harbors.

Also, memorial of mayor and council of Chattanooga, Tenn., for establishment of a brigade post at Chickamauga Park—to the Committee on Military Affairs.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Matthias J. Brower (H. R. 17252)—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: Petition of Mrs. M. B. Fuell, secretary Woman's Christian Temperance Union of Louisville, Ky., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LINDSAY: Petition of Irving T. Bush et al., against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of New York Board of Trade and Transportation, against S. 42 and H. R. 6089, S. 3043 and H. R. 12675 and 13460—to the Committee on Agriculture.

Also, petition of National German-American Alliance, against immigration legislation until Immigration Commission has reported—to the Committee on Immigration and Naturalization.

Also, petition of H. J. Swift, representing veterans of New York, against consolidation of pension agencies—to the Committee on Invalid Pensions.

Also, petition of Grand Street Board of Trade, for building battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. LEE: Papers to accompany bills for relief of Andrew J. Casey and Zebudee Slaton—to the Committee on War Claims.

By Mr. LEWIS: Papers to accompany bills for relief of Peter L. Cramer and Benjamin F. Finical—to the Committee on Invalid Pensions.

By Mr. McDERMOTT: Petition of Henry Wiegel and 1,700 others, for Federal investigation of methods of telegraph companies under certain conditions, and for legislation to cause telegraph companies to show plainly time of delivery of messages, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Petition of F. F. Hull et al., of Washington County, Kans., for H. R. 40, prohibition of liquor selling in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of legal voters of the Fifth Congressional District of Nebraska, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. O'CONNELL: Petition of Boston Newspapers, International Typographical Union, for repeal of tariff on white paper, wood pulp, etc.—to the Committee on Ways and Means.

By Mr. PRINCE: Petitions of George H. Thomas Post, No. 5, and U. S. Grant Post, No. 28, of Chicago; Jesse K. Dubois Post, No. 44, of Lawrenceville; Hiram McClintock Post, No. 667, of Lagrange; Post No. 107, of Macomb; Dixon Post, No. 299, of Dixon; Barthson Post, No. 6, of Joliet; John W. Lawrence Post, No. 296, of Carbondale; Dunham Post, No. 141, of Decatur; Veteran Post, No. 49; John A. Parrott Post, No. 543; Mattoon Post, No. 404, and Kilpatrick Post, No. 276, Grand Army of the Republic, all of the State of Illinois, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. REID: Paper to accompany bill for relief of Beverly D. Hunt—to the Committee on Invalid Pensions.

By Mr. RIORDAN: Petition of Irving T. Bus, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. SABATH: Petition of Chicago Local, No. 1, of the Commercial Telegraphers' Union of America, for legislation to investigate in certain particulars the status of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Arizona: Petition of Phoenix, Ariz., Board of Trade, in favor of amending section 4 of an act to regulate commerce, approved June 29, 1906—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Union No. 352, of Phoenix, Ariz., International Typographical Union, for repeal of duty on white paper, etc.—to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturalization.

By Mr. SPIGHT: Paper to accompany bill for relief of Thomas Fahey—to the Committee on War Claims.

By Mr. STERLING: Petition of Chicago Local No. 1, Commercial Telegraphers' Union of America, for Federal investigation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of New York Board of Trade and Transportation, against S. 42 and kindred House and Senate bills—to the Committee on Agriculture.

Also, petition of Buffalo Oil, Paint, and Varnish Club, against commercial legislation affecting the paint industry—to the Committee on Interstate and Foreign Commerce.

Also, petition of South Bend National Bank, of South Bend, Ind., for currency legislation—to the Committee on Banking and Currency.

Also, petition of Merchants' Association of New York, for a permanent tariff commission—to the Committee on Ways and Means.

By Mr. WILSON of Pennsylvania: Petitions of D. W. Coffin and 15 others; of James S. Blair and 27 others; and M. L. Grist and 13 others, all of Tioga County, Pa., for S. 3152 (additional protection to dairy interests)—to the Committee on Agriculture.

Also, petition of Local Union No. 141, International Typographical Union, of Williamsport, Pa., for repeal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. YOUNG: Memorial of Montcalm County Farmers' Institute, of Lakeview, Mich., against reduction of tariff on sugar—to the Committee on Ways and Means.

SENATE.

TUESDAY, *February 18, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 16882. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes;

H. R. 16956. An act to authorize the Hydro-Electric Company to construct a dam across White River near the village of Decker, in Knox County, Ind.; and

H. J. Res. 138. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in Northern prisons and were buried near the prisons where they died, and for other purposes."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 2756. An act for the relief of L. K. Scott;

H. R. 6231. An act to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district;

H. R. 9218. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;"

H. R. 12398. An act to authorize the War Department to transfer to the State of Kansas certain land now a part of the Fort Riley Military Reservation;

H. R. 12420. An act to extend immediate transportation privileges to the subport of Alburg, in the customs collection district of Vermont;

H. R. 13430. An act to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind.;

H. R. 14040. An act to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties;

H. R. 14781. An act to authorize Campbell County, Tenn., to construct a bridge across Powells River; and

H. R. 16050. An act to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Merchants' Association of New York City, N. Y., remonstrating against the passage of the so-called "Aldrich emergency currency bill," which was ordered to lie on the table.

He also presented a petition of the Commercial Telegraphers' Union of America, of Chicago, Ill., praying for the enactment of legislation to prohibit the free frank or privilege for the transmission of messages by telegraph or telephone, which was referred to the Committee on Interstate Commerce.

Mr. WHYTE presented a petition of the congregation of the Jones Methodist Episcopal Church, of Cecil County, Md., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented the proceedings of the Civic Center at its annual meeting held in Washington, D. C., relative to the reports of the industrial, charitable, and educational departments of the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of John Sedgwick Post, No. 4, Department of New Hampshire, Grand Army of the Republic, of Keene, N. H., praying for the passage of the so-called "Sherwood bill," granting more liberal rates of pensions, which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Kent City, Mich., and a petition of sundry

citizens of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. NELSON presented a memorial of the Commercial Club of Hastings, Minn., remonstrating against the enactment of legislation to secure the use of the United States mail equipment; to place the rural service on a paying basis, and also against the consolidation of third and fourth class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry organizations of St. Peter, St. Paul, Janesville, Winona, and Minneapolis, all in the State of Minnesota, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 630, International Typographical Union, of St. Cloud, Minn., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. GAMBLE presented a memorial of the Southeastern South Dakota Retail Lumber Dealers' Association, of Yankton, S. Dak., remonstrating against the enactment of legislation to secure the use of the United States mail equipment; to place the rural service on a paying basis, and also against the consolidation of third and fourth class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WETMORE presented a petition of the Citizens' Business Association, of Newport, R. I., praying that an adequate appropriation be made for the completion of the defenses at Narragansett Bay, in that State, which was referred to the Committee on Appropriations.

Mr. WARREN presented a petition of the Industrial Club of Cheyenne, Wyo., praying for the enactment of legislation to increase the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Albany and Laramie counties, Wyo., praying for the enactment of legislation providing for the leasing of public grazing lands, which was referred to the Committee on Agriculture and Forestry.

Mr. CULBERSON presented memorials of sundry organizations of Kerrville, Nordheim, Denison, and Weimar County, all in the State of Texas, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. STEPHENSON presented memorials of sundry organizations of Grand Rapids, St. Croix Falls, Algonia, Plymouth, and Augusta, all in the State of Wisconsin, remonstrating against the enactment of legislation to abolish certain pension agencies throughout the United States, which were referred to the Committee on Pensions.

He also presented a petition of Local Union No. 23, Web Pressmen's Union, of Milwaukee, Wis., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of the Milwaukee Association of Credit Men, of Milwaukee, Wis., remonstrating against the repeal of the present national bankruptcy law, which was referred to the Committee on the Judiciary.

Mr. WARNER presented the memorial of Edward J. Davison, of Kansas City, Mo., remonstrating against the adoption of a certain amendment to the present copyright law relating to photographic reproductions, which was referred to the Committee on Patents.

He also presented memorials of sundry organizations of St. Louis and St. Joseph, in the State of Missouri, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a paper to accompany the bill (S. 1676) to create in the War Department a roll to be known as the volunteer retired list, to authorize placing thereon with retired pay certain surviving officers of the United States Volunteer Army of the civil war, and for other purposes, which was referred to the Committee on Military Affairs.

Mr. LONG presented a petition of sundry citizens of St. Marys, Kans., praying for the enactment of legislation providing for the guaranty of national bank deposits, which was referred to the Committee on Finance.

He also presented a petition of Chapman Post, No. 362, Department of Kansas, Grand Army of the Republic, of Chapman, Kans., praying for the passage of the so-called "Sherwood bill" granting more liberal rates of pensions, which was referred to the Committee on Pensions.

He also presented a petition of the Commercial Club, of Wellington, Kans., praying that an appropriation be made for the purchase of a site and the erection of a public building at that city, which was referred to the Committee on Public Buildings and Grounds.

Mr. BURKETT presented a petition of the Commercial Club, of Omaha, Nebr., praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry organizations of Kenesaw, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens on account of sex, which were referred to the Select Committee on Woman Suffrage.

Mr. DEPEW presented a petition of Local Union No. 21, International Photo-Engravers Union of North America, of New York City, N. Y., and a petition of Local Union No. 167, International Typographical Union, of Schenectady, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of Local Union No. 128, United Garment Workers of America, of Syracuse, N. Y., praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the New York Board of Trade and Transportation, of New York City, N. Y., remonstrating against the passage of the so-called "Gallinger bill," to prevent the manufacture, sale, or transportation of adulterated or misbranded foods, drugs, etc., which was referred to the Committee on Manufactures.

Mr. DOLLIVER presented a petition of Local Union No. 1, Commercial Telegraphers' Union of America, of Chicago, Ill., praying for the enactment of legislation placing the telegraph systems of the United States under the provisions of an act whereby any controversies threatening to interfere with the telegraph service may have Federal investigation, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Decatur County, Iowa, remonstrating against the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Decatur County, Iowa, remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Commercial Club of Perry, Iowa, and a memorial of the State Traveling Men's Association, of Des Moines, Iowa, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Whatsoever Circle of Burlington; of the Shakespeare Club of Burlington; of the Tourist Club of Fairbank; of the Iowa Congress of Mothers, of Des Moines; of the XV Club of Albia; of the Elkader Coterie, of Elkader, and of the Ladies' Literary Club of Laporte, all in the State of Iowa, praying for the enactment of legislation to regulate the employment of child labor, which were referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 73, International Typographical Union, of Ottumwa, Iowa, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of Harlan Post, No. 197, Department of Iowa, Grand Army of the Republic, of Harlan, Iowa, praying for the passage of the so-called "Lefean pension bill," which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Home Missionary societies of Sioux City, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Vinton, Iowa, praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry retail merchants of Badger, Iowa, remonstrating against the enactment of legislation to amend an act to promote the safety of employees and travelers upon railroads, which was referred to the Committee on Interstate Commerce.

Mr. PENROSE presented sundry papers to accompany the bill (S. 3136) granting an increase of pension to Annie T. Penrose, which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 4957) to grant an honorable discharge to Alfred L. Dutton, which was referred to the Committee on Military Affairs.

Mr. HOPKINS presented a petition of the Trades and Labor Assembly of New Athens, Ill., praying for the enactment of legislation providing for the construction of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. BAILEY presented sundry papers to accompany the bill (S. 796) for the relief of L. F. Gower, Laura Gower, M. R. Gower, and Mrs. Sarah P. Boykin, heirs of Dr. James Gower, deceased, which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 797) for the relief of Mrs. S. E. Underwood, formerly widow of Samuel Ward, deceased, which were referred to the Committee on Claims.

CARE OF INSANE IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I present the report of the Board of Charities to the Commissioners on the care of the insane in the District of Columbia. I move that it be printed as a document and referred to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Immigration, to whom was referred the bill (S. 5083) to amend section 1 of the passenger act of 1882, reported it with amendments.

Mr. CLAPP, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 5330) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes; and

A bill (S. 450) for the relief of the State of North Carolina.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 140) for the establishment of a park on the northern portion of the Coeur d'Alene Indian Reservation in Idaho, reported it without amendment and submitted a report thereon.

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (S. 1559) for the relief of the Citizens' Bank of Louisiana, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3923) to fix the limitation applicable in certain cases, reported it without amendment and submitted a report thereon.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (S. 4171) to provide for continuation of investigations of the rivers and water resources of the United States, asked to be discharged from its further consideration and that it be referred to the Committee on the Geological Survey, which was agreed to.

Mr. DIXON, from the Committee on Indian Affairs, to whom was referred the bill (S. 4916) authorizing the Secretary of the Interior to issue patent in fee to the board of missions of the Protestant Episcopal Church for certain lands situated in the State of Idaho, reported it with amendment, and submitted a report thereon.

INQUIRY AS TO CERTAIN WESTERN LAND GRANTS.

Mr. FULTON. From the Committee on the Judiciary, I report back with an amendment in the nature of a substitute the joint resolution (S. R. 48) instructing the Attorney-General to institute certain suits, etc., and I submit a report thereon. I ask that the joint resolution may be read and given present consideration.

The VICE-PRESIDENT. If there be no objection, the proposed substitute will be read for the information of the Senate.

The SECRETARY. The committee report to strike out all after the resolving clause and to insert:

That the Attorney-General of the United States be, and he hereby is, authorized and directed to institute and prosecute any and all suits in equity, actions at law, and other proceedings which he may deem adequate and appropriate, to enforce any and all rights and remedies of the United States of America in any manner arising or growing out of, or pertaining to, either or any of the following-described acts of Congress, to wit: "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts approved June 25, 1868, and April 10, 1869; also "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State," approved March 3, 1869; also "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, including all rights and remedies in any manner relating to the lands or any part thereof, granted by either or any of said acts; and in and by any and all such suits, actions, or proceedings, the Attorney-General shall, in such manner as he shall deem appropriate, assert all rights and remedies existing in favor of the United States relating to the subject of such suits, actions, and proceedings, including the claim on behalf of the United States that the lands granted by each of said acts, respectively, or any part thereof, have been and are forfeited to the United States, by reason of any breaches of violations of any of the terms or conditions of either or any of said acts, which may be alleged and established in any such suits, actions, or proceedings; it not being intended hereby to determine the right of the United States to any such forfeiture or forfeitures, but it being intended to fully authorize the Attorney-General, in and by such suits, actions, or proceedings to assert on behalf of the United States, and the court or courts before which suits, actions, or proceedings may be instituted or pending, to entertain, consider, and adjudicate the claim and right of the United States to such forfeiture or forfeitures, and, if found, to enforce the same.

Resolved further, That the authority and direction hereinbefore given shall extend to any and all suits, actions, or proceedings which may be instituted or pending under the authority of the Attorney-General at the time of the adoption and approval hereof.

Mr. FRYE rose.

Mr. FULTON. I yield to the Senator from Maine.

Mr. FRYE. I was going to ask the Senator from Oregon why such directions and instructions to the Attorney-General are necessary?

Mr. FULTON. Mr. President, I was about to make a statement. My own view is that the Attorney-General would have authority probably without this joint resolution to prosecute such suits and actions as are contemplated by it; but the Department of Justice is not thoroughly satisfied that it can maintain the suits to the extent of having at least a forfeiture declared, in case it shall appear that the conditions of the grants have not been complied with, without some expression by Congress and authorization to proceed to that extent. As the Department of Justice will have charge of the litigation and is responsible for it, it seems to me proper to give it such power and authority as it deems possibly may be requisite and necessary.

I call the attention of the Senate to the fact that the joint resolution does not assert any fact; it does not assert that there has been a violation of the terms of the grant, or declare a forfeiture. It simply authorizes the ascertainment of the fact, and authorizes the court, in case it shall determine, that a grant has been so violated as to justify a forfeiture, to decree a forfeiture.

The original joint resolution was brought in by the Senator from South Carolina [Mr. TILLMAN], and this is substantially his measure, but as re-formed and put in different language by the Department of Justice itself. This joint resolution was prepared by the Department of Justice and sent to the subcommittee of the Committee on the Judiciary, of which I was a member.

Mr. TELLER rose.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. TELLER. I thought the Senator had gotten through.

Mr. FULTON. I was going to say briefly that this measure has reference to certain grants of land within the limits of the State of Oregon. I think it does not apply to any outside of that State. That is my recollection. The grants were made by Congress on the express stipulation that the lands should be sold to actual settlers only in quantities not exceeding 160 acres, and at a price not exceeding $2.50 per acre. It is contended that they have sold in quantities exceeding 160 acres to one party at prices exceeding $2.50 per acre. In fact there is no question but what that is true, because it was admitted at the hearing before the subcommittee.

Therefore it would seem that there has clearly been a violation of the conditions of the grant, and some action should be taken. The joint resolution simply authorizes the Department of Justice to prosecute the necessary suits and actions to determine whether there has been a violation of the grant, and to secure by judicial decree the proper relief in case it shall be so determined.

Mr. TELLER. Mr. President, from the reading of the joint resolution, it strikes me that it confers no authority upon the Attorney-General that he has not now. I do not know whether that is so or not, because it is almost impossible to determine a question like that from a casual reading of it. I do not want to interfere with the measure, but I think it is a pretty important question. I myself should like to look at it.

Mr. President, I do not like the idea of Congress instructing

an executive officer as to what he ought to do. If the statutes are violated in any way I understand that the Department has charge of these things to look into them and determine them. For instance, if when people come for their patents the companies have sold differently from what the statutes provide, it is quite within the power of the Secretary of the Interior to withhold the patents. Then, if there has been any controversy, the Department can determine that question.

I believe it would be a very vicious practice for the legislative department to instruct an executive officer what he should do. I do not know that we can do it. I am not certain whether we can. It seems to me that this is a pretty broad and far-reaching proposition. While, undoubtedly, the inquiry ought to be made, it does not seem to me that it is necessary that we should pass a bill of this character, or what is tantamount to passing a bill.

Mr. TILLMAN. Mr. President, I was not in the Chamber when the joint resolution was read, but I glanced over it hurriedly yesterday afternoon and I think I understand the scope of it.

As I introduced the original resolution for which this is in a measure a substitute, prepared by the Department of Justice itself, I will state the motives and purposes I had in view when I introduced it. I was on the Pacific coast during the last year, making two visits there, and in talking with gentlemen about the timber lands, and irrigable lands, and other lands that are much sought after in that region, I came in possession of the fact that there was a cloud on the title or the ability to purchase that nobody seemed to know how to get hold of a large area of railroad lands and some military road lands, which were held by the railroad corporations and by the corporation which had built the military road. I thought that it would be just as well for us to understand whether or not the public have any rights that are involved here. Therefore, I introduced a resolution of inquiry calling on the President to send to the Senate his version, or the version of the Department of Justice, of the situation, and I believe that paper came in yesterday, but it has not yet been printed.

I also introduced a joint resolution instructing the Department of Justice to make report and to indicate just what, in its view, was the proper step to be taken by the Government, if any, to safeguard the rights of the people as against these corporations. I understand that the Department of Justice has revised the joint resolution which I introduced, and with the explanation given by the Senator from Oregon, who is more familiar with the facts than I am, while I am perfectly willing of course that the resolution shall go over until we can all examine it more fully, I am sure that there is a great wrong being perpetrated out there, and lands which are very valuable, and which under the original grants were ordered to be sold by the railroads to purchasers, are withheld from sale and people can not get them, while a few millionaires somewhere, who own the Northern Pacific and the Southern Pacific and the Oregon and California road, are holding lands that are worth millions, which ought to be opened for entry by actual purchasers who want to buy them to make homes.

Mr. CULBERSON. Mr. President, I ask that the joint resolution be again read.

The VICE-PRESIDENT. The Secretary will again read the proposed substitute, at the request of the Senator from Texas.

Mr. GALLINGER. I will ask the Senator from Oregon if he has requested unanimous consent for the present consideration of the joint resolution?

Mr. FULTON. I have, Mr. President. I will state, however, to the Senator——

Mr. CULBERSON. Mr. President, there is a request pending.

The VICE-PRESIDENT. The Senator from Texas requested the reading of the joint resolution.

Mr. GALLINGER. I rose to object, so that the joint resolution may be printed and go over. Senators can then read it.

Mr. CULBERSON. I should like to have it read anyway.

Mr. GALLINGER. If it is to be printed it would hardly seem necessary that we should have it read again. It is a rather long resolution.

Mr. CULBERSON. I should like to have it read, and I do not think it is usual to object to the reading of a joint resolution.

Mr. GALLINGER. I will not object to it, if the Senator wishes to listen to it.

The VICE-PRESIDENT. The joint resolution will be read.

The Secretary again read the proposed substitute.

Mr. FORAKER. Mr. President, before the joint resolution goes over, if the Senator from New Hampshire does not at this moment insist upon his objection, I should like to make an inquiry.

I saw the joint resolution yesterday, through the kindness of the Senator from Oregon, who was polling the Judiciary Committee, of which I am a member, and from which it is reported, I suppose, this morning by the Senator. I read it rather carelessly. I did not see any objection to it, but as I listened to the reading of it now two or three questions arise.

In the first place, I doubt the propriety of Congress directing the Attorney-General with respect to any matter concerning which he is already fully authorized by statute, if he may be authorized. In the second place, I do not understand that there is any necessity for us to confer upon the Attorney-General by this joint resolution, or by any other provision, authority to prosecute any suit of the character mentioned in the resolution. Therefore, when it comes up I hope the Senator from Oregon will advise us whether or not in his opinion there is any lack of authority to the Attorney-General as the statutory provisions of the country now stand to bring any and all the suits that are mentioned there.

As I understand it, we are proceeding upon the theory, in passing the joint resolution, that the Attorney-General has no right to assert the rights of the United States in respect to these lands granted under the several statutes.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. FULTON. I beg pardon; I thought the Senator was through.

Mr. FORAKER. No; I was not through. On that point I should like the Senator, either now or to-morrow, or whenever the matter comes up, to give us the benefit of his opinion. He has doubtless investigated the subject and knows why it is thought a joint resolution of this kind may be necessary.

I do not understand that we confer any jurisdiction on any court. We simply say that the courts shall entertain these proceedings. They would entertain them, anyhow, if the Attorney-General has a right to bring the suits. So I do not see any necessity for a measure of this kind. We are bound to presume that the Attorney-General, certainly when his attention has been called to the subject, would proceed to start whatever legal proceedings he might deem necessary in order to protect the rights of the United States and to recover for the United States any rights that might be in jeopardy or that may have been lost to the United States.

Mr. GALLINGER. Mr. President, I object to the present consideration of the joint resolution.

The VICE-PRESIDENT. The Senator from New Hampshire objects to the present consideration of the joint resolution.

Mr. FULTON. I ask the Senator to withhold the objection for a moment. I wish to say just a word before it goes over.

Mr. GALLINGER. I will do so.

Mr. FULTON. I wish to say, in answer to the Senator from Ohio, that I think if he takes into consideration one fact he will urge no objection to this course of proceeding, namely, that where a grant is made on a condition subsequent, as I think it quite possible that these grants will be held to have been made, there is a rule which requires a declaration of forfeiture and reentry on the part of the grantor in order to recover his estate.

The joint resolution does not declare a forfeiture, but it authorizes the Attorney-General, in behalf of the Government, to take the proceedings necessary to reentry for the purpose of ascertaining whether there has been a violation of the stipulation, and, if there has been one, then to assert the right on behalf of the grantor to reenter and reinvest itself as of its original estate.

I do not say as a matter of law that this is absolutely necessary, but it is at least a debatable question. It is in the mind of the Attorney-General a debatable question. I am rather inclined to think myself that proceedings could be had without the passage of the joint resolution, but certainly there is no objection to doing whatever is necessary on behalf of the Government to assert its title and recover its estate if the conditions have been violated.

Mr. NELSON. Mr. President, if the Senator from Ohio will allow me a moment, I think this is the true explanation. Our Supreme Court years ago, in the matter of a Wisconsin land grant, I think, decided that in case a land grant was subject to forfeiture for condition broken that forfeiture could be enforced in one of two ways—either Congress itself, which gave the grant, could declare an absolute forfeiture, or it was a matter that could be enforced in the courts.

Now, there being pursuant to that decision two tribunals that could pass on this question we are simply expressing by the joint resolution that we prefer that the courts should take action in it rather than Congress, and for this reason I think that there may be equities in the case which can be adjusted.

All we could do would be to declare an absolute forfeiture, but if a suit is instituted in a court of equity the court can adjust the equities and declare a conditional forfeiture. In other words, it can say to the railroad company what we could not say, "If you comply with the conditions of the grant and do not sell your land in larger quantities than 160 acres to each settler and sell to actual settlers, and if you will not charge more than $2.50 an acre, we will not declare your grant forfeited."

We are handicapped in that way. We could not do what a court of equity could, but as one of the tribunals that would have jurisdiction in declaring a forfeiture we indicate by the joint resolution that we prefer it should be done through the Department of Justice, which is eminently proper.

Mr. FORAKER. Mr. President, I am very much obliged to the Senator from Minnesota for the suggestion he has made. I was only asking for information. I am not familiar with the subject. I do not know anything about what an investigation would disclose. I was only speaking of the joint resolution as it appears on its face. It does not appear to be a declaration by Congress that there has been a forfeiture or that there should be a forfeiture declared, but simply a direction to the Attorney-General to bring certain suits, which he is already authorized to bring, so far as I have any knowledge.

My point in calling attention to the matter was to make an inquiry of the Senator from Oregon, or anyone else who is informed, so as to learn whether there is any lack of authority. If so, I have no objection whatever to giving the Attorney-General full authority to investigate it; but if he already has authority, it is his business to proceed, and I doubt the propriety of directing him to do what he seems to be already engaged in doing, for the joint resolution recites that it shall apply to pending cases of the character mentioned as well as to others that he may see fit to bring.

Mr. FULTON. If the Senator will allow me, there are no pending cases. That was put in, I suppose, thinking there might be delay in passing the joint resolution, to cover any suit that might be instituted. The Department of Justice is, I understand, prepared to file the suits at the present time.

Mr. FORAKER. If the Attorney-General have authority to bring such suits as the recitation of the fact that this shall apply to pending cases indicates that it was thought by those who drew the resolution he does have, I do not see how we are adding to his authority. It was unnecessary to say that he has authority, and if he have authority and is already engaged, as the pendency of suits indicates he is engaged, in trying to regain the rights of the Government, if any be lost, there is no necessity to direct him. But I was not saying that there is no lack of authority; I was only asking to be informed on that point.

Mr. FULTON. If the Senator will allow me——

Mr. FORAKER. If the Senator will let me have just one other sentence——

Mr. FULTON. Certainly.

Mr. FORAKER. I will state the other point I had in mind and to which I referred. I supposed the joint resolution would proceed to confer jurisdiction of some special kind on some special courts. But I do not understand that it does.

Mr. FULTON. No, it does not do that. What I was going to suggest to the Senator is that the very circumstance that the Department of Justice prepared the joint resolution and requested that it be passed is evidence of the fact that it is in some doubt, at least, that it has the authority necessary in order to allow it to proceed.

Mr. HEYBURN. Mr. President, the question involved is confined to the land in Oregon by the joint resolution, but facts of a kindred character are common to nearly all the land-grant States. Within the land grants of the several Pacific railroads this question has been one of very great importance for a number of years. The only action that could be brought by the Attorney-General would be one for the declaration of a forfeiture upon conditions subsequent to the grant.

Now, the United States is interested, of course. If the lands are forfeited, they are forfeited to the United States, and would be open to sale by the United States under the land laws. But the people who are really interested in this question are the thousands and thousands who have sought to purchase the lands throughout the last forty years and who have been refused the right to do so. The Attorney-General can afford them no relief. They, of course, have been unable to maintain any kind of legal proceedings to accomplish the right to buy the land. A pioneer would go to the land office of the railroad company and make a request that he be permitted to purchase a quarter section of land at the maximum price of two dollars and a half per acre, and they would advise him that it was not on the market. That was a violation of the act under which they took the land. Had the settler been able to do it, he might have brought a suit to compel them to sell him the land, because under the terms of the land grant they were obliged to sell it to the settlers of the class and upon the conditions expressed in the act granting them the land.

Mr. FULTON. Mr. President, will the Senator allow me——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I suggest to the Senator that it has been held, at least in some cases, that no one can take advantage of the condition subsequent to the grant, such as this is, excepting the grantor himself.

Mr. HEYBURN. I was coming to that question. That is the nub of the subject to which I am referring. The settler could not maintain the action for two reasons. He could not maintain it because he was not financially able, as a rule, although perhaps some of them were, and he could not maintain it, under the rule, as has been held in these cases, because, it being a condition subsequent, he could not take advantage of it; the grant had attached and it could only be detached by a proceeding brought for that purpose by the Government, from whom the grant flowed.

This question involves millions of acres of land, and the amount involved has been growing from year to year. I have within my own knowledge a number of cases where parties desire to purchase this land, because, forsooth, they found themselves upon railroad sections when the surveys were made, while they had been living in peace for many years, supposing that they were upon even-numbered sections, and had made valuable improvements. I have one case in mind where the improvements consisted of orchards, cultivated fields, and fences, a fine residence and barns, and an established business, and the terms offered were, "You will pay us the price of the land and you will pay us also for the value of the improvements which you have put upon it." I know of one case where the settler yielded to it rather than to be dispossessed of a home he had occupied for years. I know of another case, the one to which I referred, where negotiations are pending now between the settler and the railroad company.

Under the law the railroad company were obliged to throw this land open for settlement. The Government never would have given them this vast grant had they not agreed that they would do it, because to do otherwise would have retarded the settlement of the country, the very thing which the lawmakers had in mind should be acccomplished. So they have violated the terms under which they took the grant. These grants are worth hundreds of millions of dollars. We have a very large item of governmental enterprise in the sale of lands to the railroad companies upon a condition that runs with the grant—that they shall sell them within a maximum price to a settler and that they shall not sell them in greater quantities than the homestead limit. I know of instances in which the railroad companies have sold lands upon which this limitation of area was placed in quantities hundreds of times in excess of the limitation of the act under which they took their grant, but there was no one in a position to bring a suit to enforce the terms of the grant except the Government of the United States, because the condition was one subsequent to the grant, of which an individual might not take advantage in the courts. The United States for forty or fifty years has stood by and seen the settler deprived of his right to select and pay for a homestead and has allowed the railroad company to hold the lands for advanced prices to the detriment and discouragement of settlers and the prevention of the settlement of the public lands of the United States. That is the real question involved in the joint resolution.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. DIXON. I should like to ask the Senator from Idaho whether any limitation attached to the original Northern Pacific land grant?

Mr. HEYBURN. Yes.

Mr. DIXON. By the act of 1864?

Mr. HEYBURN. Yes, Mr. President; the land grant which to-day belongs to the Northern Pacific Railroad Company as much as it did when the grant was made had conditions attached to it. I would refer the Senator to the very plain language of the act itself. There are now pending proceedings in this body before one of the standing committees to inquire as to the

facts under which the pretended reorganization of that road took place, when a fictitious mortgage, called the "consolidated mortgage," for $260,000,000, I believe, was foreclosed in order to make an excuse for the transfer of the title to the lands to a company that was reorganized by changing one word in the name of the company. It was done by the foreclosure of a mortgage they had made in violation of the law that organized the corporation and granted the land, and which provided that they should make no mortgage without the consent of Congress. They made a mortgage of $50,000,000 without the consent of Congress, and then they proceeded to make two more mortgages, the last one called the "consolidated mortgage," which they foreclosed when it was not due and when it was made without authority of law; and the title to those lands is to-day—and it was part of those lands that I referred to when I said that there are pending to-day negotiations between the claimant to those lands and the settler upon them involving the question as to whether they shall be permitted to purchase without paying for the valuable improvements which he himself has placed upon the lands——

Mr. DIXON. What I especially wanted to inquire of the Senator from Idaho was whether or not there was a specific limitation of two dollars and a half per acre upon the original Northern Pacific land grant?

Mr. HEYBURN. Yes; that was the maximum price of the land.

Mr. DIXON. As I remember, from an examination of the act of 1864, something like two or three years ago there was no such limitation in the act; and for that reason I make the present inquiry, as I have had several communications from my State regarding this same matter and complaint from the settlers that lands have been withdrawn from the market. The Senator now states that this condition did attach to the grant of 1864 in the case of the Northern Pacific.

Mr. HEYBURN. I think the Northern Pacific Railroad Company were compelled to sell its lands to the bona fide homesteader or to the men entitled to purchase them at the maximum price fixed by the Government for the sale of those lands, and that they had no option in doing it.

Mr. FULTON. Mr. President, I do not care to go into an extended discussion of this question, but I am very much in hope that the Senator from New Hampshire [Mr. GALLINGER] will allow the joint resolution to be considered at this time.

Mr. GALLINGER. If the Senator from Oregon feels that he can get a vote on the joint resolution speedily, I certainly will withdraw my objection to it.

Mr. FULTON. I thank the Senator.

Mr. GALLINGER. I was thinking of the Senator from Missouri [Mr. STONE], who has given notice that he wishes to address the Senate, when I thought that it ought to go over, because there seemed to be such a wide difference of opinion amongst the lawyers on this question.

Mr. FULTON. Then I will not take up further time, but will simply say, to supplement what the Senator from Idaho [Mr. HEYBURN] has said, that in the State of Oregon the railroads are now refusing absolutely to sell these lands at any price and have withdrawn them from the market. We want these suits prosecuted to determine whether or not they can be compelled to conform to and comply with the conditions of the grant. I am anxious that this shall be disposed of speedily.

Mr. DIXON. I should like to ask the Senator from Oregon whether or not the joint resolution applies to anything except the Oregon land-grant roads?

Mr. FULTON. It only applies to three grants that are in Oregon—two railway grants and one wagon-road grant. I will say that my recollection is different from that of the Senator from Idaho. I do not think that any such conditions were in the Northern Pacific grant at all.

Mr. DIXON. That was my impression from my examination of the act.

Mr. FULTON. But that is not material here, because the lands are in fact the specific lands covered by the joint resolution and are pointed out by it.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. FULTON. Certainly.

Mr. NELSON. I have here the grant to the Northern Pacific Railroad Company. I will not take the time of the Senate to read it, but I think from an inspection of the act that the Senator from Idaho is mistaken. There was no such condition as he states in that grant.

Mr. FULTON. I looked the matter up myself, and I am confident that the statement as to there being any such condition in that grant is a mistake.

Mr. President, I reported the joint resolution as a substitute; therefore I move to indefinitely postpone the original, and ask that the one now reported may take its place.

Mr. TELLER. Mr. President, this is a matter that ought not to be passed upon without some consideration. I am going to object to its further discussion at this time if the Senator from New Hampshire [Mr. GALLINGER] withdraws his objection.

Mr. FULTON. Very well; then I move to indefinitely postpone the original joint resolution.

Mr. GALLINGER. Under the circumstances I insist upon my objection.

The VICE-PRESIDENT. The Senator from Oregon asks that the original joint resolution for which the one he has reported is a substitute be indefinitely postponed.

Mr. BACON. Mr. President, the Senator I think—I do not know what the particular ruling may have been heretofore—but I think the Senator is mistaken in making that motion.

Mr. FULTON. I may be.

Mr. BACON. If the joint resolution is indefinitely postponed before the substitute is adopted, of course, the whole thing goes out.

Mr. LODGE. I thought this was an amendment in the nature of a substitute.

Mr. FULTON. It is.

Mr. BACON. It is, and consequently the original can not be disposed of until the substitute has been acted upon.

Mr. FULTON. I was under the impression that reporting a substitute required that the original be indefinitely postponed.

Mr. BACON and Mr. LODGE. No, no.

Mr. FULTON. If not, I withdraw the motion that the original joint resolution be indefinitely postponed. It is perfectly immaterial to me.

The VICE-PRESIDENT. The Senator from Oregon withdraws his motion. The joint resolution will go to the Calendar.

HEARINGS BEFORE COMMITTEE ON EDUCATION AND LABOR.

Mr. DOLLIVER, from the Committee on Education and Labor, reported the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Education and Labor be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 5415) granting an honorable discharge to John H. Smith; and

A bill (S. 5416) granting an honorable discharge to John Hebner.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5417) granting an increase of pension to William W. Sechler;

A bill (S. 5418) granting an increase of pension to Sophia Hale; and

A bill (S. 5419) granting an increase of pension to Ira Hess (with the accompanying papers).

Mr. OVERMAN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5420) for the relief of the Zion African Methodist Episcopal Church of Beaufort, N. C.; and

A bill (S. 5421) for the relief of Grace Protestant Episcopal Church of Plymouth, N. C.

He also introduced a bill (S. 5422) to renew and extend certain letters patent, which was read twice by its title and referred to the Committee on Patents.

Mr. BROWN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5423) granting an increase of pension to John S. McCammon; and

A bill (S. 5424) granting an increase of pension to John M. Bayley.

Mr. BRYAN introduced a bill (S. 5425) to amend section 1624, article 34, of the Revised Statutes, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced the following bills, which were severally

read twice by their titles and referred to the Committee on Claims:

A bill (S. 5426) for the relief of Robert Broadbent, Barger Holst, James A. Dunham, Byron Dawley, Axel Rosendahl, and Will J. Elliott; and

A bill (S. 5427) for the relief of Armstead James.

He also introduced a bill (S. 5428) to remove the charge of desertion from the military record of Abraham Collinsworth, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 5429) to facilitate the use for manufacturing purposes of square No. 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. GALLINGER. By request of the Commissioners of the District of Columbia I introduce a bill. I ask that it be read twice and referred to the Committee on the District of Columbia.

The bill (S. 5430) to confer upon the Commissioners of the District of Columbia the powers of a public service commission, was read twice by its title and referred to the Committee on the District of Columbia.

Mr. CURTIS introduced a bill (S. 5431) providing for the control of grazing upon the public lands in the arid States and Territories of the United States, and for other purposes, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 5432) for the relief of the board of county commissioners of Shawnee County, Kans., which was read twice by its title and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 5433) granting an increase of pension to James T. Ramey, which was read twice by its title and referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 5434) to provide for finishing the crypt of the chapel, United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. JOHNSTON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5435) for the relief of the heirs or the legal representatives of the estate of George W. Foster; and

A bill (S. 5436) for the relief of the heirs or the legal representatives of the estate of George W. Foster (with accompanying paper).

He also (by request) introduced the following bills, which were severaly read twice by their titles and referred to the Committee on Claims:

A bill (S. 5437) for the relief of heirs and estate of James H. Ware, deceased;

A bill (S. 5438) for the relief of Amanda M. Warren;

A bill (S. 5439) for the relief of James T. White;

A bill (S. 5440) for the relief of Francis Wilkes;

A bill (S. 5441) for the relief of Phillip D. Wright;

A bill (S. 5442) for the relief of William M. Underwood;

A bill (S. 5443) for the relief of Sarah Autrey;

A bill (S. 5444) for the relief of Mrs. Cassa Simpson;

A bill (S. 5445) for the relief of J. W. Smart;

A bill (S. 5446) for the relief of Thomas Seymour;

A bill (S. 5447) for the relief of Mrs. Ann E. Sanders;

A bill (S. 5448) for the relief of heirs and estate of Sidney F. Tate, deceased;

A bill (S. 5449) for the relief of heirs and estate of Elizabeth Thompson, deceased;

A bill (S. 5450) for the relief of heirs and estate of Marcus M. Massengale, deceased;

A bill (S. 5451) for the relief of heirs and estate of W. J. Langston, deceased;

A bill (S. 5452) for the relief of heirs and estate of Mary McCaa, deceased;

A bill (S. 5453) for the relief of James R. Nance;

A bill (S. 5454) for the relief of heirs and estate of J. E. Prestridge, deceased;

A bill (S. 5455) for the relief of heirs and estate of Preston Smith, deceased;

A bill (S. 5456) for the relief of heirs and estate of Bradford Hambrick, deceased;

A bill (S. 5457) for the relief of heirs and estate of Thomas Knight, deceased;

A bill (S. 5458) for the relief of heirs and estates of Enoch R. and Louisa J. Kennedy, deceased;

A bill (S. 5459) for the relief of John T. Graves;

A bill (S. 5460) for the relief of heirs and estate of Mirah Ballard, deceased;

A bill (S. 5461) for the relief of heirs and estate of David Crowell, deceased;

A bill (S. 5462) for the relief of Griffin Callahan;

A bill (S. 5463) for the relief of heirs and estate of William Cunningham, deceased;

A bill (S. 5464) for the relief of heirs and estate of Elizabeth and Stephen Cordell, deceased;

A bill (S. 5465) for the relief of heirs and estate of Annie Dunn, deceased;

A bill (S. 5466) for the relief of Ransom Day;

A bill (S. 5467) for the relief of heirs and estate of Minor Gwin, deceased;

A bill (S. 5468) for the relief of heirs and estate of Mathew N. Grimmett, deceased;

A bill (S. 5469) for the relief of heirs and estate of Joseph Logan, deceased;

A bill (S. 5470) for the relief of D. M. Snowden;

A bill (S. 5471) for the relief of William C. Bragg; and

A bill (S. 5472) for the relief of heirs and estate of Solomon Smith, deceased.

Mr. BURROWS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Naval Affairs:

A bill (S. 5473) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service; and

A bill (S. 5474) for the relief of Harry Kimmell, a commander on the retired list of the United States Navy (with an accompanying paper).

Mr. BACON introduced a bill (S. 5475) for the relief of the estate of J. W. W. Marshall, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. FULTON introduced a bill (S. 5476) for the purchase or construction of a launch for the customs service at and in the vicinity of Portland, Oreg., which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 5477) authorizing States and Territories to select lands in lieu of lands included within forest reserves, which was read twice by its title and referred to the Committee on Public Lands.

Mr. PROCTOR introduced a bill (S. 5478) granting a pension to Harriet L. Curtis, which was read twice by its title and referred to the Committee on Pensions.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5479) for the relief of the Christian Church of Suffolk, Va.; and

A bill (S. 5480) for the relief of the Methodist Episcopal Church South, of Onancock, Va.

Mr. BAILEY (by request) introduced a bill (S. 5481) for the relief of Richard Cole, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 5482) for the relief of the estate of Francis Mayerhoff, which was read twice by its title and referred to the Committee on Claims.

Mr. WARNER introduced a bill (S. 5483) granting an increase of pension to John Whitaker, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 5484) granting an increase of pension to James Ross, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 5485) for the relief of the board of trustees of the public schools of Darlington, S. C., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5486) to provide for the arrest of deserters from the naval service of the United States, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. TALIAFERRO introduced a bill (S. 5487) for the relief of the heirs of Aaron W. Da Costa, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5488) granting an increase of pension to James G. Thompson, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5489) granting an increase of pension to William Milford Ingraham, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORE introduced a bill (S. 5490) for the relief of the legal representatives of Anthony W. Cannon, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 5491) to increase the efficiency of the pay department, United States Army, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FRYE. I ask that 100 additional copies of the bill be printed for the use of the Senate document room.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GALLINGER introduced a joint resolution (S. R. 57) providing for reciprocal trackage arrangements between the Brightwood Railway Company and the Washington Railway and Electric Company in the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TELLER submitted an amendment relative to the agreement between the Confederated Bands of Ute Indians of Colorado and the United States, ratified by the act of Congress approved June 15, 1880, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SUTHERLAND submitted an amendment proposing to increase the salary of the surveyor-general of Utah from $2,000 to $3,000, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment relative to the office of assistant treasurer at Boston, Mass., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GORE submitted an amendment relative to the restrictions as to the sale, incumbrance, or taxation of certain land in Oklahoma, and enabling Nicey Haikey, a full blood Creek, to sell or encumber her interest in the land free from such restrictions, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. MARTIN submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to House bill 15732, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. PENROSE submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were referred to the Committee on Claims and ordered to be printed.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. WARNER submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and be printed.

CLAIMS ARISING OUT OF THE MAIL SERVICE.

Mr. BRYAN submitted an amendment intended to be proposed by him to the bill (S. 2803) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine certain claims for compensation for carrying the mails and pay for the discontinuance of postal service, which was referred to the Committee on Claims and ordered to be printed.

ANNUAL REPORT OF THE POSTMASTER-GENERAL.

Mr. PENROSE. I ask for the adoption of the following order:

Ordered, That there be printed for the use of the Post-Office Department 15,000 copies of Annual Report of the Postmaster-General of the United States for the fiscal year ended June 30, 1907.

I will state that the printing called for by this order will cost a little over $400 and that the order is introduced at the request of the Postmaster-General.

The order was agreed to.

SURVEY OF PROVIDENCE RIVER AND HARBOR, RHODE ISLAND.

Mr. ALDRICH submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of Providence River and Harbor between Kettle Point, Rhode Island, and Gaspee Point, Rhode Island, with a view to widening and straightening the channel and dredging the same to a depth of 25 feet at mean low water, and to submit a plan and estimate for such improvements.

GROUNDS FOR PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I submit a concurrent resolution and ask that it be read, printed, and lie on the table.

The concurrent resolution was read as follows:

Resolved by the Senate (the House of Representatives concurring), That the Commissioners of the District of Columbia are hereby authorized and directed to ascertain the lowest purchase price of blocks numbered 226, 227, 228, 229, 230, 256, 257, 258, 259, 260, 292, 293, 294, 295, 349, 350, 380, 381, 382, 461, 575, 576, reservation A, reservation B, reservation C, reservation D, reservation 12, according to the official plat of the city of Washington, not already owned in whole or in part by the Government of the United States, report to be made to Congress at the earliest practicable day, the proposed price of the land and the proposed price of the improvements thereon being separately stated in each case.

Mr. GALLINGER. I should like to say, Mr. President, that the resolution covers the land on the south side of the Avenue concerning which there has been a great deal of discussion. I thought it desirable that we should ascertain if we can how much money it is going to cost the Government before we get any deeper into the project. I simply ask that the concurrent resolution may be printed and go over to come up to-morrow.

The VICE-PRESIDENT. The concurrent resolution will be printed and lie on the table.

AFFAIRS IN RUSSIA.

Mr. HOPKINS submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

Whereas the Congress of the United States recognizes with satisfaction the traditional friendly feeling existing between the Russian people and the people of the United States and the friendly relations past and present between the Russian Government and the Government of the United States, and gladly acknowledges the service rendered by His Imperial Highness the Czar of Russia in summoning the Hague Peace Conference, whose beneficent purpose has been not only to prevent wars between nations but to reduce the horrors of wars which may in future arise; and

Whereas, the Congress has received a petition signed by well-known American citizens in which on the authority of official reports of the Russian Government it is declared "women, children, and aged and decrepit men—patently noncombatants—are maimed and killed," "tortures are applied to prisoners within fortresses and prisons to elicit information," "massacres are planned and effected by the police and military authorities for the purpose of terrorizing the population;" and

Whereas widowed, orphaned, and impoverished survivors of such massacres and cruelties have found their way in large numbers to this country, ofttimes bereft of their natural supporters and in great destitution: Therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States deplores such acts of violence and inhumanity which shock the civilized world and retard universal progress.

WITHDRAWAL OF PAPERS—JAMES W. HOUSER.

On motion of Mr. BURROWS, it was

Ordered, That James W. Houser, the beneficiary named in the bill (S. 569) to correct the military record of James W. Houser, be allowed to withdraw from the files of the Senate the papers filed in support of said bill, no adverse report having been made thereon.

THE FUTURE OF COMMERCE.

On motion of Mr. SMOOT, it was

Ordered, That 5,000 additional copies of Senate Document No. 277, Sixtieth Congress, first session, "The Future of Commerce," be printed for the use of the Senate document room.

MAN AND ABNORMAL MAN.

Mr. KEAN. Mr. President, on Friday, February 14, the Senate entered an order for the reprinting of a document known as "Man and Abnormal Man." It has not yet gone to press, and I move that the vote by which that order was made be reconsidered.

The motion to reconsider was agreed to.

Mr. KEAN. I have opposed the reprinting of that document every time it has been offered here, and I shall continue to do so.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

H. R. 12401. An act to legalize a bridge across the Mississippi River at Rice, Minn., was read twice by its title and referred to the Committee on Commerce.

H. R. 15660. An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public laws was read twice by its title and referred to the Committee on Public Lands.

H. R. 16882. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

H. R. 16956. An act to authorize the Hydro-Electric Com-

pany to construct a dam across White River near the village of Decker, in Knox County, Ind., was read twice by its title and referred to the Committee on Commerce.

H. J. Res. 138. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in Northern prisons and were buried near the prisons where they died, and for other purposes," was read twice by its title and referred to the Committee on Military Affairs.

STATUE OF JABEZ LAMAR MONROE CURRY.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was referred to the Committee on the Library:

Resolved by the House of Representatives (the Senate concurring). That the statue of Jabez Lamar Monroe Curry, presented by the State of Alabama to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished civic services.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of Alabama.

BOARD OF REGENTS OF SMITHSONIAN INSTITUTION.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 139) for the appointment of a member of the Board of Regents of the Smithsonian Institution.

Mr. CULLOM. I ask unanimous consent for the present consideration of the joint resolution.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the vacancy in the Board of Regents of the Smithsonian Institution of the class "other than Members of Congress" shall be filled by the appointment of Charles F. Choate, jr., a citizen of Massachusetts.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 57. An act granting a pension to Alvah Moulton;

S. 523. An act granting an increase of pension to John S. Hyatt;

S. 524. An act granting an increase of pension to John Lowder;

S. 638. An act granting a pension to Emily Ayres;

S. 920. An act granting an increase of pension to Martha A. Kenny;

S. 1171. An act granting a pension to Mary A. Sands;

S. 1403. An act granting an increase of pension to Martha Stewart;

S. 1404. An act granting an increase of pension to John Lourcey;

S. 1405. An act granting an increase of pension to William C. O'Neal;

S. 1406. An act granting an increase of pension to Hester Kite;

S. 1408. An act granting an increase of pension to Elizabeth Sweat;

S. 1423. An act granting an increase of pension to Nancy Motes; and

S. 1757. An act granting an increase of pension to Jane C. Stingley.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the bill (H. R. 14638) to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes, and it was thereupon signed by the Vice-President.

ACCOUNTS OF POSTMASTERS IN COLORADO.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. A resolution submitted by Mr. TELLER on February 17, 1908, relating to accounts of postmasters in Colorado.

Mr. TELLER. I ask that the resolution may lie over subject to call. Some Senators may want to look at it.

The VICE-PRESIDENT. The resolution will lie over, subject to call, at the request of the Senator from Colorado.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. Mr. President, I ask that Senate bill 3023 be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. STONE. Mr. President, it is not my intention to discuss in its larger aspects the financial system or the banking system which has grown up in this country under the fostering care of the Republican party, but I do desire to submit a few observations pertinent to existing conditions and to the pending bill. The panic through which we have been passing for some months, and which still prevails, both as an existing evil and as a menace, is, in a general way and in most discussions, attributed to shortage in available currency. Undoubtedly, this contention has a basis of fact; but it is also true that this shortage was not so much due to an inadequate money volume as to the fact that the money of the country was too much concentrated at given points—or at a given point—instead of being properly distributed. Even under ordinary and normal conditions an undue amount of the nation's money supply is concentrated at New York, and in times when speculation is at fever heat the banks of New York entice still larger sums to their vaults by offering extraordinary inducements in the way of high interest to their interior correspondents. Under these circumstances when a crash comes, as it did last fall, the money of the interior banks is in danger of being withheld from them at a time when it is most sorely needed. When the banks of New York refuse to return the money they have borrowed according to the terms of their contracts, the banks from whom it was borrowed are necessarily embarrassed. As soon as the banks are unable to meet the checks of their depositors and to furnish currency with which to supply the industrial necessities of their respective communities, public confidence is shaken, large sums are stored in secret places, and industrial stagnation results, for money is the lifeblood of business.

When a bank refuses to pay what is due to a customer, it is no answer, or at best but an unsatisfactory answer, to say that the bank has abundant securities, that it is solvent, and that it will be all right as soon as it can get its money from other banks with which it has been deposited. That does not restore confidence nor bring forth the cash which has sought hiding in safety vaults and secret places; that does not calm unrest, nor prevent runs upon and the wreck of banks. We are told that it was to meet conditions arising from these and like causes—causes that produce a scarcity of money—that the pending bill, known as the Aldrich bill, was prepared and reported by the majority of the Finance Committee. Its avowed purpose is to provide a temporary currency to meet an emergency like that through which we have been passing. I am not prepared to say that the bill as it came from the committee, if enacted into law, would be valueless in times of stress or that it would wholly fail to accomplish the end it is intended to subserve; but at most it is only a makeshift, and though possibly it may be better than nothing, although as to that I am far from satisfied, it is constructed on wrong lines, and it is too narrow and circumscribed in its scope. In the first place, I am opposed to conferring these great additional favors and powers upon national banks. In fact, I have never been enamored of this national banking system we have. The idea of a corporation usurping and exercising the functions of the sovereign has always been obnoxious to me. The power they can exercise upon the political and industrial well-being of the nation is enormous; and although it is no doubt entirely true that the national banker is as patriotic as the average citizen, yet money and business with him, as with others, are generally selfish and grasping things, and dividends are often regarded as of more consequence than patriotism. I regard with extreme disfavor the policy of vesting in banking corporations such power as gives opportunity to unduly influence the financial policy of a great people. I object to giving to banks the power to regulate in any degree the volume of the people's currency by expanding or contracting it as it may happen to suit their whim or their interests. We have practically turned over to the 6,000 national banks in this country the high prerogative of supplying the people with money wherewith to transact their business. Under the law they have the right now to take out additional circulation in the form of bank notes to the amount of hundreds of millions above and beyond the circulation it has pleased them to furnish the people, and under the law they have the right now to retire millions of their outstanding circulation from year to year. In other words, they have the high prerogative of supplying a large proportion of our currency and the power to expand and contract it within certain limitations as it may please them

to do. To pass this bill in its present form would augment that power. It would afford a new opportunity to expand and contract the currency on a larger scale and with greater rapidity than under the present law. Five hundred millions of emergency currency could be taken out, and it could afterwards be returned to the Treasury whenever and as rapidly as the banks might wish to return it.

Counting the present sum of cash money available for ordinary business at $2,000,000,000, if we should add $500,000,000 to that sum, under the authority of this bill, it would increase the total available cash to $2,500,000,000. Of this sum one-fifth, or $500,000,000, being emergency currency, could be taken out and returned in such a way and with such manipulation as to materially affect property values through a process of rapid expansion and contraction. I fear we may open a "Pandora's box" if we pass this bill in its present form. There is a community of interest between the banks, and cooperation along the whole line to accomplish given objects is not difficult. Combined and under trained and adroit leadership, these institutions can, as they have often in the past, exercise a tremendous influence on our financial and business affairs and on our national public policies. Instead of conferring additional powers and privileges upon them I would esteem it by far the wiser course to curtail the powers and abridge the opportunities they already enjoy. Mr. President, I am not altogether opposed to what is called an "emergency currency," but I would have the Government itself issue the money instead of the banks. I would have the Government issue the currency—full legal-tender currency—instead of delegating the power of issuing it to corporations it had created; and the return of the money to the Treasury should be so regulated and made so gradual as to prevent a destructive depreciation of values by a too rapid contraction. So far as the redemption of this proposed new currency goes, the Government is ultimately liable in any event, even though the money issued under the terms of the bill should be in the form of bank notes put out by national banking associations. True, the Government would hold the securities of the banks to indemnify it against loss whenever it should redeem any of this currency on the demand of the holder, but why go about the business in this circuitous way? Why authorize the banks to issue emergency notes, which would not be legal tenders, when the Government might issue a full legal-tender currency, and therefore a more valuable currency, and take securities in its own name sufficient to insure the return of the money to the Treasury when the necessity for its issue had passed?

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. HOPKINS. Would it disturb the Senator if I asked him a question?

Mr. STONE. Certainly not.

Mr. HOPKINS. I desire to ask for information.

The Senator is now suggesting a new method of currency, to be issued by the Government. I should like to ask the Senator if during his speech he will develop how such an emergency as occurred in the latter part of October last could be reached by the Government currency such as he speaks of.

Mr. STONE. Reached in what way?

Mr. HOPKINS. How would you get a hundred million or two hundred million or three hundred million dollars of money out within a few days in order to stop such a crisis as we had the latter part of October, 1907?

Mr. STONE. It could be deposited in depositories.

Mr. HOPKINS. Mr. President, I think I now understand the Senator. The Senator would have Government money and allow the banks to take the money the same as they hold it now.

Mr. STONE. Money issued by the Government, legal-tender money, could be placed in the banks as an emergency currency substantially as is provided for in the Aldrich bill for placing bank notes in the banks.

Mr. HOPKINS. Suppose the Government was to issue $200,000,000 under a call of that kind. The Senator, if I understand him, would have the money deposited in the various banks. How would the Senator have the Government protected in the distribution of the $200,000,000?

Mr. STONE. Protected in what way?

Mr. HOPKINS. Under the Aldrich bill if $200,000,000 are to be distributed to the banks the banks are required to put up bonds with the Secretary of the Treasury to protect the Government.

Mr. STONE. Yes.

Mr. HOPKINS. If they are municipal bonds, the banks can receive in currency only 90 per cent of the value of the bonds; if railroad bonds, only 75 per cent.

Now, the Senator from Missouri says he would do away with this plan entirely. He would not have the banks issue the money at all, but would have the Government do it, and he would have the Government's money deposited with the banks. Now, what method of security does he favor for the Government?

Mr. STONE. The Senator goes into a matter of detail, but substantially the same process could be followed in putting out Government money, the same securities could be provided for, the same rate of interest could be charged, and the same provision made for its return that might be made in case the issue was of bank notes. Why not?

Mr. HOPKINS. I was simply getting at the manner by which the Senator would make his bill practical. As I understand the Senator under these inquiries, he would make the national banks the Government agents in nearly the same form that they would be under the Aldrich bill?

Mr. STONE. That might be. Mr. President, there is pending a substitute to the Aldrich bill, offered by the Senator from Texas, to substitute Government notes for bank notes, with a provision for depositing it, for putting it in circulation, with interest charges upon it, and for its return to the Treasury. I do not care to discuss the details of that proposition, but that proposition furnishes an answer to the inquiry of the Senator from Illinois.

Mr. HOPKINS. I will say that I am familiar with the amendment which is to be proposed by the Senator from Texas, but I did not understand the Senator's remarks to be in favor of that measure. I had supposed, from his remarks, that he had a scheme of his own——

Mr. STONE. I have no special scheme.

Mr. HOPKINS. And that was the reason why I put to him the question that I did.

Mr. STONE. It is not my purpose to discuss the details of any particular bill, unless it be to some extent the Aldrich bill, but I desire merely to indicate in general terms my preference for some such plan as I have outlined in favor of Government currency instead of bank currency.

I am one of those old-fashioned Democrats who still believes that it is the constitutional function and duty of the sovereign, in this case the Government of the United States, to make money for the use of the people, and I feel that the Government is engaged in a sorry business whenever it abdicates that high function and delegates that sovereign power to an individual or corporation. After all we depend upon the Government, not upon the banks, to uphold the stability of our currency. The permanent value of the bank note depends ultimately—aye, primarily—upon the fact that the Government of the United States is behind it. Its value rests upon the faith our people and the world have in the credit of the Government. Sweep aside the banks and substitute the Government instead and the currency you are seeking to provide against emergencies can be supplied just as readily and conveniently by the Government itself as it can be in a secondary way through the agency of the banks. I shall vote therefore, Mr. President, for the emergency Treasury note instead of the emergency bank note.

Mr. President, at this juncture I wish to add that it seems to me that no good reason exists why State banks and trust companies, as well as national banks, should not be permitted to avail themselves of the privileges of this proposed enactment. The currency to be issued is an emergency currency intended to be used to bridge over a temporary strain upon the resources of banks, and to be subject to such interest charges as will compel its return to the Treasury when the need for it is past. If a State bank, serving important constituencies, can furnish the required securities, why should it not be permitted to avail itself of the benefits of this emergency issue and thereby serve a public necessity? The Senator from Georgia [Mr. BACON] has introduced a bill having this object in view, and if he can embody the substance of that bill in an amendment to this bill in such a way as to make it germane and pertinent I will take pleasure in supporting it.

RESERVES.

Mr. President, while we are dealing with this subject of an emergency currency there are two or three other things so related to it that they ought to be dealt with at the same time. The sole purpose of the pending bill is to provide for emergencies arising in times of financial panic. While in the business of legislating to ameliorate the evils of an effect, why should not we at the same time do something to eradicate the cause? Today we see and feel the effect, and anticipating its continuance and repetition, the Finance Committee, or a majority of it, are proceeding with the narrow and single idea of softening the

severity of this effect, while leaving untouched the causes which produced it. We may not know all of these causes, but we do know some of them. While striving to alleviate the effect, why not at the same time strive to eradicate as far as possible the cause? One cause which produces these financial lockups and panics is due to the fact that too small a percentage of the legal bank reserves are held in the banks to which the reserves belong. Under the law the average national bank is required to keep at least 15 per cent of its deposits as a reserve. A few of the larger banks in the larger cities—reserve cities and central reserve cities, as they are called—are required to keep 25 per cent of their deposits in reserve. But the law also permits the average bank to deposit three-fifths of its reserve in the reserve city banks, retaining only two-fifths in their own vaults, and the reserve city banks can loan out practically one-half of this money when deposited with them—money which the banks depositing it could not themselves ordinarily loan to their own customers. Last fall when the New York banks arbitrarily refused to pay currency to their customers the outside banks found that three-fifths of their legal reserves were caught in the trap. If this money, or the greater part of it, had been kept at home and had been in the vaults of the banks to which it belonged, there would have been millions of ready cash available, and there would have been doubtless little occasion for the interior banks to suspend cash payments across their counters, and they would no doubt have been able to supply an adequate volume of currency to move the crops and transact the business of their communities. It has been said that even if these reserves had been kept in the local banks they could not have been used without contravening the law, the theory being that reserves are held as a security or safety fund and can not be introduced into the ordinary course of business; but I do not think that that is absolutely true under the terms of the law, and it is certainly not true in the actual practice of the banks. The reserves are held not alone as a foundation of solvency, but also as a base upon which business may be transacted in times of emergency and stress. I have no doubt that reserves can be trenched upon, at least for the purpose of paying depositors. But in any event if this emergency legislation upon which we are now engaged is to be enacted, the banks should be required to keep a larger percentage of their reserves at home, instead of farming them out to distant banks.

They could invest these reserves in State, county, and municipal bonds, bearing 3 and 4 per cent, and hold them as a part of their reserves. A bond bearing 4 per cent per annum would produce as much in the long run as money loaned to the New York banks, which yields a part of the time as low as 2 per cent, and rarely ever higher than 6 per cent to the depositing bank. If that should be done, then in times of emergency the banks could, under the provisions of the proposed law, use their bonds, or a part of them, to procure emergency currency at the Treasury to tide them over. The Senator from Rhode Island himself put a provision in his original bill requiring the banks to hold at least three-fifths of their reserves in their own vaults, and he said in the debate on Tuesday last that he still believed that provision to be wise, but that he had consented to its elimination in order to confine the pending measure to the single purpose of providing an emergency issue; but, Mr. President, if the evil we are legislating against can be even partly traced to this cause is it not the height of folly to ignore the cause while providing a temporary relief for the immediate effect? Unless we strike at the root of the evil we fail at the most important juncture of our duty, and all we can hope to accomplish will be only a piece of patchwork of little consequence. Therefore, I shall vote to embrace in this measure some remedy for this productive source of financial misfortune.

GUARANTY FUND.

Mr. President, some provision ought also to be made in this bill to protect depositors in national banks against loss in the event of a bank's insolvency. These banks enjoy great special privileges, and loss by a depositor who intrusts his money to their care should be made as nearly impossible as may be, and the fact that provision was made to guarantee depositors against loss would greatly strengthen the credit and increase the usefulness of the national banks. Two propositions having that end in view are pending. One of these is in the form of a bill (S. 3028) introduced by the Senator from Texas [Mr. CULBERSON]. This bill provides in substance for an association of national banks, and that whenever a bank belonging to the association fails the Comptroller of the Currency shall as speedily as practicable assess the remaining banks in the association their pro rata of the indebtedness due depositors by the insolvent institution, and to collect and pay the same to the depositors entitled thereto. It further provides that when the affairs of the insolvent bank are wound up the revenue realized from its assets, after paying expenses, shall be distributed pro rata among the contributing banks of the association in proportion to their respective contributions. The bill of the Senator from Texas does not make it compulsory upon any bank to enter the association, but it would deny certain privileges to those who refuse to enter which would be enjoyed by those who become parties to the compact. If this plan should be adopted, I have no doubt that practically every national bank in the country would sooner or later take membership in the association. The bank refusing to do so would place itself more or less under suspicion and would operate at a disadvantage.

The Senator from Minnesota [Mr. NELSON] has given notice that he would propose an amendment to the pending bill to the general effect that one-third of all taxes to be paid by national banking associations upon the average amount of their notes in circulation should be set apart in the Treasury of the United States as a permanent special fund, to be termed the "Depositors' fund," to be used in paying all depositors, except the United States, the amount of their deposits in any national bank that had become insolvent and for which a receiver had been appointed. This proposed amendment would make it the duty of the Secretary of the Treasury to pay all depositors of an insolvent bank, except the United States, the amount of their several deposits out of this special fund, and the United States would be subrogated to all the rights and remedies of the depositors, and the moneys collected by the United States as a result of such subrogation, or so much as might be necessary to restore the amount taken from the fund would be returned to the fund. The Senator for Minnesota would limit the amount of this special fund to the sum of $10,000,000. I think it would have improved the proposition if the Senator had provided for a fund of $20,000,000 instead of $10,000,000, and also to have provided for a special additional tax—a small tax, of course—for the purpose of creating and maintaining the fund. However, that is a matter of detail, and it is not my purpose at this moment to discuss this question of a guaranty in detail, or to make comparison of the respective merits of the two propositions to which I have referred. I am not so particular about the form as I am about the substance of such a law. I am measurably indifferent as to the exact method that may be adopted to secure the end. What I want to see done is to have some provision inserted in this legislation that would accomplish the end in view. I shall vote, therefore, to incorporate some such provision in the pending bill.

Mr. BACON. Mr. President, I do not wish to unduly interrupt the Senator, but I should like to have his view upon one consideration in connection with the matter which he is now presenting to the Senate, and which I understand he has practically concluded.

I presume it will be recognized that no bank can do a profitable business unless it has a reasonable line of deposits. I presume it will also be recognized that if the national banks were under the law so situated that they could guarantee deposits and avail themselves of the opportunity, they doubtless would do so for the reason suggested by the Senator, that those who did not avail themselves of the opportunity would be under suspicion and at a disadvantage. Is it not true that under such a condition of affairs the national banks would have a monopoly of deposits, and would not the inevitable result be to run all State banks out of business?

Mr. STONE. I have not any doubt, Mr. President, that if it were the law that depositors in national banks were secured against loss by reason of a fund in the Treasury provided for that purpose, or by reason of an association of banks under a law authorizing it, or in any other way, it would have the effect of strengthening them, and might also injure the deposit business of State banks, unless the States should also take some legislative action of like kind, so as to secure the depositors who intrusted their money to the custody of State institutions.

Mr. BACON. Now, if the Senator will pardon me a moment——

Mr. STONE. Just a moment. I understand that that has been done in the State of Oklahoma recently.

Mr. BACON. Yes.

Mr. HOPKINS. And refused to be done in Kansas.

Mr. BACON. As suggested by the Senator from Illinois, it has been refused in another State. It would be very difficult to secure uniformity of action in forty-six different jurisdictions.

But there is a serious practical result involved in the suggestion of the Senator from Missouri, to which I desire to call his attention. In the first place, there is not the opportunity for the States to hold out the inducements to the State banks which there is to the Federal Government to hold out inducements to the national banks, owing to the fact that there is no such large

amount available for deposits on the part of the State authorities as there is on the part of the Federal Government for deposits in national banks, or not even in a proportional degree.

But the point I want to call the attention of the Senator particularly to, from a purely practical standpoint, is this: National banks are under an obligation to issue a certain proportion of their capital in bank notes. That is the original purpose really of the organization of national banks, and in so doing to make a market for United States bonds. The amount of bonds which is available as a basis for the issuance of bank notes is limited. Of course it varies.

This statement from which I now quote was obtained probably a month ago from the Comptroller: The circulation of national banks, which at that date was the largest circulation that had ever been issued in the experience of national banks, was $694,336,586. The amount of bonds of all kinds which were available at that date as a basis for circulation was $898,210,050, showing a surplus of some $200,000,000. In other words, the entire bonded indebtedness available as a basis of currency only exceeded the amount of currency by $200,000,000.

We know the fact that the proportion of national banks to State banks is of a degree which would not be covered by that margin. In other words, I know, although I have not the figures before me, the proportion of State banks to national banks is very much greater than the proportion of $200,000,000 to $700,000,000, which is now the proportion between the amount of bonds available as a basis of currency and the amount of currency actually issued.

If all the State banks were driven out of existence, there is not a bond issue sufficient to supply the place of the State banks. The State banks would not, by reason of that deficiency, endeavor to remain in existence. State banks would then, as now, only remain in existence for the purpose of making money, and if you adopt a system by which confidence would be destroyed in State banks, or, rather, by which the preference for the national bank is so great that everybody will choose the national bank as a place of deposit rather than the State bank, you necessarily drive the State banks out of business. There is not enough of bond issue upon which to then rest a basis of currency which would be sufficient to so increase the number of national banks as to fill the vacancy that would be caused by the disappearance of the State banks from the business of the country.

I will not interrupt the Senator to press that matter further, but there are other reasons to me equally grave and potential why we should not favor any system of guaranteeing the deposits of banks.

Mr. STONE. The State banks of course are not banks of issue, but of deposit. The existence or nonexistence of State banks would not affect the volume of the currency. Whenever there was need of a bank a State bank would be established if for any reason a national bank was not or could not be established.

Mr. President, I believe in the wisdom of the policy of guaranteeing depositors, or, rather, of providing a fund out of which depositors of insolvent banks may be paid. I think that is a policy that ought to be established in the States who deal with State banks, as well as by the General Government in dealing with national banks. There is to my mind every good reason in favor of the State governments, which charter banks and authorize them to do business substantially as the National Government charters national banks and authorizes them to do business, to make some provision through the banks themselves by levying special taxes or otherwise, to safeguard the depositors who have intrusted their funds to them against loss when a bank, through improvidence, becomes insolvent.

I say I think that that policy ought to obtain in the States as well as in the National Government. But from this place we can not deal with State policies. We can, however, deal with the national banks, and if the policy is fundamentally right and economically sound, then it ought to be established, in my judgment, in regard to national banks, and let the States take such action as they please or as they may deem proper with reference to banks established under their local laws.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. BULKELEY in the chair). Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. Certainly.

Mr. SMOOT. I should like to ask the Senator if he does not think if the Government guaranteed the deposits in national banks almost every schemer and promoter who thought the banking business was a very easy business to handle and there was a great deal of money in it would start up banks all over the country, and if it would not be the means of increasing to a very large extent the failures in national banks, so that instead of a loss by failures as there now is of one-tenth of 1 per cent on an average that that would be multiplied a great many times?

Mr. STONE. I do not see any force in that objection. There may be something in the objection made by the Senator from Georgia. Indeed, that is the principal objection urged to the plan of providing a guaranty fund for the national banks. Personally I do not think there is much in it. So far as the objection made by the Senator from Utah——

Mr. BACON. If the Senator will again pardon me in this connection, I wish to say that, while I am not prepared to state what is the proportion of the capital of State banks to national banks, so far as deposits are concerned, I think the figures show that the deposits of national banks are only about one-third of the total deposits in the banks of the United States.

Mr. STONE. That is substantially correct.

Mr. SMOOT. I will say to the Senator from Georgia that the capital stock of the State banking institutions is a little more than the capital stock of the national banks

Mr. STONE. And the deposits are larger.

Mr. SMOOT. And the deposits are larger.

Mr. STONE. Much larger.

Mr. SMOOT. Very much larger.

Mr. BACON. Twice as large.

Mr. STONE. Now, as to the suggestion of the Senator from Utah; I think, Mr. President, that the Treasury officials, being—as they are, or ought to be—capable and experienced men, honest and upright, would sufficiently guard the public interest against the establishing of wild-cat banks. The Treasury officials always look into the character, standing, and ability of the men who ask for charters. It is their duty to do so. All the things that are necessary and proper to be looked into before granting the charter are examined, and if unworthy or discredited men should ask for the privilege of establishing a national bank, I assume they would be denied a charter. I do not see any special force in the objection made by the Senator from Utah.

INTEREST ON DEPOSITS.

At the proper time, if no one else shall do so, I shall myself propose an amendment to the act approved March 4, 1907, amending the national-bank act, so as to require the Secretary of the Treasury in distributing the deposits of public moneys in national-bank depositaries to make the distribution according to population as shown by the last preceding census of the United States, and also requiring the banks accepting such deposits to pay to the Government of the United States interest upon the deposits at a rate not less than 2 per cent per annum upon their daily balances. The act of March 4, 1907, made it obligatory upon the Secretary of the Treasury to distribute these deposits of public moneys as equitably as possible among the different States and sections of the Union. As a matter of fact, the distribution was most inequitably and partially made, the eastern banks, particularly those of New York, receiving vastly more than they were entitled to. If these deposits had been fairly distributed upon an equitable basis in obedience to the mandate of the law, there is every reason to believe that the strain upon the western and southern banks would have been greatly relieved and the financial conditions in those sections greatly improved.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. CULLOM. In the absence of the chairman of the committee, who has charge of the unfinished business, I ask that it be laid aside for the present.

The VICE-PRESIDENT. The Senator from Illinois asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Missouri will proceed.

Mr. STONE. Mr. President, sophistical arguments about capital and surplus, volume of business, clearances, and centers of trade are not satisfactory. When we come to analyze the reports of the Comptroller of the Currency and the answer which the Secretary of the Treasury has made to criticisms of his action on this floor, we find that, even when the distribution made is justified on the basis of banking capital and surplus, the discrimination in favor of the northeastern section is still apparent. Undoubtedly New York is the chief financial center of the country, too much so for the country's good, and the volume of its clearances is vastly in excess of those of other cities; but, Mr. President, these clearances are not necessarily indicative of healthful and legitimate commerce or of an honest and legiti-

mate business. What proportion of the New York clearances is due to stock gambling? Stock gambling is carried on in other centers, but the volume of these transactions in New York, often predicated on margins, and when not so predicated are still often fictitious and meretricious, is greater than all the other cities combined. I have read the defense of the Secretary, but it is not satisfactory or convincing. The law should be so amended as to compel an equitable distribution of the public deposits, instead of lodging the matter of distribution in the discretion of the Secretary, with a door open for the abuse of that discretion.

And, Mr. President, the banks receiving these deposits ought to pay interest upon them. In many States, my own among them, the banks receiving deposits of public moneys pay interest upon them. Why should not the same rule apply in the case of the Federal Government? Hundreds of millions of public moneys are placed in these depositaries without interest, and banks receiving them loan the money to the people as they loan any other money committed to their custody. In this way they reap a large reward; it is a source of large profit to them, and why should they not pay to the Government some small per cent in the way of interest for the use of the public funds? To be sure these funds are subject to the call of the Treasury Department, but so are the moneys, at least the great bulk of the moneys, deposited by private customers, and the bank depositaries can calculate with greater certainty when the Government will call for money than when an individual will call. True it is, also, that these depositaries are fiscal agents of the Government and are supposed to transact more or less business for the Treasury, for which they received no compensation except that derived from the use of the public deposits. I assume that the business which these depositaries transact for the Government or the Treasury is not such as would ordinarily entitle them to much compensation, and it would be better for the Government to collect interest on its deposits and in turn pay for any services the banks might render. It would be wise, as has been suggested, to charge interest on public deposits and cover the sum realized into a guaranty fund for the protection of private depositors. In view of these considerations I shall vote to add a provision to the pending bill to establish and enforce the policy I have indicated.

In this connection I might say that I have recently read an interesting article in the American Banker of December 7 last, written by Mr. H. E. Trader, cashier of a bank at New Cambria, Mo. In this article Mr. Trader advocates, among other things, the creation of a board of governors or directors for the Treasury. He makes complaint, a complaint too often justified by the facts, that the Secretary of the Treasury is clothed with too great discretionary powers, powers that may be abused by him or by his subordinates. No bank president or cashier, he says, would be permitted to run the affairs of a banking corporation without the supervision of a governing board, and he regards the policy of permitting one man to manage the stupendous affairs of our National Treasury almost at discretion as crude and remarkable. Strange things have happened about the Treasury. It has come to pass in recent years that men holding even subordinate yet responsible positions in the Treasury—men without special training in the science of banking, and who had not previously demonstrated any special abilities as financiers—have graduated from the Treasury into responsible positions, such as president and vice-president of great financial institutions at opulent salaries. If some great bank or combination of banks should desire some millions of dollars for some special uses of their own, and could persuade some subordinate official of the Treasury holding a place of authority and influence to have the sum desired taken from the Treasury vaults and deposited with the banks, that official would render the banks a signal service—a service for which some signal reward might be expected. Such a thing might be done in conformity with law, and done even without the special knowledge or direction of the Secretary. It is practically impossible for the Secretary of the Treasury, however great his abilities or high his purposes, to keep the enormous transactions of the Treasury Department under his own eyes. Abuses are possible, and where they are possible they should be guarded against. I do not know that the suggestion of Mr. Trader is the best that could be made, but it is upon a right line, and, although I do not expect to have anything done in that behalf at this time, I have deemed it a matter of sufficient moment to call attention to it.

STOCK GAMBLING.

Mr. President, there is another thing to which I wish to call the attention of the Senate, and that is the stock-gambling mania in New York. Stock gambling has grown to be an evil of such dimensions as to threaten the stability of our banking system. The present panic is as much due to this monstrous evil as to anything else. I do not expect that any effort should be made in this bill to curb this evil, for an effort of that kind would not be germane to the pending legislation, as it affects only in a collateral way the banking system, and then again if any legislation upon that line is to be attempted it would necessitate careful and elaborate treatment, for the subject is both complex and difficult. Nevertheless I think it is a subject upon which legislators should bend their thought and ascertain if some plan can not be devised to end, or at least greatly restrain, the gambling concerns known as stock and produce exchanges. As I have said, the greater part of this gambling is carried on in New York, although it is also carried on on a large scale in nearly all the important cities of the country. The banks advance enormous sums to speculators in stocks and futures and take the things in which the gamblers speculate as security for their loans. Recently I read the following from a leading New York paper:

> When the recent panic became acute in November the clearing-house banks reported deposits of over $1,000,000,000. Of these deposits one-half were due to other banks. Of the loans, which slightly exceeded the deposits, over half were on stock exchange collateral—that is, the money collected from millions of depositors throughout the country by their local banks was used as the basis of Wall street credit and was the real money in the stock-exchange game.

Interest rates charged by the banks ran up to a point impossible to be thought of in legitimate business transactions, reaching in some instances as high as 200 per cent. Because these high rates of interest, so tempting to greed, were offered by speculators in stocks, and because of the fact that the banks themselves by reason of their vast loans to speculators had become involved in stock transactions, their commercial customers were denied accommodations. It has been reported that between 1896 and 1906 the New York bank loans on stock-exchange collateral increased from $162,361,654 to $442,210,705, while commercial loans increased in the same period from $151,795,029 to only $259,340,272. Nearly twice as much was loaned to stock speculators as was loaned to commercial customers. This shows to what extent the banks have become involved in stock transactions by holding stock-exchange collateral as security for their loans, and it shows how the money of the people, committed to the banks, is being diverted from the legitimate channels of trade into the vortex of the gambling exchanges. Last autumn when the country banks called for the money they had deposited in New York their demands could not be met for the reason that their money was tied up in stock speculations. Mr. President, these gigantic gambling schemes, carried on in the great commercial and banking centers of the country, would not be tolerated in any other civilized country on the globe. Undoubtedly stock speculations are engaged in on the exchanges abroad, but in many countries of Europe these transactions are regulated by the government and in some the transactions are subject to a special tax. In Germany transactions in futures on agricultural products, and selling of industrial stocks are forbidden except in certain cases between registered parties. The French system is said to be analogous to the taxing, licensing, and regulation of ordinary gambling houses by the Government. Such a thing as a great bank standing behind these gambling houses is unknown in the leading countries of Europe. The policy of American banks in discounting what are called finance bills—or in other words, making loans and passing credits on stock securities involved in stock transactions or speculations—has been disapproved by the leading banks of Europe. I am told that the Bank of France declines any longer to make advances on American finance bills, so called, although willing to loan on cotton, wheat, corn, and other like tangible properties. The Bank of England not only refuses to discount American finance bills, but has notified its customers that they must not do so, and the Bank of Germany has adopted the same policy. In this country it is different. Here the stock broker arranges with his bank through a system of time and call loans on stock-exchange collateral, and for the right to overdraw this balance to some given amount. At the end of a day's transactions, the brokers get certified checks for the sums they are to pay, which they exchange for the stock certificates they have purchased, and these they deposit with their banks to make good their overdrafts. When the banks become loaded with these securities they are more or less compelled to uphold their value in order to protect their loans, and the strain necessary to accomplish this is sometimes so great that the banks are compelled to curtail and even to deny accommodations to their commercial customers, and render themselves unable to take care of their depositors. A very interesting commentary on stock-gambling transactions, and the manner and extent to which banks become involved in them, was recently made in one of the New York papers, and anyone having time to read it would find it to be instructive.

But, Mr. President, aside from the fact that these gambling

transactions disturb the financial conditions and menace the financial safety of the country, they are demoralizing and most injurious to legitimate business in other ways. They are bad from every point of view and, in order to save the country from much of the harm resulting from them, ought to be put under rigid governmental regulation. It may be that primarily it is the duty of the States to deal with the subject within their respective jurisdictions. But there is one thing the Government of the United States may do; it may impose a revenue tax upon each transaction. If the Government of the United States can not constitutionally prohibit and wipe out this gambling saturnalia, it can at least lay its hand upon the gambler and extort from him a tax for using the privilege the State permits him to exercise, and to the extent that regulation may be necessary to accomplish this, the General Government may assert itself.

As I have said, Mr. President, I do not call attention to this subject with any idea that it will be considered in a practical way at this time, or that anything relating to it shall be attempted in this connection, but it is so related to the panic, and has to such a great extent contributed to it, that it seems to me that the Congress is under an imperative obligation to give to the subject its most thoughtful consideration. It is a matter to which attention should not be longer delayed, and some effort should be made to extirpate this prolific source of financial ills.

CONCLUSION.

Mr. President, in conclusion I desire to say that the only compensation I derive from contemplating the widespread disaster which has prevailed for months past throughout the land, comes from the fact that this disaster falls upon the country at a time when the Republican party is supreme, and after it has been supreme in all Departments of the Government for more than a decade. During the memorable struggle of 1896, and in every recurring Presidential contest since that time, the Republicans sounded a note of promise and a note of warning. They promised that if the Republican party should be successful and Republican financial and tariff policies should prevail, the country would be not only prosperous, but that industrial disasters would be impossible; and at the same time they warned the country that the exact reverse would be true in the event of Democratic ascendency. Both of these notes were false notes, but, Lord, how they rung them with multitudinous variations. In 1896 the country was told that the Democratic party favored a cheap dollar, a dishonest dollar, and that if its policy should obtain we would have dollars of differing values and purchasing power. The position of the Democratic party was grossly and wickedly misrepresented. There never was a day when any Democrat advocated or desired a monetary system under which the different moneys issued by the Government would possess a different value. We believed as much as the Republicans or any others believed in the doctrine of parity. While it is true that the Chicago platform of 1896 enunciated the policy of free and unlimited coinage of both silver and gold at the ratio of 16 to 1, and while it is also true that at that time the commercial value of silver was below that ratio, yet we believed that if silver should be put on a par with gold in the mintage of the country it would have the double effect of depreciating the value of gold by relieving the pressure upon it, and of appreciating the value of silver by increasing the demand upon that metal; and we believed that as one metal rose and the other fell in commercial value they would come together, after careful and judicious experiment, at approximately the old ratio of 16 to 1.

But if it was found to be impossible to bring them together at that ratio, then it was the policy of the party to remit the question of changing the ratio, as had been done before, to the wisdom of Congress so as ultimately and as speedily as possible to insure the parity of the metals. It was always the fixed purpose of the party to hold the gold and silver dollars at a parity. The silver issue was born of the exigencies of that period. Beyond all reasonable controversy the volume of currency in America was at that time grossly inadequate to meet the needs of the people, and as a consequence values and wages had fallen and the industrial activities of the country were stagnated. We believed then that the one crying need of the hour was more money with which to do the business of the country—not cheap money, but good money, every dollar worth a hundred cents. We saw no opportunity or means of increasing the money volume at that time except by a restoration of free silver coinage. We did not care for silver per se any more than for gold. If we had known then that within the next ten years there would be new discoveries of gold deposits in such vast quantity as practically to double the world's supply of that metal, there would probably never have been what was known as "the silver issue." We recognized the crying necessity for additional money, and our contention was that an adequate increase in the volume of money would eventuate in the revival of our industries and in the enhancement of property values and labor wages. The history of the last decade has demonstrated the correctness of that contention. Enormous additions to the gold supply have come from new discoveries, and additions to our money volume have been made from year to year, until to-day the aggregate sum of our possible circulation is nearly double what it was in 1896. As the money volume grew business conditions improved, industries revived, values rose, and wages increased. In other words, what we said would happen did happen as the result of the increase in the money volume. With plenty of money to meet the business needs of the country the country moved out from the shadow into the sunshine along the pathway of national prosperity. This prosperity was really due to the realization of a Democratic policy. It came not because of the Republican party, but in spite of it. As a matter of fact, the progress of this prosperity was delayed and its continuance made impossible by reason of the fact that the Republican party was in power. Upon the flanks of this prosperity hung the dead weight of Republican policies—policies often not even related or but remotely related to the coinage, which sooner or later was sure to precipitate new vexations and fresh disasters.

Gentlemen, you have given us a financial system which is but a patchwork, a sort of crazy quilt, which turns the financial well-being of the country over to the keeping of a great association of banking corporations, without taking pains to sufficiently safeguard the people against abuses, and you have fastened upon us a taxing system under the operation of which grasping monopolies are created to plunder the people. At last the chickens have come home to roost, as they were bound to come in time, and at last we have learned in the painful school of experience that the Republican party is not, after all, the evangel of prosperity. Now they may take off the armor in which they boasted and put on the sackcloth of humiliation. I prophesy that many moons will wane before they will again point at Democrats and sing in strident chorus the "song of the soup house." The full dinner pail will not be again blazoned as an emblem of triumph on the Republican shield. Caricatures of workingmen tramping in tattered apparel will be no longer borne on Republican transparencies as a warning to the wage-earner to flee from the Democratic party as from the breath of a pestilence. The disguises, shams, and pretenses under which Republican victories have been won will not be so potent in the future as in the past, and this year at least they must meet us unmasked, face to face. Mr. President, this panic, bad as it is, might have been infinitely worse if the Democrats of the country had imitated the example set them by their political opponents. During the latter years of the Cleveland Administration and during the contest of 1896 Republicans throughout the country seemed bent on making things worse than they were and of precipitating instead of preventing a panic. Not a hand among them was raised to stay the tumult, but there was an ever-swelling clamor to increase it. Banks coerced their customers, corporations coerced their employees, politicians thundered denunciations, and millions of money were contributed to create false impressions and achieve party success. How differently have Democrats conducted themselves in the present crisis. Democratic newspapers, Democratic business men, Democratic Congressmen, Democrats everywhere, have striven to allay excitement, to stem the tide and restore normal conditions as speedily as possible. Republicans themselves, who are primarily responsible for this disaster, have not been more diligent in this behalf than have the Democrats of the country. The contrast is remarkable, and it is a source of inexpressible gratification to me. I regret that these ills have befallen the country, I regret the injuries they have done, but they afford a good reason for looking to the future with satisfaction. I look around me and see and hear so much to encourage that I am inspired with a feeling of profound confidence that the day is at hand when the destinies of this country will be again committed to the party of Jefferson and Jackson. When that auspicious day shall come, as come it will, we will go forward sanely along a mounting way developing great enterprises and fostering our splendid industries; and though we shall strive to lift the country to a higher eminence than ever before, we will not forget to reverence the Constitution and guard our institutions against all who would undermine them.

ACTION OF NEW YORK CITY BANKS.

Mr. HEYBURN. Regular order, Mr. President.

Mr. CULBERSON. Mr. President, I ask the Senator from Idaho kindly to yield to me in order that I may now ask to have considered a resolution in reference to the action of New York City banks which I heretofore offered.

The VICE-PRESIDENT. The Senator from Texas asks unanimous consent for the present consideration of the resolution named by him.

Mr. HEYBURN. I will yield to the Senator from Texas for that purpose before the unfinished business is taken up.

Mr. CULBERSON. I ask that Senate resolution No. 88 be laid before the Senate and put on its passage.

The VICE-PRESIDENT. The Senator from Texas asks unanimous consent for the present consideration of the resolution named by him, which will be read.

Mr. CULBERSON. I will state that I have consulted the Senator from Rhode Island [Mr. ALDRICH], chairman of the Committee on Finance, and he has assured me that he has no objection to the passage of the resolution.

The VICE-PRESIDENT. The resolution will be read for the information of the Senate.

The Secretary read the resolution submitted by Mr. CULBERSON February 3, 1908, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate if any national banks outside the city of New York complained by telegrams or letters to the Treasury Department, the Secretary of the Treasury, the Treasurer of the United States, or the Comptroller of the Currency, between October 1, 1907, and November 15, 1907, of the refusal of national banks of New York City to pay in cash New York exchange or to respond to calls for reserves; and if so, the Secretary is directed to send to the Senate copies of all such telegrams and letters.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CLAPP. I desire to offer an amendment to the resolution. At the end of the resolution I move to insert the words "and answers thereto."

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. At the end of the resolution it is proposed to insert the words "and answers thereto," so as to read:

The Secretary is directed to send to the Senate copies of all such telegrams and letters and answers thereto.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

The resolution as amended was agreed to.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. Mr. President, I now call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The first section passed over will be stated.

The first section passed over was section 51, on page 28, as follows:

SEC. 51. [Whoever shall cut, or cause or procure to be cut, or shall wantonly destroy, or cause to be wantonly destroyed, any timber growing on *the public* lands of the United States; or whoever shall remove, or cause to be removed, any timber from said public lands, with intent to export or to dispose of the same; or whoever, being the owner, master, or consignee of any vessel, or the owner, director, or agent of any railroad, shall knowingly transport *any timber so cut or removed* from said lands, or lumber manufactured therefrom, shall be fined not more than $1,000, *or imprisoned not more than one year, or both.* Nothing *in this section* shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States.]

Mr. HEYBURN. The Senator from Utah [Mr. SUTHERLAND] has an amendment which he proposes to offer to that section.

Mr. SUTHERLAND. I propose the amendment to that section, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. At the end of the section, it is proposed to insert the following:

And nothing in this section shall interfere with or take away any right or privilege recognized or conferred by existing law of the United States to cut or remove timber from any public land.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Utah.

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. 112. [*Whoever, being elected* a Member of *or Delegate to* Congress, *or a Resident Commissioner from any Territory of the United States, shall, after his election and* either before or after he has qualified, *and during his continuance in office*, directly or indirectly, ask, accept, receive, or agree to receive, any money, property, or other valuable consideration, or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value to him *or to any person designated by him*, for his attention to, or services, or with the intent to have his action, vote, or decision influenced, on any question, matter, cause, or proceeding, which may at any time be pending in either House *of Congress* or before any committee thereof, or which by law or under the Constitution may be brought before him in his official capacity, or in his place as such Member, *Delegate, or Resident Commissioner*, shall be *fined* not more than three times the amount asked, accepted, or received, and *imprisoned* not more than three years; and shall, moreover, forfeit his office or place, and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.]

Mr. HEYBURN. The amendment offered to section 112—and the same amendment is also proposed to sections 113 and 114—is to strike out the words "being elected" in the first line of each section—though of course we will take them up one at a time, and we are now considering section 112—the amendment is to strike out the words "being elected" in the first line of the section.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 55, line 1, after the word "Whoever," it is proposed to strike out the words "being elected."

Mr. SUTHERLAND. Mr. President, it strikes me that both those words, "being elected," ought not to be stricken out. The section then would read "Whoever a Member of or Delegate to Congress." The amendment should be to strike out the word "elected" alone.

Mr. HEYBURN. The word "elected" is the one that should be stricken out.

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. On page 55, line 1, after the word "being," it is proposed to strike out the word "elected," so as to read:

Whoever, being a Member of or Delegate to Congress—

And so forth.

The amendment was agreed to.

Mr. HEYBURN. The next amendment is in the third line, to strike out the words "after his election."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 55, line 3, after the word "shall," it is proposed to strike out the words "after his election," so as to read:

Or a Resident Commissioner from any Territory of the United States shall and either before or after he has qualified—

Mr. HEYBURN. The word "and," after the word "election," should also be stricken out.

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. On page 55, line 3, after the word "shall," it is proposed to strike out the words "after his election and."

The amendment was agreed to.

Mr. HEYBURN. Those are the only amendments to section 112. I will say to the Senator from Georgia that the amendment was to strike out in the first line the word "elected," so that it will leave the law stand as it is now.

Mr. BACON. In other words, the Senator designs that the law shall remain as it has been construed by the court.

Mr. HEYBURN. As it is now.

Mr. BACON. As it is now as construed by the court, to wit, that after one has been elected and has begun to enjoy the emoluments of office——

Mr. HEYBURN. No.

Mr. BACON. He is not responsible to this provision of law unless he has taken the oath?

Mr. HEYBURN. No; it is intended that until he becomes a Member of Congress he shall remain a private citizen; in other words, it leaves the law as it is now. "Whoever being a Member of Congress" is prohibited from doing these things.

Mr. BACON. We had that matter up the other day, though on a different section, I think, and the Senator will remember the case which arose which is familiar to Senators, of one who was a member-elect of this body and who was charged with having violated a provision of law, if it were applicable to him. He was indicted, and, as I understand, acquitted upon the ground that while he had been elected and his term had begun and he was enjoying the emoluments of office, nevertheless, not having been sworn in, he was not amenable to the law. That is the construction of the court upon the present law to which I refer. It may not have been upon this section, but upon a kindred section, in which possibly the same language is used. In other words, the word "member" was construed to mean not simply a man who had been elected and whose term had begun and who had begun to receive the emoluments of the office, in the case of a Senator, but one who had absolutely appeared at the Vice-President's desk and taken the oath of office. Does the Senator desire that this section shall be construed that way?

Mr. HEYBURN. No, Mr. President. It is sought to provide that whenever a member-elect begins to draw his pay as a

member of either House, he shall be considered to be a member of that House. We have a provision of existing law that the responsibility of the Government, and consequently of the member, begins with the term for which he is elected. Whether or not Congress is in session so as to afford him an opportunity to take the oath of office, he has impliedly assumed the obligations of the office and has impliedly assumed the duties of the office——

Mr. BACON. The Senator says we have a statute to that effect?

Mr. HEYBURN. And is being paid. That is the fact. We have a law that provides that the pay of a Senator shall begin from the time when his term of office would begin were the Senate in session. That is the law.

Mr. BACON. Mr. President, I understand that that is the Senator's view.

Mr. HEYBURN. I think the responsibility should begin then and not before, because he is not in the employ of the Government or drawing pay until that time.

Mr. BACON. Very well; but the trouble about it is, Mr. President, in the case which I have cited that the court has construed the law differently from what the Senator thinks it ought to be. The case of which I speak, though I do not think it was under this particular section, was under that section of the law which prohibits a Senator or a Member of the House of Representatives from entering into a contract with the Government, for instance, for the lease of a building. That was a case where a Senator-elect to this body after his term began, to wit, after the 3d of March, and during the time when he was drawing a salary as a Senator, did enter into a contract—there were some other alleged features, I do not know whether correctly alleged or not—for the rent of a post-office to the Government. The language of that section of law is the same as that in this section, to wit, "a member," if I recollect aright; and the court held that he was not amenable to the law because, while he was in the condition and occupying the position that the Senator from Idaho thinks ought to be applicable to one under this provision of law, he had not been sworn in, the court said he was not amenable to the law. Am I correct in that?

Mr. HEYBURN. Mr. President, I inquire of the Senator from Georgia if that case is reported.

Mr. TELLER. Yes.

Mr. HEYBURN. I think it would be well——

Mr. BACON. It was certainly reported in the public press.

Mr. HEYBURN. I would prefer to have it reported as cases in court are reported.

Mr. BACON. Every Senator who was then a member of this body knows to what case I refer.

Mr. HEYBURN. The Senator from Georgia was a member of the committee that investigated that matter.

Mr. TELLER. If I may interrupt——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Yes.

Mr. TELLER. The case which is referred to is the case of a former member of this body. There was another case in which a Member of the House was concerned where the court held just the reverse of the holding in the case to which the Senator from Georgia refers. The court held that, although he had not been sworn in, he was liable under the law, and he paid a large fine to get out of it. So I suggest to the Senator that he better make that explicit and put in words that will determine the matter, so that a Senator or Member-elect will know when he is to come under the provisions of the act.

Mr. HEYBURN. I have no objections at all to having the section made to conform to the law as the court has interpreted it, if it does not. Of course the presumption is that the law and the decisions are in harmony, because the court was interpreting a section——

Mr. TELLER. You have two interpretations, one one way and the other the other. It was not a decision of the Supreme Court, but of a subordinate Federal court, in both cases.

Mr. HEYBURN. Yes.

Mr. TELLER. I think we should put in the act "from the time of his election," or something of that kind, to make it specific.

Mr. HEYBURN. I do not intend to contend for this amendment, because, as a member of the committee which reported the section in the form in which it is now before us, I only reserved the right to call the attention of Congress to the fact that it was proposed to widen the scope of the statute.

Mr. BACON. Will the Senator pardon me for a moment?

Mr. HEYBURN. Certainly.

Mr. BACON. When we were going over this bill on a former occasion we had under consideration section 115, which is the particular section to which I had reference when I illustrated my contention by the case of a member-elect of this body. The Senator will remember the debate we had upon it, and the Senator himself, I think, contended that while he was unwilling that the responsibility should begin at the time of election and prior to the time of the beginning of service, he did insist that it should begin at the time of the service, and I recollect my responding to him that the same reason which would debar one who was a member-elect and whose term had begun would perhaps in a less degree debar one who was a member-elect and whose term had not begun.

I made the suggestion in that connection that one reason why the law prohibited a member from practicing before the Departments, for instance, was that he was presumed to have more influence than one who was not an official, especially a Member of Congress who had the control of the Departments. I have forgotten what was the final determination in regard to the matter. But section 115——

Mr. HEYBURN. Section 116 is the one regulating contracts.

Mr. BACON. Section 116 it is. Section 115 is a different thing.

Mr. HEYBURN. Section 115 regulates the practice.

Mr. BACON. That reads this way:

SEC. 116. [Whoever, being *elected* a Member of or Delegate to Congress, *or a Resident Commissioner from any Territory of the United States, shall, after his election and either before or after he has qualified, and during his continuance in office*—

Those are the words which we adopted as to section 116. It seems to me that exactly the same reasoning would require us to use the same language in section 112, because it relates to the same class of matter.

Mr. HEYBURN. If it becomes evident that the Senate does not care to insist upon the restoration of the language of existing law, I will withdraw my amendment, because I made it only that it might be called to the attention of the Senate that we were enlarging existing law so to include the period between election and the succeeding 4th of March, and I did not desire that this section should be passed without the attention of the Senate being directed to that.

Mr. BACON. Section 112 contains the same language as that which I have read from section 116.

Mr. HEYBURN. Yes.

Mr. BACON. The Senator from Idaho proposed to amend it so as to eliminate the amendment and restore that section in the language of the present law, and that is the point to which I objected. I think the language as expressed in the present section as amended is preferable. Aside from all other considerations, I think we owe it, as expressed by the Senator from Colorado, to those who will be responsible to the law to have it made so definite and certain that there will not be the uncertainty which grows out of the conflicting decisions on that subject.

Mr. HEYBURN. It appearing that no Senator desires to suggest any change in the section as reported, I withdraw the amendment.

Mr. TELLER. What is the amendment?

Mr. HEYBURN. The amendment was simply to eliminate the word "elected," so that it would not cover the period between election and the time when the duties of the office are assumed, on the 4th of March.

Mr. TELLER. The words in line 4, "either before or after he has qualified," it seems to me make it definite. I think that is sufficient. Is this the section in which the junior Senator from Idaho [Mr. BORAH] wanted to insert the word "court" somewhere?

Mr. HEYBURN. That is in another section—section 115. Mr. President, then I withdraw the amendment.

Mr. BACON. Mr. President, I wish to suggest another matter to the Senator from Idaho. It has been called to my attention by the Senator from Maryland, and I think it worthy of consideration.

The Senator will remember that the discussion which we had upon this language arose upon the section which related to appearing before the Departments for a compensation, and the question then arose, and was suggested by the Senator from Idaho himself, as to whether or not it was competent for Congress to pass a law which should affect a citizen who, while he had been elected, was still a private citizen until the beginning of his term of office. My reply to that was that it was competent for the Government to prescribe the terms upon which anyone could appear before a Department or under which certain classes of people could be debarred from practicing before the Departments.

But the suggestion in reference to this section is a very pertinent one. It has been suggested to me by the Senator from

Maryland and is this: This relates not to the matter of appearing before one of the Departments of the Government, but to the conduct of the citizen himself before his term of office begins, and it is a matter certainly worthy of consideration whether that is in this particular section the proper language, and whether it ought not in this section, while correct in the other section, because it related to the regulations of appearing before the Department, to be limited to acts done after the beginning of his term, because the fact that he is a private citizen relates to his outside acts, and it is gravely to be doubted whether the Government could impose a penalty on him for an individual act performed before he becomes a Member.

Mr. HEYBURN. I think section 112 pertains really to lobbying, and I am in thorough accord with the criticism of the Senator from Georgia, because the acts there are not——

Mr. BACON. The section, in order to express my view of it, would have to make him amenable to the law in case after his term of office began he transgressed any of these prohibitions. If the Senator will frame an amendment to cover that view, it seems to me it would be the proper course to pursue.

Mr. SUTHERLAND. I understand the Senator from Georgia is referring to section 112.

Mr. BACON. Yes, sir, 112.

Mr. SUTHERLAND. It occurs to me that that section ought to remain as it is. It provides:

SEC. 112. [*Whoever, being elected a* Member of *or Delegate to* Congress, *or a Resident Commissioner from any Territory of the United States, shall, after his election and* either before or after he has qualified, *and during his continuance in office,* directly or indirectly, ask, accept, receive, or agree to receive, any money, property, or other valuable consideration—

For what?

For his attention to, or services, or with intent to have his action, vote, or decision influenced, on any question, matter, cause, or proceeding, which may at any time be pending in either House *of Congress* or before any committee thereof.]

So what he is forbidden to do is to receive money prior to the time he has qualified, to do something after he has qualified. Certainly it would be just as great an offense to receive money before his qualification, to affect his vote afterwards, as to receive the money after he had qualified.

Mr. BACON. I think the Senator is correct.

Mr. HEYBURN. I withdraw my amendment.

Mr. BACON. I had not at the time I made the suggestion had the opportunity to read the section clear through, and the considerations for the services had not been suggested to my mind as they are now suggested by the words of the Senator from Utah. I think he is correct in his view of the matter. While it would relate to an independent act outside, it is entirely a pertinent prohibition, for it relates to what he himself shall afterwards do.

Mr. SUTHERLAND. Yes.

Mr. BACON. I think the Senator is correct.

The VICE-PRESIDENT. Does the Senator from Idaho withdraw his amendments in lines 1 and 3?

Mr. HEYBURN. I withdraw all amendments to the section.

The VICE-PRESIDENT. All amendments to section 112?

Mr. HEYBURN. Yes.

The VICE-PRESIDENT. The Secretary will read the next passed-over section.

Mr. HEYBURN. Section 113, which is the next passed-over section, has been read, and there is no objection to having it considered and disposed of under the same rule as prevailed with respect to the last section. The same is true of section 114. It has been read. I withdraw any suggestion of amendment, and it may go under the same rule as section 112.

The VICE-PRESIDENT. The next passed-over amendment will be stated.

The SECRETARY. The next passed-over amendment is one submitted by the Senator from Idaho [Mr. BORAH], on page 57, section 115, line 24, before the word "Department" to insert:

Court in any civil cause or before any—

So that, if amended, it will read:

Is a party or directly or indirectly interested, before any court in any civil cause or before any Department, court-martial, bureau, officer, or any civil, military, or naval commission.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. BORAH].

The amendment was rejected.

The VICE-PRESIDENT. The next passed-over section will be read.

The Secretary proceeded to read section 185.

Mr. HEYBURN. This section has been read several times.

Mr. BACON. I do not understand whether any amendment is suggested.

Mr. HEYBURN. There is no amendment pending.

Mr. BACON. Mr. President, I have very pronounced views upon this question, as I have frequently indicated, but my objections I have stated so fully that I do not believe I would be justified in repeating them.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. As I recall, the amendment which the Senator from Georgia desired to this section was adopted, and some Senator entered the Chamber and requested that the section be passed over. I do not remember just now why it was passed over. At any rate the amendment desired by the Senator from Georgia was adopted.

Mr. BACON. I am content if that is the case. I understood the Senator from Idaho to the contrary.

Mr. HEYBURN. I said there was no amendment pending.

Mr. BACON. Ah!

The VICE-PRESIDENT. The next passed-over section will be stated.

The Secretary read as follows:

CHAPTER TEN.

THE SLAVE TRADE AND PEONAGE.

SEC. 242. Whoever, being of the crew or ship's company of any foreign vessel engaged in the slave trade, or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of any citizen *of the United States,* forcibly confines or detains on board such vessel *any person as* a slave, or, on board such vessel, offers or attempts to sell as a slave any *such person,* or on the high seas, or anywhere on tide water, transfers or delivers to any other vessel any *such person* with intent to make such *person* a slave, or lands or delivers on shore from on board such vessel any *person* with intent to make sale of, or having previously sold such *person* as a slave, is a pirate, and shall be imprisoned for life.

Mr. BACON. Mr. President, I should like the Senator to say why it is necessary to mention the United States, and I will state the reason for my inquiry. The purpose of this entire chapter I approve, and I desire that the language of the law shall be such as to make that purpose absolutely effective. Now, the general provisions of the law which make everyone engaged in the slave trade a pirate affects all those who are engaged in the business, regardless of their nationality, and affects every ship engaged in the business, regardless of the nationality.

The jurisdiction of the United States under this law is not limited to the case of a citizen who violates it, but extends to all the peoples of all the earth or anyone of them who may violate it, and the provisions of this law, so far as the ships are concerned—the general law, I speak of—are not limited to the ships which fly the American flag, but extend to any ship that may be engaged in the slave traffic, regardless of the flag it flies or whether it flies any flag. In each case the man who is engaged in the business is a pirate under the law, liable and subject to be dealt with as a pirate, regardless of the country from which he comes or to which he may owe allegiance, and every ship engaged in it is taken and denominated a pirate ship, regardless of the country from which it comes.

Now, why should this chapter in any particular refer to the United States? If it be true that it is necessary to designate the United States in order to make the law effective, then the answer to my question is complete and ready. But if it be true that every one engaged in the business is denominated a pirate and subject to punishment as a pirate, regardless of his nationality, and if it be true that every ship engaged in the business is a pirate ship, regardless of the flag it carries, or the absence of a flag, why should there be a designation of any country in regard to slavery or the slave trade?

Now, I ask that for information from the learned Senator, and would be glad to have him explain why there is any necessity for it.

Mr. HEYBURN. If the Senator from Georgia should move to strike out the words "United States," I would, so far as I may, accept the amendment. A little embarrassment might arise because of the change that is made in the character of the punishment. We could put to death a party who was guilty of piracy and dispose of him without regard to his nationality, but whether we could imprison him in our prison for life is another question and might make some embarrassment.

Mr. BACON. I do not think so.

Mr. HEYBURN. But if it would not, and the Senator from Georgia should move to strike out "United States," there would be no opposition, I think, to its being done.

Mr. BACON. A pirate is an offender against the law of every nation, and is subject to the jurisdiction of every nation wherever he may be found, and is subject to the penalty which that nation may impose upon him in the same way that the violator

of a law within the jurisdiction is subject to whatever penalty the State may elect to impose upon him. So I have no doubt about the fact that, while the ordinary punishment of a pirate is death, the same authority which could impose the death penalty would have authority to impose any minor penalty.

Mr. HEYBURN. I think so. I merely suggested that difficulty.

Mr. BACON. I would not have any possible hesitation in that opinion.

What I would suggest to the Senator is this, and it may shorten his labors. We had a very interesting discussion upon this chapter when it was formerly before the Senate, and there were suggestions made which the Senator himself showed the impolicy and impropriety of adopting. But the general ground upon which my objection was finally rested was the one I have indicated, and that is that since the slave trade is under the ban and condemnation of the law of every civilized nation, and since the law of our country makes everyone engaged in it a pirate, and every ship engaged in it a pirate ship, it is not necessary that there should be any language in this chapter—not only this section, but the cognate sections—which would indicate that there was particular reason for the enactment of a law against slavery and the slave trade in connection with the United States which does not exist as to other nations.

The Senator from Idaho has, very much to my gratification, indicated a concurrence in that view. I do not think there is any other features of this chapter—that is, so far as it relates to the slave and the slave trade—which needs amendment or which has met with any objection. It may require some little time to eliminate these objectionable features of the chapter and to adapt the changes to the remainder of the chapter. I would suggest to the Senators in charge of the bill that if they would take that chapter and go through it and eliminate all allusions to the United States and adapt the remaining language, it will be unnecessary to consume any further time in the consideration of the sections.

Mr. SUTHERLAND. I want to call the attention of the Senator from Georgia to one phase of this matter. The Senator will observe that the original section, 5375 of the Revised Statutes——

Mr. BACON. The Senator will pardon me a moment until I can get the other copy of the bill. The clerk is reading from the bill, and he gives us the paging from the bill, and consequently it is necessary to follow that. But that has not the original section indicated, and I will have to turn to the copy the Senator refers to. Will the Senator give me the page?

Mr. SUTHERLAND. Section 242 is the section we are now considering.

Mr. BACON. Yes.

Mr. SUTHERLAND. And opposite that the Senator will find the original section.

Mr. BACON. I understand.

Mr. SUTHERLAND. Being section 5375 of the Revised Statutes.

Mr. BACON. Yes.

Mr. SUTHERLAND. Let me read just a part of that section:

> Every person who, being of the crew or ship's company of any foreign vessel engaged in the slave trade—

Let us stop there for just a moment—who does any of the things that are provided for by the statute, is a pirate. The section proceeds:

> Or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for on in behalf of any citizen—

Does any of these things, is a pirate. So the original law makes this distinction. The only thing the committee has done is to make clear what is meant by the word "citizen," by saying "citizen of the United States." The original law includes the word "citizen."

It occurs to me that perhaps the explanation of it may be this: I state it with some hesitation, because I am not entirely certain about it myself. Any person a member of a crew or ship's company, which vessel is engaged in the slave trade, is a pirate under the law of nations.

Mr. BACON. And under this statute.

Mr. SUTHERLAND. Yes; and under the statute, but he is a pirate independently of any provision of the statute. He is a pirate under the law of nations. We need not have characterized him; he would have been a pirate. The section proceeds and says that:

> Or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of any citizen—

Does these things, is also a pirate. That particular person might not be a pirate by the law of nations.

Mr. BACON. But we are not dealing with the law of nations. We are dealing with the statute.

Mr. SUTHERLAND. I understand.

Mr. BACON. And if he was not under the law of nations, he would be under this statute.

All I want to suggest to the Senator, if he will pardon me, is this: The law from which the Senator has read was enacted in 1820, at a time when there were slave traffic and slave trade and when there was a necessity not only to deal with those who were engaged in the slave trade under a foreign flag, but to deal especially in the case of those who were engaged under our own flag, for the reason that there was great temptation for those who had business connections in this country to engage in the trade. But if you will strike out the word "foreign," so that it will read "any vessel," it will include not only foreign vessels, but domestic vessels, and the purpose I have is to make the law general, just as I have no doubt the law of England is general, or the law of any other civilized country which has endeavored to suppress the slave trade.

I can see no possible reason why, when the general language will cover all domestic vessels and all of our own citizens who violate the law in the same way that it does foreign vessels or foreign people, we should keep up the distinction and make an enumeration of each class.

Mr. SUTHERLAND. I am inclined to think the Senator is correct about it.

Mr. BACON. I think it very probable the Senators will find it necessary to go carefully through the various sections of this chapter so as to eliminate all reference to the United States and adopt the remaining language so that it may be harmonious.

Mr. HEYBURN. I will say to the Senator from Georgia that while the discussion has proceeded I have gone through this chapter, and I find that the changes are very few. For instance, in this chapter the Senator's proposition, as I understand it, is to strike out the word "foreign," in line 2, and to strike out the words "of the United States," in line 5 of the section. That would leave the section stand as it is suggested by the Senator it should read, and it is entirely acceptable to the committee that that change should be made, and it might as well be made now and disposed of.

Mr. BACON. All right. Let us take each section as we come to it.

Mr. HEYBURN. Let the amendment be stated.

The SECRETARY. On page 131, line 4, before the word "vessel," strike out the word "foreign," and in line 7 strike out the words "of the United States."

The amendments were agreed to.

Mr. HEYBURN. Now, I would suggest——

Mr. BACON. That is not sufficient. There are so many different prints of the bill it is almost impossible to follow the suggestion, even from the Clerk's desk or from the Senator from Idaho. For instance, the print which I have has the word "foreign" in the fourth line. I understood the Senator to say that in the print he has it is in the second line.

Mr. HEYBURN. The words stricken out are in the second and the fifth lines of the section. The print of the section is the same. It is printed in the same type always.

Mr. BACON. There is no print I have which corresponds to that. It is a great misfortune which has pursued us throughout the entire consideration of the bill that we have so many prints of the bill.

Mr. HEYBURN. That is the reprint.

Mr. SUTHERLAND. If the Senator from Idaho will permit me, I think, in order to meet the suggestion of the Senator from Georgia, it would be necessary to strike out the word "foreign," in line 4, and also beginning with the word "or," in line 4, strike out the words "or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of, any citizen of the United States."

Mr. BACON. That is the very suggestion I wished to make.

Mr. SUTHERLAND. Strike out all that clause, so as to make the section read:

> Whoever, being of the crew or ship's company of any vessel engaged in the slave trade, forcibly confines, etc.

That would cover it.

Mr. BACON. That is right. That amendment ought to be made.

Mr. HEYBURN. That amendment will be accepted, to strike out, commencing with the word "or," in the second line, and including the words "United States," in the fifth line.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be stated.

The SECRETARY. On page 131, line 4, after the words "slave trade," strike out the words "or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of, any citizen of the United States."

The amendment was agreed to.

Mr. BACON. Now, the same amendment exactly should be made in the next section.

Mr. HEYBURN. Two hundred and forty-three is the next section. Let the word "foreign," in the second line of the section, be stricken out.

Mr. BACON. On the fourth line of the page.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 132, line 4, before the word "vessel," strike out the word "foreign," and in the same line, after the words "slave trade," strike out down to and including the words "United States," in line 7, in the following words:

Or being of the crew or ship's company of any vessel, owned in whole or in part, or navigated for, or in behalf of, any citizen *of the United States.*

So as to make the section read:

SEC. 243. Whoever, being of the crew or ship's company of any vessel engaged in the slave trade, lands from such vessel, and, on any foreign shore, seizes any *person* with intent to make such *person* a slave, or decoys, or forcibly brings, or carries or receives such *person* on board such vessel, with like intent, is a pirate and shall be imprisoned for life.

The amendment was agreed to.

Mr. HEYBURN. Section 244 does not contain those provisions and is probably not objected to. It might as well be read and then it will be before us.

The VICE-PRESIDENT. The Secretary will read the section.

The Secretary read as follows:

SEC. 244. Whoever brings within the jurisdiction of the United States in any manner whatsoever any *person* from any foreign kingdom or country, or from sea, or holds, sells, or otherwise disposes of, any *person* so brought in, as a slave, or to be held to service or labor, shall be fined not more than $10,000, one-half to the use of the United States and the other half to the use of the party who prosecutes the indictment to effect; and, moreover, shall be imprisoned not more than seven years.

Mr. HEYBURN. That is an ordinary prohibition against slavery.

The Secretary read as follows:

SEC. 245. Whoever builds, fits out, equips, loads or otherwise prepares, or sends away, either as master, factor, or owner, any vessel, in any port or place within the jurisdiction of the United States, or causes such vessel to sail from any port or place whatsoever, within such jurisdiction, for the purpose of procuring any *person* from any foreign kingdom or country to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as a slave, or held to service or labor, shall be *fined* not more than $5,000, one-half to the use of the United States and the other half to the use of the person prosecuting the indictment to effect; and shall, moreover, be imprisoned not more than seven years.

SEC. 246. Whoever, being a citizen or other person resident within the jurisdiction of the United States, takes on board, receives, or transports from any foreign kingdom or country, or from sea, any *person* in any vessel, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or to be held to service or labor, shall be punished as prescribed in the section *last* preceding.

Mr. BACON. I think possibly section 246 would be improved by striking out the words "being a citizen." It would make it applicable to any person within the jurisdiction of the United States. It would certainly be a violation of the spirit of the law if done by any person, and I see no reason why there should be any alternative about it. I suggest to strike out the words "being a citizen or other person."

Mr. SUTHERLAND. So as to read, "Whoever, being a resident?"

Mr. BACON. I do not know but that I would strike out the word "resident." Let it read "Whoever, within the jurisdiction of the United States."

Mr. HEYBURN. That is right.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 133, lines 9 and 10, strike out the words "being a citizen or other person resident," so as to read:

Whoever, within the jurisdiction of the United States, takes on board, etc.

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. 247. Whoever, being the captain, master, or commander of any American vessel found in any river, port, bay, harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coast thereof, having on board any *person*, for the purpose of selling *such person* as a slave, or with intent to land such person for any such purpose shall be fined not more than $10,000, and imprisoned not more than four years.

Mr. BACON. There ought to be some change in the language of this section. I wish to say that if it were not for the fact that there are some countries now within the jurisdiction of the United States where there is at least a partial, sporadic attempt occasionally, I presume, to subject individuals to slavery, I should desire to have the entire section eliminated, because I am unwilling to leave upon the statute books anything which would suggest that there is in the contemplation of any part of the people of the United States the restoration of the institution of slavery or any connivance at the effort to sell any person into slavery.

I am glad of the opportunity, in passing upon this section, to put upon record the statement that it is purposed to leave this section as it shall probably be amended simply for the purpose of reaching territory altogether outside of what is known as the "proper limits" of the United States. With that statement I think the language ought to be eliminated which limits it to an American vessel. With an amendment to that effect, I should myself make no further opposition to the section.

Mr. HEYBURN. I would suggest further to the Senator from Georgia that the words "jurisdictional limits of" should be stricken out and the word "jurisdiction" substituted as being applicable to the territorial condition.

Mr. BACON. Yes.

Mr. HEYBURN. Both those amendments will be accepted.

Mr. BACON. Will the Senator please indicate the exact words he desires to strike out?

Mr. HEYBURN. In the second line of the section strike out the word "American."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 133, line 17, before the word "vessel," strike out the word "American."

The amendment was agreed to.

Mr. HEYBURN. In the third line of the section I move to strike out the words "jurisdictional limits" and insert in lieu thereof the word "jurisdiction."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 18 strike out the words "jurisdictional limits" and insert in lieu thereof the word "jurisdiction," so that if amended it will read, "within the jurisdicton of the United States."

The amendment was agreed to.

Mr. HEYBURN. It will be necessary to strike out the words "or hovering on the coast thereof," because the word "jurisdiction" is broad enough to cover that.

Mr. BACON. I am not sure about that. I may be wrong; but the jurisdiction of the United States, except so far as we extend it to cover a pirate, is limited to 3 miles off the coast, and this hovering might be outside of that jurisdictional limit, and at the same time it could be brought within the jurisdiction of a statute of this kind by express enactment. Therefore I am inclined to think that the words "or hovering on the coast thereof" had better remain. I may be in error, but that is the way it strikes me.

Mr. HEYBURN. We regarded the words as superfluous. If the 3-mile limit would be sufficient scope in which to capture this class of vessels, then it would not be necessary to insert the words; but if the Senator from Georgia thinks it might be necessary to protect more than 3 miles from the coast, then the words should remain in the section.

The VICE-PRESIDENT. Does the Senator from Idaho withdraw the amendment?

Mr. HEYBURN. I withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn. The Secretary will resume the reading.

The Secretary read the next section, as follows:

SEC. 248. Whoever, being a citizen of the United States, or other person residing therein, voluntarily serves on board of any American vessel employed or made use of in the transportation of slaves from any foreign country or place to another, shall be *fined* not more than $2,000 and *imprisoned* not more than two years.

Mr. BACON. We have an existing law and also a provision in the pending bill which makes every person found upon a slaver a pirate, and I do not see why this section should be allowed to remain. It is limited to the case of a citizen of the United States, whereas under the previous section, 243, such person is denominated as a pirate, and it says he shall be imprisoned for life. I see no difference between the offense committed in either case except that here it is limited to a citizen of the United States and the penalty is made less. It seems to me that the section is entirely superfluous and that it may do harm.

Mr. HEYBURN. There is a different character of action expressed in section 243 from that which is expressed in section 248.

Mr. BACON. The Senator is correct.

Mr. HEYBURN. It is a different character of offense. Section 248 is intended to punish American citizens for engaging in this trade upon American vessels. Section 243 applies to the vessels of all nations and to citizens of all nations.

Mr. BACON. Why should it be limited to the case of American vessels?

Mr. HEYBURN. That law was passed on the 10th of May, 1800, and it was passed at a time when conditions, of course, were different from what they are now; but it seems to me it is very appropriate to have on the statute books a law prohibiting American citizens from engaging in so nefarious a business on American ships.

Mr. BACON. Or any other ship.

Mr. HEYBURN. That is true; but still we may always appropriately legislate with reference to those things that belong distinctively to our own country and carry our own flag. An American ship carries an American flag.

Mr. BACON. I call the attention of the Senator to a fact which illustrates the thought that was in my mind. The succeeding section broadens it so as to make it apply to a citizen of the United States serving on any foreign vessel and gives it the same penalty. So it appears to me it would be entirely sufficient to amend section 248 so as to strike out the word "American," and then strike out section 249 altogether, because it has exactly the same penalty and relates to the same person. One is limited to the case of service upon an American vessel, and the other is limited to the case of service upon any foreign vessel. If we simply make it read "any vessel," it will cover both foreign and domestic. And I can see no reason whatever for both sections remaining if the word "American" is stricken out of section 248.

Mr. HEYBURN. The two sections were enacted at the same time, being a part of the same act. What the purpose of Congress was in dividing the offense I do not know, but the committee were inclined to leave the existing law as they found it. It may be that in the interest of form we might consolidate them.

Mr. BACON. If you strike out the word "American," you do consolidate them. Then section 248 will include all that is now in the section and also that which is in section 249.

Mr. HEYBURN. One applies to American vessels and the other to foreign vessels.

Mr. BACON. Yes; but in each case it applies to the American citizen. In the former case the American citizen who does a certain act upon an American vessel is punished in a certain way. In the second case the American citizen who does the same act upon a foreign vessel is punished in the same way. Consequently, if you strike out the word "American" from section 248 you have what is included now in both sections.

Mr. HEYBURN. I should not object at all to consolidating the two sections, and it can readily be done, as suggested by the Senator from Georgia, by striking out the word "American" in section 248. I move that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 134, line 1, before the word "vessel," strike out "American."

The amendment was agreed to.

The SECRETARY. Strike out all of section 249, as follows:

SEC. 249. Whoever, being a citizen of the United States, voluntarily serves on board of any foreign vessel employed in the slave trade, shall be punished as prescribed in the section *last* preceding.

The amendment was agreed to.

The Secretary read the next section passed over, as follows:

SEC. 250. Whoever, being the master or owner or person having charge of any vessel, receives on board any other person, with the knowledge or intent that such person is to be carried from any State, Territory, or District of the United States to a foreign country, state, or place, to be held or sold as a slave, or carries away from any State, Territory, or District of the United States any such person, with the intent that he may be so held or sold as a slave, shall be *fined* not more than $5,000 or *imprisoned* not more than five years, or both.

Mr. BACON. That section, I think, needs material amendment. I repeat in regard to it substantially what I said in regard to the former section, that were it not that we have some remote countries now within the jurisdiction of the laws of the United States I should favor the striking of it out altogether. The section, of course, as found now in the present law, was enacted at a time when conditions were entirely different from what they are now. There is no possibility that from any State or Territory or District of the United States there should be an attempt to put anyone into slavery or that one should be carried from such place to any other State, Territory, or District for the purpose of placing that person in a condition of slavery.

There was at the time it was enacted, of course, dangers of that kind, which it was the intention to guard against; but those times have entirely, absolutely, utterly passed; there is no possibility that they can ever be restored. State, Territory, or District are technical terms in our classification of political divisions, and so far as it relates to a State of the Union, or to a Territory of the United States, which means now only Arizona and New Mexico, or District, which means the District of Columbia, it is an utter, absolute impossibility.

But there is a country within the control of the United States Government where such a thing is still a possibility, and I think the language of the section ought to be so amended as to limit it in its application to that particular country, or we should use such general language, if you please, as will not specify a State or a Territory or a District. You may simply use the word "place," if you wish, which would cover everything.

I am unwilling, Mr. President, that there should remain language here which was used properly to meet conditions at the time of the enactment, which would now have no signification and no application to present conditions.

Mr. SUTHERLAND. Mr. President——

Mr. BACON. The Senator will permit me to make a suggestion. If the words "any State, Territory, or District of the United States" were stricken out and the word "place" substituted therefor, it would cover everything and at the same time we would not have a classification which might mislead as to our intention.

Mr. SUTHERLAND. I had in mind to suggest this amendment. On the fourth line strike out the words "State, Territory, or District" and insert in lieu thereof "place subject to the jurisdiction," so as to read:

That such person is to be carried from any place subject to the jurisdiction of the United States, etc.

Then in line 6 of the section strike out the words "State, Territory, or District" and insert the same language "place subject to the jurisdiction," so as to read:

To be held or sold as a slave, or carries away from any place subject to the jurisdiction of the United States any such person.

Mr. BACON. Will the Senator, if he has interlined the amendment which he proposes, read the entire section as it will then be amended?

Mr. SUTHERLAND. The section would then read:

Whoever, being the master or owner or person having charge of any vessel, receives on board any other person, with the knowledge or intent that such person is to be carried from any place subject to the jurisdiction of the United States to a foreign country, state, or place, to be held or sold as a slave——

Mr. BACON. I would suggest to the Senator that he say "any other place" instead of "foreign country, state, or place." That would make it more comprehensive.

Mr. SUTHERLAND. Then I move to strike out the words "a foreign country, state, or place" and insert "any other," so as to read:

To any other place, to be held or sold as a slave, or carries away from any place subject to the jurisdiction of the United States any such person, with the intent that he may be so held or sold as a slave, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Mr. BACON. That will cover it.

Mr. SUTHERLAND. I move that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 134, line 12, strike out the words "State, Territory, or District" and insert in lieu thereof the words "place subject to the jurisdiction;" in line 13 strike out the words "a foreign country, State, or," and in lieu thereof insert "any other," and, in lines 14 and 15, strike out the words "State, Territory, or District" and insert in lieu thereof the words "place subject to the jurisdiction;" so that if amended it will read:

Whoever, being the master or owner or person having charge of any vessel, receives on board any other person, with the knowledge or intent that such person is to be carried from any place subject to the jurisdiction of the United States to any other place, to be held or sold as a slave, or carries away from any place subject to the jurisdiction of the United States any such person, with the intent that he may be so held or sold as a slave, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

The amendment was agreed to.

The VICE-PRESIDENT. The Secretary will read the next section passed over.

The Secretary read as follows:

SEC. 251. No person shall, for himself or for another, as master, factor, or owner, build, fit, equip, load, or otherwise prepare any vessel in any port or place within the jurisdiction of the United States, or cause any vessel to sail from any port or place within the jurisdiction of the *United States* for the purpose of procuring any *person* from any foreign kingdom, place, or country to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as a slave, or to be held to service or labor; and every vessel so built, fitted out, equipped, laden, or otherwise prepared, with her tackle, apparel, furniture, and lading, shall be forfeited; one moiety to the use of the United States and the other to the use of the person who sues for the forfeiture and prosecutes the same to effect.

Mr. HEYBURN. Mr. President, there have been eleven cases decided by the United States court under section 251 since 1860. That section seems to be a very necessary provision of the law, and I suggest that it stand without amendment.

Mr. BACON. I have no suggestion to make in the way of amendment at all.

The Secretary read the next section, as follows:

SEC. 252. Whoever so builds, fits out, equips, loads, or otherwise prepares or sends away any vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the provisions of the section *last* preceding, or in any way aids or abets therein, shall, besides the forfeiture of the vessel, pay the sum of $2,000; one moiety thereof to the use of the United States and the other moiety thereof to the use of the person who sues for and prosecutes the same to effect.

Mr. HEYBURN. I suggest, also, Mr. President, that there have been comparatively recent cases under that section, and it is necessary.

The Secretary resumed the reading, as follows:

SEC. 253. Every vessel employed in carrying on the slave trade or on which is received or transported any *person* from any foreign kingdom or country, or from sea, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or of holding such person to service or labor, shall, together with her tackle, apparel, furniture, and the goods and effects which may be found on board, or which may have been imported thereon in the same voyage, be forfeited; one moiety to the use of the United States and the other to the use of the person who sues for and prosecutes the forfeiture to effect.

SEC. 254. Whoever, being a citizen of the United States, takes on board, receives, or transports any *person* for the purpose of selling such person as a slave shall, in addition to the forfeiture of the vessel, pay for each person so received on board or transported the sum of $200, to be recovered in any court of the United States; the one moiety thereof to the use of the United States and the other moiety to the use of the person who sues for and prosecutes the same to effect.

SEC. 255. Every vessel which is found in any river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coasts thereof, and having on board any *person*, with intent to sell such person as a slave, or with intent to land the same for that purpose, either in the United States or elsewhere, shall, together with her tackle, apparel, furniture, and the goods or effects on board of her, be forfeited to the United States.

Mr. HEYBURN. Mr. President, I move to strike out the words "jurisdictional limits," in the second and third lines of the section, and to insert in lieu thereof the word "jurisdiction."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 136, lines 13 and 14, it is proposed to strike out the words "jurisdictional limits" and to insert in lieu thereof the word "jurisdiction."

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. 256. It shall be unlawful for any citizen of the United States, or other person residing *therein*, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another, and any such right or property shall be forfeited, and may be libeled and condemned for the use of the person suing for the same. Whoever shall violate the prohibition of this section shall also forfeit and pay a sum of money equal to double the value of his right or property in such vessel; and shall also forfeit a sum of money equal to double the value of the interest he had in the slaves which at any time may be transported or carried in such vessels.

Mr. HEYBURN. Mr. President, in line 2 of the section, after the word "therein," I move to insert the words "or under the jurisdiction thereof."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 136, line 21, after the word "therein," it is proposed to insert the words "or under the jurisdiction thereof," so as to read:

SEC 256. It shall be unlawful for any citizen of the United States, or other person residing *therein*, or under the jurisdiction thereof, directly or indirectly to hold or have any right or property in any vessel, etc.

The amendment was agreed to.

The Secretary read the next section, as follows:

SEC. 257. The President is authorized, when he deems it expedient, to man and employ any of the armed vessels of the United States to cruise wherever he may judge attempts are making to carry on the slave trade, by citizens or residents of the United States, in contravention of laws prohibitory of the same; and, in such case, he shall instruct the commanders of such armed vessels to seize, take, and bring into any port of the United States, to be proceeded against according to law, all American vessels, wheresoever found, which may have on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported any *person*, in violation of the provisions of any act of Congress prohibiting the traffic in slaves.

Mr. HEYBURN. Mr. President, this section merely provides for the execution of the preceding sections giving power to the President.

Mr. BACON. I suggest to the Senator that that section might profitably be broadened so as to include all persons and all vessels, regardless of whether they are citizens of the United States or whether they are American vessels. There are various provisions in the second chapter which we have already gone through that would make such a vessel a pirate. We have jurisdiction to deal with them, regardless of the nationality of the crew or of the flag of the ship. I suggest that the Senator propose to amend the section to that extent.

Why should it be limited to the case of an American vessel? The whole civilized world is in a league to suppress the slave trade, and have united in denominating those engaged in it as pirates and all ships used in it as pirate ships. The Government of the United States is under as much obligation to suppress piracy in the one case as in the other; or, if you please to say that the obligation is greater in the case of an American vessel and an American crew, still the obligation is a general one to suppress it without regard to the nationality of the crew or without regard to the flag of the ship. I think it is very well to clothe the President of the United States with authority to fit out and send armed vessels to suppress piracy in any case, not to be limited to a case where it is an American crew and an American vessel; and, therefore, if the Senators in charge of the bill would consent to strike out the words "by citizens or residents of the United States," in lines 11 and 12, and the word "American," in line 16, everything which is provided for in this section would be accomplished, and it would still be a broadening of the section rather than a narrowing of it.

Mr. HEYBURN. Mr. President, from a humanitarian standpoint the suggestion of the Senator from Georgia would undoubtedly be right; but, if I am correctly advised, without mentioning the name of any other nationality or nation or country, it has been stated in the public press and in magazines frequently that at least one European nation does not consider the slave trade as an act of piracy, and that slaves are captured on the east coast of Africa under a tacit consent from the country under whose flag the ship sails.

It is hardly necessary, I think, or wise for us to create the President of the United States a general police officer of the world, and it might be rather dangerous for him to attempt to interfere. I think the Senator from Georgia recognizes the conditions to which I refer. It would hardly be proper for us to authorize the President of the United States to assume that the act of another nation or the people of another nation that was acquiesced in and permitted, and even licensed by that nation, was an act of piracy. I think if we would confine this to our own country it would be better.

Mr. BACON. On the statement of the Senator from Idaho, I will withdraw the suggestion I made.

Mr. SUTHERLAND. Before the Senator withdraws it I call attention to the fact that with the amendment which the Senator from Georgia proposes the case the Senator from Idaho refers to would not be affected, because the section provides—

Wherever he may judge attempts are making to carry on the slave trade * * * in contravention of the laws prohibitory of the same.

That would not reach a case where it was carried on in conformity to the customs without any law against it.

Mr. HEYBURN. I do not think we had better undertake to police the whole world.

Mr. BACON. It is possible, as suggested, that there may be at least, all other considerations being left out, a higher obligation upon us to make the prohibition apply to our own people and our own vessels than to others. I am not sure but what other civilized nations have similar enactments as to vessels carrying their own flag.

The Secretary resumed the reading, as follows:

SEC. 258. The proceeds of all vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which are so seized, prosecuted, and condemned, *shall be paid into the Treasury of the United States.*

SEC. 259. [The officers of the vessel making such seizure shall safely keep every *person* found on board of any vessel so seized, taken, or brought into port for condemnation, and shall deliver every such *person* to the marshal of the district into which he may be brought, if into a port of the United States, or if elsewhere, to such person as may be lawfully appointed by the President, in the manner directed by law, transmitting to the President, as soon as may be after such delivery, a descriptive list of such *persons*, in order that he may give directions for the disposal of them.]

SEC. 260. The commanders of such commissioned vessels shall cause to be apprehended and taken into custody every person found on board of such offending vessel so seized and taken, being of the officers or crew thereof, and him convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against in due course of law.

SEC. 261. [The President is authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States of all such *persons* as may be so delivered and brought within its jurisdiction.]

Mr. BACON. Mr. President, I should like to inquire of the Senator from Idaho what is the reference there in that section to "removal beyond the limits of the United States?"

Mr. HEYBURN. The original act, which was passed in 1819, was evidently intended to enable the President to make some authorized disposition of this class of capture. I think the language is quite explicit. The existing law on the subject reads:

SEC. 5561. The President is authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States of all such negroes, mulattoes, or persons of color as may be delivered and brought within

their jurisdiction; and to appoint a proper person residing upon the coast of Africa as agent for receiving the negroes, mulattoes, or persons of color delivered from on board vessels seized in the prosecution of the slave trade by commanders of United States armed vessels.

Mr. BACON. What section does the Senator read?

Mr. HEYBURN. I was reading the existing law opposite section 261. That is an executive statute to carry out the provisions of the preceding section. Section 262 merely prescribes the duty of the officers on the vessel, who, of course, will be acting under the powers that they derive under section 261. Section 262 reads:

SEC. 262. It shall be the duty of the commander of any armed vessel of the United States, whenever he makes any capture under the preceding provisions, to bring the vessel and her cargo, for adjudication, into some port of the State, Territory, *or District* to which such vessel so captured may belong, if he can ascertain the same; if not, then into any convenient port of the United States.

That is in order that it may be investigated and held subject to the provisions of the preceding section for the disposition of that class of capture. We could see no occasion for changing that except as the change in existing conditions required the elimination of the designation of the color and the substitution of the word "persons."

Mr. BACON. I did not have any question in my mind as to what the purpose was, because I read it in connection with the existing law; but the inquiry was suggested to my mind by the fact that the revised section does not contain the description of any persons, unless it is in some section which I have not read, and simply refers to removal beyond the limits of all persons who may be so delievered——

Mr. HEYBURN. If the Senator will permit me to interrupt him, I will suggest that that change was suggested to the committee by reason of the fact that it would not be appropriate to remove all persons to the coast of Africa. Of course, under the existing law, which applies only to persons of African origin, it was appropriate enough, but inasmuch as the scope of the section is so much wider than that of the existing law because of changed conditions, it would not do to provide that all persons captured under this section should be taken to Africa.

The Secretary resumed the reading, as follows:

SEC. 262. It shall be the duty of the commander of any armed vessel of the United States, whenever he makes any capture under the preceding provisions, to bring the vessel and her cargo, for adjudication, into some port of the State, Territory, *or District* to which such vessel so captured may belong, if he can ascertain the same; if not, then into any convenient port of the United States.

SEC. 263. Every owner, master, or factor of any foreign vessel clearing *from any port within the jurisdiction of the United States, and* suspected to be intended for the slave trade, and the suspicion being declared to the officer of the customs by any citizen, on oath, and such information being to the satisfaction of the officer, shall first give bond, with sufficient sureties, to the Treasurer of the United States that none of the natives of any other foreign country or place shall be taken on board such vessel to be transported or sold as slaves in any other foreign port or place whatever within nine months thereafter.

SEC. 264. The President is authorized to issue instructions to the commanders of the armed vessels of the United States, directing them, whenever it is practicable, and under such rules and regulations as he may prescribe, to proceed directly to the *country from which they were taken*, and there hand over to the agent of the United States all such *persons*, delivered from on board vessels seized in the prosecution of the slave trade; and they shall afterward bring the captured vessels and persons engaged in prosecuting such trade to the United States for trial and adjudication.

SEC. 265. Whoever kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or who entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held; or who in any way knowingly aids in causing any other person to be held, sold, or carried away to be held or sold as a slave, shall be *fined* not more than $5,000 or *imprisoned* not more than five years, or both.

SEC. 266. Whoever holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be *fined* not more than $5,000 or *imprisoned* not more than five years, or both.

SEC. 267. [Whoever obstructs or attempts to obstruct, or in any way interferes with or prevents the enforcement of the section last preceding, shall be liable to the penalties therein prescribed.]

SEC. 268. Whoever shall knowingly and willfully bring into the United States, *or any place subject to the jurisdiction thereof*, any person inveigled or forcibly kidnaped in any other country, with intent to hold such person so inveigled or kidnaped in confinement or to any involuntary *servitude;* or whoever shall knowingly and willfully sell, or cause to be sold, into any condition of involuntary servitude, any other person for any term whatever; or whoever shall knowingly and willfully hold to involuntary *servitude* any person so brought or sold, shall be fined not more than $5,000 and imprisoned not more than five years.

Mr. McLAURIN. Mr. President, I do not intend to offer an amendment to be now considered by the Senate, but I do not think that the provisions which are contained in this section will accomplish that which I hope that an amendment which I shall offer for consideration by the committee as a separate section will accomplish.

I have in my mind a case which occurred some time ago, as reported to me in New Orleans, where a boy under 21 years of age—I do not know his exact age, but it is immaterial—was induced to take a drink, as he thought, of whisky in a saloon and which turned out to be doctored, and when he woke up he was on board a ship and was required to serve on that ship. I do not know whether that would be called slavery or being held to slavery. I do not know whether any provision of the proposed law which has thus far been agreed upon would reach a case of that kind. Therefore, I shall ask that the amendment I shall offer be referred to the committee for its consideration. I ask that it may be now read at the desk, so that if it does not accomplish the purpose—I have drawn it hastily here at my desk—some legislation may be proposed which will do so.

The VICE-PRESIDENT. Does the Senator from Mississippi propose an amendment?

Mr. McLAURIN. Yes, sir.

The VICE-PRESIDENT. The amendment proposed by the Senator from Mississippi will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

Whoever, being of the crew or ship's company of any vessel in any river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coasts thereof, shall decoy, inveigle, induce, persuade, or accept any minor without consent of his parents, or any person intoxicated or under the influence of opiate or dope, with intent to require such minor or person to perform service or labor on such vessel, shall be punished by a fine of not more than $10,000, or imprisoned not more than ten years, or both.

Mr. McLAURIN. If the proposed amendment which has just been read can, under the rules of the Senate, be referred to the committee I should like to have it so referred, not for action now, but hereafter for consideration of the committee.

Mr. HEYBURN. I suggest to the Senator from Mississippi—the committee which has considered and reported this bill being a joint committee of the two Houses which may not be able to meet readily—that he may probably be able to get some disposition of his amendment if he will offer it in the Senate when the bill shall have been reported from the Committee of the Whole. If the Senator will let his amendment now lie on the table, if we do not report the bill to the Senate to-day, we can take up the matter when the bill is next considered.

Mr. McLAURIN. That will be satisfactory to me.

Mr. HEYBURN. Then, I suggest to the Senator that the amendment he proposes be printed and lie on the table.

Mr. McLAURIN. Very well.

Mr. CULLOM. Mr. President, I desire an executive session, and I hope the Senator from Idaho will now yield for an executive session and ask for the resumption of the consideration of the bill on to-morrow.

Mr. HEYBURN. Inasmuch as the Senator from Ilinois expresses that hope, I feel justified in saying that I regret exceedingly that at this early hour, with only three sections to be considered, which can probably be disposed of in a few minutes, that an executive session should be called for.

Mr. President, it is the intention of the committee as soon as we dispose of these three sections to ask that the bill be reprinted as amended in Committee on the Whole, so that it will be ready for consideration in the Senate. We can not possibly do that until we have disposed of these sections. I do not anticipate any protracted consideration of the remaining sections. Of course, the Senator has a right to move that the Senate proceed to the consideration of executive business, but with a work of the magnitude of that before us in this case, it seems to me that we ought under the circumstances to have disposed of this bill to-day.

Mr. CULLOM. Mr. President, I would be very glad to accommodate the Senator, and I know his ambition to get through with this work, which is a great work—and he is doing a great work in taking care of it—but I think he has done about as much to-day as he will get done; and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 19, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 18, 1908.

PENSION AGENTS.

Joab N. Patterson, of New Hampshire, to be pension agent at Concord, N. H., vice Grovenor A. Curtice, deceased, and John S. Beach, temporary appointee.

PROMOTIONS IN THE NAVY.

Lieut. Gilbert S. Galbraith to be a lieutenant-commander in the Navy from the 7th day of January, 1908, vice Lieut. Commander James G. Doyle, promoted.

I nominate the following-named chief engineers, who were confirmed by the Senate on December 11, 1906, for advancement from the grade of passed assistant engineer with the rank of lieutenant, to the grade of chief engineer with the rank of lieutenant, in accordance with the provisions of an act of Congress approved June 29, 1906, to be chief engineers with the rank of lieutenant-commander on the retired list from the date of their advancement, in accordance with an opinion of the Attorney-General, dated January 13, 1908:

Caleb E. Lee,
Alexander V. Fraser,
Charles H. Greenleaf,
Rudolph T. Bennett,
John J. Bissett,
Henry C. Blye,
James W. Holihan,
Jonathan M. Emanuel,
Charles H. Manning,
William A. H. Allen,
David M. Fulmer,
William L. Bailie,
Charles F. Nagle,
Robert D. Taylor, and
Robert Crawford.

The following-named passed assistant engineers, who were confirmed by the Senate on December 18, 1906, for advancement from the grade of assistant engineer with the rank of lieutenant (junior grade) to the grade of passed assistant engineer with the rank of lieutenant (junior grade), in accordance with the provisions of an act of Congress approved June 29, 1906, to be passed assistant engineers with the rank of lieutenant on the retired list from the date of their advancement, in accordance with an opinion of the Attorney-General, dated January 13, 1908:

Henry D. Sellman,
Alexander H. Price,
Joseph S. Greene,
Daniel A. Sawyer,
James W. Patterson,
James G. Littig,
William G. McEwan, and
William H. Platt.

POSTMASTERS.

IDAHO.

Francis Ball to be postmaster at Pocatello, Bannock County, Idaho, in place of Francis Ball. Incumbent's commission expired February 1, 1908.

ILLINOIS.

Harry K. Alexander to be postmaster at Palestine, Crawford County, Ill. Office became Presidential January 1, 1908.

Milton T. Hunt to be postmaster at Warsaw, Hancock County, Ill., in place of James F. Crawford, removed.

INDIANA.

Winfield S. Hunter to be postmaster at Jasper, Dubois County, Ind., in place of Winfield S. Hunter. Incumbent's commission expires March 30, 1908.

IOWA.

Lars E. Bladine to be postmaster at Marathon, Buena Vista County, Iowa, in place of Lars E. Bladine. Incumbent's commission expired January 14, 1908.

William W. Hawk to be postmaster at Colfax, Jasper County, Iowa, in place of Hamlin W. Robinson. Incumbent's commission expired January 4, 1908.

KANSAS.

Sheridan Crumrine to be postmaster at Longton, Elk County, Kans. Office became Presidential January 1, 1908.

KENTUCKY.

William C. Balee to be postmaster at Guthrie, Todd County, Ky., in place of William C. Balee. Incumbent's commission expires April 12, 1908.

John S. Miller to be postmaster at Greenville, Muhlenberg County, Ky., in place of John S. Miller. Incumbent's commission expired February 2, 1907.

LOUISIANA.

Edgar A. Bassett to be postmaster at Kentwood, Tangipahoa Parish, La., in place of Albert H. Bassett, resigned.

Edward Eagles to be postmaster at Winnfield, Winn Parish, La., in place of Edward Eagles. Incumbent's commission expires April 27, 1908.

MARYLAND.

Henry L. Arthur to be postmaster at Aberdeen, Harford County, Md., in place of George W. Evans. Incumbent's commission expires March 1, 1908.

MASSACHUSETTS.

John F. Mitchell to be postmaster at North Grafton, Worcester County, Mass., in place of John F. Mitchell. Incumbent's commission expires March 2, 1908.

MINNESOTA.

Arthur H. Rowland to be postmaster at Tracy, Lyon County, Minn., in place of William R. Edwards. Incumbent's commission expired January 21, 1908.

MISSOURI.

Henry J. Bernhard to be postmaster at Palmyra, Marion County, Mo., in place of Isaac R. Huggins, deceased.

NEW YORK.

Arthur Hartt to be postmaster at Ravena, Albany County, N. Y., in place of Arthur Hartt. Incumbent's commission expires March 12, 1908.

Wesley Mulford to be postmaster at Unadilla, Otsego County, N. Y., in place of Wesley Mulford. Incumbent's commission expires March 22, 1908.

OKLAHOMA.

David C. Blossom to be postmaster at Atoka, Atoka County, Okla., in place of David C. Blossom. Incumbent's commission expired February 12, 1907.

William R. Casteel to be postmaster at Mounds, Creek County, Okla., in place of William R. Casteel. Incumbent's commission expired January 14, 1908.

Joel E. Cunningham to be postmaster at Konawa, Seminole County, Okla. Office became Presidential January 1, 1908.

Louis M. Merritt to be postmaster at Roff, Chickasaw County, Okla., in place of Louis M. Merritt. Incumbent's commission expired November 24, 1907.

TENNESSEE.

James Rogers, jr., to be postmaster at Dyer, Gibson County, Tenn. Office became Presidential January 1, 1907.

TEXAS.

John A. Couch, sr., to be postmaster at Munday, Knox County, Tex. Office became Presidential October 1, 1907.

Jose V. Palacios to be postmaster at San Diego, Duval County, Tex. Office became Presidential October 1, 1907.

VIRGINIA.

C. G. Duffy to be postmaster at Stonega, Wise County, Va. Office became Presidential January 1, 1908.

Archie W. Moses to be postmaster at Cambria, Montgomery County, Va. Office became Presidential April 1, 1907.

WASHINGTON.

Francis M. Clow to be postmaster at St. John, Whitman County, Wash. Office became Presidential January 1, 1908.

WYOMING.

Arnold O. Heyer to be postmaster at Shoshoni, Fremont County, Wyo. Office became Presidential July 1, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 18, 1908.

AUDITOR FOR THE POST-OFFICE DEPARTMENT.

Merritt O. Chance, of Illinois, to be Auditor for the Post-Office Department.

POSTMASTERS.

CALIFORNIA.

Charles H. Bartholomew to be postmaster at San Diego, San Diego County, Cal.

Arthur Spencer Fleming to be postmaster at Auburn, Placer County, Cal.

Clarence S. Merrill to be postmaster at Berkeley, Alameda County, Cal.

MAINE.

Arthur A. Dinsmore to be postmaster at Dover, Piscataquis County, Me.

Eugene A. Fairfield to be postmaster at Kennebunk, York County, Me.

Lorenzo B. Hill to be postmaster at National Soldier's Home (late Togus), Kennebec County, Me.

George L. Hovey to be postmaster at North Anson, Somerset County, Me.

John M. Thurlough to be postmaster at Fort Fairfield, Aroostook County, Me.

MASSACHUSETTS.

Charles A. Haskell to be postmaster at Newton Center, Middlesex County, Mass.

Abbie H. Souther to be postmaster at Cohasset, Norfolk County, Mass.

WASHINGTON.

Grant C. Angle to be postmaster at Shelton, Mason County, Wash.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 18, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

REPRINT OF SENATE BILL 902.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent for reprint of Senate bill 902 as reported by the District Committee.

The SPEAKER. The gentleman from Michigan asks unanimous consent for a reprint of Senate bill 902 as reported by the District Committee. Is there objection?

There was no objection.

DAM ACROSS CHOCTAWHATCHEE RIVER, ALABAMA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6195) to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of a bill which will be reported by the clerk.

The Clerk read as follows:

Strike out all the original bill and substitute the following:

"That Andrew J. Smith and his associates, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the Choctawhatchee River about one-eighth of a mile below or west of the bridge across said river on the road known as the Newton and Ozark public road, in Dale County, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, usually when we pass bridge bills they run to corporations, so that there is some control over them. This bill seems to run to Andrew J. Smith and his associates.

Mr. CLAYTON. Yes.

Mr. MANN. Now, of course usually that form of bill means a speculative enterprise. I wish the gentleman would give us information in reference to that matter.

Mr. CLAYTON. Mr. Speaker, I think the gentleman is entirely in error in his proposition, if I may so term it, that this is a speculative enterprise. It is a bona fide enterprise among several gentlemen to construct a dam across a river down in the district that I have the honor to represent, a river that by law has been declared navigable and is for the most part navigable in fact.

At this particular point where the dam is proposed to be constructed, it may be said not to be navigable now for the most part of the year. It is toward the head of the river, near the origin of the river, where the dam is to be constructed. It is to utilize a water power there that is now going to waste. The near-by towns I am told desire to utilize this for power for the operation of an electric-light plant and perhaps factories and for machinery of various sorts. I can assure the gentleman that, in my opinion, and from the knowledge I can get, it is a meritorious measure and for an honest purpose to utilize a valuable water power that is now going to waste.

The gentleman may know that the attention of the country, and particularly the southern people, has been directed toward the development, or perhaps, to be more accurate, the utilization, of the water power in the South within the last few years. A great many projects are being gotten up now, and I may say to the gentleman, in perfect good humor, I believe when the present Republican panic shall have subsided, that not only in Alabama, but throughout the South, thousands of water powers, hundreds of streams, will be utilized in the turning of the wheels of industry. As it is now, the impetus it is giving to the development of this water power has been set back a little.

Mr. KEIFER. I would like to ask the gentleman a question.

Mr. CLAYTON. Certainly.

Mr. KEIFER. I would like to ask whether this stream that the gentleman refers to at any time heretofore has had an appropriation made to improve it and make it navigable?

Mr. CLAYTON. It has.

Mr. KEIFER. It is proposed to abandon that now?

Mr. CLAYTON. No, sir; it is not proposed to abandon it at all.

Mr. KEIFER. It is proposed to abandon it for the purpose of navigation and transform it into a power for electric light or for machinery?

Mr. CLAYTON. No, sir; it is not proposed to abandon the navigation.

Mr. KEIFER. How can you use it for both?

Mr. CLAYTON. As I said in the beginning, this dam is proposed to be erected at a point on the river where I do not believe it will interfere with the improvement of the river for the purpose of navigation. This river, I may say for the benefit of the gentleman, and because the House seems to be interested in it, rises in my district and flows through my district into Florida, and it furnishes a continuous water navigation from counties in my State down through the southeastern portion of the State, down through Florida, and to the Gulf and on to Pensacola and on to New Orleans.

Mr. KEIFER. What sort of vessels navigate the stream?

Mr. CLAYTON. Steamboats.

Mr. KEIFER. Of what size?

Mr. CLAYTON. Stern-wheel steamboats. The old side-wheel steamboats have been practically abandoned on the small rivers. The project on hand now is to improve this river, and since I have had the honor to represent here in Congress the people of the greatest district in God's universe $25,000 has been appropriated for the improvement of that stream. I am now asking this House or Congress to appropriate $100,000 to improve the stream. If the Congress of the United States knows a good and meritorious project, this House will pass my measure giving to that river $100,000.

Mr. PAYNE. May I ask the gentleman a question?

Mr. CLAYTON. Certainly.

Mr. PAYNE. I notice that the bill gives this authority to Andrew Smith and his associates. Does not the gentleman think that there ought to be a provision that Andrew Smith shall be required to inform the War Department who his associates will be, in case Andrew Smith should drop out?

Mr. CLAYTON. No; I do not think that is any more necessary than it would be to put a provision in to inform the War Department as to who the stockholders of any corporation were that asked authority in a bill to build a dam. This proposition is a meritorious one, and I may say it is well under way. I am informed and believe that they await the action of Congress, in order to begin at once the utilization of this power. I want to say to the distinguished leader of the Republican party that I believe that this project will be begun even before the present Republican panic shall have passed away.

You know down there in Alabama we have not suffered, in such a district as I represent, as greatly as have the commercial centers of the country on account of the present panic.

Mr. PAYNE. I wanted to say, Mr. Speaker, to the gentleman, that while I might object to the bill, running in that way to Smith and his associates, ordinarily I am so much in favor of developing the southern country that I am inclined to let this bill go through on the assurance of the gentleman that it is for the purpose of developing the country and encouraging capital and labor.

Mr. CLAYTON. Mr. Speaker, I may say that, while on the subject of water, Alabama, as we all know, on account of some recent very wholesome legislation down there, will turn her attention almost entirely to water after the 1st of January next. [Laughter.]

Mr. PAYNE. But that is not for navigating purposes, I understand. [Laughter.]

Mr. MANN. Will the gentleman yield for a further question?

Mr. CLAYTON. Certainly.

Mr. MANN. The gentleman stated that he hoped after this Republican panic had passed there would be great development of the water power.

Mr. CLAYTON. Yes.

Mr. MANN. Under this bill it is necessary to commence this dam within one year. Does the gentleman expect that the Republican panic will have passed away so much more quickly than did the Democratic panic?

Mr. CLAYTON. I explained my attitude in regard to this measure by saying a while ago—perhaps the gentleman did not understand me, as I am unfortunate sometimes in the use of language and fail to make myself clear——

Mr. MANN. Oh, the gentleman is always clear and lucid.

Mr. CLAYTON. I thank the gentleman very much for his complimentary reference, but I desire to repeat what I attempted to say a few moments ago, and that is that the Republican panic had not affected us in the cotton-growing South up to this time as much as it had affected those in the great commercial centers of the East and of the West and of the Northwest, perhaps. It certainly has not affected the honest farmers down in Alabama as much as it has the gamblers and the rotten banks of New York City, and I believe that the South to-day is in better condition and is the most inviting field in the country for investment. On one occasion our amiable Speaker accused me of being optimistic, and he spread out his arms and said:

CLAYTON, you and the other optimists get out there and you talk about our glorious country."

Now, he sometimes indulges in that evidence of optimism himself, but I want to say to the gentleman to-day that the farmers of the South hold 3,000,000 bales of cotton.

That cotton does not belong to Wall street. Nobody has a mortgage on it. It belongs to those people in the South, and they have it in the South to-day. The gentleman can realize that that cotton is worth from $250,000,000 to $300,000,000. The South is in better condition to hold that cotton than it ever was, and we are going to hold it until the British spinners give us a reasonable price for it. The gentleman may not have observed the trend of events, particularly in the matter of cotton—he is more interested in beef and pork, and hence he evinces always a lively interest whenever there is a pork barrel brought into the House [laughter]—but we have this enormous amount of cotton, and the South to-day is indebted to the British spinners almost altogether for the maintenance of the present price of cotton. During the last cotton year the South produced 13,600,000 bales of cotton. Before that cotton year had expired, and in the face of the new crop, cotton advanced to 13½ cents a pound in the interior. This year, when we have a cotton crop of only about 11,500,000 bales, cotton is quoted in New York, I think, to-day at about 10.45 cents or 10.50 cents. Now, why is a cotton crop of 11,500,000 bales worth only 10½ cents, while a cotton crop of 13,500,000 bales was worth 13½ cents? I give this to the gentleman from Illinois [Mr. MANN] to think about, and to help us to remedy the situation, and I appeal to his party to remedy the situation as far as legislation may do it. It is on account of a Republican panic; it is on account of your failure to enact proper laws; it is on account of your failure to enact proper financial legislation, to enact proper tariff laws, to do something for the good and for the benefit of the country, and you can not wonder why the cotton growers of the South continue and will continue to vote for the Democratic ticket in the face of all of this Republican inefficiency, and I may say, stupidity. [Laughter and applause on the Democratic side.]

Mr. KEIFER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Ohio?

Mr. CLAYTON. Certainly.

Mr. KEIFER. I would like to have the gentleman state from his statistics what the price of cotton was in the years 1893 and 1894. [Applause on the Republican side.]

Mr. CLAYTON. It went down pretty low, but it went down lower under McKinley in 1898. [Applause on the Democratic side.] I am always willing to hear from the distinguished gentleman from Ohio, particularly when I want to indulge in ancient historical references and to hear a sweet voice from the long-gone past. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, I withdraw the reservation of the right to object as far as I am concerned.

The SPEAKER. Is there objection? [After a pause]. The Chair hears none. [Laughter and applause.]

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. CLAYTON a motion to reconsider the last vote was laid on the table.

PENSION BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar in order to-day may be considered in the House as in Committee of the Whole.

Mr. BOUTELL. Mr. Speaker, pending that I would like to prefer a request of the House, always with the consent of the gentleman from New Hampshire. I would like to ask permission of the House, Mr. Speaker, to address the House for a few minutes, not to exceed thirty minutes, before the House enters upon the consideration of pension bills.

The SPEAKER. Pending the motion of the gentleman from New Hampshire, the gentleman from Illinois [Mr. BOUTELL] asks unanimous consent to address the House for not exceeding thirty minutes. Is there objection? [After a pause.] The Chair hears none.

TRIBUTE TO THE SPEAKER.

Mr. BOUTELL. Mr. Speaker, to-day, the 18th of February, is the anniversary of an important event in the life of one of our fellow Members. The spirit of friendship that often unites the opposing sides of this Chamber on questions not strictly political, arousing, as it does, our interest in everything that pertains to the personal welfare of our associates, makes it singularly pleasant for us to recall this incident in the career of our colleague. In 1872 he was first elected to this House as a Republican from a country district, a district in the glorious corn belt of the golden West. Already, at the age of 36, he had established his reputation as a lawyer and earned a comfortable competency as a farmer.

FIRST VOTE IN CONGRESS FOR BLAINE.

In the following year, at the assembling of the Forty-third Congress, on December 1, he answered "Present" on the call of the States, and later in the day cast his first vote. It was for James G. Blaine for Speaker. [Applause.] Four days later, when the committees were announced, he found that he had been placed on the important Committee on Post-Offices and Post-Roads. On the 18th of February, 1874, thirty-four years ago to-day, he made his first speech in this Chamber. It was a notable assemblage that he addressed. Great spirits were in this hall on that day. Some already had achieved distinction; others were destined soon to sit in the seats of the mighty. Facing the new Member, in yonder chair, sat the illustrious parliamentarian, statesman, and orator, Speaker Blaine.

GREAT MEN HEAR HIS FIRST SPEECH IN THE HOUSE.

Near him on this side of the House were gathered Joseph R. Hawley, of Connecticut; WILLIAM P. FRYE and EUGENE HALE, of Maine; four remarkable men from Massachusetts—Henry L. Dawes, chairman of the Committee on Ways and Means, an able lawyer, economist, and financier; the famous jurist, E. Rockwood Hoar; his no less famous brother, George F. Hoar, and the bold and picturesque Benjamin F. Butler; JULIUS C. BURROWS, of Michigan, and James A. Garfield, of Ohio. On the other side of the aisle shone a no less brilliant galaxy of statesmen—Alexander H. Stephens, of Georgia [applause]; William R. Morrison, of Illinois [applause]; William S. Holman, of Indiana; Lucius Q. C. Lamar, of Mississippi [applause]; Richard P. Bland, of Missouri; Fernando Wood, of New York; Samuel J. Randall, of Pennsylvania [applause], and Roger Q. Mills, of Texas. [Applause.]

REDUCES POSTAGE ON PAPERS AND PERIODICALS.

Mr. Packer of Pennsylvania, chairman of the Committee on Post-Offices and Post-Roads, had been recognized and had moved to take up for consideration a bill reported by his committee. This bill reduced the rates of postage on books, papers, and periodicals; gave to Government officials the franking privilege for public correspondence; provided for the free distribution of public documents and seeds, and for the carrying of newspapers free within the counties of their publication.

Although there was then determined opposition to the bill, most of its provisions are in force to-day. So great was the interest in this measure that a motion by the chairman of the Ways and Means Committee to give precedence to an important financial bill was voted down. Mr. Packer then yielded his time to the Member from the West, who had been selected to present the views of the committee and who was to make his first speech in Congress. He made a carefully prepared, logical argument in support of the bill, reenforcing his proposition by a well-ordered array of convincing figures. It was a speech that could only have been made after hard work and thorough preparation. Let me read a few extracts that revealed to his hearers the character of their unknown western colleague:

EXTRACTS FROM HIS SPEECH—WANTS THE PEOPLE TO KNOW WHAT PUBLIC OFFICIALS ARE DOING.

"Suppose, however, that it really will cost to send these public documents through the mails free as much as the postage at full rates would be if it were prepaid, still I think it would be wise to distribute them. In this Republic of ours the people are sovereign, and to govern properly they must have not only patriotism and honesty, but also intelligence and a knowledge of the principles of the Government and the manner in which the Government is administered, and therefore they have established free schools all over the country for the instruction of the people at the public expense; and the temper of our people is to make that instruction compulsory, and properly so, for each citizen practically is as much interested in the proper exercise of the right of franchise by the humblest and poorest

citizen of the Republic, as he is in his own proper action; and as the different executive officers of the Government, as well as persons constituting the legislature, are only for the time being acting as the agents of the people, it is important, aye, not only important, but indispensable, if the genius of our institutions is preserved and the Government properly administered, that the people should keep track of the acts and doings of their agents. It is true that now news is given very generally to the people through the newspapers of the country; but when we consider the hurried manner in which it is prepared, as well as in which it is read, and that the papers frequently, I may say generally, contain a mere digest of the proceedings of Congress, of the transactions of the different Departments connected with the Executive, and that from the very nature of things the reports, as digested and published, frequently contain errors, and are warped by partisan feeling, the necessity of a correct and complete record of the proceedings of the legislative and executive branches of the Government being published in convenient form for use and preservation, and distributed to the people for their information, is at once seen.

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PROUD THAT HE REPRESENTS COUNTRY DISTRICT.

"The truth is, the people get valuable information concerning the administration of the Government in all its departments and branches from these documents, and my observation is that information obtained therefrom passes orally from man to man; and while I am proud of our great cities, and many of the citizens who reside therein, noted for their proficiency in their respective callings and their great energy and industry in accomplishing that which they undertake, yet in the country, among the producers, the men who earn bread by the sweat of their faces, you find equally as great industry, and I dare say more general intelligence and patriotism; and this class of men especially are anxious to receive public documents and read them."

HAS OATS IN HIS POCKET.

A MEMBER. "The gentleman must have oats in his pocket."

"I understand the gentleman. Yes; I have oats in my pocket and hay seed in my hair [great laughter]; and the western people generally are affected in the same way; and we expect that the seed, being good, will yield a good crop, I trust tenfold; and the sooner legislation is had, not only as proposed by this bill, but in all other respects as the people desire and equity and justice shall dictate, the better it will be in the long run for all people in this country, whatever may be their calling or wherever they may reside."

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NOT AFRAID OF THE CITY PRESS.

In closing he said:

"And last, but not least, we are told that the city press of the country oppose this bill, or any other measures that will give the people free public documents, for the reason, as alleged, that the individuals or incorporated companies conducting the same are desirous of monopolizing the means of information touching the affairs of the Government, at least to the exclusion of information to be furnished by the Government at the general expense. And it is also claimed by some that Members can not afford to advocate and vote for this bill, for the reason that the city press will declare war upon them and continue the same until they lose standing with their constituency. I do not believe that the city press will as a unit oppose this bill. A portion of it may from selfish motives, in some instances, and honestly in others. I certainly have no desire to call upon myself the assaults of the city press, or any portion of it. Nor do I fear it as long as I truly represent my constituents and act, in my representative capacity, for the interest of the people generally. Nor would I change the power of the press to assail my acts or those of anyone else. On the contrary, every Member of Congress, or other agent of the people, should court a fair criticism of his acts, and if he vitally misrepresents the people, they should, and no doubt would, fail to continue him in places of trust. But no man is a proper person to represent the people unless he has the honesty and the backbone to stand and do what is right and for the interest of the people, without reference to what anyone may say of him, or what the action of the press may be in the premises."

HAS MADE THE WHOLE NATION HIS DEBTOR.

Who was this man who thirty-four years ago to-day was ridiculed on the floor of this House as a country Member and taunted with having oats in his pocket; who proudly acknowledged the truth of the jest that he did represent a country district, good-naturedly silenced the jester, and then refuted the insinuation of narrowness and provincialism in the ringing words that I have read; words eloquent with the spirit of the truest statesmanship and the loftiest patriotism [Applause.] Who was this new Member who handled himself so well in his first debate in the House, and in the face of ridicule was so true and loyal to the folks at home on the farms in his district and to the millions of plain people, the farmers and toilers who form the heart of this Republic? What has he done since? Where is he now? He has made the whole country his debtor, and he now fills the second office in the nation. For the new Member who had oats in his pocket had sand in his make-up, and he is now our Speaker, whom Speaker Blaine then recognized as "The gentleman from Illinois, Mr. Cannon." [Loud and long-continued applause.]

BORN IN NORTH CAROLINA.

In that first speech he was simply true, as he always has been, to his birth, his training, and his convictions. Born in the country, in North Carolina [applause], like Lincoln, he was reared in the country in Indiana [applause]; and, like Lincoln, when he had attained manhood he settled in the country in Illinois, and has lived in the same district for fifty years. [Applause.]

FIRST SPEECH GIVES HIM HIGH RANK AMONG COLLEAGUES.

That speech gave him a position at once as one of the strong men of the House and won for him the respect of his colleagues in both branches of Congress and of the leaders in official life.

Grant was then President and Wilson, of Massachusetts, Vice-President. Among the Senators Mr. CANNON met Thomas F. Bayard, of Delaware; John B. Gordon, of Georgia [applause]; John A. Logan and Richard J. Oglesby, of Illinois [applause]; Oliver P. Morton, of Indiana [applause]; WILLIAM B. ALLISON, of Iowa; John J. Ingalls, of Kansas [applause]; Hannibal Hamlin, of Maine; Charles Sumner and George S. Boutwell, of Massachusetts; Zachariah Chandler, of Michigan [applause]; Carl Schurz, of Missouri [applause]; Roscoe Conkling, of New York; John Sherman and Allen G. Thurman, of Ohio [applause]; Simon Cameron, of Pennsylvania [applause]; George F. Edmunds, of Vermont [applause], and Matthew H. Carpenter, of Wisconsin. [Applause.] The association which he enjoyed with these leaders of public thought he has kept up with their successors, for his district has reelected him sixteen times. [Applause.] Honors and dignities and riches have not lured him, as they have so many successful men, away from the country to the city. He still likes to feel the oats in his pockets; he is still fond of old associations and still loyal to old friends.

DISTINGUISHED SERVICES.

The oats that he sowed here thirty-four years ago were not wild oats, and they have yielded him generous and rich returns. The ability and industry manifested in that first speech soon won him a place on the Committee on Appropriations. For many years his position as chairman of that great committee or ranking Member of the minority, brought him into intimate official relations with the President and all the members of the Cabinet, and through conference committee work with the ablest men in the Senate. Three times he has been elected Speaker, and his best services to the State have been rendered in this high office. His capacity for growth seems to have no limit [applause], while his vast knowledge and experience enable him to do easily what for any other man would be difficult or impossible. And so he has been able to carry through the important measures recommended by the President by giving to them the great weight of his authority. The passage of the employers' liability bill, the pure food, meat inspection, and railroad rate bills was made certain by his advocacy. In faithfully representing the farmers and toilers of his own district he has served all the workers of the country.

HAS EARNED NATION'S FINAL HONOR.

The people of his district have conferred upon him all the honors that are in their gift to bestow, single handed and alone. And the thought that comes to my mind on this anniversary of our country colleague's first triumph in this House, a triumph won in the interest of the workers of the country, is simply this: How gladly within the next few months the other plain people, who live on farms or work in mines or shops, will join the voters of his district to reward this their faithful servant, who went forth in their cause thirty-four years ago with oats in his pocket and returned bringing his sheaves with him, by conferring upon him the nation's final honor. [Prolonged general cheering and applause.]

PENSION BILLS.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that the pension bills on the Calendar shall be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The gentleman from Rhode Island [Mr. CAPRON] will take the chair.

WILLIAM H. H. LANG.

The first pension business was the bill (H. R. 2200) granting an increase of pension to William H. H Lang.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Lang, late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month, in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN SULLIVAN.

The next pension business was the bill (H. R. 10442) granting an increase of pension to John Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Sullivan, late of Company G, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

DANIEL H. SUMNER.

The next pension business was the bill (H. R. 9811) granting an increase of pension to Daniel H. Sumner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel H. Sumner, late of Company C, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

EDWARD M. LEE.

The next pension business was the bill (H. R. 3350) granting an increase of pension to Edward M. Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward M. Lee, late lieutenant-colonel Fifth Michigan Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "captain Company E, and."

In same line, before the word "Michigan," insert the word "Regiment."

In line 8, strike out the word "thirty-six" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CORNELIUS W. SMITH.

The next pension business was the bill (H. R. 8745) granting an increase of pension to Cornelius W. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelius W. Smith, late of Company D, Second Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $46 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "forty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SAMUEL COZINE.

The next pension business was the bill (H. R. 8053) granting an increase of pension to Samuel Cozine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Cozine, late of Company D, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HIRAM STILL.

The next pension business was the bill (H. R. 7879) granting an increase of pension to Hiram Still.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Still, late of Company B, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JEREMIAH KEEFE.

The next pension business was the bill (H. R. 7223) granting an increase of pension to Jeremiah Keefe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Keefe, late of Company G, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ROSENIA WRITER.

The next pension business was the bill (H. R. 6736) granting an increase of pension to Rosenia Writer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosenia Writer, widow of Walstine Writer, late of Company E, Eleventh Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

DAVIS E. JAMES.

The next pension business was the bill (H. R. 5636) granting an increase of pension to Davis E. James.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Davis E. James, late of Company F, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

AMOS FOUST.

The next pension business was the bill (H. R. 2354) granting an increase of pension to Amos Foust.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos Foust, late of Company F, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ELBERT M. WATTS.

The next pension business was the bill (H. R. 1496) granting an increase of pension to Elbert M. Watts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elbert M. Watts, late of Company B, One hundred and seventy-seventh Regiment Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "B" and insert in lieu thereof the letter "E."

In line 7, after the word "Regiment," insert the word "Ohio."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CHARLES C. WEAVER.

The next pension business was the bill (H. R. 1062) granting an increase of pension to Charles C. Weaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Weaver, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

RANDOLPH SNELL.

The next pension business was the bill (H. R. 14314) granting an increase of pension to Randolph Snell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Randolph Snell, late of Company F, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CALVIN MOREHEAD.

The next pension business was the bill (H. R. 14427) granting an increase of pension to Calvin Morehead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin Morehead, late of Companies E and H, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Companies E and" and insert in lieu thereof the word "Company."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM HERBERT.

The next pension business was the bill (H. R. 13951) granting an increase of pension to William Herbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Herbert, late seaman of United States ship Gamage, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "seaman."

In same line strike out the word "ship" and insert in lieu thereof the word "ships."

In line 7, before the word "and," insert the words "Great Western and Essex, United States Navy."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SAMUEL A. SLEMMONS.

The next pension business was the bill (H. R. 13355) granting an increase of pension to Samuel A. Slemmons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel A. Slemmons, late of Company E, Eighty-eighth Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Eighty-eighth," insert the word "Regiment."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

THOMAS J. SHOFFNER.

The next pension business was the bill (H. R. 13137) granting an increase of pension to Thomas J. Shaffner.

The bill was read, as follows:

Be it enactcd, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Shaffner, late of Company F, Fifth Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Shaffner" and insert in lieu thereof the word "Shoffner." In same line, after the word "Fifth," insert the word "Regiment."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas J. Shoffner."

JOHN E. LAPSLEY.

The next pension business was the bill (H. R. 13065) granting an increase of pension to John E. Lapeley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Lapeley, late of Company A, One hundred and twenty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Lapeley" and insert in lieu thereof the word "Lapsley."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to John E. Lapsley."

JOHN RILEY.

The next pension business was the bill (H. R. 12811) granting an increase of pension to John Riley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Riley, late of Company —, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Company," insert the letter "C."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM A. COUCH.

The next pension business was the bill (H. R. 11937) granting an increase of pension to William A. Couch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Couch, late of Company E, Second Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SAMUEL BECKLEY.

The next pension business was the bill (H. R. 11911) granting an increase of pension to Samuel Beckley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Beckley, late of Company H, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN H. STEPHENS.

The next pension business was the bill (H. R. 11286) granting a pension to John H. Stephens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Stephens, late of Company —, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 dollars per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the letter "F."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to John H. Stephens."

JOHN T. HOGG, JR.

The next pension business was the bill (H. R. 11120) granting an increase of pension to John T. Hogg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Hogg, late of Company G, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Hogg," insert the word "junior."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to John T. Hogg, jr."

JOSEPH PRICE.

The next pension business was the bill (H. R. 11055) granting an increase of pension to Joseph Price.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Price, late of Company H, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

LEONARD C. HILL.

The next pension business was the bill (H. R. 10949) granting an increase of pension to Leonard C. Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonard C. Hill, late of Company G, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ROBERT H. BARTON.

The next pension business was the bill (H. R. 10930) granting an increase of pension to Robert H. Barton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert H. Barton, late of Company B, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MICHAEL P. DONLEY.

The next pension business was the bill (H. R. 10753) granting an increase of pension to Michael P. Donley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael P. Donley, late of Company E, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant Company C, and captain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SUSIE HARKEY.

The next pension business was the bill (H. R. 10307) granting an increase of pension to Susan Harkey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Harkey, widow of Sidney L. Harkey, late chaplain Fifty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Susan" and insert in lieu thereof the word "Susie."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Susie Harkey."

JAMES M. NEAL.

The next pension business was the bill (H. R. 3339) granting an increase of pension to James M. Neal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Neal, late of Company E, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

LINSAY C. JONES.

The next pension business was the bill (H. R. 2846) granting an increase of pension to Linsay C. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of

Linsay C. Jones, late of Company K, Thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GEORGE S. BENNETT.

The next pension business was the bill (H. R. 5639) granting an increase of pension to George S. Bennett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George S. Bennett, late of Company E, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of —— dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN W. PRESSLEY.

The next pension business was the bill (H. R. 4539) granting an increase of pension to John W. Pressley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Pressley, late of Company K, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CHARLES F. READ.

The next pension business was the bill (H. R. 4538) granting an increase of pension to Charles F. Read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Read, late of Company F, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN B. SOUTHWORTH.

The next pension business was the bill (H. R. 4094) granting a pension to John B. Southworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Southworth, late of Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of —— dollars per month.

The amendments recommended by the committee were read, as follows:

In line 8, before the word "dollars," insert the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to John B. Southworth."

MARY TEN EYCK.

The next pension business was the bill (H. R. 14632) granting an increase of pension to Mary Ten Eick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ten Eick, widow of Lieut. Col. Arthur S. Ten Eick, late of Company ——, Thirtieth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Eick" and insert in lieu thereof the word "Eyck." In same line strike out "lieutenant-colonel."

In line 7 strike out the word "Eick" and insert in lieu thereof the word "Eyck." In same line, after the word "late," strike out the words "of Company" and insert in lieu thereof the words "captain Company A and lieutenant-colonel."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary Ten Eyck."

GEORGE W. EGGLESTON.

The next pension business was the bill (H. R. 14570) granting a pension to George W. Eggleston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Eggleston, late of Company, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company" and insert in lieu thereof the word "unassigned."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

EDWARD CARR.

The next pension business was the bill (H. R. 14477) granting an increase of pension to Edward Carr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Carr, late of Battery F, Second Regiment United State Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Battery," insert the words "U. S. S. Dan Smith, Home, and Princeton, United States Navy, and."

In line 7 strike out the word "twenty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HENRY H. TAYLOR.

The next pension business was the bill (H. R. 14453) granting an increase of pension to Henry H. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Taylor, late of Company C, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CORNELIUS D. M'COMBS.

The next pension business was the bill (H. R. 14807) granting an increase of pension to Cornelius D. McCombs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelius D. McCombs, late of Company E, Fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the words "Heavy Artillery."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ANDREW J. BLACK.

The next pension business was the bill (H. R. 14829) granting an increase of pension to Andrew J. Black.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Black, late of Company I, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CARLOS L. BUZZELL.

The next pension business was the bill (H. R. 14869) granting an increase of pension to Carlos L. Buzzell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carlos L. Buzzell, late of Company B, Sixth Regiment New Hamphire Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES TENBROOK.

The next pension business was the bill (H. R. 14916) granting an increase of pension to James Tenbrook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Tenbrook, late of Company I, Eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MISSOURI L. HERRON.

The next pension business was the bill (H. R. 14982) granting a pension to Missouri L. Herron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Missouri L. Herron, dependent stepmother of Jonathan Herron, late of Company D, Twelfth Regiment Indiana Volunteer Infantry, and Alexander Herron, late of Company F, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In lines 8 and 9 strike out the words "and Alexander Herron, late of Company F, Ninety-ninth Regiment Indiana Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CYNTHIA A. BENSON.

The next pension business was the bill (H. R. 12936) granting an increase of pension to Cynthia Benson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cynthia Benson, late of Company ——, —— Regiment —— Volunteer Infantry, and pay him a pension at the rate of —— dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Cynthia," insert the letter "A."
In same line, after the word "Benson," insert the words "dependent mother of Joseph C. Benson."
In same line, after the word "Company," insert the words "H, Twenty-sixth."
In line 7, before the word "Volunteer," insert the word "Illinois."
In same line strike out the word "him" and insert the word "her."
In line 8, after the word "of," insert the word "twenty."
In same line strike out the word "he" and insert the word "she."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Cynthia A. Benson."

EDWARD B. WRIGHT.

The next pension business was the bill (H. R. 15305) granting an increase of pension to Edward B. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward B. Wright, late captain of Battery B, Michigan Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "captain," insert the words "first lieutenant and."
In same line, before the word "Michigan," insert the words "First Regiment."
In line 7, before the word "Light," insert the word "Volunteer."
In same line strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

THOMAS A. SORRELL, ALIAS THOMAS A. MARTIN.

The next pension business was the bill (H. R. 14621) granting an increase of pension to Thomas A. Sorrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas A. Sorrel, late of the U. S. S. Roanoke, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "late," insert the words "alias Thomas A. Martin."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas A. Sorrell, alias Thomas A. Martin."

CLEANTHUS BURNETT.

The next pension business was the bill (H. R. 15380) granting an increase of pension to Cleanthus Burnett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cleanthus Burnett, late of Company G, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN W. HUDSON.

The next pension business was the bill (H. R. 4265) granting a pension to John W. Hudson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Hudson, late of Company H, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN M. HOISINGTON.

The next pension business was the bill (H. R. 4355) granting a pension to John M. Hoisington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John M. Hoisington, late of Company C, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."
In line 7 strike out the word "thirty" and insert in lieu thereof the word "twelve." In the same line, after the word "month" insert the words "the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ANDREW HIRAM WOODS.

The next pension business was the bill (H. R. 4934) granting an increase of pension to Hiram Woods.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Woods, late of Company H, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and Company H, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Hiram," insert the word "Andrew."
In same line strike out the words "Company H, One hundred and" and all of line 7.
In line 8 strike out the word "and."
In line 9 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Andrew Hiram Woods."

DAVID H. HOUSE.

The next pension business was the bill (H. R. 10692) granting an increase of pension to David H. House.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David H. House, late of Company B, First Regiment Maryland Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Battery."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN SAIN.

The next pension business was the bill (H. R. 13152) granting an increase of pension to John H. Sain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Sain, late of Company C, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H."
In line 8 strike out the word "forty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to John Sain."

JOHN D. WELLS.

The next pension business was the bill (H. R. 13962) granting an increase of pension to John D. Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Wells, late of Company I, Fifteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HENRY M. WATERS.

The next pension business was the bill (H. R. 14716) granting an increase of pension to Henry M. Waters.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry M. Waters, late sergeant of Company H, Second Ohio Cavalry, and pay him a pension at the rate of $46 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "sergeant."
In same line, after the word "Second," insert the word "Regiment."
In line 7, before the word "Cavalry," insert the word "Volunteer."
In same line strike out the word "forty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MITTIE CHOATE.

The next pension business was the bill (H. R. 2175) granting an increase of pension to Mittie Mitchell Choate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mittie Mitchell Choate, widow of George W. Choate, late of Company B, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Mitchell."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mittie Choate."

JANE DORSEY.

The next pension business was the bill (H. R. 5868) granting a pension to Jane Dorsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Dorsey, widow of Henry Dorsey, late of Company E, Sixty-fourth Regiment United States Colored Volunteer Infantry, and Company E, Seventh Regiment Louisiana Colored Volunteer Infantry, and pay her a pension at the rate of $10 per month.

The amendments recommended by the committee were read, as follows:

In lines 8 and 9 strike out the words "and Company E, Seventh Regiment Louisiana Colored Volunteer Infantry."
In line 10 strike out the word "ten" and insert in lieu thereof the word "eight."
In same line, after the word "month," insert the words "and $2 per month additional on account of each of the minor children of the soldier."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN J. BANKS.

The next pension business was the bill (H. R. 7288) granting an increase of pension to John J. Banks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J.

Banks, late of Company C, Seventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOSEPH CHISAM.

The next pension business was the bill (H. R. 7325) granting an increase of pension to Joseph Chisam.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Chisam, late of Company F, Twenty-fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "and," insert the words "and Company F, First Regiment New York Provisional Volunteer Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

FLORENCE K. PATTERSON.

The next pension business was the bill (H. R. 7431) granting a pension to Florence K. Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence K. Patterson, widow of Joseph B. Patterson, late of the U. S. S. Alleghany, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "the United States ship Alleghany" and insert in lieu thereof the words "U. S. S. Alleghany, Release, and Maratanza," United States Navy.

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WORTHINGTON FRINGER.

The next pension business was the bill (H. R. 7432) granting a pension to Worthington Fringer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Worthington Fringer, late of Third Regiment Maryland Volunteer Home Brigade, and pay him a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Third," insert the words "Company G." In same line, before the word "Maryland," insert the words "Potomac Home Brigade."

In line 7 strike out the words "Home Brigade" and insert in lieu thereof the word "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOSHUA GILL.

The next pension business was the bill (H. R. 7439) granting an increase of pension to Joshua Gill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua Gill, late of Company F, Second Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MILO L. PIERCE.

The next pension business was the bill (H. R 7790) granting an increase of pension to Milo L. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milo L. Pierce, late of Company B, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SUSAN A. JACKSON.

The next pension business was the bill (H. R. 7792) granting a pension to Susan A. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan A. Jackson, widow of W. C. Jackson, late of Companies E and F, First Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W." and insert in lieu thereof the word "William."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SARAH J. TONCRAY.

The next pension business was the bill (H. R. 7893) granting an increase of pension to Sarah J. Toncray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Toncray, widow of A. R. P. Toncray, late of Company C, Tenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles P. Toncray, helpless and dependent child of A. R. P. Toncray, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah J. Toncray the name of said Charles P. Toncray shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah J. Toncray.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A." and insert in lieu thereof the word "Alexander."

In the same line, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 11 strike out the letter "A." and insert in lieu thereof the word "Alexander."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ADLADE HOLLAND.

The next pension business was the bill (H. R. 8489) granting a pension to Adelaide Holland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelaide Holland, widow of Patrick Holland, late of Company A, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Adelaide" and insert in lieu thereof the word "Adlade."

In line 8 strike out the word "fifteen" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting a pension to Adlade Holland."

BARBARA HAASE.

The next pension business was the bill (H. R. 8640) granting an increase of pension to Barbara Haase.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Barbara Haase, widow of Charles Haase, late of Company H, Thirty-third Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARGRET ORST.

The next pension business was the bill (H. R. 4387) granting an increase of pension to Margaret Orst.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Orst, widow of the late Henry Orst, of Company K, First Regiment Virginia Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Margaret" and insert in lieu thereof the word "Margret."

In same line strike out the words "the late."

In same line, after the words "Henry Orst," insert the word "late."

In line 7, before the word "Virginia," insert the word "West."

In same line, after the word "Infantry," insert the words "and First and One hundred and forty-seventh Companies, Second Battalion, Veteran Reserve Corps."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Margret Orst."

HENRY B. KEFFER.

The next pension business was the bill (H. R. 4072) granting a pension to Henry B. Keffer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Keffer, late of Company A, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry B. Keffer."

IDA W. MAPLES.

The next pension business was the bill (H. R. 8644) granting an increase of pension to Ida W. Maples.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida W. Maples, widow of Isaac B. Maples, late acting first assistant engineer, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MILTON FRAME.

The next pension business was the bill (H. R. 8829) granting an increase of pension to Milton Frame.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Frame, late of Company B, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARTHA A. ATKINSON.

The next pension business was the bill (H. R. 9768) granting an increase of pension to Martha A. Atkinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Atkinson, widow of Francis M. Atkinson, late of Company K, Sixth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HENRY L. WILLIAMS.

The next pension business was the bill (H. R. 9813) granting an increase of pension to Henry L. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry L. Williams, late of Company A, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MILTON WILLIAMS.

The next pension business was the bill (H. R. 10040) granting an increase of pension to Milton Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Williams, late of Company A, Fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HESTER KITE.

The next pension business was the bill (S. 1406) granting an increase of pension to Hester Kite.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hester Kite, widow of Benjamin Kite, late of Captain Stewart's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

JOHN S. HYATT.

The next pension business was the bill (S. 523) granting an increase of pension to John S. Hyatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of John S. Hyatt, late of Captain Hancock's company, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

JOHN LOWDER.

The next pension business was the bill (S. 524) granting an increase of pension to John Lowder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lowder, late of Captain James A. Hunter's company, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

MARTHA STEWART.

The next pension business was the bill (S. 1403) granting an increase of pension to Martha Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Stewart, widow of Daniel Stewart, late of Captain Niblack's company, Second Regiment East Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

ELIZABETH SWEAT.

The next pension business was the bill (S. 1408) granting an increase of pension to Elizabeth Sweat.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Sweat, widow of James A. Sweat, late of Capt. E. T. Kendrick's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read a third time and passed.

WILLIAM C. O'NEAL.

The next pension business was the bill (S. 1405) granting an increase of pension to William C. O'Neal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. O'Neal, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

JOHN LOURCEY.

The next pension business was the bill (S. 1404) granting an increase of pension to John Lourcey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lourcey, late of Captain Brady's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

JANE C. STINGLEY.

The next pension business was the bill (S. 1757) granting an increase of pension to Jane C. Stingley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane C. Stingley, widow of James D. Stingley, late of Capt. John Mathis's company, South Carolina Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

NANCY MOTES.

The next pension business was the bill (S. 1423) granting an increase of pension to Nancy Motes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Motes, widow of Lewis Motes, late of Captain Thigpin's company, Second Regiment Florida Mounted Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

JERRY MURPHY.

The next pension business was the bill (H. R. 1991) granting an increase of pension to Jerry Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerry Murphy, late of Company H, Regiment of United States Mounted Rifles, Indian wars, from 1855 to 1860, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Company" and insert "Troop."
In the same line strike out "Regiment of."
In line 7 strike out "Indian wars, from eighteen hun-"
In the same line insert "Texas and New Mexico Indian disturbances."
Strike out line 8.
In line 9, before "pay," insert "and."
In same line strike out "thirty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES M. FITCH.

The next pension business was the bill (H. R. 3610) granting a pension to James M. Fitch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Fitch, late of Company B, Eleventh Regiment United States Volunteer Infantry, Spanish-American war, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer" and "Spanish-American war."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES J. CALLAN.

The next pension business was the bill (H. R. 4663) granting a pension to James J. Callan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Callan, late of Company E, Second Regiment United States Cavalry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PAUL W. DRAHEIM.

The next pension business was the bill (H. R. 7522) granting an increase of pension to Paul W. Draheim.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Paul W. Draheim, late of Company K, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain."
In line 8 strike out "twenty-four" and insert "ten."
Strike out all after "month" in the same line.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "Granting a pension to Paul W. Draheim."

DAVID T. KIRBY.

The next pension business was the bill (H. R. 8629) granting a pension to David T. Kirby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David T. Kirby, late of United States Navy, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before "United," insert "U. S. S. Minneapolis."
In same line, after "Navy," strike out "and pay him."
Strike out line 7.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ANGELINE PHILLIPS.

The next pension business was the bill (H. R. 8654) granting an increase of pension to Angelina Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Angelina Phillips, widow of William Phillips, late of Dayton and Field's company, District of Columbia Militia, 1814, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the name of the beneficiary in the title and body of the bill so as to read "Angeline Phillips."
In line 6, before "Dayton," insert "Captains."
In line 7 change "company" to "companies."
In line 8 strike out "eighteen hundred and fourteen" and insert "war of eighteen hundred and twelve."
In line 9 strike out "fifty" and insert "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PENELOPE L. NEWMAN.

The next pension business was the bill (H. R. 9837) granting an increase of pension to Penelope L. Newman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Penelope L. Newman, widow of James Newman, late of Company —, Regiment Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Company," insert "E, Battalion of Mississippi."
In line 8 strike out "Infantry" and insert "Riflemen."
In line 9 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

OPHELIA J. GORDON.

The next pension business was the bill (H. R. 10018) granting an increase of pension to Ophelia J. Gordon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ophelia J. Gordon, widow of Thomas M. Gordon, late of Company G, Second Regiment Tennessee Volunteers, Mexican war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Mexican."
In line 8, after "war," insert "with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SARAH E. NIXON.

The next pension business was the bill (H. R. 11145) granting an increase of pension to Sarah E. Nixon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Nixon, widow of First Lieut. George H. Nixon, late of Company M, First Tennessee Infantry, war with Mexico, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

Mr. LOUDENSLAGER. Mr. Speaker, I move that that bill lie on the table, as the beneficiary is dead.

The motion was agreed to.

EMELINE M. STRONG.

The next pension business was the bill (H. R. 11217) granting an increase of pension to Emiline M. Strong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emiline M. Strong, widow of John Strong, late of Company F, First Regiment Mississippi Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change "Emiline" where it appears in the title and body of the bill to "Emeline."
In line 7 change "Volunteer" to "Volunteers," and in the same line strike out "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Emeline M. Strong."

MARTHA C. PACE.

The next pension business was the bill (H. R. 12280) granting an increase of pension to Martha C. Pace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha C. Pace, widow of Alexander Pace, late corporal in Curtis's and Allen's companies, Georgia Mounted Volunteers, Indian wars, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "corporal" and insert after "late" the words "of Captains."
In line 7 strike out "in Curtis's" and insert "Crute's."
In line 8, before "Indian," insert "Creek," and strike out the word "wars" and insert the word "war" in the same line.
In line 9 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM GOULDING.

The next pension business was the bill (H. R. 13708) granting an increase of pension to William Goulding.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Goulding, late of Company F, Second Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Company" and insert "Battery."
In line 7, after "Artillery," insert "Florida Seminole Indian war."
In line 8 strike out "twenty-four" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ELIZA D. RAMEY.

The next pension business was the bill (H. R. 14338) granting an increase of pension to Eliza D. Ramey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza D. Ramey, widow of William Ramey, late private in Captain Rogers's company, Alabama Mounted Volunteers, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "private" and insert "of."
In line 7 strike out "in;" and in the same line, after "Volunteers," insert "Cherokee Indian disturbances."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SARAH E. WILLIS.

The next pension business was the bill (H. R. 14906) granting an increase of pension to Sarah E. Willis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Willis, widow of Piatt A. Willis, late of Company B, Second Regiment Mississippi Volunteers, in the war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Piatt" and insert "Platte."
In line 7 strike out "in the" before "war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARTHA MARBLE.

The next pension business was the bill (H. R. 15068) granting an increase of pension to Martha Marble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Marble, widow of John K. Marble, late of Company A, Fifth Regiment Louisiana Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "Infantry," insert "war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

LOUISA J. LONG.

The next pension business was the bill (H. R. 15401) granting an increase of pension to Louisa J. Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa J. Long, widow of Martin L. Long, late of Price's company, Georgia Volunteers, Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain."

In line 7, after "Volunteers," strike out "Indian war" and insert "Cherokee Indian disturbances."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN A. M. LA PIERRE.

The next pension business was the bill (H. R. 603) granting an increase of pension to John A. M. La Pierre.

The bill was read, as follows:

Be it enacted. etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. M. La Pierre, late first lieutenant and adjutant of Forty-eighth Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "first lieutenant Company E, and."

In line 7 strike out the word "of."

In same line, before the word "Indiana," insert the word "Regiment."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES CARROLL.

The next pension business was the bill (H. R. 1034) granting an increase of pension to James Carroll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Carroll, late of Company D, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOEL F. OVERHOLSER.

The next pension business was the bill (H. R. 1055) granting an increase of pension to Joel F. Overholser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel F. Overholser, late of Company E, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HANNEGAN C. NORVELL.

The next pension business was the bill (H. R. 1059) granting an increase of pension to Hannegan C. Norvell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannegan C. Norvell, late of Company B, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

NELSON WOLFLEY.

The next pension business was the bill (H. R. 1590) granting an increase of pension to Nelson Wolfley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Wolfley, late of Company B, One hundred and fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GEORGE ATHEY.

The next pension business was the bill (H. R. 1673) granting an increase of pension to George Athey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Athey, late of Company H, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ANDREW RISSER.

The next pension business was the bill (H. R. 2204) granting an increase of pension to Andrew Risser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Risser, late of Company D, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

RICHARD P. M'GRATH.

The next pension business was the bill (H. R. 2350) granting an increase of pension to Richard P. McGrath.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard P. McGrath, late of Company B, First Maine Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "First," insert the word "Regiment." In the same line, before the word "Heavy," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN B. EVANS.

The next pension business was the bill (H. R. 2535) granting an increase of pension to John B. Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Evans, late of Companies A, C, and D, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "Companies A, C, and D" and insert in lieu thereof the words "Company D, Engineers of the West, Missouri Volunteers, and Companies C and A."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ELLISON GILBERT.

The next pension business was the bill (H. R. 2648) granting an increase of pension to Ellison Gilbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellison Gilbert, late of Company G, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SAMUEL H. HURST.

The next pension business was the bill (H. R. 2855) granting an increase of pension to Samuel H. Hurst.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Hurst, late colonel Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the word "lieutenant."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN FINDLAY.

The next pension business was the bill (H. R. 2863) granting an increase of pension to John Findlay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Findlay, late of Company E, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

FRANK RUSHALOO.

The next pension business was the bill (H. R. 2873) granting an increase of pension to Frank Rushaloo.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Rushaloo, late of Twenty-first Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM HALL.

The next pension business was the bill (H. R. 3491) granting an increase of pension to William Hall.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hall, late of Company K, Twelfth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

LEVI NICHOLSON.

The next pension business was the bill (H. R. 3493) granting an increase of pension to Levi Nicholson.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Nicholson, late of Company E, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JACOB B. BOYER.

The next pension business was the bill (H. R. 3614) granting an increase of pension to James B. Boyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Boyer, late of Company F, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "James" and insert in lieu thereof the word "Jacob."
In line 8 strike out "fifty" and insert in lieu thereof "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jacob B. Boyer."

ANDREAS SCHMIDT.

The next pension business was the bill (H. R. 3802) granting an increase of pension to Andreas Schmidt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andreas Schmidt, late of Company G, Ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "and," insert the words "and Company K, Second Regiment United States Veteran Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PHILIP EBRIGHT.

The next pension business was the bill (H. R. 3845) granting an increase of pension to Philip Ebright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Ebright, late of Company C, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM H. C. DAVIS.

The next pension business was the bill (H. R. 4102) granting an increase of pension to William H. C. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. C. Davis, late of Company D, Sixtieth Regiment Ohio Volunteer Infantry, and Company A, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the letter "A" and insert in lieu thereof the letter "K."

In line 9 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JUDSON P. ADAMS.

The next pension business was the bill (H. R. 4125) granting an increase of pension to Judson P. Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Judson P. Adams, late of Company F, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN MAGUIRE.

The next pension business was the bill (H. R. 4295) granting a pension to John Maguire.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Maguire, late of Company —, Forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the letter "D."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to John Maguire."

OSBORNE EDDY.

The next pension business was the bill (H. R. 4351) granting a pension to Osborne Eddy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Osborne Eddy, late of Company A, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the letter "E."

In line 8 strike out the word "fifteen" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES H. THOMPSON.

The next pension business was the bill (H. R. 4490) granting an increase of pension to James H. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Thompson, late of Company K, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ALEXANDER DEPUY.

The next pension business was the bill (H. R. 4497) granting an increase of pension to Alexander Depuy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Depuy, late of Company C, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM H. HANSON.

The next pension business was the bill (H. R. 4522) granting an increase of pension to William H. Hanson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Hanson, late landsman, U. S. S. Connecticut, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "landsman" and insert in lieu thereof the word "of."

In line 7, before the word "and," insert the words "United States Navy."

In same line strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM M. STEVENSON.

The next pension business was the bill (H. R. 5347) granting an increase of pension to William M. Stevenson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Stevenson, late of Company B, Thirteenth Regiment Pennsylvania Volunteer Infantry, and Company E, Seventh Pennsylvania Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the word "Reserve."

In line 8, after the word "Seventh," insert the word "Regiment."

In same line, before the word "Cavalry," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM DUNLAP.

The next pension business was the bill (H. R. 5422) granting an increase of pension to William Dunlap.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Dunlap, late of Company F, Eleventh Regiment Indiana Volunteer Infantry, and of Company E, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company F, Eleventh Regiment Indiana Volunteer Infantry, and of."

In line 9 strike out the words "one hundred" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CALVIN E. BREED.

The next pension business was the bill (H. R. 5450) granting an increase of pension to Calvin E. Breed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of

Calvin E. Breed, late of Company H, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "H, Sixteenth" and insert in lieu thereof the words "K, First."
In line 7 strike out the word "Illinois" and insert in lieu thereof the word "Wisconsin."
In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARY O'BRIEN.

The next pension business was the bill (H. R. 5764) granting a pension to Mary O'Brien.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary O'Brien, mother of John O'Brien, alias John O'Leary, late of Company A, First Regiment Massachusetts Heavy Artillery, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "mother," insert the word "dependent."
In line 7, before the word "Heavy," insert the word "Volunteer."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ADDI C. PINDELL.

The next pension business was the bill (H. R. 5880) granting an increase of pension to Addi C. Pindell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Addi C. Pindell, late of Company H, Fifth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JEREMIAH BECK.

The next pension business was the bill (H. R. 6064) granting an increase of pension to Jeremiah Beck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Beck, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ALEXANDER W. BROWNLIE.

The next pension business was the bill (H. R. 6487) granting an increase of pension to Alexander W. Brownlie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander W. Brownlie, late of Company K, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

IRVIN AUSTIN.

The next pension business was the bill (H. R. 6492) granting an increase of pension to Irvin Austin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Irvin Austin, late of Company B, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

EZRA PROUTY.

The next pension business was the bill (H. R. 6866) granting an increase of pension to Ezra Prouty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezra Prouty, late of Company F, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HIRAM SPEAR.

The next pension business was the bill (H. R. 6900) granting an increase of pension to Hiram Spear.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Spear, late of Company I, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SIMON WHITE.

The next pension business was the bill (H. R. 7060) granting an increase of pension to Simon W. White.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simon W. White, late of Company C, Fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "W."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Simon White."

BENJAMIN L. SHEPARD.

The next pension business was the bill (H. R. 7307) granting an increase of pension to Benjamin L. Shepard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin L. Shepard, late of Company C, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CHARLES BROWN.

The next pension business was the bill (H. R. 7530) granting an increase of pension to Charles Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Brown, late of Company G, Nineteenth Regiment United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Army" and insert in lieu thereof the word "Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PHINEAS P. TROWBRIDGE.

The next pension business was the bill (H. R. 7781) granting an increase of pension to Phineas P. Trowbridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phineas P. Trowbridge, late of Company E, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of —— dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company I, Eighteenth Regiment Veteran Reserve Corps."

In line 8, before the word "dollars," insert the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM H. PATTERSON.

The next pension business was the bill (H. R. 7815) granting an increase of pension to William H. Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Patterson, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

LEANDER WAGERS.

The next pension business was the bill (H. R. 8004) granting an increase of pension to Leander Wages.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leander Wages, late of Company E, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Wages" and insert in lieu thereof the word "Wagers."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Leander Wagers."

EDWARD E. HACKETT.

The next pension business was the bill (H. R. 8145) granting an increase of pension to Edward E. Hackett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward E. Hackett, late of Companies B and C, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Companies B and C" and insert in lieu thereof the words "Company C."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JACKSON WEATHERS.

The next pension business was the bill (H. R. 8385) granting an increase of pension to Jackson Weathers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jackson Weathers, late of Company C, One hundred and seventeenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ISAIAH FOWLER.

The next pension business was the bill (H. R. 8672) granting an increase of pension to Isaiah Fowler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaiah Fowler, late of Company F, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $70 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ALFRED JERVAIS.

The next pension business was the bill (H. R. 8747) granting an increase of pension to Alfred Jervais.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Jervais, late of Company F, Fifth Regiment Minnesota Volunteer Infantry and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ANTHON W. MORTENSON.

The next pension business was the bill (H. R. 8970) granting an increase of pension to Anthon W. Mortensen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anthon W. Mortensen, late of Company B, One hundred and third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Mortensen" and insert in lieu thereof the word "Mortenson."

In same line strike out the word "Company" and insert in lieu thereof the words "Companies G and."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Anthon W. Mortenson."

JOHN HANCOCK.

The next pension business was the bill (H. R. 8999) granting an increase of pension to John Hancock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maj. and Bvt. Col. John Hancock, late assistant adjutant-general, United States Volunteers, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Major and Brevet Colonel;" and in same line, after the word "late," insert the words "major and."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GEORGE HARKLESS.

The next pension business was the bill (H. R. 9311) granting an increase of pension to George Harkless.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Harkless, late of Company D, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN H. KEYS.

The next pension business was the bill (H. R. 9560) granting an increase of pension to John H. Keys.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Keys, late of Company A, One hundred and fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

EMIL CHRISTIAN.

The next pension business was the bill (H. R. 9612) granting an increase of pension to Emil Christian.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emil Christian, late of Company I, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM W. MAYNE.

The next pension business was the bill (H. R. 9647) granting an increase of pension to W. W. Mayne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. W. Mayne, late of Company C, First Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the words "W. Mayne," strike out the letter "W." and insert in lieu thereof the word "William."

In the same line, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In same line strike out the letter "C" and insert in lieu thereof the letter "G."

In same line strike out the word "First" and insert in lieu thereof the word "Fourth"

In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to William W. Mayne."

SAMUEL P. HALLAM.

The next pension business was the bill (H. R. 9789) granting an increase of pension to Samuel P. Hallam.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel P. Hallam, late of Company E, Ringold's Battalion Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Ringold's" and insert in lieu thereof the word "Ringgold's."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JENKIN EVANS.

The next business was the bill (H. R. 10041) granting an increase of pension to Jenkin Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jenkin Evans, late of Company H, Eighty-first Regiment Pennsylvania Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HARRISON G. MACE.

The next pension business was the bill (H. R. 10100) granting an increase of pension to Harrison G. Mace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harrison G. Mace, late of Company D, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

AUGUST GEHB.

The next pension business was the bill (H. R. 10716) granting an increase of pension to August Gehb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of August Gehb, late of Company B, Third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CHARLES GARDNER.

The next pension business was the bill (H. R. 10800) granting an increase of pension to Charles Gardner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Gardner, late of Company H, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM C. TANNER.

The next pension business was the bill (H. R. 10869) granting an increase of pension to William C. Tanner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Tanner, late of Company B, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GEORGE W. FLORYE.

The next pension business was the bill (H. R. 11010) granting an increase of pension to George W. Florey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Florey, late of Company E, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Florey" and insert in lieu thereof the word "Florye."

In the same line strike out the word "Company" and insert in lieu thereof the words "Companies B and."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to George W. Florye."

NOAH JONES.

The next pension business was the bill (H. R. 11413) granting an increase of pension to Noah Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Noah Jones, late of Company D, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SOPHIA WINTERS.

The next pension business was the bill (H. R. 11966) granting an increase of pension to Sophie Winters.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sophie Winters, widow of William Winters, late of Company B, Forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sophie" and insert in lieu thereof the word "Sophia."

In line 7, after the letter "B," insert the words "and chaplain."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sophia Winters."

DANIEL A. STEDMAN.

The next pension business was the bill (H. R. 12027) granting an increase of pension to Daniel A. Stedman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel A. Stedman, late of Company E, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PATRICK DOLAN.

The next pension business was the bill (H. R. 12028) granting an increase of pension to Patrick Dolan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Dolan, late of Company B, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HENRY C. CROWELL.

The next pension business was the bill (H. R. 12034) granting an increase of pension to Henry C. Crowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Crowell, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

LEMUEL L. KELSO.

The next pension business was the bill (H. R. 12739) granting an increase of pension to Lemuel L. Kelso.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Lemuel L. Kelso, late of Company F, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HORACE A. REXFORD.

The next pension business was the bill (H. R. 12616) granting an increase of pension to Horace A. Rexford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace A. Rexford, late of Company B, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MICHAEL H. GLASS.

The next pension business was the bill (H. R. 12810) granting an increase of pension to Michael H. Glass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael H. Glass, late of Company F, First Regiment Massachusetts Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Massachusetts," insert the word "Volunteer."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES H. PEARCE.

The next pension business was the bill (H. R. 12947) granting an increase of pension to James H. Pearce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Pearce, late captain Company F, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "second lieutenant and."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES M'CONNAHA.

The next pension business was the bill (H. R. 12970) granting an increase of pension to James McConnaha.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McConnaha, late of Company B, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," insert the words "Company B, Sixty-third Regiment, and."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

STEPHEN LYONS.

The next pension business was the bill (H. R. 13391) granting an increase of pension to Stephen Lyons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Lyons, late of Company A, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM H. MURRAY.

The next pension business was the bill (H. R. 13783) granting an increase of pension to William H. Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Murray, late of Company D, Forty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CAROLINE MORSE.

The next pension business was the bill (H. R. 13930) granting a pension to Rocelia Morse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rocelia Morse, daughter of Mannis R. Morse, deceased, late of Company P, Fifteenth Regiment New York Engineers, and pay her a pension at the rate of $24 per month on account of being an imbecile and wholly after the date of death of said Caroline Morse."

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10, and insert in lieu thereof the following:
"of Caroline Morse, widow of Manless R. Morse, late of Company I, Fifteenth Regiment New York Volunteer Engineers, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Rocelia Morse, helpless and dependent daughter of said Manless R. Morse, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Caroline Morse the name of said Rocelia Morse shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Caroline Morse."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Caroline Morse."

ABBIE E. BARR.

The next pension business was the bill (H. R. 13945) granting a pension to Abbie E. Barr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abbie E. Barr, widow of David M. Barr, late of Company G, Fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

DEWITT ELDRED.

The next pension business was the bill (H. R. 14316) granting an increase of pension to De Witt Eldred.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of De Witt Eldred, late of Company E, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "De Witt" and insert in lieu thereof the word "Dewitt."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Dewitt Eldred."

NANCY J. WALKER.

The next pension business was the bill (H. R. 14474) granting an increase of pension to Mrs. Stephen Walker.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Stephen Walker, widow of Stephen Walker, late of Company D, First Regular Louisiana Volunteer Cavalry Scouts, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Mrs. Stephen" and insert in lieu thereof the words "Nancy J."
In line 7 strike out the word "Regular" and insert in lieu thereof the word "Regiment."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Nancy J. Walker."

MICHAEL J. HAWLEY.

The next pension business was the bill (H. R. 14532) granting an increase of pension to Michael J. Hawley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael J. Hawley, late of Company I, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and reenlisted in Company C, One hundred and seventh Regiment Pennsylvania Veteran Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "reenlisted in" and insert in lieu thereof the words "second lieutenant."
In line 9 strike out the words "Veteran Volunteers" and insert in lieu thereof the words "Volunteer Infantry."
In line 10 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARCUS T. CAMP.

The next pension business was the bill (H. R. 14584) granting an increase of pension to Marcus T. Camp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcus T. Camp, late of Company C, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

BENJAMIN JOHNSON.

The next pension business was the bill (H. R. 14671) granting an increase of pension to Benjamin Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Johnson, late of Company G, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

RUSH PATTERSON.

The next pension business was the bill (H. R. 14724) granting a pension to Rush Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rush Patterson, late of Company E, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Rush Patterson."

JOHN B. WHEELER.

The next pension business was the bill (H. R. 14844) granting an increase of pension to John B. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Wheeler, late of Company A, Seventeenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOSEPH FARLEY.

The next pension business was the bill (H. R. 14988) granting an increase of pension to Joseph Farley.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Farley, late of Company C, One hundred and sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

FRANCIS S. FLETCHER.

The next pension business was the bill (H. R. 15158) granting an increase of pension to Francis S. Fletcher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis S. Fletcher, late of Company E, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARY HERNDON.

The next pension business was the bill (H. R. 15356) granting an increase of pension to Mary Hernden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Hernden, helpless child of George C. Hernden, late of Company G, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hernden" and insert in lieu thereof the word "Herndon."

In same line strike out the word "child" and insert in lieu thereof "and dependent daughter."

In same line strike out the word "Hernden" and insert in lieu thereof the word "Herndon."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting a pension to Mary Herndon."

GEORGE W. FAIRCHILD.

The next pension business was the bill (H. R. 15538) granting an increase of pension to George W. Fairchild.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Fairchild, late of Company E, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN W. BETTS.

The next pension business was the bill (H. R. 15722) granting an increase of pension to J. W. Betts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. W. Betts, late of Company B, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J." and insert in lieu thereof the word "John." In same line strike out the letter "B" and insert in lieu thereof the letter "I."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to John W. Betts."

FRANK UPCHURCH.

The next pension business was the bill (H. R. 16349) granting an increase of pension to Frank Upchurch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Upchurch, late of Company E, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MICHAEL CONNIFF.

The next pension business was the bill (H. R. 16610) granting an increase of pension to Michael Conniff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Conniff, late of Company B, Fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PHEBE A. BARTEAUX.

The next pension business was the bill (H. R. 1215) granting an increase of pension to Phœbe A. Barteaux.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phœbe A. Barteaux, widow of David W. Barteaux, late of Company F, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of —— dollars per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change the spelling of the word "Phœbe" to "Phebe."

In line 9 insert the word "twenty" before the word "dollars," so that it will read "twenty dollars per month," etc.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Phebe A. Barteaux."

WILLIAM M. JORDAN.

The next pension business was the bill (H. R. 1508) granting an increase of pension to William M. Jordan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Jordan, late of Company B, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES C. BOOTH.

The next pension business was the bill (H. R. 2955) granting an increase of pension to James C. Booth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Booth, late of United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "United," insert the words "U. S. S. *Bat.*"

In line 7 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HAZZARD P. GAVITT.

The next pension business was the bill (H. R. 2961) granting an increase of pension to Hazzard P. Gavitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hazzard P. Gavitt, late of Company B, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GEORGE P. MATTISON.

The next pension business was the bill (H. R. 2999) granting a pension to George P. Matteson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George P. Matteson, late of Company G, Eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Matteson" and insert in lieu thereof the word "Mattison."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four;" in same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to George P. Mattison."

OSIAH ATTISON.

The next pension business was the bill (H. R. 3164) granting an increase of pension to Osiah Attison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Osiah Attison, late of Company B, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve;" in the same line strike out the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting a pension to Osiah Attison."

WILLIAM M'CUE.

The next pension business was the bill (H. R. 3229) granting an increase of pension to William McCue.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McCue, late of the United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "the" and insert in lieu thereof the words "U. S. S. Vermont and Seneca."

In line 7 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN FOSTER.

The next pension business was the bill (H. R. 3232) granting an increase of pension to John Foster, late of Company F, One hundred and eighty-second Regiment New York Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Foster, late of Company F, One hundred and eighty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to John Foster."

CHARLES D. COPELAND.

The next pension business was the bill (H. R. 3243) granting an increase of pension to Charles D. Copeland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles D. Copeland, late of Company F, Fifty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

EBENEZER L. BRIGGS.

The next pension business was the bill (H. R. 3244) granting an increase of pension to Ebenezer L. Briggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ebenezer L. Briggs, late of Troop C, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Troop" and insert in lieu thereof the word "Company."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN N. DICKERSON.

The next pension business was the bill (H. R. 3641) granting an increase of pension to John N. Dickerson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Dickerson, late of Company I, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

DAVID M. MYERS.

The next pension business was the bill (H. R. 4103) granting an increase of pension to David M. Myers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David M. Myers, late of Company C, First Regiment Nebraska Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ISAAC W. CORGILL.

The next pension business was the bill (H. R. 4128) granting an increase of pension to Isaac W. Corgill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac W. Corgill, late of Company E, Fifteenth Regiment New York Volunteer Cavalry, and One hundred and sixty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out the words "One hundred and sixty-eighth Regiment New York Volunteer Infantry" and insert in lieu thereof the words "Company E, Second Regiment New York Provisional Volunteer Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN W. ARMSTRONG.

The next pension business was the bill (H. R. 4149) granting an increase of pension to John W. Armstrong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Armstrong, late of Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "commissary sergeant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

BERNHARD HERBER.

The next pension business was the bill (H. R. 4170) granting an increase of pension to Bernhardt Herber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bernhardt Herber, late of Company I, Eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Bernhardt" and insert in lieu thereof the word "Bernhard."

In same line strike out the word "Company" and insert in lieu thereof the words "Companies C and."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Bernhard Herber."

HOWARD F. HESS.

The next pension business was the bill (H. R. 4290) granting an increase of pension to Howard F. Hess.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Howard F. Hess, late of Company F, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN H. WELLS.

The next pension business was the bill (H. R. 4416) granting an increase of pension to John H. Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Wells, late of Company A, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CORNELIA H. KEYES.

The next pension business was the bill (H. R. 4651) granting an increase of pension to Cornelia H. Keyes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia H. Keyes, widow of B. W. Keyes, late of Company ——, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "B." and insert in lieu thereof the word "Beverly."

In same line and in line 7 strike out the words "of Company" and insert in lieu thereof the words "hospital steward."

In line 9 strike out the word "forty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

DAVID L. ARWINE.

The next pension business was the bill (H. R. 4678) granting an increase of pension to D. L. Arwine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of D. L. Arwine, late of Company K, One hundred and forty-fifth Regiment Indiana Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "D." and insert in lieu thereof the word "David."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to David L. Arwine."

EDWIN P. GURNEY.

The next pension business was the bill (H. R. 4758) granting an increase of pension to Edwin P. Gurney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin P. Gurney, late of Company C, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN BOWEN.

The next pension business was the bill (H. R. 5382) granting an increase of pension to John Bowen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bowen, late of Company D, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

DANIEL HARTER.

The next pension business was the bill (H. R. 5803) granting an increase of pension to Daniel Harter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Harter, late of Company A, One hundred and eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CHARLES R. FOX.

The next pension business was the bill (H. R. 6035) granting an increase of pension to Charles R. Fox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles R. Fox, late of Company C, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM F. MOYER.

The next pension business was the bill (H. R. 6070) granting an increase of pension to W. F. Moyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. F. Moyer, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W." and insert in lieu thereof the word "William."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to William F. Moyer."

JOHN N. KUNDERT.

The next pension business was the bill (H. R. 6505) granting an increase of pension to John N. Kundert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Kundert, late of Company E, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PATRICK GRADY.

The next pension business was the bill (H. R. 6538) granting an increase of pension to Patrick Grady.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Grady, late of Company B, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ELIZABETH J. M'COY.

The next pension business was the bill (H. R. 6647) granting an increase of pension to Elizabeth T. McCoy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth T. McCoy, widow of William McCoy, late private Company D, Fifth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "T" and insert in lieu thereof the letter "J."
In the same line and in line 7 strike out the word "private" and insert in lieu thereof the word "of."
In line 7 strike out the letter "D" and insert in lieu thereof the letter "I."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elizabeth J. McCoy."

ISAAC STEELY.

The next pension business was the bill (H. R. 6688) granting an increase of pension to Isaac Steeley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Steeley, late of Company C, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Steeley" and insert in lieu thereof the word "Steely."
In line 8 strike out the word "sixty" and insert in lieu thereof the word "fifty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Isaac Steely."

ANDREW CLARK.

The next pension business was the bill (H. R. 6819) granting an increase of pension to Andrew Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Clark, late of Company D, Sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Cavalry," insert the words "and Company D, Second Regiment New York Provisional Volunteer Cavalry."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CARRIE A. CHAPLIN.

The next pension business was the bill (H. R. 6876) granting a pension to Carrie A. Chaplin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie A. Chaplin, invalid and dependent daughter of the late Nathaniel W. Chaplin, late of Company A, Twenty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of —— dollars per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "invalid" and insert in lieu thereof the word "helpless."
In same line strike out the word "the."
In line 7 strike out the word "late."
In line 9, before the word "dollars," insert the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

EUGENE LATTIN.

The next pension business was the bill (H. R. 7450) granting an increase of pension to Eugene Lattin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene Lattin, late of Company B, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "sixty" and insert in lieu thereof the word "forty-five."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ARCHIBALD HUSTON.

The next pension business was the bill (H. R. 8061) granting an increase of pension to Archibald Huston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Archibald Huston, late of Company A, and chaplain One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ROBERT SIMPSON.

The next pension business was the bill (H. R. 8222) granting an increase of pension to Robert Simpson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Simpson, late of Company B, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read as, follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN GAFFNEY.

The next pension business was the bill (H. R. 8427) granting an increase of pension to John Gaffney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Gaffney, late of Company C, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "C" and insert in lieu thereof the letter "G."
In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOSEPH T. WALKER.

The next pension business was the bill (H. R. 8548) granting an increase of pension to Joseph T. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph T. Walker, late of Company D, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

FRANCIS H. BRITTON.

The next pension business was the bill (H. R. 9331) granting an increase of pension to Francis H. Britton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis H. Britton, late of Company C, One hundred and fifty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

NANCY WOODRUFF.

The next pension business was the bill (H. R. 9390) granting an increase of pension to Nancy Woodruff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Woodruff, widow of Daniel Woodruff, late of Company H, Third Regiment North Carolina Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Elizabeth Woodruff, helpless and dependent child of said Daniel D. Woodruff, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Nancy Woodruff the name of said Elizabeth Woodruff shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Nancy Woodruff.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ALBERT C. LEE.

The next pension business was the bill (H. R. 9695) granting an increase of pension to Albert C. Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert C. Lee, late of Company ——, Eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the letter "H."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM HINES.

The next pension business was the bill (H. R. 9824) granting an increase of pension to William Hines.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hines, late of Company G, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES BURKE.

The next pension business was the bill (H. R. 9983) granting an increase of pension to James Burke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Burke, late of Company H, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

FRANCES A. PAYNE.

The next pension business was the bill (H. R. 10855) granting a pension to Frances A. Payne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances A. Payne, widow of Philander J. Payne, late surgeon Tenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment recommended by the committee was read, as follows:

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Frances A. Payne."

RUSSELL ARNOLD.

The next pension business was the bill (H. R. 10954) granting an increase of pension to Russell Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Russell Arnold, late of Company I, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CHARLES WELLS.

The next pension business was the bill (H. R. 11102) granting an increase of pension to Charles Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Wells, late of Company C, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

LOUIS P. SOTHORON.

The next pension business was the bill (H. R. 11250) granting a pension to Louis P. Sothoron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis P. Sothoron, the helpless child of John T. H. Sothoron, late of Company I, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "the."

In the same line strike out the word "child" and insert in lieu thereof the words "and dependent son."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN SONIA.

The next pension business was the bill (H. R. 11522) granting an increase of pension to John Sonia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Sonia, late of Companies E and A, First and Fifth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Companies E and A" and insert in lieu thereof the words "Company E."

In same line strike out the word "and" and insert in lieu thereof the words "Regiment, and Company A."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CELINA C. FLEMING.

The next pension business was the bill (H. R. 11679) granting an increase of pension to Celina C. Fleming.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Celina C. Fleming, widow of Hiram Fleming, late of Company F, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ALBERT MUNGER.

The next pension business was the bill (H. R. 11891) granting an increase of pension to Albert W. Munger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert W. Munger, late a member of the Third Iowa Battery Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W."
In same line strike out the words "a member."
In same line strike out the word "the."
In same line strike out the word "Iowa."
In line 7, before the word "Light," insert the words "Iowa Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Albert Munger."

WILLIAM H. H. KELLOGG.

The next pension business was the bill (H. R. 12081) granting an increase of pension to William H. H. Kellogg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Kellogg, late of Company G, Twenty-seventh Iowa Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Iowa," insert the word "Regiment."
In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARTIN V. MONROE.

The next pension business was the bill (H. R. 12234) granting an increase of pension to Martin V. Monroe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin V. Monroe, late of Company H, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM B. SWISHER.

The next pension business was the bill (H. R. 12252) granting an increase of pension to William B. Swisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Swisher, late hospital steward, Eighth Ohio Cavalry, and assistant surgeon, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Eighth," insert the word "Regiment."
In line 7, before the word "Cavalry," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ANDREW H. CLUTTER.

The next pension business was the bill (H. R. 12395) granting an increase of pension to Andrew H. Clutter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew H. Clutter, late of Company F, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GRIFFITH T. MURPHY.

The next pension business was the bill (H. R. 12491) granting an increase of pension to Griffith T. Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Griffith T. Murphy, Company B, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," insert the words "late of."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HARVEY FOWLER.

The next pension business was the bill (H. R. 12534) granting an increase of pension to Harvey Fowler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey Fowler, late of Company I, Second Regiment California Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HENRY H. SEARL.

The next pension business was the bill (H. R. 12719) granting an increase of pension to Henry H. Searl.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Searl, late of Company F, Thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM H. STUMP.

The next pension business was the bill (H. R. 12735) granting an increase of pension to William H. Stump.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Stump, late of Company B, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

FRANCIS M. WOODRUFF.

The next pension business was the bill (H. R. 12766) granting an increase of pension to Francis M. Woodruff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Woodruff, late of Company D, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company D, Fifth Regiment United States Artillery."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CARLTON CROSS.

The next pension business was the bill (H. R. 12809) granting an increase of pension to Carlton Cross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carlton Cross, late of Companies K and A, Ninety-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "one hundred" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

BENJAMIN B. HARDMAN.

The next pension business was the bill (H. R. 12849) granting an increase of pension to Benjamin R. Hardman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin R. Hardman, late of Twenty-third Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "R." and insert in lieu thereof the letter "B."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Benjamin B. Hardman."

HYLAS S. MOORE.

The next pension business was the bill (H. R. 12950) granting an increase of pension to Hylas S. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hylas S. Moore, late of Company C, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

THOMAS COUGHLIN.

The next pension business was the bill (H. R. 12992) granting an increase of pension to Thomas Coughlan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Coughlan, late of Company K, Eleventh Regiment, and Company F, Forty-sixth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Coughlan" and insert in lieu thereof the word "Coughlin."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas Coughlin."

DAVID MILLER.

The next pension business was the bill (H. R. 13175) granting an increase of pension to David Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Miller, late of Company E, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN LOUGHMILLER.

The next pension business was the bill (H. R. 13190) granting an increase of pension to John Loughmiller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Loughmiller, late of Company D, Fourth Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Fourth," insert the word "Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CHARLES S. DERLAND.

The next pension business was the bill (H. R. 13226) granting an increase of pension to Charles S. Derland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles S. Derland, late captain Company I, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ANTON GEISER.

The next pension business was the bill (H. R. 13713) granting an increase of pension to Anton Geiser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anton Geiser, late of Company G, Fourth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARTHA FOSTER.

The next pension business was the bill (H. R. 13889) granting an increase of pension to Martha Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Foster, widow of William Foster, late of Company A, One hundred and eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," insert the words "Companies P and H, Seventy-second Regiment Pennsylvania Volunteer Infantry, and."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CHARLES R. BOCKINS.

The next pension business was the bill (H. R. 13916) granting an increase of pension to Charles R. Bockins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles R. Bockins, late of Company C, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GEORGE WALTON.

The next pension business was the bill (H. R. 14199) granting an increase of pension to George Walton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Walton, late of Company A, Sixth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GEORGE W. CHILD.

The next pension business was the bill (H. R. 14226) granting an increase of pension to George W. Child.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Child, late captain Company G, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "first lieutenant and."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

REUBEN R. PITMAN.

The next pension business was the bill (H. R. 14232) granting an increase of pension to Reuben R. Pitman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben R. Pitman, late of Company I, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

FRANK SCHADER.

The next pension business was the bill (H. R. 14363) granting an increase of pension to Frank Schader.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Schader, late of Company G, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

FRANCIS L. SMITH.

The next pension business was the bill (H. R. 14606) granting an increase of pension to Francis L. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis L. Smith, late of Company F, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PETER C. PARKER.

The next pension business was the bill (H. R. 14798) granting an increase of pension to Peter C. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter C. Parker, late of U. S. S. Tecumseh, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN L. BENNETT.

The next pension business was the bill (H. R. 14958) granting an increase of pension to John L. Bennett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Bennett, late of Company E, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ABRAHAM H. TOMPKINS.

The next pension business was the bill (H. R. 14969) granting an increase of pension to Abraham H. Tompkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham H. Tompkins, late of Company K, One hundred and sixty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ALBERT FALCON.

The next pension business was the bill (H. R. 15037) granting an increase of pension to Albert Falcon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Falcon, late of Company C, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ALEXANDER MATTISON.

The next pension business was the bill (H. R. 15063) granting an increase of pension to Alex Mattison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alex Mattison, late of Company H, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Alex" and insert in lieu thereof the word "Alexander."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alexander Mattison."

JAMES M. REED.

The next pension business was the bill (H. R. 15071) granting an increase of pension to James M. Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Reed, late of Company F, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

EZRA TAYLOR.

The next pension business was the bill (H. R. 15280) granting an increase of pension to Ezra Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezra Taylor, late of Company G, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM R. MOORE.

The next pension business was the bill (H. R. 15429) granting an increase of pension to W. R. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. R. Moore, late of Company A, Forty-sixth Regiment Illinois Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W." and insert in lieu thereof the word "William."

In same line strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 7, before the word "Infantry," insert the word "Volunteer."

In same line strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to William R. Moore."

FANNIE T. SHIPLEY.

The next pension business was the bill (H. R. 15475) granting an increase of pension to Fannie T. Shipley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie T. Shipley, widow of Alexander N. Shipley, late captain and acting quartermaster, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "acting" and insert in lieu thereof the word "assistant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARTHA A. ELLIOTT.

The next pension business was the bill (H. R. 15688) granting a pension to Martha A. Elliott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Elliott, helpless and dependent child of Peter W. Elliott, late of Company B, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM M'GOVERN.

The next pension business was the bill (H. R. 15927) granting an increase of pension to William McGovern.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McGovern, late of Company C, First Regiment New York Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Infantry," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARTIN L. BRUCE.

The next pension business was the bill (H. R. 16016) granting an increase of pension to Martin L. Bruce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin L. Bruce, late of Company G, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM F. PARIS.

The next pension business was the bill (H. R. 16194) granting a pension to William F. Paris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Paris, late of Company H, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to William F. Paris."

AMANDA BONNELL.

The next pension business was the bill (H. R. 16237) granting an increase of pension to Amanda Bonnell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda Bonnell, widow of Joseph W. Bonnell, late of Company G, Twenty-sixth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

DANIEL C. FOSTER.

The next pension business was the bill (H. R. 16308) granting an increase of pension to Daniel C. Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel C. Foster, late of Company F, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ALVAH MOULTON.

The next pension business was the bill (S. 57) granting a pension to Alvah Moulton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvah Moulton, invalid and dependent child of Elias Moulton, late of Company G, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

EMILY AYRES.

The next pension business was the bill (S. 638) granting a pension to Emily Ayres.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Ayres, dependent and helpless daughter of Whiting L. Ayres, late of Company E, Twenty-eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

MARTHA A. KENNY.

The next pension business was the bill (S. 920) granting an increase of pension to Martha A. Kenny.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Kenny, widow of Nicholas D. Kenny, late of Company G, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ellen Louise Kenny, helpless and dependent child of said Nicholas D. Kenny, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death or remarriage of Martha A. Kenny, the name of said Ellen Louise Kenny shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death or remarriage of said Martha A. Kenny.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

MARY A. SANDS.

The next pension business was the bill (S. 1171) granting a pension to Mary A. Sands.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Sands, helpless and dependent child of Edward D. Sands, late of Company I, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

MARGARET K. HERN.

The next pension business was the bill (S. 2420) granting an increase of pension to Margaret K. Hern.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret K. Hern, widow of David W. Hern, late of Company B, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

Mr. MARSHALL. I move to amend by striking out "sixteen" and inserting "twenty-four" in line 8.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 8 strike out "sixteen" and insert "twenty-four."

Mr. MARSHALL. I yield to my colleague from Indiana [Mr. HOLLIDAY], a member of the committee, to make a short statement.

Mr. HOLLIDAY. Mr. Chairman, the Committee on Invalid Pensions has no jurisdiction to consider applications for pensions other than those growing out of the civil war. The beneficiary in this bill was the wife of a soldier during the war and suffered all the hardships of a soldier's widow. Her pension was increased by the Committee on Invalid Pensions to $16 a month in consideration of that fact. It seems that after the war this lady went with her husband to the Northwest, and the record shows that she rendered important service during the Sioux war in that country. Her name is inscribed on a monument erected by the State of Minnesota as one of the seven women who aided materially in the defense of Fort Ridgely at that time. The fact is that this woman herself has earned a right to consideration on the part of this great Republic of ours in addition to the fact that she was the wife of a soldier. While the Committee on Invalid Pensions could not see its way clear to increase her pension beyond $16 as the widow of a soldier, this House certainly has jurisdiction over all these cases, and I therefore hope that in consideration of the heroic services rendered by this woman the amendment offered by the gentleman from North Dakota will be agreed to.

Mr. SULLOWAY. If the gentleman from Indiana is satisfied about this case, I am.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time and passed.

EDWARD A. RUSSELL.

The next pension business was the bill (H. R. 1037) granting an increase of pension to Edward A. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward A. Russell, late captain of Company A, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

NICHOLAS S. CHRISMAN.

The next pension business was the bill (H. R. 1063) granting an increase of pension to Nicholas S. Chrisman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicholas S. Chrisman, late of Company C, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARSHALL W. ROGERS.

The next pension business was the bill (H. R. 1484) granting an increase of pension to Marshall W. Rogers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marshall W. Rogers, late of Company G, Seventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SAMUEL DONALDSON.

The next pension business was the bill (H. R. 2355) granting an increase of pension to Samuel Donaldson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Donaldson, late of Company D, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SIMON LEVI.

The next pension business was the bill (H. R. 2711) granting a pension to Simon Levy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simon Levy, late of Company I, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Levy" and insert in lieu thereof the word "Levi."

In line 7, after the word "Cavalry," insert the words "and Company H, Third Regiment United States Veteran Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Simon Levi."

THEODORE F. KENDALL.

The next pension business was the bill (H. R. 3329) granting a pension to Theodore F. Kendall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore F. Kendall, late of Company K, Twelfth Regiment New York Volunteer Infantry, and Company F, Fifth New York Volunteer Infantry, and pay him a pension at the rate of $36 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "Fifth," insert the word "Regiment."

In same line, after the word "New York," insert the word "Veteran."

In line 9 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read "A bill granting an increase of pension to Theodore F. Kendall."

ALEXANDER M'NABB.

The next pension business was the bill (H. R. 3611) granting an increase of pension to Alexander McNabb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander McNabb, late of Company D, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HENRY R. FANCHER.

The next pension business was the bill (H. R. 4674) granting an increase of pension to Henry R. Fancher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry R. Fancher, late of Company D, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "and," insert the words "and Company K, Eighteenth Regiment Volunteer Reserve Corps."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

EDWIN MAY.

The next pension business was the bill (H. R. 6038) granting a pension to Edwin May.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin May, late of Company G, First Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $60 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the words "Heavy Artillery."

In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Edwin May."

KATHARINE SEIBERLICH.

The next pension business was the bill (H. R. 6057) granting an increase of pension to Katharine Seiberlich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katharine Seiberlich, widow of Charles Seiberlich, late of Company B, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GEORGE M. COYKENDALL.

The next pension business was the bill (H. R. 6065) granting an increase of pension to George M. Coykendall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Coykendall, late of Company G, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES A. COBB.

The next pension business was the bill (H. R. 6641) granting an increase of pension to James A. Cobb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Cobb, late of Company F, First Regiment New Hampshire Volunteer Infantry, and Company B, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the words "of Company F, First Regiment New Hampshire Volunteer Infantry, and" and insert in lieu thereof the words "second lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES S. WALSH.

The next pension business was the bill (H. R. 6875) granting an increase of pension to James S. Walsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Walsh, late of Company B, Forty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of —— dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "of Company B, Forty-eighth Regiment" and insert in lieu thereof the words "second and first lieutenant, Seventeenth unattached company."

In line 8, before the word "dollars," insert the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JACOB B. NELSON.

The next pension business was the bill (H. R. 7012) granting an increase of pension to Jacob B. Nelson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob B. Nelson, late of Company I, Thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MAGDALENA HANSMAN.

The next pension business was the bill (H. R. 7300) granting a pension to Magdalena Hansman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Magdalena Hansman, widow of Frank Hansman, late of Company D, Fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Regiment," insert the words "United States Reserve Corps."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM BROGAN.

The next pension business was the bill (H. R. 7946) granting an increase of pension to William Brogan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Brogan, late of Company D, Fourth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILSON GRAHAM.

The next pension business was the bill (H. R. 8142) granting an increase of pension to Wilson Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilson Graham, late of Company A, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GEORGE W. UHLES.

The next pension business was the bill (H. R. 8332) granting an increase of pension to George Uhles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Uhles, late of Company I, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "George," insert the letter "W."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to George W. Uhles."

JOHN SHIELDS.

The next pension business was the bill (H. R. 8610) granting an increase of pension to John Shields.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Shields, late of Company K, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARQUIS D. MASON.

The next pension business was the bill (H. R. 8978) granting an increase of pension to Marques D. Mason.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marques D. Mason, late of Company B, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Marques" and insert in lieu thereof the word "Marquis."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Marquis D. Mason."

HERBERT C. MATTOON.

The next pension business was the bill (H. R. 9748) granting an increase of pension to Herbert C. Mattoon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Herbert C. Mattoon, late of Company F, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "one hundred" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MYRON A. HAWKS.

The next pension business was the bill (H. R. 10163) granting an increase of pension to Myron A. Hawks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Myron A. Hawks, late captain of Company K, Twentieth Regiment, Indiana Volunteers, and Company K, One hundred and thirty-sixth Regiment Indiana Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "captain," strike out the word "of."

In same line strike out the word "Twentieth" and insert in lieu thereof the word "Thirtieth."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In same line, after the word "and," insert the word "captain."

In same line strike out the letter "K" and insert in lieu thereof the letter "D."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HENRY HILL.

The next pension business was the bill (H. R. 10436) granting an increase of pension to Henry Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Hill, late of Company F, Third United States Infantry, and Company D, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company F, Third United States Infantry, and."

In line 9 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ANDREW J. LYONS.

The next pension business was the bill (H. R. 10698) granting an increase of pension to Andrew J. Lyons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Lyons, late of Company D, One hundred and thirty-ninth Regiment, and Company K, Ninety-eighth Regiment, New York State Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "State."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM H. WHITE.

The next pension business was the bill (H. R. 10723) granting an increase of pension to William H. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. White, late of Company C, Thirtieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM C. MILLIKEN.

The next pension business was the bill (H. R. 10763) granting an increase of pension to William C. Milliken.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Milliken, late of Company B, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CASWELL LOVITT.

The next pension business was the bill (H. R. 10824) granting an increase of pension to Caswell Lovitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caswell Lovitt, late of Company D, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ELISHA COLE.

The next pension business was the bill (H. R. 11043) granting a pension to Elisha Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elisha Cole, late of Company C, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elisha Cole."

JOHN W. M'CORMICK.

The next pension business was the bill (H. R. 11282) granting an increase of pension to John W. McCormick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. McCormick, late of Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

FREDERICK SPACKMAN.

The next pension business was the bill (H. R. 11471) granting an increase of pension to Frederick Spackman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Spackman, late of Company C, Eighty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ALEXANDER HYDE.

The next pension business was the bill (H. R. 11868) granting a pension to Alexander Hyde.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Hyde, late of Company F, Seventy-fifth Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Seventy-fifth," insert the word "Regiment."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alexander Hyde."

HANNAH M. CROWLEY.

The next pension business was the bill (H. R. 12619) granting a pension to Hannah M. Crowley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah M. Crowley, widow of John Crowley, late of Company G, Second Regiment Wisconsin Cavalry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JEROME LONG.

The next pension business was the bill (H. R. 12990) granting an increase of pension to Jerome Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerome Long, late of Company I, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARTIN V. B. DAVIS.

The next pension business was the bill (H. R. 13245) granting an increase of pension to Martin V. B. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin V. B. Davis, late of Company D, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty"

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

REGINA ALBERT.

The next pension business was the bill (H. R. 13336) granting a pension to Regina Albert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Regina Albert, widow of James Albert, late of Company I, Sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN H. SEAGRIST.

The next pension business was the bill (H. R. 13372) granting an increase of pension to John H. Seagrist.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Seagrist, late of Company B, Sixth Regiment Pennsylvania Reserves, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Reserves" and insert in lieu thereof the words "Reserve Volunteer Infantry, and Company F, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

THOMAS W. TREADWELL.

The next pension business was the bill (H. R. 13683) granting an increase of pension to Thomas W. Treadwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. Treadwell, late of Company E, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

FERNANDO D. STONE.

The next pension business was the bill (H. R. 13920) granting an increase of pension to Fernando D. Stone.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fernando D. Stone, late captain Company F, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

THOMAS PORTER.

The next pension business was the bill (H. R. 14310) granting an increase of pension to Thomas Porter.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Porter, late of Company H. Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM B. HAINES.

The next pension business was the bill (H. R. 14747) granting a pension to William B. Haines.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Haines, late of Company K, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to William B. Haines."

ROSWELL L. NASON.

The next pension business was the bill (H. R. 14818) granting an increase of pension to Roswell L. Nason.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Roswell L. Nason, late of Company H, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOSIAH DIXON.

The next pension business was the bill (H. R. 14978) granting an increase of pension to Josiah Dixon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah Dixon, late of Company G, Sixth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "G, Sixth" and insert in lieu thereof the words "E, Fortieth."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JEROME KING.

The next pension business was the bill (H. R. 14989) granting an increase of pension to Jerome King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerome King, late of Company F, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

TITUS W. ALLEN.

The next pension business was the bill (H. R. 15167) granting an increase of pension to Titus W. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Titus W. Allen, late of Company G, Forty-fourth Regiment Illinois Volunteer Infantry, and Company A, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MILO BREWSTER.

The next pension business was the bill (H. R. 15193) granting an increase of pension to Milo Brewster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milo Brewster, late of Company E, Seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ALONZO C. ABBEY.

The next pension business was the bill (H. R. 15579) granting an increase of pension to Alonzo C. Abbey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo C. Abbey, late of Company B, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HUGH IRWIN.

The next pension business was the bill (H. R. 15616) granting an increase of pension to Hugh Irwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh Irwin, late of Company E, Twenty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM H. TURNER.

The next pension business was the bill (H. R. 15686) granting an increase of pension to William H. Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Turner, late of Company A, First Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

THOMAS LARKIN.

The next pension business was the bill (H. R. 15821) granting an increase of pension to Thomas Larkin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Larkin, late boatswain's mate, U. S. S. *Wyandotte*, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "boatswain's mate, United States" and insert in lieu thereof the words "of U. S. S. *North Carolina* and."

In line 7 strike out the word "ship."

In same line, before the word "and," insert the words "United States Navy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GRACE S. WOOD.

The next pension business was the bill (H. R. 16019) granting a pension to Grace S. Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Grace S. Wood, daughter of Thomas Wood, late of Company A, Second Regiment United States Artillery, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "daughter," insert the words "helpless and dependent."

In same line strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 7 strike out the words "A, Second" and insert in lieu thereof the words "K, Fifty-first."

In same line strike out the words "United States Artillery" and insert in lieu thereof the words "New York Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MOSES T. KELLY.

The next pension business was the bill (H. R. 16020) granting an increase of pension to Moses T. Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses T. Kelly, late of Company I, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "forty-five."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HENRY F. TOMLIN.

The next pension business was the bill (H. R. 16335) granting an increase of pension to Henry F. Tomlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry F. Tomlin, late of Company D, One hundred and fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ISAAC N. FORMAN.

The next pension business was the bill (H. R. 16394) granting an increase of pension to Isaac N. Forman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac N. Forman, late of Company G, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES S. ANDERSON.

The next pension business was the bill (H. R. 16533) granting an increase of pension to James S. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Anderson, late of Company A, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. SULLOWAY, a motion to reconsider the votes by which the several bills were passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 130. Joint resolution providing for salaries of the Resident Commissioners from the Philippine Islands.

The message also announced that the Senate had passed with amendment the bill (H. R. 13102) to authorize the county of Elmore, Ala., to construct a bridge across Coosa River, Alabama.

The message also announced that the Senate had passed without amendment joint resolution (H. J. Res. 139) to fill a vacancy in the Board of Regents of the Smithsonian Institution.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4920. An act to provide a temporary home in the District of Columbia for Union volunteer soldiers, sailors, and marines;

S. 4050. An act to authorize the sale of certain parts of Fort Marion Reservation, in the city of St. Augustine, Fla.; and

S. 1048. An act authorizing the Joint Committee on the Library to purchase a bust of President Zachary Taylor.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committee as indicated below:

S. 4920. An act to provide a temporary home in the District of Columbia for Union Volunteer soldiers, sailors, and marines—to the Committee on Military Affairs.

S. 4050. An act to authorize the sale of certain parts of Fort Marion Reservation in the city of St. Augustine, Fla.—to the Committee on Military Affairs.

S. 1048. An act authorizing the Joint Committee on the Library to purchase a bust of President Zachary Taylor—to the Committee on the Library.

MICAIAH R. EVANS.

Mr. HOLLIDAY. Mr. Speaker, I should like to call up the bill H. R. 13735, a bill to correct the military record of Micaiah R. Evans, if it is proper to do so.

The SPEAKER. The order for to-day reads as follows:

On motion of Mr. SULLOWAY, by unanimous consent,
Ordered, That bills on the Private Calendar in order to-day [Friday, February 14] may be in order on the next legislative day after the passage of the legislative appropriation bill, not to interfere with District of Columbia business.

That order makes this as Friday, on which desertion bills and pension bills are in order. The gentleman from Indiana calls up the following bill, which the Clerk will report.

Mr. MANN. Mr. Speaker, the request submitted by the Speaker this morning to consider bills in the House as in Committee of the Whole was to consider only pension bills. The gentleman from Indiana can make a request to go into Committee of the Whole or he can make the same request to consider this bill in the House as in Committee of the Whole.

Mr. HOLLIDAY. Then, Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

Mr. CRUMPACKER. This is a House bill, a bill to correct the military record.

Mr. MANN. It is in order to go into Committee of the Whole on the bill. Let us hear the bill read first.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion on the records of the War Department against Micaiah R. Evans, of Huntingdon, Huntingdon County, Pa., late a member of Company A, Twenty-second Pennsylvania Cavalry Volunteers: *Provided*, That no pay, bounty, or emoluments shall become due or payable by virtue of the passage of this act.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the bill be considered in the House as in Committee of the Whole, the bill being in order to be called up to-day. Is there objection? [After a pause.] The Chair hears none.

Mr. HOLLIDAY. Mr. Speaker, I want to submit a word or two in regard to this bill. It is a well-known fact that the committee is very much averse to reporting bills of this character. This man enlisted three times. He has three honorable discharges. While he was in the Army and serving his country he was drafted at home, and because he did not and could not respond to the draft he was marked as a deserter. It is purely a technical matter. The Department would probably remove the charge if they had the authority, but there is no law authorizing them to change the record in the case of a man who is marked as a deserter because he fails to respond to a draft. This will grant to the man no bounty or pension, but simply removes a cloud from his reputation which has been unfairly placed there because of his being drafted and his not responding while he was in the service.

Mr. MANN. This bill will entitle the man to a pension.

Mr. HOLLIDAY. Oh, he is entitled to a pension now. He was not dishonorably discharged.

Mr. MANN. It does not make any difference if he has four honorable discharges and one dishonorable discharge.

Mr. HOLLIDAY. He has not been dishonorably discharged. He was marked as a deserter.

Mr. MANN. Well, that is equivalent to a dishonorable discharge.

Mr. DRISCOLL. If this bill should pass, would it entitle his widow, if he left one, to a pension?

Mr. HOLLIDAY. Oh, she would be entitled to a pension now.

Mr. DRISCOLL. There are many cases where a widow can not draw a pension on account of the military record of the soldier.

Mr. HOLLIDAY. In my judgment, this would not affect the right of the widow or the man to get a pension.

Mr. BUTLER. This man was in the service?

Mr. HOLLIDAY. Yes.

Mr. BUTLER. And could not respond to the draft?

Mr. HOLLIDAY. He was right there and could not respond to the draft. They marked him a deserter.

Mr. DRISCOLL. This is unanimously reported?

Mr. HOLLIDAY. Yes.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HOLLIDAY, a motion to reconsider the last vote was laid on the table.

THE THIRTEENTH CENSUS.

Mr. CRUMPACKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial census, and, pending that motion, I ask unanimous consent that general debate shall not extend longer than one hour on a side, one hour to be controlled by myself and the other to be controlled by the gentleman from Virginia [Mr. HAY.]

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the census bill, and, pending that motion, he asks unanimous consent that general debate shall extend not longer than two hours, one hour to be controlled by himself and one hour by the gentleman from Virginia [Mr. HAY]. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to suggest to the gentleman that this is an important bill and an entire departure from previous bills in regard to taking the census, reported into the House yesterday and not obtainable until practically 12 o'clock to-day. Yet the gentleman wants to proceed to pass the bill this afternoon. It seems to me that is rather hasty on a bill of this nature. I do not

think he ought to insist upon it. The House ought to have the opportunity to look at a bill before you commence to read it under the five-minute rule.

Mr. DRISCOLL. That is the way it strikes me.

Mr. CRUMPACKER. I have no desire to try to crowd this bill through the House without proper consideration. We have had no requests for time to speak, and we expect there will be a liberal time for debate under the five-minute rule upon each proposition, as there usually is.

Mr. MANN. But the gentleman proposes to close general debate now before a word has been said about the bill, before the bill has been explained, before anybody knows whether he wants to talk on the bill or not.

Mr. CRUMPACKER. I have no disposition to deny any Member of the House the right to express himself in reference to this bill. It is the hope of the Committee on the Census that what debate there is shall be confined to the bill, and it was my expectation to explain the bill in a general way, to explain its policy and the departures which have been provided from the twelfth census act, and answer such questions as may be asked me, and then, if there is no demand for general debate, I can see no reason why we should not go on and enter upon the reading of the bill for amendment. If the gentleman desires, we might let general debate run through this day and take up the bill under the five-minute rule to-morrow. Would that suit the gentleman better?

Mr. MANN. Personally, I regret the gentleman has called up the bill even for discussion under general debate before anybody has had an opportunity to look at it. Glancing at the first page of the bill, I can see several things, and I think other Members of the House can, that might appear objectionable. A bill coming in like this is not like an appropriation bill and——

Mr. CRUMPACKER. I will modify my request, Mr. Speaker, by asking that the balance of the day be devoted to general debate on the bill, and that when general debate is exhausted, if general debate is exhausted to-day, the bill shall not be taken up under the five-minute rule until to-morrow. Will that suit the gentleman?

Mr. MANN. That is all right.

The SPEAKER. The gentleman from Indiana asks unanimous consent that general debate shall proceed to-day and the bill shall not be read for amendment until to-morrow, the time to be equally divided between the gentleman from Indiana and the gentleman from Virginia.

Mr. MADDEN. I would like to ask whether this debate is to be entirely on the bill?

Mr. CRUMPACKER. To be on the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses, Mr. FULLER in the chair.

Mr. CRUMPACKER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. Mr. Chairman, the bill now before the Committee of the Whole House provides for the taking of the Thirteenth and subsequent decennial censuses. It provides for a permanent system for the taking of the decennial censuses of the country, and covers a number of inquiries or subjects for statistical investigations that are to be inquired into during what the bill defines as the "decennial census period." The Constitution of the United States requires a census of population once in each ten years, and there has been some doubt expressed by lawyers and statesmen of the country respecting the constitutional power of Congress to enlarge the scope of the decennial censuses beyond a census of population. The first census taken in 1790 included provisions bearing upon the social and industrial conditions of the country, and it has been the practice from that time to this to include many subjects for statistical investigation outside of the census of population. I am of the opinion that there is sufficient constitutional authority for all of these classes of investigations. The Federal Government is empowered, I have no doubt, to make such investigations of its resources, industrial, military, and economic, that may be necessary in order that the Congress of the United States and the Executive Departments of the Government may execute their functions wisely and intelligently. It is a matter of general importance in addition to a census of population, to know accurately the industrial and commercial resources of the country that may affect the questions of excise taxation, the Federal control of commerce, and the exercise of a great many powers that are conferred upon Congress by the Federal Constitution.

I have no doubt, Mr. Chairman, that the Federal Government has ample constitutional authority to make all of the investigations provided in the bill now before the committee for consideration. The census constitutes the real history of the country. It discloses the actual conditions of everyday life among all classes of citizens, and it is highly useful and valuable for purposes of comparison and scientific investigations along almost all lines of research. The time has passed when it is necessary to devote any considerable space to a discussion of the value of statistical information. The countries that lead in civilization are those that attach the greatest importance to scientific knowledge as applied to all the practical affairs of the people. It is one of the high duties of the Federal Government to secure for the use of its citizens such information of this character as is practical and consistent with the powers that it enjoys under the Constitution of the United States. The creation of a permanent Census Office was a matter of great importance in securing trustworthy statistical information. It marked an epoch of progress along that line. The permanent office is likewise of great importance in the adoption of advanced methods for the compilation, arrangement, and tabulation of statistics, so their real significance may be known to students of political, economic, and social sciences. The methods of administration have been greatly improved since the Census Office became permanent. During the short year that it has been in existence it has carried with it the traditions of the Office.

It is under the management of men who are continuously administering its functions, who know what mistakes have been made and have been ready to correct them, so that improved methods have not only added greatly to the accuracy and value of statistical information, but they have promoted public economy as well. The bill under consideration is drawn to conform to the permanent census act, and, as I said a month ago, it is designed to furnish a permanent system for the taking of the Thirteenth and subsequent decennial censuses. It provides in section 2 what is termed a "decennial census period," beginning on the 1st day of July before the taking of the census and continuing for a period of three years.

Mr. TAWNEY. Will the gentleman from Indiana permit an interruption there?

Mr. CRUMPACKER. I will.

Mr. TAWNEY. Will the gentleman explain to the committee the reasons for and the advantage of making this a permanent census law, that is, a law for the taking of the census for all time to come? And also explain why it is proposed to change the political status of Porto Rico, Guam, and Samoa by designating them in this act as Territories?

Mr. CRUMPACKER. Mr. Chairman, the object of providing for a permanent decennial census law is just the same as it is in making other laws permanent where they can be made permanent. It is a matter of general importance to know what the law is and what it will continue to be. The act creating the permanent Census Office has its annual, biennial, quadrennial, quintennial, and decennial investigations to make, and the Office is required, of course, decennially to take the general census, and in shaping its other work it is a matter of much importance that it may know exactly the conditions upon which it is to take the decennial censuses—the scope of the census—so that special investigations that are made during the interim between decennial censuses shall not overlap and duplicate the work that shall be done each tenth year. And, furthermore, it follows the Twelfth Census act in that respect.

If this bill should not be enacted at all, the Census Office may proceed to take the Thirteenth Census under the Twelfth census law, because that is a law to "take the Twelfth and subsequent decennial censuses" just the same as this bill in that respect. But, in view of the creation of the permanent Census Office and certain other changes in the law, it was thought advisable to enact a law of the character outlined in this bill, thus creating a harmonious system of making statistical investigations for the Government, covering the whole subject and having it run along permanently.

Mr. TAWNEY. Will the gentleman permit another question?

Mr. CRUMPACKER. I will.

Mr. TAWNEY. Will not the effect of this be to very materially increase the functions and the duties of the permanent census after the next census has been taken, so that the continuance of our permanent Census Bureau here will be under the provisions of this act in so far as this act relates to a permanent census?

Mr. CRUMPACKER. Why, no. This act does not purport to change the permanent census law excepting——

Mr. TAWNEY. Does it not add to it, though?

Mr. CRUMPACKER. It does not add to the permanent law excepting in a few particulars. I started a few moments ago to explain the operation of the two systems or of the two laws—that beginning with the decennial census period the permanent office is automatically resolved into what we may term the temporary Census Office for the purpose of taking the decennial census. That period can not last longer than three years, and when it expires, by operation of the provisions of the law the office will again be re-resolved into the permanent office for the administration of those duties that the law requires of that office. This bill does not confer any additional power upon the permanent Census Office. It does not add anything to its list of investigations except one. It simply prescribes what inquiries shall be made in the decennial censuses and leaves to the law, as it is now and as it may be amended in the future, to define and prescribe the duties and the scope of power of the permanent Census Office. I do not see how it can possibly add in any respect to the authority or the power of the permanent office. The decennial census of population and these important subjects, of course, can not be taken ordinarily by the permanent Census Office, organized, as it is, under the law of its creation.

Mr. DRISCOLL. Will the gentleman allow me to ask him a question?

Mr. CRUMPACKER. I will.

Mr. DRISCOLL. Is it supposed that after three years, after this decennial period has expired, that this law will go into abeyance until the next decennial period comes around and all the business be transacted under permanent law?

Mr. CRUMPACKER. That is the plan, the system, that this bill undertakes to establish. The law will not be held in abeyance, but it will not be in operation between the censuses.

Mr. DRISCOLL. Will it have any application?

Mr. CRUMPACKER. It will not have any active operation. This bill provides for the taking of decennial censuses, and it provides that these censuses must be taken during the decennial period. The interim between the decennial periods, of course, will be occupied by the permanent Census Office to conduct its own inquiries, to make its own investigations, doing what Congress and the Chief Executive of the Government require it to do.

Mr. DRISCOLL. Then, it will have no force until it is extended by the permanent law.

Mr. CRUMPACKER. It is just like any law that requires certain things to be done periodically, and in the interim between the periods there is nothing to be done. The law becomes inactive, and it become active again when the period arrives.

Mr. HAY. I want to call the gentleman's attention to the fact that this law provides for a Government census of agriculture.

Mr. CRUMPACKER. I will come to that.

Mr. TAWNEY. That is not contained in the permanent census law.

Mr. CRUMPACKER. That is not contained in the permanent census law.

Mr. TAWNEY. Now, I want to ask the gentleman if it is not a fact that Congress enacted a law creating a permanent Census Bureau? That law defined specific duties that the Bureau is to perform annually. There is a certain amount of work the Census Bureau is required to perform between the periods, and it is maintained permanently and appropriated for annually. Now, that is supposed to include all of the work incidental to the collection of statistical and other information regarding the industries and matters pertaining to the Government between the regular periods of the taking of the census—that is, the census of the population, and so forth?

Mr. CRUMPACKER. Yes.

Mr. TAWNEY. That being so, why is it necessary now to do anything more than to provide for the taking of the Thirteenth Census? When that census is complete there can be no excuse for the Census Bureau coming in here and claiming that there is a permanent law authorizing them to do this and that. And there is no necessity for any legislation except that which will enable the Census Bureau to perform the services which are performed every ten years—namely, taking the census of population and whatever Congress sees fit to require them to take.

Mr. CRUMPACKER. There is just as much necessity for permanence, harmony, and system in relation to gathering the statistics of the country as there is for any other subject. You may pass a law for one year and another for another year, but the more permanent you make it the better it is; and the possibility of carrying on government under that policy might exist, but it would be a legislative policy. It would be the height of absurdity. When you can make your laws permanent as well as not, it is the duty of the Government to make them so. Is there any reason in the world why the law upon the subject of the census should not be permanent?

The gentleman has a wrong idea of the business of the permanent Census Office. These inquiries made in the interdecennial interim are not to be taken in one year. The permanent census act requires those inquiries to be made by the office according to its convenience. They take up one or two subjects in one year and one or two subjects the next year, and so cover the entire period. The Twelfth Census provides for practically all these investigations. It contained a provision for four principal inquiries that might be denominated the "decennial census," that were to be gotten out by a certain date; but it authorized the office to continue other investigations as the force in the office would permit until the reports were all made and the results published, and they have been published as special reports. The act making the office permanent enjoined upon the office the collection of information, some annually, some biennially, some quinquennially, and some decennially. That is the system we have now. Here we have a bill authorizing and providing for four general subjects—population, agriculture, manufactures, mining and quarrying—four subjects mentioned in section 1 of this bill.

The Twelfth Census act embraced the subject of vital statistics, but the permanent Census Office is now required to collect vital statistics from registration areas of the country every year, and those areas include almost one-half of the entire population of the land. It is the experience of the Office that vital statistics collected by enumerators in nonregistration districts are not always accurate and reliable, and the Director of the Census advised the omission of that subject altogether and the substituting therefor of the subjects of mines and quarries, for the reason that the industries of mining and quarrying are so closely related in many respects to the manufacturing industries that the subjects could be carried along together with but little additional expense. Many manufacturers do their own mining and keep their books in such a way that it is necessary for the census enumerators and special agents to make a complete investigation of all the subjects in order to find out what may be classed as manufacturing and what as mining or quarrying; and in order to save money and to attain accuracy and the best results, we have included mining and quarrying with the subject of manufactures, so that they can all be taken together.

Mr. DRISCOLL. I have received a communication on the subject of a census of forests and timber lands. Is that taken care of in the Bureau of Forestry so that there is to be a proper census taken?

Mr. CRUMPACKER. No, it is not; and that is a very important subject.

Mr. DRISCOLL. Is that included in this bill?

Mr. CRUMPACKER. No, it is not; for the reason that this bill covers simply the four important subjects of population, agriculture, manufactures, and mines and quarries for the decennial period. If there shall be a census of standing timber, it should be taken by the permanent office as a special investigation. It ought not to be included in this bill, which provides only for decennial censuses.

Mr. TAWNEY. Will the gentleman permit another question? I understood him to say that this proposed bill in no way affected the permanent census law; but I observe, in going through it, that the permanent census law, in so far as it relates to the salaries of officials and many of the clerks and other employees, is changed by a great many increases. For instance, the salary of the Director of the Census is increased from $6,000 to $7,500.

Mr. CRUMPACKER. The gentleman has misunderstood.

Mr. TAWNEY. And the salary of the Deputy Director is increased, and I notice other increases along the line.

Mr. HAY. There is no deputy now.

Mr. CRUMPACKER. The gentleman has not yet got in his mind the theory of the bill. It establishes a permanent system for the taking of the census and the making of statistical investigations. The office through which it is to do that work is permanent for seven years out of every ten. For three years it is temporary. It is a decennial office, and it is described as temporary in that the additional employees hold their positions for a temporary period only; and these increases of salaries that we provide here are for the temporary, or decennial, period, when the work is multiplied perhaps by four, and the responsibility imposed upon the Director and other officers is greatly increased. As Governor Merriam, the Director of the last census, said before the committee, it requires a man of a great

deal of physical vitality as well as ability and experience to take a decennial census in these days and under existing conditions and get through alive.

Mr. TAWNEY. If I understand the gentleman from Indiana, in charge of the bill, then it is proposed that this increase shall continue only during the period of taking the Thirteenth Census, which will be for about three years. I want to ask him if he thinks that upon the completion of the Thirteenth Census it will be possible for Congress to reduce these salaries again to what they are under the permanent census law? I want to ask the gentleman further if it is not a fact that the Director of the Census did not receive a salary of $6,000 during the taking of the Twelfth Census, when he had all this work to do?

Mr. CRUMPACKER. Oh, no; the salary of the Director of the Twelfth Census was $7,500 a year; but when the office was made permanent, Congress had the virtue to reduce the salary to $6,000 as a permanent salary.

Now, in order to relieve the apprehension of the gentleman from Minnesota, I will tell him that this law is self-operating. It proposes automatically to reduce the salary of the Director at the end of the decennial period, and it proposes to discharge, automatically and without any act of Congress, the additional employees that are provided for the taking of the decennial census. So you see it does not need any legislation by Congress, and if it did, we have the recent precedent that Congress has reduced the salary of the Director of the Census from $7,500 to $6,000.

Mr. STAFFORD. I have here the statute in which the salary of the Director is stated at $6,000.

Mr. CRUMPACKER. That statute which the gentleman has is the one establishing the permanent census.

Mr. STAFFORD. It is for the taking of the Twelfth Census, and is the one referred to in the gentleman's report—that of March 3, 1899.

Mr. CRUMPACKER. The salary of the Director of the last census was $7,500 a year. I do not know what statute the gentleman has, but I know what the salary was.

Mr. HAY. I can state there was a subsequent law passed making the salary of the Director $7,500.

Mr. CRUMPACKER. It may have been passed after the organic act was passed, but I know the salary was $7,500.

Mr. LANGLEY. That is correct, and it was continued at $7,500 until the permanent office went into operation.

Mr. CRUMPACKER. Yes; until the permanent office was substituted.

Mr. BURLESON. This bill provides for a salary of $7,500 for the three years, the period for taking the census?

Mr. CRUMPACKER. That is all, and then the permanent law becomes operative with its staff and salaries. The law is automatic—it does not require any action on the part of Congress.

Mr. NORRIS. Will the gentleman permit a question?

Mr. CRUMPACKER. Certainly.

Mr. NORRIS. When the permanent officers, as the gentleman calls them, go into office, they are not a new set of men; they are the same people who have been serving during the decennial period?

Mr. CRUMPACKER. Yes.

Mr. NORRIS. The only difference is their salary is reduced during the other seven years, and the extra force that has been employed is automatically discharged?

Mr. CRUMPACKER. That is all, and there are only a few officers whose salaries are reduced on the permanent force. The temporary force, the staff officers, as they may be called, of the Director, is enlarged during the temporary period, and when it expires they go out of office and only a few of the permanent officers receive higher salaries during the temporary period.

Now, the geographical area of the census is to include the United States and everything that belongs or appertains to it, as far as we can trace our title, except the Philippine Islands. It was proposed to include the Philippines, but a census of that archipelago was taken about three years ago, and the expense of that census was charged against the Philippine government, and we thought it was better to let that government determine when another census should be taken and how often it should be taken, and so we eliminated the proposition from the bill.

A committee was appointed by Secretary Metcalf in 1904 to inquire into the methods and suggest improvements in taking the decennial census, and the report of that committee is embodied in the report of the Committee on the Census accompanying this bill.

Mr. MANN. Is that report obtainable?

Mr. CRUMPACKER. Yes.

Mr. MANN. It was not until very recently.

Mr. CRUMPACKER. That is immaterial and irrelevant at this stage of the proceedings and is not germane.

Mr. MANN. It is germane if the gentleman calls up his bill before the report is ready.

Mr. CRUMPACKER. That is not a subject for debate now. At the suggestion of that committee, the chairman of whom was Carroll D. Wright, who was Superintendent of the Tenth Census, the Committee on the Census included Guam, Samoa, and the Panama Canal Zone. I do not know how many American citizens there may be in the Panama Canal Zone.

Mr. TAWNEY. The pay roll of the Panama Commission will inform the gentleman exactly.

Mr. CRUMPACKER. It does not state the civil conditions of those people; it does not show whether they are married or single, their race or color, whether they are natives or naturalized, and a whole lot of things that we regard as of importance in a census of population. So Samoa and Guam and the Panama Canal Zone were added to the geographical area of the census at the suggestion of this Commission, composed of four experienced and able men, who were appointed by Secretary Metcalf to inquire into this very subject. As to the characterization of Porto Rico as a Territory, if the political status of that island out in the Atlantic can be so fundamentally changed by the designation used in referring to it, it is a revelation to me.

Mr. TAWNEY. Does the gentleman think, in view of the fact that we have refused to recognize either Porto Rico or Guam as a Territory, it would be wise for us to do so here?

Mr. CRUMPACKER. When the time comes that such amendments are in order, I do not believe I will seriously oppose such an amendment. It is not the object of this bill to change the status of a single foot of soil under the flag. We simply want to take a count and find out how many we have here, and how many there, and the transposition of a very short word will remedy the difficulty.

Mr. MANN. The gentleman says he wants to find out how many we have now in the Panama Canal Zone. What does the gentleman call these people down there—citizens of the United States?

Mr. CRUMPACKER. I believe some of them are citizens.

Mr. MANN. The census is not confined to citizens.

Mr. CRUMPACKER. No.

Mr. MANN. People live there who are voters of Panama.

Mr. CRUMPACKER. Yes.

Mr. MANN. What is the status of them? Are we going to take a census of all the people in foreign countries?

Mr. CRUMPACKER. Oh, no; and the Panama Canal Zone is not a foreign country. It is only a strip of land a few miles wide across the Isthmus, and I do not believe I can give the gentleman any light upon its geographical boundaries.

Mr. MANN. And I doubt very much whether the census would give any light upon it.

Mr. CRUMPACKER. We can count the people down there. We may know how many people there are in the Zone that we have in some degree control over and for whom we are in some measure responsible. Whether that information is of any value may be determined later on.

Mr. TAWNEY. The gentleman knows that the population there is not permanent. It is constantly shifting. It changes about every six months almost entirely, so far as Americans are concerned. The census would be of no value whatever.

Mr. CRUMPACKER. It is no more shifting than the sunshine.

Mr. TAWNEY. But we do not take a census of sunshine.

Mr. MANN. Well, I suppose they will count the rays. [Laughter.]

Mr. CRUMPACKER. We do not have the same sunshine today that we had yesterday, but we have as much. I am refuting the argument that the population is not of a permanent character and that there will continue to be a changing population there. There will be a population there while we are counting the population here. We want to know how many American citizens there are on American soil.

Mr. MANN. The gentleman does not confine his census to the number of people on the islands. The Isthmian Canal Commission has more complete information in reference to the property and all that than your census people will have after taking the census.

Mr. CRUMPACKER. That is a serious question, whether the Isthmian Canal Commission is equipped to investigate questions in relation to the population that bear on the social and political status of the people.

Mr. MANN. Why, certainly they are equipped for it.

Mr. CRUMPACKER. All data that affects the social life of

the people, the number of married and single men and women, and the number of children and other essential things.

Mr. TAWNEY. The gentleman can obtain that information by writing to the office here and he will get it by to-morrow morning.

Mr. CRUMPACKER. That might be sufficient for the gentleman, but we will reach that question when the bill comes up for amendment under the five-minute rule and there is an amendment offered to strike out the Panama Canal Zone, or perhaps an amendment offered to incorporate some provision in the bill authorizing the President to use the Panama Canal Commission to take that census. It may be that the Committee of the Whole House on the state of the Union will accept such an amendment.

Mr. DRISCOLL. What proportion of the Panama public or government is included within the Panama Canal Zone?

Mr. CRUMPACKER. You mean territorially or politically?

Mr. DRISCOLL. Territorially.

Mr. CRUMPACKER. I understand it to be a strip of land 10 miles wide.

Mr. MANN. It is a strip of land 5 miles wide on each side of the center line of the canal, and also including what is not yet determined—all of the land that may be used, for instance, for overflow in the Territory of Panama.

Mr. DRISCOLL. That is the Zone?

Mr. MANN. Yes.

Mr. DRISCOLL. How much is there in the Panama Republic, the country named Panama?

Mr. MANN. That is a large territory, and extends from Nicaragua to South America.

Mr. DRISCOLL. Just the neck.

Mr. MANN. That part of the Isthmus north of what we call South America, north of the mountains.

Mr. GARRETT. The cities of Panama and Colon are excluded from this Canal Zone.

Mr. MANN. From the Zone.

Mr. CRUMPACKER. The bill creates a number of offices of considerable importance. First, an Assistant Director of the Census, a chief statistician, and one appointment clerk for the permanent office—one clerk has been the disbursing and appointment clerk both during the interdecennial period, but the committee believed the work is of such importance that there ought to be an appointment clerk and a disbursing clerk also—private secretary to the Director, two expert stenographers, and eight expert chiefs of divisions.

Mr. MADDEN. What do you mean by an "expert stenographer?"

Mr. CRUMPACKER. Well, I hardly know. I believe it is one who is really expert, not nominally.

Mr. STAFFORD. He must be an expert in order to justify the salary of $2,000. They should be good in order to justify this large compensation.

Mr. CRUMPACKER. He is a stenographer who is not only capable of taking correspondence, but also able to answer a large volume of the correspondence from his own information. He should have information enough about departmental duties for him to answer correspondence and not simply take dictation and write letters mechanically.

Mr. MADDEN. Ought not they to be called correspondents?

Mr. STAFFORD. Why not designate them private secretaries?

Mr. CRUMPACKER. The designation is not material.

Mr. LANGLEY. These same two positions were provided for in the Twelfth Census act, and at the same salary.

Mr. BUTLER. Will the gentleman answer a question?

Mr. CRUMPACKER. I will.

Mr. BUTLER. When the gentleman introduced his bill I noticed that he included the gathering of the census in Guam and Samoa.

Mr. CRUMPACKER. No; we did not.

Mr. BUTLER. Well, the gentleman knows all the possessions we have, and which perhaps we ought not to have——

Mr. CRUMPACKER. That we got in a partition proceeding in the South Pacific Ocean.

Mr. BUTLER. That piece of land we got for nothing. The gentleman seems to have included the islands of Guam and the island of Samoa.

Mr. CRUMPACKER. And the Philippines and Canal Zone——

Mr. BUTLER. No; I did not notice the advisory committee—that is right, I take it—included the Panama Canal Zone.

Mr. CRUMPACKER. That is right; I will get it right in the RECORD.

Mr. BUTLER. Mr. Chairman, I have not studied geography for thirty-five years, and I do not believe I can pronounce the names of all our possessions correctly.

Mr. CRUMPACKER. Well, I will say to the gentleman from Pennsylvania——

Mr. BUTLER. I am only hunting for information.

Mr. CRUMPACKER. That the committee appointed by Secretary Metcalf three years ago to examine methods of taking the census—the chairman of that committee, Carroll D. Wright, recommended the inclusion of Guam and Samoa and other dependencies, and several members of the committee did not like the designation "and other dependencies" and did not think of a suitable designation, so we put in Guam, Samoa, and the Canal Zone.

Mr. BUTLER. I would like to ask my friend whether they are sure they have included everything we do own?

Mr. CRUMPACKER. No; we did not. There is some uncertainty about it, and we did not include the Philippines——

Mr. PARSONS. You did not include the Wake and Midway islands.

Mr. CRUMPACKER. And several guano islands. Now, Mr. Chairman, the bill authorizes the appointment in the Office at Washington of a considerable number of clerks and other employees at salaries not less than $600 nor more than $1,000 a year. These clerks and employees are to be appointed by the Director of the Census without anybody's approval upon a noncompetitive examination, the character of which shall be prescribed by the Director of the Census, and the examinations shall be conducted by the Civil Service Commission. The additional staff officers provided in the bill are to be appointed, with the exception of the Assistant Director, by the Secretary of the Department of Commerce and Labor upon the recommendation of the Director of the Census.

Mr. MADDEN. Why did you not put them in the classified service?

Mr. CRUMPACKER. I am just coming to that. And we provide for the appointment of a certain number of clerks of classes 2, 3, and 4, but the bill limits the number to 100, so there can not be more than 100 clerks in the Census Office of those classes at any one time.

There has been considerable criticism of the method provided in the bill for the employment, or appointment, if it be a better term—it is perhaps more dignified—of the large force in the Office in Washington. There will probably be 3,200 or 3,300 clerks or employees of that kind during the decennial census period. The Committee on the Census decided that it would be impracticable and unbusinesslike to have those clerks and employees selected under the civil-service law. The report of the committee is not intended to reflect in any manner upon the wisdom of the civil-service law. It is not an assault upon the merit system; it is not in any sense a return to the old and much-deprecated "spoils system" of appointment of officers into the public service. The civil-service law contains a provision establishing what is known as a "rule of geographical apportionment;" that is, that the clerks appointed under the provisions of that law shall be apportioned throughout the country according to population. The District of Columbia and the States in the immediate vicinity already have exceeded their quota of appointments; and if the civil-service law were applied to the selection of these employees, they would all come from remote parts of the country. Your committee did not believe that a sufficient number of efficient men and women could be induced to go into a competitive civil-service examination for a service that is temporary in its character and would not run beyond, perhaps, a period of two years on the average and the salaries of which could not exceed $1,000 a year.

Mr. STAFFORD. Is the gentleman acquainted with the test examination that was held last year in Washington to provide temporary employees for the enumeration of certain statistics in the postal service——

Mr. CRUMPACKER. I am not.

Mr. STAFFORD. In which the number of applicants was far in excess of the places provided for——

Mr. CRUMPACKER. I am not.

Mr. STAFFORD. And where temporary employment was for less than a year?

Mr. MADDEN. Will the gentleman yield to a question, please?

Mr. STAFFORD. The positions were open to all comers under civil-service examination.

Mr. CRUMPACKER. I yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. The gentleman stated a few moments ago that the purpose served by the classified service is that it distributed the appointees throughout the country according to population.

Mr. CRUMPACKER. That is one of its provisions.

Mr. MADDEN. And that some of the States adjacent to the

District of Columbia already have a sufficient number of employees in the Census Bureau to make it impossible for them to be given more in the event of the classified service system being adopted for the appointment of those required to take the coming census. Is that the only reason?

Mr. CRUMPACKER. Oh, no. That is one reason. I referred to that fact to show the improbability, in the mind of the Committee on the Census, of securing a sufficient number of efficient clerks from remote parts of the country for a temporary service with a very low salary. That is one of the reasons.

Mr. MADDEN. It has been stated "that once in the classified service, always in it," and that there is no chance to get them out. Is there any truth in that statement?

Mr. CRUMPACKER. The gentleman from Illinois knows as much about that as I do.

Mr. MADDEN. I do not know anything about it.

Mr. CRUMPACKER. If the clerks and employees were appointed from the eligible register under the civil-service law, they would have a classified status, and it is possible, at least, that some of these appointees within two weeks after they have been sworn into office, knowing their employment to be only temporary, would begin to busy themselves in pulling wires to get transfers, if they were permitted—and they are permitted in other bureaus of the Government—or to secure appointments into the permanent service, and they might devote a good deal of mental energy along that line that the Government ought to have in its business. That is one aspect of the question that is perhaps worthy of some consideration. And the gentleman from Illinois [Mr. MADDEN] is as familiar with that phase of it, perhaps, as most Members in this body. He knows whether classified clerks importune Congressmen for promotions and transfers and reappointment.

Mr. MADDEN. What I wanted to ascertain more particularly was whether the various bureau chiefs were obliged to keep persons in the service who were appointed through the classified service, regardless of whether there was any work for them to do or not.

Mr. CRUMPACKER. I do not know how they feel. They are not required to do it under the law.

Mr. MADDEN. What is the practice?

Mr. CRUMPACKER. I do not know much about the practice. That is a subject-matter I have a little delicacy about entering upon.

Mr. BUTLER. Will the gentleman submit to a question?

Mr. CRUMPACKER. I will.

Mr. BUTLER. I do not desire to have the gentleman repeat himself, but I was called to the door by a trembling, anxious man, and I may not have heard all the gentleman said. Now there is nothing in this bill which will authorize the transfer of any of these employees to the classified service without examination.

Mr. CRUMPACKER. Yes; there is.

Mr. BUTLER. Will the gentleman please point out to us where that provision is, and to what extent it goes?

Mr. CRUMPACKER. The provision is this, that during the temporary period of the taking of the decennial census the Director has complete control over the office force, and for supervisory purposes he must take quite a number of the employees in the classified service and put them in charge of the temporary clerks. He will have to fill their places with other employees; and the bill authorizes him during the temporary period to detail from the temporary force to the permanent force; but the bill further provides that at the expiration of the decennial period all clerks so transferred and all other officers shall be returned to their places, and that all officers and appointees appointed for temporary purposes shall quit the service at once, and they shall not be eligible to appointment or transfer to the classified service by virtue of their examination and appointment under the provisions of the bill.

Mr. BUTLER. Mr. Chairman, I do not understand that that temporary appointment to the classified service really classifies the appointment.

Mr. CRUMPACKER. It does not.

Mr. BUTLER. It gives to the appointee temporary work in the classified service.

Mr. CRUMPACKER. The gentleman is right; it provides in terms that he shall be transferred to the classified position.

Mr. BUTLER. It gives him the work of the classified position.

Mr. CRUMPACKER. And the salary.

Mr. BUTLER. But it does not give him the status.

Mr. CRUMPACKER. It does give him the salary, but not the status.

Mr. HINSHAW. I notice that you provide here so many clerks of classes 4, 3, 2, and 1, and for other employees that may be employed at $600 to $1,000, and you further provide that the total number of additional clerks of 2, 3, and 4, shall not exceed 100. How many are there of the clerks?

Mr. CRUMPACKER. It is impossible to determine. This work is all of an emergency character. It has got to be done by the commander in chief, as it were, as he designs, and it is impossible to limit him now. We can not tell how many clerks of a particular class may be required as the work progresses.

Mr. HINSHAW. Is class 1 the highest paid?

Mr. CRUMPACKER. Class 4 is the highest.

Mr. HINSHAW. I understand you are to have 3,200?

Mr. CRUMPACKER. At from $600 to $1,000 a year.

Mr. HINSHAW. And that is the provision here?

Mr. CRUMPACKER. There is a provision following it.

Now, I want to suggest another reason or two why the civil-service law is inapplicable to this class of service. The service is temporary in its character and the work is emergent, or nearly all of it. The great bulk of the work is mechanical. It consists of the operation of punching machines, sorting machines, and tabulating machines; and there is a provision in the bill giving the Director of the Census authority to provide for the payment of the clerks on what is called the "piece price" basis; and he believes he can save from three to five hundred thousand dollars in the expense of the office work by establishing that basis of payment. It is of such a character that there will be no difficulty in establishing a basis entirely advantageous to the clerk or employee and immensely economical to the Government—a thing that can not possibly be done under civil-service law.

Mr. MANN. Why not?

Mr. CRUMPACKER. Because the civil-service law covers salaried positions.

Mr. MANN. I beg the gentleman's pardon. There is nothing in the civil-service law providing for salaries.

Mr. CRUMPACKER. It provides for clerks, and the law defines the clerks in the classified service.

Mr. MANN. The clerks are not defined in the civil-service law; that comes under the old Dockery Act.

Mr. CRUMPACKER. The civil-service law includes the clerks embraced in the classified service.

Mr. MANN. But it has no relation whatever to the class of clerks.

Mr. CRUMPACKER. They are in the classified service.

Mr. MANN. It does not make any difference about the term. It just happened that they used the term "clerks" in providing the force.

Mr. CRUMPACKER. I have not as yet developed, and probably never will, that ability to refine and draw subtle distinctions that the gentleman from Illinois seems to possess. I want to get back to the main proposition, and that is that the offices under the classified service of the country are offices the salaries of which are fixed by law.

There is no piecework compensation yet in the classified service. It might be included by an amendment in the law, but we are taking the situation as it is.

Mr. MANN. The gentleman is entirely mistaken on the subject. The law does not refer to salaries at all. The civil-service law gives to the President the authority to transfer anybody into the classified service.

Mr. CRUMPACKER. If I can make myself understood, the law prescribes offices and salaries. The civil-service law applies to certain offices for which another law provides salaries. Neither law does it all, but they are both parts of one system.

Mr. MANN. The civil-service law applies to any appointive position under the Government which the President is pleased to cover into the civil service.

Mr. CRUMPACKER. I have no more time for the discussion of that question. My time is limited.

Mr. MANN. The gentleman can not stop the debate. We will give him time enough.

Mr. CRUMPACKER. Another reason why the civil-service law is not applicable to the temporary appointees in the office is, as I understand it, that the civil-service law requires some kind of a procedure to remove a classified clerk or officer, on account of inefficiency or for any other reason.

Mr. MANN. I hope the gentleman will pardon me for correcting him. The civil-service law has no such provision in it at all. President McKinley made an order, as he had authority to do, which has since been revoked.

Mr. CRUMPACKER. Has it been absolutely revoked? You say that under the civil-service law the head of a department or the chief of a bureau may arbitrarily remove a clerk.

Mr. MANN. In many cases arbitrarily.

Mr. CRUMPACKER. Without any notice?

Mr. MANN. In many cases, under a later order of the Pres-

ident, he may remove arbitrarily, but in most cases the clerk is given the privilege of filing any reasons that he may have to offer why he should not be removed; but he has no right to a trial.

Mr. CRUMPACKER. But ordinarily notice is required?

Mr. MANN. That is under an Executive order.

Mr CRUMPACKER. When I speak of the law covering the civil service, I include Executive orders which are in operation for the government of that service.

Mr. MANN. The Executive order would be the law in this case, as to removal.

Mr. CRUMPACKER. Now, the power of removal is conferred upon the heads of the Departments, the Secretaries. The Census Office, as I said a moment ago, does emergency work. Many questions arise which must be solved immediately, and the Director is given a free hand to determine these propositions without going through the departmental red tape of submitting a formal request to the Secretary and waiting until it has been referred to some adviser in the Secretary's office and reported back, a process which might take three or more days. We want to give the Director a free hand to control his official force according to his own discretion and good judgment.

Mr. MANN. Will the gentleman yield to a question?

Mr. CRUMPACKER. I will.

Mr. MANN. Does not the gentleman think that the President will have the same power over the dismissal of these clerks, whether they are in the classified service or not?

Mr. CRUMPACKER. I do not.

Mr. MANN. Is there anything in this bill that relates to the dismissal of clerks?

Mr. CRUMPACKER. I think we authorize the Director to do it. If we do not, we ought to. We give him the power to appoint.

Mr. MANN. The Constitution gives him the power to appoint in the first place; but the President will have the power of appointment, because he will have the power to remove. You can not stop his having that power. He would have the same power in the one case as the other.

Mr. CRUMPACKER. Oh, well; I do not want to waste any time in fighting windmills.

Mr. MANN. I do not blame the gentleman, when he has not the argument on his side, for referring to windmills. The gentleman, not knowing the subject himself, is not desirous of debating it.

Mr. CRUMPACKER. I hope the gentleman will not become irritated. I did not intend to be personal when I spoke of windmills. [Laughter.] I beg the gentleman's pardon.

Mr. MANN. The gentleman from Indiana refers to the civil-service law as though it was a windmill, but he is not versed in the law. He brings in a report which gives a reason why he should not adopt the law, which I dare say he has not read.

Mr. CRUMPACKER. The gentleman is making a serious charge.

Mr. MANN. But the gentleman said he had not read it recently.

Mr. CRUMPACKER. I do not think I said even that. I have read it. I have been reading it this forenoon. I have the report of a Civil Service Commission for use in the debate. I have been reading some of its provisions, and I know its aspects, and I know something about its practical application. I will admit that I am not as well informed on the administration of the civil service as is the gentleman from Illinois.

Mr. DRISCOLL. Mr. Chairman, I may be dense about this matter, but there is still one thing which I do not understand. Section 7 provides that this great force of employees shall be appointed by noncompetitive examination and that the examination should be conducted by the Civil Service Commission. The gentleman says that there are 3,200 clerks when the force is full. How are they to be recommended——

Mr. BUTLER. The gentleman means by Republicans or by Democrats? [Laughter.]

Mr. DRISCOLL. For instance, out in Syracuse there may be a hundred young men and women who apply, and they all pass a good examination. They are all qualified. The examination is not competitive. How are they to be selected?

Mr. CRUMPACKER. I do not know whether it would be compatible with the public interest for me to answer that question. [Laughter.] To be serious about it, under the law anyone who desires to enter the service may apply for examination. It provides that they shall be appointed without regard to politics or party affiliations, but purely on a basis of merit. The examination will be entirely open to all comers, and the administration of the law will be in the hands of the Director of the Census, a man who is perhaps as ardent an advocate and a firm believer in the merit system and the civil-service system in the public service as any man in the country. If he sees fit to establish the merit system, he can do it.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. CRUMPACKER. Certainly.

Mr. PARSONS. Did the Director of the Census recommend that the examination be noncompetitive?

Mr. CRUMPACKER. He did not.

Mr. PARSONS. Did the Secretary of Commerce and Labor recommend that the examination be noncompetitive?

Mr. CRUMPACKER. No; the Secretary of the Department of Commerce and Labor recommended that the appointments be placed in the classified service excepting the abrogation of the geographical apportionment feature.

Mr. PARSONS. Did the special committee that Secretary Metcalf appointed recommend a noncompetitive examination?

Mr. CRUMPACKER. They did not; they recommended a competitive examination and stated in effect that they would approve the bill as it was written with that change in respect to the kind of examination. The Secretary of the Department thinks that the examination ought to be competitive, the Director thinks it ought to be competitive, and the commission or committee appointed by the Secretary recommended that the examination should be competitive; but I want to say that if the Director believes in a competitive examination he will have the power under the provisions of this bill to put that into operation; he can use it in the selection of clerks; can begin at the top and go down the line until he gets enough clerks according to their grades.

The CHAIRMAN. The gentleman's hour has expired.

Mr. MANN. I ask unanimous consent that the gentleman from Indiana may have another hour.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Indiana may be extended another hour. Is there objection?

There was no objection.

Mr. PARSONS. The effect of the use of the word "noncompetitive" as against the use of the word "competitive" in section 7 allows this, does it not, that if you used the word "competitive," then you have to select from the first three names, whereas if you use the word "noncompetitive," you can select a name anywhere on the list?

Mr. CRUMPACKER. It means that in substance. I think a competitive examination does not require the selection from the first three names, but the selection of the highest eligible. The three-name proposition is confined to the civil-service law, but we are providing here a way of appointment without regard to that law. A competitive examination would imply that it was the duty of the Director to begin at the top and select those having the highest grades in that order down the line until his requirements in the Office shall be satisfied. It would compel the Director to do that, and the way the law is drawn now it simply gives the Director the option of doing it.

Mr. STAFFORD. The gentleman stated a minute ago that in view of the fact that the Director of the Census is a strong advocate and believer in civil-service examination, and that under the provision, as embodied in the bill, he could still follow the selection by civil-service rule, I wish to ask him whether the Director would not be inclined to accept this provision as the intent and direction of Congress rather than that the force should be appointed otherwise?

Mr. CRUMPACKER. It may be that he would. He would have the power. I think he would have the discretion to do that. I want to suggest now another reason—I am not through with reasons——

Mr. STAFFORD. Pardon me, but I would like to ask, as has been pointed out, that as this recommendation is not supported by the Director of the Census nor the Secretary of Commerce and Labor, upon whose recommendation was it embodied in the bill?

Mr. CRUMPACKER. In the first place, the bill was fashioned in that respect after the bill providing for the Twelfth Census, and there has been some criticism of the Twelfth Census by people, I think, who do not know very much about its work. I understand that that is the judgment of those who know best that the results of the Twelfth Census were the most satisfactory of any census ever taken in the history of this country. I undertake to say, furthermore, that the clerical force in the Census Office to-day, selected originally by noncompetitve examination, can not be excelled if it can be equaled by any other bureau in the service of the Government. There has been some criticism of the Twelfth Census, there has been some criticism of the efficiency of the clerks in the Census Office to-day, and there has been a good deal of agitation over the

question of securing accurate results and accurate counts. Mr. Chairman, the work of the Census Office in Washington is largely mechanical. There is little or no opportunity for mistakes. The value of the census depends almost altogether upon the class of men, the fifty or sixty or seventy thousand men, who make the enumeration, who are paid in the aggregate an average of probably $65 each for their entire work, and nobody yet has suggested that that great army of Government employees shall be selected under the civil-service law or by the merit system or in any other manner except the old way. There is no other practicable way to do it. If there has been an honest and conscientious and thorough enumeration, there will be a good census. I confess that the efficiency of the administrative work here depends also largely upon the class of clerks employed, but the great requirement is to secure a reliable enumeration, which can not be had by men employed under the civil-service law at anything like a reasonable cost.

Mr. DRISCOLL. As I understood the gentleman he said that localities are not to be considered in the selection of these 3,200 clerks, politics are not to be considered, recommendations are not to be considered, and the examinations are noncompetitive. We want about 3,200 clerks, or, as I look at it, if 3,200 young men and women from the city of Washington or from Virginia and Maryland flock in here and take the examination and are competent, and you probably could get that many who are competent, they get all the jobs. Is not that so? [Laughter.] Now, I want to know if that is not so.

Mr. LANGLEY. If the gentleman from Indiana will pardon me, I desire to say that I am satisfied that the gentleman from New York is not correct, that that will not occur.

Mr. DRISCOLL. Is not that right in theory?

Mr. LANGLEY. It is not.

Mr. DRISCOLL. Is not that the theory of this bill?

Mr. LANGLEY. It is not.

Mr. DRISCOLL. What is to prevent it?

Mr. LANGLEY. I could answer, but I do not wish to appear to be trying to take the floor from the gentleman from Indiana. He will answer you.

Mr. CRUMPACKER. There is nothing to prevent it, but I will explain that in a minute. In the first place, about the "job" question, the bill did not have the subject of jobs in its mind in the same sense——

Mr. DRISCOLL. Oh, I used the word "job" in the sense of employment. I used a short word.

Mr. CRUMPACKER. In the same sense as the gentleman from New York is using it. That is another reason why these clerks should not be appointed under the competitive system. This work is mechanical, as I have said, and depends largely on experience and skill. There are 600 or 700 clerks; that is, there are 600 or 700 people in the District of Columbia and vicinity who had experience in the Twelfth Census, and the Census Office has a record of their efficiency, and it is desired by the Director to secure the services of those persons as far as he can do it for the Thirteenth Census without any examination at all.

Mr. PARSONS. Even if we should change the word "noncompetitive" to "competitive," you would still leave him that provision of your bill.

Mr. CRUMPACKER. Yes; that is true.

Mr. PARSONS. Then you would accommodate the Director in that regard, and you would also accommodate him in having the examination competitive?

Mr. CRUMPACKER. Yes.

Mr. PARSONS. Now, let me ask the gentleman this question: Is it not likely that the Director, upon whom will be placed the responsibility of doing this work, will have a great deal of his time taken up if the noncompetitive system is adopted instead of the competitive system?

Mr. CRUMPACKER. Well, it might, perhaps; it will take some time. I believe there will be some responsibility and embarrassment and importunity under the noncompetitive system. Now, referring to the appointment clerk, my friend from Kentucky [Mr. LANGLEY], who is a member of this committee, was the appointment clerk in the Twelfth Census, and he knows more about that aspect of the question than anybody else, and he is in favor, I understand, of the noncompetitive system.

Mr. MANN. The House would feel freer, I might say, if he would be the appointment clerk in the ensuing census.

Mr. CRUMPACKER. The House, you say?

Mr. MANN. The House would feel surer.

Mr. PARSONS. Evidently he prefers asking questions rather than answering them.

Mr. CRUMPACKER. Now, I want to say in regard to the noncompetitive examination in relation to the clerks at Washington. The bill, I think, is a good deal wiser than the criticisms which have been addressed to it, or it would not be recommended with the provisions which it contains. These clerks in Washington and vicinity, if they were subject to competitive examination, having been in the business world, in the social world, and out of colleges for twelve or thirteen years, the chances are that they would receive relatively low grades in competitive examinations. Everybody knows that the boys and girls just out of high schools and colleges get the best grades in all scholastic tests conducted by the Civil Service Commission. That is perhaps the best test that can be established and——

Mr. PARSONS. Under your bill as it is drawn you do not require those who have had previous experience to take any examination.

Mr. CRUMPACKER. None at all. That is one of the good features of the bill.

Mr. PARSONS. It requires noncompetitive examination, but a provision in your bill states that those who have had previous experience would not have to take any examination.

Mr. CRUMPACKER. That is true. It has been suggested that the noncompetitive examination is practically a competitive examination or competitive examinations would be noncompetitive examinations, because with these slight salaries and the short period of office tenure without any hope of reappointment or transfer, the chances are that the eligible list would be exhausted anyway. In order that we may get enough applicants to take the examination so there may be enough eligibles to select from is one of the reasons why the examination was made noncompetitive. Many people would take a noncompetitive examination feeling they might get a sufficient grade in a service of this character, temporary and small pay, but if it were a competitive examination they might not go into it at all, and I think that for this temporary service, considering its character, mechanical largely, that as good a class of clerks can be selected by the noncompetitive system as by the competitive system.

Mr. MANN. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will.

Mr. MANN. You say that anyone with previous experience in census work, as I understand it, is not required to take an examination.

Mr. CRUMPACKER. It depends upon his record, the efficiency record of the office. It gives a discretion to the Director to reemploy the clerks and employees who were in other censuses. The record of their efficiency is in the office, and of course their reemployment would depend upon their record.

Mr. MANN. The gentleman from New York just asked that question. Does this apply to the original appointment or merely a transfer?

Mr. CRUMPACKER. What do you mean?

Mr. MANN. Does it apply to an original appointment in the Census Office or merely a transfer from other Departments?

Mr. CRUMPACKER. It applies to original appointments in the Census Office.

Mr. MANN. What does the gentleman mean by census work—that experience in census work will permit men to be appointed without an examination? What is the gentleman's definition of census work?

Mr. CRUMPACKER. I mean office work; I mean arranging, assorting, tabulating, compiling, and all that class of work that is largely of a mechanical character; that is census work.

Mr. MANN. I understood the gentleman to say that the bill required no examination where the applicant had had previous experience in census work. Is that correct?

Mr. CRUMPACKER. The bill provides that those who have been employed in other censuses, the record of whose efficiency is in the Census Office, may be employed by the Director without any examination at all. That is what the bill says.

Mr. MANN. I would like to see where that is.

Mr. BUTLER. Will the gentleman yield to me for a further question?

Mr. CRUMPACKER. I will.

Mr. BUTLER. This bill provides for a noncompetitive examination of these applicants for positions. How will the selection be made? By the Director of the Census?

Mr. CRUMPACKER. By the Director of the Census. The bill authorizes the Director to make the appointments.

Mr. BUTLER. I understood the gentleman to say that perhaps the Director might begin at the top of the list. By what rule will the Director be governed when he makes up the list? That is important to all of us.

Mr. CRUMPACKER. I do not know. It gives him the discretion to make the appointments after a noncompetitive examination.

Mr. BUTLER. Does the gentleman think he would put at the top of the list the person who passed the best examination?

Mr. CRUMPACKER. Well, I can not speak for him, but he can do so if he desires.

Mr. BUTLER. And if he did, would not that be a competitive examination list?

Mr. CRUMPACKER. That would be a merit test absolutely. I would not be surprised if he did that.

Mr. BUTLER. Then what is the use of us standing here and talking about a noncompetitive examination if the Director has it in his power to submit a competitive examination to the applicant?

Mr. CRUMPACKER. I do not know as there is any.

Mr. BUTLER. We have done a good deal of talking about it, I should say, with no purpose in it.

Mr. CRUMPACKER. In the classified service at the expiration of the temporary work the clerks would still be eligible for reappointment or transfer in the classified service, and it is likely a good many of them would importune Representatives and Senators to secure permanent positions for them after the work is over. There is a provision in this bill that nobody shall be eligible—that is, these temporaries—to reappointment or transfer to the classified service on account of their examination or appointment under the provisions of the bill.

Now, Mr. Chairman, passing from that, I want to say that I am an advocate and a believer in the merit system and in the civil-service law, but it is applicable to the regular, permanent service. The Government ought to exercise practical business sense in all its administrative work and not undertake to adopt a system of appointments that is inapplicable to the particular service.

Mr. MANN. I do not wish to impose on the gentleman, but there is one other matter I would like to ask him about. There are to be a number of supervisors.

Mr. CRUMPACKER. I was just ready to discuss that question. What particular thing would the gentleman like to know?

Mr. MANN. I will hear the gentleman's discussion.

Mr. CRUMPACKER. The bill provides for the appointment of a number of supervisors, the total number not to exceed 330. The Twelfth Census act authorized the appointment of 300, and it provides that the districts or supervisors shall conform to the boundaries of the Congressional districts as far as practicable. The duties of the supervisors will be to recommend enumerators for appointment and instruct them respecting their duties, map out the enumerators' districts, and then to supervise the schedules and the reports of the enumerators in their respective districts.

Mr. MANN. The gentleman provides for 330 supervisors, including Samoa and Guam and Panama——

Mr. CRUMPACKER. We did not provide any supervisors for Panama, Samoa, or Guam.

Mr. MANN. You do not provide supervisors in any place, but provide for taking the census there.

Mr. CRUMPACKER. In making the estimate of the number of supervisors the States were taken into consideration, the matter of population, etc. For instance, only one will be given to the State of Massachusetts, one to the city of New York proper, one to Brooklyn, and so on.

Mr. MANN. One supervisor to the State of Massachusetts?

Mr. CRUMPACKER. Yes; that was done in the Twelfth Census.

Mr. MANN. That is not making the boundaries of the supervisors' districts conform to the boundaries of the Congressional districts as far as practicable.

Mr. CRUMPACKER. As far as practicable, yes. It is not practicable in the State of Massachusetts, for the office can avail itself of the machinery of the State census bureau in that State.

Mr. MANN. It may not be desirable, but certainly it may be practicable.

Mr. CRUMPACKER. We will not dispute over words and definitions.

Mr. MANN. What is this schedule? Is it intended to have in all cities where there are more than one Congressional district but one supervisor?

Mr. CRUMPACKER. No city will have more than one supervisor. Chicago will have but one.

Mr. MANN. The gentleman proposes to have these supervisors appointed by the President, by and with the advice and consent of the Senate?

Mr. CRUMPACKER. Yes.

Mr. MANN. I suppose the gentleman is familiar with the fact that there has been considerable of a protest against appointing the clerks, etc., in this proposed census outside of the classified service?

Mr. CRUMPACKER. Yes.

Mr. MANN. I want to suggest to the gentleman that, in my judgment, the real reason for all the complaint that has been made is the fact that the supervisors are controlled by the other end of this Capitol and that therefore every supervisor feels that he has to dispense the patronage as the Senators desire. If he would take the judgment of this distinguished body, he would get able, competent men, which he does not always get when they come from the other side.

Mr. CRUMPACKER. The gentleman would suggest that they be appointed by the President, with the advice and consent of the House of Representatives?

Mr. MANN. No; I would say that they should be appointed by the Director of the Census, which is the only proper way. If he wanted to get good appointees, let him appoint a supervisor of the census in every Congressional district of the United States. I speak because it does not affect my district in the slightest degree, as my district does not get a supervisor in any event.

Mr. CRUMPACKER. I will take the gentleman in my confidence and tell him that that is one of the problems which the Committee on the Census has wrestled with. It had some doubt about the power of Congress to confer upon the Director of the Census authority to make appointments. The Constitution provides that officers shall be appointed by the President, but Congress may authorize judges of the courts and heads of the Departments to appoint minor officers, and I fear that under the Constitution we can not confer upon the Director of the Census the power to appoint supervisors. The bill authorizes the Director of the Census to appoint the clerks and employees in the Office, because that was the provision of the Twelfth Census act, and no question was raised about it.

Mr. MANN. The gentleman probably, very naturally, I supposes, confuses heads of Departments under the Constitution with Cabinet officers of the United States, which the Constitution does not in the slightest degree recognize, and never has, as applicable to the head of a Department. The head of the Department of Labor is not a Cabinet officer. We conferred upon him authority to make appointments in his Department, and the authority is unquestioned, and there is no question at all of the power to do it.

Mr. CRUMPACKER. But the Department of Labor was an independent bureau. There was no head of that Department except the Commissioner, and, therefore, in the sense of the Constitution it is altogether likely that the Commissioner would have been regarded as the head of the Department; but now, since the Bureau of Labor has been made a Bureau of the Department of Commerce and Labor, the Secretary of that Department, in my judgment, would be regarded the head of the Department, and not the Commissioner of Labor.

Mr. MANN. Well, the gentleman may be right, but I had charge of the bill creating that Department, and it was my judgment then that the Constitution does not say that the appointments shall be made by the heads of Departments.

Mr. PAYNE. If I may be permitted to break into this conversation, I would like to ask the gentleman who makes these appointments?

Mr. CRUMPACKER. The President, by and with the advice and consent of the Senate. It is in detail like the Twelfth Census.

Mr. PAYNE. That is your present plan?

Mr. CRUMPACKER. This provision is taken out of the Twelfth Census.

Mr. PAYNE. So far as I remember, the supervisor then was appointed by the Director.

Mr. CRUMPACKER. The Director of the Census probably made the recommendation under the last census. The President, upon the recommendation of the Director of the Census, made the appointment; that is the way it was done, although the law gave the Director no voice in the matter.

Mr. MANN. The Director of the Census recommended upon the suggestion of Senators.

Mr. CRUMPACKER. Well, not altogether.

Mr. LANGLEY. No; not always. A great many Members named them——

Mr. MANN. Oh, that may have been in Kentucky, because the gentleman represented Kentucky during the last census.

Mr. LANGLEY. I tried to, and I also tried to get Kentucky her share of appointments, and I think Illinois got hers, too.

Mr. PERKINS. I would like to ask the gentleman a question.

Mr. CRUMPACKER. I yield to the gentleman.

Mr. PERKINS. It is provided here to extend this census to Guam, Porto Rico, and some other places. Is it supposed

that to take the census at these outlying districts we will have to send clerks from our country to Guam and Porto Rico?

Mr. CRUMPACKER. They may be. We do not provide for any special machinery for the census of those districts.

Mr. PERKINS. Does the gentleman think it would be worth while to send people from here to Guam to find out the statistics of that little island?

Mr. CRUMPACKER. It perhaps might be; they have 10,000 people there.

Mr. PERKINS. How many dollars does the gentleman think it would cost to send enumerators over there to find that out?

Mr. CRUMPACKER. Probably a dollar a head.

Mr. PARSONS. I will state to the gentleman that Guam is under the Navy Department, and they could detail an officer of the Navy to take the census.

Mr. CRUMPACKER. We have a provision under which they can detail officials from other Departments.

Mr. PERKINS. As it is extended to Porto Rico, is it your idea that the people taking the census will be Porto Ricans, or will they have to be people sent from this country?

Mr. CRUMPACKER. The enumerators before were appointed under authority of the Secretary of War, in 1899, and were natives of Porto Rico.

Mr. GARRETT. Mr. Chairman, I should like to ask the gentleman if he does not think there is very grave doubt about the importance, or even the advisability, of taking a census of the Panama Canal Zone at the present time?

Mr. CRUMPACKER. We ought to have a count of our people down there. Otherwise, how are we going to know how many citizens there are there? There may be several thousands of them, and they will not be counted among those here, and they should be enumerated; we ought to take a complete census of all the people of the country.

Mr. GARRETT. So far as my observation went down there, there are about 30,000 men on the pay rolls. Now, perhaps, 20,000 of them are Jamaica and Barbados negroes, who are shifting continually, coming and going every week. The population out in that narrow strip of the Canal Zone, excluding the cities of Panama and Colon, as they are excluded from our territory, is very small.

Mr. CRUMPACKER. That objection addresses itself to the policy of taking any census there at all.

Mr. GARRETT. In view of the shifting population, it strikes me that it is going to cost a great deal more than it is worth, and that we could get all the information that is necessary by a provision authorizing the Canal Commission to do it.

Mr. CRUMPACKER. Some amendment of that kind will probably be offered on the floor. Now, I should like to proceed with my general statement.

Mr. TAWNEY. I should like to ask the gentleman if it is not a fact that the enumerators in taking the census here will enumerate the number in each family in the United States, and if a member of that family was temporarily residing or working in Panama, would he not be enumerated here, together with the other members of that family?

Mr. CRUMPACKER. That might be the case.

Mr. TAWNEY. And if he was a married man, and his family was enumerated here, would he not be included in that enumeration?

Mr. CRUMPACKER. That might be the case. I do not know. It would depend on the view the enumerator would take.

Mr. TAWNEY. Under the law under which previous censuses have been taken, absent members of the family, when they were absent temporarily, were enumerated as members of the family residing at that particular place.

Mr. CRUMPACKER. The law did not require it. This bill in that respect is drawn almost exactly after the Twelfth Census act, and a man who is unmarried, who when he is in America may reside under the parental roof, in the eye of the law would not necessarily be a resident here if he was down at Panama working. That is a question, however, that can be taken up when we come to consider the bill for amendments.

Mr. HINSHAW. That is an administrative feature.

Mr. CRUMPACKER. Yes. Now, there has been a slight increase of the pay of enumerators. There is a schedule of maximum and minimum fees fixed, and the bill increases the maximum, because under the last census the average pay of enumerators was $66.39, and the period of service ran from thirty to forty days. We require the census in country districts to be taken in thirty days, and in cities of 5,000 or more in two weeks. That is, the actual count is to be made within that time, but it takes some little time to make up the reports.

The census of the population is to be taken on the 15th of April, instead of the 1st of June. Heretofore, since the first, second, and third censuses, the 1st day of June has been the date of calculation, but the Director of the last Census said that during the summer season, when the enumerators were busy, a great many people in the cities had closed their homes and had gone abroad or to summer resorts, and they had a good deal of difficulty in getting the census of that class of families. Director Merriam came before the committee and was asked his opinion on that question, and he said it was discussed in connection with the Twelfth Census, and, in view of the trouble they had, he thought the 15th day of April, taking everything into consideration, was the best and most practicable date.

He said that the 1st of October would be the best if it were not for the fact that in every decennial census year there is a general election in the States, or most of them, and every other decennial year there is a Presidential election. An enumeration of population along with a canvass by political parties might mix up things somewhat and cause some doubt to be thrown upon the trustworthiness of the statistics.

The bill provides for a quinquennial census of agriculture that will cost about $2,000,000. That census has been urged by farmers' institutes, grangers' societies, agricultural and live stock associations all over the country. Several years ago the Committee on the Census reported a bill introduced by the gentleman from Texas [Mr. BURLESON] authorizing a quinquennial census of agriculture and live stock. It is not a general and complete census like the one taken in the decennial period. It covers the acreage of the farms and the acreage of the principal crops, together with a census of the domestic animals on farms and ranges, animals that have a direct relation to the industry of agriculture.

Under the law now we take a quinquennial census of manufactures and electrical industries. The prosperity of all the country rests upon the agricultural industry. It is the most important of any one industry, if it can be said that any particular industry leads in importance.

Mr. BOOHER. Will the gentleman allow me a question?

Mr. CRUMPACKER. Certainly.

Mr. BOOHER. Is there any provision in this bill for gathering the indebtedness of the country?

Mr. CRUMPACKER. No. During the interdecennial period the Census Office covers the subjects of debt, wealth, taxation, mortgages, and social, economic, and commercial statistics.

Mr. BOOHER. Is it not a proper thing to provide in this bill that the indebtedness shall be taken at the time you take the wealth?

Mr. CRUMPACKER. It is not, in my judgment, because it is not advisable to encumber the decennial census more than is actually necessary, because of the delay that would come in making the investigation and completing the compilation and publication of the reports. It is the desire to get the reports but as soon as possible after the enumeration.

Mr. BOOHER. The bill provides for the taking of the value of the farms and the crops. In doing that, why not take the indebtedness at the time, so that you can see how much wealth there is in the farms? Why is it not a proper thing to take in a decennial census?

Mr. CRUMPACKER. It may be proper to make that investigation, but not in connection with the decennial census. There are a hundred subjects that might be worthy of investigation, and the statistics of which might be of much value, but all such inquiries should be made as special examinations by the permanent Census Office.

Mr. BOOHER. Why not provide in this bill to take them at the same time, and as often as you take the census, and no oftener?

Mr. CRUMPACKER. We have never done that, and the committee did not think it ought to be taken at this time.

Mr. BOOHER. May I ask a further question? The committee provides in this bill for taking the census of the public debts?

Mr. CRUMPACKER. No.

Mr. BOOHER. You did in the last census.

Mr. CRUMPACKER. This bill provides for four principal subjects—agriculture, manufactures, population, mines and mining. In the last census a large number of other subjects were taken after the principal inquiries were made. They were conducted by the permanent Census Office. It is the chief duty of the permanent office to make those minor investigations enumerated in the Twelfth Census act.

Mr. BOOHER. Will the gentleman tell my why the entire enumeration mentioned in section 8 of the act of 1900 is left out of this act?

Mr. CRUMPACKER. Because the permanent Census Office is engaged all the time in conducting those investigations, and we do not need to duplicate them. There are already statutes authorizing the taking of the census of those subjects, and every one is taken during the interdecennial interval.

Mr. BOOHER. If it was a good thing to take in 1900, why is it not a good thing to take it in connection with this investigation in 1910?

Mr. CRUMPACKER. It was not contemplated that they should be taken in 1900, and they were not taken then; it was intended by the law that they should be taken after the principal inquiries were out of the way.

Mr. BOOHER. The only provision of law for that is the act of 1900, is it not?

Mr. CRUMPACKER. No, indeed.

Mr. BOOHER. Where is it?

Mr. CRUMPACKER. The act creating the permanent Census Office makes it the duty of the permanent office to make those inquiries every ten years between the decennial census periods.

Mr. BOOHER. I want to say to the gentleman that I am asking the questions for information. I have failed to find the law that makes it the duty of the Director of the Census to take care of this other information.

Mr. CRUMPACKER. That law is appended to the report upon this bill, and if the gentleman will get the report he will find that particular act, the one creating the permanent Census Office, and the act amending section 7 of that act.

Mr. BOOHER. This is section 8 that I am speaking of.

Mr. TAWNEY. If the gentleman will permit me——

Mr. CRUMPACKER. I must hurry on. I want to make a brief reference to one or two other subjects.

Mr. TAWNEY. I want to ask the gentleman just this one question: The gentleman stated at the outset of his remarks that this bill did not in any way enlarge the scope of the present permanent census law?

Mr. CRUMPACKER. Yes.

Mr. TAWNEY. There is nothing in the permanent law requiring the taking of a quinquennial census of agriculture, is there? Now, this permanent establishment——

Mr. CRUMPACKER. Let us settle the question of whether I misrepresented the bill in that respect.

Mr. TAWNEY. But I do not say the gentleman misrepresented it.

Mr. CRUMPACKER. If the gentleman will remember, I said "excepting the few things that are provided for specially in the bill itself."

Mr. TAWNEY. And this is one of them—that the permanent Census Bureau will hereafter conduct the taking of this agricultural census.

Mr. CRUMPACKER. Yes.

Mr. TAWNEY. At an expense of $2,000,000 a year.

Mr. CRUMPACKER. At an expense of $2,000,000 a year, estimated. It is a question for the House of Representatives to determine whether the census will be justified in view of the expenses to the country. The Secretary of Agriculture is enthusiastic for it. His reasons for it, and they are strong and I think convincing, are printed with the report upon the bill. Every member of the committee may get a copy of the report and read the reasons the Secretary of Agriculture gives for it. They are quite numerous.

Mr. KEIFER. Turning to page 6 of the bill I find, commencing in line 7:

> The schedules relating to agriculture shall include the name of the occupant of each farm, the color of the occupant, the tenure, the acreage of the farm, etc.

Mr. CRUMPACKER. Yes.

Mr. KEIFER. Is that substantially the law under which we have taken previous censuses?

Mr. CRUMPACKER. Yes; under which we took the Twelfth Census.

Mr. KEIFER. Then I want to inquire why it is that neither the Agricultural Department nor the Census Bureau is able to tell the number of inhabitants in this country who are interested in agriculture?

Mr. CRUMPACKER. Well, if that is a correct statement of the situation, I am very greatly surprised.

Mr. KEIFER. I take that as so from letters from the heads of both of those Departments, that they are unable to tell the per cent of the population of the United States that is engaged in agriculture.

Mr. CRUMPACKER. I will this evening call the attention of the Director of the Census to that statement, and find out what he has to say about it. If they can not do that, there is no use of taking the census at all.

Mr. KEIFER. I think so.

Mr. CRUMPACKER. And I certainly think the gentleman must have gotten incorrect information on that subject, because it is one of the very purposes of the census—the classification of population in relation to industries, and productive occupations, and all that sort of thing. It seems to me that we must have that information.

Mr. KEIFER. I wish to emphasize that I have written separate letters to the Secretary of Agriculture and also to the chief of the Census Bureau, and from both have learned that they were unable from the census to give the per cent of population of the United States who are engaged in agriculture. They have made some estimates upon it, but not from the census.

Mr. CRUMPACKER. I must insist upon concluding my remarks.

Mr. BOOHER. I would like to ask just one more question. I have examined hastily the permanent law and I do not find any provision in the permanent law for collecting the mortgage indebtedness of the country. It only provides for collecting the public indebtedness of the country.

Mr. CRUMPACKER. There is no provision in this bill for collecting information as to the private indebtedness.

Mr. BOOHER. Is there any provision in the law anywhere for gathering the mortgage indebtedness of the country?

Mr. CRUMPACKER. Probably not.

Mr. BOOHER. They gathered it in the taking of the last census, didn't they?

Mr. CRUMPACKER. I do not remember. We have a provision for wealth, debt, and taxation.

Mr. LANGLEY. It was not.

Mr. CRUMPACKER. Now, Mr. Chairman, the estimated cost of the Thirteenth Census, covering the three-year period, is $14,000,000, and that embraces the expense of the permanent Census Office and the cost of the annual and biennial inquiries or investigations that the Office must make. It includes vital statistics annually, cotton-gin statistics annually, and certain forestry statistics and the publication of the Official Register.

Mr. PERKINS. Fourteen million dollars for three years?

Mr. CRUMPACKER. For the entire time.

Mr. PERKINS. How much for the remaining seven years?

Mr. CRUMPACKER. The expenses of the Office are paid annually, according to the work it has to do. About a million and a quarter annually the permanent Census Office costs.

Mr. PERKINS. Then there is also the agricultural census taken every five years, at an expense of $2,000,000.

Mr. CRUMPACKER. If this bill is enacted into law, it will add that to the duty of the permanent Office, at an expense of about $2,000,000 every five years.

Mr. TAWNEY. Right there, if the gentleman will permit me, I want to make a statement. The argument made in favor of the permanent census a few years ago was that it would greatly reduce the cost of taking the regular, or the Thirteenth Census. Now, I find upon examination and comparing the cost of the last census that the estimated cost of taking the next census is more than a million dollars in excess of the total cost of taking the last census. For example, the total cost of the last census was $13,516,210. Then we established the permanent Census Bureau, with a view and believing, as we were told, that the cost of taking the Thirteenth Census would be greatly reduced in consequence of the work of the permanent census. Since that time we have expended in the maintenance of the permanent Census Bureau almost $6,000,000, so that when you add the estimated cost of taking the Thirteenth Census to the cost of maintaining the permanent Census Bureau the total is about $20,000,000, instead of $13,000,000, the cost of the last census.

Mr. CRUMPACKER. The gentleman must bear in mind the Census Office has been doing a large amount of work that was formerly done by other statistical bureaus. Under the law making the Census Office permanent the work of other bureaus was transferred to the Census Office, and in a number of instances Congress has added to the Office a great many additional duties, enlarged its scope. Why, this last fall it took the census of Oklahoma, at an expense of $70,000, upon the order of the President of the United States, to inform him in relation to the situation in connection with the approval of the Oklahoma constitution. The Office has been doing a large amount of work that was never done before.

Mr. TAWNEY. That cost was $70,000——

Mr. CRUMPACKER. But that is an item——

Mr. TAWNEY. And it is not included in what I have enumerated.

Mr. CRUMPACKER. But it illustrates something of the character of the work and new duties which are occasionally imposed upon the Office, and I undertake to say that the permanent office has given the country more for the money it has cost than any other statistical office in the history of this country.

It has been doing a large work. There is the marriage and

divorce investigation. There had not been an investigation of that subject for twenty years, and it will cost considerable money. Here is the cotton-gin statistics. There have been numerous inquiries and investigations that have kept the Office busy. The Thirteenth Census proper will be taken for less money in dollars and cents than the cost of taking the Twelfth Census. The Director approximates the cost of the Twelfth Census at $12,520,000, and estimates the cost of the Thirteenth Census at $12,825,000. He estimates the three-year period to cost $14,110,000. A good share of it, $855,000 and $331,000, are the cost of making the annual and biennial investigations that the law now requires of the permanent office, so the Thirteenth Census proper will be made at a smaller cost than the Twelfth Census. The approximation of the cost of the Twelfth Census was made for the work that was done up to the time the permanent office was created. The permanent office completed a considerable portion of the work of the Twelfth Census out of its own appropriation, and the cost of that work was not charged to the Twelfth Census.

Mr. TAWNEY. The three-year or census period in which the Twelfth Census was taken the appropriations were—for the year 1900, $1,000,000; 1901, $9,000,000; 1902, $3,516,210. The statement of the Director in regard to the cost, therefore, of the Thirteenth Census is not exactly correct, because the total is $13,516,210.

Mr. BUTLER. Does not the gentleman from Minnesota [Mr. TAWNEY] appreciate that it will cost more to take the coming census than it did the last?

Mr. TAWNEY. I do, but that was not what we were discussing.

Mr. CRUMPACKER. We have a greater geographical area, and there will possibly be 15,000,000 more people to be enumerated in the Thirteenth Census than there were in the Twelfth, and the expense for enumeration and supervision must of necessity be considerably higher. The adoption of the piece-price basis of pay will result in great saving, and it will bring the expense of the Thirteenth Census proper below the actual cost of the Twelfth Census. Now, as an illustration of the work of the Census Office.

A couple of years ago it was charged with the duty of preparing and printing the official register, commonly known as the "Blue Book." Its first publication was two or three months ago—that is, the first edition. That document is required to be published biennially. The old "Blue Book" took up in its arrangement about 1,500 pages for its index. It was a great, cumbersome publication. The new official register is arranged after the fashion of a business directory, the names appear in it only once, and its convenience and usefulness are greatly increased, and the saving in paper and printing alone has been over $50,000.

Mr. PERKINS. To whom does the gentleman give the credit for that change?

Mr. CRUMPACKER. I do not know, but——

Mr. PERKINS. I think the Committee on Printing will put in a claim on that.

Mr. MANN. Nobody will claim credit, for nobody is entitled to it. Because of the change a man has got to study the whole volume through before he knows how to look up a thing in that book.

Mr. CRUMPACKER. Has the gentleman from Illinois had one of the new official directories?

Mr. MANN. Certainly. I spent all one night trying to find out how to use it, and threw it to one side. Of course the gentleman is able to do it quicker, but the ordinary citizen is not.

Mr. CRUMPACKER. The names are arranged alphabetically, and of course only those who understand the English alphabet can readily locate a name and office. The names are arranged alphabetically, like a business directory.

Mr. MANN. I never claimed to be in the class with the gentleman. I will guarantee a man can not take a page of that directory without turning over to the beginning of it and getting the formula in order to tell what it means behind the name.

Mr. CRUMPACKER. I have not had any difficulty in regard to that.

Mr. MANN. Because the gentleman has not looked up anything in it. The gentleman has not used it.

Mr. CRUMPACKER. Anyhow, the Official Register is published at a saving of $50,000. Now, Mr. Chairman, this bill confers upon the Director of the Census a very large discretionary power. The Secretary of the Department of Commerce and Labor, in the interest of departmental unity and subordination, felt that the power of the Director ought to be limited somewhat. The Tenth and the Eleventh censuses were taken under a law that required the Superintendents, as they were termed then, to do the work under the express supervision of the Secretary of the Interior, in whose Department the Census Office was then a Bureau. The results were altogether unsatisfactory.

The time consumed in securing departmental approval and authority for many "hurry-up" matters of detail resulted in delaying the publications of the report of those censuses until they had lost practically all of their current value and were worth nothing more than the history they might contain. Profiting by the experience of the past, Congress in the Twelfth Census conferred a larger discretionary power upon the Director of the Census. It was deemed to be necessary because of the character of the work. Many exigencies arise that require handling without any kind of delay, and Congress, in the act of March 3, 1899, refused to sacrifice dispatch, efficiency, and economy to Department red tape and etiquette, and conferred this large power upon the Director. The Director of the Census occupies the position of a commanding general of a great army in line of battle. Things arise in the course of conflict that have to be settled offhand. The responsibility for the Thirteenth and subsequent censuses will be with the Director of the Census, and in order to properly carry that responsibility he must have a corresponding amount of power. We all appreciate the necessity of the unity of bureaus and divisions in the great Departments of the Government and the subordination of every bureau and every division to the head of the Department. We all realize the fact that the President of the United States must keep in touch with these great bureaus of administration, and that he can only do it through the heads of the Departments.

But, Mr. Chairman, the power that is conferred upon the Director by this bill is in no respect inconsistent with the general departmental jurisdiction and control that the Secretary has over the Office. There are no inconsistencies excepting, of course, the Director may exercise some authority without the approval and consent of the Secretary; but the Secretary can require a complete account or report on all the business of the Bureau whenever he may desire it. The Director may be required to report on the status of any work, system, method, or situation at the request of the Secretary, who has as full control and authority over the Bureau as is consistent with the best results, in view of the character and nature of the work that is imposed upon the Office.

Mr. Chairman, I have used a great deal more time than I intended to.

Mr. DRISCOLL. I would like to know why this bill is being enacted now. Why not wait a year? This Congress will exist next fall, whatever comes next summer, and we can pass a bill next winter; so what is the use of pushing it now? What good does it do?

Mr. CRUMPACKER. The best answer that I can make to the gentleman is this: If the gentleman will get a copy of the report and will turn to page 9 he will read the reasons assigned by the Director of the Census why this legislation should be enacted at this session of Congress. What is the use of delaying it? It can not be enacted more deliberately or intelligently by the short session of Congress. The last general census act was approved the day before Congress adjourned in 1899 and came near going on by. The Director says it is important that the Office should know at an early date the exact terms and conditions under which it shall take the Thirteenth Decennial Census in order to be prepared for it, and shape the business of the permanent Office with a view to meet the requirements of the greater work. What is the use of delay? Will there be more time next winter than this winter? Will the attitude of Congress be more judicious, will this body be any more deliberate than now; will it be any better prepared to enact this legislation than now, with all the big appropriation bills crowding for consideration?

Mr. LANGLEY. Will the gentleman permit me? I think, Mr. Chairman, that the statement made by the gentleman from Ohio [Mr. KEIFER] has left a wrong impression upon the committee. I have conferred with the Director of the Census, and he tells me that all the information provided for in the Twelfth Census law regarding agriculture is now available. The gentleman from Ohio, I am inclined to think, wanted some character of information that Congress has not required the Census Office to collect, or in some form in which it has never been tabulated, or could not be. This must be so, because I am sure the Census Office can furnish the gentleman any statistics that the census law requires it to collect and that it has had time to collect and tabulate.

Mr. KEIFER. Mr. Chairman, I only wish to repeat that the correspondence with the Census Bureau started first with the Commissioner of Agriculture. I was told that the information

was not obtainable from the Census Bureau. I tried to get information showing the percentage of the population of the United States engaged in agriculture.

Mr. LANGLEY. I will state for the information of the House that the Census Office, I am reliably informed, can furnish the information indicated by the gentleman from Ohio, to wit, the number of persons occupying farms when the census was taken. Of course it is simply a question of mathematics to determine the percentage of persons so employed, as compared with the total population.

Mr. KEIFER. I think possibly the gentleman from Kentucky and the Director of the Census misunderstand my statement. I have no doubt they can tell how many men claim to work on farms, but that does not answer the question at all.

Mr. CRUMPACKER. I will answer one question by the gentleman from New York and then I will yield the floor.

Mr. PARSONS. I understand that there are some penal provisions put in the bill for the taking of the Thirteenth Census, and one in regard to answering questions in regard to mining, manufacturing, farming, etc.

Mr. CRUMPACKER. Yes.

Mr. PARSONS. What constitutional authority is there to compel answers in regard to those questions?

Mr. CRUMPACKER. Well, a year ago I said on the floor of this House I thought there was no constitutional power to compel answer to these questions. But I have on further reflection concluded there is.

The Government has the right to investigate its industrial and commercial resources for numerous purposes. The Government imposes excise taxes, per capita taxes, and it controls interstate commerce, and is entitled to have all information respecting all of its resources that can be obtained, in order that it may perform the duties or exercise the powers that the Federal Government vests in the Congress of the United States to the best purpose. There is the question of the standing army, the question of the control of the militia, and I think there are a good many powers that are expressly given that would justify Congress in making these investigations. This being so, it can compel the citizens to give the information concerning them.

Now I surrender the floor to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Chairman, after the exhaustive statements and explanations of the bill by the gentleman from Indiana [Mr. CRUMPACKER] I hardly deem it necessary for me to say anything about it. The only thing upon which the gentleman was entirely silent, and which seemed to exercise the minds of gentlemen on the floor very much, was as to how these additional employees were to be appointed. I understand that the last time they were appointed upon the recommendation of Senators and Members of the House, and I presume they are going to be appointed in the same way this time. Of course, I can not speak by the card.

Mr. BOOHER. Do you know whether this side of the Chamber will be allowed to name any or not?

Mr. HAY. I presume so, as this side of the Chamber was allowed to name some before, and I suppose the same rule will prevail as has prevailed before.

I do not know that there is any other subject that my friend from Indiana did not expatiate upon very largely in response to the great number of questions which were put to him about this bill.

The bill was very carefully prepared in the Committee on the Census, and it has been very well explained to the House. Of course, there are some provisions in the bill which perhaps do not meet the approval of every Member on the floor, but when the bill is taken up under the five-minute rule it can be considered, and any idea or amendment which any gentleman has can be thrashed out, and so far as I am concerned, there being nobody on this side who desires to make a speech, I am willing that we should go ahead now under the five-minute rule if it is agreeable to the gentleman from Indiana.

The CHAIRMAN. The understanding of the Chair was that general debate was to continue throughout to-day until adjournment to-day.

Mr. CRUMPACKER. It was a part of the agreement that the bill was not to be taken up under the five-minute rule until to-morrow, and if there is nobody who desires to speak in general debate, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FULLER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses, and had come to no resolution thereon.

CHANGE OF REFERENCE.

By unanimous consent the Committee on Claims was discharged from the further consideration of the bill (S. 2027) for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased, and the same was referred to the Committee on War Claims.

By unanimous consent the Committee on Claims was discharged from the further consideration of the bill (S. 1699) for the relief of Thomas C. Chappell, and the same was referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

Mr. CALDER, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Waldemar A. W. Tegner, second session Fifty-ninth Congress, no adverse report having been made thereon.

Mr. CALDER, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Durack Rowen, second session Fifty-ninth Congress, no adverse report having been made thereon.

BRIDGE ACROSS MISSOURI RIVER AT YANKTON, S. DAK.

Mr. HALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 417) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company.

The bill was read as follows:

Be it enacted, etc., That section 6 of the act approved March 9, 1904, authorizing the Yankton, Norfolk and Southern Railway Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., as amended by the acts approved January 27, 1905; February 5 1906, and March 2, 1907, be, and is hereby, amended by extending the time for commencing the construction of said bridge to March 9, 1909, and by extending the time for completing said bridge to March 9, 1911.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. HALL, a motion to reconsider the last vote was laid on the table.

LIEU LANDS IN NEW MEXICO.

Mr. HALL. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 9205 and consider the bill at this time.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of the following bill and that the same be considered in the House at this time.

The Clerk read as follows:

A bill (H. R. 9205) to make the provisions of an act of Congress approved February 28, 1891 (26 Stats. p. 796), applicable to the Territory of New Mexico.

Be it enacted, etc., That all the provisions of an act of Congress approved February 28, 1891, entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes," be, and the same are hereby, made applicable to the Territory of New Mexico, and the grant of school lands to said Territory, and indemnity therefor, shall be administered and adjusted in accordance with the provisions of said act, anything in the act of Congress approved June 21, 1898, making certain grants of land to the Territory of New Mexico, and for other purposes, to the contrary notwithstanding.

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to ask the gentleman how much property this bill takes?

Mr. HALL. This is a bill which is designed to remove the obstacles to the selection of the lieu lands in New Mexico. It is for the purpose of selecting the land in lieu of sections 16 and 36 that were imposed by the act of 1898, granting the school lands to New Mexico. This is for the purpose of placing that Territory in the same position that all the other States and Territories are placed in. It involves no grant nor any appropriation, but gives to that Territory the privilege of selecting its land in the same manner that every other State and Territory does.

Mr. CLARK of Missouri. Why did they not select sections 16 and 36 when they had the opportunity, or did they not have the opportunity?

Mr. HALL. In a great many instances it was impossible, because they had been appropriated in some other manner. Section 2275 of the Revised Statutes as amended in 1891 says whenever such lands (sections 16 and 36) have been thus appropriated, the State or Territory is authorized to select other land equivalent in amount within the State anywhere. Now,

the only difference is, and the purpose of this bill is, to permit New Mexico to do the same thing that other States and Territories do, and make the selection of the lieu lands from land anywhere within its borders.

Mr. CLARK of Missouri. What committee was the bill reported from?

Mr. HALL. The Committee on the Public Lands, and I will say that it is also recommended by the Department.

Mr. CLARK of Missouri. Was it the unanimous report of the committee?

Mr. HALL. Yes.

Mr. CLARK of Missouri. Why did they not put this clause into the bill when they passed it originally?

Mr. HALL. That is a matter I can not explain. It ought to have been passed in the same form as the corresponding statute which applies to all the other States and Territories. In the grant to New Mexico, for some unaccountable reason, it contained words which limits the lieu lands to contiguous land, or as the language is, "as contiguous as may be."

Mr. CLARK of Missouri. And somebody had already got sections 16 and 36?

Mr. HALL. Yes; and some are perhaps in forest reserves. At any rate, there is no land in the immediate vicinity or contiguous to those sections, and therefore the Territory would be beaten out of the opportunity of selecting the lieu land unless this obstacle is removed.

Mr. HINSHAW. Will the gentleman yield for a question?

Mr. HALL. Yes.

Mr. HINSHAW. Is it true that in the appropriation by the Government for forest reserves they have taken a good deal of land that had no forest on it whatever, and thereby the owner of the land was allowed under the lieu-land act to take land outside of the forest reserve which was covered with timber or otherwise appropriated for agricultural purposes, perhaps in the way of irrigation, or something like that?

Mr. HALL. I made no investigation of that subject, because it does not apply to this particular proposition. This is merely to enable the State to indemnify itself for the loss of sections 16 and 36 wherever they have been appropriated for any other use, whether forest reserve or something else.

Mr. HINSHAW. Some of these sections have been appropriated for forest reserve and the State seeks to get other land in lieu thereof?

Mr. MANN. Will the gentleman yield to me?

Mr. HALL. Certainly.

Mr. MANN. Did not the act of 1898 make provision for the Territory selecting lands where sections 16 and 36 had already been taken?

Mr. HALL. The act of 1898 did.

Mr. MANN. The act of 1898 made such a provision and I wish the gentleman would state why they desire a change of the law in order to avail themselves of another law on the subject.

Mr. HALL. I will explain to the gentleman. The act of 1898, which is alluded to in the report, is an act which refers only to the Territory of New Mexico. The act of 1891, seven years prior to that, applied to all States and Territories; but this act of 1898, granting these school lands to New Mexico, made no reference to this act of 1891. In this act of 1898, as the gentleman will observe, the Territory of New Mexico is limited in its selection of lieu lands to "other nonmineral lands equivalent thereto in legal subdivisions of not less than one quarter section and as contiguous as may be to the section in lieu of which the same is taken." Those words "as contiguous as may be" are peculiar. This act of 1898 applies to New Mexico alone, and those words, imposing that limitation, do not exist as to any other State or Territory.

Mr. MANN. I assume that there was some reason for putting that language in the act of 1898. Congress had the act of 1891 before it, but it enacted the law of 1898, and yet the committee, without giving the slightest excuse for doing it, say that we ought to repeal the act of 1898 and go back to the act of 1891.

Mr. HALL. I will say to the gentleman that in the drafting of that act of 1898—I am informed by gentlemen from the Interior Department—that probably the act granting the lands to Utah was followed, which contained these words, "as contiguous as may be."

Mr. MANN. What is the objection?

Mr. HALL. But Congress, subsequently discovering the fact that it placed Utah in a position where it was unable to take advantage of lieu lands, has repealed it so far as Utah is concerned, and now this is designed for the purpose of extending to New Mexico precisely the same privileges that are extended under the general law to other States and Territories. In other words, it is to prevent New Mexico from being placed in a special class by itself, subject to certain onerous conditions that are not imposed upon any other State in the United States.

Mr. MANN. But the gentleman does not show the conditions are onerous in any way whatever. The report of the Department of the Interior does not show the conditions are onerous, and the only proposition is that because some States have something, therefore New Mexico should have the same, although Congress when it did enact the legislation provided differently, for good reasons, doubtless. Now, what hardship is it on the Territory of New Mexico now, if it can not get sections 16 and 36 in the township, to select other lands contiguous as may be, being of the same character of land? Why should it be permitted to go out and select much better lands in some other part of the Territory?

Mr. HALL. I will explain to the gentleman as well as I can why it is that this Territory is placed in a disadvantageous position. For example, we will take the case of a forest reserve that will cover many townships. Sections 16 and 36 would be removed. They would be incorporated in this forest reserve and it would be utterly impossible for the Territory to select lieu lands contiguous thereto, because this territory would be so extensive that it would be impossible.

Mr. MANN. But this does not say contiguous thereto.

Mr. HALL. I will read the language—"as contiguous as may be"—and under administrative construction they have been confined in the selection of lieu lands to lands which were practically in the same vicinity of those covered by these other reservations, and therefore the Territory has absolutely been deprived in many instances, and will be deprived of these school lands which the Government designs to furnish to the States and Territories for the purpose of benefiting the lower educational facilities, the common schools. But another thing, in a great many instances these lands have been settled upon by actual settlers, not only sections 16 and 36, but all lands which are contiguous or in the immediate vicinity of them; and the Territory of New Mexico, instead of being able to get these lands in these sections, is now compelled, or would be if Congress grants them that privilege, of going still farther out into the country to select perhaps inferior lands, to have some lands in lieu of those which they have lost in that manner; and it seems to me, Mr. Speaker, that it would be entirely unjust for this Congress to segregate New Mexico and say that she shall not have the same privilege in the selection of her lieu lands for school purposes that are extended to every other State and Territory in the Union.

Mr. MANN. Is not this the case, that, under the law of 1898, where section 16 or 36 has been taken, the Territory of New Mexico, if it selects lieu lands, must select lieu lands as near to the place as practicable, whereas under the law of 1891, if this bill becomes a law, the Territory of New Mexico can select all of its lieu lands in one locality, lease it, if it pleases, to one big corporation, and do that which Congress never has intended to be done, give to a State a large territory of land of its own for its own control without regard to the settlement and homestead policy of the Government.

Mr. HALL. I will ask the gentleman if that can not be done in any other State or Territory, and whether there is any more likelihood that New Mexico will do it than any other State or Territory.

Mr. MANN. There is this likelihood, because it is only recently we have created these large forest reserves which take up a great many of these sections. The other States have taken their lands before the forest reserves were created in this way, to a very large extent, and there have been no instances and no case where there was the same opportunity to collect a body of land for purposes which Congress would not tolerate of one Territory, as there is in this case.

Mr. HALL. I will state to the gentleman that there was a representative of the Interior Department before the Committee on Public Lands, and he made a statement relative to this matter, in addition to the written indorsement of the Interior Department which is made a part of the report in this case, and he made an oral statement that he knew of no good reason why New Mexico should be separated out and placed in a position different from any other State or Territory, and he said that Utah had been placed back in the category of other States by having the general law made applicable.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, with the permission of the gentleman from South Dakota, I would like to ask the gentleman from Illinois a question. Has it or has it not been the uniform custom to grant this right to these Territories when they come in as States?

Mr. MANN. The law of 1891 is general. In some cases it has been granted and in some cases it has not been granted, I

will say to the gentleman, as far as that is concerned. I think, Mr. Speaker, I would like to have an opportunity to examine this bill.

The SPEAKER. Objection is heard.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 14638. An act to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 2756. An act for the relief of L. K. Scott.

H. R. 12398. An act to authorize the War Department to transfer to the State of Kansas certain land now a part of the Fort Riley Military Reservation.

H. R. 16050. An act to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota.

H. R. 6231. An act to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district.

H. R. 9218. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes."

H. R. 12420. An act to extend immediate transportation privileges to the subport of Alburg, in the customs collection district of Vermont.

H. R. 13430. An act to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind.

H. R. 14040. An act to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew, at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties.

H. R. 14781. An act to authorize Campbell County, Tenn., to construct a bridge across Powells River.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 27 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Elijah B. Hammontree, administrator of estate of John Hammontree, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Plymouth Frazier, jr., administrator of estate of Plymouth Frazier, sr., against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James F. Hicks, administrator of estate of Larkin Clark, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Interior, transmitting draft of proposed legislation to authorize the construction of a road and bridges in Warm Springs Reservation, Oreg.—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Interior, recommending modification of agreement with the Red Lake Indians—to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 902) authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 966), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON of Michigan, from the Committee on the Territories, to which was referred the bill of the House (H. R. 10540) to amend section 73 of the act to provide a government for the Territory of Hawaii, reported the same with amendment, accompanied by a report (No. 968), which said bill and report were referred to the House Calendar.

Mr. DRAPER, from the Committee on the Territories, to which was referred the bill of the House (H. R. 11560) relating to unpaid Hawaiian Postal Savings Bank deposits, reported the same without amendment, accompanied by a report (No. 969), which said bill and report were referred to the House Calendar.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16073) to authorize the town of Edgecomb, Lincoln County, Me., to maintain a free bridge across tide waters, reported the same with amendment, accompanied by a report (No. 971), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16621) permitting the building of a dam across the Savannah River at Cherokee Shoals, reported the same with amendments, accompanied by a report (No. 972), which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16749) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Liberty Bridge Company," approved March 2, 1907, reported the same without amendment, accompanied by a report (No. 973), which said bill and report were referred to the House Calendar.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16955) to extend the time for building a bridge across the Red River at Shreveport, La., reported the same with amendments, accompanied by a report (No. 974), which said bill and report were referred to the House Calendar.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the resolution of the House (H. J. Res. 120) authorizing the Secretary of War to apply the unexpended balance of the donation made by the citizens of Dallas, Tex., under the provisions of the river and harbor act of March 3, 1905, to work in construction of Lock and Dam No. 2 in section 1 of Trinity River, reported the same without amendment, accompanied by a report (No. 975), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 1815) for the relief of the estate of D. S. Phelan, reported the same without amendment, accompanied by a report (No. 967), which said bill and report were referred to the Private Calendar.

Mr. ELLIS of Oregon, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 12499) for the relief of Clarence Frederick Chapman, United States Navy, reported the same with amendments, accompanied by a report (No. 970), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 16738) to provide for the preparation of plans for a memorial amphitheater at Arlington, Va., and for other purposes, and the same was referred to the Committee on Public Buildings and Grounds.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Michigan (by request): A bill (H. R. 17410) to create a bureau of safety to passengers on interstate lines of railways and to provide a means of gathering data of causes, the extent and nature of accidents, together with inspection of roads, cars, operatives, and signal service thereon, and a penalty for violation of this act—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17411) to confer upon the Commissioners of the District of Columbia the powers of a public-service commission—to the Committee on the District of Columbia.

By Mr. KIMBALL: A bill (H. R. 17412) for the construction of an addition to the United States post-office and public building in the city of Lexington, State of Kentucky, and for repairs and alterations to the present building—to the Committee on Public Buildings and Grounds.

By Mr. EDWARDS of Georgia: A bill (H. R. 17413) to increase compensation of rural mail carriers, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. GARDNER of New Jersey: A bill (H. R. 17414) to provide for the purchase of a site and the erection of a public building thereon at Burlington, in the State of New Jersey—to the Committee on Public Buildings and Grounds.

By Mr. SULZER: A bill (H. R. 17415) to provide for the erection of a bronze statue to the memory of the late Samuel J. Tilden at Washington, D. C.—to the Committee on the Library.

By Mr. HUMPHREY of Washington: A bill (H. R. 17416) for the promotion, retirement, and pay of certain men of the United States Army—to the Committee on Military Affairs.

By Mr. FORNES: A bill (H. R. 17417) providing for the survey of a ship canal from Benton Harbor, on Lake Michigan, to Toledo, on Lake Erie—to the Committee on Railways and Canals.

By Mr. THOMAS of North Carolina: A bill (H. R. 17418) increasing the limit of cost of the public building at Newbern, N. C.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17419) to improve and fortify Fort Macon, N. C.—to the Committee on Appropriations.

Also, a bill (H. R. 17420) appropriating the sum of $10,000 for repairs and improvement of the roadway to the national cemetery at Newbern, N. C.—to the Committee on Military Affairs.

By Mr. CALDERHEAD: A bill (H. R. 17421) to authorize the Secretary of the Interior to certify certain lands to the State of Kansas—to the Committee on the Public Lands.

By Mr. PRINCE: A bill (H. R. 17422) to authorize the counties of Henry and Rock Island, in the State of Illinois, to construct a bridge across Rock River at or near Colona Ferry, in said State—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 17423) to define vagrancy in the District of Columbia and to provide penalties therefor—to the Committee on the District of Columbia.

By Mr. GODWIN: A bill (H. R. 17424) for the establishment of a Croatan normal college near Pembroke, in Robeson County, N. C.—to the Committee on Indian Affairs.

By Mr. GOULDEN: A bill (H. R. 17425) to increase the efficiency of the public service—to the Committee on Reform in the Civil Service.

By Mr. HAMILTON of Michigan: A bill (H. R. 17426) to amend section 2139 of the Revised Statutes of the United States—to the Committee on Indian Affairs.

By Mr. LARRINAGA: A bill (H. R. 17427) to provide for the payment for certain property or vested rights of the old notaries public of Porto Rico, acquired by them from the Crown of Spain for a money consideration, and of which properties said notaries were deprived by the act of the legislative assembly of Porto Rico of January 31, 1901—to the Committee on Insular Affairs.

By Mr. RANSDELL of Louisiana: A bill (H. R. 17428) to increase the limit of cost of a public building at Ruston, La.—to the Committee on Public Buildings and Grounds.

By Mr. GILLETT: A bill (H. R. 17429) to facilitate the use for manufacturing purposes of square No. 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907—to the Committee on the District of Columbia.

By Mr. GODWIN: Joint resolution (H. J. Res. 141) authorizing the Secretary of Agriculture to investigate the subject of drainage in the Sixth Congressional District of North Carolina—to the Committee on Agriculture.

By Mr. BURTON of Ohio: Resolution (H. Res. 251) amending Rule XI of the House of Representatives—to the Committee on Rivers and Harbors.

Also, resolution (H. Res. 252) authorizing the Committee on Rivers and Harbors to employ an additional annual assistant clerk—to the Committee on Accounts.

By Mr. FULTON: Memorial from the State of Oklahoma, relative to the settlers on Kiowa, Comanche, and Apache lands in that State—to the Committee on the Public Lands.

By Mr. PATTERSON: Memorial of the legislature of South Carolina, requesting the Senators and Congressmen from South Carolina to advocate national aid for drainage—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 17430) granting a pension to George Leihy—to the Committee on Pensions.

By Mr. ANSBERRY: A bill (H. R. 17431) granting an increase of pension to Andrew J. Burch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17432) granting a pension to Emma Attlebarger—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 17433) granting an increase of pension to Robert Fevurly—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 17434) granting an increase of pension to William F. Butters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17435) granting an increase of pension to James B. Geggie—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 17436) granting an increase of pension to George W. Given—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 17437) granting a pension to Pearl Newcomb—to the Committee on Pensions.

By Mr. CAPRON: A bill (H. R. 17438) granting an increase of pension to Horace Stillman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17439) granting an increase of pension to Clark Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17440) granting an increase of pension to Philogene M. Nichols—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 17441) granting an increase of pension to Charles M. Hilliker—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 17442) for the relief of Sallie E. Barnes, widow of Joseph Barnes, late of Gilmore, Okla.—to the Committee on War Claims.

Also, a bill (H. R. 17443) granting an increase of pension to Falis Caston—to the Committee on Invalid Pensions.

By Mr. COCKRAN: A bill (H. R. 17444) granting a pension to James N. Skiff—to the Committee on Pensions.

By Mr. CURRIER: A bill (H. R. 17445) granting an increase of pension to Thomas F. Leahy—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 17446) to remove the restrictions upon the alienation, sale, incumbrance, or taxation of certain lands of Arthur Armstrong, a citizen of the Cherokee Nation—to the Committee on Indian Affairs.

By Mr. DIXON: A bill (H. R. 17447) granting an increase of pension to Martin P. Mitchell—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 17448) granting a pension to Lucy A. Emerson—to the Committee on Pensions.

By Mr. FASSETT: A bill (H. R. 17449) granting an increase of pension to Philip Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17450) granting a pension to Frank J. Russell—to the Committee on Pensions.

By Mr. FOCHT: A bill (H. R. 17451) granting an increase of pension to Daniel Locke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17452) granting an increase of pension to James K. Brewer—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 17453) granting an increase of pension to Rollin R. Hotchkiss—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 17454) to remove the charge of desertion from the military records of Jefferson Beeman and to grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 17455) to remove the charge of desertion from the military records of J. M. Neal and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. GARNER: A bill (H. R. 17456) granting a pension to Mary Meeler—to the Committee on Pensions.

By Mr. GODWIN: A bill (H. R. 17457) for the relief of the estate of William J. Fountain—to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 17458) for the relief of the heirs of Mary E. Neale—to the Committee on Claims.

By Mr. HARDWICK: A bill (H. R. 17459) for the relief of the heirs of Russell W. Johnson—to the Committee on War Claims.

By Mr. HEFLIN: A bill (H. R. 17460) for the relief of the estate of James McDonough, deceased, late of Chambers County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 17461) for the relief of Benjamin F. Rea—to the Committee on War Claims.

Also, a bill (H. R. 17462) for the relief of W. R. Hall, of Weoka, Elmore County, Ala.—to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 17463) granting an increase of pension to Gustavus P. M. Williams—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 17464) granting arrears of pension to Julia P. Bate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17465) for the relief of the estate of W. H. Boyers and Mrs. Elizabeth Boyers, née Soloman—to the Committee on War Claims.

Also, a bill (H. R. 17466) granting a pension to Jane Smith—to the Committee on Invalid Pensions.

By Mr. JACKSON: A bill (H. R. 17467) to equalize the pension of Edward D. Bates from March, 1883, up to the time of the special act granting him $24 per month—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17468) granting a pension to James Moran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17469) granting a pension to William A. Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17470) to correct the military record of Andrew Airey—to the Committee on Military Affairs.

Also, a bill (H. R. 17471) granting a pension to Clarence L. Northrop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17472) for the relief of John H. Cox, surviving partner of John H. Cox and John H. Ford, copartners, trading as Ford, Cox & Co.—to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17473) granting pensionable status to the survivors of the First Regiment of Kentucky State Capital Guards and to their widows and minor children—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 17474) for the relief of Gilbert Yates—to the Committee on War Claims.

Also, a bill (H. R. 17475) for the relief of Peter Daniel—to the Committee on War Claims.

Also, a bill (H. R. 17476) for the relief of Wesley Row—to the Committee on War Claims.

Also, a bill (H. R. 17477) granting an increase of pension to William Pinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17478) granting a pension to Anna Phipps—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17479) to correct the military record of David B. Kimbrell—to the Committee on Military Affairs.

Also, a bill (H. R. 17480) for the relief of the legal representatives of Mary Phillips—to the Committee on War Claims.

By Mr. LILLEY: A bill (H. R. 17481) granting an increase of pension to Michael Kavanaugh—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 17482) granting an increase of pension to Franklin H. Northrup—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 17483) granting an increase of pension to T. R. Hobbs—to the Committee on Pensions.

By Mr. MOUSER: A bill (H. R. 17484) granting an increase of pension to James F. Ellis—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 17485) granting an increase of pension to Samuel Snoke—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 17486) granting a pension to Mary A. Meehan—to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 17487) to correct the military record of John Stewart—to the Committee on Military Affairs.

Also, a bill (H. R. 17488) to correct the military record of John Daly—to the Committee on Military Affairs.

Also, a bill (H. R. 17489) granting an increase of pension to George Henson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17490) granting an increase of pension to John Stambaugh—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 17491) for the relief of Samuel H. Yarbrough and estate of John Jones, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17492) for the relief of heirs of Andrew C. Legg, deceased—to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 17493) granting an increase of pension to Humphrey Roberts—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 17494) granting an increase of pension to Merritt D. En Earl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17495) granting an increase of pension to John M. Quay—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 17496) for the relief of the trustees of Salem Church, Wayne County, N. C.—to the Committee on War Claims.

By Mr. TOU VELLE: A bill (H. R. 17497) granting an increase of pension to John J. Bell—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 17498) granting a pension to Johanna Steinborn—to the Committee on Pensions.

Also, a bill (H. R. 17499) to correct the military record of John Thomas—to the Committee on Military Affairs.

By Mr. WEISSE: A bill (H. R. 17500) granting a pension to Anna Fick—to the Committee on Invalid Pensions.

By Mr. WOLF: A bill (H. R. 17501) granting an increase of pension to Joseph J. Peters, alias James H. Donohue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17502) for the relief of Elijah H. Johnson—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Local Union No. 17, International Stereotypers and Electrotypers' Union, of Washington, D. C., for removal of duty on white paper, etc.—to the Committee on Ways and Means.

Also, petition of Pride of Massachusetts Lodge, No. 181, O. B. A., of Boston, against legislation restricting immigration—to the Committee on Immigration and Naturalization.

Also, petition of New York Post-Office Benevolent Association, for increase of salaries of laborers in post-offices of Greater New York and Brooklyn—to the Committee on Expenditures in the Post-Office Department.

Also, petition of Merchant Tailors' National Protective Association of America, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Indiana Live Stock Breeders' Association, for legislation to produce better markets for agricultural products, especially live stock—to the Committee on Ways and Means.

Also, petition of National German-American Alliance, for investigation of immigration question—to the Committee on Immigration and Naturalization.

Also, petition of A. T. Fox, of Duluth, Minn., for establishment of an asset currency—to the Committee on Banking and Currency.

Also, petition of Chicago Local, No. 1, of Telegraphers' Union of America, for investigation of conduct of the telegraph business in United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of Columbus Board of Trade, of Columbus, Ga., for appropriation for river and harbor improvements—to the Committee on Rivers and Harbors.

Also, petition of Michigan Commandery, Military Order of Loyal Legion of United States, of Detroit, Mich., for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Concordia Singing Society and 360 similar organizations, against any legislation restricting interstate commerce in beer, wine, etc.—to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of Chicago citizens and Chicago Union, No. 1, Commercial Telegraphers' Union of America, for investigation of affairs of the telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. BEDE: Paper to accompany bill for relief of James B. Geggie—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William F. Butters—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Petition of National Board of Trade, of Washington, D. C., January 21–23, 1908, for legislation to reestablish a merchant marine with states of South America—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOOHER: Petitions of retail merchants of Savannah, St. Joseph, and St. Louis; St. Joseph Commercial Travelers' Association; W. W. Wheeler Dry Goods Company, of St. Joseph; Brown Shoe Company, of St. Louis; St. Louis Exchange, and others, all of the State of Missouri, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE: Petition of John S. Nicholson, for H. R. 15945, to increase efficiency of the Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Weiler Brothers, of Pittsburg, Pa., for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of Samuel J. Graham, for S. 1238 and H. R. 5489, to reimburse estate of George Washington—to the Committee on Claims.

By Mr. BUTLER: Petition of Local Union No. 403, Plumbers, Gas and Steam Fitters, of Chester, Pa., for building battle ships in United States navy-yards—to the Committee on Naval Affairs.

Also, petition of Joseph Elkinton and J. Passmore Elkinton, voters of Pennsylvania, against building more battle ships—to the Committee on Naval Affairs.

By Mr. CALDER: Paper to accompany bill for relief of Chauncey R. Lathrop—to the Committee on Invalid Pensions.

Also, petition of Merchants' Association of New York, for permanent tariff commission—to the Committee on Ways and Means.

Also, petition of H. J. Swift, of Albany, N. Y., against consolidation of pension agencies—to the Committee on Invalid Pensions.

Also, petition of United Harbor, No. 1, American Association of Masters, Mates, and Pilots, favoring H. R. 10458, with proposed amendment for an appeal to supervising inspector, etc.—to the Committee on the Merchant Marine and Fisheries.

Also, petition of National Funeral Directors' Association of United States, against mode of burial at sea—to the Committee on the Merchant Marine and Fisheries.

By Mr. CAPRON: Paper to accompany bill for relief of Horace Stillman—to the Committee on Invalid Pensions.

Also, petition of Bricklayers and Masons' Union No. 1, of Providence, R. I., for building battle ships at navy yards—to the Committee on Naval Affairs.

Also, petitions of International Photoengravers' Union No. 39, of Providence, R. I., and International Typographical Union No. 212, of Pawtucket, R. I., for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of town council of North Kingston, R. I., for bill increasing efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Robert M. Malone, of Pascoag, R. I., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Musicians' Union No. 262, of Woonsocket, R. I., against competition by Government musicians with civilians—to the Committee on Naval Affairs.

By Mr. CLARK of Florida: Petition of Chamber of Commerce of Key West, Fla., for a daily mail from Key West to mainland—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chamber of Commerce of Key West for certain amendments to laws for protection of the sponge beds of United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Woman's Club of De Land, Fla., for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Merchants' Association of New York, against Aldrich bill—to the Committee on Banking and Currency.

Also, petition of Clardy Chapel, Local No. 107, Farmers' Educational and Cooperative Union of America, of Hamilton County, Fla., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of O. Pierre Havens, photographer, of Jacksonville, Fla., against certain amendments to the copyright bill—to the Committee on Patents.

Also, petition of Job Harriman and A. R. Halston, of Los Angeles, Cal., opposing certain amendments to certain treaties—to the Committee on Military Affairs.

Also, petition of Board of Trade of Jacksonville, Fla., advocating H. R. 4375 and H. R. 4377, for pension for widows of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

Also, petition of Woman's Club of Miami, Fla., for H. R. 10457—to the Committee on Agriculture.

Also, petition of Washington County, Fla., Union, of Farmers' Educational and Cooperative Union of America, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Pennsylvania: Petition of George E. Bartol, of Philadelphia Bourse, for S. 25 and H. R. 6169, for retirement of life-saving officers and crews—to the Committee on the Merchant Marine and Fisheries.

By Mr. CURRIER: Petition of D. T. White, John W. Folsom, and a large number of other citizens of New Hampshire, for a national commission of highways—to the Committee on Agriculture.

Also, petition of John Sedgwick Post, Grand Army of the Republic, Department of New Hampshire, for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of Philadelphia Bourse, favoring provision for retirement of certain members of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: Petition of Chamber of Commerce, of Erie, Pa., and Allied Agricultural Organization of Pennsylvania, for H. R. 534, relative to technical education in agriculture, etc.—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Julia Ryan—to the Committee on War Claims.

By Mr. ENGLEBRIGHT: Petition of Sacramento Chamber of Commerce, for appropriation for drainage and irrigation experiment stations—to the Committee on Appropriations.

By Mr. ESCH: Petition of John E. Perkins Post, No. 98, Grand Army of the Republic, of Wisconsin, against consolidation of pension agencies—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of Merchants' Association of New York, for a permanent tariff commission—to the Committee on Ways and Means.

By Mr. FLOYD: Paper to accompany bill for relief of J. D. Reynolds (H. R. 4266)—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of H. J. Swift, commander department Grand Army of the Republic of Albany, N. Y., against consolidation of pension agencies—to the Committee on Invalid Pensions.

Also, petition of Buffalo (N. Y.) Oil, Paint, and Varnish Company, against legislation toward regulating sale of paints—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Merchants' Association, of New York City, for tariff commission (S. 3163)—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Encampment No. 1, Union Veterans' Legion, of Pittsburg, Pa., for H. R. 4930, for pensions for prisoners of war—to the Committee on Invalid Pensions.

Also, petition of Branch 119, Glass Bottle Blowers' Association, against Tillman bill (S. 2926)—to the Committee on the Judiciary.

Also, petition of Merchants' Association of New York, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. GARNER: Paper to accompany bill for relief of Mary Meeler—to the Committee on Pensions.

By Mr. GILHAMS: Petition of La Grange Horticultural Society, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petition of Lake Seamen's Union, Buffalo, N. Y., for H. R. 14941, relative to insufficiency of crews of steam vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Merchants' Association of New York City, for a tariff comission (S. 3163)—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of Perry & Breckon, against amendment of copyright bill inimical to photographers—to the Committee on Patents.

Also, petition of E. F. Gwynn, for H. R. 428 (Federal registration of automobiles)—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bills (S. 1238 and H. R. 5489) for relief of estate of George Washington—to the Committee on Claims.

Also, petition of Thomas S. Clarkson, for return of collateral inheritance tax to Stevens Institute of Technology—to the Committee on Claims.

Also, papers to accompany bills for relief of Melville H. Freds and Henry A. Harkins—to the Committee on Invalid Pensions.

By Mr. GRONNA: Petition of citizens of Northwood, N. Dak., for Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of Merchants' Association of New York, against the Aldrich emergency bill—to the Committee on Banking and Currency.

Also, petition of Commercial Club, Bismarck, N. Dak., against Crumpacker bill, H. R. 7597 (census on strictly civil-service basis)—to the Committee on the Census.

Also, petition of Woman's Christian Temperance Union of Tower City, N. Dak., for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of Commercial Club, Bismarck, N. Dak., for amendment to section 4 of act to regulate commerce approved June 29, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. HARDWICK: Paper to accompany bill for relief of Mary L. Walker—to the Committee on Pensions.

Also, paper to accompany bill for relief of heirs of Russell W. Johnson—to the Committee on War Claims.

By Mr. HELM: Paper to accompany bill for relief of estate of Henry Cohen—to the Committee on War Claims.

By Mr. HOLLIDAY: Petition of quarterly meeting of Society of Friends, for peaceable settlement of international affairs—to the Committee on Foreign Affairs.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of Charles H. Payne, jr. (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. HULL of Iowa: Petition of S. G. Kimball et al., of department of Grand Army of the Republic, Washington, D. C., for change of reference in committee of H. R. 16738, for memorial amphitheater at Arlington—to the Committee on Public Buildings and Grounds.

By Mr. HULL of Tennessee: Papers to accompany bills for relief of William H. Spradlin, Mary R. Tyree, and Elizabeth Boyers—to the Committee on War Claims.

By Mr. ADDISON D. JAMES: Paper to accompany bill for relief of Marion Davis—to the Committee on Military Affairs.

By Mr. OLLIE M. JAMES: Paper to accompany bill for relief of T. J. Caskey (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. JONES of Washington: Petition of citizens of Washington, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Commercial Club of Walla Walla, Wash., against census bill, H. R. 7597—to the Committee on the Census.

Also, petition of Seattle Commercial Club, for S. 27, for equalization of pay of Army and Navy and Marine Corps—to the Committee on Military Affairs.

By Mr. KAHN: Petition of Typographical Union No. 21, of San Francisco, for repeal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

By Mr. KELIHER: Petition of Springfield (Mass.) Board of Trade, for improvement of the consular service—to the Committee on Foreign Affairs.

Also, petition of Local Union No. 1, Boston Newspaper Writers of International Typographical Union, and Local Union No. 16, International Brotherhood of Bookbinders, for repeal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. LANGLEY: Paper to accompany bill for relief of Greenville Tackitt—to the Committee on Invalid Pensions.

By Mr. LILLEY: Paper to accompany bill for relief of Michael Kavanaugh—to the Committee on Invalid Pensions.

By Mr. LOUD: Petition of Loyal Legion of the United States, Commandery of Michigan, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Noble Post, No. 369, Grand Army of the Republic, for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. MILLER: Paper to accompany bill for relief of Kansas State Militia—to the Committee on Invalid Pensions.

By Mr. MOUSER: Petition of citizens of Wyandott County, Ohio, favoring the nine-hour law on railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of Central Labor Union of Tiffin, Seneca County, Ohio, for construction of battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. NORRIS: Petition of Stamford Harlan Company, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Woman Suffrage Association of Kenesaw, Nebr., Ladies' Guild of Presbyterian Church, Missionary Society of Free Baptist Church, and Ladies' Aid Society of Methodist Episcopal Church, for amendment of Constitution prohibiting disfranchisement of United States citizens on account of sex—to the Committee on the Judiciary.

Also, petition of Nebraska State board of health, for legislation to provide new rules and regulations for quarantine for contagious diseases—to the Committee on the Merchant Marine and Fisheries.

By Mr. NYE: Petition of Rev. Henry Peyton Cooper and Rev. William Crosby Lyon, of Casselton, N. Dak., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Cooper Union, No. 75, of Minneapolis, Minn., for building battle ships at navy-yards—to the Committee on Naval Affairs.

Also, petition of citizens of Northwood, N. Dak., for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. OLCOTT: Petition of R. E. Bell and others, relative to schools in the District of Columbia, indorsing board of education and the superintendent, A. T. Stuart—to the Committee on the District of Columbia.

By Mr. PATTERSON: Papers to accompany bills for relief of heirs of Daniel P. Jenkins and heirs of T. B. Tripp—to the Committee on War Claims.

By Mr. PEARRE: Petition of W. B. Brown and other citizens of Montgomery County, Md., for legislation appropriating money for building highways—to the Committee on Agriculture.

By Mr. PETERS: Petition of Moorfield Story and Erving Winslow, favoring independence for the Philippines—to the Committee on Insular Affairs.

By Mr. RICHARDSON: Papers to accompany bills for relief of estates of Andrew C. Legg, Samuel H. Yarbrough, and John Jones—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of John Martin—to the Committee on War Claims.

By Mr. RIORDAN: Petition of F. A. Ringler Company, of New York, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. SHEPPARD: Petitions and letters from individuals and societies, urging restoration of motto "In God we trust" to the coins—to the Committee on Coinage, Weights, and Measures.

By Mr. SPERRY: Petition of Company L, First Connecticut National Guard, of Willimantic, Conn., favoring the militia bill—to the Committee on Militia.

By Mr. STEVENS of Minnesota: Petition of Union No. 36, Steam Engineers, of St. Paul, Minn., for construction of battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of Minnesota Retail Hardware Association, for repeal of Nelson bankruptcy act—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of Pastors' Union of Detroit, Mich., for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. SULZER: Petition of National Funeral Directors' Association against mode of burial at sea—to the Committee on the Merchant Marine and Fisheries.

Also, petition of American National Live Stock Association, for legislation securing from railways an adequate freight-car service—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of trustees of Salem Church of Wayne County, N. C.—to the Committee on War Claims.

By Mr. TOWNSEND: Petition of Baptist Churches of Detroit, for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of United Commercial Travelers' Association, against a parcels-post law, but favoring legislation along line of Postmaster-General's recommendation—to the Committee on the Post-Office and Post-Roads.

By Mr. WALLACE: Paper to accompany bill for relief of Mrs. Virginia Terrell and Julia D. Reynolds (H. R. 2247)—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Horace F. Bemis—to the Committee on Claims.

By Mr. WOOD: Petition of J. R. Jarvis and William S. Aldrich, for return of collateral inheritance tax to Stevens Institute of Technology, Hoboken, N. J. (H. R. 11562)—to the Committee on Claims.

Also, petition of directors of Vessel Owners and Captains' Association of Philadelphia, for H. R. 15945, for increased efficiency of the personnel of the Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

SENATE.

WEDNESDAY, *February 19, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The Chair announces the appointment of the junior Senator from North Dakota [Mr. MCCUMBER] to read Washington's Farewell Address on the 22d instant, pursuant to the order of the Senate of January 24, 1901.

TRADE CONDITIONS IN ECUADOR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting pursuant to law, the report of Special Agent Charles M. Pepper on trade conditions in Ecuador, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

NATIONAL BANKING ASSOCIATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 20th ultimo, certain information relative to the number of national banking associations that have been placed in the hands of receivers as insolvent since January 1, 1893, etc., which, with the accompanying papers, on motion of Mr. TILLMAN, was referred to the Committee on Finance and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Deacons of the Missionary Baptist Church at Powder Springs, Ga., *v.* United States;

In the cause of the First Christian Church of Mexico, Mo., *v.* United States;

In the cause of the Trustees of the Methodist Episcopal Church South, of Paris, Va., *v.* United States;

In the cause of Caledonian Lodge, No. 4, Independent Order of Odd Fellows, of Shepherdstown, W. Va., *v.* United States;

In the cause of the Trustees of the Frederick Presbyterian Church, of Frederick, Md., *v.* United States;

In the cause of the Trustees of the Methodist Episcopal Church of Upperville, Va., *v.* United States;

In the cause of the Trustees of the Cumberland Presbyterian Church (colored) of Huntsville, Ala., *v.* United States;

In the cause of Moyland C. Fox, executor of the estate of Joab Lawrence, deceased, *v.* United States;

In the cause of Lucy A. Dibble, administratrix of Sylvester Dibble, deceased, *v.* United States;

In the cause of the Trustees of Dardanelle Baptist Church *v.* United States; and

In the cause of the Trustees of Mountain Creek Baptist Church, of Hamilton County, Tenn., *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 417) to extend the time for completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company.

The message also announced that the House had passed the bill (S. 2420) granting an increase of pension to Margaret K. Hern, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 603. An act granting an increase of pension to John A. M. La Pierre;

H. R. 1034. An act granting an increase of pension to James Carroll;

H. R. 1037. An act granting an increase of pension to Edward A. Russell;

H. R. 1055. An act granting an increase of pension to Joel F. Overholser;

H. R. 1059. An act granting an increase of pension to Hannegan C. Norvell;

H. R. 1062. An act granting an increase of pension to Charles C. Weaver;

H. R. 1063. An act granting an increase of pension to Nicholas S. Chrisman;

H. R. 1215. An act granting an increase of pension to Phebe A. Barteaux;

H. R. 1484. An act granting an increase of pension to Marshall W. Rogers;

H. R. 1496. An act granting an increase of pension to Elbert M. Watts;

H. R. 1508. An act granting an increase of pension to William M. Jordan;

H. R. 1590. An act granting an increase of pension to Nelson Wolfley;

H. R. 1673. An act granting an increase of pension to George Athey;

H. R. 1901. An act granting an increase of pension to Jerry Murphy;

H. R. 2175. An act granting an increase of pension to Mittie Choate;

H. R. 2200. An act granting an increase of pension to William H. H. Lang;

H. R. 2204. An act granting an increase of pension to Andrew Risser;

H. R. 2350. An act granting an increase of pension to Richard P. McGrath;

H. R. 2354. An act granting an increase of pension to Amos Foust;

H. R. 2355. An act granting an increase of pension to Samuel Donaldson;

H. R. 2535. An act granting an increase of pension to John B. Evans;

H. R. 2648. An act granting an increase of pension to Ellison Gilbert;

H. R. 2711. An act granting an increase of pension to Simon Levi;

H. R. 2846. An act granting an increase of pension to Linsay C. Jones;

H. R. 2855. An act granting an increase of pension to Samuel H. Hurst;

H. R. 2863. An act granting an increase of pension to John Findlay;

H. R. 2873. An act granting an increase of pension to Frank Rushaloo;

H. R. 2955. An act granting an increase of pension to James C. Booth;

H. R. 2961. An act granting an increase of pension to Hazzard P. Gavitt;

H. R. 2999. An act granting an increase of pension to George P. Mattison;

H. R. 3164. An act granting a pension to Osiah Attison;

H. R. 3229. An act granting an increase of pension to William McCue;

H. R. 3232. An act granting an increase of pension to John Foster;

H. R. 3243. An act granting an increase of pension to Charles D. Copeland;

H. R. 3244. An act granting an increase of pension to Ebenezer L. Briggs;

H. R. 3329. An act granting an increase of pension to Theodore F. Kendall;

H. R. 3339. An act granting an increase of pension to James M. Neal;

H. R. 3350. An act granting an increase of pension to Edward M. Lee;

H. R. 3491. An act granting an increase of pension to William Hall;

H. R. 3493. An act granting an increase of pension to Levi Nicholson;

H. R. 3610. An act granting a pension to James M. Fitch;

H. R. 3611. An act granting an increase of pension to Alexander McNabb;

H. R. 3614. An act granting an increase of pension to Jacob B. Boyer;

H. R. 3641. An act granting an increase of pension to John N. Dickerson;

H. R. 3802. An act granting an increase of pension to Andreas Schmidt;

H. R. 3845. An act granting an increase of pension to Philip Ebright;

H. R. 4072. An act granting an increase of pension to Henry B. Keffer;

H. R. 4094. An act granting an increase of pension to John B. Southworth;

H. R. 4102. An act granting an increase of pension to William H. C. Davis;
H. R. 4103. An act granting an increase of pension to David M. Myers;
H. R. 4125. An act granting an increase of pension to Judson P. Adams;
H. R. 4128. An act granting an increase of pension to Isaac W. Corgill;
H. R. 4149. An act granting an increase of pension to John W. Armstrong;
H. R. 4170. An act granting an increase of pension to Bernhard Herber;
H. R. 4265. An act granting a pension to John W. Hudson;
H. R. 4290. An act granting an increase of pension to Howard F. Hess;
H. R. 4295. An act granting an increase of pension to John Maguire;
H. R. 4351. An act granting a pension to Osborne Eddy;
H. R. 4355. An act granting a pension to John M. Hoisington;
H. R. 4387. An act granting an increase of pension to Margret Orst;
H. R. 4416. An act granting an increase of pension to John H. Wells;
H. R. 4490. An act granting an increase of pension to James H. Thompson;
H. R. 4497. An act granting an increase of pension to Alexander Depuy;
H. R. 4522. An act granting an increase of pension to William H. Hanson;
H. R. 4538. An act granting an increase of pension to Charles F. Read;
H. R. 4539. An act granting an increase of pension to John W. Pressley;
H. R. 4651. An act granting an increase of pension to Cornelia H. Keyes;
H. R. 4663. An act granting a pension to James J. Callan;
H. R. 4674. An act granting an increase of pension to Henry R. Fancher;
H. R. 4678. An act granting an increase of pension to David L. Arwine;
H. R. 4758. An act granting an increase of pension to Edwin P. Gurney;
H. R. 4934. A act granting an increase of pension to Andrew Hiram Woods;
H. R. 5347. An act granting an increase of pension to William M. Stevenson;
H. R. 5382. An act granting an increase of pension to John Bowen;
H. R. 5422. An act granting an increase of pension to William Dunlap;
H. R. 5450. An act granting an increase of pension to Calvin E. Breed;
H. R. 5636. An act granting an increase of pension to Davis E. James;
H. R. 5639. An act granting an increase of pension to George S. Bennett;
H. R. 5764. An act granting a pension to Mary O'Brien;
H. R. 5803. An act granting an increase of pension to Daniel Harter;
H. R. 5868. An act granting a pension to Jane Dorsey;
H. R. 5880. An act granting an increase of pension to Addi C. Pindell;
H. R. 6035. An act granting an increase of pension to Charles R. Fox;
H. R. 6038. An act granting an increase of pension to Edwin May;
H. R. 6057. An act granting an increase of pension to Katharine Seiberlich;
H. R. 6064. An act granting an increase of pension to Jeremiah Beck;
H. R. 6065. An act granting an increase of pension to George M. Coykendall;
H. R. 6070. An act granting an increase of pension to William F. Moyer;
H. R. 6195. An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.;
H. R. 6487. An act granting an increase of pension to Alexander W. Brownlie;
H. R. 6492. An act granting an increase of pension to Irvin Austin;
H. R. 6505. An act granting an increase of pension to John N. Kundert;
H. R. 6538. An act granting an increase of pension to Patrick Grady;
H. R. 6641. An act granting an increase of pension to James A. Cobb;
H. R. 6647. An act granting an increase of pension to Elizabeth J. McCoy;
H. R. 6688. An act granting an increase of pension to Isaac Steely;
H. R. 6736. An act granting an increase of pension to Rosenia Writer;
H. R. 6819. An act granting an increase of pension to Andrew Clark;
H. R. 6866. An act granting an increase of pension to Ezra Prouty;
H. R. 6875. An act granting an increase of pension to James S. Walsh;
H. R. 6876. An act granting a pension to Carrie A. Chaplin;
H. R. 6900. An act granting an increase of pension to Hiram Spear;
H. R. 7012. An act granting an increase of pension to Jacob B. Nelson;
H. R. 7060. An act granting an increase of pension to Simon White;
H. R. 7223. An act granting an increase of pension to Jeremiah Keefe;
H. R. 7288. An act granting an increase of pension to John J. Banks;
H. R. 7300. An act granting a pension to Magdalena Hansman;
H. R. 7307. An act granting an increase of pension to Benjamin L. Shepard.
H. R. 7325. An act granting an increase of pension to Joseph Chisam;
H. R. 7431. An act granting a pension to Florence K. Patterson;
H. R. 7432. An act granting a pension to Worthington Fringer;
H. R. 7439. An act granting an increase of pension to Joshua Gill;
H. R. 7450. An act granting an increase of pension to Eugene Lattin;
H. R. 7522. An act granting a pension to Paul W. Draheim;
H. R. 7530. An act granting an increase of pension to Charles Brown;
H. R. 7781. An act granting an increase of pension to Phineas P. Trowbridge;
H. R. 7790. An act granting an increase of pension to Milo L. Pierce;
H. R. 7792. An act granting a pension to Susan A. Jackson;
H. R. 7815. An act granting an increase of pension to William H. Patterson;
H. R. 7879. An act granting an increase of pension to Hiram Still;
H. R. 7893. An act granting an increase of pension to Sarah J. Toncray;
H. R. 7946. An act granting an increase of pension to William Brogan;
H. R. 8053. An act granting an increase of pension to Samuel Cozine;
H. R. 8061. An act granting an increase of pension to Archibald Huston;
H. R. 8094. An act granting an increase of pension to Leander Wagers.
H. R. 8142. An act granting an increase of pension to Wilson Graham;
H. R. 8145. An act granting an increase of pension to Edward E. Hackett;
H. R. 8222. An act granting an increase of pension to Robert Simpson;
H. R. 8332. An act granting an increase of pension to George W. Uhles;
H. R. 8385. An act granting an increase of pension to Jackson Weathers;
H. R. 8427. An act granting an increase of pension to John Gaffney;
H. R. 8489. An act granting a pension to Adlade Holland;
H. R. 8548. An act granting an increase of pension to Joseph T. Walker;
H. R. 8610. An act granting an increase of pension to John Shields;
H. R. 8629. An act granting a pension to David T. Kirby;
H. R. 8640. An act granting an increase of pension to Barbara Haase;
H. R. 8644. An act granting an increase of pension to Ida W. Maples;
H. R. 8654. An act granting an increase of pension to Angelina Phillips;

H. R. 8672. An act granting an increase of pension to Isaiah Fowler;
H. R. 8745. An act granting an increase of pension to Cornelius W. Smith;
H. R. 8747. An act granting an increase of pension to Alfred Jervais;
H. R. 8829. An act granting an increase of pension to Milton Frame;
H. R. 8970. An act granting an increase of pension to Anthon W. Mortenson;
H. R. 8978. An act granting an increase of pension to Marquis D. Mason;
H. R. 8999. An act granting an increase of pension to John Hancock;
H. R. 9311. An act granting an increase of pension to George Harkless;
H. R. 9331. An act granting an increase of pension to Francis H. Britton;
H. R. 9390. An act granting an increase of pension to Nancy Woodruff;
H. R. 9560. An act granting an increase of pension to John H. Keys;
H. R. 9612. An act granting an increase of pension to Emil Christian;
H. R. 9647. An act granting an increase of pension to William W. Mayne;
H. R. 9695. An act granting an increase of pension to Albert C. Lee;
H. R. 9748. An act granting an increase of pension to Herbert C. Mattoon;
H. R. 9768. An act granting an increase of pension to Martha A. Atkinson;
H. R. 9789. An act granting an increase of pension to Samuel P. Hallam;
H. R. 9811. An act granting an increase of pension to Daniel H. Sumner;
H. R. 9813. An act granting an increase of pension to Henry L. Williams;
H. R. 9824. An act granting an increase of pension to William Hines;
H. R. 9837. An act granting an increase of pension to Penelope L. Newman;
H. R. 9983. An act granting an increase of pension to James Burke;
H. R. 10018. An act granting an increase of pension to Ophelia J. Gordon;
H. R. 10040. An act granting an increase of pension to Milton Williams;
H. R. 10041. An act granting an increase of pension to Jenkin Evans;
H. R. 10100. An act granting an increase of pension to Harrison G. Mace;
H. R. 10163. An act granting an increase of pension to Myron A. Hawks;
H. R. 10307. An act granting an increase of pension to Susie Harkey;
H. R. 10436. An act granting an increase of pension to Henry Hill;
H. R. 10442. An act granting an increase of pension to John Sullivan;
H. R. 10692. An act granting an increase of pension to David H. House;
H. R. 10698. An act granting an increase of pension to Andrew J. Lyons;
H. R. 10716. An act granting an increase of pension to August Gehb;
H. R. 10723. An act granting an increase of pension to William H. White;
H. R. 10753. An act granting an increase of pension to Michael P. Donley;
H. R. 10763. An act granting an increase of pension to William C. Milliken;
H. R. 10800. An act granting an increase of pension to Charles Gardner;
H. R. 10824. An act granting an increase of pension to Caswell Lovitt;
H. R. 10855. An act granting an increase of pension to Frances A. Payne;
H. R. 10869. An act granting an increase of pension to William C. Tanner;
H. R. 10930. An act granting an increase of pension to Robert H. Barton;
H. R. 10949. An act granting an increase of pension to Leonard C. Hill;
H. R. 10954. An act granting an increase of pension to Russell Arnold;
H. R. 11010. An act granting an increase of pension to George W. Florye;
H. R. 11043. An act granting an increase of pension to Elisha Cole;
H. R. 11055. An act granting an increase of pension to Joseph Price;
H. R. 11102. An act granting an increase of pension to Charles Wells;
H. R. 11120. An act granting an increase of pension to John T. Hogg, jr.;
H. R. 11217. An act granting an increase of pension to Emeline M. Strong;
H. R. 11250. An act granting a pension to Louis P. Sothoron;
H. R. 11282. An act granting an increase of pension to John W. McCormick;
H. R. 11286. An act granting an increase of pension to John H. Stephens;
H. R. 11413. An act granting an increase of pension to Noah Jones;
H. R. 11471. An act granting an increase of pension to Frederick Spackman;
H. R. 11522. An act granting an increase of pension to John Sonia;
H. R. 11679. An act granting an increase of pension to Celina C. Fleming;
H. R. 11868. An act granting an increase of pension to Alexander Hyde;
H. R. 11891. An act granting an increase of pension to Albert Munger;
H. R. 11911. An act granting an increase of pension to Samuel Beckley;
H. R. 11937. An act granting an increase of pension to William A. Couch;
H. R. 11966. An act granting an increase of pension to Sophia Winters;
H. R. 12027. An act granting an increase of pension to Daniel A. Stedman;
H. R. 12028. An act granting an increase of pension to Patrick Dolan;
H. R. 12034. An act granting an increase of pension to Henry C. Crowell;
H. R. 12081. An act granting an increase of pension to William H. H. Kellogg;
H. R. 12234. An act granting an increase of pension to Martin V. Monroe;
H. R. 12252. An act granting an increase of pension to William B. Swisher;
H. R. 12280. An act granting an increase of pension to Martha C. Pace;
H. R. 12395. An act granting an increase of pension to Andrew H. Clutter;
H. R. 12491. An act granting an increase of pension to Griffith T. Murphy;
H. R. 12534. An act granting an increase of pension to Harvey Fowler;
H. R. 12616. An act granting an increase of pension to Horace A. Rexford;
H. R. 12619. An act granting a pension to Hannah M. Crowley;
H. R. 12719. An act granting an increase of pension to Henry H. Searl;
H. R. 12735. An act granting an increase of pension to William H. Stump;
H. R. 12739. An act granting an increase of pension to Lemuel L. Kelso;
H. R. 12766. An act granting an increase of pension to Francis M. Woodruff;
H. R. 12809. An act granting an increase of pension to Carlton Cross;
H. R. 12810. An act granting an increase of pension to Michael H. Glass;
H. R. 12811. An act granting an increase of pension to John Riley;
H. R. 12849. An act granting an increase of pension to Benjamin B. Hardman;
H. R. 12936. An act granting an increase of pension to Cynthia A. Benson;
H. R. 12947. An act granting an increase of pension to James H. Pearce;
H. R. 12950. An act granting an increase of pension to Hylas S. Moore;
H. R. 12970. An act granting an increase of pension to James McConnaha;

H. R. 12990. An act granting an increase of pension to Jerome Long;
H. R. 12992. An act granting an increase of pension to Thomas Coughlin;
H. R. 13065. An act granting an increase of pension to John E. Lapsley;
H. R. 13137. An act granting an increase of pension to Thomas J. Shoffner;
H. R. 13152. An act granting an increase of pension to John Sain;
H. R. 13175. An act granting an increase of pension to David Miller;
H. R. 13190. An act granting an increase of pension to John Loughmiller;
H. R. 13226. An act granting an increase of pension to Charles S. Derland;
H. R. 13245. An act granting an increase of pension to Martin V. B. Davis;
H. R. 13336. An act granting a pension to Regina Albert;
H. R. 13355. An act granting an increase of pension to Samuel A. Slemmons;
H. R. 13372. An act granting an increase of pension to John H. Seagrist;
H. R. 13391. An act granting an increase of pension to Stephen Lyons;
H. R. 13683. An act granting an increase of pension to Thomas W. Treadwell;
H. R. 13708. An act granting an increase of pension to William Goulding;
H. R. 13713. An act granting an increase of pension to Anton Geiser;
H. R. 13735. An act to correct the military record of Micaiah R. Evans;
H. R. 13783. An act granting an increase of pension to William H. Murray;
H. R. 13889. An act granting an increase of pension to Martha Foster;
H. R. 13916. An act granting an increase of pension to Charles R. Bockins;
H. R. 13920. An act granting an increase of pension to Fernando D. Stone;
H. R. 13930. An act granting an increase of pension to Caroline Morse;
H. R. 13945. An act granting a pension to Abbie E. Barr;
H. R. 13951. An act granting an increase of pension to William Herbert;
H. R. 13962. An act granting an increase of pension to John D. Wells;
H. R. 14199. An act granting an increase of pension to George Walton;
H. R. 14226. An act granting an increase of pension to George W. Child;
H. R. 14232. An act granting an increase of pension to Reuben R. Pitman;
H. R. 14310. An act granting an increase of pension to Thomas Porter;
H. R. 14314. An act granting an increase of pension to Randolph Snell;
H. R. 14316. An act granting an increase of pension to Dewitt Eldred;
H. R. 14338. An act granting an increase of pension to Eliza D. Ramey;
H. R. 14363. An act granting an increase of pension to Frank Schader;
H. R. 14427. An act granting an increase of pension to Calvin Morehead;
H. R. 14453. An act granting an increase of pension to Henry H. Taylor;
H. R. 14474. An act granting an increase of pension to Nancy J. Walker;
H. R. 14477. An act granting an increase of pension to Edward Carr;
H. R. 14532. An act granting an increase of pension to Michael J. Hawley;
H. R. 14570. An act granting a pension to George W. Eggleston;
H. R. 14584. An act granting an increase of pension to Marcus T. Camp;
H. R. 14606. An act granting an increase of pension to Francis L. Smith;
H. R. 14621. An act granting an increase of pension to Thomas A. Sorrell, alias Thomas A. Martin.
H. R. 14632. An act granting an increase of pension to Mary Ten Eyck;
H. R. 14671. An act granting an increase of pension to Benjamin Johnson;
H. R. 14716. An act granting an increase of pension to Henry M. Waters;
H. R. 14724. An act granting an increase of pension to Rush Patterson;
H. R. 14747. An act granting an increase of pension to William B. Haines;
H. R. 14798. An act granting an increase of pension to Peter C. Parker;
H. R. 14807. An act granting an increase of pension to Cornelius D. McCombs;
H. R. 14818. An act granting an increase of pension to Roswell L. Nason;
H. R. 14829. An act granting an increase of pension to Andrew J. Black;
H. R. 14844. An act granting an increase of pension to John B. Wheeler;
H. R. 14869. An act granting an increase of pension to Carlos L. Buzzell;
H. R. 14906. An act granting an increase of pension to Sarah E. Willis;
H. R. 14916. An act granting an increase of pension to James Tenbrook;
H. R. 14958. An act granting an increase of pension to John L. Bennett;
H. R. 14969. An act granting an increase of pension to Abraham H. Tompkins;
H. R. 14978. An act granting an increase of pension to Josiah Dixon;
H. R. 14982. An act granting a pension to Missouri L. Herron;
H. R. 14988. An act granting an increase of pension to Joseph Farley;
H. R. 14989. An act granting an increase of pension to Jerome King;
H. R. 15037. An act granting an increase of pension to Albert Falcon;
H. R. 15063. An act granting an increase of pension to Alexander Mattison;
H. R. 15068. An act granting an increase of pension to Martha Marble;
H. R. 15071. An act granting an increase of pension to James M. Reed;
H. R. 15158. An act granting an increase of pension to Francis S. Fletcher;
H. R. 15167. An act granting an increase of pension to Titus W. Allen;
H. R. 15193. An act granting an increase of pension to Milo Brewster;
H. R. 15280. An act granting an increase of pension to Ezra Taylor;
H. R. 15305. An act granting an increase of pension to Edward B. Wright;
H. R. 15356. An act granting a pension to Mary Herndon;
H. R. 15380. An act granting an increase of pension to Cleanthus Burnett;
H. R. 15401. An act granting an increase of pension to Louisa J. Long;
H. R. 15429. An act granting an increase of pension to William R. Moore;
H. R. 15475. An act granting an increase of pension to Fannie T. Shipley;
H. R. 15538. An act granting an increase of pension to George W. Fairchild;
H. R. 15579. An act granting an increase of pension to Alonzo C. Abbey;
H. R. 15616. An act granting an increase of pension to Hugh Irwin;
H. R. 15686. An act granting an increase of pension to William H. Turner;
H. R. 15688. An act granting a pension to Martha A. Elliott;
H. R. 15722. An act granting an increase of pension to John W. Betts;
H. R. 15821. An act granting an increase of pension to Thomas Larkin;
H. R. 15927. An act granting an increase of pension to William McGovern;
H. R. 16016. An act granting an increase of pension to Martin L. Bruce;
H. R. 16019. An act granting a pension to Grace S. Wood;
H. R. 16020. An act granting an increase of pension to Moses T. Kelly;
H. R. 16194. An act granting an increase of pension to William F. Paris;

H. R. 16237. An act granting an increase of pension to Amanda Bonnell;

H. R. 16308. An act granting an increase of pension to Daniel C. Foster;

H. R. 16335. An act granting an increase of pension to Henry F. Tomlin;

H. R. 16349. An act granting an increase of pension to Frank Upchurch;

H. R. 16394. An act granting an increase of pension to Isaac N. Forman;

H. R. 16533. An act granting an increase of pension to James S. Anderson; and

H. R. 16610. An act granting an increase of pension to Michael Conniff.

The foregoing pension bills received this day from the House of Representatives were subsequently read twice by their titles and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of sundry organizations of Mobile, Ala., Wheeling, W. Va., Johnson, Nebr., Washington, D. C., Manchester, N. H., Providence, R. I., Holyoke, Mass., Cumberland and Baltimore, in the State of Maryland, Bellingham, Wash., and Henderson, Ky., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. PLATT presented a petition of Local Union No. 336, International Typographical Union, of Oneida, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented memorials of sundry organizations of Johnstown, Kingston, Buffalo, Auburn, Troy, Bergen, Albany, Utica, Schenectady, Rochester, Bardonia, and Green Island, all in the State of New York, remonstrating against the enactment of legislation to regulate the interstate transporation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the United Trade and Labor Council of Buffalo, N. Y., praying for the enactment of legislation to amend section 4463 of the Revised Statutes of the United States relating to crews on steam vessels, which was referred to the Committee on Commerce.

Mr. SCOTT presented a petition of sundry citizens of Martinsburg, W. Va., praying for the passage of the so-called "Sherwood pension bill," granting more liberal rates of pensions, which was referred to the Committee on Pensions.

Mr. GALLINGER presented petitions of sundry citizens of Webster, N. H.; Washington, D. C.; Goshen, Ind.; Springfield, Ohio, and Woodstown, N. J., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Citizens' Northwest Suburban Association of the District of Columbia, remonstrating against the passage of the so-called "Dolliver bill" to regulate and control the management of public education in the District of Columbia, which was ordered to lie on the table.

Mr. NIXON presented memorials of the Elko County Cattle Association, the Eastern Nevada Wool Growers' Association, and of the Chamber of Commerce of Elko, all in the State of Nevada, remonstrating against the enactment of legislation providing for the control of grazing lands in the United States, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 105, Typographical Union, of Goldfield, Nev., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. HOPKINS presented a petition of the Trades and Labor Council of Peru, Ill., praying for the enactment of legislation providing for the construction of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented memorials of sundry organizations of Chicago, Alton, East St. Louis, and Forest Park, all in the State of Illinois, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. ELKINS presented an affidavit to accompany the bill (S. 5324) for the relief of the trustees of the Presbyterian Church of Bunker Hill, W. Va., which was referred to the Committee on Claims.

He also presented a petition of the Maricopa County Commercial Club, of Phoenix, Ariz., praying for the passage of the so-called "Culberson bill," to require railroad companies engaged in interstate commerce to promptly furnish cars and other transportation facilities, and to empower the Interstate Commerce Commission to make rules and regulations with respect thereto, and to further regulate commerce among the several States, which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented a petition of Local Union No. 1, Newspaper Writers' Association, of Boston, Mass., and a petition of Local Union No. 16, International Brotherhood of Bookbinders, of Boston, Mass., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. PROCTOR presented a petition of Local Grange No. 231, Patrons of Husbandry, of Dorset, Vt., praying for the passage of the so-called "parcels-post bill," and also for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KNOX presented a petition of the Maritime Exchange of Philadelphia, Pa., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, which was referred to the Committee on Commerce.

He also presented a petition of the permanent committee on temperance of the General Assembly of the Presbyterian Church of Pittsburg, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Captain Charles V. Gridley Camp, No. 94, Sons of Veterans, of Erie, Pa., praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

He also presented memorials of the faculty of Swarthmore College, Swarthmore; H. Belfield & Co., of Philadelphia; E. Leitenberger, of Philadelphia; J. P. B. Sinkler, of Philadelphia; J. H. D. Allen, of Laverock; D. B. Janney, of Emilie; W. W. Justice, of Germantown; J. A. Harris, of Chestnut Hill, Philadelphia; Dr. G. B. Wood, of Philadelphia; C. E. Gillette, of Philadelphia; E. S. Miller, of Philadelphia; T. C. Potts, of Philadelphia; Rev. Rogers Israel, of Scranton; R. E. Laramy, of Phoenixville; T. H. Morris, of Philadelphia; W. C. Mason, of Philadelphia; M. V. Whelen, of Philadelphia; W. H. Burnett, of Philadelphia; J. P. Morris, of Philadelphia; N. B. Craig, of Philadelphia; Charles Freihofer, of Philadelphia; N. E. Janney, of Philadelphia; E. A. Weimer, of Lebanon; H. P. Bailey, of Philadelphia; H. A. Schulz, of Pittsburg; F. C. Johnson, of Wilkes-Barre; E. E. Jones, of Abington; E. Stewart, of Philadelphia; C. L. Harper, of Philadelphia; Harold Peirce, of Philadelphia; H. M. Fisher, of Jenkintown; D. C. Barrett, of Haverford; C. M. Berger, of Germantown; J. O. Powers, of Philadelphia; J. F. Keator, of Philadelphia; Carter Thompson, of Philadelphia; H. K. Day, of Philadelphia; C. Z. Tyson, of Philadelphia; G. B. Logan, of Pittsburg; F. K. Ployer, of Mechanicsburg; Charles Beck, of Philadelphia; W. D. Lewis, of Philadelphia; W. E. Leeds, of Philadelphia; E. M. Zimmerman, of Philadelphia; P. L. Thompson, of Pittsburg; J. H. Haines, of Philadelphia; E. W. Evans, of Philadelphia; O. T. Mallery, of Philadelphia; Rev. G. H. Ferris, of Philadelphia; J. A. Develin, of Philadelphia; Dr. Samuel Phoads, of Philadelphia; F. R. Cope, jr., of Philadelphia; Herman A. Schultz, of Pittsburg; Stuart Wood, of Philadelphia; Standard Steel Works Company, of Burnham; George Bros., of Pittsburg; William Burnham, of Philadelphia; L. S. Rowe, of Philadelphia; Edgar Dudley Faries, of Philadelphia; Robert D. Jenks, of Philadelphia; M. B. French, of Philadelphia; the Current Events Club, of Holmesburg; S. R. Miller, of Wilkes-Barre; J. F. Hazard, of Philadelphia; Haseltine Smith, of Philadelphia, and W. L. Davis, of Glenshaw, all in the State of Pennsylvania, remonstrating against the enactment of legislation providing for the appointment without competitive examination of additional clerical force for the taking of the Thirteenth Census, which were referred to the Committee on the Census.

He also presented a petition of the National Board of Trade, of Philadelphia, Pa., praying that an appropriation of not less than $50,000,000 per annum be made for inland waterway improvements, which was referred to the Committee on Commerce.

He also presented a petition of Local Grange No. 1233, Patrons of Husbandry, of Hartstown, Pa., praying for the enactment of legislation providing that the motto "In God we trust" be placed on $1 pieces coined by the United States, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Oil City and North East, in the State of Pennsylvania, and of sundry citizens of Baltimore, Md., praying for the enactment of legislation providing for the creation of a volunteer retired list for the survivors of the civil war, which were referred to the Committee on Military Affairs.

He also presented petitions of Clarence White and sundry other citizens of Rushboro; E. C. Tabor and sundry other citizens of Conneautville; J. H. Reese and sundry other citizens of Norristown; D. H. Nodine and sundry other citizens of Cambridge Springs; A. H. Jones and sundry other citizens of South Montrose; the Dublin Dairy Association, Dublin, all in the State of Pennsylvania, praying for the enactment of legislation providing for additional protection to the dairy interests of the country, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Pittsburg Harbor, No. 25, American Association of Masters and Pilots of Steam Vessels, of Pittsburg, Pa., praying for the enactment of legislation for the relief of the survivors of the Mississippi River Ram Fleet and Marine Brigade, which was referred to the Committee on Claims.

He also presented petitions of Iona Grange, East Lemon Grange, Berrysburg Grange, Meiserville Grange, Mayflower Grange, Laurel Hill Grange, Russellville Grange, Glen Hope Grange, East Branch Grange, Summermill Grange, German Grange, Mount Pleasant Grange, Dawson Grange, Tioga Grange, Brokenstraw Grange, West Branch Grange, Donation Grange, New Washington Grange, all of the Patrons of Husbandry; of James Riddle and sundry other citizens of Mahaffey; J. S. Zen and sundry other citizens of Geigers Mills; W. F. Williamson and sundry other citizens of Williamson; F. Livermore and sundry other citizens of Linden; W. B. Hendricks and sundry other citizens of Creamery; E. J. Ackerman and sundry other citizens of Ackermanville, all in the State of Pennsylvania, praying for the enactment of legislation providing for additional protection to the dairy interests of the country, which were referred to the Committee on Agriculture and Forestry.

Mr. TALIAFERRO presented a petition of sundry citizens of Washington County, Fla., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Educational and Cooperative Union of America, of Washington County, Fla., praying for the enactment of legislation to repeal the present national banking laws and to establish in lieu thereof a national currency in the form of Treasury notes, which was referred to the Committee on Finance.

Mr. BULKELEY presented memorials of sundry organizations of Norwich, Ansonia, Meriden, Hartford, Torrington, New Britain, and Stamford, all in the State of Connecticut, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Stamford and Watertown, in the State of Connecticut, remonstrating against the passage of the so-called "Crumpacker bill" providing for the taking of the thirteenth and subsequent decennial censuses, which were referred to the Committee on the Census.

Mr. PENROSE presented a petition of the Philadelphia Rourse, of Philadelphia, Pa., praying for the enactment of legislation to create a retired list for the district superintendents, keepers, and crews of the Life-Saving Service, which was referred to the Committee on Commerce.

He also presented a petition of the National Board of Trade, of Washington, D. C., praying for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Board of Trade of Washington, D. C., praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Board of Trade of Washington, D. C., praying for the enactment of legislation providing for the capitalization, management, and control of associations and labor engaged in commerce among the several States, Territories, and insular possessions of the United States and with foreign nations, which was referred to the Committee on the Judiciary.

He also presented sundry affidavits to accompany the bill (S. 5398) granting an increase of pension to Richard Carr, which were referred to the Committee on Pensions.

Mr. OWEN. I present a concurrent resolution of the legislature of Oklahoma, relative to the withdrawal of certain Choctaw lands from allotment for the purpose of establishing a timber reserve. I move that it be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

THANKS TO SENATOR BEVERIDGE.

Mr. OWEN. I present a concurrent resolution of the legislature of Oklahoma, being a resolution of thanks to Hon. ALBERT J. BEVERIDGE for his work in promoting statehood for Oklahoma. I ask that it may lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Concurrent resolution 3.

Be it resolved by the house of representatives of the first legislature of Oklahoma (the senate concurring therein), representing a million and a half of people of the new State, That we extend to ALBERT J. BEVERIDGE, United States Senator, our heartfelt thanks and sincere appreciation for the noble work rendered as chairman of the Committee on Territories of the United States Senate in securing the passage of the enabling act, thereby making it possible for this great State to be admitted into the American Union: And be it further

Resolved, That the chief clerk be instructed to mail this resolution to Senator ALBERT J. BEVERIDGE, Washington, D. C.

WILLIAM H. MUNCEY,
Speaker of the House of Representatives.
HENRY S. JOHNSTON,
President pro tempore of the Senate.

Attest:
C. H. PITTMAN, *Chief Clerk.*
Attest:
J. I. HOWARD, *Secretary.*

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 37) disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico, reported it without amendment and submitted a report thereon.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 486) to provide for the purchase of a site and the erection of a public building thereon at Victoria, in the State of Texas, reported it without amendment.

Mr. DIXON, from the Committee on Public Lands, to whom was referred the bill (S. 213) for the relief of S. R. Green, reported it without amendment and submitted a report thereon.

Mr. FULTON, from the Committee on Public Lands, to whom was referred the bill (S. 1617) to quiet title to certain land in Donna Ana County, N. Mex., reported it with amendments and submitted a report thereon.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, to report it with amendments, and I submit a report thereon. I submit certain documents which I wish to have printed as a part of the report to accompany the bill.

The VICE-PRESIDENT. The documents submitted by the Senator from Massachusetts will be printed as a part of the report.

Mr. LODGE. All the documents are attached to the report. I merely suggest that they all be printed in one pamphlet as a report.

The VICE-PRESIDENT. It is so ordered, and the bill will be placed on the Calendar.

Mr. HEYBURN, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 14th instant, proposing to appropriate $2,000 for separate State and Territorial maps, prepared, or to be prepared, in the General Land Office, intended to be proposed by him to the legislative, etc., appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 33) to provide a public park on Georgetown Heights, in the District of Columbia, reported it without amendment and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 1392) for the relief of Salvador Costa, reported it with amendments and submitted a report thereon.

Mr. TAYLOR, from the Committee on Indian Affairs, to whom was referred the bill (S. 4801) granting certain lands in the Wind River Reservation, in Wyoming, to the Protestant Episcopal Church, reported it without amendment.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 17th instant, proposing to appropriate $1,373,643, to enable the

Secretary of State to purchase suitable lands and buildings as should comprise and be connected with the consular establishment in China, Japan, and Korea, intended to be proposed to the diplomatic and consular appropriation bill, reported it with amendments and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. OVERMAN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4196) to provide for the enlargement and improvement of the public building at Elgin, Ill., reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4368) to provide for the purchase of a site and the erection of a public building at Wilson, N. C., reported it with an amendment and submitted a report thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 5133) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.," reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 12401) to legalize a bridge across the Mississippi River at Rice, Minn., reported it without amendment.

Mr. BACON, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 17th instant, proposing to appropriate $400,000 for the purchase of suitable buildings and grounds at Paris, France, for the use of the embassy, etc., intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by Mr. MCCUMBER on the 12th instant, intended to be proposed to House bill 15372, known as the "omnibus claims bill," asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 156) to provide for the purchase of a site and the erection of a building thereon at Bellaire, in the State of Ohio, reported it without amendment and submitted a report thereon.

Mr. BURKETT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4248) to increase the limit of cost of the United States post-office building at Kearney, Nebr., reported it with an amendment and submitted a report thereon.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 5492) granting a pension to Emily C. Cummings, which was read twice by its title and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 5493) authorizing the settlement of certain outstanding liabilities of the Government by the issue of new drafts upon the return of drafts heretofore issued representing said liabilities, which was read twice by its title and referred to the Committee on Finance.

He also introduced a bill (S. 5494) granting an increase of pension to Isaac H. Isaacs, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 5495) to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation, which was read twice by its title and referred to the Committee on Interstate Commerce.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5496) granting a pension to Francis Redmond; and

A bill (S. 5497) granting a pension to Frederick Carel (with the accompanying papers).

He also introduced a bill (S. 5498) for the relief of the estate of Charles Ruffner, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 5499) granting an increase of pension to Reuben H. Boyce, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SCOTT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5500) for the relief of William D. Graham (with accompanying papers);

A bill (S. 5501) for the relief of the trustees of the Presbyterian Church at Shepherdstown, W. Va.; and

A bill (S. 5502) for the relief of the Methodist Episcopal Church South, of Muses Bottom, W. Va.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5503) granting an increase of pension to W. A. Stewart (with accompanying papers); and

A bill (S. 5504) granting an increase of pension to James A. Brians (with accompanying papers).

Mr. FRYE introduced a bill (S. 5506) granting an increase of pension to John Murray Murch, which was read twice by its title and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5507) to increase the membership of the Philippine Commission, which was read twice by its title and referred to the Committee on the Philippines.

Mr. KNOX introduced a bill (S. 5508) to establish a system of postal savings banks, and for other purposes, which was read twice by its title.

Mr. KNOX. I desire to say, Mr. President, that this is the postal savings-bank bill favored by officials of the Post-Office Department, and I present it at their request. I move that the bill be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. KNOX introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5509) for the relief of Mary A. Graham;

A bill (S. 5510) for the relief of the owners of the tug *Juno;* and

A bill (S. 5511) for the relief of the trustees of Christ Evangelical Lutheran Church of Gettysburg, Pa.

He also introduced a bill (S. 5512) granting an increase of pension to George Jacobs, which was read twice by its title and referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5513) granting a pension to Emma A. Davis;

A bill (S. 5514) granting a pension to Lena Roedelsheimer; and

A bill (S. 5515) granting an increase of pension to William S. Nail.

Mr. WARNER introduced a bill (S. 5516) providing for the erection of a public building at Independence, Mo., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. OVERMAN introduced a bill (S. 5517) granting an increase of pension to Sophronia Roberts, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MCCREARY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5518) for the relief of the trustees of the Baptist Church of Tateville, Ky.; and

A bill (S. 5519) for the relief of Louis Landram.

He also introduced a bill (S. 5520) to authorize the allotment to J. Morris Cook of his proportionate share in any of the land of the Grande Ronde Reservation, formerly belonging to the Umpqua tribe of Indians, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. BANKHEAD introduced a bill (S. 5521) for the relief of the estate of Mrs. Melissa Gathright, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5522) for the relief of W. R. Hall, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. BOURNE introduced a bill (S. 5523) granting an increase of pension to Lizzie Kapus, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5524) granting an increase of pension to Samuel N. Alford, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 5525) to erect a custom-house and post-office building in the city of South Boston, Va.; and

A bill (S. 5526) for the erection of a public building at Bedford City, Va.

Mr. DEPEW introduced a bill (S. 5527) for the relief of Martha E. Terwilliger, which was read twice by its title and referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 5528) for the relief of Joseph M. Padgett and others, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 5529) granting an increase of pension to Daniel R. Hanwell, which was read twice by its title and referred to the Committee on Pensions.

VAGRANCY IN THE DISTRICT OF COLUMBIA.

Mr. TILLMAN. Mr. President, those of us who are living in Washington, either temporarily or permanently, have been very much startled and undoubtedly made uneasy by the condition of crime disclosed here and the robberies which have occurred in the most public places by day and by night. There is a clamor abroad for a large increase of the police force and all that sort of thing. Twenty-two cases in six months compel our attention.

Thinking over the situation, it has occurred to me that the cause ought to be removed, if it is possible to find it, rather than go to the expense of attempting to prevent such crimes by finding the criminals after the crimes have been committed. I am sure, from my own knowledge of the negro race, that the widespread vagrancy, which is evident here as well as in other cities where the negroes are in large numbers, is the cause of this criminality. There are other reasons, undoubtedly, among them the over education of some negroes, who are made to have higher aspirations than it is possible for them to attain. They become criminals, and rob and steal rather than work. But without dealing with the theories and the philosophy which will undoubtedly be brought out if we go into a discussion, I want to introduce a bill for the purpose of suppressing vagrancy in this District, and I ask that it be read.

The bill (S. 5505) to define and suppress vagrancy within the District of Columbia was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the following-described persons in the District of Columbia are hereby declared to be vagrants:

Idle persons who, not having visible means of support, live without lawful employment; persons wandering abroad and visiting tippling shops or houses of ill fame, or lodging in groceries, outhouses, market places, sheds, barns, or in the open air, and not giving a good account of themselves; persons wandering abroad and begging, or who go about from door to door or place themselves in the streets, highways, passages, or other public places to beg or receive alms.

All persons leading an idle, immoral, or profligate life who have no property to support them and who are able of body to work and do not work, including all able-bodied persons without other visible means of support who shall live in idleness upon the wages or earnings of their mother, wife, or minor child or children.

SEC. 2. That every person in the District of Columbia who shall be convicted of vagrancy under the provisions of this act shall be required to enter into security in a sum not exceeding $500, conditioned upon his good behavior and industry for the period of one year; and if he shall fail to give such security, he shall be committed to the workhouse in the said District for a term not to exceed one year. The security herein mentioned shall be in the nature of a recognizance to the District of Columbia, with a surety or sureties to be approved by the police court of the said District, in which court all prosecutions under this act shall be conducted in the manner now provided by law for the prosecution of offenses against the laws and ordinances of the said District.

Mr. TILLMAN. I want to say further that the body of the bill is taken from the Massachusetts code. There are some slight alterations to suit local conditions, and a little elaboration. I tried to make the net a little more broad to increase its catching qualities.

The VICE-PRESIDENT. The bill will be referred to the Committee on the District of Columbia.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. FRAZIER submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. BULKELEY submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. PENROSE submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were referred to the Committee on Claims and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FRYE submitted an amendment proposing to increase the salary of the assistant clerk to the Committee on Commerce from $1,440 to $1,800, intended to be proposed by him to the legislative, etc., appropriation bill, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. KNOX submitted an amendment proposing to increase the salaries of the superintendent and assistant superintendent of the Senate press gallery, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $75,000 for the improvement of the Missouri River on the Missouri side across from Atchison, Kans., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to increase the salary of the surveyor-general of the Territory of Arizona from $2,000 to $3,000, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—WILLIAM H. THOMAS.

On motion of Mr. WARNER, it was

Ordered, That the papers filed for consideration in connection with the bill (S. 735) granting a pension to William H. Thomas be withdrawn from the files of the Senate, no adverse report having been made thereon.

HOUSE BILLS REFERRED.

H. R. 6195. An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala., was read twice by its title and referred to the Committee on Commerce.

H. R. 13735. An act to correct the military record of Micaiah R. Evans was read twice by its title and referred to the Committee on Military Affairs.

THE UNITED STATES NAVY.

Mr. HALE. Mr. President, I have two very important documents in the way of reports upon naval conditions, which I shall ask, after a brief explanation, to have printed in the RECORD and also to be made Senate documents.

In the January number of a widely circulated magazine appeared a leading article, entitled "The Needs of Our Navy," by Henry Reuterdahl, associate of the United States Naval Institute. The article naturally attracted attention far and wide, not only in this country but throughout all of the world interested in the development and maintenance of great navies. It was a most carefully written and elaborate article. It attacked the Navy Department, the bureaus engaged in the construction of war ships, and in detail assailed the design and construction of the new battle ships, especially those that have been authorized by Congress in the last fifteen years. It dealt sweepingly with almost every important part entering into the design and construction of a great battle ship, the location of the armor belt, the height of the freeboard, the position and height of the guns, the turret ammunition and hoist, and the size and efficacy of turret ports.

The article was so general in its attack and the subject so completely included the design and structure of battle ships that, as I have said, the attention of the country and of the press was at once directed to it, and Congress immediately not only took an interest in the subject, but many Senators and Members, as well as honest, intelligent men outside, were troubled and distressed by the criticism.

Following the appearance of the article and the broad and deep interest in it in Congress and out, and as the conditions and administration of the Navy had been subjects considered here from year to year, I prepared a bill (S. 3335) entitled "A bill to increase the efficiency of the personnel of the Navy and Marine Corps of the United States," and introduced it in the Senate, with some remarks explaining its purpose. When introduced, it naturally attracted the attention of Senators who had been interested in naval matters and other Senators, and I remember distinctly a question asked by the Senator from South Carolina [Mr. TILLMAN], who is a member of the Naval Committee and has taken a great and intelligent interest in every subject touching the Navy. The Senator from South Carolina asked me, I thought fittingly, whether the committee, in the consideration of this bill, would take any course that would shut off an investigation as to conditions in the Navy. He referred to what I may characterize, and every Senator will recognize to what I refer, as the Brownson incident—the difference that had arisen between Admiral Brownson and the President—and he also referred to the article in McClure's Magazine, and asked whether the charges made there with reference to the administration of the Navy, the efficiency of

the bureaus, building ships, and the designs and structure of these vessels would be considered when the committee took up the bill.

The first and cardinal proposition of the bill introduced by me, which is now before the Naval Committee, relates to the administration of the bureaus and the duties which they shall perform; and it involves every question that is raised by the magazine article. It is the intention, I may say, of the committee in conducting this investigation under the terms of the bill which the Senate has sent to the committee, to go into all the questions relating to the work of the bureaus that have built the ships and the result of their work.

The Senator from South Carolina, as I remember, asked if it was a fact, as charged, that we have spent hundreds of millions of dollars upon ships that, when submitted to the test either of war or wave, will be found useless. That the committee should examine into.

Several weeks have passed, and I have frequently been asked, as other members of the committee have, why the committee has not proceeded to the investigation. The reason is contained in the papers which I shall presently bring before the Senate for printing. I learned that the Department, naturally solicitous and disturbed—I perhaps do not use too strong a word—by the charges of lack of efficiency in this great work of the bureaus in designing and building these ships, had set afoot a careful investigation of all the facts. I learned that the action of the Secretary was taken in connection with, perhaps at the suggestion, certainly with the entire approval of the President of the United States.

That investigation, the result of which is found in the papers which I shall present, was conducted by two very eminent officers in the United States Navy. One is Rear-Admiral Converse, known not only in the Navy, but to Congress and to the world as one of the most accomplished and experienced of the older officers of the Navy, who has held its most important places of duty and command at sea and on shore. He has given weeks of careful investigation into all of the conditions surrounding the bureaus and the work of the Navy Department in the design and building of battle ships His report is on my desk, and a little later I shall ask that it be printed as a document and referred to the committee.

In addition to that there is the report of Rear-Admiral Capps, who is at the head of the great Construction Bureau of the Navy Department, that has more to do with the design and construction of all the ships of the Navy than any other, a younger officer of the Navy, but of distinguished service, who, I think, has the confidence of everybody who knows him. I have also his report, and I shall ask, for I shall not consume much further time of the Senate, for the printing of these communications for the use of the committee and Senate. They are prepared at some length, because they cover a very broad ground, and they could not be complete unless the investigation had been most thorough.

I have the less hesitation, Mr. President, in asking not only that these important reports be printed and set before the Senate and Congress and the country, but in asking Senators interested in the very great questions that will come before Congress during *this* session touching the work of the Navy, its extent, its purposes, its mission, and its duties, to examine so far as they can these reports. Especially I ask members of the Naval Committee, who will have to consider the subject, to study them carefully.

I am justified in this, Mr. President, by the fact, which I do not think Senators or the public appreciate, that we have put into the new Navy for its structure and maintenance over twelve hundred million dollars. In the last twelve years, for the construction of ships and their maintenance and the maintaining of the Navy which we have authorized, the American people have put in within ten million dollars of a billion dollars in money—nine hundred and ninety million five hundred and seventy-two thousand and odd dollars.

This immense amount of money, Mr. President, has built up a magnificent Navy. I doubt whether that is fully appreciated. There is great clamor in certain quarters for an immense increase in the Navy, as though we had but a feeble modern or medium-sized Navy. We have to-day, with the ships that are nearing completion, what is held to be on good authority the second best navy in all the world. Examination by our own experts, I may say, discloses this, and the highest British authorities have stated that, as I have said, the American Navy to-day, including the ships which are nearing completion and are now already authorized, makes up the second great navy in efficiency in the entire world, and we are expending each year more than $100,000,000 in building and maintaining the American Navy.

Senators must remember that immense as is the cost of the original battle ship, when the battle ship is finished her large expense begins. The maintaining of the Navy, the manning, the conduct, the exercises, the voyages of these immense fleets amount each year to tens and tens and tens of millions of dollars. It is a part of what we are involved in with every battle ship that we build.

The distinctive question covered by these papers and which will first be considered by the Naval Committee of the Senate is the question whether these are good ships. The criticisms that are rife and that have startled the country and Congress and the world deny this. It will be a part of the business of the Naval Committee, assisted by these papers and the summoning of important officers of the Navy, to settle this question so far as it can one way or the other.

I have faith to believe, Mr. President, that the present system in the Navy, which has carried us through three wars, while perhaps, like everything of human device, not perfect, is the best system practicable and of possible operation. I do not think these ships are perfect. No man can build a house and have it burn down, as has been my fortune in the past, and build a second house that will not be an improvement on the first, although conducted upon the same general plan. The Bureaus that have in charge this great work, to which we have committed them by our appropriations, have made changes in designs, plans, and structures from year to year. But, Mr. President, every other naval power has done the same thing. It would not be good management and good husbandry of the money committed to the Navy Department by Congress if improvements from time to time were not made in the ships, in their class, in their design, in their entire structure. I have given some attention to the subject for a good many years, and I have reported all the naval appropriations for more than thirty years, and taking these ships, small and large, as they come forth from the Department and are submitted to their tests, and are armored and equipped and manned and sent forth to sail the seas, I believe they compare favorably with corresponding ships in any other navy, and that the Department has done its work well, so that to-day we have, I believe, as I hope that the examinations to be made by the Naval Committee will disclose, that we have to-day a magnificent Navy in size, and a Navy of as good ships as corresponding ships built by other naval powers anywhere in the entire world.

The committee, taking these investigations as a basis of the first distinctive part of the bill which I had the honor to introduce, and which is now before the committee, the work of the Bureaus building the ships, will, I hope, make a thorough examination, summon naval officers, summon critics, summon everybody who can throw light; and as soon as it is practicable, considering the magnitude of the subject and the engrossment of many members of the committee in other duties besides that on the Naval Committee, will submit to the Senate the result of its investigations and its report upon the Senate bill which is now before that committee.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Colorado?

Mr. HALE. Certainly.

Mr. TELLER. Before the Senator sits down, I should like to ask him a question.

I notice what the Senator says about the character of our ships. Of course I assume that his attention has been called to the criticisms by quite a competent individual, apparently, of the physical condition of our ships, particularly in some details that he mentions. Does the Senator mean to say that that is an error, and the physical conditions are different, or being as stated, that they are not objectionable? I refer to the article in McClure's Magazine.

Mr. HALE. That is the article I have alluded to and which was undoubtedly the basis of the naval investigation. Of course I must be guided by the facts disclosed in the investigation. I have read a portion of these important documents, and if their conclusions are correct, the criticisms are unfair, are unsupported by the facts, and do not disclose the real condition and efficacy of the battle ships. But that is one of the subjects that the committee has got to go into. That is my impression.

There is one, I may say, curious feature about the criticism to which I have referred and upon which the investigation was set afoot. It discloses a certain familiarity with naval conditions and naval work and naval structure, which apparently could only be possessed by naval officers who are presumed to know, and who do know more about the details and the technicalities of naval construction than any outside person, whether he be a member of the Naval Institute, or a newspaper critic, or whatever he may be. There is a certain familiarity, I repeat, shown in this article, and one of the purposes of the investigation to be conducted—and I think the committee should go into

that also—is to see whether naval officers, and, if so, who they are, have contributed to these criticisms, and whether they are right, and we have got a comparatively useless, though enormously expensive, Navy.

Mr. TELLER. Mr. President, I should like to say just a word on this subject. I think the defects pointed out in this article could be just as easily understood by any intelligent citizen as by a naval officer. The question of whether the magazine, where the powder is stored, is in a position in a ship to be ignited in the ordinary course of the operation of the ship is one that you or I, Mr. President, could tell just as well as the most skillful navigator in the world. Another question, as to whether the armor is too low on the ship and whether it should be higher, seems to me a question of common consideration and common sense. I do not think we want either a skilled engineer or a skilled officer to tell us whether there is danger to a ship with lower armor that does not exist if the armor is higher. I do not think there is any question about those things.

Mr. President, I do not pretend to be an expert in this matter; I never was on board a war vessel in my life; but I do know that, if you have got a condition where a powder magazine is liable, when a gun is fired, to have the fire go into it and blow it up, that is a mistake. Any American with a little common horse sense would know that. The question is, Does that fact exist? I do not know whether it does or does not. That is one of the things which I presume the Department must look into.

Of course I know the difficulty of investigating these questions and coming to a proper conclusion. I know every officer of the Department who has been connected with the Government for the last twenty-five years will stand by what the Government has done, and that if we get any information which amounts to anything, we must call somebody from the outside and use some common sense.

I have had a good deal of pride in the American Navy. I have been pretty liberal in voting for ships ever since I have been in public life, but I confess, Mr. President, that after reading this article I was greatly shocked, at least, and was somewhat worried over the condition which the writer says exists. As the Senator from Maine [Mr. HALE] says, the man who wrote that article shows a very thorough acquaintance with the character of each ship and the distinctive features of each ship of which he attempted to treat.

I do not believe this article can be turned down, Mr. President, by a simple inquiry of a few naval officers as to whether or not they think this is a proper thing to do. Let us compare our Navy with the other navies of the world with reference to these alleged defects. If they are found to exist, let us see if there is not a way to remedy them, which I have no doubt there is, in the construction of the ships, and see to it when we build ships in the future that we do not build them of a defective type.

Mr. HALE. Mr. President, the suggestion which the Senator from Colorado makes is precisely what will constitute the work of the Naval Committee to get at all the facts. As I have said, no better basis to start upon could be had than a broad and faithful examination, first, by the Navy Department itself, to be submitted to the test which the Senator suggests, of good sense, and the application of everyday reasoning and observation as to those ships before any report shall be made. Each of the subjects to which the Senator referred, and all of the others to which I have referred, touching the design and structure of each one of these ships, is fully treated of in these papers, whether correctly, whether arriving at a right conclusion, whether they will stand the test of the examination of the committee it is not for me now to say, but I have no doubt we shall summon officers and experts, and whoever shall be wanted to throw light on these great questions, and it will be valuable for the committee to have these reports.

I present, Mr. President, first, a statement of Rear-Admiral Converse in refutation of alleged defects of the design and construction of certain naval vessels of the United States. I ask that it be printed in the RECORD and also as a Senate document, and be referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. The Senator from Maine presents a statement of Rear-Admiral Converse, which he asks may be printed in the RECORD without reading, and also printed as a Senate document and referred to the Committee on Naval Affairs. Without objection, it is so ordered.

The statement referred to is as follows:

Statement of Rear-Admiral Converse, in refutation of alleged defects in design and construction of certain naval vessels of the United States.

NAVY DEPARTMENT,
Washington, D. C., February 6, 1908.

SIR: In compliance with your verbal instructions, I have the honor to submit the following statement in regard to certain criticisms which have appeared from time to time in the public prints and elsewhere purporting to describe matters connected with the Navy and which, from their character, would seem to have been prepared by persons whose knowledge of the subjects discussed was limited and incorrect. These articles have undoubtedly caused wrong impressions, which a statement of the facts may in a measure correct.

In investigating this matter, recourse has been had to the official records of the Department, to the reports made by officers of our Navy and of foreign services well qualified to pass upon the subjects handled, to professional and other publications of acknowledged authority and high standing, and to other sources also recognized as authoritative.

The records and correspondence bearing upon the designs of our earlier battle ships are voluminous and complete, and it is apparent that the subject was thoroughly considered and discussed during the preparation of the designs of these vessels, and although decided differences of opinion appear, there seems to have been ample justification for the designs which finally received the approval of the Department.

It is not claimed that mistakes have not been made or that our ships are without faults; but in view of the then state of the art of battle-ship building, this fact is not to be wondered at. It is remarkable that the mistakes were so few and that none were really serious. In this respect our record will compare most favorably with that of foreign services.

BATTLE DRILLS.

Battle drill is the exercise or drill of the ships of the fleet individually or collectively for the purpose of training to meet the enemy under the conditions probable or liable to occur in battle. These conditions are varied and numerous, and no human being can foresee or foretell them. The training should, therefore, be along those lines which are deemed most favorable to us for meeting and defeating an enemy under the circumstances upon which we consider that he is likely to make his attacks. To this end our Navy has for some years past, so far as possible with the ships available, endeavored to solve practically problems of attack and defense of our coasts, and in carrying out this policy has worked alone, at other times in cooperation with the Naval War College, which has devised and studied these problems, and still at other times with the Army and Militia. It has been the practice in our Navy in the conduct of fleet and squadron operations to have a special board of officers devise and outline the contemplated scheme, but the carrying out of the details under the general plans has been left to the wisdom and discretion of the Commander in Chief and the commanding officers under him. The following extract from an order of the Secretary of the Navy will give an idea of the instructions and the manner of execution:

"The object of the maneuvers is to gain experience useful in war, and it is therefore desirable that all drills and exercises during the winter shall be carried out under the conditions pertaining to actual war."

Squadron and fleet operations have in accordance with the above quoted instructions been consistently carried out so far as practicable under war conditions. Scouting expeditions were sent to get in touch with the enemy and report his movements to the heavy battle fleet; signal stations were established at prominent headlands and on islands along the coast; torpedo attacks were made by both surface and submarine torpedo vessels; forts were engaged; and at temporary naval bases guns were landed and mounted, mines planted, picket boats kept patrolling, guard ships established for protection of mine fields against attacks by an enemy, and many other details incident to war conditions which are too numerous to attempt to mention.

Drills by divisions (four ships) and squadrons (eight ships) have been carried on whenever ships could be assembled for the purpose; but in a small navy such as ours, with ships required virtually at all times to guard our varied interests in widely scattered parts of the globe, the assembling of the necessary number of ships for drill has been frequently and much hampered. In the spring of 1903 it was practicable, for the first time since the construction of the "new navy," to obtain a squadron of eight battle ships—the least number necessary for properly performing squadron drills—and since then those eight battle ships have been, so far as possible, kept together for drill purposes. In the spring of 1907, by the completion of new vessels, this number was increased to sixteen battle ships, thus completing two squadrons, which when united formed a fleet. It then, for the first time, became possible to hold and carry out fleet tactics, which were begun in July and August last. In September it became necessary, on account of target practice and needed repairs, to separate the ships temporarily and later on to fit them for their voyage to the Pacific coast, upon which they are now engaged.

Before the eight battle ships were available (in the spring of 1903) fleet drills assimilating war conditions were carried on with cruisers, gunboats, torpedo boats, and such other vessels as could be brought together and used, and frequently the necessary number of vessels for conducting operations were obtained by assigning steam launches, by doubling the distance between ships, and supposing vessels in the intervening vacant spaces, and in other similar ways.

Owing to want of similarity in size, speed, handiness, and other tactical qualities of the vessels employed, drills of this nature were most unsatisfactory and productive of little benefit, either in training officers to handle ships or in developing tactics.

In addition to the hundreds of times when ships were drilled at sea and in port in tactics, as shown by the reports of officers engaged therein and by the entries in the log books, the following instances of "battle drills"—that is, drills such as would be useful and perhaps necessary in battle—have been conducted since the summer of 1900:

September, 1900. The North Atlantic fleet, in cooperation with the Army, carried out a series of maneuvers in Narragansett Bay and also submarine-boat operations in conjunction with the fleet.

Summer, 1901. Extensive maneuvers were held in and about the waters of Long Island Sound.

August, 1902. A fleet-search problem assimilating the search for a hostile fleet attempting an attack upon the New England coast was carried out.

August and September, 1902. Combined Army and Navy maneuvers for the attack and defense of the south coast of New England were carried out.

December, 1902. The combined North Atlantic, European, and South Atlantic squadrons carried out search problems for assumed hostile fleets in the vicinity of Culebra.

December, 1902, and January, 1903. The Asiatic fleet, operated in the attack upon, seizure, and defense of Subig Bay, Philippine Islands.

July and August, 1903. The North Atlantic fleet conducted another search problem for a hostile fleet assumed to be operating against the New England coast.

August, 1903. The fleet held joint maneuvers with the Army off Portland, Me.

February and March, 1903. Fleet maneuvers were carried out in the vicinity of Culebra.

June, 1905. Joint Army and Navy maneuvers were held in Chesapeake Bay and Potomac River, the ships attacking and the Army defending.

July, 1905. Atlantic fleet carried out a search problem for a hostile fleet, assumed to be intending an attack along the New England coast.

January, 1906. A fleet-search problem between assumed hostile fleets was conducted in the Atlantic Ocean between Hampton Roads and Culebra.

February, 1906. Another fleet-search problem between assumed hostile fleets was carried out in the Caribbean Sea.

March, 1906. Fleet tactics using tentative tactical signals were carried out in the vicinity of Guantanamo.

July, 1906. Tactical drills were conducted with the fleet operating along the New England coast.

January and February, 1907. The Atlantic fleet conducted fleet tactics in the Caribbean Sea and vicinity, and the Asiatic fleet similar tactics in Far Eastern waters.

July, August, and September, 1907. The Atlantic fleet conducted fleet tactics off the Atlantic coast.

In addition to and not included in the foregoing test of exercises and operations are those conducted during the past several years by the three torpedo flotillas and the submarines, which have acted at times independently of the battle ships and at other times in conjunction therewith. At present there are four torpedo-boat flotillas and two submarine-boat flotillas in service, and it is anticipated that excellent results will be obtained from the exercising and operating of these flotillas under the plans and schemes contemplated.

It may be added in connection with the foregoing partial list of battle drills, that the squadrons of vessels taking part therein were commanded during the various years above referred to by Rear-Admirals Farquhar, Higginson, Sumner, Barker, Evans, Sands, and Sigsbee, all of whom saw active service during the civil war, and the commanding officers under them in almost all cases had similar experience during that war or in the war with Spain. It is only natural that such men as these, having gone through active hostilities themselves, would conduct battle drills with the ships under their command on the practical lines which their own experience and study had taught them. Whether considered of any merit or not by amateur critics in our own country, foreign navies and foreign publications of acknowledged professional standing have not failed to note and pay attention to these exercises.

It has been stated that there is no navy in the world which has had so little battle drill as ours, and that since the Spanish war, in 1898, the American Navy has had only "ten days of actual battle maneuvers—about sixty or eighty hours in nine years." The assertion that no navy in the world has had so little drill as ours is, in view of the actual facts of the case, as above shown, very erroneous and misleading. In regard to the assertion that since 1898 only ten days of actual battle maneuvers have been carried out by the Navy, attention is invited to the foregoing list of principal squadron and fleet exercises since 1900, which were carried out under conditions assimilating, so far as practicable, those to be expected and anticipated to occur in actual war, and were consequently battle maneuvers or drills in all respects, based upon carefully studied plans of what an enemy might attempt and how best such attacks might be met and repulsed. Considering the force available, it was not possible in peace times to have had more effective or realistic battle drills than such as these.

Now, that we have an assured fleet of sixteen battle ships, consisting of two squadrons of eight vessels each, it will be possible to carry out practically, systematically, and continuously schemes of fleet tactics and naval operations; but it is necessary that every effort be made to keep not less than this number of vessels together at all times, if that state of efficiency which our Navy is now rapidly tending toward and which the people of our country have a right to expect is to be maintained and fostered. The personnel of our Navy in ambition and professional knowledge is second to none in the world, and now that the opportunity—heretofore denied us by reason of lack of the requisite number of similar ships—has been reached we should make every possible endeavor to maintain this favorable condition, and in a comparatively short time the results from study, practice, and exercise of our fleet will leave us, perhaps, little to be criticised or desired professionally when compared with other navies.

FREEBOARD OF AMERICAN SHIPS.

Since the designing of our first battle ships of the *Indiana* and *Kearsarge* classes, which, by the way, were more properly considered as coast-line battle ships as distinguished from those of succeeding classes, which were seagoing battle ships, it has been the policy, with increase of speed and length of vessel, to add to the height of the freeboard, until in our latest ships now under construction the forecastle deck has been given a height above a load water line of 25 feet 9½ inches. Some criticism has been made from time to time because our earlier ships were not as high out of the water as some foreign vessels, but this is not a disadvantage so great as might appear or as many have tried to have the public believe. The *Indiana* and *Kearsarge* classes are too low forward for efficient fighting at sea in fairly heavy weather, but the remainder of our battle ships could without doubt give a good account of themselves in a fight at sea in any weather in which it is at all likely for fleets to engage. Our later designs of ships are fully the equal in regard to desirable or effective freeboard as foreign vessels.

In a recent magazine article criticisms were made of our ships with respect to their freeboard, which, in some respects, to say the least, were hardly in accord with the facts. The statements of the heights of the freeboard made in this article so far as regards vessels of our Navy are approximately correct, but the claim made by the author of the article referred to that "all modern battle ships in foreign navies have forward decks from about 22 to 28 feet above the water" is very far from the truth, as the following table, made from the most reliable data obtainable of representative battle ships of the navies named, will show, which gives the freeboard abreast the forward turret:

Name of vessel (class).	Nation.	Number of vessels completed.	Height of forward deck.
			Ft. in.
Dreadnought	Great Britain	1	28 0
King Edward	do	8	17 0
Triumph	do	2	18 0
Duncan	do	5	18 0
Majestic	do	9	20 6
Renown	do	1	18 3
Royal Sovereign	do	7	18 0
Aki	Japan	2	19 0
Kashima	Japan	2	18 6
Mikasa	do	1	18 6
Asahi	do	2	20 0
Republique	France	6	23 6
Jaureguibery	do	1	22 0
Suffren	do	1	23 0
Gaulois	do	3	24 0
Connecticut	United States	5	19 0
Virginia	do	5	18 2
Maine	do	3	18 9
Alabama	do	3	18 6
Kearsarge	do	2	13 3
Iowa	do	1	18 2

Of the above type, ships taken as representative of the British, Japanese, French, and our own navies, it will be noted that but one has a freeboard as high as 28 feet, as stated by the writer of the article, while the vast majority have a freeboard less than the minimum height fixed by this critic. On the whole, it would hardly be claimed, after an examination of this table, that the freeboard of our ships is so woefully short of what it should be or below the standard set by foreign services. It might be added, as a question for serious consideration in connection with the matter of high freeboard and high gun positions, that the Russian battle ships *Borodino, Kniaz Suvaroff, Oslybia,* and *Alexander III,* approximating 27 feet—higher than any of our own ships now in service or any of the type ships shown in the above table (excepting possibly the *Dreadnought*)—capsized or were otherwise sunk in the battle of the Sea of Japan, and this after only a comparatively short fight.

There is but one real justification for very high gun positions and that is to achieve efficiency for fighting in heavy weather at sea, and this single advantage is not only not likely, but is in all probability extremely unlikely to occur. To obtain this very slim advantage—improbable of realization—amateur critics would have us knowingly build our ships with such decreased protection or stability that injuries by shell, admitting water to the hull, may seriously endanger if not actually cause the capsizing of our vessels as in the cases above referred to. The question of high gun positions as against that of moderate height is one worthy of the very gravest consideration. Is it wisdom to adopt the former in the hope of attaining a condition for a lone advantage which may, and in all probability will, never be realized—and even at that time, as in all other times of the life of the ship, be subjected to the greatly overmatching disadvantage of necessarily loss of stability, the one element above all others upon which the safety of a vessel depends?

In discussing freeboard the fact should not be overlooked that it always has been the policy of our Navy to have our vessels always armed better than our possible opponents, and when it becomes a question of choice between lightly armed and armored vessels with comparatively high freeboard and more powerful and heavily armed and armored ships of moderate but sufficient freeboard we have always striven for the latter, and in the instances where our ships have less freeboard it will be found that they, as with the rest of our vessels, more than outweigh this slight disadvantage by the more weighty and telling advantage of armor and armament, which fact will be amply shown from a comparison of our ships and batteries with vessels of other navies of the same date of design.

It may not be amiss while dealing with the subject of gun heights and freeboard to add that the Japanese in their most recently designed ships have, notwithstanding an increase of speed and length of vessels, not raised their gun positions nor the freeboard, which is one of the results gained from their experience from their recent war, and which seems to uphold the good idea of our system of building ships without the excessive heights deemed to be necessary by some critics.

HEIGHT OF GUN POSITIONS.

The following table, compiled from what is considered the most reliable authorities available, gives the height above water at the load water line of the main battery, forecastle, and broadside battery guns of our own ships and those of British and French vessels of the same relative year of laying down:

Vessels.	Nation.	Main battery.	Broadside guns.
1891.		*Ft. in.*	*Ft. in.*
Indiana	United States	17 9	8 guns at 25 0 4 guns at 14 10½
Royal Sovereign	Great Britain	23 0	6 guns at 22 0 4 guns at 14 0
Jaureguibery	France	26 6	8 guns at 25 0 4 guns at 19 0
1893.			
Iowa	United States	25 6½	8 guns at 25 8 4 guns at 14 9
Renown	Great Britain	25 9	6 guns at 10 8 4 guns at 19 3
Bouvet	France	27 6	6 guns at 15 0 2 guns at 21 6
1896.			
Kearsarge	United States	20 2⅛	2 guns at 29 4⅛ 2 guns at 27 11
Alabama	do	26 8⅛	14 guns at 15 2⅜ 10 guns at 15 3 4 guns at 22 11⅜
Magnificent	Great Britain	27 0	8 guns at 14 8 4 guns at 22 3
Gaulois	France	29 0	8 guns at 20 6 2 guns at 28 0
1899.			
Maine	United States	26 10½	12 guns at 15 2½ 4 guns at 23 4½
Duncan	Great Britain	24 6	8 guns at 13 6 4 guns at 21 0
Suffren	France	30 0	6 guns at 23 0 4 guns at 15 0

Vessels.	Nation.	Main battery.	Broadside guns.
		Ft. in.	*Ft. in.*
1901.			
Georgia	United States	25 3½	4 guns at 35 0 4 guns at 25 4 12 guns at 14 8¾
Republique	France	33 7	8 guns at 27 10½ 4 guns at 29 10 2 guns at 19 8 4 guns at 11 7½
1902.			
Swiftsure	Great Britain	20 0 25 0	10 guns at 13 3 4 guns at 21 6
1903.			
Connecticut	United States	26 5	8 guns at 26 6 12 guns at 15 0½
King Edward VII	Great Britain	23 6	10 guns at 12 10
Liberte	France	33 7	4 guns at 27 10½ 2 guns at 29 10 2 guns at 19 8 2 guns at 11 7½
1904.			
Idaho	United States	23 3	8 guns at 23 2 8 guns at 14 7
Lord Nelson	Great Britain	27 0	10 guns at 23 0
1906.			
Michigan	United States	25 5	2 guns at 33 5 2 guns at 25 6 2 guns at 25 5 2 guns at 17 6 10 guns at 21 11 4 guns at 29 5 8 guns at 37 2
Bellerophon	Great Britain		Heights not obtainable, but probably not greater than our vessels of same date.
Danton	France		
1907.			
Delaware	United States	31 4½	2 guns at 39 4½ 2 guns at 32 1½ 4 guns at 24 1¼ 14 guns at 14 4½
St. Vincent	Great Britain		Heights not obtainable, but probably not greater than our vessels of same date.
	France		

In the foregoing the guns on the forecastle are classed under the head of main battery; and under the heading of "broadside guns" the heights of the intermediate battery guns firing on the broadside are given.

From the above table it will be seen that, compared with the British navy, our main battery guns, with the exception of the *Indiana* and *Kearsarge* classes (which were designed and built rather as coastwise than as seagoing ships), are about as high, if not higher, and that our broadside guns are considerably more elevated than in corresponding British ships, and the same may be said with regard to Japanese ships, as they are built almost on British lines.

The data for comparison with vessels of the German navy is not available, but it is hardly probable that the guns of their ships are any higher above the water than corresponding British ships. It will be observed that the heights of guns on French naval vessels are considerably higher than our own or the British. This policy of adopting high gun positions is a practice which the French have carried out for years, but which has not been followed by other nations, excepting the Russians. The wisdom of this practice of high gun positions is open to serious question, and it is quite probable that there are more resultant disadvantages than advantages when engaged in actual fighting and damages permitting the entry of water into the hull have been received, in which case the vitally important element of stability is a matter of the gravest danger in highly built ships, and much less so in those not so high.

After careful examination of the plans and data available, compiled from the most reliable sources, it is found that, with respect to the height of freeboard forward, height of main gun axes, and heights of broadside gun axes, our battle ships, with the exception of the *Indiana* and *Kearsarge* classes, are as high, if not higher, than the British and Japanese battle ships of the same period of design. These heights have been regarded as quite satisfactory by British and American officers of wide experience. We have never deemed it advisable to follow the French idea of great height of freeboard, but in our latest-designed ships, with increased speed, length of hull, and fine water lines, it has been thought wise to add to the freeboard. This, however, does not appear to be the Japanese practice, as in their latest battle ship the *Aki*, of approximately 20,000 tons, they have still held the freeboard forward down to less than that of our *Connecticut* class.

Inasmuch as high freeboards in ships of moderate length involves an enormous increase in weight without corresponding increase in military efficiency, it may be regarded that our practice of the past ten years or more, supported as it has been by that of Great Britain and Japan, with respect to freeboard and height of guns, has been wise and productive of good results. Moreover, the behavior of the Japanese battle ships in the fight of the Sea of Japan should be conclusive testimony as to the stability of such vessels to fight capably under rough weather conditions, were such additional practical evidence necessary. Finally, it may be added that to officers who have commanded our battle ships there seems unanimity of opinion that they can, with the possible exception of the *Indiana* and *Kearsarge* classes, fight their batteries in any sea in which naval actions are at all likely to take place. These opinions of officers who have actually commanded our ships are, it would seem, entitled to greater weight than the critics, among whom the loudest and most bitter have never commanded a ship, and therefore can have little, if any, practical knowledge upon which to base their erroneous criticisms.

TORPEDO-DEFENSE GUNS.

One of the lessons deduced from the Russo-Japanese war was that the 3 and 6 pounder guns, theretofore regarded as a part of a battle ship's defense against torpedo boat attack, were insufficient in power to effectively stop a modern torpedo boat under ordinary circumstances. Furthermore, since the range of the torpedo has recently increased greatly, guns of larger caliber and greater power and longer range have become necessary to prevent torpedo attacks. The 5-inch gun is now considered the smallest caliber effective for this work and has been adopted by us. All our battle ships now carry intermediate batteries of 5-inch or larger caliber, and those vessels still having 3 and 6 pounders on board are to have them replaced by guns of larger caliber as fast as the heavier guns can be provided. In the meanwhile our vessels are by no means unprovided to beat off hostile attacks of torpedo boats, as it is a well-known fact that the intermediate batteries of rapid or quick firing guns carried by our ships are amply able to meet the necessities, and, on the whole, are also more numerous than are carried by battle ships of other navies of approximately the same time of design.

BATTLE-SHIP ARMOR.

The armor of a battle ship is divided into two general classes:

First. That used for the protection of the gun positions.

Second. That used for the protection of the hull.

It may be assumed that the armor for the protection of the guns' positions of the vessels of our Navy is distributed satisfactorily, as the criticisms which have recently appeared have been almost exclusively confined to the distribution of the armor used for the protection of the hull.

The weight which can be devoted to armor protection is limited; and hence it becomes necessary to distribute such armor as is allowed to the best possible advantage.

The object of the hull armor is, generally speaking, twofold:

1. To protect the vitals of the ship—engines, boilers, and ammunition;

2. To preserve the buoyancy and stability of the ship itself.

The above are distinct functions. A shot may penetrate the vitals and disable the machinery or explode a boiler or magazine, thus disabling or destroying the ship, while the buoyancy and stability have sustained little or no damage.

Again, if there is inadequate protection to buoyancy and stability, a number of shots between wind and water may sink the ship bodily or throw so much of the plane of flotation open to the sea that the ship loses stability and capsizes, while the vitals are absolutely unhurt.

For convenience the armor used for protection of the hull may be designated as "belt armor," "side armor," and "protective deck."

The "belt armor" usually consists of a narrow belt (varying in our ships from a minimum of 7′ 6″ to a maximum of 9′ 3″ in width) sufficiently thick to resist penetration by the heaviest projectile, located with reference to the water-line of the ship and extending sufficiently far below the water to preclude all possibility of a shot entering the side or bottom of the vessel, unless, indeed, through an excessive roll or a listing of the ship due to wound or injury received, the side should become exposed below the belt on the raised side.

The "side armor" is thinner than the belt armor, but as thick as the limited weight available will permit, is placed on top of the belt armor and extends to varying heights, generally to the deck above.

The "protective deck" is, as its name implies, an armored watertight deck, completely covering the vitals of the vessel, and is usually at the level of the upper edge of the belt armor, extending flat to the sides in some vessels, and in others having its outer edges curved down to join the side at the lower edge of the belt.

A "cofferdam" several feet high filled with cellulose is built at the junction of the belt and protective deck as a further protection for the preservation of buoyancy and stability.

If the function of the belt armor was simply to prevent a projectile from reaching the vitals of the ship—engines, boilers, and magazines—evidently its position would be fixed wholly by the internal arrangement of the ship, and would be entirely independent of the vessel's draft. Further consideration of this function of the belt may be, therefore, omitted and its functions as a means of preserving the buoyancy and stability of the vessel, the qualities with which we are principally interested, considered.

The piercing of the hull under or below the belt would almost certainly be fatal to the vessel. The compartments here are large, the pressure of the water great, and it would be almost impossible to make use successfully of any appliance to stop the inflow and repair damage. Very probably, also, the projectile entering below the belt armor would meet with little resistance and would penetrate into the central portion of the ship, and if it exploded there, very possibly put the ship completely out of action. On the other hand, even should the upper edge of the belt be at the water line, the entrance of a shell above the belt armor would also be above the protective deck, and so long as the latter remains intact (i. e., not pierced by either the shell itself or by its fragments) no disastrous results would be entailed, as the parts of the hull above the belt and protective deck are subdivided by water-tight and other compartments in comparatively small sections, and the inflow of water into these small compartments detached from one another would be checked by the cellulose cofferdam and by the filled coal bunkers. Furthermore, the amount of water which would enter a vessel through a hole but a few inches above the waterline would not be materially greater than the quantity which would enter through an exactly equal hole two or three feet above that line in the case of a ship moving at speed in a seaway.

In 1895, the late Rear-Admiral Sampson, then Chief of the Bureau of Ordnance, Navy Department, wrote: "There must be a fixed depth of the armor below the water for ships of the same beam which would best fulfill its use, and this depth should always be maintained in action. * * * The depth should be whatever theory and observation may establish." It appears as the results of study and observation that at about this time the depth of armor below the water necessary for the protection of the hulls of our ships was fixed at 4 feet for vessels having approximately 70 feet beam.

The belt varies in width, depending on thickness (as affecting weight), and other considerations, and in our service has been from 7½ to 9½ feet in width. The lower edge of the belt is approximately 4 feet below the designed normal water-line on our earlier vessels and 5 feet on some of the more recent, and the upper edge is from 2½ feet to 4¼ feet above that line.

As the lower edge of the belt armor, in order to achieve the best results, must be a given depth below the water when a vessel is in

action, the question which naturally presented itself was: What would be the probable draft of a vessel when in action? Would it be the vessel's deepest draft? Its lightest draft? Or some intermediate draft?

A board, of which Rear-Admiral J. G. Walker, United States Navy, was president, on May 18, 1896, reported:

"A battle ship's 'normal' draft should be her 'fighting draft'—otherwise the term is inaccurate and misleading—not her maximum draft with all the ammunition, coal, and stores that she can carry, but her draft with a large percentage of these supplies—not less than two-thirds of her full capacity of each on board. And the position of the armor belt should bear its proper relation to this actual load line, not to a fictitious load line seldom realized under service conditions."

The above definition of a vessel's "normal draft" practically obtains to-day, the only exception being in regard to the amount of coal carried. This is somewhat less—and in our service corresponds to foreign practice—thus permitting a more accurate comparison to be made with vessels of other nations, as regards speed, maneuvering qualities, freeboard, height of gun positions, etc. It is with this "normal draft" as a standard that vessels of our Navy have been designed.

It is, however, unfortunately a fact, not only with respect to our own, but with respect to all other naval services, that the actual draft of men-of-war at completion is frequently greater than that for which they were designed, the principal reason for this discrepancy being due to changes of a military character made after the designs have been approved, and sometimes after actual construction has progressed for several years. This was notably the case with respect to the *Indiana* class of vessels, where an additional water-tight bulkhead was added after the unfortunate *Victoria* disaster, and in the *Virginia* and *Connecticut* classes, where radical changes in the turret and battery foundations were necessitated by improvements in the battery which had been developed subsequently to the approval of the design, but before the completion of the building of the vessel. The visible effect of this increased displacement is most apparent in the decrease in the height of the upper edge of the belt armor above the line of flotation of the vessel, this decrease amounting in some cases to 5 or 6 inches, rarely more than 9 inches. This fact, however, does not materially affect the defensive qualities of the vessel.

Much of the criticism which has been made in regard to the distribution of the belt armor of vessels of our Navy seems to be based upon the assumption that vessels will always strive to go into action at their deep-load draft, as is shown by the following quotations:

"To get into action with everything on board possible in the way of ammunition, stores, and coal will be a prime object of all good strategists. Therefore the water line about which the armor should be distributed is not the normal line." (Naval Critic.)

"No ship (battle ship) * * * has yet been planned to have a water-line protection reaching more than 6 inches above the water when she is ready to fight. The condition of our armored cruisers is almost the same." (Civilian Critic.)

Notwithstanding the above assertions, many of the most distinguished and experienced officers of our own and foreign navies still hold the opinion expressed in 1896 by that board of distinguished officers, of which the late Rear-Admiral J. G. Walker was president, that "the fighting draft of a battle ship would not be her maximum draft with all the ammunition, coal, and stores that she can carry * * * and that the position of the armor belt should bear its proper relation to this actual load line—not to a fictitious load line seldom realized in service conditions."

In view, however, of the very marked increase in the rapidity of gun fire since the above was written, it is undoubtedly desirable that a vessel should carry her full, or even an excess, supply of ammunition when in condition for battle, instead of the two-thirds supply, as above stated. This amount of ammunition carried would, of course, tend to increase the displacement and to give greater draft; but at the same time many articles carried in peace times would be sent ashore, as being unnecessary in war time and would largely, if not entirely, compensate for the increased supply of ammunition taken on board, and the final result would very probably be little or no increase of draft, the "normal draft" remaining practically undisturbed.

One of the principal causes of the defeat of the Russian fleet in the battle of Tsushima Straits in May, 1905, is attributed to the fact that the vessels of that fleet were overloaded with coal and stores of all kinds; and it is asserted that his subordinates were unable to understand the great desire which Admiral Rojestvensky always seemed to have to carry immense amounts of coal—his vessels having on board at this battle enough to steam a distance of more than 3,000 miles, while the actual distance required to be traveled was but 900. His ships were similarly overloaded with stores and supplies. This overloaded condition of the Russian fleet, let it be understood, was while passing through the waters and in immediate proximity to the naval bases of a hostile fleet of relatively their own strength, and with the probability of meeting the enemy's fleet in battle so great that it might have been regarded as almost a certainty. On the other hand, it is stated on reliable authority that the Japanese fleet, in anticipation of meeting the Russian fleet, had been completely stripped by removing everything possible in the way of weight (equipment, superfluous stores, etc.), from the vessels, and that they had on board at the time of the battle provisions sufficient to last only ten days. It may be reasonably assumed because of their lightness these vessels were near what we would call their "normal draft." Togo's fleet was in fighting trim; Rojestvensky's fleet was not. The result could easily have been forecast; still the critics of our Navy would have us believe that ships should always, as a preparation for battle, put themselves in the condition of those that met defeat.

The newly organized "battle ship fleet" proceeded to sea for "tactical" drill on August 26, 1907, and continued at sea exercising daily until the afternoon of September 5. An officer noted for his professional attainments and accuracy of judgment, who was detailed especially as an observer upon the drill and upon the behavior of the ships, reported as follows:

"*Armor belt.* There was little or no seaway to judge of its effect in exposing the armor belt of the battle ships. But the combined result of the sea and helm was observed at times to make a difference of 1 to 2 feet in the amount of the belt exposed. The amount of coal in the fleet during these exercises may be considered as normal—that is, the submergence of the armor belt was about the average. In all cases the top of the belt was exposed above the water, and in some cases upon arrival at Rockport the belt was exposed 3 or 4 feet."

This is the height of the armor belt above the water line after the arrival of the ships in port after the drills, even while the majority of them had considerably more than 1,000 tons of coal on board, and one only of the entire number had less than 750 tons, which is shown by an examination of the log books of the various vessels at the time. It may be further stated that with only one exception all the vessels composing the fleet above mentioned began the drills with bunker coal much in excess of their normal supply, several having from 1,500 to 1,800 tons on board, and at Rockport the majority still had from 900 to 1,600 tons remaining—that is, had about or more than one-half their total bunker capacity filled and still available for service—and yet the height of the armor belt above water was as stated above. Evidently, under these conditions, which are said to have been normal, the expectation of having the armor belt above water when the vessels are at their designed "normal draft" and ready for efficient service seems reasonably well borne out in practice.

Again, when this same fleet sailed for the West Indies last winter the ships were so loaded down that the upper edge of their belt armor was near the water line, and similarly when the fleet sailed but a short time ago for the Pacific their draft was even greater than on the other occasion. Both these cases, however, were exceptional, in that the fleet was making a "strategic" move and carried with it everything necessary for its own consumption on the cruise and everything possible in the way of supplies and ammunition for use at its future base, conditions which would not obtain in case of anticipated or imminent fleet action.

Notwithstanding, however, the low position of the top of the main armor belt upon the two occasions above mentioned, which were, as above stated, exceptional and unlikely to occur in the event of hostilities, still the safety of the vessels was in no way jeopardized thereby, as in our ships the protective deck is about on a level with the top of the belt armor. Any projectile striking against that part of the belt armor still above the water line would, in all probability, be either entirely broken up or in any case rendered practically harmless so far as any injury to the protective deck is concerned. Were a projectile, however, to strike underneath the belt armor, it would pierce the thin plating of the ship and perhaps destroy the motive power as well as fatally affect the flotation or stability by the large amount of water rapidly entering the large compartments of the vessel. As the belt is at its maximum depth below the water line, it affords an unusual protection to the bottom of the ship, and therefore there need be little or no apprehension of an injury in that region. On the other hand, a projectile striking above the armor belt, but at the water line, may pierce the ship's side and cause damage by explosion within, but such damage will not extend below the protective deck. The result, aside from the local effect of the explosion, will be that water will flow in, and may, unless checked, fill the smaller compartment to the height of the hole and affect the vessel's stability to that extent. This will be the result whether the top of the armor belt be at the water's edge or 2 or more feet above it. It therefore must be evident that a shell entering below the belt armor is of vital importance, while one entering above the belt, even if submerged, is incomparably less serious. Finally, as weights in the construction of our ships limit the width of the belt armor to from about 7 to 9 feet, it may be considered that about 5 feet below the normal water line would be a desirable distribution for battle conditions. But as submergence of the belt varies at times several feet, we must bear in mind that it is better to have the top of the belt awash or even submerged than to run any risk whatever of getting the bottom of the belt too high—that is, too near the surface of the water.

Referring to statements frequently made in print and otherwise from persons whose information upon the subject is not complete, to the effect that the main armor belt of our ships is habitually submerged or awash, a word in explanation of this error may not be amiss. In some of our ships the main armor belt protecting the magazines, engine, and boiler spaces, the vitals of the ship, extends usually from 2 to 3 feet or more above water when the ship has her ammunition, coal, and stores about in condition for active service; and this belt is, after covering the portion of the ship containing the vitals, narrowed down 15 inches and continued to the bow and to the stern where protection is not so vital. There is reason for believing that in some instances commanding officers have, by filling or emptying the trimming tanks, the shifting of weights, the use of coal exclusively from forward bunkers or other perfectly legitimate means, so trimmed their respective ships that they are down (when loaded) from 1½ to 2 or more feet by the stern. This depression or trimming by the stern, of course, causes a like depression of the after end of the narrowed-down armor belt, and in some instances it may be true that the extreme after end of this belt has been thereby submerged or awash, but a corresponding rise of armor necessarily follows from the extreme stern to the extreme bow. This condition of trimming by the stern is an entirely personal preference of the commanding officer of the individual ship, and may be due to the possibility of the ship steaming or handling easier in squadron; but it is hardly at all probable that she would be trimmed thus in time of war or preparatory to going into action. Even if so trimmed, the main armor belt—that is, the part protecting the vitals (the primary reason for its existence)—would be still well above water, and in no instance would it be submerged.

It is possible that persons unfamiliar with battle ships may take the top of the (usually red) painted water line ("boot-topping"), as representing the upper limit of the armor belt. This, however, can not be taken as a proper guide, as the position of the painted water line is variable, at times being possibly 2 feet or more below the top of the armor belt, and may have no relation or connection with its actual position. It is, therefore, readily seen how easily incorrect ideas of the height of the armor belt above water may be formed if judged from the position of the painted water line.

Those who advocate that the "deep-load draft" is the "fighting draft" claim that the belt armor should be disposed with reference to this water line so far as regards the submergence of its lower edge. As has been stated hereinbefore, the minimum depth to which the belt should extend below the water in order to afford proper protection has been fixed approximately 4 feet for our earliest vessels and 5 feet for the latest. Assume the belt armor to extend 5 feet below the deep-load line. As coal, stores, and ammunition are consumed the depth to which the belt extends below the water is constantly decreasing, and when these stores are reduced to what is considered the normal supply—which condition, in the opinion of many officers, is the proper fighting trim—the lower edge of the belt will be considerably less than 3 feet below the water in many of the ships. The most important part of the vessel (that containing the vitals) is thus left unprotected, and it is gravely proposed by these critics to bring the ship back to its deep-load draft (and thus submerge the belt to its proper depth) by the admission of water to the double bottoms. Were this theory carried out in our large ships of recent design the amount of water necessary to accomplish the results would be approximately 2,000 tons, but the structure of the ship will not permit of so large an amount being admitted to the double bottoms.

If the admission of the required amount of water were possible, it would mean:

a. A loss of the protection which the double-bottom system is primarily designed to give a vessel.

b. An increase of draft amounting in some cases to more than 2 feet.

c. A decrease of speed due to increase in draft and displacement amounting to from a knot to a knot and a half or even more.

d. Decreased handiness of the ship, due to the great draft.

e. A decrease in free board of approximately 2 feet.

f. A decrease in the height of gun positions by approximately 2 feet.

Certainly a vessel whose fighting efficiency has thus been impaired by artificial means is not in condition to meet an enemy who has taken the usual precautions deemed necessary to "prepare and clear his ship for action."

On the other hand, if the belt armor was disposed with reference to the "normal draft" of the ship, its lower edge would then be at least 5 feet below the surface of the water at all drafts between the "normal" and the "deep-load" draft, and it would not be necessary to compensate for the consumption of stores or reduction of weights by any artificial means; the under-water body of the ship would be protected so far as is contemplated by belt armor and the double-bottom system and in this respect always ready for battle. The additional weight of armor necessarily for this disposition of the belt would be approximately 225 tons, which would not under any circumstances increase the draft of the vessel more than 3 inches.

As the object of the belt armor is to prevent projectiles from entering the hull of the vessel at or below the water line, its thickness must necessarily be made to depend upon the quality of the material used. In our early days of battle-ship construction it was found that in order to prevent the penetration of the heaviest projectiles (13-inch) at a distance of 1,000 yards a thickness of 18 inches was necessary in the then state of the art of armor making. As the water itself would offer some resistance to a striking projectile, plates were made thickest at the upper edge and tapered gradually toward the lower. Of course it was necessary to make the belt as narrow as possible to fulfill its essential requirements in vessels of that date on account of the great weight involved. Of necessity the side armor was made thin—in some of the early ships only 4 inches. Improvements in armor making have been constant but gradual, and at the present time, without decreasing the resisting power of the belt armor, it has been possible to gradually reduce its thickness, and the saving in weight has been partially applied to increasing the thickness of the side armor, until at the present time, in our latest-designed ships, the difference in thickness of the belt and side armor is but 1 inch, and it is probable that even that difference will disappear in the near future, so that there will be no distinction between the two. While preserving full protection below the water, equal protection can now be afforded to the hull for a considerable height above. As the protective deck is still retained, it should be apparent to even the most biased critics that the protection thus afforded will compare most favorably with that of the ships of other nations.

TURRET DESIGNS WITH RESPECT TO AMMUNITION HOISTS AND MAGAZINE SAFETY.

Questions concerning the numerous mechanical devices and detail arrangements which go to make up such a complicated machine as a battle ship require considerable knowledge of details before discussions relating thereto can be readily understood by those not technically informed.

This observation applies with more or less force to the subject of turret design and to the criticisms relative to the open shaft direct ammunition hoist system employed in our battle ships as compared with one of the systems used in England and known as the "two-stage hoist," with a second handling room just beneath the turret floor.

The unfortunate accidents which have occurred in four of our turrets have more than ever forcibly called attention to the danger to which a ship's magazine may at times be exposed, and to the precautions usually employed in turret designs, both in this country and abroad, to avoid such a possible disaster. A description of the practice pursued in the turret designs of our own ships and those of foreign ships showing the general arrangement usually adopted will illustrate this point.

AMERICAN DESIGN.

The American turret design with respect to its ammunition supply may be described as of the all around loading direct ammunition hoist type. That is, the guns can be loaded at any position in the arc of their train and while in motion, as distinguishing the type from the former English custom of having to revolve the turrets to a fixed position for loading after each time the guns were fired.

The ammunition is hoisted from what is known as the "handling room" up a central hoist in the vertical axis of the turret and thence directly to the breech of the gun. All the parts connected with this ammunition hoist revolve with the turret.

Around the handling room at the base of the ammunition hoist are grouped the magazine and shell rooms for the storage of ammunition. These magazines and shell rooms are especially constructed compartments kept closed by water-tight doors and fitted with arrangements for flooding, etc. The powder in the magazines is stored in air-tight copper tanks and when required for loading into gun it is removed from the copper tank, passed through a scuttle closed by a flap in the door, and placed on the hoist which carries it direct to the breech of the gun. This general arrangement is shown as Sketch No. 1. To provide additional safety for the magazine a platform has been more recently placed between the turret floor and the handling room below, with an automatic flap steel door, through which passes the ammunition carrier.

ENGLISH TURRETS FOR 12-INCH GUNS.

English battle ships, commencing with the *Dreadnought, Thunderer,* and *Devastation* in 1869 up to the *Colossus* class of 1886, carried muzzle-loading guns, and that turret system has now become obsolete. Commencing with the *Colossus* class of 1886 the first of the breech-loading guns were mounted in turrets controlled by hydraulic power. The guns were loaded by training the turret to a fixed loading position, so as to bring the breech of the gun over an ammunition hoist working within a shaft or trunk built into the structure of the ship and independent of the revolving parts of the turret. The ammunition was supplied in carriers which traveled from the handling room on the magazine and shell-room deck direct to the breech of the gun. This same general arrangement was used on the English battle ships *Camperdown, Anson, Howe, Rodney, Collingwood, Nile, Trafalgar, Royal Sovereign, Royal Oak, Ramilles, Revolution, Repulse, Empress of India, Hood, Barfleur* (reconstructed 1903), *Centurion* (reconstructed 1903), and *Revenge,* which ships were built between 1895 and 1896. (See fig. 2.)

By this time the method of loading guns adopted in this country and France as a standard type for turrets was recognized by the English as possessing many advantages. The English "fixed" loading positions not only took a great deal of time to train their guns for loading, but also gave indication to the enemy when the guns were out of action and exposed a side view of them to the enemy's fire.

The criticisms against the English "fixed" loading position brought forth the design shown in sketch No. 3, which may be regarded as the second stage in the evolution of the modern English turret. In this design the natural conservative spirit is shown in the retention of the fixed loading position, while at the same time it was supplemented by a central ammunition tube revolving with the turret and through which the cordite could be hoisted from the magazine handling room direct through the turret floor. A number of explosive shells were carried in the turret and a number of charges of cordite were stored in pockets in the turret floor. By this means a limited number of rounds could be fired at any point in the arc of train and cordite could be supplied through the central loading tube when the supply required replenishing. Also when the supply of shell in the turret was exhausted, it was necessary to train to the old "fixed" loading position to replenish it. It will be seen at a glance that this was a compromise, but it is interesting as showing the process of evolution by which the "fixed" loading position was finally abandoned. This design of turret was placed in only a limited number of ships (seven) of the *Majestic* class built between 1895 and 1898 and included the *Magnificent, Mars, Hannibal, Jupiter, Victoria,* and *Prince George.* (Fig. 3.)

The next step is shown in figure 4, which was placed in five vessels of the *Canopus* class, the *Cæsar, Illustrious, Ocean,* and *Goliath,* built between 1897 and 1900. This design abandoned the "fixed" loading position and in a natural mechanical evolution attached the upper part of the "fixed" loading hoist to the revolving part of the turret, and used this portion of the hoist in connection with the central tube hoist. This resulted in what was called a "relay chamber" or a "working room" beneath the turret platform, where the ammunition was transferred from the lower hoist to the upper hoist. This arrangement has also recently been designated as "the two-stage hoist." In these ships it did not prove entirely satisfactory, due to hand loading and detail arrangements.

The next mechanical development toward simplicity would naturally result in a combination of the upper and lower hoists into one single hoist, and this we actually find to be the case, as shown in figure 5, which was installed in the English battle ships *Glory* and *Albion,* built in 1901, and in several foreign ships built by Armstrong & Co. This design shows the ammunition hoist inclosed in a trunk leading from the handling room abreast the magazine direct to the breech of the gun. This design of turret is characterized by a writer in a recent number of the Naval and Military Record as "the cleverest piece of workmanship and design that had yet been seen in naval turrets, but the two ships as a whole were never a success." The ammunition was a long time going up the long hoist and nothing was gained, as expected.

The next design was installed in the English ships *Centurion, Barfleur,* and *Renown* in 1903. It was a return to the *Canopus* type of 1900, with a relay chamber beneath the gun, making the two-stage hoist. Steam and electricity were introduced as part of the motive power.

Following these vessels came the nine vessels of the *Formidable* class, completed between 1902 and 1904. These also had the *Canopus* type of turret, with a 4° loading position, supplemented by a 1° hand-loading position and a chain-folding rammer.

The four vessels of the *Prince of Wales* class, 1902–1904, had a similar type of turret, but a further improvement was made by the introduction of a rammer that embodied loading to take place at any angle of elevation as well as at any angle of train.

In 1904 the *Triumph* and *Swiftsure* were completed in England. Their 10-inch turret mounts had central ammunition supply from the handling room direct to breech of gun. The design is similar in all important respects to that of the American turret design, except that the guns can be loaded at any angle of elevation.

The eight vessels of the *King Edward VII* class of 1905–6 and subsequent vessels have 12-inch turrets of the *Canopus* type of 1900, with improvements in details, some having a chain rammer enabling the guns to be loaded at any angle of elevation as well as at any angle of train. This has become the standard type of the English 12-inch turret mount and is shown in figure 6.

ENGLISH TURRETS FOR 9.2-INCH GUNS AND LESS.

The turrets for all English guns less than 12-inch, such as 9.2-inch, 7.5-inch, and 6-inch guns, differ materially from the turret designs described above. With these guns the English employ an ammunition hoist running from the shell room or handling room abreast the magazine direct to the turret.

The first 9.2-inch turrets of this general character were installed on the *Powerful* and *Terrible* in 1898. The shells were carried in bins underneath the floor of the turntable. "The cordite was supplied by means of a central trunk, which revolved with the turntable."

The *Cressy, Aboukir, Good Hope, Leviathan,* and *Drake,* of 1903–4, carried two single 9.2-inch guns on Armstrong mounts. A "shell carrier was provided as in the *Powerful*" and "hoists provided means of replenishing the shell bins, when necessary, and cordite was supplied by a central hoist direct to the gun from the magazine."

The *Hogue, King Alfred, Bacchante, Eurydus,* and *Sutlej,* 1902–3, had mounts built by Vickers and were practically the same as the *Cressy* class above. It is illustrated in figure 7, where is shown the manner of conveying the powder direct to the turret through a central revolving tube, the projectiles store under the turret floor, and the independent shell hoist for renewing the supply.

The ten ships of the *Lancaster* class, 1903–4, had 6-inch twin-turret mounts with electric control. "A traveling bay underneath the floor of the turntable carried 150 projectiles and the supply of cordite was by a dredger hoist working direct from the magazine."

The six vessels of the *Devonshire* class, 1904–5, carry four single 7.5-inch turrets. "The shell is carried in bins underneath the turntable floor, and cordite is supplied by hydraulically worked central tube." "Vertical tubes outside the turret for sending up additional shells direct from the shell room."

The six vessels of the *Duke of Edinburgh* class, 1905–1908, carry six single 9.2-inch turrets and four single 7.5-inch turrets. They are similar turrets to the above, as shown in figure 7.* This is the general standard type of mount (*Hogue* type of 1902) in the English navy on board both battle ships and cruisers for guns of this caliber.

FRENCH TURRET DESIGN.

The turret mounting for heavy guns in the French navy is very similar to that of the American design. In general the turret is carried on a truncated cone revolving on a pivot in the handling room, or the turret may be supported on roller bearings beneath the barbette.

* Not printed in RECORD.

The ammunition is hoisted through this central cone or tube from the magazine compartment direct to the gun in the turret similar to the arrangement employed by us. A typical French design for heavy guns is shown in figure 8.[a] In turrets for smaller caliber guns the arrangements are somewhat different, and the Naval Annual of 1901 states that the English 9.2-inch turret (*Hogue* type) is practically the same mount as used in the French navy for many years.

In other cases the smaller turrets have a ready ammunition supply in a relay chamber beneath the gun supplied by a central hoist. The ammunition is passed by hand hoist through scuttles in the turret floor to load the gun.

Some of the more modern French turrets instead of having the ammunition go direct to the breech of the gun, as shown in the sketch, have it delivered direct from the handling room to the turret at the side of the gun, from which position it is carried around the gun to rear and loaded by hand. Mr. Canet, the eminent French ordnance officer, stated in a recent lecture:

"The typical English practice, as regards ammunition hoists, is to make them in two sections, the lower to bring the ammunition from the magazine to a relay chamber, where it is taken upward again to the gun by another hoist. This system allows of a more rapid firing, as there is a large supply of ammunition under the gun; besides, there is less danger in the case of a shell bursting in the turret. Hence it appears better than the use of a single hoist direct from the magazine, as is the custom in French battle ships. * * * The turrets for the ships now building will embody all the improvements I have noticed above, such as relay chambers loading in any position and duplicate sights so that the rate of fire may be raised to two rounds per minute."

In some of the secondary turrets the base of the hoist is completely unmasked, going down into the handling room at quite a distance from the magazine, very much like our own system. In some modern cases the ammunition hoist for other guns is undefended at the base, although going directly in the middle of the magazine. It is customary in the French service to carry a few rounds of ammunition in the turret. This was also formerly a practice in some classes of English ships, but it appears that the present custom of the English is to carry shells only in the turrets or underneath the turret floor.

TURRET DESIGNS OF OTHER COUNTRIES.

In ship construction and design of naval vessels nearly all secondary powers have followed the practice of the English or French, in which countries most of their ships have been built. The Japanese have, in general, followed the English, and the Russians have followed both the English and the French. The latest English design of Vickers turret mounting is almost an exact duplicate of the American design of turret, having direct one stage ammunition hoist, spring return, with electric power throughout for handling and control. (See figure 9, from Engineering, March 22, 1907.)

SUMMARY.

Reviewing the practice of the different naval powers in respect to the design of turrets and the method of supplying ammunition it will be seen that the differences are not radical departures from any general idea, but refer principally to the detail mechanical arrangements. In all there exists an armored revolving gun platform to which ammunition is conveyed from the powder magazine and shell room on the lowest deck directly beneath the guns. Hydraulic, steam, pneumatic, electric, or hand power may be used to perform the various operations connected with serving the gun. Partitions, doors, and flaps separate the magazine from the turret over the route of the powder in its passage to the gun.

In this last respect the difference which has recently attracted most attention is that between the direct open-shaft ammunition hoist of the American turret and the two-stage closed-shaft hoist of the English 12-inch turret with their safety arrangements.

Taking the practice in the English navy, we find there are two standard types of turret mounts; one with a two-stage hoist and the other with a direct hoist.

The two-stage hoist is applied to about 56 turrets on battle ships mounting 12-inch guns.

The direct hoist is applied to 8 turrets on battle ships mounting 12-inch guns, and to 18 turrets mounting 9.2-inch guns, and to about 136 turrets on armored cruisers mounting 9.2-inch guns or less; that is, a total in the British navy of 162 turrets flitted with direct, as against 56 fitted with the two-stage hoist.

In all other navies the direct hoist is most frequently installed.

In regard to the safety of the magazine, it would appear from this practice that the question of a one or two stage hoist is immaterial. Safety more directly depends upon the number and security of door protection, or flaps, and the isolation of the powder in transit.

The English adopted their two-stage hoist because they found by practical experience it gave greater rapidity of loading, and the question of safety did not enter into the discussion at the time of its adoption. In both types of English turrets the safety devices would appear to be equally effective whether with a broken hoist or direct hoist. To insure equal rapidity the broken hoist requires more charges of powder to be en route between magazine and gun, and in case of accident the confined space of the relay chamber and inclosed trunk would cause the powder to burn with greater violence than with more open arrangements. The closed trunk of the direct hoist would also confine the gases more, and requires the doors and flaps to be effective. The English practice of carrying a large number of explosive shell within the turret has not heretofore been adopted in this country, nor that of carrying an emergency or ready supply of powder within the turret floor or relay chamber as practiced in some designs of foreign ships.

After an examination of the designs of turrets in foreign navies, it can not be said that the practice abroad in general is any safer than that in this country, and if the great majority of foreign turrets were to be subjected to four such severe ordeals as ours have passed through it is difficult to say that they would have fared any better or even as well.

There remains no question, however, but that effective screens should be interposed to isolate the powder charge after passing out of the magazine, and whether we adopt the more complicated two-stage English hoist to gain rapidity or adhere to the simpler direct hoist of American design, it is independent of the question of safety devices which can be made equally effective for both.

AMMUNITION HOISTS.

Of each of the battle ships of the Navy now in commission and building it is known that at the time of their design the ammunition hoists were fully able to supply more than the quantity of ammunition then considered necessary for the most effective use of the guns under battle conditions.

Within the past few years the rapidity of gun fire has undergone a most surprising increase, and in consequence in some of our ships the ammunition hoists are, by reason of their earlier design, unequal to the demands now required to supply the guns under the conditions laid down for conducting our present system of target practice, which may be considered in the main as theoretical and misleading and not in the least likely to be met with in war. The apparent deficiency in the supply by the present hoists as shown under target-practice conditions would, however, not be by any means so great in battle as is apparently considered by some of the critics, as it is extremely doubtful if in actual fighting as much ammunition would be required or could be used as is now the case under present target-practice firing. As an instance of the very marked change in times in seconds between fires of the various calibers of guns which were considered good and effective firing by the Department between the years 1897 and 1903, when compared with the rapidity of fire as shown by the same calibers of guns in the record target practice held during the year 1907, the following table may be interesting:

Department's instruction relative to target practice, July 22, 1897—Time between fires.

	Seconds.
13-inch B. L. R.	320
12-inch B. L. R.	300
10-inch B. L. R.	240
8-inch B. L. R.	120
6-inch B. L. R.	90
5-inch B. L. R.	70
4-inch B. L. R.	60
6-inch R. F.	40
5-inch R. F.	25
4-inch R. F.	20
6-pounder	12
3-pounder	10

Results obtained at record target practice, 1907—Time between fires.

	Seconds.
13-inch (*Alabama* class)	40
13-inch (*Indiana* class)	51
12-inch (*Maine* class)	45
12-inch (*Iowa* class)	51
8-inch (*Colorado* class)	24
8-inch (*Kearsarge* class)	30
8-inch (*Indiana* class)	32
8-inch (*Iowa* class)	33
6-inch 50 calibers	7.9
6-inch 40 calibers	8.2
5-inch 40 calibers	5.5
3-inch 50 calibers	4.8
6-pounder semiautomatic	3.9
6-pounder rapid-fire	5.2
3-pounder	5

From the above table it will be easily seen that ammunition hoists fully capable of meeting all demands anticipated at the time of their design a few years since may not now be capable, nor could they reasonably be expected to be capable, of supplying the largely increased demand (an increase of from five to eight fold) made upon them by the surprising development of rapidity of gun fire. It is expected that recently designed and coming designs of hoists will fully meet present demands, but it is quite probable that the development of the next few years may render designs now equal to all demands liable to the same faults the critics observe in our earlier designs—that is, unequal to meet a future unknown increased requirement. In some of the ships necessary changes have already been made to bring the hoists up to the present requirements, and it is hoped, as circumstances permit vessels to be withdrawn temporarily from service, the remaining hoists may be changed to meet the increased demands.

IN AND OUT TURNING SCREWS.

Until 1895 it had been the practice in our Navy to build all twin-screw ships with out-turning screws, notwithstanding the fact that other navies, noticeably the British, had for some time been designing vessels with in-turning screws. Experiments were carried out, and after much research, the conclusion was reached that the in-turning screws gave a slight gain in speed without loss in maneuvering qualities, so long as the vessels were under way; but with no way on, the in-turning were not quite so efficient as out-turning screws. The arrangement of the machinery in vessels fitted with in-turning screws, however, was considered more desirable. The advantages were supposed to be somewhat in favor of the in-turning, and in 1895 they were adopted for some of our vessels. Since then there have been constructed seven battle ships, eight armored cruisers, six cruisers, two gunboats, twelve torpedo-boat destroyers, seven torpedo boats, and four monitors, having in-turning screws.

After considerable trial and further experiment with the vessels built with in-turning screws, it was decided that their supposed advantages did not compensate for the disadvantage of maneuvering when in squadron and under certain other circumstances, and the Department on April 15, 1903, decided to design all future vessels with out-turning screws; and, furthermore, to change from in to out turning screws all vessels then building, provided the condition of the work on the vessels under construction permitted this to be done without excessive cost. All of our vessels designed since April, 1903, have out-turning screws.

THE "KEARSARGE" AND "KENTUCKY."

The act of Congress of March 2, 1895, authorized the construction of two "seagoing coast-line battle ships," subsequently named the *Kearsarge* and *Kentucky*. These ships were to be larger and more powerful than any of their predecessors, the *Indiana*, *Massachusetts*, *Oregon*, and *Iowa*.

The records of the Department show that during the preparation of the plans for these vessels the opinions of many officers of high professional standing were sought on the various military and other features involved, and it is believed that the designs at the time of their approval, twelve years ago, embodied as far as practicable all the improvements and best ideas relative to battle ships then known.

Among other new features introduced into these two ships was an improved method of controlling the recoil of the heavy 13-inch turret guns. In previous vessels this recoil has been checked by two hydraulic cylinders located under the gun. This system had not given satisfaction. A new type of carriage was designed having four recoil cylinders—two on top and two below the gun—but the center of oscillation of the gun itself was necessarily changed, so that the distance between it and the side of the turret was about 14 inches greater than before. This change necessitated a somewhat larger port opening, in or-

der that full elevation and depression might be given the guns. In all cases it had been customary to provide for a clearance of 1 inch on either side and above and below the gun and its port when the former was at extreme elevation or depression.

At the time of the design of the *Kearsarge* the port area was known to be slightly greater than that of previous ships, and was fully considered and recognized as a disadvantage, but was thought to be more than compensated for by the advantages derived from the new type of mount and also by the knowledge that a chance shell entering the port and damaging a recoil cylinder would not, as in all previous turret mounts, put the gun out of action, as the remaining two or three recoil cylinders would still be sufficient to push the gun back into the firing position, which is not the case in prior battle ships, where the gun might be completely disabled by a small fragment of shell or, perhaps, even by a shock rupturing one or more of the several hydraulic or steam pipes operating the gun.

For the reasons above stated, in addition to others, the best opinion inclined to the view that the turrets of the *Kearsarge* and *Kentucky* were, notwithstanding the increased areas of their ports, much more reliable and effective for heavy gun service than those of any of their predecessors. This view is fully borne out by the twelve years of excellent service performed by these guns, and they are still efficient weapons.

It has been stated that "the openings above and below the guns in the turrets of these ships are 10 feet square." If this were the case, the exposed area would be 100 square feet. As a matter of fact, it is by actual measurement 9.12 square feet.

The accompanying sketch,[a] drawn to scale, shows the outside face of the 13-inch turret gun ports of the *Indiana, Iowa, Kearsarge,* and *Alabama* classes of battle ships and represents the actual appearance of the turret ports with the gun's level, the hatched portion being the section of the gun at the outer face of the port. It will be seen that the relative sizes of the areas exposed to hostile shot do not differ so greatly in varying types of ships as some critics would have the public believe. In the case of the *Iowa* the guns are 12-inch instead of 13-inch and the range of elevation is only 13° instead of 15°, as in the other types, which accounts for her turret openings being smaller than the others shown in the drawings.

The chances that even one heavy shell would enter the space above the port in action are very remote indeed; but the phenomenal advance made during the past few years in rapidity and accuracy of fire of the intermediate and secondary batteries of warships has accentuated the recognized importance of reducing the port area to a minimum, and of providing a suitable protection. Steps were taken to accomplish this result in 1903; and all vessels completed since the beginning of 1904 (except four cruisers of the *Colorado* class, having 8-inch guns) have been fitted with shutters or shields as shown in the sketches following pages 65 and 66. Similar protection is to be fitted to the older vessels when circumstances permit of their being withdrawn from service sufficiently long to enable the change to be completed.

As has been previously stated, there was probably more discussion over the preliminary designs for battle ships Nos. 5 and 6 (*Kearsarge* and *Kentucky*) than over any others which have been built for our Navy. The general questions of the battery, armor, speed, etc., were fully discussed. The proposition to use superposed turrets was novel, and the views of many officers were sought. The relative merits of the 12-inch and 13-inch guns were duly considered, and the caliber of the intermediate battery was fixed at 5 inches, because that was considered the largest that could use "fixed" ammunition, then deemed essential to any gun deserving the name of "rapid fire." Whether these 5-inch guns should be mounted in pairs in small turrets, or be boxed in, or simply separated from one another by splinter bulkheads, was fully argued, and conclusions reached only after mature deliberation.

It is worthy of note that at the time these vessels were built our Navy was still using brown powder in its heavy guns, and on account of the residue left after firing it was necessary to sponge out the bore of the gun after each round. Accordingly the Chief of the Bureau of Ordnance stated that the rate of fire of the batteries of these vessels would be as follows:

13-inch guns, one shot every 300 seconds;
8-inch guns, one shot every 120 seconds;
5-inch guns, one shot every 20 seconds.

The guns and mounts were designed to meet these requirements.

At the recent target practice the maximum rate of fire for the guns of the *Kearsarge* was given as follows:

13-inch guns, one shot every 35.5 seconds;
8-inch guns, one shot every 22.9 seconds;
5-inch guns, one shot every 4.24 seconds.

The adoption of smokeless powder did away with the necessity for sponging out the guns after firing, as it left no residue in the bore, and hence it became possible to greatly increase the rapidity of fire. This powder also gave increased velocity and consequently greater range and penetration to the projectiles, and by the adoption of new sights increased accuracy of fire has been obtained; but the guns being shorter than those of more recent construction, are much less powerful. While the offensive powers of these vessels have been greatly improved, the defensive qualities still remain the same as when the ships were designed, nor can they well be changed until the vessels are withdrawn from active service for a general overhauling and remodeling.

It is claimed that these vessels are "not fit for service in battle line against really modern vessels." No one would claim that these ships could engage in battle on terms of equality with the most modern battle ships, as they are inferior in size, armor, and armament to the latest vessels of our own and foreign navies, and to assert otherwise would be tantamount to denying that there had been any progress made in the art of battle-ship building for twelve years. No commander would hesitate to take these vessels into a fleet action, and it can not for a moment be believed but that, with their heavy battery of 13 and 8 inch guns and good armor protection, they would give an excellent account of themselves, not only against ships of about their own date of design, but also against any other vessel falling within the range of their guns. They are good and effective ships, but we do not claim they are as efficient as more recent vessels.

GENERAL NOTES.

Criticisms have been frequently made of the fact that a few of our large vessels are not fitted with automobile torpedoes, and at the present time it is recognized that the absence of these torpedoes is somewhat of a disadvantage. At the time of the design of the large vessels which are not fitted with torpedoes the question of the advisability of giving them a torpedo outfit received careful and thorough discussion and consideration, and the outfit was omitted for what were deemed very good and sufficient reasons. At the time these vessels were designed (from about 1900 to 1902) the torpedo had an effective range of about 1,000 to 1,200 yards, and as it was not expected that hostile ships would engage in action within that distance the torpedo became a weapon of secondary importance, and it was not thought that the installation of this comparatively secondary weapon in large vessels would longer justify the assignment of the necessary space, which could be used to so much more effective military purpose otherwise. As late as 1905 a most distinguished admiral of the British navy, writing of the use of the torpedo during the naval operations of the campaign of 1904 in the war between Japan and Russia, stated: "It is not too much to say that experience of the late campaign, confirming as it does the arguments of students of tactics in these days of long-range guns, justifies a demand that torpedoes should be withdrawn from the armament of cruisers and battle ships."

Since our large cruisers and battle ships not fitted with torpedoes were designed the effective range of the torpedo has undergone a great increase, and it is now claimed to be efficient up to 4,000 yards. This improvement has rendered them again, as in former days, a weapon to be reckoned with and consequently we readopted them, and all our large vessels designed since this improvement carry torpedoes, as do also all of the other vessels originally so designed wherever it has been practicable to so rearrange their underwater space as to enable the tubes and accessories to be installed.

It may be stated that our policy of temporarily abandoning the torpedo for battle ships and armored cruisers when it failed to keep pace with what was considered battle range for guns and again taking it up when improvements made it once more a useful and effective weapon within the battle ranges was not different from the policy pursued by foreign navies.

Referring to some of the criticisms recently appearing in print, it may be stated in general terms that in our Navy sighting hoods were put on turrets because no other practicable way of pointing the guns effectively existed. No criticism, however, seems to have been made by the critics of the fact that all other navies with turreted ships follow the same system and for the same reason as ourselves.

The test of battle only will decide a suitable type of conning tower. As experience is gained the towers of our ships are modified, so far as possible, to meet the conditions required, and towers for ships building are designed in accordance with the latest reliable data. Changes of form, etc., have not been adopted simply because some foreign designers have evolved a novelty, but because it was not apparent that they were sufficiently superior to our own to justify such change until it had been demonstrated by actual test that they possessed merit. But we have never hesitated to adopt an idea that promised increased efficiency.

It is not advisable to adopt as fulfilling service requirements ideas evolved solely from the results of target practice, as such may be in many respects misleading. Ships fight in the open, rolling sea, at fast and varying speeds, constantly changing ranges, with always some pitching or rolling motion, and requiring for efficient sighting a large field of view for the gun pointer, much of whose light is shut off by reason of his protected position behind armor, and who fires at a target the speed and direction of which may be also constantly changing; whereas at target practice it is the invariable custom to choose a smooth sea, ideal weather conditions, the firing ship moves at a fixed speed, and fires at a stationary target generally at a known range; only one ship fires at a time, and be it remembered, with no shots striking or coming toward the firing ship to disconcert or excite the men pointing the guns. Battle conditions (that is, conditions under which we are likely to fight) should be the criterion and not the ideal conditions selected for target practice.

It is noted that in one of the criticisms recently made in a printed article the author refers, in condemning the heights of our broadside batteries, to the disadvantage these guns would work under in an engagement where the enemy is to windward, and states that the leeward position is to be sought inasmuch as the ship so situated is clear of her own smoke. The "weather gauge" was a primary advantage in the days of sailing ships, and its advantage over the lee is greater to-day than this critic seems to think. It is doubtful if any captain would select the leeward position, and particularly so if there was any sea running, as most probably would be the case. Modern gunpowder gives out little or no smoke, and therefore the great advantage claimed by the critic above referred to fails; but, instead, the leeward ship has the greater and more important disadvantage of the smoke from his antagonist's funnels and of flying spray and moisture obscuring the glass of the telescope, which will seriously interfere with the aiming and firing of the guns. The question of the direction of the sun is also one of much importance, and if it is a case of choice of windward position with the sun at his back or leeward position with the sun in his face, there is little doubt but that the critic above referred to would change his views. Practical experience is the best of all teachers, and it requires this as well as study to discuss professional matters; otherwise in advocating a small and perhaps unimportant advantage sight may be lost of the several more weighty and overmatching disadvantages.

The question of the selection of an efficient or satisfactory range finder is one that we have been struggling with for years, and the fact of its not having been developed is due not to any lack of human effort or ingenuity. Other nations have experienced the same difficulty. Our ships are now supplied with the best range finder thus far known. The main difficulty lies in the physical impracticability, at the present stage of human knowledge, of being able to measure trigonometrically a distance of several miles from the necessary short base line possible to be had on board the measuring ship. Many of the greatest minds of the world have been engaged on this problem for years, but unfortunately with no great success up to the present day.

To the claim that we have no means of handling a fleet in a fog, it may be said that at the present stage of human knowledge it will always be a difficult problem to properly handle a fleet in a fog, and in this respect our Navy does not differ from others. We are possibly neither behind nor ahead of other nations in this respect. When nature permits us to see through a fog or science develops a means of penetrating its cloud we can hope to overcome this difficulty, but until then we will, like all other human beings, be compelled to struggle with the problem.

The international regulations for preventing collisions at sea which have been enacted by Congress into law require that the steam whistle or siren shall be so placed that its sound will not be intercepted by any obstruction, and consequently our steam whistles and

[a] Not printed in RECORD.

sirens, in compliance with this law, are placed forward of the smoke pipes. While it might be undoubtedly more convenient and less trying upon the hearing of the officer of the deck if the whistle were placed abaft the smokestack, yet so long as the law remains as at present we can not place the whistle where its sound will be obstructed.

In a recently published magazine article severe criticisms were made regarding accidents (the dates of which were specifically stated) which have happened in the turrets of three of our battle ships, and it was claimed that notwithstanding these accidents—prior unfortunate experiences, and of the recommendations and reports of various officers thereon—nothing was done to remedy the defects complained of. It is inconceivable that a person would jeopardize his reputation for veracity by making such specific statements upon matters of the character referred to without verifying his data or satisfying himself as to the reliability and trustworthiness of the source from which his information was obtained.

The official records of the Department amply and clearly disprove the statements made as to nothing having been done to remedy the defects alleged to exist in our direct-loading ammunition hoists, as prior to the unfortunate accident on board the *Missouri* in April, 1904, both the Bureaus of Ordnance and Construction and Repair had endeavored to obtain a satisfactory form of shutter doors designed to close the opening in the turret floors after the passage of the ammunition cars to the guns. A design developed at the Washington Navy-Yard in March and April of 1904 was authorized to be constructed with a view to its application to the turrets of the *Virginia* class of battle ships then under construction, as well as to all other vessels as far as practicable. Before, however, this shutter, which was attached to the ammunition hoist rails, was completed, a satisfactory shutter attached to the turret itself was perfected and has since been applied in all turrets.

As early as January, 1904, the Bureau of Ordnance took up the matter of the design of a two-stage ammunition hoist with a company well known as manufacturers of ordnance and ordnance material, in connection with a model subsequently exhibited by them at the World's Fair, St. Louis. Every effort was made to put an ammunition hoist of this type in the U. S. S. *New Hampshire*, and contracts were actually made in August, 1905. It was found, however, that the design was too heavy, involving a total increase in structural weight of the turrets of more than 150 tons, and that it could not be installed without greatly exceeding the weights allowed for ordnance outfit.

Modifications of this type of hoist were subsequently made by which its weight was greatly reduced, and the adoption of this hoist, or a hoist of similar nature, was determined upon by the board of construction prior to the accident on the *Georgia*. The report of the special turret board simply confirmed the action of the Board of Construction, but was not received until months after the type of turret above referred to had been decided upon, and did not therefore cause the adoption of the turret as has been claimed by the incorrectly informed persons alluded to.

It is needless to add that all criticisms made from time to time concerning any detail of our ships which have reached the Board of Construction have received its careful attention and consideration. Whether the criticism was important and well based or whether it was, as the majority have proved to be, lacking in merit, no difference was made in taking them up, for all have been carefully weighed. When the conditions and circumstances seemed to merit action by the board such has been invariably taken.

To criticise is human nature, and men interested in a subject or its development are generally much given to making suggestions or criticisms regarding changes which, in their opinions, would be improvements. Particularly is this the case where little or no responsibility lies with the critic, and perhaps more so even when one has a professional interest in the subject under consideration. To the person, however, charged with the responsibility of the adoption of the changes suggested by the critics, and particularly so where such changes may seriously affect the public welfare and involve the expenditure of large sums of Government money, it is only natural that he, having this great responsibility, should require that the advantages claimed for the alterations be satisfactorily proved before the time, labor, and money necessary to carry out the suggested ideas are expended This very proper requirement is in many cases resented by critics, some of whom are prone to publish their grievances because of the not immediate acceptance of their ideas, and to claim that inventions and improvements are not adopted as they should be—that those in authority are too conservative, and to make various other allegations.

If such critics were to investigate they might find that in many cases their own ideas were not entirely original; that perhaps others had been working along the same or similar lines and had perhaps evolved a more completed project, or even, perhaps, that experiment had proved their schemes not suitable for naval purposes. It is this question of investigating and demonstrating the usefulness of an invention, suggested change, or alteration before adoption and before authorizing the expenditure of large sums of public money which protects the Government, but at the same time affords the critic, who has no responsibility toward the country, the opportunity so many avail themselves of—to criticise unfavorably and perhaps unjustly the person upon whom the direct responsibility for the protection of the interests of the Government really lies, and who, in so far as the Navy is concerned and about whom I feel qualified to speak, are faithful to their trust.

In concluding this report, which has been made after a thorough consideration of the defects known, as well as claimed, to exist in the battle ships of our Navy, and using the most reliable and authentic data obtainable, the following facts may be regarded as established:

Battle drills.—In recent years our Navy has paid much attention to war drills and exercises, and the tendency has been to continue to increase and widen our experience in this respect. These drills have been, however, necessarily carried out with the limited number of ships available, which, unfortunately, did not make a homogeneous fleet; but now, with sixteen practically similar battle ships in commission, we hope to gain great advantages from the continuation of the battle-fleet drills begun with those ships last year as soon as the fleet could be withdrawn from the Jamestown Exposition.

Freeboard of our ships.—Examination of the plans and other reliable data concerning our own and foreign ships of the same date of design shows clearly that in the matter of freeboard we compare, with the exception of the *Indiana* and *Kentucky* classes, the first-built battle ships of the Navy, most favorably. With reference to the British and Japanese battle ships, which have given good results under service conditions, our vessels have, in the main, more freeboard, and in the instances where they exceed us, it is only by such few inches as may be, for any practical advantages, ignored.

Height of gun positions.—Here again, excepting the *Indiana* and *Kentucky* classes, our ships carry their forward turret guns generally as high or even higher above water than similar ships of the British and Japanese navies, and in the heights above water of guns firing on the broadside we are noticeably in the lead. Everything considered, our gun heights are amply sufficient to meet the necessities of battle, second to those of no other nation in effectiveness, and can be used efficiently in any sea fighting in which naval actions are at all likely to take place.

Armor.—A comparison of the height of armor belts of our ships with those of foreign ships of same date and design shows that, in general, our armor belt is somewhat higher above water, and, furthermore, that the armor of our ships is usually thicker and fully as well distributed, both above as well as below the water line. In the matter of the main armor belt, about which much criticism has appeared, when our ships are brought into actual combat we have nothing to fear from any alleged superiority of foreign vessels of the same date of design.

Turret designs. The turret designs of our ships are in the main very similar to those of the French and to the great majority of ships of the British and Japanese navies. The general arrangement of the magazine about a handling room into which the ammunition hoist leads, is also similar in all navies. The dangers which we, and others, have principally to contend with are those of liability to flare back at the breech of the gun and the accidental ignition of grains of powder. The remedy is twofold: By preventing the escape of all gas from the breech of the gun into the turret; and, second, by the interposition of partitions or screens fitted with doors and flaps along the route of the powder charges from the handling rooms to the gun, by which means the flame from the burning grains would be prevented from coming in contact with the powder in transit. Devices to accomplish both of these results have been installed in our ships. The advantages of the two-stage ammunition hoist in the matter of safety are not manifest, nor have they been fully established over the straight-lead hoist which we have heretofore used in our service. We are in our latest-designed ships installing the two-stage hoist, primarily because it affords a more rapid supply of ammunition to the guns, but its adoption as our future standard has not yet been decided upon.

Supply of ammunition.—It may be stated with certainty that no navy has as yet ammunition hoists capable of supplying ammunition to the guns at the rate called for by our modern target-practice conditions; nor will the guns, in all probability, in action require ammunition at those rates. Our hoists are not inferior to those of foreign ships, and with the changes to be made or already made in them will meet all the necessities of our ships.

In and out turning screws.—We built some vessels with in-turning screws because of their supposed advantages and because also foreign navies with larger experience were doing the same. We ceased building such vessels when we had satisfied ourselves that the advantages were supposed rather than real.

The Kearsarge and Kentucky.—The exposed openings of the gun ports of these vessels are recognized as being larger than desirable. The two ships, however, are efficient and serviceable vessels and are in no sense of the word the failures some persons have alleged. The enlarged port area was a necessity due to improvement in the efficiency of the gun mounts and was but a small factor of disadvantage when compared with the several advantages which made the guns of those two ships superior as weapons of war to any which we had theretofore constructed. These two ships were, however, designed more than twelve years ago and do not, of course, embody all the improvements of up-to-date ships, and on this account it is the intention to give them a general overhauling as soon as the funds are available.

Torpedoes.—At the present time our supply of torpedoes is less than it should be. This fault, however, is due to the inability of our manufacturers to build them and not to any lack of effort upon the part of the Navy to procure a sufficiency. It is hoped in the near future this present difficulty may be overcome. The output of torpedoes will be materially increased by the torpedo factory now building at the naval station, Newport, R. I., and which will soon be in full operation.

Gun sights and range finders.—In these respects our ships are in no manner second to those of other navies.

Finally.—Our ships are not inferior to those in foreign services. We have made compromises in our designs of battle ships, because it is impossible to construct a perfect battle ship; such compromises have, perhaps, detracted from the desired perfect ship in some respect, but at the same time have made it possible to improve upon some other existing disadvantages, and, on the whole, the compromises, each and all, have tended toward a nearer approach to the desired perfect finality. Other nations have labored and will, like ourselves, continue to labor under this same difficulty in endeavoring to approach as near as possible to that impossibility—a perfect battle ship. In making compromises in the building of our ships, I am satisfied that in every instance all concerned in the work have acted honestly and patriotically and only with the desire to produce the best ship possible. The result has been in each case, ship by ship and year by year, an improvement upon all that have preceded, and no ship has been built by us inferior to those of any nation designed at the same time.

The quality of the matériel of our Navy is inferior to none; in quantity of vessels alone are we lacking. With an increase in number of ships, the American Navy will have been supplied the only feature necessary to make it second to none in all that tends toward fighting efficiency, and when the stress of actual combat, if such should ever unfortunately come, brings the only really practical test our country need have no misgivings or fear but that our battle ships will give an excellent account of themselves and prove themselves all that we have designed them for and know them to be.

Very respectfully,

G. A. CONVERSE,
Rear Admiral, United States Navy (Retired).

The SECRETARY OF THE NAVY.

Mr. HALE. I also present a report concerning certain alleged defects in naval vessels of the United States, prepared by Rear-Admiral Washington Lee Capps, Chief Constructor of the United States Navy and Chief of the Bureau of Construction and Repair. I ask that this also may be inserted in the RECORD, printed as a Senate document, and referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

The report referred to is as follows:

Report concerning certain alleged defects in vessels of the United States Navy, by Washington Lee Capps, Chief Constructor United States Navy and Chief of Bureau of Construction and Repair.

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., February 14, 1908.

SIR: In conformity with the Department's instructions to prepare data with respect to height of freeboard, gun height, water-line armor distribution, and other features of the design of typical battle ships of the United States and the most important foreign navies, so far as such data might be available, with a view to definitely and conclusively refuting the many misstatements which have recently appeared in the public press, and especially the misstatements contained in a recent magazine article, I beg to submit the following report:

The preparation of data with respect to vessels of the United States Navy is, of course, not difficult, although its presentation in a form which would readily meet the needs of the Department required much time and labor. The preparation of reasonably accurate data of a similar character with respect to foreign battle ships involved much greater difficulty; but the chief constructor has fully availed himself of the resources of the Department in obtaining such data and has had examined all the most important special reports on such subjects, including reports of naval officers who have recently made tours of inspection in foreign countries, reports on file in the office of naval intelligence based upon the reports of naval attachés, official parliamentary and other documents which give statistics of foreign naval vessels, and the principal British and French professional publications which deal with naval matters; he has also utilized the personal knowledge and professional notes of various members of the corps of naval constructors who have been educated at the Royal Naval College, Greenwich, England; the École d'Application du Genie Maritime, Paris, France, and the University of Glasgow, Glasgow, Scotland, these officers having kept more or less in direct touch with professional developments in those countries. Although it can not be claimed that the data with respect to foreign battle ships is *wholly* accurate, it can be stated with entire assurance that it is the most accurate obtainable without having access to actual official drawings and specifications.

It is noteworthy, however, that in the case of several foreign ships unusually reliable official data was available; also that in the case of those battle ships of the Japanese fleet which took part in the battle of the Sea of Japan there was at hand accurate data, which had previously been printed in English scientific publications, as well as very complete descriptions, with detailed data, prepared by the director of naval construction of the Japanese navy and published in the proceedings of a scientific society of Japan, and subsequently translated and republished in one of the most important English engineering publications. It is therefore evident that comparison between American battle ships and such Japanese battle ships as existed at the time of the Russo-Japanese war can be made accurately, and that comparison with certain other foreign battle ships can also be made with an unusual degree of accuracy.

In order that the Department might have complete information in a convenient form the following tabular statements and plans have been prepared and are made a part of this report:

I. Tabular statement giving principal characteristics of typical foreign battle ships.

II. Comparative table of gun heights, etc., of typical modern battle ships.

III. Tabular statement of heights of upper edge of main water-line belt armor above trial or designed load water line for typical foreign and United States battle ships.

IV. Length, width, and thickness of water-line armor and upper side belt armor for United States battle ships.

V. Tabular statement of principal characteristics of Russian and Japanese ships which took part in the battle of the Straits of Tsushima, otherwise called "battle of Sea of Japan."

VI. Tabular statement of heights of turret and broadside gun axes above designed load water line for United States battle ships and armored cruisers.

VII. Cross sections of typical battle ships of the United States and foreign navies, showing breadth and thickness of main water-line belt; also depth of submersion of lower edge of main-armor belt below the designed water line; also height of top of main-armor belt above designed load water line; also designed load displacement and coal carried on designed load displacement; also height of freeboard and height of broadside gun axes.

VIII. Profiles and cross sections of typical battle ships of the United States Navy, giving distribution of armor, heights of gun axes, etc. (Sheets 1 to 14.)

IX. Profiles and cross sections of typical foreign battle ships, giving distribution of armor, heights of gun axes, etc. (Sheets 1 to 15.)

X. Booklet of profiles of United States battle ships, showing development of side-armor protection.

Among the various foreign publications, special reports, etc., consulted were the following:

Parliamentary papers and other published official documents relating to foreign ships.
Special reports.
Photographs of foreign ships.
Transactions of the Institution of Naval Architects.
Bulletin de L'Association Technique Maritime.
Other foreign technical society publications.
Engineer (London).
Engineering (London).
Naval and Military Record (London).
Nautical Gazette.
Armee at Marine.
Le Yacht.
Brassey's Naval Annual.
Naval Pocket Book (Clowes).
Jane's All the World's Fighting Ships.
Les Flottes de Combat.

After reading some of the sensational comments which have recently been made concerning certain features of battle-ship design, one would be justified in believing that such features were novelties whose consideration had not heretofore been thought of, or else that the questions involved were so complex as to have confused and misled the responsible designers of the United States Navy as well as those of the principal foreign navies.

It would also appear that ill-informed representatives of a would-be new school of design deemed it necessary to invite special attention to professional subjects, which, as a matter of fact, had already received most serious consideration by officers of thorough professional training and experience as subordinate officers and commanders of naval vessels or fleets. That the large majority of the alleged defects in our naval vessels do not exist in fact will be conclusively shown in the following pages; but before entering upon any argument which involves the use of the data contained in the previously enumerated plans and tabular statements, and before entering upon any categorical refutation of the many misstatements of fact contained in the magazine article already alluded to, it is deemed necessary to define with accuracy the conventional phrases used by naval designers in distinguishing between "light displacement," "load displacement," and "deep-load displacement," for it is doubtless the *confusion* of these terms by the non-expert that has been responsible for so much of the silly and misleading criticism which has had such vogue in the secular and semitechnical press and, I regret deeply to add, among some of the less well-informed officers of the United States Navy.

"*Light displacement*" in all navies is a term which describes the condition of the ship when complete in all respects—with armor, armament, machinery, equipment, etc., on board, but *without* coal, water, ammunition, or stores of any kind, or personnel.

"*Designed load displacement*" in the United States Navy, as well as in foreign navies, corresponds to our more familiar designation of "trial" or "normal" displacement and indicates the condition of the vessel when it is complete in all respects, as in the "light" condition, and, in addition, has on board the personnel and all outfit, a certain proportion of ammunition and all consumable stores, and an arbitrarily determined quantity of coal in the bunkers, also water in boilers at steaming level, and, in the case of battle ships, about 100 tons of fresh water in tanks and double bottoms. In the United States Navy this condition provides for *two-thirds of all ammunition* and *consumable stores* being on board, and since the design of the *Kearsarge* class (more than twelve years ago) the quantity of coal in the bunkers, on the designed load displacement, has been from 800 to 1,000 tons, except in the case of the 17-knot battle ships *Idaho* and *Mississippi*. An examination of the quantity of coal in the bunkers of typical foreign ships under similar conditions indicates that there were from *700* to *950 tons* of *coal* in the bunkers *on the designed load displacement*. In this connection it is interesting to note that the "designed load displacement of the *Dreadnought* provided for only 900 tons of coal in the bunkers, although the bunker capacity was 2,700 tons. The published accounts indicate that the actual load draft of that vessel was considerably more than 1 foot greater, with the 900 tons of coal on board, than was provided for in the design.

"*Deep load displacement*" in our own and foreign navies is a term which indicates the displacement of the vessel fully completed, ready for sea, with *all* stores, ammunition, coal, etc., on board, and is a condition which, of course, only obtains when the vessel has been freshly provisioned, coaled, etc. It also includes not only the full supply of potable water, but a substantial amount of reserve fresh water for the boilers, etc. It is obvious, therefore, that there are many weights on board at such a time which could be quickly disposed of and the ship lightened to that extent should the necessity therefor arise, even though the enemy should be met with shortly after leaving port.

Inasmuch as some arbitrary plane of reference is absolutely essential in determining such important features as water-line protection, height of freeboard, etc., the *water line* at *designed load displacement* is the arbitrary plane of reference naturally selected. It would be obviously improper to consider such important features as "freeboard," "water-line armor protection," etc., as being governed by the draft of the vessel at "*light*" displacement. It would be almost equally improper to consider that such qualities should be governed by the draft of the vessel at "*deep-load*" displacement. By common consent, therefore, all designers in all countries of which the chief constructor has knowledge base such essential requirements of the vessel as the "freeboard," "water-line armor distribution," etc., upon the draft at the *designed load displacement*, this displacement being one which may reasonably be regarded as representing the minimum displacement at which battle ships will *begin* an engagement. The distribution of water-line armor, freeboard, height of gun axes, etc., are, however, such that even should a vessel be compelled to engage in battle shortly after being provisioned and coaled, the protection of the vital portions of the vessel and the ability to fight the guns under all ordinary conditions of weather would be as thoroughly assured as possible for the particular type of design in question.

The consideration of freeboard, gun height, water-line armor distribution, etc., is now and always has been a matter of the gravest concern to naval designers and naval officers who are, in any responsible way, connected with naval design. The transactions of scientific societies and reports of boards of officers of the United States Navy and foreign navies afford ample evidence of the truth of the foregoing statement, and definite reference will be made to some of the more important of these documents later on in this report.

It is unquestionably true, and a fact never disputed so far as I am aware, that in many instances, in all navies, battle ships, as completed, have a somewhat greater draft of water than that provided for in the original design, this excess draft being mainly due, not to errors of calculation or design, but largely to extra weights involved in "changes" and other weights added subsequent to the approval of the design, and for which the designers were not responsible. The changes are, in the large majority of cases, desirable, inasmuch as they increase the military efficiency of the vessel, and, as a rule, are the result of unusual developments in ordnance or other naval matériel subsequent to the completion of the design of the vessel. Such changes are, however, only justifiable when they make a definite addition to the *military* value of the vessel, and those charged with the actual responsibility of completing the vessel as nearly as possible in accordance with the original design have very *great difficulty* in *limiting* such *changes* to those which will give a *definite increase* to the *military efficiency* of the *vessel* when *completed*. That the excess draft, for which the designer is in no sense primarily responsible, and which he often has great difficulty in controlling within reasonable limits, does not often gravely affect the freeboard of the vessel or effective distribution of the water-line armor, may be readily understood when it is stated that the excess draft, in the case of battle ships forming the present Atlantic battle-ship fleet, amounts to as much as 11 inches in the case of *one ship only*, and in the majority of the vessels of the fleet averages 7½ inches and under. To dwell longer upon this phase of the question would seem needless.

While definite knowledge of the meaning of the various terms used for indicating the *displacement* of battle ships would appear to leave no possible ground for error in comparing the qualities of different battle ships of different navies, the confusion of such terms is apparently responsible for the perpetration of many of the extraordinary

blunders which have been made by self-satisfied critics in their criticism of vessels of the United States Navy. In fact, so far as may be judged from the statements of such ill-informed writers, it appears that the draft, displacement, free board, etc., of foreign vessels at *designed load displacement* have been compared with similar characteristics of United States vessels at *deep-load displacement. As the variation* between the *"designed load"* and *"deep load"* displacement of the larger battle ships designed in the last seven or eight years is *more than 2 feet*, the unfairness and grave error involved in any such comparison should be quite obvious to anyone who has once been advised as to the real facts. There appear to be those, however (and I am compelled to believe that some of them are officers of the naval service, who ought to know better), who either will not or can not appreciate the absolute unfairness—to use no harsher expression—of comparing vessels of different countries under dissimilar conditions of displacement. Moreover, in the consideration of all such questions as freeboard, height of gun axes, distribution of water-line armor, etc., it should be borne clearly in mind that, broadly speaking, there are two distinct and radically different "schools of naval design," each of which has had from time to time a substantial following among naval officers and naval designers. What may be termed the American and British school of designers has held to a moderate freeboard and moderate height of main-gun axes, thus obtaining a very substantial increase of defensive and offensive powers by reason of the saving of weight resulting therefrom. The Japanese have closely followed the American and British school or design. As a matter of fact, the Japanese battle ships which took part in the battle of the Sea of Japan were built in England, and *very closely* followed the British school of design. On the other hand, the French school has heretofore inclined, with few exceptions, to high freeboard, great height of gun axes, and a very considerable water-line armor protection, but has been compelled to accept serious sacrifices consequent thereupon.

A complete exposition of the characteristics and merits of the two schools of design would be entirely too involved to present in a report of this kind; but, in brief, it may be stated that the forward freeboard and height of main battery in French ships is, in general, one deck height greater than the freeboard and height of forward main battery on vessels of the British, American, and Japanese ships. Such an excessive freeboard and elevation of the forward main battery involves serious disadvantages, among them being greatly increased target area; serious diminution in the armor protection of the hull structure supporting the main battery emplacements; serious decrease of stability of the vessel under damaged conditions.

Of course the designed height of freeboard forward on any given type of battle ship is necessarily dependent upon the prospective maximum speed, the location of the heavy weights with respect to the extremities, and the length of the vessel; so that a freeboard which would be quite sufficient at moderate speed for a full-lined vessel of 400 or 450 feet in length, with a normal distribution of weights, would be by no means sufficient at high speed for a much longer vessel with fine water lines and, comparatively speaking, a concentration of heavy weights nearer the extremities of the vessel. Concerning this, however, more will appear later on when disposing in detail of certain recent very inaccurate allegations concerning naval vessels.

In considering the general questions of height of freeboard, height of main gun axes, etc., for battle ships of dimensions, displacement, and speed corresponding in a general way to those of battle ships of the United States Atlantic fleet, also the best location of the water-line belt and other armor for same, and the very inaccurate and misleading statements which have appeared in relation thereto, the Chief Constructor begs to invite special attention to a most notable discussion which took place in London about nineteen years ago with respect to these very matters. The writer of this report, who was then on special duty in London, had the good fortune to attend all of the meetings at which this public discussion took place and to this day can vividly recall the impressions made upon him by the various speakers. The majority of the gentlemen who participated in this discussion were seagoing officers of the British navy and were thoroughly representative of the very best elements in that navy. They were men whose names were household words in Great Britain, and a perusal of some of the comments made by these officers will fully convince any impartial judge that all the seagoing and military qualities of the *Royal Sovereign* class were given the most serious and careful consideration by the most experienced seagoing officers of the British navy at that time.

In referring at length to the designs and the discussion upon the designs of the *Royal Sovereign*, it seems hardly necessary to dwell upon the fact that in Great Britain, for many years, everything connected with the development of the navy has been considered of the most vital importance, in view of the popular conviction that the navy is the right arm of the national defense and, in time of war, would really be responsible for the life of the nation. British naval designs and the opinions of officers of the British navy in relation thereto are therefore entitled to the most serious consideration in determining what is the most desirable type of battle ship; and while British designers and British naval officers are quite as liable to error as those of other countries, the vitally essential character and the size of the British navy are such as to entitle it to marked consideration in comparing the relative merits of battle ships of foreign navies.

The meeting and discussion above referred to took place in London in April, 1889, at a time when British naval matériel and the action of the British Admiralty in relation thereto were being severely criticised. Designs of battle ships prepared and presented for general criticism under such conditions would naturally receive unusual consideration. Moreover, in order that the situation with respect to responsibility for battle-ship designs may be fully appreciated, it may be stated that the board of admiralty had complete and undisputed responsibility in such matters and two-thirds of its membership was composed of specially selected naval officers, the naval membership at that time being as follows:

Admiral Sir Arthur William Acland Hood.
Admiral Sir Richard Vesey Hamilton.
Rear-Admiral John Ommanney Hopkins.
Rear-Admiral Charles Frederick Hotham.

This unusually strong and representative board of admiralty, desiring to develop a design of battle ship which would fully embody the ideas of the seagoing element and effectively dispose of such adverse criticism as had previously been made concerning battle-ship design, instructed the director of naval construction, Mr. (now Sir) William H. White, to prepare tentative designs which would represent certain special characteristics which were then in favor among different groups of naval officers. These sketch designs, when completed, were thoroughly discussed by the board of admiralty, which also invited comments from distinguished officers of the British navy who had recently returned to shore duty after a period of command afloat. After mature deliberation two designs were selected, one of them being what was then described as a "high-freeboard" barbette vessel and the other a "low-freeboard" turret vessel. The high-freeboard barbette vessel was the *Royal Sovereign*, and it was this type which received the unqualified commendation of the board of admiralty and its additional advisers of the naval service.

In view of the extensive criticism which had previously been made, the director of naval construction sought and obtained permission from the Admiralty to prepare a complete description, with outline plans, of the high-freeboard barbette battle ships and the comparatively low freeboard turret battle ships, for publication in the proceedings of the Institution of Naval Architects and for discussion at the subsequent meeting of that society. This paper of Sir William White's also contained tabular data and outline plans of certain battle ships previously designed for the British Admiralty, also comparison with some of the latest foreign designs. Especial attention was invited to the fact that the forward freeboard of the barbette battle ship of the *Royal Sovereign* class was very considerably higher than that of the *Nile* and *Trafalgar* and *Camperdown* classes, which were the immediate predecessors of the *Royal Sovereign* type in the British navy.

As previously noted, this paper of Sir William White's was discussed at the spring meeting of the Institution of Naval Architects in 1889, and the discussion was participated in by the most prominent British naval officers then in London, as well as by prominent naval architects, among them being two former directors of naval construction, Sir Nathaniel Barnaby and Sir Edward Reed. Among those, other than naval architects, who took part in the discussion, and extracts from whose remarks will hereafter be given, were Lord Armstrong, founder of the celebrated gun factory and shipyard near Newcastle on Tyne, and the following distinguished naval officers: Admiral Sir Houston Stewart, who, during a period of ten years, was controller of the British navy, an office which had under its jurisdiction the entire British naval material; Admiral-of-the-Fleet Sir Geoffrey Phipps Hornby, who was at that time principal naval aid-de-camp to the Sovereign and an officer of the greatest distinction, who had held some of the most important commands in the British service, both afloat and ashore; Admiral (at that time captain) Sir G. H. U Noel, an officer who has long been recognized as an authority in all matters pertaining to the development of the fleet and who has only recently returned from command of the British Asiatic fleet; Admiral (then captain) Right Hon. Lord Charles Beresford, who is at present in command of one of the most powerful fleets of battle ships in the world, and whose reputation is too well known to require further comment; also Admiral Lord Clanwilliam, Admiral P. H. Colomb, Captain (afterwards admiral) Long, and other officers of distinction. As previously noted, the Board of Admiralty, which originally passed upon the various general designs prepared by Sir William White, and selected that which was subsequently adopted for the *Royal Sovereign* class, included Admiral Sir Arthur William Acland Hood, Admiral Sir Richard Vesey Hamilton, Rear-Admiral John Ommanney Hopkins, and Rear-Admiral Charles Frederick Hotham, officers of highest professional standing and distinction, and thoroughly identified with the most experienced and best-informed element in the British navy.

Moreover, there were on duty at the Admiralty at this time and associated with the naval lords above mentioned many officers who, in the higher grades to which they have since been promoted, have acquitted themselves with distinction. Among them may be mentioned Capt. John A. Fisher, at that time director of naval ordnance and torpedoes, and at present admiral of the fleet and first sea lord of the British Admiralty; Rear-Admiral Sir George Tryon, at that time admiral superintendent of naval reserves and generally regarded as one of the most capable officers in the British navy; Capt. Edward Hobart Seymour, at that time assistant to the admiral superintendent of naval reserves, at present admiral of the fleet, and recently in command of the China station; Capt. Cyprian A. G. Bridge, at that time director of naval intelligence, subsequently admiral in command of the China station; Capt. Reginald Neville Custance, at that time assistant director of naval intelligence, now vice-admiral in command of one of the most important divisions of the English fleet, and Capt. S. M. Eardley Wilmot, at that time assistant director of naval intelligence and a writer of distinction upon professional subjects.

The enumeration of the names and the duties performed by the above-noted officers indicates clearly the professional standing of the seagoing element of the British navy, which considered the designs of the *Royal Sovereign*, so that in all the questions which were raised and discussed in connection with the general designs of that vessel—the *height* of *freeboard*, the *height* of *gun axes*, and the *distribution* of *water-line armor*—conspicuous representatives of those who were ultimately to command vessels and fleets in the British service, had ample opportunity to submit their opinions. It will also appear, in the subsequent comments made by various officers who discussed these designs, that the designs as approved were entirely satisfactory to the seagoing element of the British navy and were many times alluded to as being *entirely representative* of the *views* of *seagoing officers*.

The comments of those who took part in the discussion of the *Royal Sovereign* design are very explicit, and so aptly and completely express the views of the seagoing branch with respect to that particular design that I will submit for your information, without further comment, extracts from the discussion itself, preceding these extracts by a few paragraphs from Sir William White's paper, and inviting special attention to the fact that the British Institution of Naval Architects is the largest and most important body of professional naval architects in the world, and has also in its membership a very large number of British naval officers, as well as officers of foreign navies:

[Extracts from a paper entitled "On the designs for the new battle ships," prepared by W. H. White, esq., F. R. S., assistant controller of the navy and director of naval construction, read at the thirtieth session of the Institution of Naval Architects, April 10, 1889.]

[Italics not those of author or speakers.]

Recognizing the great interest which is now being taken in the designs of the eight first-class battle ships which are proposed to be added to the navy, and feeling convinced that no equally suitable opportunity could be obtained for replying to criticisms of the designs which have appeared in the public press, I applied for and obtained permission from the first lord of the Admiralty to prepare this paper. * * *

Apart from the fact that I am the head of that staff, and apart from any question of my personal competence, I desire to state that there never has been a time during my experience with the Admiralty Office—an experience extending over twenty-two years—when the members of that staff included so many thoroughly educated, capable, and qualified naval architects and marine engineers as are now serving there. * * *

If, with such a staff, with all our recorded data and experience, with our grand experimental establishment at Haslar, so ably conducted by my friend Mr. Froude, and with all the valuable assistance and suggestions coming to us from the naval service, and our professional colleagues in the dock yards, as well as the constant benefits we derive from a full knowledge of the work done by private shipbuilders and foreign competitors, we do not, in the "Whitehall office," succeed in producing "the best possible ships" consistent with the instructions of the Board of Admiralty, then there can be no excuse. But I contend that the allegations made against the professional officers of the Admiralty have been loosely made, and are proved to be unfounded, as regards the designs of the new battle ships, by the facts which have been adduced.

On this question I shall not be expected to give an opinion. It involves an inquiry into the competency of the Board of Admiralty and our system of naval administration. But, at the risk of repeating statements already made, I must say that there never have been designs more deliberately and carefully considered. The selection was made from amongst a large number of alternative designs, after a careful review of what is being done abroad, and with reference to various proposals not yet embodied in actual ships. Fortunately, it could be based upon a great mass of new experimental data, obtained by actual trials against the *Resistance* and elsewhere, and giving the latest and best information in relation to guns, projectiles, explosives, and armor. Moreover, the Board of Admiralty has availed itself of the advice and assistance of a number of distinguished officers before coming to a decision.

Obviously there is room for differences of opinion, since actual experience in naval warfare under modern conditions is almost entirely wanting. The matter, therefore, resolves itself into one of *relative authority and experimental information*. Under these circumstances, the *naval service* and the *country* will probably *prefer* to *accept* the *conclusions* of a *responsible* and *well-informed body* like the *Board* of *Admiralty, rather than those of any individual.*

Discussion on Sir William White's paper "On the designs for the new battle ships:"

Lord ARMSTRONG. With regard to the question of armor, it certainly appears to me, from all that we have heard both from Mr. White and from Sir Edward Reed, and from all that we can gather from these numerous diagrams, that we may come to this conclusion, that if we render a ship absolutely safe from being sunk by modern artillery we shall simply eliminate its power of sinking anything else. It is clear to me we must have a compromise between defensive power and offensive power, and as far as I can judge from a hasty inspection of these diagrams, and from listening to all that has been said upon the subject, it does appear to me that the compromise which is presented by these latest designs, especially by the battle ship of barbette stamp, that we have in that ship the best compromise between defensive power and offensive power that has yet been submitted to the public.

Capt. Lord CHARLES BERESFORD. I think that Lord Armstrong hit the right nail on the head in this great controversy, as to what is the best platform that you can build to send your men and guns to sea to fight an action with. The controversy is between the armor and the armament; and Lord Armstrong, in my humble opinion, hit the right nail on the head when he said, "If you build a ship with the capabilities which Sir Edward Reed demands, and justly demands, from his point of view you would have nothing offensive to hit your enemy with. That is the real point as I look at it. A ship is always a compromise." * * *

I say distinctly as a seaman, and I hope one of my brother officers will get up and contradict me if he does not agree with me, that what we want in a ship is the offensive part. We are very glad to have as much defensive as we can, but we do not want to sacrifice in any particular whatever the offensive power which we possess of knocking the enemy into a cocked hat. * * *

I *do not believe they could have made a better ship than these new ones*, although Sir Edward Reed does not agree with it. I hope he will produce his ship. I think he will be the first to agree with me that in a fair argument theory is of no use to any man and theoretical argument should be practically demonstrated. Mr. White and the Board of Admiralty have produced their ships, and I dare say I could find fault with those ships; but, taking the compromise, I think they are the best class of battle ship you can make for the present day, having regard to the new high explosives. * * * On our navy depends our existence, and we must not run the chance, with our want of knowledge of actual warefare, of foreign nations getting something other than we have got which might win them the action if we came to hostility. * * * Those new ships now have, in my humble opinion, for the first time been proposed to be built in a businesslike way, and in the way in which any mercantile firm would build their own ships or a man-of-war, if they had to build one. They have got the seamen together—by the seamen I mean the engineers and the artillerymen and the men who have got to fight the ships—and they have stated what they wanted to have, both in regard to capability of offense and defense, draft, and speed. * * * You must have a ruling power; somebody has got to lay down your ships, and this somebody, whoever he has been, has been put to do it in a businesslike way for the first time, and therefore I should take the opinion of my brother officers against my own, who have been asked first of all, "What do you want to fight with?" * * *

It was put very well the other day by Mr. White in his paper. We keep on arguing as to what damage the ship will receive and we quite forget the offensive power that we possess that we are going to give the enemy the benefit of.

Admiral of the Fleet Sir GEOFFREY PHIPPS HORNBY. Lord Ravensworth, my lords, and gentlemen, I have come here following an officer (Lord Charles Beresford), whom I am sorry to say I must call a younger officer. In almost everything he has said with reference to the service at large I entirely agree, and I think that he expresses the feeling of the greater part of the naval profession. * * *

All I wish to point out is this, that I feel with reference to these ships as a naval officer, and as one who has served on board ironclads, that I should be glad indeed to serve in such ships as these which are now shown us, because they seem to me to embody the idea which Lord Charles Beresford has so strongly put forward, and what I believe is the idea of every naval officer, that they are ships of very great offensive power. They have great speed, which I consider is the highest quality that any ship can have; and, mind you, I do not want to put my opinion forward; I go upon the opinion of our highest authority, that of Lord Nelson. * * * Why I approve particularly of these ships is that I think, as Lord Charles Beresford said, that hitherto our ships have never been built in the right way—that is to say, you have never asked the man who is going to inhabit the house what sort of house he would like to have, but have disregarded the opinion that those gentlemen have given, the requirements that those gentlemen have laid down. But now these requirements have been carried out, very *much to the satisfaction* of those who are particularly concerned—that is, the *officers* who have to *command* your *fleets*. The names of the officers to whom these plans have been referred, and who have approved of them, are those of officers who have just left active service. Only one name has been omitted, viz, that of Admiral Tryon, and that is in consequence of his having been laid up by an accident, but otherwise you have the opinion of the officer commanding the Channel fleet, the officer lately in command of the China fleet, and the officer lately commanding the India fleet. *I say myself* you have *got every name* barring one which *could guarantee* the *propriety* of *these ships*, and for my part I feel, on their opinions much more strongly than I do upon my own, that *these ships* are *good*, and *will* be *serviceable ships*, and *such* as *any admiral will be fortunate to command.*

Rear-Admiral P. H. COLOMB. My lord and gentlemen, I think two distinct points must be apparent to the meeting from the discussions which have gone on. First of all you have got a number of naval officers in *perfect agreement*, which is not common; and, secondly, that the difficulties which the naval architect has to deal with in building battle ships are the difficulties of opinion—that is to say, the naval architect has to go by the opinion of the day when he builds; and sometimes after he has built opinion turns somewhat against him. * * *

I should like to say, speaking as a naval officer, about these designs, that this thing has not been done in a corner. That is to say, the navy has been taken into the confidence of the constructors, and the Board of Admiralty, in a way that it never was before, and I think the result must be this, that *never* in *this theater will naval officers* be *able* to *get up* and *denounce those ships* if *they turn out differently* from *what they expect*, but that *the constructors will* be *able* to *turn round upon us*, and say, *They are your ships; they are not ours.* I think the navy is quite prepared to accept the responsibility for these ships for, taking them all in all, we are agreed generally that they are as good as the opinion of the day will allow us to have them. * * * But I want to say, finally, that I believe the feeling of the service is entirely clear on the designs of these new battle ships; that taking what the service asks for all round *they are the fairest*, the *most open*, and the *most complete attempt* to *meet* the *naval opinion* of *the day.*

Admiral Lord CLANWILLIAM. I will not detain the meeting two minutes. I only wish to add my testimony as a naval officer to the general opinion throughout the service that *these vessels are* of *the right sort*, and that we have every confidence in the ability of the officers who gave the instructions to Mr. White to design them.

Capt. S. LONG. The only other point upon which I would take up the time of the meeting is with regard to the high freeboard forward of the new ships, which is an interesting question. I notice in Plate IX that the lower part of the freeboard forward is divided up into small spaces. I was very sorry to see that, but I would remark that the height of freeboard [any excess over what is necessary is most objectionable owing to the increased weight and size of target involved in it] which is necessary is a very important question, and one upon which, I think, experience might throw a good deal of light.

* * * * * * *

Capt. G. H. U. NOEL. Being the third naval officer who has spoken in succession, I am afraid you will be tired of hearing what the navy has got to say, but I won't be very long. In the few remarks I have to make I hope that Sir Nathaniel Barnaby and the gentlemen present will excuse my dwelling not so much on to-day's paper as on yesterday's. I would like to express my entire confidence in the exceptional ability of the chief constructor of the navy, Mr. White, and to thank him for his admirable paper of yesterday. I believe that he came back to the Admiralty fully intending that what he did there he would do in concert with the naval authorities, and it *was* in *consequence* of his *carrying out that intention* that *we got this new type* of *ship, which* was *so greatly approved of* in the *discussion yesterday.* * * *

We want to have some offensive power as well as being, to some extent, protected. On this question, speaking of the *Admiral* class, I stated in a paper read at this institution in 1885, that with an addition of about 150 tons of 3-inch steel plating, sufficient to give the *Collingwood* a 6-foot water-line belt at her unarmored ends, I thought that she would be as capable and effective a vessel as any afloat at that time. I still adhere to that opinion.

(The freeboard of the *Collingwood*, forward, was about 7 feet less than that of the *Royal Sovereign*, and about 8 feet less than that of the *Connecticut.*)

Admiral Sir W. HOUSTON STEWART. During the ten years that I was at the Admiralty, the Admiralty of the day, one administration after another used the utmost endeavors to obtain the views, opinions, and criticisms of naval officers in regard to the designs proposed, and I confirm what I said yesterday when that noble lord, gallant naval officer, popular orator, and efficient member of Parliament was speaking, that during the time I was comptroller of the navy no design went forth from the Admiralty that was not stamped with the Board's seal in the presence of the Board of Admiralty and signed by the responsible naval officers of the day. Sir Edward Reed paid me the compliment in a letter in the Times the other day to say that he believed I was primarily responsible for the *Admiral* class. If it is so, I may accept that responsibility with pride, because I was associated with some of our most distinguished and most efficient naval officers who formed the Board of Admiralty at the time that class of ships was designed.

The foregoing quotations from remarks made by distinguished British naval officers are too direct and conclusive to need further comment. A brief summary of some of the most salient remarks will be useful, however, in fixing them in our minds.

Lord Charles Beresford stated:

"*I do not believe they* could have made a *better ship* than *these new ones.* * * * They have got the seamen together (by the seamen I mean the engineers and the artillerymen and the men who have got to fight the ships), and they have stated what they wanted to have, both in regard to capability of offense and defense, draft and speed."

Admiral of the Fleet Sir Geoffrey Phipps Hornby concurred in almost everything said by Lord Charles Beresford, with reference to the service at large, and stated in conclusion that the requirements of the seagoing officers—

* * * "Have been carried out very *much to the satisfaction* of those who are particularly concerned—that is, the *officers* who have to *command* your *fleets.* * * * *I say myself you have got every name barring one which could guarantee the propriety of these ships*, and, for

my part, I feel on their opinions much more strongly than I do upon my own, that *these ships* are *good*, and will be *serviceable ships*, and *such as any admiral* will be *fortunate* to *command*."

Rear-Admiral P. H. Colomb said:

"I think two distinct points must be apparent to the meeting from the discussions which have gone on. *First of all*, that you have got a *number of naval officers* in *perfect agreement, which is not common;* and *secondly*, that *the difficulties which* the *naval architect has to deal with in building battle ships are* the *difficulties of opinion.* * * * The navy has been taken into the confidence of the constructors and the Board of Admiralty in a way that it never was before, and I think the result must be this, that never in this theater will naval officers be able to get up and denounce those ships if they turn out differently from what they expect, but that the constructors will be able to turn round upon us and say: *They are your ships; they are not ours.* * * * But I *want* to *say, finally*, that I believe the *feeling* of *the service* is *entirely clear* on the *designs* of *these new battle ships;* that *taking what* the *service asks for all round they are the fairest, the most open*, and *the most complete attempt* to *meet* the *naval opinion* of *the day.*"

Admiral Lord CLANWILLIAM. * * * I only wish to add my testimony as a naval officer to *the general opinion throughout the service that these vessels* are *of* the *right sort*, and that we have every confidence in the ability of the officers who gave the instructions to Mr. White to design them.

Capt. G. H. U. NOEL. * * * I would like to express my entire confidence in the exceptional ability of the chief constructor of the navy, Mr. White, and to thank him for his admirable paper of yesterday. I believe that he came back to the Admiralty fully intending that what he did there he would do in concert with the naval authorities, and it was in consequence of his carrying out that intention that we got *this new type* of *ship, which was so greatly approved* of in the *discussion yesterday.*

Nothing could possibly be more conclusive than the foregoing remarks as to the *approval* of the *Royal Sovereign designs* by the *seagoing element.* The selfsame questions of "height of freeboard forward," "height of gun axes," "location of water-line belt armor," etc., were involved at that time in the same manner as to-day. The subsequent action of British boards of admiralty and British designers with respect to all succeeding battle ships of the British navy, up to the time of the approval of the *Dreadnought's* designs, was largely based upon the unanimous conclusions which had been reached in the case of the *Royal Sovereign* designs.

Since, therefore, the general characteristics of the *Royal Sovereign*, so far as concerned "displacement," "dimensions," "height of freeboard," "height of gun axes," "water-line armor distribution," etc., are so strictly comparable with those of the majority of the battle ships in the United States Atlantic fleet, it is especially interesting to note that the *designed freeboard* of the *Royal Sovereign* class *abreast* the *forward barbette* is *about 18 feet;* the *corresponding freeboard forward on fourteen* of the *sixteen battle ships* of the *United States Atlantic fleet* is *greater* than *18 feet*, the *Kearsarge* and *Kentucky* being the *only vessels* in the *whole battle ship fleet* now in *commission* whose *forward freeboard* is *less* than *that* of the *Royal Sovereign.* Moreover, the height of the forward main battery guns of the *Royal Sovereign* class above the designed load water line is about *3 feet less* than the height of forward turret guns above the designed load water line of the five vessels of the *Connecticut* class, the three vessels of the *Maine* class, and the two vessels of the *Illinois* class, now attached to the Atlantic fleet, and more than *2 feet less* than the *four* vessels of the *Virginia* class; the *forward main battery guns* of the *Royal Sovereign class* are *thus appreciably lower* than the *forward main battery guns* of *all* the *battle ships of the Atlantic fleet except* the *two vessels* of the *Kearsarge class.* The *height* of the *upper edge* of the *main water-line belt armor* of the *Royal Sovereign* class *above* the *water line* at *designed load displacement* is *less* than *that* of *all battle ships* of the *Kearsarge, Illinois, Maine, Connecticut*, and *Vermont* classes, and *just equal* to *that* of the *Virginia class*, the height above water of the upper edge of the main water-line belt of the five vessels of the *Connecticut* and *Vermont* classes being *1 foot 3 inches greater* than that of the *Royal Sovereign* under similar conditions of load displacement.

It is also worthy of note that the *lower edge* of the *main water-line belt* of the *Royal Sovereign* class *below the designed load water line* is *5 feet 6 inches*, and the responsible designer at that time had to defend himself against rather severe criticism from certain quarters for having approved so narrow a belt of water-line armor. It is especially interesting to note, therefore, in this connection that the most serious criticism recently directed against battle ships of the United States Navy was that the *lower edge* of the *water-line belt armor* was *too deeply immersed*, although, as a matter of fact, in no case has the lower edge of the water-line belt armor of United States battle ships been more deeply immersed than 5 feet at the designed load displacement, the corresponding immersion of the *Royal Sovereign's* armor, be it noted, being 5 feet 6 inches.

Since "height of freeboard," "height of gun axes," and "location of water-line belt armor" are necessarily governed by the probable behavior of the vessel in a seaway, and inasmuch as the behavior of the sea has in no sense changed during the past nineteen years, designs whose seagoing qualities fully satisfied the most representative officers in the British navy in 1889 should be entirely satisfactory to-day, so far as concerns *seagoing qualities.* As a matter of fact, the freeboard established for the *Royal Sovereign* and the degree of submergence of the lower edge of the main water-line belt at designed load displacement have remained substantially the same for battle ships of the British navy which have been designed during the past nineteen years, with the possible exception of the *Majestic* class and the most recently designed battle ships, viz, those of the *Dreadnought* class. The extra freeboard of the *Dreadnought*, however, is a perfectly natural and logical development for a vessel of such great length, fine water lines, and comparative concentration of heavy weights near the extremities. Therefore the greater height of freeboard forward on the *Dreadnought* is in no sense, and can not possibly be construed as, a reflection upon the designs of battle ships of the British navy which preceded the *Dreadnought*, nor is it in any sense a confession that the freeboard of the battle ships previously designed was insufficient.

Appendices I, II, III, and VI, and the cross sections of typical battle ships of the United States and foreign navies shown in Appendix VII are conclusive in showing how favorably battle ships of the United States Navy compare with battle ships of corresponding dates in the British and Japanese navies as regards heights of gun axes and location of water-line belt armor. As already noted, the French school of design, which had previously been somewhat closely followed by the Russians, involved high freeboards, high gun axes, and more extensive water-line armor protection, but with obviously serious sacrifices in other directions. Aside from the conclusive testimony afforded by the discussion of the *Royal Sovereign* designs, there is ample evidence to prove that questions of height and freeboard, height of gun axes, and proper location of water-line armor with reference to the designed load water line have been given most complete consideration by thoroughly competent officers of the United States Navy from the earliest days of our experience as builders of battle ships.

On March 25, 1896, the Acting Secretary of the Navy appointed a board (of which the late Rear-Admiral John G. Walker, U. S. Navy, was president) "for the purpose of considering and reporting upon the best plan for the installation of the main batteries of such battle ships as Congress may authorize during its present session," and other questions relating to battle-ship design. The other members of this special board were Commodore R. L. Phythian, Chief Engineer Edward Farmer, Capt. Philip H. Cooper, and Naval Constructor J. J. Woodward, U. S. Navy. Subsequently Captain (now Rear-Admiral) Remey, relieved Captain Cooper, and Lieut. (now Capt.) S. A. Staunton was appointed an additional member of the board. This board, though primarily convened to make recommendations with respect to the battery of vessels for which appropriations were expected to be made, very properly considered the whole question of battle-ship design in order that it might arrive at an intelligent conclusion with respect to the best type of battery to be adopted. By specific order of the Secretary of the Navy all bureaus were directed to furnish this board with complete data with respect to the subjects then under consideration, and the board witnessed various armor and gun tests, made a sea voyage on the U. S. S. *Indiana*, and inspected the *Massachusetts* and *Iowa*, then in course of construction. The following quotation from the board's report is therefore most interesting:

"The board, upon its earliest inquiry into the nature of its duties, found them of a most comprehensive character. The installation of the battery of a battle ship is not a question which stands alone. It is inseparably connected with the size of guns, their number, and the armored protection which their emplacements are to have. This total weight of armament depends in its turn upon the size of the ship, her hull protection, and the speed and coal endurance contemplated in her design. Connected with these features and bearing materially upon her military efficiency are the habitability of a ship (which includes sufficient quarters and berthing space for the officers and men necessary to properly navigate and fight the ship) and her seagoing qualities, i. e., her capacity for steaming and fighting in bad weather.

"The necessity of these adjustments is a matter of common knowledge and is condensed into the axiomatic saying that 'every ship is a compromise.' The board assumes, however, that the new battle ships will be as to size, speed, and coal endurance substantially the same as those already building, viz, of about 11,500 tons normal displacement, 16 knots speed, and 1,200 to 1,600 tons coal capacity, and with these assumptions it proceeded to attack the problem placed before it.

"To arrive at a conclusion upon a problem so complex, it is necessary to narrow the issue by successive steps. Considering size, speed, coal endurance, and hull protection as fixed within narrow margins, the board had next to consider the different types of batteries installed and projected. These are for our own Navy three in number, viz:

"(1) That of the *Indiana* and class.

"(2) That of the *Iowa*.

"(3) That of the *Kearsarge* and *Kentucky*.

"It became the board's duty to recommend the adoption of one of these types, or to suggest such modifications as, in its opinion, would make a better ship than any of them."

Subsequent comment upon the action of the Walker board and upon "freeboard" in our own and in foreign services is fully set forth in the following quotations from the chief constructor's recent testimony before the House Naval Committee:

"The board also invited attention to the desirability of carrying a larger proportion of the coal and stores at the normal draft than had previously been customary, and that at her normal draft (which should also be her fighting draft) she should carry not less than two-thirds of her full capacity of ammunition, coal, and stores, and that the position of the armor belt should bear a proper relation to this load line. From that time to the present day two-thirds of the ammunition and all consumable stores, other than coal, have been carried on the designed load displacement of the vessel. The proportion of coal carried at designed load displacement, however, has not been in our service, nor in any other service, as much as *two-thirds* of the *full capacity* of the *bunkers*, except in the case of vessels of the *Alabama* class, which vessels were the direct outcome of the Walker board's recommendations. The subsequent reduction in the *proportion* of coal carried was due undoubtedly to the fact that while the *Alabama* class *had a bunker capacity of only 1,200 tons*, thus making two-thirds of the bunker capacity a very fair proportion of the coal to be carried at designed displacement, subsequent designs provided for a very *much greater bunker capacity*, so that 900 to 1,000 tons was regarded as a suitable amount to be carried at the designed load displacement. The practice of the United States Navy in this respect is practically identical with that of foreign navies. The Walker board also invited particular attention to the desirability of battle ships of the United States Navy being able to 'perform any duty required of ships of their type and strength, and that their seagoing qualities should not be inferior to those of the battle ships of other navies.' The conclusion and recommendations of the board were as follows:

"That the new battle ships, when fully equipped for service and containing not less than two-thirds of their full capacity of ammunition, stores, and coal, should not be deeper than their 'normal' or designed draft upon which their speed is based, and that their weights of armor and armament should be restricted accordingly.

"That they should have sufficient berthing space to accommodate the officers and men of their war complements in such a manner as to maintain their health and vigor.

"That no feature of their design should be permitted to seriously impair good seagoing and sea-enduring qualities.

"That they should have high freeboard forward and low freeboard aft, substantially like the *Iowa*, and be armor belted like the *Kearsarge*.

"That their principal battery should consist of four 13-inch guns mounted in two turrets in pairs, substantially as the *Iowa's* 12-inch guns are mounted; these principal turrets to be placed as close to each other as the machinery space conveniently permits.

"That their auxiliary battery shall consist of fourteen rapid-fire 6-inch guns, ten on the main deck and four on the upper deck, all behind 6-inch armor. Two of the guns on the main deck in the eyes of the ship have forward fire, two of the guns on the upper deck have forward fire, and the other two fire aft. All of the 6-inch guns fire in broadside, seven on each side."

It thus appears that this specially selected board, a large majority of whose members were seagoing officers, recommended a vessel whose *freeboard, water-line protection, etc.*, was regarded as *entirely satisfactory*

to the seagoing element at that time. The actual vessels whose design embodied the recommendations of this board are the *Alabama, Illinois,* and *Wisconsin,* and the board's recommendation as to "freeboards" indicated that they regarded the "forward freeboard" provided for the *Alabama* class as "high."

Again, the general board of the Navy, which is composed entirely of seagoing officers and is presided over by one of the most distinguished officers the American Navy has ever had, recommended, under date of October 17, 1903, in a report submitting its opinion as to the principal characteristics which should be embodied in battle ships as follows: "To have high freeboard forward. In this respect the *Iowa* type impresses favorably. Armor protection: similar to the *Maine* class." Subsequently the board modified its recommendation as to the armor protection and concurred in the recommendation of the Board on Construction as to the superiority of distribution of armor on the *Vermont* class. It may be noted in this connection that the "high freeboard" forward on the *Iowa* is slightly less than that of any vessel in the United States Atlantic battle-ship fleet, except the *Kearsarge* and *Kentucky.*

We therefore have a *height* of *freeboard* and *distribution* of *water-line belt armor* in the *large majority* of *battle ships* of the *United States Navy* which *commanded* the *explicit approval* of *thoroughly representative seagoing officers in our own service;* and *vessels* of *similar characteristics* had and *still have* the *approval* of *service sentiment* in the *British* and *Japanese navies;* and the sentiment to-day of those who have given careful and exhaustive consideration to these subjects is just as *definite* and *pronounced* as it was when these matters of *freeboard* and *waterline armor arrangement* were *first* under *consideration.*

It should also be remembered that the designs of all vessels of the United States Navy are passed upon by the Board on Construction. The original title of this board was, in fact, the Board on the Designs of Ships. Among the membership of this board from 1889 to the date of the approval of the designs of the *Connecticut* class (the most recently designed class of vessels now attached to the battle-ship fleet) were the following well-known officers of the United States Navy:

BOARD ON CONSTRUCTION.

	Period of service.
Admiral of the Navy George Dewey	1889–1893
Rear-Admiral Montgomery Sicard	1889–1890
Capt. G. B. White	1889–1890
Chief Constructor T. D. Wilson	1889–1893
Engineer in Chief George W. Melville	1889–1903
Rear-Admiral W. M. Folger	1890–1893
Rear-Admiral Charles H. Davis	1890–1893
Rear-Admiral Norman H. Farquhar	1890–1893
Rear-Admiral French E. Chadwick	1893–1897
Rear-Admiral William T. Sampson	1893–1897
Rear-Admiral Frederick Singer	1893–1896
Rear-Admiral E. O. Mathews	1894–1898
Chief Constructor Philip Hichborn	1893–1901
Rear-Admiral Charles O'Neil	1897–1904
Rear-Admiral R. B. Bradford	1897–1903
Capt. Richard Wainwright	1897–
Rear-Admiral Richardson Clover	1900–1902
Rear-Admiral Charles D. Sigsbee	1900–1902
Chief Constructor Francis T. Bowles	1901–1903

For further information concerning the duties and qualifications of the Board on Construction, attention is invited to the annual report of the Secretary of the Navy for 1907, page 32, and to the annual report of the Chief of the Bureau of Construction and Repair for 1907, pages 16 and 17 and pages 47 to 49.

Considering, therefore, the *overwhelming preponderance* of representative *naval opinion* as to the desirability of *freeboard* and *armor distribution* similar to that *actually provided* on battle ships of our own Navy and on those of the same type and date of design in British and other important foreign navies, it is evident how very much astray are the self-satisfied critics who state that "all of our battle ships are deficient in freeboard, water-line protection," etc.

Perhaps the critic is not aware, however, that there are two distinct "schools of design," so far as concerns height of freeboard, height of gun axes, and water-line armor protection, and that, while the English, Japanese, American, and to a less extent, the German designers preferred moderate freeboard and a certain arrangement of water-line armor protection, the French and Russian designers had different ideas on those subjects. Thus, for many years, the tendency among French designers has been to elevate the main battery high above the water line—as a rule, about one deck height higher than in the British, American, and Japanese ships—at least so far as concerned the forward turrets. This possibly permits the forward main battery to be operated under conditions of sea during which gun fire of any kind must be regarded as futile; but, under any condition of sea in which naval battles are likely to be fought, such extreme elevation of the battery is regarded by naval designers and naval officers of most other countries as quite undesirable in view of the great sacrifices involved in such an arrangement—the consequent raising of the center of gravity of the vessel, less efficient armor protection to turret supports and greatly increased size of target being disadvantages of a most serious character.

I think it is pertinent in this connection to remark that the principal battle ships of the Russian fleet which took part in the battle of the Sea of Japan were designed in accordance with the ideas of what may be termed the "French school," while practically all of the battle ships and armored cruisers of the Japanese fleet were designed in accordance with British and American ideas of moderate freeboard, moderate gun heights, etc. All of the Japanese battle ships and armored cruisers which took part in the battle of the Sea of Japan were afloat and in good condition at the termination of the battle, and while high freeboards and a certain character of water-line armor protection may not have been *directly* responsible for the foundering of such vessels of the Russian fleet as were sunk by gun fire, the *sacrifices* which *had* to be *made* in *order to develop that type* of *design were undoubtedly contributory* to the *ultimate foundering* of *those vessels.* In order that it may be clearly apparent that the weather conditions during the battle of the Sea of Japan were such as to "try out" the moderate freeboards of the Japanese vessels, the following quotations with respect thereto are given:

"John Leyland, in Brassey's Annual for 1906, chapter 6, says, on page 105, that 'a heavy sea was running.' On page 99 he says that 'the weather was misty with a wind from the southwest and a sea which caused Rojestvensky's ships to roll heavily and greatly distress the destroyers.'

"Lieut. R. D. White, in the Proceedings of the Naval Institute of June, 1906, quotes one of the Russian officers as saying that 'the morning of May 27 was raw and cheerless; the cold wind blew from the southwest; a grayish mist hung overhead and shut out vision well short of the horizon. When the rain fell later in the day, it was cold and penetrating.'

"Henry Reuterdahl, in Jane's Fighting Ships, 1906–7, relating the story of the fight as told him by the survivors, states that 'there was a strong breeze and heavy sea, rising almost to a gale.'"

In order, however, that there may be no possible misunderstanding as to *gun-fire* casualties in the battle of the Sea of Japan, it should be noted that reports indicate that only *two* Russian battle ships were *sunk* as the *direct result* of *gun fire* during the more than five hours' fighting on the first day, and this in spite of the excessively overloaded condition of these vessels at the time of the battle, as indicated by subsequent official statements, this overloading naturally resulting in the complete submergence of the heavy water-line belt armor and a marked decrease of stability under damaged conditions. It is noteworthy, therefore, that, even under these unusual conditions of excessive overloading, with the definite decrease in defensive qualities consequent thereupon, only two battle ships entirely succumbed to gun fire, and one of these only after *five hours'* fighting. These facts would seem to be sufficiently eloquent when considering the possibilities of our own battle ships.

Again, we surely can assume that the Japanese have had as extensive experience under modern battle conditions at sea as any nation in the world; and yet a very recently designed Japanese battle ship, which presumably embodies the lessons learned at Tsushima, has approximately the *same freeboard forward* as *our ships* of the *Maine* and *Alabama classes,* although from 100 to 125 feet longer, thereby indicating clearly that the Japanese are willing to sacrifice something in freeboard and gun height, even in so long and speedy a vessel, in order to more fully develop other qualities.

Although the British, in their *Dreadnought,* and the United States Navy, in the *Delaware,* have considerably increased the freeboard forward on such vessels, such an increase in freeboard is in no sense a reflection upon previous designs or a confession that previous designers were in error, but is a perfectly normal and logical development due to increase in length of ship, increase in fineness of water lines, concentration of heavy weights relatively near the extremities, etc.

When a critic recently stated in a magazine article that it was only "after special pressure from the President of the United States that our latest ships were given proper freeboard," he simply advertised himself as a disseminator of false statements and as one quite ignorant of the subject he was presuming to discuss. As the Chief Constructor of the Navy, I can state most positively that no such criticism, no such suggestion, no such direction, has ever come to me from the President of the United States in relation to the designs of the *Delaware* class, the only class of battle ships in the United States Navy with very high freeboard forward—this high freeboard being given by the designer for reasons already set forth.

* * * Generally speaking, freeboard in excess of seagoing requirements is most undesirable in a battle ship. High freeboard involves a high center of gravity and considerably less stability under damaged conditions; it also means greater target area; moreover, the extra weight devoted to high freeboard decreases the percentage of displacement which can be devoted to other seriously important elements of the design. So far as I am aware, the sentiment of the English and Japanese services is distinctly in favor of the moderate freeboard which has been characteristic of our ships wherever such moderate freeboard is practicable. In the very long and fine-lined ship, however, with concentration of weight nearer the extremities, it is desirable, for seagoing reasons, as already stated, to raise the forecastle; but the Japanese are apparently so impressed with the desirability of limiting the elevation of their top weights and devoting as much weight as possible to armor and armament, that they appear to be willing to make some sacrifice in freeboard. They have, therefore, maintained approximately the same freeboard in their new and larger battle ships as seemed sufficient for their older and shorter vessels; and surely the Japanese have the advantage of great experience so far as concerns the essential requirements of battle ships under modern battle conditions.

From all of the foregoing, I have no hesitancy whatever in stating that the *freeboard forward* on *American battle ships now* in *commission,* with the sole exception of the *Kearsarge* and *Kentucky, is ample* to *meet all* the *requirements* of the *batteries* of *those vessels under any conditions* of *sea* which *are likely* to be *met with* in *naval actions.* The *experience* of the *Japanese* battle ships in the battle of the Sea of Japan *leaves* no *possible ground* for *doubt* upon *that score*—the *Japanese battle ships,* be it remembered, being *somewhat inferior* in *freeboard* and *gun height,* and having *less effective distribution* of *water-line armor* than a *large majority* of the *battle ships* of the *United States Atlantic fleet.*

With respect to the distribution of water-line armor in our battle ships, as compared with foreign battle ships of the same date of design, attention is invited to the cross sections of typical battle ships of the United States and foreign navies, shown in Appendix VII. The cross sections speak for themselves, and I have already described the care with which these cross sections have been prepared, all available data being consulted.

It is especially noteworthy that the water-line armor protection of practically all of the battle ships of the United States Atlantic fleet is equal, or superior, to that of Admiral Togo's flagship *Mikasa;* that the *armor above* the *water-line* belt for the *Virginia* class, and the *Connecticut* and *Louisiana* is of the *same* thickness as that of the *Mikasa;* that the armor above the water-line belt on the *Vermont, Kansas,* and *Minnesota* is *1 inch thicker* than that of the *Mikasa;* that the *height* of the *upper edge* of the *main-belt armor above* the *load water line* on the *five vessels* of the *Connecticut* class is *1 foot 9 inches greater* than the corresponding *height* of the *belt armor* on the *Mikasa;* also that the *upper edge* of the *main belt armor* of *all other battle ships* in the *United States Atlantic fleet* is more than *6 inches higher out of water* at the *designed load displacement than* the *upper edge* of the *main water-line belt armor* of the *Mikasa.* Moreover, the main water-line belt and upper side belt of the Japanese battle ships *Kashima* and *Katori,* which were in course of construction for the Japanese navy at the time of the Russo-Japanese war, were practically identical with that of the *Mikasa.* Again, the *distribution* of *main water-line belt* and other *side armor* of the *Aki,* one of the latest Japanese battle ships, designed in *1906 after* the *close* of the *war,* is *almost identical* with *that* of the United States battle ship *Vermont, designed* in *1904,* except that the upper edge of the *main belt armor* of the *Aki* lacks *9 inches* of being

as high above the *designed load water line* as the corresponding armor of the *Vermont*. The Japanese have had very considerable experience as to the necessity of certain dispositions of armor, guns, freeboard, etc., so that I have no hesitancy in predicting, in view of the foregoing statement as to armor distribution, that the battle ships of the United States Atlantic fleet could give a most excellent account of themselves in any naval encounter in which they might become engaged.

The plans and tabular data accompanying this report are so complete and so self-explanatory that it does not seem necessary to make further comment with respect to the alleged insufficiency of freeboard, water-line armor protection, etc., of battle ships of the United States Navy. As a matter of interest, however, there will be attached to this report, as an appendix, some extracts from foreign periodicals which clearly indicate the high esteem in which American designs of battle ships have been held by foreign naval critics. The following quotation from the Chief Constructor's recent testimony before the Naval Committee of the House gives a statement of the reason for locating the water-line armor protection in the manner followed by American, British, and Japanese designers:

"The consensus of opinion among naval designers, and those naval officers who have given very considerable attention to the subject, appears to be that the lower edge of the main water-line belt armor at the designed load displacement should be immersed about 5 feet. It should be remembered that this is the immersion at the designed *load displacement*, or *trial displacement*, as it is usually called in our service, and *not* the *deep-load displacement*. This depth of submergence is, of course, more or less arbitrary and is based upon the amount of weight which can be devoted to armor protection and is governed to a certain extent also by the beam of the ship. The subject of weight is a very serious one for naval designers, and the immersion of the lower edge of the armor belt has been limited to 5 feet, not because that is ample, in the judgment of the designer, under all conditions, but because it is all that can be permitted under the allowance of weight for armor protection, and under ordinary conditions it should give ample protection. If the vessel were *very light*, it would not give satisfactory protection under ordinary conditions of rolling, but that risk must be taken. When, on the other hand, the vessel is *deep loaded*, the protection of the vessel under conditions of fairly heavy rolling is good; but even then a roll of 10 degrees would cause the *lower* edge of the armor to come out of water. It is thus obvious that protection of the water line is limited by the weight of armor which can be used for this purpose and is more or less a compromise."

Mr. BUTLER. Why do you want this protection below the water?

Admiral CAPPS. Because of the action of the sea. As the ship rolls the armor tends to emerge. Moreover, in a perfectly smooth sea—and I can show you dozens of photographs indicating this fact—the formation of waves at right angles to the line of travel of the vessel when going at high speed will cause an exposure of the side of the vessel, below the average water level, of 3 or 4 feet, and this in smooth water.

Mr. BUTLER. And when the ship rolls back, will it expose what we call the skin of the ship?

Admiral CAPPS. It is very apt to expose the skin of the ship. There will doubtless be many times during a naval action, in rough weather, when the bottom below the armor belt will be exposed; and while a hit at the water line or below the water line is apt to be rare (and this is the experience of naval battles so far), such a hit must always do very serious damage when penetration ensues, because there is a likelihood of hitting boilers or engines or magazines; and even if vital portions of the vessel are not struck, the vessel is much more easily flooded through an *under-water opening* in the bottom. It is thus apparent why *protection below* the *water* to a moderate extent is *relatively* of *far greater importance* than protection *above* the *water line*, and armor distribution is governed accordingly.

In the case of the *Connecticut* class, for instance, the heavy belt is 9 feet 3 inches wide and extends, at designed displacement, from *5 feet below* to *4 feet 3 inches above*. Above the main belt there are two other belts, the lower 6 inches thick, the upper 7 inches thick. For the *Vermont*, *Kansas*, *Minnesota*, *New Hampshire*, *Mississippi*, and *Idaho*, both upper belts are 7 inches thick. Moreover, the belt immediately above the water-line belt is reenforced by deep coal bunkers. In other words, a shot striking just above the main belt on the *Minnesota* would have to pass through 7 inches of armor, nearly 1 inch of structural plating and then nearly 20 feet of coal, if the upper bunkers are full. This very substantial protection above the heavy water-line belt is usually entirely ignored by critics, although it is worthy of note that *this upper belt armor protection* of the *Minnesota* and *class* is as *heavy* or *heavier* than the *main water-line armor protection of thirteen important battle ships* in the *British navy built* or *purchased during* the *past ten years*. So far as concerns the intake of water, it must be remembered that a shot hole just above the water line can only admit small quantities of water, which can easily be taken care of by the pumps or the water-tight subdivision of the hull; whereas, damage below the water line and especially below the protective deck is much more serious, since water then flows in quite freely under a "head" and may easily be beyond the capacity of the pumps.

* * * * * * *

In this connection, I would like to say right here that none of the allegations as to insufficient water-line armor have any bearing upon the *South Carolina* and *Michigan* and the *North Dakota* and *Delaware*, because the *upper belt* of those ships has a mean thickness equal to that of the *main water-line* belt of the *Minnesota* and class, being 10 inches thick at the bottom and 8 inches thick at the top; moreover, these vessels have a compartmental subdivision which will afford ample protection and stability even under conditions of serious under-water damage. Also, if compartments on one side of the ship are flooded, as Mr. Butler suggested a few moments ago, so that, under ordinary conditions, a change of trim of the ship would result, there would be no such continuing change of trim in these vessels, since complete arrangements have been made for flooding the opposite compartments and restoring the vessel to an approximate "even keel."

The CHAIRMAN. I wish you would explain the length of this armor belt; and also state how our distribution of armor compares with the distribution of armor on the British and Japanese ships.

Admiral CAPPS. In general, the distribution of armor on ships of the same date, Japanese, English, and American, is very similar. The actual lengths of the belts on our ships have been calculated and are given in the table already alluded to. This sort of data for foreign vessels is not readily accessible, but we have fairly reliable information which has been gleaned from various sources, and, so far as our information goes, the armor protection of ships of the United States Navy is quite equal to, and in many instances surpasses, that of English and Japanese battle ships. In this connection, it may be noted with considerable interest that in the *South Carolina* class, which are vessels of nearly 2,000 tons less displacement than the British *Dreadnoughts*, the weight assigned to armor and hull is practically the same as that allowed for the *Dreadnought*. It is almost certain, therefore, that the armor protection of the *South Carolina* is superior to that of the *Dreadnought*. The armor protection of the *Delaware* is also superior to that of the latest British and Japanese battle ships, so far as our information indicates. The armor protection of the *Minnesota* is very similar, indeed, to that of British vessels of the *King Edward* class. While the belt above the main belt on the *King Edward* is 1 inch thicker than the corresponding belt in the *Minnesota*, the *Minnesota's main belt is 1 foot 3 inches wider* than that of the *King Edward*, and therefore there is *1 foot 3 inches more* of the *Minnesota's main belt out of water* at the designed load displacement. Armor displacement, like other elements of war-ship design is a compromise, but the fundamental principles which govern its location are the same in all cases and in all countries.

The plans and tabular data accompanying this report, in conjunction with such explanations as appeared necessary in the text, will, I feel sure, conclusively demonstrate that "freeboard," "gun heights," "appropriate water-line armor distribution," and other seagoing necessities of battle ships have always received most earnest and intelligent consideration by naval officers charged with the grave responsibility of developing the best possible battle-ship designs for the United States Navy, and that an adequate development of these qualities has always been provided, having in view the state of advancement of naval matériel at the time of the approval of the designs in question.

I will now proceed, as briefly as possible, to a consideration of the most serious misrepresentations contained in a recent magazine article contributed by a writer who claims unusual knowledge of and familiarity with the vessels of the United States Navy.

It is obvious, however, that a reasonable brevity in this report will make it wholly impracticable to consider in detail *all* of his *misleading statements*. In order that there may be no necessity for referring directly to the article in question, quotations therefrom will be given, followed by such comments as may appear appropriate.

The writer of the article, after indicating the tragic results which would follow an outbreak of war which found our Navy unprepared, continues:

"This article will show some of the reasons why the American Navy is unprepared for war. It will be a statement of facts, not of opinions."

A careful perusal of this report and an examination of the tabular statements and plans herewith transmitted will doubtless convince the impartial reader that this particular magazine writer has great difficulty in distinguishing between *facts* and his own *unsubstantiated* and *erroneous opinions*.

Under the caption of "A fleet with main armor under water" this critic informs us that—

"A modern battle ship is a simple thing in its big general principles. Two points are essential in its protection—a shell-proof armor, which guards its water line; and high, shell-proof turrets, which lift up its guns just above the wash and spray of the waves. An X-ray photograph of its heavy armor would show a monitor with high turrets. The lower part of the smokestacks, the minor gun positions, the conning and signal towers, are all protected; but these two major points are the essentials in the armor of a battle ship.

"Obviously, the most important feature of all must be the belt along the water line. A wound upon a turret may silence that one turret's guns. A hole upon the water line will cripple or sink the ship. Of all the Russian follies which came to light in the great battle of Tsushima that sealed the fate of the Russian-Japanese war, one stands out especially. The Russian battle ships when they went into that fight were overloaded until the shell-proof armor of their water line was underneath the water. They were not battle ships at all. Within a year afterwards our Navy awoke to a realization of a startling fact: The ships of the battle fleet of the United States are in exactly the same condition as the Russian ships at Tsushima, not temporarily, but permanently."

The Chief Constructor, after twenty-eight years' service in the Navy, twenty-two of which have been devoted to special preparation for and performance of the duties of a naval constructor, regrets that he can not concur in the foregoing opinion as to the simplicity of a battle ship. A greater familiarity with the subject would perhaps lead the critic to modify his opinion, and perhaps even tend to make him concur in the opinions of many highly trained men of large experience, both as naval architects and naval officers, that, instead of a modern battle ship being a "simple thing," it is, in reality, a most complicated structure.

This magazine critic asserts that the most important feature of all "must be the belt along the water line." That the belt along the water line is a most important feature may be accepted without dispute. There are many other qualities, however, of equally great importance. He also asserts, with great assurance, that "a hole along the water line will cripple or sink the ship." The size and location of this hole, the subdivision of the ship, and the facilities for disposing of water entering under these conditions will unquestionably determine whether or not such a wound would "cripple or sink the ship." It may be stated with assurance, however, that no properly designed modern battle ship would have its buoyancy seriously impaired—and certainly could not be sunk—by a single or even several shot holes "along the water line." On the contrary, the behavior of the Russian ships in the battle of the Sea of Japan indicates conclusively how difficult it is to *sink* a battle ship by *gun fire* even when the vessel is heavily overloaded with an excess of stores, coal, etc., which carried the heavy armor belt far below the position which it might reasonably be expected to occupy under the stress of battle. As a matter of fact, despite the very unusual and quite unnecessary condition of overloading under which the Russian ships went into battle, it is worthy of special note that it was only after nearly an hour of heavy, concentrated fire by the Japanese that the *Osliabia* foundered, this vessel being the *first* of the Russian battle ships to succumb to gun fire. The large majority of the other Russian vessels which were ultimately sunk foundered as a result of torpedo attack or the opening of sea valves by their own crews and not gun fire. It is also noteworthy that the next ship after the *Osliabia* which foundered as a direct result of gun fire, had successfully resisted vital injury by gun fire for more than five hours—a profound tribute to the ability of the damaged battle ship to remain afloat even under the serious disadvantages of overloading which prevailed on vessels of the Russian fleet at the battle of the Sea of Japan.

It has already been stated in this report, and, in fact, is perfectly well known to those who have given any serious consideration to the subject of water-line and above-water-line armor protection of battle ships, that

a wound *above* the *main* armor belt is of *minor consequence* as compared with one *through* the *main water-line armor belt* or *below* the *main armor belt*, for the simplest of all reasons: *First*, a shell penetrating the upper armor belt would be *above* the protective deck and would explode in coal bunkers, in all probability, if it exploded at all. The fragments of such a shell could not, under ordinary conditions, seriously affect the vital portions of the ship. Moreover, the inflow of water through a hole in the armor above the main belt, at or above the water line, would be gradual and quite within the control of the ship's pumps. Penetration through the main armor belt *below* the *water line*, however, or penetration of the hull entirely *below* the *main armor belt* would open the vessel to an inflow of water under a "head," and, while in the best-designed ships the flow of water through 12-inch holes, even under these conditions, could be taken care of by the pumps or the compartmental subdivision of the ship, it is possible that fragments of a shell so entering would strike portions of the motive machinery or boilers or other vital apparatus and seriously affect the efficiency of the vessel. For this reason, with a given amount of armor, it is *imperative* that the greatest protection should be given to the *water line* of a vessel in *wake* of *machinery, boilers*, and *magazines*, and that the *lower edge* of *this armor belt* should be *sufficiently below* the *load water line* as to afford ample protection to the vitals of the ship when the ship is subjected to the *rolling* and *pitching* motion of the sea. After a most exhaustive consideration of this subject by naval constructors and the best-informed naval officers of every important navy, the conclusions reached in each particular country are almost identical, and for the many battle ships which have been designed in England, France, America, Japan, Russia, and Germany during the past twenty years, the *depth* of *submergence* of the *lower edge* of the *side belt armor below* the *designed load displacement water line* is the *same*, within *comparatively small variations*, as is fully set forth in the plan of cross sections, Appendix VII.

The usual depth of submergence of the lower edge of main belt armor is about 5 feet, as shown on the various sections of typical ships given in Appendix VII. The cross sections show clearly the remarkable agreement among the designs of battle ships of all countries with respect to this much agitated question of depth of submergence of lower edge of main armor belt, and that for all the battle ships of the United States Navy, as well as those of foreign navies designed since 1899, there is almost absolute agreement; the maximum variation for American, British, French, Japanese, and Russian battle ships being only *3 inches*, the overwhelming majority having a depth of submergence of just 5 feet, the depth of submergence adopted in the United States Navy.

It has been fully shown in another part of this report that our battle ships, when *fully loaded*, do not have the upper edge of their main armor belt immersed, and that even with a large *excess* of stores, etc., on board, the upper edge of the main armor belt of the five vessels of the *Connecticut* class, now with the fleet, and the *Mississippi, Idaho*, and *New Hampshire*, about to go into commission, would have more than a *foot* of their main belts above water. The author's statement that "The ships of the battle fleet of the United States are in exactly the same condition as the Russian ships at Tsushima—not temporarily, but permanently"—is therefore a heedless misstatement of fact, as can be readily demonstrated by the plans of the vessels, the vessels themselves, and the character of the consumable and nonpermanent stores carried when our battle ships are at their deep-load displacement.

The critic states that "Of all our battle ships, not one shows its main armor belt 6 inches above the water when fully equipped and ready for sea."

Disregarding the fact that there is a very substantial belt of armor above the main belt, also that a vessel fully equipped, with bunkers full, all stores and ammunition on board, etc., is by no means in the best condition, or the most probable condition in which a vessel may be expected to meet the enemy, the statement just quoted is not only misleading as to some of our battle ships, but absolutely false as to the rest. Carefully prepared data indicating the draft of water of battle ships of the Atlantic fleet at the time of their departure from navy-yards preliminary to assembling at Hampton Roads in December last (these vessels being then in an unusual condition of loading) directly disprove such a statement. Nearly all of these vessels had full bunkers, and in addition to the regular allowance of ammunition, stores, etc., had extra stores, ammunition, water for boilers, etc., also a large number of extra men and all the outfit and stores necessary therefor. But, even under these conditions, involving in some case extra weights of several hundred tons, not one of the five vessels of the *Connecticut* class, on reaching the high seas, had the upper edge of the belt armor *less than 1 foot above* the *very deep-load water line* then existing.

The writer states that—

"The constructors' plans were made to have from 12 to 30 inches of this out of water when each vessel makes her trial trip."

This is simply a false statement. The fact is that the "designed load displacement" or "trial displacement" of every vessel of the present Atlantic battle-ship fleet provided for *not less* than *36 inches* of the *main side armor belt* being *out of water* at the *designed load displacement*, and the *Connecticut class* had *4 feet 3 inches* of the *heavy side armor belt out of water* at the *designed load draft*. The overdraft, due to "changes," "weights added," etc., subsequent to approval of the design, has already been alluded to, likewise the comparatively moderate "overdraft" of our battle ships.

So far as our information can determine, however, the United States has no monopoly of such "changes," "extra weights," and "overdrafts." As a matter of fact, I believe the United States Navy to be somewhat more fortunate than the majority of navies in this respect—the battle ship *Dreadnought* being a particularly apt illustration in support of this belief, since *not* a *single vessel* of the *United States Atlantic battle-ship fleet* was *as much as 1 foot overdraft* when completed, while the *Dreadnought* is reported as *considerably more than 1 foot* over her designed draft.

The writer next states that—

"Above this (the heavy water-line armor) is a thinner armor which can be pierced by heavy shells. The standard heavy gun of to-day throws a steel projectile 12 inches in diameter, 4 feet long, and weighing 850 pounds, charged with a high explosive. The bursting of one of these shells in this thinner secondary armor would tear a hole bigger than a door upon a ship's water line.

The Chief Constructor has attended many experiments in which 12-inch projectiles have been fired against armor of the character of that constituting the "thinner armor" of battle ships, above alluded to, and has yet to see, and knows of no record of, any damage to such armor by a 12-inch projectile of the character presumably intended to be described by the writer. Of course the writer has the privilege of selecting the size of his "door," and it may have been that it was only a "wee bit of a door" that he had in mind.

The writer's statements with respect to the Russian battle ship *Osliabia* and the remarkable effect of gun fire, etc., on one of the armor plates of that vessel are not substantiated by such reasonably authentic accounts concerning the results of the battle of the Sea of Japan as have come to my notice, and a fairly extensive knowledge of the effects of gun fire on armor plate leads me to believe that the writer's informant had a too highly developed imagination. The effect described is more closely akin to what might happen if the *unarmored side* were struck by high explosive shells.

The writer makes certain other references to what happened to other vessels during the battle of the Sea of Japan, but the information on that subject is so contradictory, and the overloaded condition of the Russian ships at the time of the battle was so unusual and unnecessary, that further consideration seems useless. It is well to remember, however, that *all reports indicate* that, *with two exceptions*, the *vessels* of the *Russian fleet*, in the *battle* of the *Sea* of *Japan* withstood a *terrific amount* of *punishment* for more than *five hours before foundering*, and that the *destruction* of the *large majority* of those that were *actually sunk* was *due* to *subsequent torpedo attack*, or opening of sea valves, after the vessels were in a helpless condition, and *not* to *gun fire*. It appears to me that the "*thin armor*" and coal protection *did noble work*.

The writer then proceeds to comment upon—

"Our Investment in Ships with Submerged Armor," stating that our battle ships "lack a first essential of a battle ship—protection of the water line." Also that "No ship * * * has yet been planned to have a water-line protection reaching more than six inches above the water when she is ready to fight."

These statements are, in effect, a reiteration of previous misstatements, and like them are *wholly misleading* with respect to the sixteen battle ships now comprising the Atlantic fleet, and not only misleading, but *fundamentally false* as regards the last four battle ships designed and now under construction but not yet launched. Those four vessels (the *South Carolina, Michigan, Delaware*, and *North Dakota*) have above the water-line belt an *upper belt* whose mean thickness is *equal to* that of the thickness of the *main water-line* belt of the *Kansas, Vermont, Minnesota, New Hampshire, Mississippi*, and *Idaho*; also *equal* to the thickness of the *main armor belt* of Admiral Togo's *flagship*, the *Mikasa*, and the *lately designed 20,000-ton Japanese battle ship Aki*. So that, while the *Mikasa*, the *Aki*, and the United States battle ships of the *Vermont* and *Mississippi* classes, just noted, have the upper edge of their main water-line armor belt, at designed load displacement, out of water from *2 feet 6 inches* in the case of the *Mikasa* to *4 feet 3 inches* in the case of the *Vermont*, the *South Carolina*, and *Delaware* classes have the *upper edge* of their *upper heavy side armor belt 10 feet and more above the water line*.

The writer then proceeds to state that—

"No other nation of the world has ever made this fundamental mistake, except in the case of a few isolated ships."

Whatever may be the "fundamental mistake" to which the writer alludes, the water-line belt armor of United States battle ships is quite as favorably disposed for keeping out unfriendly projectiles as those of British, Russian, and Japanese vessels, and Appendix VII is quite conclusive on this point.

The writer then refers to the French and British methods of design, etc., ending with the statement—

"The *Dreadnought*, their famous battle ship, embodying the secret lessons of the Russian-Japanese war, represents the principle upon which all their ships are being built to-day."

As the *Dreadnought* is the only vessel of her class in commission, or anywhere near commission, and as the full fighting strength of the British battle-ship fleet of all classes at the present time is composed of *more than sixty* battle ships of *characteristics entirely different from* those of the *Dreadnought*, the writer's generalizations are misleading, to use no stronger term. Incidentally it may be remarked that he makes a very curious mistake with reference to the depth of submergence of the lower edge of the main water-line belt of the *Dreadnought*. The Naval Pocket Book for 1907 states that the lower edge of the main water-line belt armor of the *Dreadnought* is 7 *feet* below the *water line*. The most reliable information to which the Bureau has had access indicates that the lower edge of the main water-line belt of the *Dreadnought*, when the vessel was floating at the *designed water line*, was about 5 feet below the designed water line (this, however, when only 900 tons of coal out of 2,700 tons bunker capacity was on board). Although such information as is generally available indicates that the submergence of the lower edge of the *Dreadnought's* main-belt armor is less than 7 feet and approximately 5 feet, there is a report on file which states that the lower edge of the main-belt armor of that vessel is *8 feet* below water; identical *mistakes* of this character are unusual.

Further along in his article the writer states that—

"Meanwhile the United States makes no movement to raise its water-line armor to where it should be. There is no defense for placing this armor under water. It is kept there simply because it has been placed there in the past. The initial mistake might be understood, for the designing of a battle ship is a most complex problem; but the continuation of the policy seems more incredible than its beginning."

The writer is to be congratulated on getting away from his original suggestion that a battle ship is a "simple thing," and recognizing that it is really "a most complex problem." With due respect to the critic's authority as a naval architect, however, the Chief Constructor begs to remark that defense for the placing of the water-line armor, as it actually is placed, on United States battle ships is not needed; it is purposely kept where placed because it is the best disposition which could be made. The *initial idea* in so placing it *was not* a *mistake*, and the *continuation* of *the policy* is *entirely comprehensible* to *those who have* any *real knowledge of the subject*. The opinion of our own and foreign designers and naval officers of greatest distinction is quite in accord on the subject, and were there weight to *spare*, the lower edge of main water-line belt would tend to go *lower instead of being raised*. Private advices from our battle-ship fleet, now on its way to the west coast, indicate that some of those who thought that battle ships could not roll their armor belts out of water in ordinarily rough water have "seen a light" and are not now so vehement about "submerged armor belts."

Next follows a plain, ordinary, false statement, since the writer says:

"The United States has five big battle ships now building, not one of them, in spite of the continual protest of our seagoing officers, with its main belt above the water line."

There are *seven* battle ships "now building"—the *Mississippi* and *Idaho*, the *New Hampshire*, the *South Carolina* and *Michigan*, and the *Delaware* and *North Dakota*. The first three battle ships just mentioned have the *upper edge* of *main belt 4 feet 3 inches above* the *water line* at *designed load displacement*. The *upper edge* of the *upper*

main belt of the *South Carolina* and *Michigan* and *Delaware* and *North Dakota* (this belt is *10* inches thick at the bottom) is more than *10 feet above* the *water line* at *designed load displacement;* in this respect these ships are superior to any known battle ship in the world.

The writer then proceeds to inveigh against—

"The *Lowness* of American Ships." He tells us that "a battle ship must fight at sea—in heavy weather."

It *may be* necessary to fight "in heavy weather," but I feel safe in saying that a battle ship does not *have* to fight under such conditions; in fact, there are more chances for moderately good weather than for rough weather, and history so proves. The design of a battle ship must provide, however, for fighting under such conditions of weather and sea as may probably exist at the time "action" becomes necessary, and the policy of foreign designers with respect to foreign designs and the direct testimony of our own battle ship commanders leaves no doubt as to the ability of our battle ships to give an excellent account of themselves in any sea in which battles are likely to be fought, for it may be taken for granted that *the enemy will have* the *same sort* of *seaway* in *his part* of *the ocean that our ships will* be *having* in *theirs.*

The writer next proceeds to inform us that a battle ship's gun ports and turrets must be "well out of water." Also, that—

"* * * if this were not the case, the monitor—long since discarded—would not be the fighting ship of the world."

Comment is then made upon the *Indiana, Kearsarge,* and *Kentucky* classes. The *Indiana class* was *designed about eighteen years ago,* and it has been *more than twelve years* since the *contract* for the construction of the *Kearsarge* and *Kentucky* was *signed.* These vessels undoubtedly have low freeboard, as measured by more recent standards. It should not be forgotten, however, that they were appropriated for and designed as "coast-line battle ships," and that many foreign battle ships of that time had about the same freeboard. In an appendix to this report will be found quotations from a foreign scientific publication lauding the *Indiana* class of battle ships. In fact, the battery of the *Indiana* class, when considered in relation to the displacement of those vessels, created a distinct sensation in foreign services, and many and loud were the complaints at that time by foreign critics as to the ability of *American designers* to obtain *so much greater offensive* power in their battle ships than seemed to be possible with foreign designs, while preserving *sufficiently good seagoing qualities.* The *Indiana* and *Kearsarge* classes, however, which comprise altogether only five vessels (only *two* of them being now with the fleet), are the *only* battle ships in *our Navy* which can be regarded as "low freeboard" vessels, *all* of the *others having a freeboard* which, in the *opinion* of *those who have had experience in command* of *such vessels* and in the *opinion* of *highest naval authority in our own* and *foreign services,* is *ample for all conditions of weather under which naval battles* are *likely* to be *fought* with *profit* to *either side. Dismissing further consideration* of *such "long-ago" designs* as *those* of the *Indiana* and *Kentucky classes,* the *height* of *freeboard forward provided for all other battle ships* of the *United States Navy* is *substantially* the *same* as *that adopted* for *every group of battle ships* in the *British navy prior to* the *design* of the *Dreadnaught, with the possible exception* of the *Majestic class.* It also corresponds substantially to, though *rather greater than,* the *freeboard* of *all battle ships* of the *Japanese Navy,* with the *exception* of *those captured* from the *Russians* and *refitted,* but *including one of their latest 20,000-ton battle ships;* and this last fact is worthy of particular note, because this 20,000-ton battle ship is about 500 feet in length and is designed for high speed, and a contemperaneous design of a 20,000-ton battle ship for the United States Navy has about 6 feet more freeboard forward than this Japanese battle ship. This additional height of forward freeboard, however, does not in any sense mean that the "freeboards" previously provided for American battle ships were insufficient, but simply means that, with a vessel of so much *greater* length, *finer water lines,* and great *concentration* of *weights nearer* the *extremities, additional freeboard* forward is regarded as *essential if such* vessels are to *fight* their *forward battery* in a *heavy sea when going* at *comparatively high speed.*

The critic's love of exaggeration leads him to express himself very curiously in the following sentence:

"* * * all modern battle ships in foreign navies have forward decks from about 22 to 28 feet above the water. * * * And in the latest of the foreign ships, especially in the French and British navies, the high bow is universal."

It has already been stated that the French type of battle ship carries its main battery about one deck height higher above the water line than is the case with English, Japanese, and American battle ships. Since, however, out of the more than sixty battle ships in the British navy built and commissioned since 1889, only those of the *Majestic* class and the *Dreadnought* have greater freeboard than about 21 feet, and since all Japanese battle ships, except those captured from Russia, have freeboards of 20 feet or less, the statement that "all modern battle ships in foreign navies have forward decks from about 22 to 28 feet above the water," is as inaccurate as the majority of the statements made in this truly remarkable article. The use of "universal" in this connection scarcely needs comment. We are next advised of the disastrous results which would follow such grave deficiencies in freeboard as he alleges exist in our battle ships, and the critic gives us a graphic description of the way in which "green seas" come aboard, and how the *Virginia,* "with all her ports closed by steel bucklers, shipped 120 tons of water," etc. The lowest guns of the *Virginia* (those of the 6-inch broadside battery) are at about the same level as the gun-deck 6-inch broadside guns on the *Royal Sovereign,* and at approximately the same height as those of the majority of gun-deck broadside guns in British battle ships. They are *higher,* however, than the lowest tier of broadside guns of the very recent British *Duncans, King Edwards,* and *Swiftsures,* the French *Republiques,* and the majority of Japanese battle ships, so far as the data available indicates. The *turret guns* of the *Virginia* are *higher* than those of the British *Duncans, King Edwards, Swiftsures,* and the majority of Japanese battle ships.

In view of the mass of opinion of distinguished seagoing officers of the United States Navy and the British navy, already quoted, as to the excellent qualities, from a seaman's point of view, of the British *Royal Sovereign* and our own *Iowa* and *Alabama,* it is a waste of time to consider further the alleged inability of our battle ships of similar characteristics to fight their batteries in any seaway in which battles could be fought.

Before leaving this subject of broadside gun heights, however, it may be just as well to state that the magazine critic appears to confuse "gun heights" and "deck heights;" otherwise it is incomprehensible why he should reduce the broadside gun heights of nearly all the battle ships of the Atlantic fleet by about 4 feet, the heights of axes of the broadside guns of the majority of our battle ships being *about 15 feet,* instead of *11 feet* above the designed load water line of the vessel.

Again, this imaginative critic informs us that—

"The broadside guns of foreign battle ships and cruisers are, generally speaking, twice as high as ours, and many of them are three times as high."

This is truly a remarkable statement, and is wholly without truth even as regards the "high freeboard" French ships. As previously stated, the heights of the axes of the lowest broadside guns of nearly all British battle ships are about the same as those of the United States battle ships; those of the Japanese, slightly lower; those of corresponding guns on some of the later French battle ships, *even lower* still. As previously noted, however, in certain of his very broad generalities, this magazine critic is apt to speak of the "French type" of battle ship as representing the rest of the world. In this instance, however, he quite oversteps himself even with respect to *French battle ships,* since the *Republique,* one of the latest design of French battle ships in commission, has four of her broadside guns nearer the water than any broadside guns of any battle ship in the United States Navy, and the next higher tier of broadside guns is *only 5 feet* higher than the *lowest* broadside 5-inch or 6-inch guns of our battle ships. So that, instead of being three times higher, which would make them more than *42 feet above* the *water line,* they are, in fact, only *about 19 feet above* the *designed load water line.* This is only another indication of this critic's utter unreliability even as to data which is susceptible of easy verification.

The critic next proceeds to contrast the speed of the vessels of other navies with that of vessels of the United States Navy. The determination of the most suitable speed to be provided for any given type of battle ship is a question which has always involved much difference of opinion, and the speed finally decided upon is usually a compromise. The most suitable speed for battle ships is therefore hardly a suitable subject for discussion in a report of this kind. As usual, however, the critic's statements are *general* and *inaccurate,* even when they do not relate to the particular question at issue, for his next statement applies rather to *freeboard* than to *speed.* The critic says:

"In only fairly heavy seas, while the French and Japanese could be using their entire batteries, our forward turrets and three-quarters of our windward broadside guns would be heavily handicapped, if not quite useless."

Some of the guns on the French battle ships, we know, have high emplacements; *others* have unusually low locations. As for the Japanese, their battle ships, with the sole exception of those refitted since their capture from the Russians, have their guns at about the same height above the water line, etc., as guns similarly situated in battle ships of the United States Navy, with the *advantage* on the side of the United States ships, as already noted.

The critic next tells us that the defects above noted have long been known to the Navy Department, etc. He also makes the specific statement that—

"In 1903, after our last type of battle ship, the *Connecticut,* was established, the *Idaho* and *Mississippi* were proposed, with forward decks 16 feet high and after decks only 9."

It is presumed that the critic intended to convey the impression that the forward upper deck of the *Idaho* and *Mississippi* was 16 feet above the water line, and the after upper deck only 9 feet. The fact is that the forward upper deck of the *Idaho* and *Mississippi* is *19 feet 3 inches* above the designed load water line, and the after upper deck more than *11 feet* above the designed load water line. Although much shorter vessels than the *Connecticut class,* and with 1 knot less designed speed, the *Idaho* and *Mississippi* have *only 9 inches less freeboard abreast their forward turrets* than the *Connecticut,* and, in proportion to their displacement, have a much more powerful armament, and equally efficient armor protection. The Chief Constructor therefore dissents entirely from the critic's dictum that—

"The building of these ships, in face of the knowledge of what their lowering upon the water meant, was preposterous."

The designed freeboard of the *South Carolina* class, which the critic describes as "our semi-*Dreadnoughts,*" is 19 feet 6 inches, instead of 18 feet, as stated by the writer. The freeboard of these vessels is only 1 foot less than that of the *Connecticut* class, is *greater* than *that* of *Admiral Togo's flagship,* the *Mikasa,* is *greater* than *that* of the *Iowa,* whose *freeboard* was *highly commended* by the *General Board* in *1903,* and is about *the same* as *that* of the *Royal Sovereign class* and the *majority* of *British battle ships,* whose *seaworthy qualities, ability to fight their guns under all conditions of weather, etc., have never been seriously questioned.*

The writer's next statement is probably the most inexplicable of a large number of false or misleading statements. Referring to our last-designed 20,000-ton battle ship, he says:

"And these latest ships were given a proper freeboard only after special pressure from the President of the United States. On this point, again, the Navy itself refused to change its policy."

This is a definite and unequivocal statement concerning the official acts of at least two officials. So far as it concerns the work of the Chief Constructor in connection with any designs of ships which have been produced during the past four years, it is wholly false. The freeboard of the *Delaware* and *North Dakota* was determined in a rational and logical manner in conformity with the fundamental principles governing the design of vessels of that size and character and without suggestion or compulsion from any one. Since the *Delaware* class have much greater length than any previously-designed battle ships of the United States Navy, and since, in order to obtain the high speed required, the extremities of the under-water body of these vessels are unusually fine for battle ships, and, therefore, have less buoyancy, it was imperative, in view of the concentration of heavy weights comparatively near the extremities of the vessels, to give much greater freeboard forward to vessels of the *Delaware* class than had been previously given to vessels of the *Connecticut* class, in order to preserve the same relative degree of seaworthiness when *traveling* at *high speed in a seaway.* As already fully explained, however, this was a natural development for this type of vessel and did not in the slightest degree discredit the designs of the battle ships which had gone before.

The Chief Constructor has taken great pains to dispose in detail of the sensational allegations of this magazine writer with respect to those questions which directly affect work under the cognizance of the Bureau of Construction and Repair, and especially the vital questions of *freeboard, height of gun axes,* and *water-line armor protection.* The allegations of the critic with respect to matters in which the Bureau of Construction and Repair is only *incidentally* concerned are almost as *sensational* or *misleading* as those relating to matters for which the Bureau is *directly* responsible. To effectually dispose of the majority of these allegations would be a comparatively simple task; but inasmuch as this report has already extended itself to an unusual length, the Chief Constructor hardly feels warranted in covering ground which has already been covered, in all probability, by his colleague, Rear-Admiral George A. Converse, United States Navy, retired, whose report is under-

stood to cover all matters relating to the Bureau of Ordnance, as well as those relating to personnel, drill, organization of the fleet, etc.

Moreover, many of the writer's misleading statements with respect to superstructure-armor protection, size of gun ports, protection of crew, type of ammunition hoists, etc., have been treated at some length by the Chief Constructor in his recent testimony before the House Naval Committee, a copy of which will be filed with this report as soon as received from the printer. For a gentleman who claims "a closer seagoing acquaintance" with the American Navy "than any other civilian possesses" the writer evinces a most unwarranted tendency to indulge in loose, irresponsible, misleading, or false statements concerning matters with which he should have definite knowledge if his ten years' familiarity with the Navy have been devoted to earnest and even passably intelligent study of its matériel in comparison with that of foreign navies. His apparently unsatiable desire for sensation at any cost leads him to make statements which, upon their very face, are too absurd for serious consideration. A few conspicuous instances of this must suffice.

The critic states in his article, referring to the *Kearsarge* and *Kentucky*, that—

"The openings above and below the guns in the turrets of these vessels are 10 feet square."

If this were true, practically the entire "port plates" of the 13-inch turrets of these vessels would have to be removed. The mere publication of a statement of this nature leaves the author open to an accusation of ignorance, gross carelessness, or malicious misrepresentation.

Again, this writer says:

"The mechanism for furnishing ammunition to the crews of the medium guns can give them only from one-fifth to one-third the amount that they can fire."

The rate of ammunition supply now provided for the main and secondary battery guns of nearly all of our battle ships is such that if the battery is served at the maximum possible rate of supply of the ammunition hoists, the *magazines* would be *emptied in* considerably *less than an hour*. It has been reported—and there is no good reason to doubt the accuracy of this report—that after five hours' fighting, during the first day's battle of the Sea of Japan, the Japanese fleet was still well supplied with ammunition. Reports indicate, also, that the number of rounds of ammunition per gun for battle ships of the United States fleet is not inferior to that provided for vessels of the Japanese navy. So that, if the critic really meant what he said, it would necessitate a rate of ammunition supply which would permit a *rapidity* of *fire* more than *twenty-five times* as *great* as the average *found practicable* by the *Japanese fleet* in the *battle* of *the Sea of Japan*, and would *empty* the *magazines* in *less than ten minutes*, if the entire battery were engaged. The *effect* upon both *matériel* and *personnel* of the *ship maintaining* this *rate* of *fire* would probably be nearly as *disastrous* as *that produced* by the *projectiles themselves* upon the *enemy's ship*.

In view of the grave misrepresentations which have been made, not only in the article now under consideration, but in the public press generally, brief allusion will be made to those criticisms which deal with that most important subject—turret ammunition hoists.

In making reference to what he styles "the open shaft to the magazine," the critic makes the following statement:

"Never, since the use of powder upon fighting ships, has there been such danger to the magazines as exists in every battle ship and armored cruiser in the American fleet. It is a first principle, recognized even in the days of wooden frigates, that powder must not be passed directly up to the gun deck through a vertical shaft. Primitive common sense demands that there must be no passageway straight down from the fire of the guns on the fighting deck to the magazines. The open turret of the United States battle ship is the only violation of this principle in the practice of the world."

The first sentence of the above quotation is wholly and unwarrantably untrue, if we are to accept the positive statements of ordnance experts who have given this matter serious attention. In the first place, the type of turret ammunition hoists in service in the United States Navy was developed by ordnance officers of conspicuous ability and knowledge of their profession. Among the chiefs of Bureau of Ordnance during the time that this type of ammunition hoist was being generally installed in the turrets of our battle ships and armored cruisers were:

Rear-Admiral Montgomery Sicard, who was subsequently commander in chief of the Atlantic fleet.

Rear-Admiral William T. Sampson, who was subsequently commander in chief of the American naval forces in the Atlantic Ocean during the war with Spain.

Rear-Admiral William M. Folger, who was subsequently commander in chief of our fleet in Asiatic waters.

Rear-Admiral Charles O'Neil, who for seven years was Chief of the Bureau of Ordnance.

Associated with the above-noted distinguished officers were officers who had the complete confidence of their colleagues in the Navy and who were themselves subsequently in charge of some of the very turrets whose ammunition hoists are now alleged to be so very deadly and inexcusable. As a matter of fact, upon no single question connected with battle ship design does there appear to have been greater misunderstanding than there has been with respect to the relative safety of different types of ammunition hoists. There is the best possible authority for the statement that, as regards safety, the present United States type of turret ammunition hoist, with automatic shutters, is as safe as the two-stage type of ammunition hoist under the condition of greatest rapidity of service in action. Ordnance experts of unquestioned ability and experience have stated most positively that the real advantage of the two-stage hoist is that of greater rapidity of ammunition supply and not increased safety, since the increased rapidity of supply of ammunition can only be attained by having an auxiliary supply of ammunition in what may be termed the upper handling room, or else permitting several charges to be in transit from the magazine to the turret chamber at the same time. Moreover, the use of two independent small-chamber trunks for the two ammunition hoists increases the chance of explosive ignition of ammunition in transit from the magazine to the turret chamber should such charges be ignited by burning grains of powder or otherwise while in the tube, since the ignition of powder in a confined space is almost certain to cause dangerously high pressures, whereas the ignition of the same powder in a large *unconfined* space would result in less rapid combustion and comparatively low pressures.

It must not be forgotten that in the turret ammunition hoists of United States battle ships the car is loaded in a magazine handling room which is wholly separated from the magazines themselves by water-tight doors. These water-tight doors have in them scuttles with automatic flaps, the ammunition being passed from the magazine through the scuttles into the handling room. There is no necessity for an accumulation of powder in the handling room, and there are stringent regulations to provide against such an accumulation. There is, moreover, a platform shutting off the handling room from the upper part of the turret well. The ammunition car passes through this platform, automatic shutters closing the entrance as soon as the car has passed. As a matter of fact, the ignition in the turret chamber, on four separate occasions, of charges of powder, and on one of these occasions the ignition of a considerable quantity of powder in the handling room, without an explosion of the ammunition in the magazine resulting therefrom, would tend to indicate, *not* that the *magazines* were in *danger of explosion* from such a cause, but that they were *unusually immune*. The type of turret ammunition hoist in the United States Navy had nothing to do with the origin or causes of the ignition of the powder charges in the turret chamber on any of these occasions; nor will the substitution of a different type of hoist entirely remove the inevitable danger which must always exist in the handling of high explosives under target practice or battle conditions.

That every possible precaution will be taken to minimize these risks goes without saying, and I believe that the bureaus charged with such matters in the United States Navy have so far taken every possible precaution whose practicability and utility have been demonstrated.

I have excellent authority for the statement that *all* of the *turret ammunition* hoists of *armored cruisers* in the *British navy* lead direct from the magazine handling room to the turret chamber and *are not* of the *interrupted-hoist type*. Also that a large number of turret ammunition hoists on British battle ships are of the same *direct-hoist* type. The direct hoist is also in use on many French battle ships. I am informed that the essential difference between *British direct hoists* and *American direct hoists* is that in the British type there is a long tube leading from the magazine handling room to the turret chamber, open at the bottom, and having a suitable closure at the top; whereas in the American type of hoist the charge goes direct from the handling room to the turret chamber, this hoist having no circumscribing tube, there being instead an *intermediate platform* with automatic shutters, as previously described. In the opinion of some well-known ordnance experts, the use of the direct *tube*, as in the *English navy*, is no safer than that of the *American type* of *direct hoist* with *intermediate platform*, for reasons already stated.

The question now naturally arises, Why should there be any change in the turret ammunition hoists of American battle ships if the present hoist is satisfactory? An entirely satisfactory reply to such a question would involve a complete review of a large mass of official correspondence relating to ammunition hoists and extending over a period of many years. Briefly, however, it may be stated that there has apparently arisen, during the past few years, doubt as to the safety of the present type of ammunition hoists. This distrust is believed by some of those best qualified to judge to be wholly without foundation in fact. Those who have had any extended experience in the control of men, however, fully realize the serious results which might easily follow undue distrust of the safety of so important a mechanism as the turret ammunition hoist. The official records indicate that the two-stage type of hoist was directed to be installed in the turrets of all battle ships and armored cruisers of the United States Navy (other than the four last designed) as a direct result of the recommendation of a turret board appointed shortly after the accident in the turret of the *Georgia*, and that the Bureaus of Ordnance and Construction and Repair have acted in direct conformity with the Department's instructions approving the report of the board. It is also true that one of the seriously controlling features (so far as the Bureaus of Ordnance and Construction and Repair are concerned) in taking the preliminary steps to make this change in turret ammunition hoists was the recognition of the apparent distrust in which the present type of hoist was beginning to be held on account of the serious misrepresentations which had been made as to the safety of that type of hoist. Inasmuch, therefore, as the efficiency of any body of men is seriously impaired, if they honestly believe that the tools with which they are to work are at all unsafe, the Bureaus of Ordnance and Construction and Repair have been working together for some years past to make such modifications of ammunition hoists and turret arrangements as would meet all practicable requirements of both speed and safety.

Inasmuch as this subject will be fully treated in the report to be submitted by Rear-Admiral Converse, further comment will not be made, except to state that, judging by past experience, it is not at all beyond the possibility of rapid evolution of service sentiment in such matters that modifications may be made in the type of turret ammunition hoist now in service which will entirely meet the requirements of those who desire an increase in speed. If, however, the present hoists are modified so as to provide, in effect, a two-stage hoist, such modification, or the substitution of entirely new two-stage hoists, in the opinion of many ordnance experts, will not be productive of an increase of safety, but an increase of speed, unless speed is sacrificed to safety, an accomplishment hitherto found to be practically impossible under the intensely competitive conditions now prevailing with respect to target practice.

The strictures of the critic upon the bureau system of the Navy Department and bureau management of the Navy are severe, and if all of them had reasonable semblance of truth, would furnish just cause for alarm. A system, however, which has carried the Navy through three wars, and which directly superseded an administrative organization of the general character of the one now put forth as a "cure-all" for the alleged defects of the present bureau system, must surely have very definite merit. It can not, therefore, be lightly brushed aside to meet the views of the irresponsible critic whose comments upon our matériel have been proved to be so misleading and inaccurate. Moreover, it is not entirely apparent that experience as an artist and an author should adequately qualify a critic to express a really valuable opinion concerning the administration of so vast and complex an establishment as that of the Department of the Navy. A scheme for the effective reorganization of so important a branch of the public service might well tax the best efforts of those who have devoted to that subject years of study and have brought to its intelligent consideration the valuable experience of successful endeavor in similar lines of work; it obviously has no terrors, however, for either the naval or civil amateur in such matters. After an experience of more than four years as chief of one of the most important bureaus in the Navy Department, and an administrative experience of many years prior to his appointment as Chief of the Bureau of Construction and Repair, the Chief Constructor can say, without hesitation, that he knows of no branch of the public service which has more earnest, loyal, and devoted servants than has the Department of the Navy in the present

heads of its various bureaus and offices. Faults of administration there doubtless are, and the bureau system may not be in all respects ideal; but all forms of corporate or governmental administration have their defects, and, all things considered, I believe the underlying principles which governed the original establishment of the present bureau system are as sound to-day as they were when Congress authorized the establishment of the Bureaus more than sixty years ago.

Moreover, after actual experience of the practical workings of such a system, I have no doubt whatever that, for direct administrative responsibility it is, as a system, one of the best that can be devised, and that with the further development of certain consolidations and changes in navy-yard administration, which are now being tentatively undertaken, the bureau system of the Navy Department can be made to give more effective results than any system of "board responsibility" ever devised.

The Chief Constructor's conclusions with respect to certain alleged defects in the battle ships of the United States Navy have been stated definitely as each subject was disposed of. It is therefore needless to do more, in conclusion, than make a positive general statement based upon the detail statements already given. It is therefore a privilege to be able to state that the *height of freeboard, height of gun axes, character of water-line armor protection, general type of turret ammunition hoists,* etc., of the ships of the United States Navy are such as have heretofore been embodied in many of the best "all-around" battle ships of which the Chief Constructor has knowledge, and they have been determined upon only after the most painstaking investigation and devoted attention to some of the most experienced and distinguished officers of the United States Navy, including those of the seagoing element as well as those of technical branches of the service. Also that *considering each vessel* in its *own period of design,* the *battle ships* of the *United States Navy compare most favorably* with those of the *most important foreign navies* and have been used by certain *foreign expert critics* as *standards which foreign designers should emulate.*

Comparison of vessels of the United States Navy with foreign vessels is not agreeable nor ordinarily desirable, but this must be regarded as an extraordinary occasion, since the public and a large section of our own service have been *misled* or *misinformed,* and *positive statements* of *fact and opinion* are necessary to remove these *false impressions.* The features of battle-ship design, which have been covered in the foregoing report, are among the most important with which the naval constructor and others responsible for the design of battle ships of our Navy have to deal. They are also, apparently the least understood and appreciated by those whose superficial knowledge of the general subject of ship design leads them to make rash, inaccurate, and unwarranted statements in relation thereto.

In preparing this report, the Chief Constructor has taken an unusual degree of pains to accumulate and prepare data which would be as reliable as the sources of information would permit. With respect to our own and certain foreign battle ships, it has been possible to give data with an unusual degree of accuracy; details with respect to the other typical foreign battle ships for which plans and tabular data have been prepared are the best available, the sole desire being to state the *facts* and let the *conclusions therefrom* be so plain that even the unwilling may be convinced. Moreover, in preparing this report and devoting so large an amount of personal attention to the collection and arrangement of data in relation thereto, the Chief Constructor has had in mind *not so much* the *refutation* of the *misstatements* of an *irresponsible magazine writer,* as the *removal* of an *erroneous impression from the mind* of *the public* at *large,* and *especially* to *correctly inform those whose naval training* and *professional association should already have afforded them more accurate knowledge of, and greater faith in,* the *matériel which may some day* be *under their command* in *time* of *war.*

The Chief Constructor is constrained to believe that there is among some of the personnel of our naval service an inexplicable amount of misinformation concerning the development of naval matériel in our own as well as in foreign services; also a complete failure to grasp the essential fact that all battle-ship design is necessarily a compromise, and that the undue development of one feature must necessarily be accomplished by sacrificing some other perhaps equally important feature. That there is grave misinformation as to real conditions with respect to naval matériel is unfortunately indicated by statements of magazine and other writers that the information upon which they have based their criticisms has been obtained from those who were in a position to have exact knowledge on the subject.

After due consideration and consultation with the Department, it has been deemed unnecessary to deal fully with this particular phase of the subject in a report of this kind. Some reference thereto, however, appears necessary in view of the very widespread impression that many of the most sweeping criticisms which have appeared in recent magazine and other articles had a certain amount of direct inspiration.

That those who are responsible for the design of battle ships in the United States Navy are not infallible, is readily conceded; that errors doubtless have been and will be made in some of the details of battle-ship design, may also be regarded as indisputable. This matter was, however, tersely disposed of by the Secretary of the Navy in his last annual report, page 33, in the following statement:

"Peculiarly fitted as are our ship designers for the work they have in hand, we have, nevertheless, in the past made some mistakes; but these, when discovered, have been promptly rectified. Such is the history of naval construction under foreign governments as well as our own. We have no monopoly of errors in warship designs. On the whole, I believe that the members of the construction corps of the United States Navy have greater opportunity for keeping in touch with the requirements of the fleet and the views of seagoing officers than is possessed by any similar corps in any other navy."

There is a tendency among many critics to compare the good points of the design of to-day with the comparative inferiority of the design of ten or more years ago. There is also, among all critics of naval matériel, a strong tendency to criticise some particular element of battle-ship design, without duly considering all the other elements which enter into the design of the vessel as a whole. It also often happens that each critic has his own particular ideas as to the relative value to be assigned to each essential element of battle-ship design, and if his individual views are not met, the design, as a whole, is, in his opinion, faulty.

The failure to consider, as a whole, all the elements which enter into the design of any particular battle ship, and the failure to properly inform themselves as to previous practice and the conditions under which any particular design has been developed, is one of the most fruitful sources of such unfavorable criticism as is made by critics in the naval service.

The majority of those who bring to the Department's attention their views concerning matters pertaining to the naval service are doubtless actuated by the highest motives, and some of them may really believe that they are doing a great public service in appearing to reveal and hold up to public condemnation alleged glaring defects in the battle ships of the United States Navy. Apparently it has never occurred to such insufficiently informed critics that they have no monopoly of professional knowledge, loyalty, and devotion to duty—qualities which, in the judgment of the Chief Constructor, are characteristic of the overwhelming majority of officers of the United States Navy. Neither do these critics appear to take time to consider that while they may possibly be accomplishing, in their own particular fields of labor, splendid results for which all officers are only too glad to accord them their full measure of praise—other officers, fully as devoted to their work, fully as loyal to the naval service as themselves, and possibly much more completely equipped as regards the particular professional work for which they have definite and very great responsibility, are giving their very best energies, in season and out, to the accomplishment of the one great thing which all right-thinking, right-minded, fair-dealing naval officers have in view, namely, the bringing to the highest possible state of efficiency the service in which they have all been trained from boyhood and which the large majority love so well that they will leave nothing undone to make it excel in all things and to defend it from its detractors.

So far as concerns criticism in general, it is always welcome when it is timely and well considered, since much good can and does result from the consideration of intelligent criticism of this kind. There are ample means, however, of bringing to the attention of the Department criticism either of the personnel or matériel of the naval service, and in the last annual report of the Chief Constructor there was set forth in great detail a history of battle-ship design in the United States Navy for the past ten years, with definite allusion to some of the most important criticisms that have been made and definite orders published by the Secretary of the Navy with a view to eliciting from officers in general intelligent criticism upon naval matériel. Reference was also made to some of the very unfortunate results which had followed the overruling of the opinion of the Department's responsible and trained designers in favor of the ill-considered and unwise recommendations of those whose training and experience in such matters were not so complete as that of the Department's official advisers.

That Bureau of the Navy Department of which I have the honor at the present time to be the chief does not *shrink from* but *courts* criticism; but in order that such criticism may be helpful and valuable it must come from *well-informed* and *experienced men* whose *sole desire* is to *improve* and not to *tear down,* and who are willing to set forth their views *in detail* with *definite reasons* for "*the faith that is in them.*" If, in the last analysis, those who have final and definite responsibility for results and whose knowledge and experience does not permit them to concur in the views of the critic—no matter how definite those views may be or how strongly or persistently expressed—rely upon their own best judgment, reinforced, it may be, by the unanimous concurrent opinion of their responsible official colleagues, the critic has no just right to insist that only he and his sympathizers are right and that all those who differ from them in opinion are wholly wrong, *especially* when the *subject under criticism* is one for which *others* and *not* the *critics* have *definite responsibility.* That they alone are right, however, appears to be the point of view of those whose opinions are not accepted, and their subsequent action must, in many instances, be prejudicial rather than beneficial to the naval service if we are to accept as true the statements of certain magazine and other writers that their articles are based upon information obtained from officers of the Navy.

In view of the foregoing, and in spite of the very great additional burden of work imposed upon the Chief Constructor, it has been a real privilege to join with his colleague, the president of the Board of Construction, in setting forth the *facts* concerning the matériel of the United States Navy. In doing so, the Chief Constructor is fully aware how great has been the *misrepresentation* as to such matters, how *far-reaching* may be the results, and, *ultimately,* how *disastrous* to *discipline* and *efficiency* of the *fleet itself* must be any *widespread dissemination* of *false* or *misleading statements concerning* our *naval matériel* unless such false impressions are promptly removed; for it is quite too much to expect that the *best work* can be *done either* by *commissioned* or *enlisted personnel* if they once become thoroughly imbued with the idea that the possible enemy has the "best" and our own service only the "worst" in naval matériel.

Those features of battle-ship design which have been covered by this report and which affect the design of the vessel as a whole, in matters directly under the cognizance of the Bureau of Construction and Repair, are height of *freeboard, gun height,* and *water-line armor distribution.* The detailed discussion of these features of United States battle ships in the foregoing report would appear to leave no doubt whatever as to the accuracy of the following conclusions:

First. That the height of freeboard of United States battle ships has been given the most careful consideration in every design of battle ship, and that the comparatively inferior freeboard of the three vessels of the *Indiana* class and the two vessels of the *Kearsarge* class was due, in part, to a literal compliance with the phraseology of the act making appropriation for those vessels and in part to a desire to obtain the greatest possible battery power and greatest possible battery and hull protection on the displacement finally decided upon. All other battle ships in the United States Navy, with the exception of those above noted, have ample freeboard for seaworthiness, and ample freeboard for the purpose of effectual service of the battery under all probable conditions of battle. Since freeboard in excess of that necessary for seaworthiness and the service of the battery is obtained at a distinct sacrifice of other important and essential qualities, the action of the responsible designers of the battle ships of the United States Navy has been fully justified by the results obtained. Moreover, a comparison of the freeboard of American battle ships with that of battle ships of the British and Japanese navies indicates that the responsible designers of these three navies have arrived at substantially identical conclusions in treating this very important element of battle-ship design.

Second. That the heights of gun axes on battle ships of the United States Navy are directly and most favorably comparable with the heights of gun axes on battle ships of the British and Japanese navies, and that such gun heights are entirely adequate for the effectual service of the battery under all probable conditions of weather during which naval actions are likely to take place. The most direct evidence in support of this statement is the effective work performed by the batteries of the Japanese battle ships during the battle of the Sea of Japan, it being noted in this connection that the heights of gun axes of the

battle ships of the Japanese fleet were slightly less than the heights of gun axes of nearly all battle ships of the United States Navy, with the exception of those of the *Kearsarge* and *Indiana* classes.

Third. That the water-line armor distribution on battle ships of the United States Navy has been made with due regard to the imperative necessity of giving adequate protection not only to vital elements of the vessel, such as machinery, boilers, and magazines, but also—and most important of all—to the stability of the vessel under battle conditions. The data contained in the text of this report, supplemented by the plans herewith forwarded as appendices, leave no possible room for doubt that the water-line armor distribution of battle ships of the United States Navy is in no sense inferior to that of similar protection on typical battle ships of the British and Japanese navies, and in many instances, as is clearly shown, is superior. Where the designs of battle ships of other navies have indicated a greater protection to the water line, such greater protection has inevitably been accompanied by serious sacrifices of other most important qualities, a sacrifice which, in the judgment of British, Japanese, and American designers, has been without justification.

Speaking, therefore, as one who has no responsibility, either direct or indirect, for the designs of battle ships now attached to the *Atlantic fleet*, but as one who has unusual opportunities to *know facts*, and who has, moreover, a keen appreciation of the responsibility inevitably attaching to such a statement made by him, the Chief Constructor desires to go fairly and squarely on record as stating that, *ship* for *ship*, in its *own period* of *design*, the *battle-ship fleet* of the *United States Navy compares most favorably* with that of *any other navy* in the *world*, and, *in the opinion* of *certain foreign* critics, is *superior* to *all* in *battery power and protection*, the two vitally essential elements in all battle ships. In making the foregoing statement the Chief Constructor earnestly desires to disclaim any boastful intent. As previously noted, comparisons of this kind are unpleasant and ordinarily undesirable, but there are times when they are necessary, and this appears to be one of them.

In conclusion, and by way of illustrating the fact that the United States Navy has no monopoly of unfair and unjust criticism and that there are in other countries individuals or cliques whose tendency is to criticize to destruction rather than to assist in upbuilding, and who evince an undue interest in and responsibility for the work for which others are legally responsible, I beg to submit and close with the following quotation from an article in a well-known and widely read British service publication of so recent a date as January 16, 1908:

"* * * The real danger to British naval supremacy at the present time lies not in the possession of fast battle ships nor in the superiority of the material of the fleet, but in the formation of cabals. Loyalty to their chiefs is what the nation expects and requires from its naval officers of all ranks; there can be no success in war without it. Some remarks penned by an officer of rank one hundred and twenty-odd years ago are not without point even at the present time. A certain Captain Cornewall, describing a 'straight talk' he had with his commander in chief, relates how he addressed him in the following remarkable words: 'By what power I can not say, but from the effects of that power he (the second in command) has drawn over to himself a party of at least half of the officers under your command; these are trained up in discontent, and, perhaps, I don't go too far if I say, in open contempt of every resolution sent from the Admiralty.'

"There is a lot to be learned from naval history, if we can only interpret its lessons aright. And the first and last lesson to learn is loyalty to the chiefs, whether at the Admiralty, on shore, or in command afloat."

Very respectfully,

W. L. CAPPS,
Chief Constructor U. S. N., Chief of Bureau.

The SECRETARY OF THE NAVY.

Mr. HALE. Now, Mr. President, in addition to that I present appendices 11 and 12 to accompany the report of Rear-Admiral Capps of February 14, 1908. I do not ask that that be printed in the RECORD, but that it be printed with the report of Admiral Capps as a part of the Senate document.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

Mr. HALE. I also ask that 500 additional copies of each of these documents be printed for the use of the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

Mr. TELLER. Mr. President, I should like to suggest to the Senator from Maine that he incorporate all of these documents in one pamphlet, so that we shall have them all together in one document, which will be more convenient for reference.

Mr. HALE. I think, as it seems that each is distinctive, that it will be better to have them printed separately as presented, and, if at any time hereafter it is desired that they shall be printed together, as the Senator from Colorado [Mr. TELLER] suggests, they can be very easily printed in that form.

Mr. TILLMAN. Before the Senator takes his seat——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. If the Senator will allow me a moment.

Mr. TILLMAN. Certainly.

Mr. HALE. The veteran Senator from Iowa [Mr. ALLISON] suggests that, in view of the public interest in this matter, I ask for the printing of a thousand extra copies instead of 500.

The VICE-PRESIDENT. Without objection, 1,000 extra copies of the documents referred to by the Senator from Maine will be printed.

Mr. TILLMAN. Before the Senator from Maine takes his seat, as he has been discussing naval affairs with a thorough knowledge and understanding, I will say there is one phase of the subject connected with the Navy as to which I should like to have some information, which perhaps he can give. On the 21st of January the Senator from Maine introduced a resolution, No. 77, which the Senate adopted, calling upon the Secretary of the Navy to send to the Senate a complete list of the line and staff officers of the Navy on duty in Washington, etc. The Senator no doubt recalls the subject. It is now nearly a month since that resolution was adopted; and as this is so simple and easy a performance on the part of the Department of the Navy, I should like to know if an answer has come, and if not, why not?

Mr. HALE. I will tell the Senator from South Carolina exactly. The reply to the resolution which the Senator has cited was sent to the Senate during my absence from Washington, something like a week ago. It was withdrawn for the purpose of correcting the proofs and has not yet been returned to the Senate. I am told that it will probably reach this body to-day or to-morrow. Whenever that does happen, I shall ask the Presiding Officer to refer such reply to the Committee on Naval Affairs. It will be a part of the investigation by the committee connected with the bill which is now before the committee.

SECOND-CLASS MAIL MATTER.

Mr. BACON. I ask that 5,000 additional copies of Senate Document No. 270 of this session be reprinted. It is a matter relating to the postal service and of very general interest.

Mr. GALLINGER. What is the title of the document?

The VICE-PRESIDENT. The Secretary will state the title of the document.

The SECRETARY. A letter from the Third Assistant Postmaster-General containing a discussion of the policy of the Post-Office Department regarding second-class mail matter, etc.

Mr. KEAN. I understand from the Senator from Georgia that the cost will be within the $500 limit.

Mr. BACON. My information is that it will be less than $200; in fact, my information is that 10,000 copies could be printed for $250. I do not know what proportion of that amount 5,000 copies would require.

The VICE-PRESIDENT. The Senator from Georgia asks that 5,000 additional copies of the document named by him be reprinted. Is there objection? The Chair hears none, and that order is made.

PERSONAL EXPLANATION.

The VICE-PRESIDENT. Is there further morning business?

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator rise to morning business?

Mr. TILLMAN. I rise to a question of privilege, if that be in order.

The VICE-PRESIDENT. The Senator from South Carolina.

Mr. TILLMAN. Mr. President, in the last day or two I have had my attention called to a scheme of swindling in which my name is used rather unpleasantly and without the slightest warrant. I feel it of such importance that I want to give as wide publicity to it as possible, so as to stop the rascals from getting any more money.

I have in my hand a circular which has been sent to me from Connecticut, and I have letters from Virginia and from Wisconsin and one or two other States, all relating to the subject of land grants in Oregon, and mentioning this circular. The circular headed, "How to make $5,000 out of $200." In reading it I find that those responsible for it are using my activity here in calling attention to these land grants and endeavoring to have the Senate investigate and take action in regard to them to advertise a scheme to sell some of these railroad lands. In one place it is stated that "Senator TILLMAN takes eleven quarters," and in another place it is stated that the lawsuits to be instituted in order to recover these lands are promised to be pressed with great vigor, because I am behind them. As a matter of fact, I have not bought any land anywhere in the West nor undertaken to buy any. I have made some inquiries, as one naturally would in roaming through the West. I simply want the people of the country to be put on notice that this swindler at Portland has no warrant whatever for endeavoring to inveigle others into his game.

I have telephoned to the Post-Office Department to ask the official in charge of the fraud-order bureau to come down here so that I can present the evidence and endeavor to block this rascal as much as I can. I ask that the circular be printed in the RECORD in order to give it publicity.

The VICE-PRESIDENT. The Senator from South Carolina asks that the communication submitted by him be printed in the RECORD without reading. Is there objection? The Chair hears none, and it is so ordered.

The circular referred to is as follows:

[St. Paul and Pacific Timber Syndicate, 525 Chamber of Commerce Building, Portland, Oreg. Capital, $3,000,000. Bryan R. Dorr, President. Depositories, American National Bank, St. Paul; United States National Bank, Portlan. Phones, Main 8550; A 5580. Codes, Western Union, McMullen.]

FEBRUARY 5, 1908.

DIVIDEND NOTICE AND REPORT OF STOCKHOLDERS.

We are presenting herewith to our correspondents and stockholders an unusual opportunity to make a quick profit of about 2,500 per cent, if they are willing to act at once. All the particulars are contained in the circular inclosed, and I urge that you read it carefully.

A dividend of 10 per cent was paid on January 2 upon all the preferred stock which has been paid for and issued by December 16, 1907. This dividend was paid out of the earnings on the sale of timber bonds, of which we have an aggregate of nearly $20,000,000 for sale. Dividends are payable twice each year, and we hope materially to increase the dividend rate shortly, owing to the establishment of this Portland office and to the connections which we have formed in New York to represent us there.

During the financial stringency there was a temporary slump in the price of standing timber on the coast, but with the recovery of confidence lumber camps are reopening everywhere and shipments by rail and water are daily increasing in volume. Meanwhile the temporary lower level in timber prices will enable us, being on the spot with ready cash, to secure bargains which will seem absurd six months from now. The large syndicates forming the so-called "lumber trust" are buying as fast as money can be secured and timber located. From this office we shall buy and sell timber and timber bonds, and shall in a few weeks commence the cutting of logs. Our New York representative will be Mr. Clarence M. Smith, of 74 Broadway, banker and broker, and we are very fortunate in securing a firm of such reputation and standing.

Remember, I told you I intended to make a great success of this business. Now, I am going to do it. In fact, I am doing it. Since coming out here, I have become convinced that our opportunity is absolutely unlimited. People all over the world are realizing that when the Panama Canal is completed and the wonderful lumber of the Pacific coast, with its Port Orford cedar, sugar pine, and Douglas fir, can be delivered in New York by sailing vessel at low cost and in reasonably short time the price of this stumpage will be higher than it is now in the Central States. In Minnesota mixed stumpage sells at from $10 to $13 per 1,000 feet, and the price for better timber here now is about $2 per thousand. If you can buy timber now, by all means buy it! We have dozens of bargains on our list, costing from $2,000 up per quarter section. Otherwise, by all means take some of the preferred stock in this corporation at $100 for each 100 shares, payable at the rate of 10 per cent down and 5 per cent per month.

Or take up the opportunity offered in the inclosed circular. Read it carefully every word, and wire us at once.

Very truly, yours,

BRYAN R. DORR, *President.*

[St. Paul and Pacific Timber Syndicate, 525 Chamber of Commerce Building, Portland, Oreg. Capital, $3,000,000. Bryan R. Dorr, President. Depositories, American National Bank, St. Paul; United States National Bank, Portland. Phones, Main 8550; A 5580. Codes, Western Union, McMullen.]

HOW TO MAKE $5,000 OUT OF $200.

To Our Stockholders and Correspondents:

I have just unearthed an opportunity whereby each of my correspondents can obtain a quarter section of the most valuable timber on the Pacific coast with an initial expenditure of $200. This timber is located in Coos and Douglas counties, Oregon, close to tide water, and each quarter section of 160 acres is valued at $5,000 to $15,000 on a very conservative basis. The particulars, including a tale of gigantic greed on the part of the notorious timber thieves, grafters, and land grabbers of Oregon, are as follows:

Shortly after the civil war the United States Government found it necessary to construct a military wagon road from Coos Bay to Roseburg, in Oregon. In order to obtain a builder for this road they agreed to turn over more than 100,000 acres of the finest Government timber land to the State of Oregon, for the Coos Bay Wagon Road Company, on condition that the land should be sold to *any one person* in quantities of not greater than one quarter section (160 acres) and for a price not exceeding $2.50 per acre. Therefore, in order to make the cost of the road fall upon those persons living along the road and receiving the benefit of its construction, the Congress of the United States, at the session beginning on the 7th day of December, 1868, passed an act donating land to the State of Oregon, which act is hereby set forth, to wit:

COOS BAY WAGON ROAD GRANT.

"An act granting land to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State.

"*Be it enacted, etc.*, That there be, and hereby is, granted to the State of Oregon, to aid in the contruction of a military wagon road from navigable waters of Coos Bay to Roseburg, alternate sections of public lands, designated by odd numbers, to the extent of three sections in width on each side of said road: *Provided*, That the lands hereby granted shall be exclusively applied to the construction of said road, and to no other purposes, and shall be disposed of only as the work progresses.

"*Provided further*, That the grant of lands hereby made shall be upon the condition that the lands shall be sold to any one person in quantities not greater than one quarter section, and for a price not exceeding $2.50 per acre.

"*And be it further enacted*, That said road shall be constructed with gradation and bridge so as to permit its regular use as a wagon road, and in such other special manner as the State of Oregon may prescribe.

"*And be it further enacted*, That the United States surveyor-general for the district of Oregon shall cause said lands so granted to be surveyed at the earliest practical period after the State shall have enacted the necessary legislation to carry this act into effect."

Shortly after the legislature of the State of Oregon confirmed this grant on the same terms to the Coos Bay Wagon Road Company, who in course of time did actually construct a very defective road between the points mentioned, and which exists to this day. However, they have steadily refused to dispose of this valuable timber to individual persons "in quantities not greater than one quarter section" to each, "and for a price not exceeding $2.50 per acre," nor for any other price. They did illegally and in direct violation of law, and for the purpose of evading it, transfer *all the lands in one lump* to the so-called "Southern Oregon Company"—that is, *presumably to themselves under another name*—and this corporation fraudulently holds this land to this very day in defiance of the law and the rights of the people under the grant.

THE PROSECUTION OF THE GRAFTERS.

But the day when this sort of knavery goes unpunished is at an end. No longer are State and nation sitting idly by while the people are being robbed of their birthright by the rapacity of corporations too large to be attacked by any single individual. Francis J. Heney, the great United States district attorney, has been sent out to prosecute the grafters and land thieves of California and Oregon on their own ground, and after having run Ruef and Schmitz to earth in San Francisco and uncovered gigantic steals in Oregon, securing wholesale convictions reaching even as high up as that of United States Senator Mitchell, is here in Portland now prosecuting a Government official for conspiracy with the land thieves to defraud the Government.

Realizing that the time to act has come and that only by concerted action can anything be accomplished, representative business men of Coos Bay, Portland, and elsewhere, including myself, have employed Reeder and Watkins, the leading attorneys of Marshfield, Coos County, Oreg., to make a legal tender for us of $2.50 per acre, or $400 per quarter section of 160 acres, to the Southern Oregon Company, and to take care of our interests there.

With each application they are offering to the duly authorized officials of the Southern Oregon Company, in the presence of witnesses, the sum of $400 for a certain specified quarter section. The corporation refuses this tender, thereby violating the terms of the grant and laying itself open to suit. There is no doubt in the minds of Messrs. Reeder and Watkins or ourselves as to the outcome of the suit, for the law is plain and has no mercy for grafters and land thieves nowadays.

SENATOR TILLMAN TAKES ELEVEN QUARTERS.

The illegal and outrageous robbery on the part of the Southern Oregon Company is notorious in this State, but until now it has been impossible to secure the necessary concerted action. That the right men are behind this movement will be appreciated at once when I state that among those who have spoken through our attorneys for a part of this land is *Senator Tillman of South Carolina, the leader of the Democratic party in the United States Senate*, a man who usually gets what he goes after. So sure is Senator TILLMAN of our success that he has subscribed and paid the necessary fees for a quarter section for himself and *ten other quarter sections for ten of his nearest relatives.*

WHAT THE OREGONIAN HAS TO SAY.

The Oregonian, the leading newspaper of Portland, Oreg., speaks as follows in a long article relative to this suit:

"It will be seen that there was no intention of allowing all the lands thus set apart to pass into the hands of one person or company. The act set up guards against creation of a land monopoly that has been created. The act of 1869 laid specific injunction on the trustees, which became a part of the land laws of the United States.

"In 1870 the legislature passed an act donating the land to the Coos Bay Wagon Road Company, under the conditions and limitations set forth in the act of Congress of the preceding year.

"Congress did not intend the road company to acquire all or any of the lands of the grant, for the State, in execution of the trust, 'shall sell the same to any one person only in quantities not greater than one quarter section.' It is contended in behalf of the State that the State could not grant the entire trust estate to the road company, for the latter could not be the party entitled to them. The parties entitled to them were individuals of a numerous class or the public. Consequently it is contended that the road company was excluded as the sole beneficiary entitled to the lands.

"Instead of selling the lands to individuals at $2.50 an acre, in tracts not larger than 160 acres to one purchaser, the Coos Bay Wagon Road Company transferred the title to the lands to the Southern Oregon Company, which refuses to sell to individuals, thus barring great areas from settlement.

"This is in violation of the act of Congress providing that 'anyone' might acquire the land by paying $2.50 an acre, the money to be devoted to building the road. The idea that one company or person could acquire all the lands is expressly negatived by the provision of the act of Congress limiting sales to 160 acres to any one person. Only by disposing of the lands to many persons could the trustee discharge the trust and relieve the lands of the trust imposed upon them."

YOU MAY JOIN US.

Now, we will allow you to join us in this proposition if you care to do so, and if you have read this circular carefully you surely will. You must act at once, as only about fifty quarters are left. Our terms are as follows:

TERMS.

You must pay a preliminary fee of $200 per quarter section. This includes cruising and locating fee, legal retainer fee to our attorneys, court and filing fees, and all other expenses incident to the prosecution. Upon receipt of your remittance we will instruct our attorneys as above to make application to purchase from the Southern Oregon Company the best quarter section not already spoken for, and will notify you at once, giving you the legal description of the tract and stating the amount of timber thereupon. We and our attorneys will do the rest. As soon as the suit is decided and the timber wrested from the hands of the land grafters, we will pay you in cash for your timber at the rate of $2 per thousand feet, amounting to, at least, $5,000 cash for each quarter section, or we will send you the deed upon payment of the specified sum of $400 ($2.50 per acre for 160 acres, as provided by law) plus a commission of 25 cents per thousand feet for the timber to which the St. Paul and Pacific Timber Syndicate will be entitled by right of negotiating these matters. Thus your $200 will obtain for you $5,000 in cash or, by the additional payment upon termination of the suit, as above, a deed to 160 acres of the finest timber land on the Pacific coast.

This timber consists of about 30 per cent white or Port Orford cedar and the balance Douglas fir. Port Orford cedar is the most valuable wood in Oregon, being used extensively for shipbuilding purposes and for match wood. Douglas fir is the most valuable all-purpose wood in North America. A full description of these two valuable woods may be found in the article "Lumbering in Oregon," pages 8 and 9, of the booklet The Richest Land in America, which was sent you some time ago. Suffice it to say that the ownership of one quarter section of this timber represents a tidy sum and that it increases in value with every year.

INSTRUCTIONS.

Simply sign your name in ink to the inclosed form entitled "application to purchase," *leaving all other spaces blank*, and return to us at once with your check for $200. Wire us without fail as soon as you have sent the money, in order that we may reserve you the very best timber not already spoken for.

QUESTIONS AND ANSWERS.

1. *Can I obtain more than one quarter section?* Answer: Not for *yourself*, but you can obtain extra quarter sections for any or each of your relatives or friends by the payment of $200 per quarter section. In that case, for each additional application cut out a piece of good white paper the same size and shape as the "Application to Purchase," and have the applicant sign in ink in the lower right-hand corner. We will fill in on the typewriter. Send $200 with each application and be sure to wire at once.

2. How long will it take to decide the suit? Answer: Can not say. It may take six months, but it will be pushed with the utmost vigor, of course, as it is greatly to our interest, including that of Senator TILLMAN and the other persons associated with us, to have it settled at once. The lawyers will do their best, for we have agreed to pay them an additional fee of $100 per quarter out of our commissions upon the successful termination of the suit.

3. Is it necessary for me to reside on this land? Answer: No. This grant has nothing to do with the "homestead" laws or the "stone and timber act," and any person is entitled to purchase 160 acres whether or not he has used his "homestead" and "stone and timber" rights. He need not even see the land.

4. What if the land is all spoken for by the time you receive my application? Answer: Then we return your money at once. You *must hurry, as there are only about fifty quarters left*, which we have reserved for our stockholders and correspondents. Therefore remit and wire at once to

BRYAN R. DORR, *President,*
525 Chamber of Commerce Building, Portland, Oreg.

Mr. FULTON. Mr. President, I have just seen the circular of which the Senator from South Carolina [Mr. TILLMAN] has spoken, and I think that another suggestion ought to be made in connection with what the Senator from South Carolina has said. In view of the fact that it appears that that circular, which is being sent broadcast throughout the country, by its terms invites people to send to this particular company $200, I think it is, and perhaps some additional fees, for which the company guarantees to secure them valuable tracts of timber land worth not less than from $5,000 up to $15,000—I say, in view of that, I think the statement ought to be put in the RECORD, so that it may go out to the public and be understood that the probability is very, very remote of private individuals being able to acquire this land in the manner suggested by this circular.

The scheme very evidently is for the company issuing the circular to accumulate a vast fund of money by dupes throughout the country sending it to them. They are advertising that these lands can be acquired because the Congressional grant contained a provision that the land should be sold to private individuals in quantities not to exceed 160 acres to each individual at $2.50 per acre. But the probability is that the courts will hold, whenever that question is presented, that no individual can take advantage of the provision, that the Government alone can enforce, by some proper method or some proper steps, the observance of this condition, and any suits brought by private individuals in all probability will fail.

Mr. LODGE. Where is this company?

Mr. TILLMAN. In Portland, Oreg. The circular is at the desk, and I would just as leave have it read as not, though it is rather long.

Mr. LODGE. I do not want it read. What is the name of the company, and where did the circular come from?

Mr. TILLMAN. The Secretary has the circular, and I will ask him to read the name of the company. It is some land syndicate.

The Secretary read as follows:

St. Paul and Pacific Timber Syndicate, 525 Chamber of Commerce Building, Portland, Oreg.

Mr. FULTON. I think that is all I care to suggest in connection with the matter, Mr. President, but it ought to be known that this is a scheme to get money from unsuspecting persons out of misrepresentation and fraud.

Mr. TILLMAN. I will suggest to the Senator from Oregon, while he is on his feet, that this is another reason why the joint resolution reported on by the Judiciary Committee on yesterday should be passed as speedily as possible.

Mr. FULTON. I want, Mr. President, to ask permission to have that joint resolution taken up and passed; but I see the Senator from Rhode Island [Mr. ALDRICH] is on his feet and perhaps has something else to suggest.

Mr. ALDRICH. I was about to say that the senior Senator from Alabama [Mr. JOHNSTON] desires to speak this morning on the financial bill. I am aware that the shipping bill has been made the special order by unanimous consent, and I should like to ask the Senator from New Hampshire [Mr. GALLINGER] whether it would be equally convenient for him to have that order continued until to-morrow, with the same rights, in order that the Senator from Alabama may go on this morning?

Mr. BAILEY. Mr. President, before the Senator from New Hampshire responds to that I should like, if agreeable to him, to have the special order postponed until some further date. The Senator from Georgia [Mr. CLAY] desires to be present when the bill is considered, and he is now confined to his room at his hotel sick, and it may be two or three days before he will be here.

Mr. GALLINGER. I will say, first, in response to the suggestion made by the Senator from Texas [Mr. BAILEY], that my only purpose was to make some preliminary observations in support of the bill, not to press for its immediate consideration, and I think that might well be done to-morrow if there is an opportunity.

Mr. BAILEY. Certainly.

Mr. GALLINGER. Mr. President, I will say to the Senator from Rhode Island [Mr. ALDRICH] that I will very gladly yield whatever privileges I may have to-day, if I can be granted unanimous consent for the bill to be taken up after the routine business to-morrow morning.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the bill made the special order at the close of the routine morning business to-day may be taken up to-morrow after the routine morning business.

Mr. NELSON. What is the bill, Mr. President? I did not understand.

Mr. ALDRICH and Mr. LODGE. It is the shipping bill.

The VICE-PRESIDENT. It is Senate bill No. 28. Is there objection to the request of the Senator from New Hampshire?

Mr. BAILEY. Mr. President, of course I have no objection to the request. I simply want to understand the Senator, in order that I may report to the Senator from Georgia that there will be no effort to obtain a vote on this matter to-morrow.

Mr. GALLINGER. It is not at all my purpose to press the bill to a vote immediately, certainly not until the Senator from Georgia is present, because I understand the interest he has in the bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

GROUNDS FOR PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Mr. President, yesterday I submitted a concurrent resolution calling for information as to the price of certain real estate in the District of Columbia which it is proposed shall be acquired by the Government, together with the price of the improvements thereon. The resolution went over. I now ask that it may lie on the table subject to call, as time is precious this morning.

The VICE-PRESIDENT. Without objection, it is so ordered.

INQUIRIES AS TO CERTAIN WESTERN LAND GRANTS.

Mr. FULTON. I ask consent, before the Senator from Alabama starts with his address, if it will not interfere with him too much, to call up and have considered Senate resolution No. 48, which was up yesterday morning. It has been printed, and I am satisfied that those who were objecting to it, having read it, will now consent to have it go through without discussion.

Mr. CULBERSON. Mr. President, in view of the wish of the Senator from Alabama, I must insist upon the regular order.

The VICE-PRESIDENT. Objection is made.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. I ask that Senate bill 3023 be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. JOHNSTON. I ask that my amendment to section 8 of the bill may be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. It is proposed to amend section 8 by striking out the first five lines and inserting in lieu thereof the following:

That on and after January 1, 1909, two-thirds of the reserve required by law to be held by national banking associations shall be kept in their vaults either in the funds now required by law or in bonds mentioned in this act: *Provided*, That not more than one-half of the reserve so required to be kept in the vaults of national banks shall be in such bonds.

Mr. JOHNSTON. Mr. President, we have had quite an interesting discussion as to what the reserve of a bank is and its uses and abuses. I quite agree with the views expressed by the two Senators from Texas and the Senator from Maryland [Mr. RAYNER] and the Senator from Idaho [Mr. HEYBURN] in their views; and I think they do not differ essentially from the views of the Senator from Rhode Island [Mr. ALDRICH]. It is true he limits the use of the reserve in paying depositors to an emergency; but I think the Senator will agree that when-

ever a depositor presents a check to a bank and demands payment, and the bank can not pay without using a part of its reserve, the emergency is then present, full grown and threatening. It seems to me that it would be absurd to say that the law in such a case presents two alternatives to the bank—one to refuse payment and commit an act which, if it were a State bank, would be an act of bankruptcy; and the other to pay out of its reserves and have the Comptroller appoint a receiver. Such an absurdity is certainly not contemplated, for the act expressly says that the impaired reserve must presently be made good. If a reserve can neither be loaned out nor used to pay depositors, it is the most illogical requirement imaginable. The only other purpose possible would be to hold it as a nest egg for the receiver of the bank to administer. If such be the purpose, it would be safer to require it to be deposited in the United States Treasury and remove all temptation to use it.

Mr. President, I have had some experience in banking, passing through the panic of 1893, and have some knowledge and information as to the use and abuse of reserves.

In and around the city where I live are many large manufacturing and mining plants, employing thousands of laborers. The pay rolls for these laborers require very large sums of money, running up to more than $1,000,000 a month, the pay days coming about the same time. If these, and all the banks similarly situated, were required to keep in their vaults these very large sums, wholly over and above their cash reserves, it would remove from business and circulation a vast amount of money, when the general experience shows that the money paid labor largely returns to the banks within a few days after it is paid out.

The 15 per cent reserve required by law is, in my judgment, sufficient, though banks in my section, both national and State, usually hold in their vaults and with reserve agents a larger amount; but I think the great error in the present law is that too much of this reserve may be, and is, deposited in banks a thousand miles from the home bank, and that too often in times of peril it is, to all intents and purposes, as useless to the home bank as if it were deposited in Japan or some other locality quite as remote from the operation of our laws. It would be better for the banks to "lay up their treasures in heaven, where neither moth nor rust doth corrupt, and where thieves do not break through nor steal," than to have it with reserve agents when a financial panic prevails.

It is this condition of affairs that I propose to improve by requiring a larger holding of reserve, actual or potential, in the vaults of the banks.

But before taking that subject up I want to present some tables showing the amount of deposits in national, State, and savings banks, trust companies, etc., and the insufficient amount of actual and potential currency held to meet these liabilities.

There was on deposit in all national banks December 3, 1907 (Secretary's Report, p. 124):

Due to other national banks	$708,919,278
Due to State banks and bankers	318,969,686
Due to trust companies and savings banks	323,321,475
Due to approved reserve agents	36,675,751
Dividends unpaid	1,155,144
A total of	1,389,041,334
And to individual depositors	4,176,873,717
Making a grand total of	5,565,914,051

The total of these deposits on the 23d of August, when business was normal throughout the United States, was $5,915,612,379, or nearly $350,000,000 more than on the 3d of December.

In this table I am including the balances due all banks and trust companies, to show the then total liabilities of these banks that could be demanded in cash.

There are few of us who have had any experience in banking who do not know that the first money to leave a bank when a financial storm is seen on the horizon is that due to other banks. They are the first of all depositors to call in balances due them from other banks. If not the most timid, they are the most active and alert of all depositors.

On December 3, 1907, the central and other reserve banks had deposits (Secretary's Report, p. 124):

	Central reserve.	Other reserve.
Due to other national banks	$390,537,202	$267,226,131
Due to State banks and bankers	129,010,754	122,700,245
Due to trust companies and savings banks	144,710,252	129,612,374
Due to approved reserve agents		26,553,716
Dividends unpaid	194,195	140,124
Making a total of	664,452,403	546,242,590
Due to individual depositors	783,216,778	937,450,963
A grand total of	1,447,669,181	1,483,693,553

So it appears that these reserve and central reserve banks then held an aggregate of—

Individual and bank deposits of	$2,931,354,734
Whilst all other national banks had	2,634,559,317
Making the total of	5,565,914,051

These two classes of banks, the reserve and central reserve banks, then owed other banks, bankers, and trust companies an aggregate of $1,210,461,174, exclusive of the amounts due individual depositors, and the actual cash on hand, according to the Comptroller's report (p. 7), including bills of other national banks, was $735,178,189.

If the banks and trust companies had attempted to withdraw their deposits from these reserve banks, there would not have been money sufficient to have paid them by more than $475,000,000, and there would have been not a dollar left for individual depositors.

The total deposits in all the national banks on August 22, 1907 (Comptroller's Report, pp. 6 and 7), including amounts due other national banks, trust companies, dividends unpaid, etc., were $5,915,612,379.

They held then in specie, legal tender, etc	$701,623,532
And in notes of other national banks	33,554,657
Total of all money held in vaults	735,178,189
And of this there were Government deposits of	143,282,293

The total reserve held for all these demand liabilities was about 12½ per cent in cash.

The average reserve of about 20 per cent would, if held in the vaults of the bank, have then required $1,242,278,599, or nearly $500,000,000 more than was then held by the banks in cash.

The deposits in all banks on August 23, 1907 (Comptroller's Report, p. 32), was—

In national banks	$5,915,612,379
In State banks, trust companies, etc., including $389,903,872 due to other banks	9,166,659,079
Total deposits of all banks, trust companies, etc	15,082,271,458
A reserve of 20 per cent would have required available cash of	3,016,454,291
Yet the Comptroller reports (p. 48) that the coin and all other money in the United States (1907) was	3,115,000,000
Of which there was in the United States Treasury as assets	342,000,000
Leaving available for all banks and the people	2,773,000,000

So there was not sufficient money in the United States, outside of the public Treasury, for all the banks, trust companies, and so forth, to have obtained a 20 per cent reserve.

I am assuming that the reserve we require of national banks is wise and prudent and certainly not too great, and that State banks will follow the judgment of Congress and the national bank act in holding their reserves the same as national banks; and I say if they had all been required to hold the reserve required by law of the national banks it would have required over $3,000,000,000.

I have mentioned these figures in order to show the condition of the banks and the amount of reserve required or the amount that might have been required.

I am going to address myself now to the amendment I have offered, which I think will improve very much the condition of the reserves.

The argument in favor of the amendment I propose has been ably presented by the Senator from Rhode Island [Mr. ALDRICH], but it finds no expression whatever in the bill reported by him. I have heard of men who favored a law, but were opposed to its enforcement. In this case the Senator seems to favor the law, but is opposed to its enactment. The Senator gives many reasons why banks should be required to invest in the bonds mentioned in the bill, but when we search the bill for some logical and apt statutory expression of the argument we do not find a single line or sentence of finished work.

I shall attempt to show that, if the Senator is correct in his premises, there should be some conclusions enacted into law.

The Senator says these securities, the bonds mentioned in the act, "would form a part of the bank's best assets and would constitute from every banking standpoint, a judicious investment;" that upon a demand for additional notes the bank could obtain for every $100,000 invested in bonds, $90,000 in emergency currency. He asks if it would be a hardship upon the banks to require them, if they desired to avail themselves of the privileges conferred by the bill, to hold to a limited extent this class of securties as part of their assets.

My amendment does not go so far as that. It puts no hardships upon any bank, because they are at liberty to keep the required 10 per cent of their deposits either wholly in money or part in money, and not more than half in these bonds.

The Senator proceeds to say:

The Congress, in my judgment, might properly, in the wise exercise of its supervisory control over the investment of national banks, require these institutions to invest a portion of their assets in these bonds without reference to their use as security for possible note issues or United States deposits, and that this requirement would be in the interest alike of the public and of stockholders.

The Senator seems decided in his opinion that this would be a wise and prudent thing to do, as it would be a protection to both the public and the banks themselves.

The next position taken by the Senator is still forward. He says:

There is no rule of sound banking more inexorable in its character, the violation of which is productive of more disastrous results, than that which requires a bank to hold a portion of its assets in first-class convertible securities, paying a reasonable income, and readily convertible into money.

And that—

Nearly all the destructive bank failures in our own and other countries can be traced directly to a violation of this rule.

Further on, growing more and more earnest and convincing, he says:

The national banks of the country hold reserves of specie and legal-tender money equal to little more than 10 per cent of their demand obligations.

And that—

Common prudence requires that this should be supplemented by a substantial invested reserve in first-class securities.

The evidence—

He says—

is overwhelming that prudent bank managers everywhere invest a considerable portion of their assets in securities of the class designated in the bill.

Now, conceding the argument of the Senator to be sound on this question, it may be summarized briefly thus:

1. The bonds mentioned in the bill would form a part of the banks' best assets, and from every banking standpoint would constitute a judicious investment.
2. That it would be no hardship on the banks to require them to hold, to a limited extent, these bonds as a part of their assets.
3. That Congress, in the wise exercise of its supervisory control over the investment of national banks, might properly require them to invest a portion of their assets in these bonds without reference to their use as security for possible note issues or to cover United States deposits.
4. That this requirement would be in the interest of the public and of stockholders.
5. That the failure to invest a portion of their assets in such securities violates an inexorable rule, the violation of which is most disastrous in its results and to which can be traced nearly all the destructive bank failures in our own and other countries.
6. That common prudence requires that the money reserves should be supplemented by a substantial invested reserve in first-class securities, such as those named in the bill.
7. That the evidence is overwhelming that prudent bank managers everywhere invest a considerable portion of their assets in securities of the class designated in the bill.

Now, it seems to me, Mr. President, that if the Congress has the supervisory power over investments of national banks, which seems not to be questioned; if *prudent* bank managers *everywhere always* invest in such bonds; if the failure to do this causes nearly all the disastrous bank failures in our own and other countries; if this requirement would be in the interest of the public and stockholders alike; if these bonds would form part of the bank's assets, and it would be no hardship on the banks to require this of them; if all this cornucopia of good, wise, and prudent results can be given by Congress to the banks with benefit to the public and security to the banks, why is no provision found in the bill to carry them into effect?

That is the reason I am offering this amendment. I am agreeing with the distinguished Senator in much that he says as to the prudence and wisdom of this investment, and yet the amendment I propose does not go so far as his argument legitimately carries the Senator. He walks up to the river, says that it is much safer for himself and the public to be on the other side; that the passage is free from obstruction or danger; has been often made and always with safety; that it is perilous to remain on the bank he occupies, and yet he refuses to step into the stream and wade across to security and prosperity. Possibly he is waiting for some Democratic Moses to divide the waters so that he can pass over dry-shod. My amendment requires national banks, all national banks, whether reserve or not, to keep in their vaults two-thirds of their reserves, either in specie or legal tender, or one-half of that two-thirds in money and the other half in the very bonds that the Senator says will constitute the best assets of the bank. It is the first step in a programme so heartily commended and so strongly put by the chairman of the Finance Committee.

It has been said that this investment in bonds would reduce the amount of the money reserves of the bank, and hence be of no service whatever in strengthening their position; that if a bank invested 5 per cent of its deposits in these bonds it could only use the bonds in an emergency to get 90 per cent of these bonds in the emergency currency, and that the last state of the bank would be worse than the first.

This might be true if the banks had to ship their currency to some distant point to acquire these bonds, but the class of bonds mentioned in the bill, State, county, and municipal, are found in every State, and much of the money paid for them would find its way back into the vaults of the banks, and, incidentally, the interest paid on these bonds would remain at home.

Another advantage this amendment would secure is that in times of panic the banks holding these bonds could quickly secure emergency notes and meet demands of their customers. Under the present law national banks not in reserve cities are required to keep only 6 per cent of their deposits in money in their vaults, 9 per cent being authorized to be held in reserve banks. If there is anything more intangible than a deposit in a reserve bank in time of panic, I have yet to know it. You may call spirits from the vasty deep and get a response as readily as you can get money from a reserve agent in times of financial distress; so that this investment of 5 per cent in these bonds as part of a reserve, another 5 per cent being in legal-tender money, would nearly double the money assets of a bank when most needed as compared with present requirements. The difference to the nonreserve banks between holding 6 per cent in cash, as now required, and 10 per cent in cash and bonds available for circulation, would be practically the difference between one hundred and forty-eight millions and about two hundred and fifty millions, as the deposits in these banks were, as heretofore stated, $2,634,559,317.

On the 31st of January last the President of the United States sent to Congress a message—in many respects a remarkable message—one that should command our attention, but one that I think was received by many in this Chamber with less enthusiasm than that exhibited in another Chamber not far distant. For fear that Senators on the other side have forgotten some portions of this message, I desire to read an extract.

The President said:

I do not know whether it is possible, but if possible, it is certainly desirable that in connection with measures to restrain stock watering and overcapitalization there should be measures taken to prevent at least the grosser forms of gambling in securities and commodities, such as making large sales of what men do not possess and "cornering" the market. Legitimate purchases of commodities and of stocks and securities for investment have no connection whatever with purchases of stocks or other securities or commodities on a margin for speculative and gambling purposes. There is no moral difference between gambling at cards, or in lotteries, or on the race track, and gambling in the stock market. One method is just as pernicious to the body politic as the other in kind, and in degree the evil worked is far greater.

Now, if this amendment is adopted, it is my opinion that the reduction of the amount that may be deposited in reserve banks from 9 to 5 per cent of deposits, and requiring these banks to hold two-thirds of their reserves in money, or money and bonds, in their vaults, would reduce the congestion of money in the great money centers by more than $100,000,000, so far as interior banks alone are concerned, and to that extent reduce the volume of money largely employed in speculative ventures. The reduction in volume of currency at any given point strikes the speculator or gambler, as the President calls him, the first blow. So that this amendment is in line with the recommendation sent to us by the President.

I think the amendment I have suggested is much better than the provision contained in the original bill, for if all national banks should be required to keep 10 per cent of their deposits in legal tender in their vaults it would require a very large increase in the amount of money locked up in banks, not available for loans and discounts, whilst the investment of half that amount in bonds, as authorized by the amendment to the bill, would give equal safety and better returns to the banks. The interest on the bonds so held would give a larger return to the bank holding them than any reserve agent could or should be allowed to pay as interest on balances subject to check. I am glad that the Senator from Maryland [Mr. RAYNER] approves this amendment.

I have heard it said here that the bill presented by the committee was predestinated and foreordained to pass just as it came to the Senate with such amendments as may be suggested by the committee. I think an emergency bill should be passed; I think the potentiality of such a bill would largely prevent panics. I want the very best bill I can get, and I am not without hope that any amendment that will benefit the people, restore confidence, strengthen the security of banks and confidence in them, and tend to prevent a recurrence of the loss and suffering that the recent panic caused will address itself to the patriotic consideration of every Senator, no matter from which side of this Chamber the suggestion may come.

I may be mistaken. I trust I am not.

Mr. OWEN. Mr. President, I give notice that at 2 o'clock on next Tuesday I should like to speak on the pending bill.

The PRESIDING OFFICER (Mr. DIXON in the chair). The Calendar, under Rule VIII, is now in order. The Secretary will report the first bill on the Calendar.

BILLS PASSED OVER.

The first business on the Calendar was the joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey.

Mr. HOPKINS. I ask that the joint resolution be passed over.

The PRESIDING OFFICER. The joint resolution will go over without prejudice at the suggestion of the Senator from Illinois.

The bill (S. 4030) to fix the pay of the Army was announced as next in order.

Mr. HOPKINS. I think the bill ought to be passed over.

The PRESIDING OFFICER. The bill will go over without prejudice at the suggestion of the Senator from Illinois.

The bill (S. 3976) to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States navy-yard in the city of Washington, D. C., was announced as next in order.

The PRESIDING OFFICER. The bill has been heretofore read and the amendments agreed to.

Mr. HOPKINS. Is there a report accompanying the bill?

The PRESIDING OFFICER. A motion to reconsider is pending.

Mr. CULLOM. I think it had better not be taken up at this time.

The PRESIDING OFFICER. The bill will go over at the suggestion of the Senator from Illinois.

Mr. CARTER. It is pending on a motion to reconsider, made by the Senator from New Hampshire [Mr. GALLINGER], who is not present. I think the measure is to go over that some parties may be heard.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 2695) to amend the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," and the acts amendatory thereof, was announced as next in order.

Mr. TELLER. The Senator who reported the bill is not here and the chairman of the committee is not here. I think it had better go over.

The PRESIDING OFFICER. The bill will go over at the suggestion of the Senator from Colorado.

The bill (S. 4132) creating an additional land district in the State of South Dakota was announced as next in order.

Mr. BRANDEGEE. I ask that the bill may go over.

The PRESIDING OFFICER. At the suggestion of the Senator from Connecticut the bill will go over without prejudice.

THREE TREE POINT MILITARY RESERVATION, WASH.

The bill (S. 626) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns, was announced as next in order.

Mr. HOPKINS. In the absence of the Senator from Washington [Mr. PILES]——

Mr. PILES. I am here, and I want to have the bill passed.

Mr. HOPKINS. I beg pardon. I did not see the Senator from Washington. He was not in his seat. The Senator is present, and I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War may authorize the Grays Harbor and Columbia River Railway Company to build a railroad and telegraph line through the Three Tree Point Military Reservation on Columbia River, and to that end may set aside for occupancy by said Grays Harbor and Columbia River Railway Company such ground, and no more, as is actually required for the necessary track, embankments, or trestles: *Provided*, That the ground so occupied shall remain the property of the United States, under such police and other military control as the military authorities may deem it necessary to exercise: *Provided further*, That the said railway company shall compensate the United States for all timber that may be cut and shall pay such reasonable annual rental for such right of way as may be fixed by the Secretary of War: *Provided further*, That the location and grade of said railroad and other details of construction within the limits of the reservation, also all matters pertaining to the operation and maintenance of said railroad, shall be under such regulations as the Secretary of War may deem it advisable to establish in the interest of the military service and as a safeguard against fire to Government timber lands: *Provided further*, That nothing in this act shall be construed as authorizing the use of any portion of the reservation as a borrow pit for fills and embankments, unless specially authorized so to do by the Secretary of War and upon the payment of such compensation as may be fixed by him.

SEC. 2. That this act shall be null and void if actual construction of the road be not commenced within two years from date of approval hereof.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MATERIAL FOR THE PANAMA CANAL.

The next business on the Calendar was the joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal.

Mr. FRYE. That may be passed over without prejudice.

The VICE-PRESIDENT. The joint resolution will be passed over without prejudice, at the request of the Senator from Maine.

KIOWA-COMANCHE AND APACHE LANDS.

The bill (S. 2892) to provide for the repayment of deposits by bidders of Kiowa-Comanche and Apache ceded lands was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVISION OF THE PENAL LAWS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN. I ask unanimous consent that the unfinished business may be laid aside until half past 2 o'clock. Certain Senators desire to be present when we resume the consideration of the bill, and they are unable to be present until half past 2.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside until half past 2 o'clock. Is there objection? The Chair hears none, and it is so ordered.

Mr. STONE. I ask that we may proceed with the Calendar.

The VICE-PRESIDENT. The Senator from Missouri asks unanimous consent that the Senate proceed to the further consideration of the Calendar under Rule VIII. Without objection, it is so ordered.

Mr. HEYBURN. Until the hour of half past 2.

The VICE-PRESIDENT. Until half past 2 o'clock.

NAPOLEON B. GIDDINGS.

The bill (S. 4690) for the relief of the legal representatives of Napoleon B. Giddings was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to cause to be investigated the circumstances of the alleged taking from Napoleon B. Giddings, in January, 1847, at Santa Fe, N. Mex., and deposit with A. B. Dyer, lieutenant of ordnance, United States Army, by order of Sterling Price, colonel commanding the army in New Mexico at that time, of 140 kegs of gunpowder, and to ascertain and determine the reasonable market value at that time and place, and whether the same, or any part thereof, was ever returned or delivered back to Giddings, and the final disposition of such powder.

Mr. BURKETT. The bill may be all right, but I notice in the sixth line it reads:

And deposit with A. B. Dyer.

What the bill means does not seem to me clear.

That the Secretary of War is hereby authorized and directed to cause to be investigated the circumstances of the alleged taking from Napoleon B. Giddings, in January, 1847, at Santa Fe, N. Nex., and deposit with A. B. Dyer——

Mr. STONE. The bill was reported by my colleague [Mr. WARNER]. If the Senator from Nebraska and the Senate care to have patience to hear the report read, I think the purpose of the bill will clearly appear.

Mr. BURKETT. I thought it was a mistake in the print, and that is why I called attention to it. I do not understand what it means. It looks like a mistake in the print.

Mr. WARNER. No, Mr. President, I will state to the Senator from Nebraska that the word "deposit" is properly used. As the report of the committee will show, this powder was ordered

to be deposited with a lieutenant of the Regular Army by Colonel Price at the time he had possession of New Mexico in 1847. The receipt shows that the lieutenant had possession of the powder. The purpose is simply to ascertain what proportion, if any, was not returned to Mr. Giddings. So the word "deposit" is correct in the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONFEDERATE CEMETERY AT SPRINGFIELD, MO.

The bill (S. 1677) providing for the taking over by the United States Government of the Confederate cemetery at Springfield, Mo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

Mr. KEAN. I have not any objection to the bill, but it seems to me to be rather queerly drawn.

Mr. WARNER. It is a bill that has met the approval of the War Department. I do not know what part of the bill the Senator from New Jersey criticises.

Mr. KEAN. I only observed that the bill as read was rather queerly drawn.

The VICE-PRESIDENT. The amendments of the committee will be stated.

Mr. KEAN. The amendments may make the bill clear.

The amendments were, in section 1, page 2, line 3, after the word "military," to insert "or;" in the same line, after the word "naval," to strike out "or civil," and in line 4, after the words "service of," to insert "the United States and," so as to make the section read:

That the Confederate cemetery near Springfield, Mo., and which adjoins the national cemetery at that place, having been tendered by proper authority to the United States Government, the same is hereby accepted, under the conditions that the Government shall take care of and properly maintain and preserve the cemetery, its monument or monuments, headstones, and other marks of the graves, its walls, gates, and appurtenances; to preserve and keep a record, as far as possible, of the names of those buried therein, with such history of each as can be obtained, and to see that it is never used for any other purpose than as a cemetery for the graves of men who were in the military or naval service of the United States and the Confederate States of America: *Provided*, That organized bodies of ex-Confederates or individuals shall have free and unrestricted entry to said cemetery for the purpose of burying worthy ex-Confederates, for decorating the graves, and for all other purposes which they have heretofore enjoyed, all under proper and reasonable regulations and restrictions made by the Secretary of War.

The amendments were agreed to.

Mr. WARNER. In line 4, page 2, before the word "Confederate," insert "late," so as to read "the late Confederate States of America."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOOPA VALLEY INDIAN LANDS, CALIFORNIA.

The bill (S. 4546) to authorize the sale of timber on allotments made to Indians of the Hoopa Valley extension in California was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, on page 1, line 10, after the word "heirs," to insert the following additional proviso:

Provided further, That the proceeds of all such sales shall be used for the benefit of the respective allottees in such manner as the Secretary of the Interior may direct.

So as to make the bill read:

Be it enacted, etc., That with the consent of the allottee the timber on the allotments made to the Indians of the Hoopa Valley extension in California may be sold under rules and conditions to be prescribed by the Secretary of the Interior: *Provided*, That in case of minors said consent shall be given by the father or mother or agent in charge in the order named, and for persons under other legal disabilities the agent's consent shall be taken in lieu of the consent of the allottees or heirs: *Provided further*, That the proceeds of all such sales shall be used for the benefit of the respective allottees in such manner as the Secretary of the Interior may direct.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN NEW MEXICO.

The bill (S. 4266) to establish a fish-culture station at Trout Springs, Gallinas Canyon, San Miguel County, N. Mex., was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with amendments, in line 6, after the word "station," to insert "in New Mexico;" and in line 8, after the word "equipment," to strike out "at Trout Springs, in Gallinas Canyon, in the county of San Miguel, in the Territory of New Mexico," and insert "said station to be located at a point to be selected by the Secretary of Commerce and Labor;" so as to make the bill read:

Be it enacted, etc., That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment of a fish-culture station in New Mexico, including purchase of site, construction of buildings and ponds, and equipment, said station to be located at a point to be selected by the Secretary of Commerce and Labor.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in New Mexico."

PENSIONS TO CERTAIN PERSONS.

The bill (H. R. 586) granting an increase of pension to Squire J. Carlin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws:

The name of Squire J. Carlin, late of Company A, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry McNeil, late of Fifteenth Independent Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Palmer, late of Company A, Seventh Regiment Rhode Island Volunteer Infantry, and Company A, Twentieth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander W. Skinner, dependent father of Charles H. Skinner, late of Company F, Second Battalion, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Sidney S. Bryant, late of Company B, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rhoda Lloyd, widow of Anthony Lloyd, late of Company C, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of Jackson Sizemoure, late of Company E, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Herbert F. Brooks, late of Company G, Tenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison Burkett, late of Company M, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Levering, late of Company K, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry C Hoover, late of Company G, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Everitt, late of Company F, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Lemon, late of Twenty-second Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha Andrews, widow of Samuel Andrews, late of Company I, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of William H. Mize, late of Company D, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas S. Blake, late of U. S. S. Vandalia and Colorado, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Horstman, late of Company C, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christopher N. Snyder, late of Company K, Eighty-ninth Regiment Illinois Volunteer Infantry, and Companies D and G, First Regiment Mississippi Marine Brigade Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Seth H. Phillips, late of Company M, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles McCoy, late of Company A, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna M. Bohn, widow of George F. Bohn, late of Company B, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided, however*, That in the event of the death of Frank A. Bohn, helpless and dependent child of said George F. Bohn, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Anna M. Bohn the name of said Frank A. Bohn shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Anna M. Bohn.

The name of Rodolphus Bard, late of Company I, One hundred and fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank N. Bement, late of Company I, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John M. Essington, late captain Company B, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph H. Kitzmiller, late of Company F, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph V. Stevenson, late of Companies H and D, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that is now receiving.

The name of John H. Nutter, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Endicott, late of Company F, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mathias D. Rodocker, late second lieutenant Company D, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William B. P. Turner, late of Company G, Ninety-second Regiment Ohio Volunteer Infantry, and Sixty-sixth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elihu Wheeler, late of Company K, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret Cornwell, widow of John F. Cornwell, late of Company E, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Ferdinand Stritsman, late of Company H, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Mess, late of Company C, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Pahlman, late of Company M, Fifth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucy Ferguson, widow of Robert Ferguson, late of Company I, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Leona May Ferguson, helpless and dependent child of said Robert Ferguson, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of the said Lucy Ferguson the name of the said Leona May Ferguson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death of said Lucy Ferguson.

The name of George W. Fuchs, late first lieutenant Company I, Twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frank D. Newberry, late of Company K, Fifth Regiment New York Volunteer Infantry, and captain Company A, Thirty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William S. O'Brien, late first lieutenant Company C, Tenth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Little, late of Company D, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Hogan, late of Company C, Thirty-fifth Regiment New York Volunteer Infantry, and Company C, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles I. Krickbaum, late of Company A, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elston Armstrong, late of Company B, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver P. Johnson, late of Company D, First Regiment Missouri State Militia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin H. Buck, late of Company F, Fifty-second Regiment Illinois Volunteer Infantry, and Company C, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Nichols, late colonel One hundred and eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Holliday, late of Company F, Sixteenth Regiment New York Volunteer Infantry, and Company F, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elizabeth Evans, widow of Harry Evans, late of Company D, Ninth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Elizabeth James, widow of Enoch James, late of Companies D and I, Third Regiment Wisconsin Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Jennie James, helpless and dependent daughter of said Enoch James, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Elizabeth James the name of said Jennie James shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Elizabeth James.

The name of James R. Grider, late of Company G, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christopher H. Lute, late of Company D, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Taylor, alias George Parks, late of Company C, Sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Peters, late of Twenty-sixth Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Deitrich Bellman, late of Company K, Eighth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli Masters, late of Company K, Twentieth Regiment Kentucky Volunteer Infantry, and Company A, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Wheat, late of Companies H and C, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas E. Story, late of Company H, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Walters, late of Company H, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Bond, late of Company D, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Winter, late of Company A, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Hearing, late of Company H, Sixteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie M. Owen, widow of William H. Owen, late of Troop C, Fifth Regiment United States Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided, however,* That in the event of the death of William De Witt Owen, helpless and dependent child of said William H. Owen, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Annie M. Owen the name of said William De Witt Owen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Annie M. Owen.

The name of George S. Neill, late of Company A, One hundred and eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Miles, late of Company K, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam Meyer, late of Company A, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Wood, late of Company I, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Beaty, late of Company C, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John R. Miller, late of Company G, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Whitten, late of Company D, Sixty-fifth Regiment Indiana Volunteer Infantry, and Company M, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Defendall, widow of Abram Defendall, late of Company I, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Elbert M. Defendall, helpless and dependent child of said Abram Defendall, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Mary A. Defendall the name of said Elbert M. Defendall shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary A. Defendall.

The name of Mary J. Baughman, widow of John R. Baughman, late of Company I, Sixth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alonzo Harter, late of Company E, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Oakley, alias John Hoyt, late of Company H, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Palmer Loper, late of Company E, Eighteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Miles C. Christy, late of Company D, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jennie S. Risley, widow of D. Somers Risley, late first lieutenant Company B, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Rebecca W. Swain, widow of Robert D. Swain, late second lieutenant Company K, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of William Bain, late of Company G, Eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Jaquett, late commissary-sergeant Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Monk, late of Company F, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Johnson, widow of Samuel F. Johnson, late colonel Seventeenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Theodore Campbell, late of Company E, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George E. Goodrich, late of Company D, Twenty-first Regiment, and captain Companies C and A, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles P. Leavitt, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton Ross, late of Company I, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rebecca S. Wishart, widow of Alexander Wishart, late captain Company K, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lewis W. Crain, late of Company H, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dallas Vernam, late of Company E, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The names of Mary Cross and Anna L. Cross, helpless and dependent children of Garrett Cross, late of Company B, Fourteenth Regiment Michigan Volunteer Infantry, and pay them each a pension at the rate of $12 per month.

The name of Edward T. Tucker, late of Company B, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ann Toomey, widow of Robert L. Toomey, alias Robert Lannon, late surgeon-steward, United States ships Potomska and Vermont, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Samuel L. Bushong, late of Company I, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Casper Deschler, late of Company D, Thirty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Ralley, late of Company K, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Miller, late of Company D, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Morton A. Wilcox, helpless and dependent son of Truman Wilcox, late of Company H, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Amos W. Polley, late of Company A, One hundred and first Regiment Ohio Volunteer Infantry, and Company I, One hundred and sixty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benson S. Philbrick, late of Company B, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward N. Burns, late of Company D, Ninth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Richardson, helpless and dependent son of Caleb C. Richardson, late of Company E, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Deloss Hopkins, late of Company A, Seventy-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edwin T. Farmer, late of Company E, Ninety-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Shadinger, late of Company E, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Young, widow of William F. Young, late sergeant-major Seventy-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Thomas Johnson, late first lieutenant Company L, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Rice, late of Company G, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Wiler, late of Company F, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Smith, late of Companies G and D, Twelfth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael McDonald, late of Company E, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James R. Batten, late of Company A, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Coogle, late of Company B, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel S. Graves, late of Company C, Seventy-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Asahel E. Chaffee, late of Company K, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cecilia Quinlan, widow of James Quinlan, late lieutenant-colonel Eighty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Cynthia Bridges, widow of John H. Bridges, late of Company K, Sixtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Henry Knauff, late of Company K, Second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mathew B. Reid, late of Company E, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Tilghman Scholl, late of Company E, One hundred and seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert Hoffman, late of Company B, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Laird, late of Company D, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert Butler, late of Company H, One hundred and ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth B. Thomason, widow of Samuel E. Thomason, late captain Company H, One hundred and seventy-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of John N. Hubbard, late of Company A, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Barbara Popp, widow of Martin Popp, late of Company H, Forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of J. R. Harwell, late contract surgeon, United States Army, and pay him a pension at the rate of $15 per month.

The name of Alfred G. Anderson, late hospital steward, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Saunders, late first lieutenant Company B, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sidney N. Utley, helpless and dependent child of Thomas J. Utley, late of Company I, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors."

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 5110) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to place upon the pension roll at the rate per month therein specified the following-named persons:

Cassie R. Hatch, helpless and dependent child of Albion L. Hatch, late of Company F, Twenty-fourth Regiment Maine Volunteer Infantry, $12.

Franklin L. Mead, late of Company E, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, $24.

James B. Fox, late of Company C, Forty-first Regiment Iowa Volunteer Infantry, and Company M, Seventh Regiment Iowa Volunteer Cavalry, $30.

William W. Daniels, late of Company H, Ninety-fifth Regiment Illinois Volunteer Infantry, $30.

Sarah S. Long, widow of Daniel P. Long, late major Eighth Regiment United States Colored Volunteer Heavy Artillery, $20.

Waldo W. Gifford, late of Company G, Twelfth Regiment West Virginia Volunteer Infantry, $24.

Rose L. Gibbon, widow of Homer E. Gibbon, late of Company F, Eighty-fifth Regiment, and Company E, One hundred and twenty-ninth Regiment, Ohio Volunteer Infantry, $16.

Henry Kinyon, late of Company A, One hundred and fifth Regiment Illinois Volunteer Infantry, $30.

Mary Beddis, widow of Charles Beddis, late of Company D, Fifth Regiment Delaware Volunteer Infantry, $12.

Ellis A. Cloud, late of Company G, Fifth Regiment Delaware Volunteer Infantry, $12.

Jasper N. Clark, late of Company I, Second Regiment Vermont Volunteer Infantry, $24.

William B. Cole, late of Company E, Tenth Regiment Illinois Volunteer Infantry, $24.

James A. Minish, late of Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $40.

Clara M. Foreman, widow of William Foreman, late of Company A, First Battalion Pennsylvania Volunteer Cavalry, $12.

Philo M. Russell, late of Company G, Twenty-eighth Regiment Michigan Volunteer Infantry, $24.

Mary J. McReynolds, widow of James T. McReynolds, late of Company C, Fifty-eighth Regiment Indiana Volunteer Infantry, $20: *Provided*, that in the event of the death of John C. McReynolds, helpless and dependent child of said James T. McReynolds, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the

death or remarriage of Mary J. McReynolds the name of the said John C. McReynolds be placed on the pension roll at $12.

Virginia C. Cole, widow of Edwin A. Cole, late of Companies D and F, Eighty-third Regiment Pennsylvania Volunteer Infantry, $20: *Provided*, That in the event of the death of Herbert Cole, helpless and dependent child of said Edwin A. Cole, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death or remarriage of Virginia C. Cole the name of the said Herbert Cole be placed on the pension roll at $12.

Dorothy M. Van Hart, widow of Isaac Van Hart, late of Company B, Thirtieth and Thirty-fifth Regiments New Jersey Volunteer Infantry, $12.

Henrietta Hayes, widow of William Hayes, late first lieutenant Company C, Thirteenth Regiment New Jersey Volunteer Infantry, $15.

Ellen Jenkins, widow of Jacob Jenkins, late of Company K, Twenty-fifth Regiment New Jersey Volunteer Infantry, $16.

Chauncey Harris, late captain Company C, Fourteenth Regiment New Jersey Volunteer Infantry, $30.

Byron D. Brown, late of Company E, Ninth Regiment Vermont Volunteer Infantry, $24.

James M. Caswell, late musician, band, Second Brigade, Third Division, Twenty-fourth Army Corps, $24.

George H. Walsh, late quartermaster-sergeant, Tenth Regiment Minnesota Volunteer Infantry, $30.

Collins Van Cleve, late captain Company F, Ninth Regiment Illinois Volunteer Infantry, $24.

William O. Pickett, late of Company H, Twenty-third Regiment Indiana Volunteer Infantry, $24.

Mary E. Farnham, widow of Roswell Farnham, late lieutenant-colonel Twelfth Regiment Vermont Volunteer Infantry, $20.

Peter B. Groat, late of Company A, Marion County Battalion, Missouri Home Guards, $12.

Duncan M. Vinsonhaler, late first lieutenant Company I, Forty-eighth Regiment Missouri Volunteer Infantry, $24.

Jennie P. Douglas, widow of Henry C. Douglas, late captain Company K, Thirty-first Regiment Indiana Volunteer Infantry, $20.

Anna R. Shattuck, widow of George S. Shattuck, late of Company C, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, $12.

Lewis Shampine, late of Company K, Sixtieth Regiment New York Volunteer Infantry, $24.

Spencer Phillips, late of Company E, Third Regiment West Virginia Volunteer Infantry, $36.

David Schooley, late of Company I, Eleventh Regiment Ohio Volunteer Infantry, $40.

Charles W. Salter, late of Company K, Fifty-first Regiment Indiana Volunteer Infantry, $30.

Lewis H. Shiery, late of Company E, Thirty-first Regiment Ohio Volunteer Infantry, $24.

Rosa A. Kinkead, widow of James W. Kinkead, late of Company H, Eighth Regiment Iowa Volunteer Cavalry, $12.

George Steckenbauer, late of Company A, Twenty-third Regiment Wisconsin Volunteer Infantry, $36.

Nellie B. Young, widow of George W. Young, late of Company H, Thirteenth Regiment Illinois Volunteer Infantry, $12.

William H. Iliff, late of Company D, Twelfth Regiment Ohio Volunteer Infantry, $24.

Joseph Fisher, late of Company C, Thirty-eighth Regiment Ohio Volunteer Infantry, $30.

Mary L. Marpe, widow of Theodore Henry Marpe, late of Company G, Fifth Regiment Ohio Volunteer Cavalry, $8.

Emeline H. Ewer, widow of James K. Ewer, late of Company C, Third Regiment Massachusetts Volunteer Cavalry, $12.

Joseph H. Suits, late of Company B, Twenty-second Regiment New York Volunteer Cavalry, $30.

Sarah F. Wimmer, widow of John P. Wimmer, late of Capt. Smith's independent company, Utah Volunteer Cavalry, $12, and $2 additional on account of the minor child of the said John P. Wimmer until she reaches the age of 16 years.

Martin Bahrenburg, late of Company C, Fifth Regiment Missouri State Militia Cavalry, and Company E, Thirteenth Regiment Missouri Volunteer Cavalry, $24.

Francis Ashens, late of Company M, Fifteenth Regiment Kansas Volunteer Cavalry, $24.

Lavinia Ogden, widow of Joseph G. Ogden, late of Company A, First Regiment New Jersey Volunteer Infantry, $12.

Louis H. Leland, late of Companies C and D, Eighth Regiment Michigan Volunteer Cavalry, $30.

William H. Draper, late of Company K, Twentieth Regiment Iowa Volunteer Infantry, $30.

James Saunders, late of Company B, Seventy-eighth Regiment Ohio Volunteer Infantry, $30.

Stephen H. Pulling, late of Company E, Thirteenth Regiment New York Volunteer Heavy Artillery, $30.

Donna M. Blatter, widow of John Blatter, late first lieutenant Company D, Ninety-eighth Regiment Ohio Volunteer Infantry, $12.

Elizabeth P. Collins, former widow of Charles B. Peterson, late of Company A, Twenty-first Regiment New York Volunteer Infantry, $8.

Edmund J. Pickett, late of Company A, Sixteenth Regiment New York Volunteer Cavalry, $40.

Hattie L. Collins, widow of William T. Collins, late of Company A, Second Regiment United States Sharpshooters, $16.

Robert Flett, late of Company F, Fifth Regiment Michigan Volunteer Cavalry, $24.

Charles L. Hewitt, late of Company E, Seventh Regiment Connecticut Volunteer Infantry, $30.

Hiram W. Shepard, late of Company D, Twelfth Regiment Maine Volunteer Infantry, $24.

Henry C. Linn, late assistant surgeon, Twelfth Regiment Missouri Volunteer Cavalry, $30.

John W. Moore, late of Company E, Fiftieth Regiment Illinois Volunteer Infantry, $30.

Louise Ladue Duffield, widow of William W. Duffield, late colonel Ninth Regiment Michigan Volunteer Infantry, $30.

Jesse Prickett, late second lieutenant Company E, Thirty-seventh Regiment Massachusetts Volunteer Infantry, $30.

George Young, late of Company C, Eighteenth Regiment Michigan Volunteer Infantry, $30.

Arthur Ricker, late of Company B, Fifth Regiment Maine Volunteer Infantry, and Company I, Thirtieth Regiment Maine Veteran Volunteer Infantry, $30.

Ruth E. Bannatyne, widow of Robert W. Bannatyne, late captain Company B, Fifty-second Regiment Pennsylvania Volunteer Infantry, $20.

Austin Parks, late of Company F, Thirty-ninth Regiment, and Company F, Seventh Regiment Iowa Volunteer Infantry, $24.

Louisa S. Wilson, helpless and dependent child of John F. Wilson, late of Company E, Sixteenth Regiment Connecticut Volunteer Infantry, and Company F, Third Regiment Veteran Reserve Corps, $12.

De Forest Safford, late of Company F, Forty-fourth Regiment Massachusetts Militia Infantry, $24.

Thomas S. Ball, late of Company B, Tenth Regiment Maryland Volunteer Infantry, $24.

Emma H. Cotton, widow of John A. Cotton, late first lieutenant and commissary Seventeenth Regiment Illinois Volunteer Cavalry, $17.

Hugh H. Tarbet, U. S. S. *Great Western*, United States Navy, $24.

Helen A. Pulsifer, widow of Josiah D. Pulsifer, late major and additional paymaster, United States Volunteers, $25.

Henry Dorman, late of Company F, Seventh Regiment Michigan Volunteer Cavalry, $30.

Mr. McCUMBER. I move to amend the bill on page 5, line 15, before the word "dollars," by striking out "fifteen" and inserting "twenty." I will say that this amendment is proposed upon additional evidence which has been submitted to the committee since the report upon which the rating was made in the bill.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 5, line 15, before the word "dollars," it is proposed to strike out "fifteen" and to insert "twenty," so as to read:

The name of Henrietta Hayes, widow of William Hayes, late first lieutenant Company C, Thirteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. KEAN. I am obliged to the Senator from North Dakota.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MERRIMAC RIVER BRIDGE AT TYNGS ISLAND, MASSACHUSETTS.

The bill (S. 4809) to authorize the construction of a bridge across the Merrimac River at Tyngs Island, Massachusetts, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVISON CHEMICAL COMPANY, OF BALTIMORE, MD.

The bill (S. 4632) for the relief of the Davison Chemical Company, of Baltimore, Md., was announced as next in order.

Mr. KEAN. Is there a report accompanying that bill?

The VICE-PRESIDENT. There is a report accompanying the bill.

Mr. KEAN. Let the report be read, Mr. President.

The VICE-PRESIDENT. The report will be read.

Mr. KEAN. Let the bill go over, Mr. President. In glancing at the report, I notice that there is an omission in it.

The VICE-PRESIDENT. At the request of the Senator from New Jersey, the bill will go over without prejudice.

H. R. KING.

The bill (H. R. 1702) to reimburse H. R. King was announced as next in order.

Mr. BACON. Mr. President, we ought to know something about that bill. I presume there is either a report accompanying it or that some Senator is prepared to state the ground upon which the appropriation contained therein is rested.

Mr. KEAN. Let the bill go over.

Mr. BACON. I do not ask that the bill go over; but I should like to know something about it before it is passed. It is the Senator from New Jersey who asks that the bill go over.

Mr. KEAN. The Senator from Minnesota [Mr. CLAPP] who reported the bill is not present. Let it go over.

The VICE-PRESIDENT. At the request of the Senator from New Jersey, the bill will go over.

PACIFIC PEARL MULLETT.

The bill (S. 1517) for the relief of Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett, was announced as next in order.

Mr. BURKETT. Let that bill go over, Mr. President.

Mr. BACON. I hope the Senator from Nebraska will allow the facts upon which this bill is based to be stated. I will state to the Senator that a similar bill has passed the Senate frequently; that it has had the examination and approval of the Committee on Claims of this body several times, and I think, although I am not prepared to state it with absolute certainty, that it has also several times passed the other House. Unless the Senator knows some reason to object to the bill, I hope the simple fact that he is not informed about the bill will not influence him in opposition to it, in view of what I have stated that it has several times passed the Senate.

Mr. BURKETT. I will say that I do know something about the claim, and that is the reason I objected to it.

Mr. BACON. Very well, if the Senator has objection to it.

Mr. BURKETT. I do not want to take time to discuss it now, and therefore I ask that it go over.

Mr. BACON. Very well.

The VICE-PRESIDENT. The bill will be passed over.

UNITED STATES NATIONAL CEMETERY AT MEXICO CITY, MEXICO.

Mr. HEYBURN obtained the floor.

Mr. SCOTT. I ask unanimous consent for the present consideration of a little bill.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from West Virginia?

Mr. HEYBURN. I yield to the Senator from West Virginia.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (S. 2248) for the improvement of the United States National Cemetery at Mexico City, Mexico.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KEAN. Is there a report with that bill?

Mr. SCOTT. If the Senator from New Jersey will allow me, I think I can explain the bill briefly. The Government of the United States owns the cemetery in fee simple, and in that cemetery there are buried a great many soldiers of the war of 1847–48. I now send to the desk and ask the Secretary to read a letter which has been sent to me in regard to the matter, and afterwards I desire to make a little further statement.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF TENNESSEE,
City of Mexico, February 12, 1908.

Senator N. B. SCOTT,
Washington, D. C., U. S. A.

DEAR SIR: I have the honor to communicate to you the very sincere appreciation of E. O. C. Ord Post, No. 100, Grand Army of the Republic, Department of Tennessee, for the interest you have taken in the United States national cemetery in this city and for the bill you have introduced asking for an appropriation of $50,000 for the purpose of improving the same. The deplorable condition of the buildings and grounds for some years past has occasioned much severe comment among American citizens who have visited our city, and the fact that the bones of American soldiers who fell in this valley in 1848 rest in this cemetery and should be covered by a stone and surrounded by a wall in keeping with the dignity of our Government has accentuated unfavorable criticism. The post feels now assured that the Congress of the United States will grant the appropriation asked for, and thus improve the spot where lie the remains of so many of our patriotic dead.

Again thanking you in the name of the post,

I have the honor to be, most truly, yours,

J. C. MORDOUGH, *Post Commander.*

C. M. BUSH, *Adjutant.*

Mr. SCOTT. Mr. President, the laws of Mexico are such that a cemetery must be obscured from public view. They have raised the streets in the new part of the city of Mexico, and in raising the same the streets are now almost on a level with the walls that surround the cemetery. Those walls will have to be raised or the city authorities of the City of Mexico will compel the United States to take action or vacate. The building that was on the cemetery lot is falling down on account of the dampness of the surroundings. As the letter which has been read states—I saw it myself and took the American ambassador out to it—the cemetery is in a deplorable condition.

Right adjoining it is the cemetery of England, which is beautifully kept. It is a pleasure to visit the British cemetery, while in ours you are afraid you will come in contact with disagreeable objects. I do not believe that this great country wants to neglect the only piece of ground that we own in the City of Mexico, a place where the bones of over 800 soldiers of the Mexican war are buried. At present there is nothing but a little insignificant sandstone monument about 5 feet high to commemorate the deeds of those valiant soldiers, and I am sure that there is not a Senator on the floor of the Senate, or an American citizen, who, if he saw the condition of that cemetery, would not cheerfully vote this sum of money to put it in proper condition.

Mr. STONE. Mr. President, I desire to ask the Senator——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. SCOTT. Certainly.

Mr. STONE. Are the remains of the soldiers collected in the cemetery?

Mr. SCOTT. They were brought from the battlefields to the cemetery.

Mr. STONE. Are they in a particular spot or grave?

Mr. SCOTT. Yes, sir.

Mr. STONE. What is the amount of this proposed appropriation?

Mr. SCOTT. The bill proposes to appropriate $50,000, or so much thereof as may be necessary.

Mr. STONE. Could not those bones or those remains be brought from Mexico to the United States and buried at Arlington, or some other national cemetery for as little money, and would it not be more in keeping with the patriotic sentiments of our people and of our country to do that than to leave them in a foreign land?

Mr. WARREN. I would like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Wyoming?

Mr. SCOTT. Certainly.

Mr. WARREN. I want to ask a question bearing upon the question which the Senator from Missouri [Mr. STONE] asked. Is it not a fact that since that time we have buried in this cemetery such Americans as may have died in that country, including consuls and other officers, and is it not a fact that there is a law about bringing remains of deceased persons from interior points in Mexico that makes it very hard and sometimes impossible to get the dead body of an American across the line and out of there, so that it becomes necessary almost and certainly desirable that we should have a burying ground in Mexico?

Mr. STONE. I have no objection to the appropriation being made, Mr. President, if the remains are to stay there, but it would seem to me that the dust of those dead soldiers would be better honored if they rested in their native land.

Mr. SCOTT. Mr. President, I will say to the Senator from Missouri that the remains now reposing in the cemetery are those of soldiers gathered from a number of battlefields and brought there at a remote period. I presume that it will be hardly worth discussing the question as to whether it would be possible to find enough of them to bring them to this country. I doubt whether they could be brought here after the lapse of so many years.

I noticed in examining the matter that the larger proportion of the soldiers buried in this cemetery were from the southern parts of our country. I am sure that the Government of the United States is spending money in many directions for a less worthy object than is sought by this bill, namely, an appropriation of $50,000 to care for that cemetery.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. SCOTT. Certainly.

Mr. TILLMAN. Mr. President, I sympathize with the sentiment expressed by the Senator from West Virginia, and I have a personal interest in this matter, because my eldest brother was killed at the battle of Cherubusco, and his remains lie somewhere down there. I think that the monument or inclosure, or whatever is proposed by this bill, will mark a spot and evince a sentiment rather than afford recognition of any particular soldier. It will simply indicate to the traveler that Americans died there in discharging their duty and that the Government of the United States thinks enough of them to recognize their services in this manner.

The VICE-PRESIDENT. The amendment reported by the Committee on Military Affairs will be stated.

The SECRETARY. In line 4, after the word "be," it is proposed to insert "erected in the United States National Cemetery at Mexico City, Mexico, a suitable monument to the memory of the United States soldiers who fought in the war with Mexico, and to be;" in line 8, after the word "the," to insert "wall around and the;" in the same line, after the word "to," to strike out "the United States National Cemetery at Mexico City, Mexico," and insert "said cemetery;" and in line 11, after the word "be," to strike out "found needed" and to insert "necessary," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to cause to be erected in the United States National Cemetery at Mexico City, Mexico, a suitable monument to the memory of the United States soldiers who fought in the war with Mexico, and to be rebuilt or repaired, as may be necessary, the wall around and the buildings attached to said cemetery, and to make such improvements in the grounds as may be necessary; and to carry out the provisions of this act the sum of $50,000 is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. I call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The next section passed over will be stated.

The Secretary proceeded to read section 286.

Mr. SUTHERLAND. Mr. President, my notes show that section 269 has been passed over.

Mr. HEYBURN. Section 269 was not passed over.

Mr. SUTHERLAND. Very well.

The Secretary read section 286, as follows:

SEC. 286. [Whoever, *within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 269 of this act, shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment;* and *every* such State, *Territorial, or District* law shall, *for the purposes of this section, continue in force, notwithstanding any* subsequent repeal *or amendment* thereof *by any such State, Territory, or District.*]

Mr. HEYBURN. Mr. President, I would not feel justified in passing over section 286 without calling the attention of the Senate to the fact that that section will always occupy a peculiar position among the laws of the country. It is one that should be reenacted with every Congress. In 1832, in the case of The United States *v.* Paul—

Mr. Chief Justice Marshall stated it to be the opinion of the court that the third section of the act of Congress entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," passed March 3, 1825, is to be limited to the laws of the several States in force at the time of its enactment. This was ordered to be certified to the circuit court for the southern district of New York.

Ever since that time that has been the settled law with reference to the status of that kind of legislation. Where Congress adopts the legislation of the State as a basis upon which criminal prosecutions may be had, it adopts it as of the status of the State or Territorial laws at the time of the enactment of the act of Congress, and the State or Territory may repeal that law, and it may no longer be a crime under the State or Territory, and yet it remains an offense punishable in the United States courts. The United States courts are administering laws and enforcing criminal statutes that were passed last, I think, in 1886, and in many instances they have been repealed by the States which enacted them. Yet they are still the law to be enforced in the United States courts.

There seems to be no way out of this difficulty. It was held that under the Constitution of the United States we could not adopt the legislation of a State by anticipation, even though that legislation consisted of the repeal of an existing State law. So there seems to be no way out of this difficulty except at reasonably frequent intervals to reenact this statute. Then its force and effect will be as of the date of its last enactment.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Certainly.

Mr. McLAURIN. I desire to ask the Senator from Idaho if he does not think that a law of Congress enacting a law of the State, without examining into the law of the State to see what it is, ought not to be so worded as to continue that law in force after the State shall have repealed it or amended it? If it is wise for Congress to adopt the law of the State, then it seems to me it would be wise for Congress to adopt the amendment of it or the repeal of it.

Mr. HEYBURN. It can not do it.

Mr. McLAURIN. Why can you not strike out the word "now," in line 16, and all after the word "punishment," in line 18, and thus accomplish it?

Mr. HEYBURN. Because the United States Supreme Court says that Congress has not that power under the Constitution. They have undertaken it, and Justice Story drew the act of 1825, I think it was, with the express view of doing that very thing. He differed from his associates, and rendered one of the ablest dissenting opinions that he ever wrote. He contended that he could draw an act which would make effective the legislation to be enacted by the State, just as is suggested by the Senator from Mississippi. But the Supreme Court never agreed with him.

Mr. McLAURIN. I do not understand the reading of the decision by the Senator from Idaho to bear that construction. But if it be correct that Congress can not provide that there shall be a repeal of the law of Congress by a repeal of the law of the State, then what necessity is there to put in the section that provision?

Mr. HEYBURN. The last clause?

Mr. McLAURIN. The last clause and the word "now."

Mr. HEYBURN. I do not think there is any necessity for the last clause if we had to deal only with lawyers who were advised of the very serious consideration that has been given to this power by the Supreme Court of the United States. But it is not always well to pare the language of legislation down to the bare necessities, especially in legislation of this character, which is so unusual.

Mr. McLAURIN. I think the judges who will pass upon this and the lawyers who will appear before them for the trial of the causes and to invoke this act will be lawyers competent to examine the constitutionality of the question and will probably look up the decision which has been read by the Senator from Idaho.

Mr. HEYBURN. I will call the Senator's attention to the fact that the act of 1825 contained that language, and it has been interpreted in a very long line of decisions. Every phase of this question has been before the courts. I have here a memorandum of the cases, decided at frequent intervals since the enactment of the first law by Congress upon this subject, showing that the courts have not been free from difficulty even with this plain statement, in less than ten lines, by Chief Justice Marshall. The original act of the 3d of March, 1825, and as amended in 1886, contained these words:

And no subsequent repeal of any such State law shall affect any prosecution for such offense in any court of the United States.

It was the purpose of the committee presenting this bill to avoid any change in existing law where it could be avoided, because we desired to have as little occasion for considering the effect of a change, as to whether it constituted new legislation or not, as was possible. Our duty was to present to this body and to the other the law as it exists, in a revised, codified form, revised by bringing together statutes for the purpose of remolding them in the interest of harmony of expression, cutting out redundant matter and expressions, but in no instance to change the practice of the law. That was the purpose and that was the endeavor of the committee.

Now, it may be that those words could be dispensed with, but inasmuch as they have run all through the consideration of this law in the many decisions of the courts down to a very recent date, we thought it wise not to disturb that language. I think it is wise.

Mr. McLAURIN. Mr. President, I think it is otherwise. It seems to me it will produce a great deal of confusion to enact into the laws of the United States a provision that the present laws of all the States, wherever they affect the criminal jurisprudence in territory under the jurisdiction of the United States, shall be irrepealably the law of Congress. A State that has enacted a law for its guidance and for the punishment of crime has the same law made by Congress for every part of the territory in that State which is subject to the jurisdiction of the United States. It would be almost impossible for the Congress to look into the laws of all the States and see when they are repealed and when they are not repealed and see whether it is advisable to repeal these laws or not and to make different laws in their stead.

You make an act a crime in the State of Idaho by an act of Congress because it is a crime by the laws of the State of Idaho, and the wisdom of the legislature of Idaho has been exercised in determining whether a man shall be punished for the particular offense in that State. After a while the State of Idaho comes to the conclusion that that was an unwise law and ought not to have been upon the statute books; that the act ought not to have been made a criminal act by the laws of the State; that it ought not to have been made punishable by the courts of the State. But you have a law on the statute books of the United States which says that while the legislature may repeal that law in Idaho and in all the parts of the State except where the United States courts have jurisdiction of a criminal offense, and provide that it shall not be a criminal offense, yet in that particular jurisdiction it is criminal. I do not think that is wise legislation. I think it is very well to enact a law that that which is criminal in the other portions of the State shall be criminal in that portion of the State which is subject to the laws of Congress. But being predicated upon the idea that the legislature, in its wisdom, has sought to ascertain the proper law for the punishment of crimes that militate against the peace and dignity of the State, it seems to me, when the wisdom of the legislature shall have reversed itself and come to the conclusion that there is no longer any necessity for the law or that it was unwisely enacted, the repeal of that law by the legislature ought to repeal the law by Congress which was predicated upon the law of the State.

That is my idea about it, and this, I think, can be accomplished by striking out the word "now" in line 16, and all after the word "punishment" in line 18.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. McLAURIN. With pleasure.

Mr. SUTHERLAND. I do not want to interrupt the Senator, but I desire to make some suggestions for his consideration in connection with what he is saying.

I entirely agree with what the Senator says as a practical proposition; but the difficulty is that we can not, at any rate in my judgment we can not, do what the Senator suggested we should do. In the first place, we have only power to adopt the laws which are now in force in the State. We have no power to adopt a law which any State may hereafter adopt, because to do that would be to delegate to the legislature of a State the power of Congress to enact laws, and that is something we can not do.

Now, the repeal of an existing law is legislation, and if Congress were to say, "We will adopt the law of a State now in existence until it has been repealed and then adopt the repeal of the State," it would be to delegate to the State the power to make a law, namely, to repeal an existing law. We have no constitutional power to do that.

The Senator then said we ought to drop from the section the provision that those repealed laws shall remain in force notwithstanding their repeal. That is necessary because, as the Senator knows, very often the repeal of the penal laws of a State consists of the revision of all the laws of the State and the consequent repeal by the revision of the whole existing body of the law of the State. That occurs at very frequent intervals. In my own State, which is a comparatively small State, about every ten years we have had a complete revision of the penal laws, and when the laws are revised there is a clause repealing all the existing laws. If we drop out of the pending section this language to which the Senator refers, the result would be that very often, by omitting that from the section of the law, we would be without any penal law at all in many of the States. It is better that we should for a while be enforcing laws which perhaps the States thought ought to be repealed than to have no law at all.

I venture to say it is a very rare occurrence for a State absolutely to repeal a law. Repeals are usually done by amendment, by adding something to the law, by revision, or something of that sort. But the substantive provision of the law is very rarely repealed. They repeal by revision, repeal by adding something, and because of that character of repeal I do not feel that a very great hardship is going to result. But I can foresee that very great injustice might result if we have not that sort of a provision in the law.

Mr. McLAURIN. Mr. President, the Senator from Utah [Mr. SUTHERLAND] is such an excellent lawyer and is so clear on every question which he touches that I dislike to differ with him on a constitutional proposition. But I do differ with him on this. I think Congress has it within its power to say that a certain law shall last a certain length of time, and I think Congress has the power to make that length of time dependent upon a certain condition. That is my idea of the constitutional question involved in it.

If the Senator agrees with me on the policy, then if the penalty is abrogated because of the repeal of the penalty by the State law that executes the very policy which I advocate. So he would accomplish that which he believes to be the best policy by striking out these provisions. But if the legislature has it in its power to repeal the penal provision and that dispossesses the courts of the United States of any power to inflict a penalty, it is, if the Senator is correct on the constitutional proposition, within the power of the legislature to do indirectly what it can not do directly; and that we know is a proposition which has been condemned by all the courts.

If it be true that the leaving out of these provisions would not affect that policy which I advocate and which the Senator approves, what is the necessity for putting in these provisions? Without these provisions the law would be the same if we can not constitutionally provide for the repeal of the law at the time when the legislature of the State shall repeal the State law, or amend it or modify it. There is no necessity for putting in the word "now" if we can only adopt the laws which are now enforced by the States, because the courts would construe this in a reasonable way and would construe that we were using language here to effectuate that which we could constitutionally do. Hence there is no necessity for the word "now."

Then, again, if it be true that the repeal of the law by the State can not by virtue of the Constitution of the United States accomplish the repeal of the law which we here enact, there is no necessity for a word of that section after the word "punishment."

I submit these suggestions, and I now offer an amendment to strike out the word "now," in line 16, and all after the word "punishment," in line 18.

The VICE-PRESIDENT. The Senator from Mississippi proposes an amendment, which will be stated by the Secretary.

The SECRETARY. On page 149, line 16, after the word "thereof," strike out "now;" and after the word "punishment," in line 18, strike out the remainder of the section.

Mr. BACON. I should like to inquire of the Senator from Idaho if there are any decisions distinctly upon the point which has been discussed by the Senator from Mississippi and the Senator from Utah, as to whether or not a statute of the United States can limit the law to the time when it shall be in force. I quite understand and see the force of the suggestion that it would be impossible to enact a law which would put in force a State statute thereafter to be enacted by the State. There can be no question whatever about that. But, as the Senator has said that the matter has been frequently before the courts, I should like to know whether the precise question has been decided by the courts or whether the Senator is representing that the committee in this particular are concluding that from an analysis of the various decisions.

Mr. HEYBURN. The question has been squarely and fairly decided on more than one occasion. I was very much inclined to bring into the Senate Chamber to-day the authorities bearing upon this question, but it is so large a question, one which has so frequently and so extensively occupied the time of the courts, that I felt loath to impose upon the Senate a legal discussion of this question that has been summed up so tersely and so completely by an authority that is absolutely conclusive upon the subject.

The question of the delegation of power by Congress to a State legislature to repeal a law is exactly the same as the delegation of the power by Congress to a State legislature to enact one, because the process of repealing is the process of enacting a law. That has been made so plain by the decisions of the courts that I think it will not be seriously controverted now upon consideration.

There is no section of the law with which I have come in contact in more than thirty years' active practice against which

I have rebelled so often as this section. I reserved the right in the joint committee of the two Houses to object to it on the floor of the Senate should I desire to do so, as I stated on a former occasion, when this section was reached for consideration. It is repugnant to my sense as a lawyer of the methods which should pertain in the enactment of laws. I said in committee that I believed it was our duty to gather up and enumerate the various offenses that might be legislated upon as crimes by a State legislature. It is a formidable task. In all the States they have many phases of crime, and every one of them is apt to present itself to a United States court because the United States courts are all-comprehensive from a territorial standpoint.

The necessity for conferring jurisdiction upon United States courts to punish according to the law of the State arises out of a very peculiar condition. A post-office on one side of a street the jurisdiction of which has been ceded to the United States by the State, as provided by the Constitution of the United States, and a building upon the other side of the street belonging to private individuals and under the jurisdiction of the laws of the State would seem to present the question in the plainest manner for consideration. A man commits exactly the same offense in the post-office as another person commits on the opposite side of the street. The man who commits the offense in the post-office is triable in the United States courts under the laws of the United States. He can not be tried under the laws of the State, because the State has ceded to the United States jurisdiction, as it must under the provisions of the Constitution of the United States. He is tried by the United States court according to the rules that pertain in that tribunal, and the man who commits exactly the same offense upon the opposite side of the street is tried under the laws of the State.

Now, the law under which the United States court is administering justice on one side of the street is the law that was in force at the time of the passage of the act similar to the one under consideration, which was in 1886, the last time this was enacted. The man on the opposite side of the street is tried under a law which was enacted by the State legislature perhaps last year, entirely different in its terms, different as to the method of punishment, different as to the method of trial.

Mr. McLAURIN. Will the Senator from Idaho allow me to interrupt him?

Mr. HEYBURN. Certainly.

Mr. McLAURIN. Would not that be the same if the State had repealed the law and the United States court were trying the defendant under a law that the State had at one time enacted but had repealed and put another law in its place?

Mr. HEYBURN. That is the same question presented in a different form. The change of the provisions in a law might constitute a partial repeal of the law which existed at the time when the United States adopted the laws of the State.

Mr. McLAURIN. But my question to the Senator is, Would it not then be, under the provisions of this law, that the State court would be trying him under one law right across the street, while the Federal court would be trying another man under a different law right on the other side of the street, and both of them had grown out of State law?

Mr. HEYBURN. That is absolutely true. And it is upon that that I have so long contended that there should be some other method than that proposed by this statute. But what is the other method? It is that we diligently gather up and enumerate and prescribe for the punishment of each of the different offenses that might be committed in every portion of this country. It would constitute rather an extensive criminal code in itself, because, as I say, there are crimes which are peculiar to certain localities and certain conditions which do not pertain in others.

Congress from the very beginning realized the necessity of ingrafting upon the laws of the United States the statutes of the State in regard to criminal offenses and of enforcing those laws in the United States courts, and they thought at the beginning that the repeal of the law by the State legislature might be carried into the consideration of the United States courts, until Chief Justice Marshall, in the case of Paul *v.* United States, held that it could not be done. That, as I have already said, inspired Justice Story to the effort that resulted in the act of 1825, which he himself drew, and he recites his experience with this question. He thought he could overcome the constitutional difficulty of making the action of a State legislature in repealing a law operative upon the United States courts in administering a law, and he finally gave it up, and the courts of last resort have held uniformly that it could not be done; that for Congress to say that they would adopt and enforce a State law for but a given period, or rather until the State legislature repealed it or modified it or changed it, was to delegate to the State the power to repeal an act of Congress or to modify or to change it, and that is the law as it stands to-day.

So, as the Constitution stands to-day, if we want to adopt the laws of the State for the convenient and effective administration of justice in the punishment of crimes, we must simply reenact this provision as often as it seems necessary and wise to do. It could be done pro forma, say once in every two or four years, as might be deemed best. But it seems to be the only refuge, and the committee, after considering the matter for days, and recurring again and again to this provision of law, could find no remedy other than that which is presented.

To strike out the word "now," as suggested by the Senator from Mississippi, so as to leave it indefinite, would be to change existing law. The word "now" is in the law as it has been in force since 1825. The word "now" was in the law as it was interpreted by Chief Justice Marshall and as it has been repeatedly interpreted by the Supreme Court since that time. So I can see no reason now for striking out that word.

To strike out all after the word "punishment" comes within the same consideration, because the existing law as it was enacted in the very beginning of the jurisprudence of this country contained the same provision that the committee have reported in this bill. I hope the amendment will not be adopted.

Mr. BACON. I hope the Senator from Idaho will pardon me, but I suppose in the heat of his argument he has overlooked the exact inquiry I made of him, which was whether the precise point has been decided, or whether the Senator concluded from the decisions which have been made that it necessarily involved that point. I wish to know whether the precise point was ever presented to the court and decided by the court—that it is unconstitutional for Congress to enact a law under which the statute of the State would be adopted and would be continued in force only so long as it remained in force in the State. Has that precise point ever been decided?

Mr. HEYBURN. That has been decided.

Mr. BACON. I hope the Senator will give us the decision. I am not asking it for the purpose of controversy, but for the purpose of satisfying myself.

Mr. HEYBURN. I understand that. That precise point has been considered and decided time and again. I have not in the Senate Chamber the authorities on the subject, but there are many full considerations of that question in the decisions which the Senator will find brought together probably in Rose's Notes of Concurrent Cases under the case of The United States *v.* Paul, and not only that, but in Mr. Story's treatise on the Constitution I think he will find a very thorough and elaborate consideration of the question.

Mr. McLAURIN. If the Senator will allow me, the case of The United States *v.* Paul does not decide that question at all. The case of The United States *v.* Paul merely decides that the act of Congress of March 3, 1825, did not punish a man in New York under an act passed by the legislature of New York after 1825. That is all that is decided by the case of Paul. There is no constitutional question discussed in that case.

Mr. HEYBURN. I did not intend to be understood as saying that there was. I used it as a reference for the purpose of reviewing the Concurrent Cases. I say that if the Senator will review the Concurrent Cases that are brought together by the commentator under that head he will probably find all these cases there. There is a long line of cases in which the question is considered in its every elaboration.

Mr. McLAURIN. But the Senator will observe that there is no reference at all in the case of The United States *v.* Paul to the Constitution of the United States or to any other constitution.

Mr. HEYBURN. No; I know that.

Mr. McLAURIN. It was only a question whether, under the act of Congress of March 3, 1825, the act of the New York legislature enacted thereafter——

Mr. HEYBURN. Changed the law as it was at the time of the passage of the act.

Mr. McLAURIN. No; whether the act of Congress of 1825, making an offense, was carried into the act of the legislature of New York.

Mr. HEYBURN. Yes; it is the announcement of a principle by the Chief Justice that I read with reference to the case of The United States *v.* Paul; but I stated to the Senator what, according to all the authorities, the law is, and of course I did not deem it necessary to bring them all in here, because that would be too much like arguing a case before a court. I assume that if there is doubt in the mind of Senators they will investigate the question in the usual way.

Mr. McLAURIN. If the Senator will pardon me again for interrupting him——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Mississippi?

Mr. HEYBURN. Certainly.

Mr. McLAURIN. I suggest that there is no announcement of any principle in the case of The United States *v.* Paul. It is merely the interpretation of a statute.

Mr. HEYBURN. Well, that is the announcement of a principle.

Mr. McLAURIN. I do not think there is any principle announced.

Mr. HEYBURN. The principle involved is whether or not it fixed the time when the statute of the State attaches in the United States courts. That is quite a material consideration.

Mr. McLAURIN. I do not think it is that. I think it only fixed the time when that particular act attached. One act might attach and another might not attach.

Mr. HEYBURN. That is the only act we have, and that is the act we are considering to-day in the revision. That is the act the committee has reported to the Senate. It is the act of 1825, and it is the act under consideration.

Mr. McLAURIN. That is true enough, and it is the act that I think ought to be amended.

Mr. HEYBURN. The act of 1825?

Mr. McLAURIN. I think so. We are amending laws as far back as 1825 on this very bill, and adding new laws.

Mr. HEYBURN. I appeal to the Senator that that would probably be a rather dangerous position to establish here. There are quite a number of laws on the statute books of the United States that probably both the Senator and myself would agree should be amended, but we would also agree that it was not the proper function for a committee on revision or codification of the laws to undertake to amend them, because if it is proposed to amend them the amendment should be introduced in the ordinary way of legislation in this body and go to the appropriate standing committee for consideration.

Mr. McLAURIN. I will ask the Senator if we are not amending them all along, and amending them at the suggestion of the committee?

Mr. HEYBURN. Mr. President, there is no amendment in these laws that has been adopted with my concurrence. We have here, in the interest of getting the bill through, which is quite a serious consideration, conceded certain amendments, not always in accordance with our judgment as to what should be done; but it is better sometimes to concede an amendment that is not of very grave importance than it is to defeat a purpose such as we have in view, that of codifying the laws. If we undertook here to criticise the wisdom of the legislators who adopted them we probably never would codify them, because we would have to reenact all the legislation of the last forty or fifty years.

So, while we might both agree that these laws could be framed in more apt language, or that certain provisions could be wisely omitted from them, yet I appeal to the Senators that it would not be wise or tend to the ultimate accomplishment of our purpose to engage in that beyond the absolute and pressing necessities. I should like to avoid the necessity of enacting section 286, and I would have been willing in the committee to undertake the vast work of looking up from the code of every State in the Union the crimes, enumerating them, specifying them, determining the manner of their punishment. But I was forced to concede that it had never been considered practicable or necessary, when away back in the beginning such great jurists as we had then forming the laws of this country laid the foundation for that great system of jurisprudence which has worked so well, and I yielded my views on the subject. I thought as the Senator did. The instincts of a lawyer rebel against adopting the laws of a State without enacting what they were and allowing the State to repeal them without the benefit of action in the courts. I think it better to let the law stand as it is and as it has stood for so long than to change it, even though our judgment appeals to us against the wisdom of the original enactment.

Mr. McLAURIN. Mr. President, I do not wish to discuss this question any further, but as the decision of Chief Justice Marshall in the case of the United States *v.* Paul contains only about eight lines I will read the whole decision, so that the entire decision will go into the RECORD.

Mr. HEYBURN. I read every word of it.

Mr. McLAURIN. This is the entire opinion of the court:

Mr. Chief Justice Marshall stated it to be the opinion of the court, that the third section of the act of Congress entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," passed March 3, 1825, is to be limited to the laws of the several States in force at the time of its enactment. This was ordered to be certified to the circuit court for the southern district of New York.

This is found on page 142 of 6 Peters's Reports.

Mr. SUTHERLAND. Mr. President, I hope the amendment suggested by the Senator from Mississippi will not be adopted. I think the effect of it would be to declare that prosecutions might be had under the laws of the State passed hereafter, and I do not think that that legislation would be constitutional.

Mr. McLAURIN. I did not hear the Senator. I was not noticing what he said.

Mr. SUTHERLAND. I say I think the effect of adopting the amendment which the Senator has suggested would be to declare that prosecutions might be had under the laws of a State passed after we have passed this act of Congress, and I think we have no power to enact that sort of legislation.

Mr. McLAURIN. Then does not the Senator think that the court, following a well-known rule of law, would construe it as being the intention of Congress to go only as far as Congress has the constitutional power to go?

Mr. SUTHERLAND. Yes; that might be so, under ordinary circumstances, but the court also takes into consideration sometimes the debates in Congress. When the construction of a law is in doubt, very often resort is had to the debates in Congress. If it should appear that the word "now" was originally in the law and had been stricken out, evidently it was intended to give the law a different interpretation from that which it would have with the word "now" in it. With the word "now" in the law it is plain and unambiguous. It means to confine the adoption of these laws to those which are now in force, and does not attempt to apply the rule to laws which may be hereafter enacted.

The Senator also proposes to strike out the language of the section that the laws of the State shall "continue in force, notwithstanding any subsequent repeal or amendment thereof by any such State, Territory, or District." I have already said that in my judgment that would be in effect to authorize the State to enact a law. It is precisely the same in effect as though instead of adopting this simple section we say that we adopt all the penal laws of the various States. It is in effect the same as if we had read all of those laws into the statutes of the United States; as though we had taken section after section from the various penal codes of the States and enacted them in precise words in the statute. If we had done that, if we had said in one section that such and such an act should be punishable when committed in a certain State, that such and such an act should be punishable when committed in another State, and so on through the whole list of laws and through the whole list of forty-six States and spread them upon the statue books in that way, then I think there could be no doubt that if we would permit a provision in addition to that in the law, that those laws should cease to have operation whenever any particular State had repealed that law, it would be unconstitutional, because it would be an enactment of the law.

Mr. McLAURIN. Will the Senator allow me to ask him a question?

Mr. SUTHERLAND. Certainly.

Mr. McLAURIN. I agree with the Senator fully that Congress can not empower a State legislature to make a law hereafter and have that law to become a law of the United States. There is no question about that, because Congress can not delegate to the legislature of a State or to any other auhority the power to enact law. We are agreed upon that. But does not the Senator hold that Congress has the power to enact a law and limit the time during which it shall have its existence?

Mr. SUTHERLAND. I think we have the right to enact a law and say that it shall be in force and operation until a particular date.

Mr. McLAURIN. Does not the Senator hold that Congress can make the limitation of that law depend upon a contingency?

Mr. SUTHERLAND. The action of the legislature of a State?

Mr. McLAURIN. That was not the question.

Mr. SUTHERLAND. That is the case.

Mr. McLAURIN. I asked the Senator if he does not hold that Congress can make the limitation of the law depend upon a future contingency?

Mr. SUTHERLAND. I will answer that by saying sometimes we can and sometimes we can not. It depends upon what the contingency is. If the Senator means that Congress may enact a law and say the law shall be in force and operation until the legislature of some particular State sees fit to declare otherwise, I say no. I think we have no such power. If he means that we may enact a law to be in operation until a certain date comes, then I say yes, we may do that.

Mr. McLAURIN. The State legislatures have enacted laws, and they have made them take effect in certain localities, in certain counties, or certain municipalities, upon the happening of a contingency, and that contingency is the vote of the county

or locality upon a certain proposition, and it depends upon the result of that vote. For instance, the States have enacted laws upon the question of local option which will take effect in a certain county or in any county upon the county's voting a certain way. The legislature of that State can not possibly delegate to the voters of the county the power to make the law. The voters do not make the law, the law is made by the legislature; but the contingency of its taking effect in that particular community or locality is provided. That contingency may be the action of a board of supervisors or the action of the voters of the county.

This is analogous to that case. The Congress of the United States enacts this law, and the law has for its force and effect the action of Congress enacting it. It passes this body; it passes the House of Representatives and is signed by the President of the United States, and that gives it its effect as a law. The contingency upon which that shall be limited may be the action of anybody. It may be the action of the voters of a State, or of the executive of a State, or of the judiciary of the State, or of the legislature of the State. That is frequently done. The act depends upon its being effective upon the action of the Executive of the United States. The President of the United States can not make the law any more than the legislature of a State can make the law. So I hold that it is within the power of Congress to enact the law and fix a time for its limitation. That limitation may be certain or it may be contingent. The contingency may be the action of anybody that the Congress of the United States shall designate, and if it designates the legislature of a State, the contingency depends upon the action of the legislature of the State. That is my idea about it. That is my opinion about the law. I so hold.

Mr. SUTHERLAND. I recognize the force of what the Senator from Mississippi says on this subject, but it seems to me that the case which we have here is very different from the case which he illustrates; that is, the case of local-option laws. This case would be analogous to a case happening in a State where the State legislature had passed a law intended to be of uniform operation within the State, and had then declared that that law should cease to have operation entirely whenever a certain body of men in the State, the judiciary or some of the executive officers, might so declare. In other words, it would be to delegate to that select body of men, or, if you please, to the entire people of the State, the power to make a law, or to unmake a law, which it appears to me is the same thing.

If we adopt the amendment suggested by the Senator from Missouri, it seems to me that is what we are doing. We have, in the first place, enacted a set of laws in precisely the same way as if we had spread them at length upon the statute books, and then after having done that we say these laws shall cease to have operation so far as this Government is concerned whenever the legislature of the particular State to which they are adapted shall repeal them. It seems to me that to do that would be to delegate to the State legislatures the power to make a law for us.

Mr. McLAURIN. Will the Senator allow me to ask him a question?

Mr. SUTHERLAND. Certainly.

Mr. McLAURIN. When a State legislature enacts a law that upon the vote of a county in favor of prohibition there shall be no more licensed saloons in that county, does the State law depend upon the action of that particular locality?

Mr. SUTHERLAND. That is, as to whether or not it shall ever go into operation at all? Yes.

Mr. McLAURIN. Then is not the State delegating authority to that county to make a law?

Mr. SUTHERLAND. No, I do not think so.

Mr. McLAURIN. I think not either; and I do not think that the existence of the lawmaking power depends upon the action of the voters of the county.

Now, I want to ask the Senator from Utah another question. The Senator recognizes that the courts of the States have held that such laws are constitutional?

Mr. SUTHERLAND. Yes, that has been held in many cases, I do not know whether uniformly or not.

Mr. McLAURIN. I know of no case to the contrary.

Mr. SUTHERLAND. I do not recall any.

Mr. McLAURIN. Now then, suppose that county is what we call "dry" for two years and votes on that proposition again and votes "wet." Then after that date saloons are licensed in that county. Does the Senator hold that the people of that county have enacted a different law?

Mr. SUTHERLAND. My understanding about it is that when the legislature of a State have passed a law of that kind they have simply said whenever the people of any particular locality in the State shall determine prohibition it shall be in effect. The law is not enacted; it is not made a rule applicable to that territory until the people of the locality have voted upon it.

But the case that I suppose is where the legislature of the State has enacted a law applicable to every part of the State, and then has added to it a provision: "This law shall be no longer in force whenever a majority of the people of the State shall vote," or "whenever certain executive officers of the State may so determine." In that case I think it would be an unlawful delegation of legislative authority, and in the other case I do not think it would be.

I recognize that the line between the cases, where the courts have held there is an unlawful delegation of authority and where they have held that it is not, is a somewhat shadowy one, but it seems to me that this case falls well within the line of an unlawful delegation of power, and the case which the Senator supposes falls without it.

Mr. BACON. Mr. President, this has been a very learned and a very interesting discussion, and at last it comes back to what I think will determine it, whether or not there has been a decision by the Supreme Court upon the precise point. If there has, that settles it. If there has not, it is a close question.

Mr. SUTHERLAND. I can answer for myself that I do not know of the decision. I have not discovered any decision of that character. There may or there may not be.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. McLAURIN].

The amendment was rejected.

The VICE-PRESIDENT. The Secretary will read the next section passed over.

The Secretary read as follows:

SEC. 319. [Whoever shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive, with the intent to commit murder, robbery, or any unlawful violence upon or against any passenger on said train or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any such car thereof, or to commit any crime or offense against any person or property thereon, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both. Whoever shall counsel, aid, abet or assist in the perpetration of any of the offenses set forth in *this* section shall be deemed to be a principal therein. Upon the trial of any person charged with any offense set forth in this *section* it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.]

Mr. McLAURIN. I have an amendment to offer to this section, and I believe the Senator from Idaho and also the Senator from Utah agree with me that the amendment ought to be adopted. The Senator from Missouri [Mr. STONE], who has been unavoidably called out of the Chamber, intended to make some observations in support of the amendment. I ask that the amendment be read.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Mississippi.

The SECRETARY. Strike out in the section, beginning with the word "robbery," in line 22, the following words:

Robbery, or any unlawful violence upon or against any passenger on said train or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any such car thereof, or to commit any crime or offense against any person or property thereon.

And insert in lieu thereof the following:

Or other felony, and shall commit any overt act in an attempt to commit such murder, robbery, or other felony.

Also strike out all after the word "therein," in line 8, in the following words:

Upon the trial of any person charged with any offense set forth in this *section* it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

Mr. McLAURIN. Mr. President, I did not mean to strike out the word "robbery." I meant to strike out after the word "robbery," in line 22, on page 163, down to the word "shall," in line 4, on page 164.

The VICE-PRESIDENT. The amendment proposed by the Senator from Mississippi will be stated.

The SECRETARY. After the word "robbery," at the end of line 22, on page 163, it is proposed to strike out down to and including the word "thereon," in line 4, on page 164, and to insert in lieu thereof the words, "or other felony, and shall commit any overt act in an attempt to commit such murder, robbery, or other felony;" and after the word "therein," on page 164, line 8, it is proposed to strike out the remainder of the section.

Mr. McLAURIN. Mr. President, if there is to be any objection to this amendment, which I thought was to be accepted, I wish to say a word or two in reference to it.

This section seems to have been directed by an act of Congress passed in 1902 against a certain organization known as the "Labor Union Organization," and to punish them for offenses. I am willing to have them punished for offenses which they commit, but for any offense that is mentioned between the word "robbery," in line 22, on page 163, and the word "shall," in line 4, on page 164, I am not willing that such an enormous penalty shall be imposed upon the offender. Now, let us see how it reads:

Or any unlawful violence upon or against any passenger on said train or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any such car thereof, or to commit any crime or offense against any person or property thereon, etc.

The proposition is that any person who goes upon a train with the intent to commit any of these small offenses is to be punished by a fine of $5,000.

Mr. BACON. "Not more than $5,000."

Mr. McLAURIN. But it may be that much—not exceeding $5,000 fine or twenty years' imprisonment. A man may go on one of these trains with the intent to break a 10-cent walking cane, and if he is convicted of that intent, although he may never have committed any overt act in the effort to put that intent into execution, he is to be fined $5,000 and suffer twenty years' imprisonment if the judge sees proper to inflict such a punishment. It is no answer to say that it is within the discretion of the court and the court may not impose such a harsh penalty on a man. The court ought not to have the power or the discretion to impose such a harsh penalty for such a small offense—a mere intent.

I am not willing to put upon the statute book a law which is evidently directed at this class of men, when men of great wealth commit great crimes that go entirely "unwhipp'd of justice."

I think that the man who goes upon a train with the intention to commit murder or robbery or other felony—I do not care whether he belongs to a labor union or whether he is a nonunion man; I do not care whether he is a laborer or what may be his calling—ought to be punished; but as to the man who goes there with the intention of committing a little offense, like breaking a walking cane or the laying of his hand in violence upon another, even though he may not intend to do him any physical injury—to put it in the power of a judge to punish that man by a $5,000 fine or twenty years' imprisonment is, to my mind, monstrous, and such a law ought not to be permitted to go through any legislative body in this country. No such law as that ought to be found even in the decrees and the laws of Russia, if they have any laws at all. Even the most autocratic government ought not to pass such a law as that.

Mr. HEYBURN. Mr. President, I have not had time to recur to the debate which occurred the other day, but I think the Senator from Mississippi [Mr. McLAURIN], who has just addressed the Senate on this subject, participated in the enactment of the present law, which contains this proposition.

Mr. McLAURIN. I will say to the Senator that I never voted for such a law. I was in the Senate at the time, but I was then in the minority in this Chamber, as I am now, and I am not responsible for that law. So the Senator can not say I did it.

Mr. HEYBURN. Mr. President, I do not think this is a question of majority or minority. This law, whether intended or not, would prevent—I dislike to mention names—but I will say it would prevent the president of the Standard Oil Company from entering upon a railroad train and using his cane upon the president of the New York Central Railroad Company, and it is quite important that the president of the New York Central Railroad should be protected from such violence if it were intended. Of course the law is in general terms. While the Senator from Mississippi has suggested that it was directed against certain labor organizations, the labor organizations must take their chance with other people in being prohibited from the commission of crime. I have submitted the inquiry to the heads of the organization to which the Senator refers as to whether or not they desired the privilege of committing the offenses prohibited by existing law; but I have not yet received the answer, which I presume I shall receive ultimately, as to whether or not they desire the privilege of entering upon trains and committing these acts. Let me enumerate them and see:

Murder, robbery——

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Yes; if the Senator from Mississippi desires me to do so; but I am merely reading the bill.

Mr. McLAURIN. But murder and robbery are not included within my amendment. They are not the words which I propose to strike out.

Mr. HEYBURN. I am aware of that, and I intended so to express myself. I was reading the existing law on the subject which was enacted with the concurrence of the Senators present. I will proceed to review this section.

The words "murder" and "robbery" are omitted from the amendment proposed by the Senator from Mississippi, but let us consider this. I do not intend to spend very much time over it. I do not believe that we should destroy the effect of a law which prevents crime, I do not care what the penalty may be. I do not believe that any man can take exception to the severity of a penalty against crime, I do not care if it is made a hundred years and an unlimited fine. The man who says that he objects to the penalty against the right to commit a crime—which I concede to no man—even with the amendment of the Senator from Mississippi he wants the right—I do not mean the Senator from Mississippi does, but the party who objects to this statute—to commit "unlawful violence upon or against any passenger on said train or car." Should any man have that right or privilege? Does it matter how severe the penalty? Has any man or organization of men dared stand up here and say, "We claim the right, under any circumstances, to commit that crime?" Should he have the right to commit any unlawful violence—

Upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car?

Should any man be given a right to commit unlawful violence? That is not breaking a man's cane. That simile is not broad enough to cover the description of the offense in this statute. Should any man be given that right? It would controvert the very purposes of government to concede it to him under any circumstances, because the element of self-defense, or protection to self, of the person or his personal rights, does not enter into such an offense. Should he have the right to commit unlawful violence "upon or against any express messenger or mail agent," who is the representative of the Government of the United States, on any train or in any car, or to commit any crime or offense against any person or property upon any train? What difference how severe you make the penalty? Can you not trust the judge to temper the measure of justice to such men better than you can trust the man who wants to commit that offense? I think so. I grow suspicious of the men, or of any organization of men, that come to me to protest against a law that prevents them from committing unlawful violence because the penalty is too great or for any other reason, because such a protest carries with it the tacit demand of the right to commit the crime; and by such a protest they say, not by implication, but as plain as motives can be expressed, "we want the law so mild in its terms, or so ambiguous in its form, that we may commit these acts of violence and these unlawful acts against these persons provided we are willing to pay a very light fine or to endure a very light punishment."

I have no patience with such a protest against law and order. I have no patience with the protest in favor of an open door to the commission of crime, and I draw no class lines or no lines between wealth and poverty. I am willing to face that issue anywhere, in the fields of labor or the fields of enterprise or the fields of responsibility, wherever the question is raised. I have not very much patience with the protest that says, "only make the punishment light enough so that I can infract or break this law, or provided that I am willing that my handy man, put forward for the purpose of doing it, shall not be punished too severely."

Mr. President, to adopt the amendment suggested by the Senator from Mississippi is to repeal a law that was passed only three Congresses ago, a law that has been passed in the wisdom of Congress because it was necessary. I am opposed to repealing that law upon a report made from a joint committee of the two Houses, or I am opposed to seeing it come to a vote unless it comes to this body in the ordinary course of legislation.

I appeal to the Senator from Mississippi, whatever his views may be upon this question, that this being existing law of recent enactment it should stand until some one assumes the responsibility of introducing a bill for its repeal and some standing committee of this body reports in favor of such repeal. Then let it come up for debate in the ordinary process of legislation and we can meet it. But I hope this occasion will not be

claimed for the repeal of an existing law so beneficial and necessary. If the penalty is too great, make the penalty less; but you can trust the courts. I recall no instance where the courts have been cruel or unjust or have administered excessive punishment.

Mr. McLAURIN. Mr. President, I have objected, and do object, to the severity of this penalty for a very slight misdemeanor, and making that a misdemeanor which has never been, so far as I have been able to find, made a misdemeanor by any other statute. I do not do it because I want the privilege of violating the law—I do not desire to violate the law—nor do I do it because I want the privilege granted to anybody else to violate the law or to commit any violence against another man or another man's property.

The Senator says he has written to the head of the organization to know whether they want——

Mr. HEYBURN. No, Mr. President, I did not say that I had written. I had a personal interview——

Mr. McLAURIN. Ah!

Mr. HEYBURN. I had a personal interview within the walls of this Capitol with a man who professed to be speaking for the organization.

Mr. McLAURIN. I understood the Senator to say that he had not heard of any report from anybody that they wanted to do this, and expected to hear a report that they did not.

Mr. HEYBURN. I said I had not received a reply, though I waited a long time, and I have not received it yet.

Mr. McLAURIN. I do not suppose the Senator ever will hear anyone say that he wants permission for anybody to commit crime. I think that is a reflection upon the head of the organization and upon the organization itself to ask if they want granted to them the privilege to violate the law, to do wrong to anybody or anybody's property.

It is not a proposition as to whether the lawmaking power desires to encourage people to commit crime or to grant the privilege to commit crime, but it is the enormity of the penalty for a very little offense to which I object. The Senator says that he does not object to this feature of it; that the smallest offense that can be committed, so far as he is concerned, may be visited with imprisonment for life. I suppose the Czar of Russia would say the same thing, that the smallest offense that could be committed in his country might be visited with the gibbet. I feel that there ought to be some discrimination in the penalties that are imposed upon different crimes. The Senator must have thought so, too, for the bill provides as it has gone along one penalty for one crime and another penalty for another crime, and the Senator has during the progress of this debate advocated for certain offenses a reduction of the penalty, because he thought that the one provided was too great. But here, when there is a statute directed against men who probably will permit their passions to be excited and aroused to an extent that is not permissible under good government, the severest penalty is to be put upon a man for the very smallest offense or for intending to commit such an offense.

I suppose that if some humble man were to go upon a railroad car with the intention to break the cane of the president of the New York Central Railroad, to whom the Senator has referred, but were to abandon that intention afterwards, so great has the president of the New York Central Railroad Company become that the Senator would be willing to see the highest penalty imposed upon such a man, because he had the intention of violating the rights of an individual. The man did not execute the intention; he did not have any intention of taking the life or maiming the limb or the person of the president of the New York Central Railroad Company; but if he had the intention of going upon the car for the purpose of slapping his jaw or of breaking his walking cane, then, according to his idea about it, the Senator would see him imprisoned in the penitentiary for life.

Mr. HEYBURN. Mr. President, I trust the Senator will yield to me for a moment.

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. McLAURIN. I do, with pleasure.

Mr. HEYBURN. I think the Senator did not understand me to make a statement of that kind—that I would not discriminate at all in the enactment of penalties as between different crimes. I do not think the Senator understood me to say that. I spoke of my individual sentiment in regard to crimes, that it made no difference whether the penalty were large or small. I, of course, recognize, as every intelligent man recognizes, that in enacting legislation you do discriminate between offenses in prescribing the penalty. We have done it always, and have done it very properly. But because I expressed my personal indifference to the size of the fine, it does not follow that I would in fixing penalties disregard the ordinary rules of legislation in discriminating between the grade of offenses, and I think the Senator did not so understand me.

Mr. McLAURIN. I did so understand the Senator. I suppose the Senator meant to say that he himself intends to be so strictly a law-abiding man that it would make no difference to him. I take it that that is true, because I am sure the Senator would not willfully violate any law or any of the rights of anybody else; but we must remember that we are making laws for men who are liable to err—and we are all, so far as that is concerned, liable to err—but if a man does err, he ought not to have attached to him this enormous penalty. Under this section, as you can see, if a man enters a car with intent to commit any crime or offense against any person or property thereon—it does not make any difference what offense; it does not make any difference how small the offense may be; it may be the least offense imaginable, or the intention to commit the least conceivable offense—he might have visited upon him this enormous penalty of $5,000 fine and imprisonment for twenty years. It is true that that is the limit, but the judge may impose the limit upon him. Such a discretion as that ought not to be confided to any judge. The Senator says the judge will exercise his discretion and that he may be trusted to exercise his discretion. Within certain limits and certain bounds that is true; but when it comes to allowing him a discretion of imposing a fine of $5,000 and twenty years' imprisonment upon a man for the least conceivable offense, or for the intent to commit the least conceivable offense, that is to me absolutely monstrous; it is horrible.

Upon trial it is not necessary to give the person indicted the nature and cause of the accusation against him; it is not necessary that the indictment shall set forth or the evidence prove that he intended to commit a serious offense or that he intended to commit an offense against any particular person, but any kind of a paper to show that he intended to commit some offense mentioned in section 319 is sufficient to try him upon. It is a kind of omnium gatherum. The evidence can be thrown into the basket and the man tried upon it.

Such a thing as this ought not to be allowed to go upon the statute books. The fact that it was enacted in 1902 does not make it any better than if it had been enacted in 1802 or 1702. It were better had it been enacted in the ages of the Inquisition.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. McLAURIN.].

Mr. McLAURIN. Mr President, before I take my seat I wish to say that I shall insist that this amendment shall be adopted. Another thing, if there is any desire to modify the penalty, I will join in the enactment of any legislation that will impose a penalty upon the intent and upon an overt act or demonstration in the effort to put that intent into effect.

Mr. SUTHERLAND. I want to ask the Senator from Mississippi one question, with his permission. Does the Senator think that a person who willfully and maliciously trespasses upon or enters upon a railroad train with the intent to commit an act of unlawful violence against any passenger or other person mentioned ought to go without punishment?

Mr. McLAURIN. I do not think that he ought to go without punishment if he commits any overt act.

Mr. SUTHERLAND. No. The question I asked the Senator was whether or not he thought a person ought to go without punishment when he willfully and maliciously enters the car with that intent?

Mr. McLAURIN. I do not think that any man ought ever to be punished criminally for any intent which he has when he does no act to put that intent into effect.

Mr. SUTHERLAND. I did not ask the Senator whether a man ought to be punished who merely has an intent to do a criminal act, but one who maliciously—the statute says "willfully and maliciously"—one who maliciously trespasses upon or enters a railroad car with that intent. There is an overt act, the overt act of entering the car maliciously.

Mr. McLAURIN. I do not think that that is an overt act in the effort to put that intent into effect. But grant that he ought to be punished, does the Senator think that he ought to be sent to the penitentiary for twenty years and fined $5,000?

Mr. SUTHERLAND. No; I do not.

Mr. McLAURIN. Then the Senator thinks this amendment ought to be adopted, or, at least, that this penalty ought to be changed.

Mr. SUTHERLAND. Well, I was going to ask the Senator, following up my other question, whether or not the effect of his amendment would not be to eliminate the first part of the law, so that such a man would not be punished at all?

Mr. McLAURIN. It would——

Mr. SUTHERLAND. If the Senator will permit me a moment——

Mr. McLAURIN. Certainly.

Mr. SUTHERLAND. I think the Senator is correct when he says that a man who enters with intent to do that particular act—knowingly to commit an act of unlawful violence—ought not to be punished by twenty years in the penitentiary, and I do not think any judge on earth would punish a man with that extreme penalty. I would have no objection if the law were so framed as to discriminate between an entry for the purpose of committing murder and robbery and an entry for the purpose of committing another act of unlawful violence; but that is not the Senator's amendment.

Mr. McLAURIN. Does not the Senator see that another section can be added putting that in? If the Senator thinks that that ought to be, the Senator agrees with me that this penalty is too severe, and, therefore, it ought to be stricken out. The Senator then agrees with me that there should be some penalty attached to the man who commits a smaller offense; but that ought to be reached by a separate section. That would not, however, obviate the necessity for the adoption of this amendment, because if you strike down this amendment and leave the penalty as it stands, then the Senator's view that the penalty is too severe will be impinged. I do not think it ought to be left to the discretion of the judge to impose such a penalty if he sees proper.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi. [Putting the question.] By the sound, the "noes" seem to have it.

Mr. McLAURIN. I will have to call for the yeas and nays on the amendment. I can not let it go without doing everything I can to have it adopted.

Mr. KEAN. I trust the Senator will not call for the yeas and nays.

Mr. McLAURIN. I can not allow the amendment to go without a vote.

Mr. KEAN. If it is the intention to call for the yeas and nays, I think it would be as well to let the matter be passed over now, so that we may have an executive session.

Mr. McLAURIN. If the Senator from Idaho will let it go over until to-morrow, I will not call for the vote now; but if it is to be decided, I want a vote.

Mr. HEYBURN. We will let this section go over and take up the only remaining section for consideration.

The VICE-PRESIDENT. The section will be passed over without objection. The Secretary will read the next section passed over.

The Secretary resumed the reading, as follows:

SEC. 326. [The circuit and district courts of the United States for the district of South Dakota shall have jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, or larceny, committed within the limits of any Indian reservation in the State of South Dakota. Any person convicted of murder, manslaughter, rape, arson, or burglary, committed within the limits of any such reservation, shall be subject to the same punishment as is imposed upon persons committing said crimes within the exclusive jurisdiction of the United States: *Provided*, That any Indian who shall commit the crime of rape within any such reservation shall be imprisoned at the discretion of the court. Any person convicted of the crime of assault with intent to kill, assault with a dangerous weapon, or larceny, committed within the limits of any such reservation, shall be subject to the same punishment as is provided in cases of other persons convicted of any of said crimes under the laws of the State of South Dakota. This *section* is passed in pursuance of the cession of jurisdiction contained in chapter one hundred and *six*, Laws of South Dakota, 1901.]

CHAPTER FIFTEEN.

REPEALING PROVISIONS.

Sec. 338. Sections, acts, and parts of acts repealed.
Sec. 339. Accrued rights, etc., not affected.
Sec. 340. Prosecutions and punishments.
Sec. 341. Acts of limitation.
Sec. 342. Date this act shall be effective.

SEC. 338. The following sections of the Revised Statutes and acts and parts of acts are hereby repealed:

Sections 412, 1553, 1668; sections 1780 to 1783, both inclusive; sections 1785, 1787, 1788, 1789 2373, 2412, 3583, 3708, 3739, 3740, 3742, 3832, 3851, 3869, 3887; sections 3890 to 3894, both inclusive; section 3899; sections 3922 to 3925, both inclusive; sections 3947, 3954, 3977, 3979; sections 3981 to 3986, both inclusive; sections 3988, 3992, 3995, 3996, 4013, 4016, 4030, 4053, 5188, 5189; sections 5281 to 5291, both inclusive; sections 5323 to 5395, both inclusive; sections 5398 to 5410, both inclusive; sections 5413 to 5484, both inclusive; sections 5487 to 5510, both inclusive; sections 5516, 5518, 5519; sections 5524 to 5535, both inclusive; sections 5551 to 5567, both inclusive, of the Revised Statutes:

That part of section 3829 of the Revised Statutes which reads as follows: "And every person who, without authority from the Postmaster-General, sets up or professes to keep any office or place of business bearing the sign, name, or title of post-office, shall, for every such offense, be liable to a penalty of not more than $500;"

That part of section 3867 of the Revised Statutes which reads as follows: "And any person not connected with the letter-carrier branch of the postal service who shall wear the uniform which may be prescribed shall, for every such offense, be punishable by a fine of not more than $100, or by imprisonment for not more than six months, or both;"

That part of section 4046 of the Revised Statutes which reads as follows: "Every postmaster, assistant, clerk, or other person employed in or connected with the business or operations of any money-order office who converts to his own use, in any way whatever, or loans, or deposits in any bank, except as authorized by this title, or exchanges for other funds, any portion of the public money-order funds, shall be deemed guilty of embezzlement; and any such person, as well as every other person advising or participating therein, shall, for every such offense, be imprisoned for not less than six months nor more than ten years, and be fined in a sum equal to the amount embezzled; and any failure to pay over or produce any money-order funds intrusted to such person shall be taken to be prima facie evidence of embezzlement; and upon the trial of any indictment against any person for such embezzlement, it shall be prima facie evidence of a balance against him to produce a transcript from the money-order account books of the Sixth Auditor. But nothing herein contained shall be construed to prohibit any postmaster depositing, under the direction of the Postmaster-General, in a national bank designated by the Secretary of the Treasury for that purpose, to his own credit as postmaster, any money order or other funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such bank, or through United States disbursing officers, or otherwise, when instructed or required to do so by the Postmaster-General, for the purpose of remitting surplus money-order funds from one post-office to another, to be used in payment of money orders."

"An act to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction," approved June 23, 1874;

"An act to protect persons of foreign birth against forcible constraint or involuntary servitude," approved June 23, 1874;

That part of "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, which reads as follows: "That any postmaster who shall affix his signature to the approval of any bond of a bidder or to the certificate of sufficiency of sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office and be thereafter disqualified from holding the office of postmaster, and shall also be deemed guilty of a misdemeanor, and on conviction thereof be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or both;"

Sections 1, 2, and 3 of "An act to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes," approved March 3, 1875;

Section 4 of "An act to protect all citizens in their civil and legal rights," approved March 1, 1875;

"An act to punish certain larcenies and the receivers of stolen goods," approved March 3, 1875;

"An act to amend section 5457 of the Revised Statutes of the United States, relating to counterfeiting," approved January 16, 1877;

That part of section 5 of "An act establishing post-roads, and for other purposes," approved March 3, 1877, which reads as follows: "And if any person shall make use of any such official envelope to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction;"

That part of section 1 of "An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1879, and for other purposes," approved June 17, 1878, which reads as follows: "And any postmaster who shall make a false return to the Auditor, for the purpose of fraudulently increasing his compensation under the provisions of this or any other act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than $50 nor more than $500, or imprisoned for a term not exceeding one year, or punished by both such fine and imprisonment, in the discretion of the court; and no postmaster of any class, or other person connected with the postal service, intrusted with the sale or custody of postage stamps, stamped envelopes, or postal cards, shall use or dispose of them in the payment of debts or in the purchase of merchandise or other salable articles, or pledge or hypothecate the same, or sell or dispose of them except for cash, or sell or dispose of postage stamps or postal cards for any larger or less sum than the values indicated on their faces, or sell or dispose of stamped envelopes for a larger or less sum than is charged therefor by the Post-Office Department for like quantities, or sell or dispose of postage stamps, stamped envelopes, or postal cards otherwise than as provided by law and the regulations of the Post-Office Department; and any postmaster or other person connected with the postal service who shall violate any of these provisions shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than $50 nor more than $500, or imprisoned for a term not exceeding one year;"

"An act to amend section 5497 of the Revised Statutes, relating to embezzlement by officers of the United States," approved February 3, 1879;

That part of section 1 of "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," approved March 3, 1879, which reads as follows: "That nothing contained in section 3982 of the Revised Statutes shall be construed as prohibiting any person from receiving and delivering to the nearest post-office or postal car mail matter properly stamped." Also sections 13, 23, 27, and 28 of said act;

"An act to amend section 5440 of the Revised Statutes," approved May 17, 1879;

Sections 1, 3, and 4 of "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882;

Sections 11, 12, 13, 14, and 15 of "An act to regulate and improve the civil service of the United States," approved January 16, 1883;

"An act making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employee acting under authority of the United States or any department or officer thereof, and prescribing a penalty therefor," approved April 18, 1884;

"An act to prevent and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments," approved May 16, 1884;

Section 9 of "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," approved March 3, 1885;

Section 2 of "An act to amend the act entitled 'An act to modify the money-order system, and for other purposes,' approved March 3, 1883," approved January 3, 1887;

Sections 3, 4, 5, 9, and 10 of "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes,' approved March 22, 1882," approved March 3, 1887;

Section 2 of "An act relating to permissible marks, printing or writing, upon second, third, and fourth class matter and to amend the twenty-second and twenty-third sections of an act entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes,'" approved June 4, 1888;

"An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888;

"An act amendatory of 'An act relating to postal crimes and amendatory of the statutes therein mentioned,' approved June 18, 1888, and for other purposes," approved September 26, 1888;

"An act to punish as a felony the carnal and unlawful knowing of any female under the age of 16 years," approved February 9, 1889;

Sections 1 and 2 of "An act to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails," approved March 2, 1889;

Section 1 of "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," approved September 19, 1890;

"An act further to prevent counterfeiting or manufacture of dies, tools, or other implements used in counterfeiting, and providing penalties therefor, and providing for the issue of search warrants in certain cases," approved February 10, 1891;

"An act to amend sections 5365 and 5366 of the Revised Statutes relating to barratry on the high seas," approved August 6, 1894;

Sections 1 and 2 of "An act for the suppression of lottery traffic through national and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States," approved March 2, 1895;

"An act to prohibit prize fighting and pugilism and fights between men and animals and to provide penalties therefor in the Territories and the District of Columbia," approved February 7, 1896;

That part of "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895," approved August 8, 1894, and that part of "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1896," approved March 2, 1895, and that part of "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897," approved April 25, 1896, which reads as follows: "Any person who shall knowingly issue or publish any weather forecasts or warnings of weather conditions falsely representing such forecasts or warnings to have been issued or published by the Weather Bureau, United States Signal Service, or other branch of the Government service, shall be deemed guilty of a misdemeanor, and, on conviction thereof, for each offense be fined in a sum not exceeding $500, or imprisoned not to exceed ninety days, or be both fined and imprisoned, in the discretion of the court;"

That part of "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes," approved June 10, 1896, which reads as follows: "*Provided further*, That hereafter it shall be unlawful for any person to destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post on any Government line of survey, or to cut down any witness tree or any tree blazed to mark the line of a Government survey, or to deface, change, or remove any monument or bench mark of any Government survey; that any person who shall offend against any of the provisions of this paragraph shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court, shall be fined not exceeding $250 or be imprisoned not more than one hundred days. All the fines accruing under this paragraph shall be paid into the Treasury, and the informer in each case of conviction shall be paid the sum of $25;"

"An act to reduce the cases in which the penalty of death may be inflicted," approved January 15, 1897;

"An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," approved February 8, 1897;

"An act to prevent forest fires on the public domain," approved February 24, 1897;

"An act to prevent the purchasing of or speculating in claims against the Federal Government by United States officers," approved February 25, 1897;

"An act to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins, and for uttering or passing or attempting to utter or pass such mutilated coins," approved March 3, 1897;

Section 18 of "An act to amend the laws relating to navigation," approved March 3, 1897;

That part of section 1 of "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899," approved June 13, 1898, which reads as follows: "*Provided*, That any person or persons who shall place or cause to be placed any matter in the mails during the regular weighing period, for the purpose of increasing the weight of the mails with intent to cause an increase in the compensation of the railroad mail carrier over whose route such mail matter may pass, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined not less than $500 nor more than $20,000, and shall be imprisoned at hard labor not less than thirty days nor more than five years;"

Section 17 of "An act to provide revenue for the Government, and to encourage the industries of the United States," approved July 24, 1897;

Section 3 of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes," approved March 3, 1903;

"An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes," approved July 7, 1898;

"An act to amend an act entitled 'An act to prevent forest fires on the public domain,' approved February 24, 1897," approved May 5, 1900;

Sections 2, 3, and 4 of "An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," approved May 25, 1900;

"An act to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific," approved February 14, 1902;

"An act for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes," approved July 1, 1902;

"An act conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes," approved February 2, 1903;

"An act to amend section 3 of the 'Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing, etc., approved February 10, 1891," approved March 3, 1903;

"An act for the protection of the Bull Run Forest Reserve and the sources of the water supply of the city of Portland, State of Oregon," approved April 28, 1904;

"An act to amend the act of February 8, 1897, entitled 'An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory,' so as to prevent the importation and exportation of the same," approved February 8, 1905;

"An act to amend section 13 of chapter 394 of the Supplement to the Revised Statutes of the United States," approved March 2, 1905;

Section 5 of "An act to amend sections 4417, 4453, 4488, and 4499 of the Revised Statutes relating to misconduct by officers or owners of vessels," approved March 3, 1905;

"An act to punish the cutting, chipping, or boxing of trees on the public lands," approved June 4, 1906.

Sections 16, 17, and 19 of "An act to establish a bureau of immigration and naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906.

An act entitled "An act to prohibit corporations from making money contributions in connection with political elections," approved January 26, 1907.

An act entitled "An act to amend sections 1, 2, and 3 of an act entitled 'An act to prohibit shanghaiing in the United States,' approved June 28, 1906," approved March 2, 1907.

Also all other sections and parts of sections of the Revised Statutes and acts and parts of acts of Congress, in so far as they are embraced within and superseded by this act, are hereby repealed; the remaining portions thereof to be and remain in force with the same effect and to the same extent as if this act had not been passed.

SEC. 339. The repeal of existing laws or modifications thereof embraced in this title shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause prior to said repeal or modifications, but all liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made.

SEC. 340. All offenses committed, and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof, under any law embraced in, or changed, modified, or repealed by this title, may be prosecuted and punished in the same manner and with the same effect as if this act had not been passed.

SEC. 341. All acts of limitation, whether applicable to civil causes and proceedings, or for the recovery of penalties or forfeitures, embraced in, modified, changed, or repealed by this title, shall not be affected thereby; and all suits or proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted within the same time and with the same effect as if said repeal had not been made.

SEC. 342. This act shall take effect and be in force from and after the 1st day of July, 1908.

The reading of the passed-over sections was concluded.

Mr. HEYBURN. I ask now to recur to section 319. The committee accept the amendment of the Senator from Mississippi [Mr. MCLAURIN] to strike out beginning with the word "or," after the word "robbery," down to and including the word "thereon," in line 10 of the section, and insert after the word "both," in line 5, of the bill, I think it is——

Mr. MCLAURIN. After the period.

Mr. HEYBURN. Yes; after the period at the end, what I send to the desk.

The SECRETARY. On page 164, line 5, after the period, following the word "both," it is proposed to insert:

Whoever shall wilfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive with intent to commit any unlawful violence upon or against any passenger on said train or car or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any car thereof, or to commit any crime or offense against any person or property thereon shall be fined not more than $1,000 or imprisoned not more than one year.

The amendment was agreed to.

Mr. HEYBURN. I desire to recur to section 218. We have reached an agreement in regard to the section. The amendment which was adopted yesterday is withdrawn, and I offer the amendment I send to the desk.

The PRESIDING OFFICER (Mr. PILES in the chair). The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. It is proposed to strike out all of section 218 and to insert in lieu thereof the following:

SEC. 218. [*All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, liquids, liquors, glass, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or materials of whatever kind which may kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post-office or station thereof, nor by any letter carrier.*

Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place at which it is directed to be

delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, shall be fined not more than $1,000, or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the directions thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, with the design, intent, or purpose to kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.]

The amendment was agreed to.

Mr. BACON. I desire to call the attention of Senators to a section that was passed over, and I shall ask to have it stricken out. It is section 20 of the bill. It is a reenactment of section 5509 of the Revised Statutes. It is intended as a corollary to the preceding section. My opinion is that the preceding section ought to be entirely repealed, although that is not the matter that I now bring to the attention of the Senate. The preceding section was a political act enacted in a time of great political excitement and sectional difference and animosity. It was designed, not for general application in the United States, but for particular application to a part of the United States. If there ever were any conditions which justified such an enactment, which I deny, those conditions have entirely disappeared, and the act is a blot upon the statute book to-day.

Section 19 is a reenactment of section 5508, which is directed against persons who shall "conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States."

Now that section has for its violation a distinct penalty attached to it. It is that persons who shall violate the provisions of this section "shall be fined not more than $5,000 and imprisoned not more than ten years; and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States."

The succeeding section, to which I now direct attention, is as follows:

If in the act violating any provision of the preceding section any other felony or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the State in which the offense is committed.

That section of law—it is existing law—is used as a cloak and a pretense by which courts of the United States take jurisdiction of criminal offenses against the State, and upon a mere allegation in an indictment that there has been a conspiracy, there is a prosecution for murder or for any other offense which it may be alleged was committed in pursuance or while in the execution of that conspiracy or attempt to violate the personal rights of anyone.

If it were true that there was no offense except that which is specified in section 20, or section 5509 of the Revised Statutes, then it might be said that to repeal that section would be to take away from the penalty of the law the only thing which could make the law effective. But the law, so far as it is directed against an offense against the United States, is complete in itself in the preceding section and has the penalty attached. This other is a section which purports to punish for a crime altogether independent, so far as being separate and distinct may make it independent, of any crime specified in the preceding section and upon which jurisdiction can be rested.

Now, this is not a theoretical matter with me. I have seen it in practical operation, where the Federal courts have undertaken, and not only have undertaken but have acquired—taken jurisdiction of plain crimes against the State and prosecuted men for crimes against the State, the simple allegation being made that there had been a conspiracy, and upon little or no testimony whatever of any such conspiracy the Federal courts proceed to exercise jurisdiction, try, and punish parties for alleged crimes against the State.

I have, in my own experience, known of a case of that kind where parties were charged with having conspired, in the language of this law, and then having committed a murder. I will say, for the information of Senators, that there was no question of race involved in the matter. They were all white men. I have known a most protracted trial—I was engaged in it myself—lasting over a month, where parties convicted, some of them sentenced to the penitentiary for life and others for shorter terms, and where after ten years' service in the penitentiary the President of the United States pardoned the only remaining one of the convicts upon the recommendation of the Attorney-General of the United States, based upon the distinct ground that under the record they ought never to have been convicted.

It was a plain case that if the parties were guilty at all of an offense against the State laws there was not a scintilla of evidence upon which to rest any indictment for conspiracy. The judge charged the jury that if they did not think there was any conspiracy they did not have any jurisdiction. But all that was lost in a trial extending over a long period of time, in which, if the facts sworn to were true, there had been committed a crime of great enormity, one which shocked the public sense, and the question of jurisdiction disappeared in the case altogether.

There is no reason in the world, in my mind, why there should be any such statute on the Federal statute book. The State, it is intended, shall always be the one to try for offenses against the State; and if there should be such a conspiracy and if in the course of the conspiracy the parties should commit murder, there are two distinct offenses—the offense against the Federal law, in the conspiracy to deprive one of the exercise of his rights; the offense against the State, in the commission of the murder. While the Federal court can try the offense under the statute, under the section of law found in section 5508, Revised Statutes, the State court is the one which should be empowered to try the offense committed under section 5509.

I therefore move to amend by striking out that section, because it has no place in Federal law proper.

Mr. HEYBURN. Mr. President, this section is the one under which, perhaps, the parties who raided the interstate railroads at Chicago during the riots and upset and burned cars would be prosecuted. It is, perhaps, the section under which the people who set fire to the roundhouses at Pittsburg in 1877 and burned them up would be prosecuted.

Mr. BACON. I think not.

Mr. HEYBURN. They went there, they said, for the purpose of persuading in a peaceful way the workmen of the railroads to quit their employment, but while they say they went there for that purpose, before they left they burned 3,500 cars and 135 engines, and thereby interrupted interstate commerce practically on the line between two States, and interrupted it for a long time.

I merely call attention to that class of offenses. I know the mind of the Senator from Georgia has been directed toward another class of offenses, but we should be careful about repealing a statute that may be of very widespread usefulness merely because it may have been invoked in some cases where it would seem to be unnecessary. So I think we should be very careful about repealing this section.

The section covers the grave offenses that are committed by men who go into action with perhaps a slight purpose as to the commission of an offense, but become involved in controversies that result either in the destruction of life, as it did in both those cases, or the destruction of property; that affect not local rights within a State, but interstate rights. In fact, in that same case the riots extended clear across the State line. They tied up interstate commerce between Chicago and the Atlantic seaboard, and not only tied it up, but destroyed life and property. It is such sections as these that we must look to for the prosecutions of those offenses in the United States courts. The Senator, I think, will agree with me that even though the section may be available upon which to base a prosecution for some offense that might seem to belong to State jurisdiction, yet if a statute is necessary for the purpose of preventing or punishing the commission of very grave offenses of a character that are undoubtedly within the cognizance and jurisdiction of United States courts, we should not lightly repeal it. I submit these considerations to the Senator.

Mr. BACON. Mr. President, the Senator from Idaho has been discussing with the Senator from Mississippi [Mr. McLAURIN] a question which involved the acts of labor unions, etc., and he seems to have forgotten the fact that we are no longer discussing that. What he has said will apply to an altogether different class of offenses from those expressed in section 5508.

Mr. CULLOM. Will the Senator from Georgia allow me to make a suggestion? It has occurred to me that if this is the only question left for discussion before the bill shall be reported to the Senate, it might be settled when we get into the Senate.

Mr. BACON. No; I can not consent to that.

Mr. CULLOM. We can not settle a contested question when there are so few Senators present.

Mr. BACON. If the Senator desires to move an executive session, of course I will not interfere with him. But I am not going to consent that this matter shall go to the Senate.

Mr. CULLOM. I was in hopes that the Senator from Idaho might get his bill into the Senate before adjournment to-day.

Mr. BACON. No; there are some other matters to which I wish to call attention.

Mr. CULLOM. Then, with the permission of the Senator from Georgia, I will make a motion.

Mr. BACON. Certainly.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 20, 1908, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 19, 1908.

UNITED STATES ATTORNEY.

John Embry, of Oklahoma, to be United States attorney for the western district of Oklahoma.

POSTMASTERS.

IDAHO.

Albert J. Hopkins to be postmaster at Weiser, Washington County, Idaho.

ILLINOIS.

T. P. Hawkins to be postmaster at Rushville, Schuyler County, Ill.

Edward W. Hilker to be postmaster at Madison, Madison County, Ill.

KANSAS.

William R. Ansdell to be postmaster at Jamestown, Cloud County, Kans.

Roberta H. McBlain to be postmaster at Fort Riley, Geary County, Kans.

Charles L. O'Neal to be postmaster at La Crosse, Rush County, Kans.

LOUISIANA.

Leo Vandegaer to be postmaster at Many, Sabine Parish, La.

MAINE.

Isaac Dyer to be postmaster at Skowhegan, Somerset County, Me.

MISSISSIPPI.

Coke B. Wier to be postmaster at Quitman, Clarke County, Miss.

MONTANA.

Mary L. Boehnert to be postmaster at Glasgow, Valley County, Mont.

NEBRASKA.

David S. Beynon to be postmaster at Burwell, Garfield County, Nebr.

Henry C. Hooker to be postmaster at Leigh, Colfax County, Nebr.

Edward M. Parker to be postmaster at Guide Rock, Webster County, Nebr.

NEW HAMPSHIRE.

Frank S. Huckins to be postmaster at Ashland, Grafton County, N. H.

Jesse C. Parker to be postmaster at Hillsboro (late Hillsboro Bridge), Hillsboro County, N. H.

NEW JERSEY.

William R. Poe to be postmaster at Glen Ridge (late Glenridge), Essex County, N. J.

NEW YORK.

John M. Brown to be postmaster at Port Jefferson, Suffolk County, N. Y.

William J. Guthrie to be postmaster at Philadelphia, Jefferson County, N. Y.

Melvin E. Horner to be postmaster at Belmont, Allegany County, N. Y.

William McCarthy to be postmaster at Mineola, Nassau County, N. Y.

U. G. Sprague to be postmaster at Prince Bay, Richmond County, N. Y.

William J. Steele to be postmaster at Baldwin, Nassau County, N. Y.

Charles D. Wilder to be postmaster at Charlotte, Monroe County, N. Y.

NORTH CAROLINA.

L. E. Pickard to be postmaster at West Durham, in the county of Durham and State of North Carolina.

NORTH DAKOTA.

Charles C. Hill to be postmaster at Richardton, Stark County, N. Dak.

TEXAS.

James I. Carter to be postmaster at Arlington, Tarrant County, Tex.

WYOMING.

Nora Sammon to be postmaster at Kemmerer, Uinta County, Wyo.

ARBITRATION WITH FRANCE.

The injunction of secrecy was removed February 19, 1908, from an arbitration convention between the United States and France.

NATURALIZATION WITH PERU.

The injunction of secrecy was removed February 19, 1908, from a naturalization convention between the United States and Peru, signed at Lima on October 15, 1907.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 19, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

TRANSPORTATION OF DUTIABLE MERCHANDISE, PORT ARTHUR, TEX.

Mr. PAYNE, from the Committee on Ways and Means, reported the bill (H. R. 9079) to extend to Port Arthur, in the State of Texas, the privilege of immediate transportation without appraisement of dutiable merchandise, which was read the first and second times and referred to the Committee of the Whole House on the state of the Union and, with the accompanying report, ordered to be printed.

REFERENCE OF PRESIDENT'S SPECIAL MESSAGE.

Mr. PAYNE also, from the Committee on Ways and Means, reported back favorably resolution No. 233, referring the President's special message of January 31, 1908, which was read the first and second times and referred to the Committee of the Whole House on the state of the Union and, with the accompanying report, ordered to be printed.

RELIEF OF TOBACCO GROWERS.

Mr. DALZELL, from the Committee on Ways and Means, reported a bill (H. R. 17520) for the relief of tobacco growers, which was read the first and second times and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

REPORT OF COMMITTEE ON DISTRIBUTION OF HOUSE OFFICE ROOMS.

Mr. MANN. Mr. Speaker, I present a privileged report from the Committee on Distribution of House Office Rooms.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The special committee which was directed to report to the House plans for the distribution of rooms in the House Office Building and the redistribution of rooms under the control of the House in the Capitol building beg leave to make a partial report and to recommend the adoption of the following resolution, to wit:

Resolved, That the Resident Commissioners to the United States elected by the Philippine legislature be accorded the same rights as to allotment and use of rooms in the House Office Building as are Members of the House.

JAMES R. MANN.
JOSEPH H. GAINES.
JAMES T. LLOYD.
W. C. ADAMSON.

Mr. MANN. Mr. Speaker, I ask for the adoption of the resolution.

The question was taken, and the resolution was agreed to.

CHANGE OF REFERENCE.

Mr. BENNET of New York. Mr. Speaker, by direction of the Committee on Immigration and Naturalization, I desire to ask for a change of reference of the bills which I send to the Clerk's desk.

The SPEAKER. By direction of the Committee on Immigration and Naturalization, the gentleman from New York moves to change the reference of the bills of which the Clerk will read the title.

The Clerk read as follows:

H. R. 16514. A bill to amend section 13 of the naturalization laws.
H. R. 16509. A bill to amend section 12 of the naturalization laws.

The SPEAKER. What is the motion of the gentleman?

Mr. BENNET of New York. To refer the bills to the Committee on Immigration and Naturalization, taking them from the Committee on Expenditures in the Department of Justice.

The SPEAKER. The question is on agreeing to the motion.

The question was taken, and the motion was agreed to.

On motion of Mr. BENNET of New York, a motion to reconsider the vote by which the motion was agreed to was laid on the table.

SANTEE RESERVATION LANDS.

Mr. BOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10671) to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr.

The SPEAKER. The gentleman from Nebraska asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The bill was read at length.

The SPEAKER. Has the bill been reported from the committee?

Mr. BOYD. Yes.

The SPEAKER. And is on the Calendar?

Mr. BOYD. Yes, sir. It has the unanimous report of the committee.

The SPEAKER. The gentleman from Nebraska asks unanimous consent for the present consideration of the bill. The Chair will say to the gentleman that the bill is in order on any Friday except on the second and fourth Fridays of each month. The bill is upon the Private Calendar. The Chair was under the impression when he recognized the gentleman that the bill was on the House Calendar. As there is a way provided under the rules for the consideration on the two Fridays mentioned, pursuing the practice adopted by the Chair, the Chair can not submit the matter for unanimous consent.

EXTENSION OF GENERAL DEBATE.

Mr. HENRY of Texas. Mr. Speaker, I rise for the purpose of asking that I may be allowed unanimous consent to address the House in Committee of the Whole House on the state of the Union for ten minutes when the House goes into committee on the census bill.

The SPEAKER. The gentleman from Texas asks unanimous consent that he may be permitted to address the Committee of the Whole House on the state of the Union for ten minutes on the census bill when the House goes into committee upon that bill. Is there objection?

Mr. PAYNE. That is, to extend general debate on that subject? The gentleman desires to extend general debate for ten minutes?

Mr. HENRY of Texas. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

THE THIRTEENTH CENSUS.

Mr. CRUMPACKER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill providing for the Thirteenth decennial census.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16954) to provide for the taking of the Thirteenth Census, with Mr. FULLER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16954) to provide for the Thirteenth decennial census, and in accordance with the order of the House the gentleman from Texas [Mr. HENRY] is recognized for ten minutes.

Mr. HENRY of Texas. We were delighted on yesterday with the elegant and eloquent language of the gentleman from Illinois [Mr. BOUTELL], and there is now no intention to unjustly depreciate the encomium so gracefully paid the honored Speaker of the House. It is only my desire to call attention of the committee to a part of the language used by that versatile gentleman, as follows:

> And so he has been able to carry through the important measures recommended by the President by giving to them the great weight of his authority. The passage of the employers' liability bill, the pure food, meat inspection, and railroad rate bills was made certain by his advocacy. In faithfully representing the farmers and toilers of his own district he has served all the workers of the country. The people of his district have conferred upon him all the honors that are in their gift to bestow, single handed and alone. And the thought that comes to my mind on this anniversary of our country colleague's first triumph in this House, a triumph won in the interest of the workers of the country, is simply this: How gladly within the next few months the other plain people who live on farms or work in mines or shops will join the voters of his district to reward this their faithful servant, who went forth in their cause thirty-four years ago with oats in his pocket and returned bringing his sheaves with him, by conferring upon him the nation's final honor. [Prolonged general cheering and applause.]

Mr. Chairman, it may be assumed that the gentleman from Illinois [Mr. BOUTELL] spoke with authority when he referred to the distinguished Speaker of this House as the representative of the farmers, those who work in the shops, and those who toil in the mines. That being the case, we may conclude that he is sincere. If that be true, there are certain matters before Congress that may be promptly brought to passage. Let me mention some that may with propriety and justice be called to the immediate attention of the House and speedily passed if you mean what you say in your panegyric. The gentleman from Illinois [Mr. BOUTELL] now sits immediately under my eye and within sound of my voice. If he will rise from his seat any day and address the Speaker and ask unanimous consent that certain meritorious bills may be taken up and passed at once, we pledge him every Democratic vote on this side of the House. [Applause on the Democratic side.] If the Speaker is really "faithfully representing the farmers and toilers of his own district" and is truly the friend to "the other plain people who live on farms or work in mines or shops" and the gentleman [Mr. BOUTELL] truly reflects the character of this "good friend" to the people, I am quite sure he has the eye, the ear, and the heart of "their faithful servant" and will have no difficulty in now receiving recognition from this Presidential candidate to call up the several measures so long justly demanded by the same "farmers, toilers, and miners." Will he do it, and put this "friend of the people" to this fair and reasonable test? If he will get the recognition, we tender him every Democratic vote here and now to aid him in such a movement fraught with so much good to the masses of the people.

Mr. Chairman, the President of the United States, in his pyrotechnical message of a few days ago, mentioned the employers liability bill and urged speedy action by Congress. That bill is now pending before the Committee on the Judiciary, where the attorneys and representatives of many of the great corporations of this country are contesting its favorable report. They are throwing their whole strength against it and are doing everything in their power to thwart the will of the people, the message of the President, and manifest justice. If the gentleman represents the Speaker and will call up the Sterling bill, introduced by a Representative from his own State, every Representative on this side of the House stands ready to discharge the committee and speedily pass a bill embodying the principles contained therein by a vote of this House. [Applause on the Democratic side.] This is only one of the meritorious measures alluded to by the President. The gentleman refers to the Speaker as representing the miners, the toilers, and the workingmen of this country. We hope such is true; and yet for months and years these same miners, workingmen, and toilers have besought the constituted authorities of this House for just legislation, and the honorable Speaker and the Republican party have spurned their demands. One of your candidates for President—Mr. Taft—has declared in favor of a bill requiring notice before injunctions shall be issued by a Federal judge. Secretary Taft recently said:

> You ask me what I think of a provision that no restraining order or injunction shall issue except after notice to the defendant and a hearing is had. This was the rule under the Federal statutes for many years, but it was subsequently repealed. In the classes of cases to which you refer I do not see any objection to the reenactment of that Federal statute. Indeed, I have taken occasion to say in public speeches that the power to issue injunctions ex parte has given rise to certain abuses and injustices to the laborers engaged in a peaceful strike. Men leave employment on a strike, counsel for the employer applies to a judge and presents an affidavit averring fear of threatened violence and making such a case of the ex parte statement that the judge feels called upon to issue a temporary restraining order. The temporary restraining order is served upon all the strikers; they are not lawyers; their fears are aroused by the process with which they are not acquainted, and, although their purpose may have been entirely lawful, their common determination to carry through the strike is weakened by an order which they have never had an opportunity to question and which is calculated to discourage their proceeding in their original purpose. To avoid this injustice, I believe, as I have already said, that the Federal statute might well be made what it was originally, requiring notice and a hearing before an injunction issues.

The President in his recent message, in plain words, asks that Congress pass such a bill, which has been pending for years before this House. He says:

> I again call your attention to the need of some action in connection with the abuse of injunctions in labor cases. * * * As regards injunctions, I can do little but repeat what I have said in my last message to the Congress. * * * The fact that the punishment for the violation of an injunction must, to make the order effective, necessarily be summary and without the intervention of a jury, makes its issuance in doubtful cases a dangerous practice, and in itself furnishes a reason why the process should be surrounded with safeguards to protect indi-

viduals against being enjoined from exercising their proper rights. Reasonable notice should be given the adverse party. This matter is daily becoming of graver importance, and I can not too urgently recommend that the Congress give careful consideration to the subject.

Gentlemen, I had the honor of introducing such a bill at several sessions of Congress, long before the President mentioned it. It is a plain and simple measure. It has now received the sanction of the President's approval; one of the candidates from Ohio has also approved the measure. It would be gratifying to have the recognition and approval of the distinguished Presidential candidate from Illinois. The bill is short and I will read its exact language:

That no writ of injunction or temporary restraining order shall be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same: *Provided*, That nothing herein contained shall be held to authorize the issuance of any injunction or restraining order not now authorized by law.

Gentlemen, such was the law for more than three-quarters of a century. It was inadvertently changed when the statutes of the United States were recodified. If your Speaker wishes to reflect the views of "the workers, the miners, and toilers," and you think such legislation just, indicate it by calling it up in the House of Representatives, and we stand ready to give you every Democratic vote here. [Applause.]

What says the gentleman from Illinois about the distinguished Speaker of the House of Representatives? If he advisedly spoke of him in his eloquent remarks of yesterday as being the friend of the laborers, toilers, and miners, he certainly would enjoy the confidence of the Speaker sufficiently to receive recognition from him to demand the passage of the bill. Gentlemen, are you sincere, are you in earnest? And will the gentleman from Illinois ask recognition of the Speaker and demand that this bill be passed? That is the test of good faith on the subject. There are other just measures that might be mentioned, but time forbids. Permit me to refer to one other. We believe, and some of you say you think, there ought to be trial by jury in cases of indirect contempt of Federal judges. If you do, there have been several bills introduced in the House and referred to the Judiciary Committee providing such procedure. If the gentleman from Illinois thoroughly represents the views of the Speaker, Democrats here stand and pledge our solid support and will pass such measure on any day you call it up.

Gentlemen, I am not making these remarks in criticism of the distinguished Speaker of this House. They are made not to offensively disparage any committee. But it is known that the laboring classes, the toilers, and miners have been knocking at the doors of Congress year after year for such relief. As an humble member of the Committee on the Judiciary, I declare they are not making unreasonable demands. They ask only even-handed justice. They are willing to take a fair employers' liability bill. They will accept the measure giving trial by jury in cases of constructive contempt. They will be satisfied with reasonable and just legislation. The distinguished gentleman [Mr. BOUTELL] assures us that the Speaker is a friend of the toilers and laborers of this country. If that be authority from the throne, cease discussion and let some gentleman call upon the Speaker, as he has been often called upon before, and demand that he recognize some Member to take up these important acts, and we will see which side of the House is in good faith. We challenge you to such action to-day, to-morrow, and every day. [Loud applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired. The Clerk will commence the reading of the bill.

The Clerk read as follows:

That a census of the population, agriculture, manufactures, and mines and quarries of the United States shall be taken by the Director of the Census in the year 1910, and once every ten years thereafter. The census herein provided for shall include each State and Territory on the mainland of the United States, the District of Columbia, and the Territories of Alaska, Hawaii, and Porto Rico, and Guam, Samoa, and the Panama Canal Zone.

Mr. CRUMPACKER. Mr. Chairman, I have two amendments to offer to section 1.

The Clerk read as follows:

Strike out the words "the Territories of," in line 9, page 1, after the word "and;" and strike out the word "and," after the word "Hawaii," line 9, page 1.

Strike out the word "Samoa," line 10, and insert "and other islands in the Pacific Ocean except the Philippine Islands."

Mr. CRUMPACKER. Mr. Chairman, the purpose of that amendment is to avoid characterizing any of the political nondescript islands as Territories of the United States. If the amendment be adopted, the section will be amended so as to read, "the District of Columbia, and Hawaii, Porto Rico, and Guam and other islands of the Pacific Ocean, excepting the Philippine Islands."

Mr. TAWNEY. Mr. Chairman, I move to amend the amendment by adding, in line 9, after the word "and," before the words "Porto Rico," the words "the island of," and strike out all of line 10.

The CHAIRMAN. The gentleman from Minnesota moves to amend the amendment and the Clerk will report.

The Clerk read as follows:

In line 9, before the words "Porto Rico," insert the words "the island of," and strike out all of line 10.

Mr. MANN. Now, Mr. Chairman, I ask unanimous consent that the Clerk may report the way the paragraph would read with the amendment offered by the gentleman from Indiana, and then again as it would read with that offered by the gentleman from Minnesota.

The Clerk read as follows:

The census herein provided for shall include each State and Territory in the mainland of the United States, the District of Columbia, Alaska, Hawaii, Porto Rico, and Guam and other islands in the Pacific Ocean except the Philippine Islands and the Panama Canal Zone.

As amended it would read:

The District of Columbia, Alaska, Hawaii, and the island of Porto Rico.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask somebody who knows the most a question.

Mr. CRUMPACKER. If the gentleman will propound his question we will know what witness to summon. [Laughter.]

Mr. CLARK of Missouri. Well, I will take the gentleman from Indiana. What have we got to do with the taking of the census on the Panama Canal Zone?

Mr. CRUMPACKER. There are several thousand citizens there, and will be there at the time the census is taken, who will not be enumerated here. I have an amendment to offer in the way of a proviso to this section of the bill authorizing the President of the United States to make the enumeration and inquiries provided in the bill through the Secretary of War for the Panama Canal Zone and through the Secretary of the Navy for the Pacific islands.

Mr. CLARK of Missouri. How are these fellows going to be paid who take the census, by the head?

Mr. CRUMPACKER. The bill provides a schedule of pay of so much for each inhabitant and so much for each house. Where conditions are exceptional, the Director of the Census is authorized to fix a per diem of not less than $3 nor more than $6 a day.

Mr. CLARK of Missouri. If they be paid so much a head, men, women, and children, do you not think that it would be a temptation to put on the list every man, woman, and child that they can find on the Zone, no matter where they live nor to whom they owe allegiance?

Mr. CRUMPACKER. It is likely that the census will be taken through the War Department by officers already in the service of the Government on the Panama Canal Zone. That is an amendment that I intend to propose to this section. So I do not think that that danger will be at all considerable; in fact it will be a negligible quantity.

Mr. CLARK of Missouri. When they take the census in Washington they take all of us and our wives and our children and other members of the household as citizens of Washington, and then we are also taken at home as citizens of the place where we live.

Mr. MANN. The gentleman from Missouri might be taken as a citizen in half a dozen places and do them all honor. [Laughter.]

Mr. CLARK of Missouri. I know, but I am not six persons, even if I would do honor to six places. [Laughter.]

Mr. CRUMPACKER. That criticism would overturn the entire census. It is liable to happen unless the supervisors and enumerators are carefully instructed to inquire into the actual residence of each person he examines. There is in the general taking of a census the temptation on the part of the enumerators paid by fees to increase the enumeration and list to include everybody there is any doubt about in order to get larger pay. On the other hand, if a per diem shall be paid, there is an equal temptation to prolong the work, the enumerator's districts will have to be made smaller, and it is a danger that probably is slight, but one that can not be overcome. The bill provides for the taking of the census in the same manner that it has been taken in this respect, that is, the enumeration, for a half century and probably more, and all those questions have been considered and determined in years past and our committee discussed that phase of the administrative work and reached the conclusion that this method is perhaps the best and most practical after all that could be devised.

Mr. PERKINS. Mr. Chairman, the amendment offered by the gentleman from Indiana [Mr. CRUMPACKER], as I under-

stand it, compels us to take the census of every island in the Pacific Ocean except the Philippines. There are, I suppose, a hundred thousand islands in the Pacific Ocean; they belong to every government in the world, and they are subject to the jurisdiction of Germany, Japan, France, and other countries.

Mr. CRUMPACKER. The gentleman from New York [Mr. PARSONS] prepared this amendment and I did not scrutinize it carefully.

Mr. PARSONS. As we have no jurisdiction to take the census of any island except those that belong to us, any construction of that amendment would mean our islands.

Mr. CRUMPACKER. I appreciate the force of the criticism made by the gentleman from New York [Mr. PERKINS], and I ask unanimous consent to amend the amendment by adding after the words "Pacific Ocean" the words "under the jurisdiction of the United States."

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to amend his amendment by adding the words "under the jurisdiction of the United States" after the words "Pacific Ocean." Is there objection?

There was no objection.

Mr. PARSONS. Mr. Chairman, I wish to say that the suggestion I first made was the simplest of all, and that was to strike out all the special names and say the census should cover all places subject to the jurisdiction of the United States, except the Philippine Islands. That is the language used in the revised statutes, and in the revision of the penal code that the House has been considering, and is the simplest that you can have.

Mr. PERKINS. Mr. Chairman, I would say in answer to my colleague that apart from the verbal criticism of the amendment, personally it seems to me a very foolish and injudicious waste of money for the census to be taken of these remote islands, scattered all over the face of the earth. To know the conditions of agriculture in our own country, the conditions of manufacture and trade is well, but for saying that for any reason every five years we should find out the conditions of agriculture in Guam and Samoa and the islands of the sea of which we may be possessed, it seems to me such a proposition can not commend itself to the good judgment of the House.

The commission that was appointed to investigate this subject, like all commissions, has gone wild with the desire to increase its own field of activity, and instead of submitting a proposition for the census of our own land, the necessity of which we all admit, adds to it propositions that must demand large expense, and, as it seems to me, with no possible practical, material, or justifiable results.

Mr. PARSONS. The amendment that the gentleman from Indiana [Mr. CRUMPACKER] has provides that the census in these particular islands shall be taken by the Navy Department.

Mr. HAY. Mr. Chairman, I suggest that we had better accept the amendment of the gentleman from Minnesota [Mr. TAWNEY]. I do not see any particular need of taking a census of the people of Guam and Samoa and the Panama Canal Zone. As I understand, that provision was put in the bill at the request of some gentleman who went over this question and thought that all of the dependencies of the United States should be included in the Thirteenth Census. Now, in order that we may get on, I suggest to the gentleman that he accept the amendment of the gentleman from Minnesota, which will do away with the taking of the census in those three dependencies, or whatever you may call them, and confine it to the United States and the Island of Porto Rico.

Mr. CRUMPACKER. Mr. Chairman, I could not accept the amendment proposed by the gentleman from Minnesota if I would, and I would hardly feel inclined to do so anyway. I want the Committee of the Whole House on the state of the Union to settle this question. I think it is a matter of some importance to enumerate the population in the islands of Guam and Samoa, and there are other inhabited islands in the Pacific Ocean under the jurisdiction of the United States, Midway and others. There is a population in Guam of some ten or twelve thousand people, and I think the census of population ought to include all of the population in the territory of the United States, and if there be any manufacturing industries there, we ought to have a census of those. We ought to know the extent of our population, the extent of our manufactures, our industrial resources, wherever they may be located. There never has been an official census of any of the Pacific Islands, excepting the Philippines. We took a census of the Philippines, or ordered it to be taken, in 1903. Now, there are a great many islands in the Pacific Ocean, but only a few of them are inhabited—I mean a few of those under the jurisdiction of the United States.

It is not a difficult thing to take a census of population of these islands in the manner we propose it shall be taken. They are subject to the control of the Secretary of the Navy, and the Secretary of the Navy can require an enumeration of population and manufactures, if there be any in the islands, have the reports sent to him, and he can forward the reports to the Census Office for compilation and tabulation. It will not be a difficult or expensive thing to do, and it is not intended to take the census of these islands every five years, only decennially.

Mr. TAWNEY. Will the gentleman permit an interruption right there?

Mr. CRUMPACKER. I will.

Mr. TAWNEY. Has not the Secretary of the Navy now the power to order an enumeration of the people residing in the islands of Samoa and Guam?

Mr. CRUMPACKER. It may be that he has that power, but he has not exercised it.

Mr. TAWNEY. He has not been requested to exercise it.

Mr. CRUMPACKER. Well, we are requesting him now to exercise it in the form of this bill.

Mr. TAWNEY. We do not need any law for that purpose.

Mr. CRUMPACKER. We need some authority directing him to exercise it.

Mr. TAWNEY. The law now exists.

Mr. CRUMPACKER. An enumeration must be taken in harmony with the enumeration in the United States proper. The schedules must substantially conform to them in order that there may be proper coordination, in order that they may be properly systematized, in order that their real comparative significance may be made clear.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Indiana a question about the United States "improper." Is this island of Samoa divided into three different parts, over one of which we have exclusive jurisdiction and in the others the jurisdiction is with the other two nations?

Mr. CRUMPACKER. I understand that in an international partition proceeding we obtained control and title to the entire island of Tutuila, I think its proper name is. It has been called Samoa because it is one of the Samoan group. As I understand it, the United States Government has jurisdiction over the entire island of Tutuila.

Mr. CLARK of Missouri. Is it a part of the United States, or have we simply established a directorate over it by consent of Germany and England?

Mr. CRUMPACKER. Well, that is a problem I think it would be very difficult for me to answer offhand.

Mr. CLARK of Missouri. Or on hand either, I guess.

Mr. CRUMPACKER. Or on hand either; I admit that is true. I do not really understand it myself.

Mr. PARSONS. It is part of the United States.

Mr. TAWNEY. Attention has been called to the fact that this amendment as it now reads provides for taking a census of all of the islands of the Pacific Ocean under the jurisdiction of the United States. That means taking a census of fifty-four islands independent of the Philippine Islands. There are fifty-four islands in the Pacific Ocean under the jurisdiction of the United States, including the Aleutian Islands, nearly all of which are inhabited either by human beings or by seal life, animals, or birds. The island of Midway, referred to by the gentleman from Indiana, is inhabited only by birds; there is not a human being on the island. As to the census of Samoa and Guam, the Secretary of the Navy to-day has complete control over those islands. He has authority to order the taking of a census of them, and the census thus taken can be harmonized with the census to be taken under this law. All that is necessary will be for the Census Bureau to make out the classifications and request the Secretary of the Navy to take the census there just as the Census Bureau will take the census in the United States. I do not think, Mr. Chairman, that we want to authorize under this act the Census Bureau to go out to Samoa, or to send special agents there for the purpose of taking this census, which it would be competent for the Director of the Census to do if we include this language I propose to strike out. The proposition as proposed in this bill is a sort of blanket commission to take the census under this law of all the islands in the Pacific Ocean, aggregating some fifty-four. In view of the fact that the Secretary of the Navy now has that power and would unquestionably exercise it at the request and under the forms prescribed by the Director of the Census, it is absolutely unnecessary for us to give this specific authority. Now, so far as the Isthmian Canal Zone is concerned——

Mr. DRISCOLL. Before leaving that point, will the gentleman permit a question?

Mr. TAWNEY. Yes, sir.

Mr. DRISCOLL. The appendix contained in this report

states that estimates have been made of the population in the islands of Samoa and of Guam, and there is made a summary of the population of the United States and its dependencies——

Mr. MANN. What page is that?

Mr. DRISCOLL. Does the gentleman know by whom those estimates were made?

Mr. TAWNEY. I do not know by whom they were made. I think, however, they were made by the Navy Department. A naval officer is in control of the island of Guam. I do not know who is in control of the island of Tutuila, which is the island under our jurisdiction in the Samoan group.

Mr. McCALL. May I ask the gentleman a question? Would not the inclusion of these islands in this bill give to the work of the Navy Department an official sanction, and make this an official census of the places under the jurisdiction of the United States?

Mr. TAWNEY. Not any more so than the present authority which is vested in the Secretary of the Navy to take the census or enumeration. He may take it as he sees fit. It is reasonable to suppose, however, if he did take it, he would take it in accordance with the regulations of the Census Bureau, and have that census conform, as to the population of those islands, to the returns made by the enumerators that are to take the census in the United States.

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question?

Mr. TAWNEY. Yes.

Mr. CRUMPACKER. Inasmuch as Congress is providing now for a general census of population throughout the United States, supposedly including most all of American territory, if we should strike out Guam, Tutuila, and other inhabited islands in the Pacific, the Secretary of the Navy, if he has discretionary power to make the official enumeration of population, would conclude that Congress did not desire any such enumeration?

Mr. TAWNEY. Not at all.

Mr. CRUMPACKER. We are engaged in a business now of providing for a census of population and other things, and it will naturally be presumed we only wanted the census embraced within the geographical area described in the bill; and if the Secretary of the Navy does have the discretionary power, we want the Secretary to exercise the power at a particular time and in a particular way. He may not exercise it at all. He may conclude that it is not necessary for his purposes to take any census there.

Mr. TAWNEY. Mr. Chairman, the very reason given for excluding these two islands, namely, because the Secretary has the power to take this census independent of this authority, would be taken into consideration by him, and he would for that reason consider it his duty to take the census, whereas if we include it he will know that he is not to do it, but that it is to be done under the Census Bureau, and hence the necessity on the part of the Census Bureau to send special agents or enumerators out there for the purpose of taking the census, which, when it is completed, will be of no material advantage or benefit to anybody.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. I will.

Mr. MANN. I understood the gentleman from Indiana [Mr. CRUMPACKER] to say that he proposed to offer an amendment providing that the census in the Canal Zone and in these islands should not be taken by the Census Office. If such an amendment be offered and adopted, that obviates the question of sending enumerators there. Now, is not this the situation: The Secretary of the Navy now has the authority to take the census of Samoa and Tutuila or other islands that have been placed under his control by the President, but when the census is taken nobody can find it. It is not published in the census report. Is not the only effect of this to provide that the census of these islands and the Canal Zone, when taken by the War Department and the Navy Department, shall be transmitted to the Director of the Census and published along with the rest of the census reports, where they will be able to find them? I dare say there is no Member of this House who now knows where to go, except to the Department itself, to ascertain in regard to the census of either Samoa or the other islands.

Mr. TAWNEY. The estimated population of these islands now published by the Census Bureau is a complete answer to the proposition advanced by the gentleman from Illinois. If the census is taken by the Secretary of the Navy that census would be reported to the Census Bureau and be published as a part of the census reports, just as it is now.

Mr. PARSONS. Under what authority?

Mr. TAWNEY. Under the authority which the Census Bureau has in the act creating a permanent census organization.

Now, in regard to the Isthmian Canal, Mr. Chairman, I can see no earthly reason, being somewhat familiar with conditions down there, as the gentleman from Illinois [Mr. MANN] also is, in our making any provision whatever or going to the expense of carrying out the provision of this bill in respect to the Isthmian Canal Zone.

The enumeration of American citizens is all that can possibly be done. There is no American there that is not an employee of the Government. There are about 6,000 American employees, and the Isthmian Canal Commission has a complete record of the number of members of each of the American families that are there. They have got a complete record of every American citizen that is there. The number of American citizens that are there change constantly, and a census taken to-day is no indication of what the conditions are, or what number of Americans may be there to-morrow. They are all there temporarily. There are none of them there who expect to remain there, and they never remain there longer than one year. So that a census, I do not care how it is taken, will be of no value for the purpose of furnishing reliable information during the period of canal construction. And, as I said on yesterday, those who are there temporarily, if they are single men or single women, will be enumerated at their homes in this country, because of their being only temporarily absent. On the contrary, if a married man is there and his family here, he certainly will be enumerated here; and you are simply duplicating and piling up unnecessary expense in the taking of this census, I care not whether it be taken by the Census Bureau or under the direction of the President of the United States.

Mr. MANN. Will the gentleman yield to me for another question?

Mr. TAWNEY. I will.

Mr. MANN. Would it obviate at all the gentleman's objection if the amendment proposed by the gentleman from Indiana should provide that the census of these places should be taken, not under this act, but under regulations prescribed by the Secretary of War and the Secretary of the Navy, respectively, so that all the minutiæ provided in this act and the expense might be done away with, and all the facts ascertained in the easiest and very simple way, and the report made to the Director of the Census?

Mr. TAWNEY. Mr. Chairman, if the Secretary of the Navy and the Secretary of War would simply prescribe regulations for taking the census of the population at those different places, that would remove a great deal of the objection that I have; but what assurance have we that as a matter of convenience, and to save labor, the two Secretaries named will not simply embody the provisions of this bill, so far as the bill authorizes the taking of the census as to population, manufactures, and everything else is concerned, and call that their regulation for taking the census in those islands and in the Isthmian Canal Zone? I say, Mr. Chairman, that there is absolutely no necessity for authorizing this to be done under any authority, because we now know, or can easily ascertain, how many American citizens are there.

Mr. CRUMPACKER. A parliamentary inquiry, Mr. Chairman. Has not the gentleman occupied more than five minutes? According to the clock, he has occupied the floor for fifteen minutes.

Mr. TAWNEY. I do not think I have occupied more than five minutes.

Mr. CRUMPACKER. You talked about fifteen minutes.

Mr. TAWNEY. I have taken about five minutes, and the rest of the time has been occupied by the gentleman from Indiana and gentlemen on the other side.

The CHAIRMAN. The Chair states that, in his opinion, the question must first be taken on the amendment offered by the gentleman from Indiana, and the amendment proposed by the gentleman from Minnesota will come afterwards.

Mr. CRUMPACKER. Mr. Chairman, I desire to make a motion to close debate. I move that all debate on the section and amendments thereto be closed in ten minutes.

Several MEMBERS. Oh, no.

Mr. TAWNEY. There is another proposition involving another question in this same section.

Mr. MANN. There is a proposition of greater importance than the one we have discussed.

Mr. CRUMPACKER. Then the probabilities are we will not get past this section to-day. However, I withdraw the motion.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Indiana. In order that there may be no mistake, the Clerk will report the amendment again.

Mr. TAWNEY. A parliamentary inquiry. My amendment was offered as an amendment to the amendment offered by the gentleman from Indiana.

The CHAIRMAN. The amendment offered by the gentleman from Minnesota comes after, as an independent amendment. The amendment of the gentleman from Indiana will be disposed of first.

Mr. KEIFER. As I understood the amendment offered by the gentleman from Minnesota, it was offered in the form of an amendment to the amendment of the gentleman from Indiana.

The CHAIRMAN. The Chair thinks it is an independent amendment.

Mr. MANN. A parliamentary inquiry. The amendment of the gentleman from Indiana proposes to add to the section, or change the section and insert?

The CHAIRMAN. That can be voted on after the amendment of the gentleman from Indiana has been disposed of.

Mr. MANN. We insert certain possessions of the United States, naming them. The amendment of the gentleman from Minnesota proposes to strike those very identical places. Now, after having adopted the amendment of the gentleman from Indiana, it is out of order to propose to change the very thing that the House has adopted.

The CHAIRMAN. The amendment of the gentleman from Indiana simply perfects the text. It can afterwards be stricken out by subsequent amendment. Let the amendment of the gentleman from Indiana be reported.

The Clerk read as follows:

Amend so that lines 6 to 10 shall read as follows:

"The census herein provided for shall include each State and Territory on the mainland of the United States, the District of Columbia, and Alaska, Hawaii, Porto Rico, and Guam, and other islands in the Pacific Ocean under the jurisdiction of the United States, except the Philippine Islands and the Panama Canal Zone."

Mr. DRISCOLL. I did not understand whether the Panama Canal Zone was excepted from or included in the census under this amendment.

The CHAIRMAN. As the Chair understands the amendment, it is included.

Mr. DRISCOLL. I think it would be excluded.

Mr. KEIFER. Has debate been closed on this amendment?

Mr. CRUMPACKER. Debate has long been exhausted on this amendment.

Mr. KEIFER. I move to strike out the last word of the amendment.

I confess that there is a good deal of confusion in my mind as to the exact status of the provision of this census bill now under consideration, and I am not very clear about what is sought to be accomplished by the amendment offered by the gentleman from Indiana. But I understand that if the bill becomes a law, he intends to take a census of the Canal Zone. It is not a well-defined amendment as I understand it. Are we to take a census of everything within the Canal Zone, 10 miles in width? That includes the cities of Colon and Panama for some purposes. Are we to take a census of the cities of Colon and Panama under this proposition? It is so indefinite that I do not think anybody could tell what the provision was after he had it carefully written out and considered it with some degree of deliberation. If we are to take a census of the cities of Colon and Panama, we ought to say so. If we are not to take that, we ought to say it in such words as indicate that we do not intend to do it.

I wish to say that in the city of Colon we have located, in connection with the work going on on the Isthmus, a hospital, I think a laundry, and probably the largest bakery in operation in the world.

Mr. TAWNEY. And an ice plant.

Mr. KEIFER. And an ice plant, as the chairman of the Committee on Appropriations suggests. If we are not going to take the census of the city of Colon then we are not going to get a perfect census of all the people that we have employed down there in the building of the canal.

Mr. TAWNEY. If the gentleman will permit me——

Mr. KEIFER. Certainly; but I shall have to have more time.

Mr. TAWNEY. The city of Colon and the city of Panama are under the control of the United States for certain purposes, and for those purposes are included in the Canal Zone.

Mr. KEIFER. I have already tried to state that.

Mr. MANN. They are not in the Canal Zone. They are expressly excepted.

Mr. KEIFER. They are under the control of the United States for certain purposes and so far as relates to city sanitation and the control of quarantine at the ports of Colon and Panama. All that jurisdiction, so far as the United States goes, is complete. The waterworks system is under our control and we have something to do with the school system. Just what the measure of that all is I do not know, but I want to find out before I vote, as I have no doubt other Members would like to know what they are voting for.

I want to find out whether it is proposed to take the census of these cities, and further, whether or not it is worth while to take the census of the people employed there, whose names we have on our rolls now, to the extent of at least thirty-one or thirty-two thousand people. We know the number of such people as we employ every month of every year, and we will continue to know their number until the end of the work. Do we want to get a census of the natives of Jamaica and the natives of South Africa who are employed there? Do we want to find out how many Portuguese are at work there? If we do, a telegram to Mr. Joseph B. Bishop, the secretary of the Commission at Ancon, on the Isthmus, or to the head of that great work, Colonel Goethals, will get a response this afternoon telling us just what the number is. If you want to work out a census down there, it will be easier to do it through the authorities now on the Isthmus than to include this in the problem of taking the next census of the whole United States.

I am not prepared to say that I think it is fair to leave out a census of the Philippine Islands. There are only 3,141 of them, so far as discovered, and why not take the census, as the Constitution of the United States provides it shall be taken, every ten years? Those islands belong to us.

Mr. GARRETT. Does the Constitution go there?

Mr. KEIFER. Of course it goes there, for some purposes.

Mr. GARRETT. To the Philippines?

Mr. KEIFER. Yes.

Mr. CLARK of Missouri. I am glad to hear that.

Mr. KEIFER. The Constitution goes wherever the flag goes.

Mr. CLARK of Missouri. I should like to ask the gentleman when the Constitution got there?

Mr. KEIFER. The Constitution always goes with the flag.

Mr. CLARK of Missouri. Did not the Supreme Court decide that it did not go with the flag?

Mr. KEIFER. No; but not for all purposes.

Mr. CLARK of Missouri. Then I can not read.

Mr. BUTLER. I move to strike out the last two words of the amendment in order that I may have some facts to determine whether or not I am correctly informed. If I understand the amendment offered by the gentleman from Indiana, it does nothing more than change the language found in the original bill, and if adopted we will take the census in all the possessions of the United States, including the Panama Canal Zone.

Mr. CRUMPACKER. All except the Philippines.

Mr. BUTLER. All except the Philippines.

Mr. CRUMPACKER. All the inhabited possessions.

Mr. BUTLER. All the inhabited possessions. Now, if this amendment is adopted, we will have an opportunity to vote on the amendment offered by the gentleman from Minnesota, and I understand by his amendment he proposes to eliminate the islands of the Pacific and the Panama Canal Zone.

Mr. TAWNEY. I do not propose to eliminate Hawaii, of course.

Mr. BUTLER. All except the Hawaiian Islands?

Mr. TAWNEY. There are none others except Guam and Samoa.

Mr. BUTLER. But you propose also to eliminate the Canal Zone?

Mr. TAWNEY. Yes.

Mr. GARRETT. I understand the Chair has ruled that the amendment of the gentleman from Indiana is first in order. Now, if that be voted into the bill, then will the amendment of the gentleman from Minnesota be in order?

The CHAIRMAN. In the opinion of the Chair, it would.

Mr. GARRETT. If it be voted out of the bill, what then will be the parliamentary situation?

Mr. TAWNEY. I assume that if the amendment of the gentleman from Indiana is not adopted, then my amendment would be in order. It would be in order either way, whether the amendment of the gentleman from Indiana is voted down or voted up.

Mr. GARRETT. The amendment of the gentleman from Minnesota was offered as an amendment to the amendment.

Mr. TAWNEY. The Chair holds that it was an independent amendment in the nature of a substitute.

Mr. CRUMPACKER. If the parliamentary question is settled, are we ready for a vote?

Mr. DRISCOLL. I move to strike out the last three words, and that will accomplish exactly what I want to have done. The gentleman from Indiana, the chairman of the committee, as I understood him, said that he was not strenuous about having the Panama Canal Zone kept in the bill or having a census taken of that neck of land. I understood the gentleman from

Virginia [Mr. HAY], the ranking Democratic member of this committee, to agree with him. Now, if we strike out the Panama Canal Zone altogether and eliminate it from consideration in the taking of the census, then we can consider the amendment offered by the gentleman from Minnesota afterwards. But I think nearly everybody in the House is in favor of not taking a census of the Panama Canal Zone by the Census Bureau.

Mr. CRUMPACKER. Will the gentleman allow me a suggestion? I may have said I was not personally insistent about this. I am one citizen out of about 80,000,000 in this country, and I have no special interest in any census at all. It is a question for the Committee of the Whole to determine, a question of national policy, and should be determined from that standpoint. I have no personal ambition to see any amendment I may propose or any provision I may be responsible for kept in the bill.

Mr. DRISCOLL. I did not misunderstand the gentleman. I understood him to say that before, and he explained how it got in. I think nearly every man here would be willing to have it stricken out. I think it ought to be done in the first place, and then we can consider the amendemnt. Mr. Chairman, I offer the amendment that the last five words be stricken out, "and the Panama Canal Zone."

Mr. CRUMPACKER. I doubt if that amendment is now in order.

The CHAIRMAN. The amendment is not now in order, but will be in order later.

Mr. BENNET of New York. Mr. Chairman, will it be in order now to ask that the amendment be divided?

The CHAIRMAN. It will be in order.

Mr. BENNET of New York. Then I make that request.

Mr. MANN. Mr. Chairman, when this matter first came up I felt as did the gentleman from Minnesota, that there ought to be no census of the Panama Canal Zone or these islands in the Pacific Ocean. But my knowledge is that there are several propositions pending in the House in reference to Samoa and Tutuila and the island of Guam, where we are asked to expend money in different directions and where we are absolutely without information; and, while it seems to me that there ought not to be a census taken under the provisions of this bill, which will be exceedingly expensive, it does seem to me that if we shall provide that the Secretary of the Navy take the census of the islands under regulations he may prescribe, it will be done practically without any expense to the Government, and be published along with the rest of the information, so that it will be available.

Now, as to the Panama Canal Zone, the Isthmian Canal Commission could easily take a census of the Zone. The gentleman from Minnesota and the gentleman from Ohio have stated that all the Americans upon the Canal Zone are in the employ of the Isthmian Canal Commission, but there is some error in that. There are a number of people down there who are American citizens who are not in the employment of the Government at all. There are a great many other people in the Canal Zone who are practically under our Government and our jurisdiction, not in the employ of the Canal Commission. It is estimated that there are 75,000 to 100,000 citizens in the Canal Zone proper, the most of them farmers, some of them gardeners, many merchants, and various sorts of employment. They are engaged in all kinds of pursuits, and it seems to me that it would be advisable for us to know, both here and in the Zone, the number of those people and their occupation.

Mr. GARRETT. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. GARRETT. Is it not probable that the merchants in the cities of Panama and Colon, who are not included in the Canal Zone except for certain purposes, would not be included in this census?

Mr. MANN. It is true that there are a large number of merchants in the Canal Zone, but they are not all in the cities of Panama and Colon. The Canal Zone is about 42 miles long. There is a town every few miles, some places only a mile or a mile and a half apart. These towns are being shifted. It is true that many more will be shifted when the lake is created. We own a large share of this property, and the information which we would get by the census would be valuable to Congress in considering questions relating to the Zone. For instance, we have no permanent government for the Canal Zone. Congress a few years ago provided that until the expiration of that Congress the President should govern the Zone. That Congress expired without additional legislation, and the President found himself in a position where he had a government de facto in existence without any authority of law except the authority that he was President of the United States. He could not permit anarchy to take place and therefore he has continued the government of the Zone. The question as to his right and how far his right goes has not been settled; and we have pending before the Committee on Commerce now bills in relation to the government of the Canal Zone. It would be of distinct advantage to Congress in the consideration of those bills to finally erect a government of the Canal Zone to know something of the character of the people and their occupation in the Canal Zone.

Now, I would suggest that if we could have this taken, this census under the Isthmian Canal Commission, with the force which they have there, the regulations which the Secretary of War or the Isthmian Canal Commission might prescribe, it would be a matter of small expense and might be and would be a matter of considerable benefit.

Mr. CRUMPACKER. Mr. Chairman, I want to suggest to the gentleman in his time that I have another amendment prepared to offer in the way of a proviso authorizing the President of the United States to direct the enumerations and inquiries required by the bill for the decennial census, to be made by the Secretary of War for the Isthmus of Panama, and by the Secretary of the Navy for the other islands. That will put all the question of inquiries and enumerations under the control of the Secretary of War and the Secretary of the Navy in cooperation with the Director of the Census, expecting, of course, that he will consult with them in regard to schedules and so on.

Mr. MANN. Would that give the President authority to say what examination, and so forth, should be made down there? In other words, would the census taken in the first place, under the gentleman's amendment, have to be taken with supervisors and enumerators and all the other minutiæ of this bill?

Mr. CRUMPACKER. No; because the amendment I shall offer authorizes the President to require the Secretary of War and the Secretary of the Navy to take the enumerations and the inquiries, upon the theory that when these enumerations and inquiries shall have been completed they will be sent to the Census Office here for tabulation, compilation, and publication.

Mr. MANN. I would suggest to the gentleman, where he says the Secretary of War, that, in my judgment, it would be more advisable to say the Isthmian Canal Commission. The President, it is true, has turned the Isthmian Canal Commission for the present over to the War Department, but it is also true that to-morrow he may turn it over to the State Department or take it from any other Department, because that is a matter wholly within his discretion, and the Isthmian Canal Commission are really the people who are at present in control. Of course, what they do under the President's order they are required to do under the direction of the Secretary of War.

The CHAIRMAN. A division has been asked as to the amendment proposed by the gentleman from Indiana. The Clerk will report the first part of the amendment.

The Clerk read as follows:

Strike out the words "the Territories of" in line 9, page 1.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. DRISCOLL. Mr. Chairman, I desire to renew my motion to strike out the last five words of the paragraph.

The CHAIRMAN. There are two other amendments pending. The Clerk will report the next division of the amendment.

The Clerk read as follows:

Strike out the word "and" after the word "Hawaii" in line 9, page 1.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next division of the amendment.

The Clerk read as follows:

Strike out the word "Samoa" in line 9, and insert "and other islands in the Pacific Ocean, except the Philippine Islands."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. That disposes of the amendment offered by the gentleman from Indiana.

Mr. TAWNEY. Mr. Chairman, I now ask for a vote on the amendment which I offered, to strike out all of line 10, as amended.

Mr. DRISCOLL. Then that will include my amendment?

Mr. TAWNEY. Yes.

Mr. DRISCOLL. That is all right.

Mr. HAY. Mr. Chairman, line 10 has been changed now.

Mr. TAWNEY. As amended. That would strike out Guam, Samoa, and all the Pacific Islands under the jurisdiction of the United States, including the Isthmian Canal Commission. I withdraw the former amendment.

The CHAIRMAN. Then let this amendment be reported.

The Clerk read as follows:

Strike out all of line 10 as amended.

Mr. DRISCOLL. I think we ought to have it read now as it is proposed to be amended by this amendment.

Mr. TAWNEY. Mr. Chairman, I would ask that the paragraph be reported as it would read with the amendment adopted.

The CHAIRMAN. The Clerk will report the paragraph as it would read if the amendment of the gentleman from Minnesota were adopted.

The Clerk read as follows:

Strike out all of line 10 as amended, so that the paragraph beginning with line 6 will read:

"The census herein provided for shall include each State and Territory on the mainland of the United States, the District of Columbia, Alaska, Hawaii, Porto Rico."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and on a division, demanded by Mr. CRUMPACKER, there were—ayes 36, noes 20.

Mr. CRUMPACKER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. CRUMPACKER and Mr. TAWNEY were appointed tellers.

The committee again divided, and the tellers reported—ayes 52, noes 36.

So the amendment was agreed to.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] The Chair counts 107 Members present; a quorum is present, and the amendment is agreed to. The Chair suggests that the word "and" should be added here before the words "Porto Rico."

Mr. CRUMPACKER. The committee has already struck that out, and I think it ought to go back, and I ask unaniomus consent that it be inserted.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that that provision of this bill shall be read, as it has already been amended.

The CHAIRMAN. The Clerk will again report the provision as amended.

The Clerk again reported the provision as amended.

Mr. POLLARD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the word "manufactures," in line 3, the words "timber lands."

Mr. MANN. Mr. Chairman, I reserve the point of order upon the amendment.

Mr. POLLARD. Mr. Chairman, I am sure I can not see how it can be subject to a point of order. We are seeking to enact a statute here, and Congress certainly has the right to pass any kind of a law it desires. Mr. Chairman, it seems to me that this is a very important matter——

Mr. CRUMPACKER. Mr. Chairman, I think we ought to have a decision on the point of order. Is the gentleman debating the point of order?

Mr. MANN. I would like to be heard on the point of order.

Mr. CRUMPACKER. I would like to have a ruling on the point of order before the merits of the amendment are discussed.

The CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. MANN. Mr. Chairman, the point of order is this: The bill is reported here as a privileged bill in the House, having been referred to the Committee on the Census. Of course I am not sure about the point of order. I am sure about this, the amendment offered by the gentleman is not a privileged matter. Whether he can hang language to the bill that is already before the committee I do not feel perfectly confident about, but this matter does not come into the House as privileged under the rules of the House. It comes into the House privileged only because it affects the membership of the House in the reapportionment of the membership under the Constitution, with which a census of the timber lands has not a thing to do.

Mr. DRISCOLL. How about quarries?

Mr. MANN. These things are in the bill as reported from the committee and they are not subject to the point of order. I do not know about the other, but I think it is possible they are not, because the bill being considered is not subject to the point of order.

Mr. POLLARD. Mr. Chairman, it seems to me it is not worth while for this House to debate the question whether this amendment is subject to a point of order. This committee has brought this bill before the House. It is a statute that is sought to be enacted, and whether the amendment is privileged or not is immaterial.

The CHAIRMAN. The Chair is ready to rule on the point of order. The bill is here; whether it is privileged or not was a question for the House when it went into the Committee of the Whole House on the state of the Union, and the Chair overrules the point of order.

Mr. POLLARD. Mr. Chairman, I would like to say just a word in regard to my amendment, and only one word. It seems to me the question of taking a census of the timber lands of the United States is just as important as to take a census of the manufactures, of our mines and mining, or of agriculture. The division known as the Forestry Bureau, in the Agricultural Department, is very much interested in conserving the forests——

Mr. TAWNEY. Will the gentleman from Nebraska permit an interruption?

Mr. POLLARD. Certainly.

Mr. TAWNEY. I want to ask, for information, if it is not a fact that the Committee on Agriculture has now pending before it, submitted by the Bureau of Forestry, a proposition for taking a timber census of the United States?

Mr. POLLARD. If that is true, it has not come to my attention and the committee has not taken it up.

Mr. TAWNEY. I have been informed it was there, or was going to be submitted, and the estimated cost was $3,000,000.

Mr. POLLARD. Well, I am not prepared to say anything about that. There may be such a bill before the Committee on Agriculture. If there is, it has not yet come before the committee and has not been brought to the attention of Members.

The question of the preservation of our forests and our timber lands is one of the most important questions before the American people to-day. It seems to me that it is extremely important that we should know the extent of these forests and the amount of timber that is growing thereon. And I hope the amendment will be adopted.

Mr. BENNET of New York. Will the gentleman yield for a question?

Mr. POLLARD. Yes, sir.

Mr. BENNET of New York. What is the attitude of the Forestry Bureau in regard to your amendment?

Mr. POLLARD. The Forestry Bureau is very anxious to have the census made of the timber lands of the United States.

Mr. DRISCOLL. Is not the Forestry Bureau taking some census now?

Mr. POLLARD. There is no census being taken by the Department of Agriculture at the present time.

Mr. CRUMPACKER. There are two bills pending now before the Committee on the Census providing for a census of the acreage of standing timber and the stumpage. The Chief of the Forestry Bureau, Mr. Pinchot, was before the committee and explained the proposition. He said he did not want that census included in the decennial census bill. If he had insisted that it should be there, I am satisfied the Committee on the Census would not have recommended it. It is an important subject, but the Committee on the Census has not given it any special consideration, although there was one day devoted to the hearings on that question.

Now, this bill, Mr. Chairman, is a decennial census bill, including four principal inquiries and the time within which these inquiries shall be completed and the report published is fixed. If we include forestry and numerous other subjects that might be proposed, it would be impossible to do the work within the time limit. The Census Office will have everything it can do to get through the four principal investigations and tabulate and publish the reports by the first day of July, 1912, the time fixed in the bill. The census of timber acreage and stumpage, if it is ordered at all, should be one of the special investigations to be made by the Census Bureau in cooperation with the Forestry Bureau. The Chief of the Bureau of Forestry said that all he wanted was a census of timber lands and stumpage outside of the forest reservations. He said he already had power enough to get acreage and the quantity of merchantable timber in the forest reservations. Mr. Chairman, I hope the committee will vote down the amendment.

Mr. POLLARD. Mr. Chairman, I would like to have just one further word on the amendment. The gentleman concedes that this is a very important matter and that this census ought to be taken. His only objection to it is that it ought not to be in this bill; that this bill seeks to reach four, and four only, great subjects.

Now, then, he seeks to reach the same object by creating a new staff of men. I submit that the men who are taking the census of agriculture and of mines and quarries, can just as well include our forests as to have a separate organization—a new lot of men to do this work, which would unquestionably cost more money than it would if it were conducted at the same time the regular census is being taken.

Mr. CRUMPACKER. The chief of the Bureau of Forestry did not ask to have the census of forests included in this bill, because he wanted it earlier. He wants a special investigation of that subject during this year, and that is one of the questions that the Committee on the Census has to determine in the near future. Mr. Pinchot objected to having this proposition put into this bill, as a matter, not of administration, but as a matter of time. He wants it before he could get it under this bill; and the committee would not have included it in this bill, because there is already included here all the work that can be done within the time limit.

Mr. OLMSTED. Mr. Chairman, undoubtedly the census of the standing timber in this country would be very important and very useful. It would apprise the present owners of timber land how much remaining timber there was that might be bought by them, or it would enable them to fix the price upon that which they own. There are many reasons why it would be desirable to the holders of timber lands as well as to consumers of lumber. But, Mr. Chairman, we have already heard from the chairman of the Census Committee that the Department of Agriculture is making some investigation of this subject and desires to make more, and I happen to know, as a matter of personal knowledge, that the Department of Commerce and Labor is at the present time making a special investigation—I do not know whether you might call it a census or not—for the purpose of ascertaining the acreage of timber land in this country, the names of the owners, with the acreage and the stumpage, etc. They are making a pretty exhaustive examination and census. It seems to me that we do not require three different Departments of the Government investigating the same subject at the same time and at triple expense to the United States Treasury.

Mr. TAWNEY. Mr. Chairman, in view of the fact that this proposition will probably come before the House later, I want to supplement what the gentleman from Pennsylvania has said, that the chief beneficiaries of a census of the standing timber of the United States will be the lumbermen or prospective investors in standing timber. To take this proposed timber census would save them the expense of "cruising" the tracts of timber land which they may contemplate purchasing. This work is expensive. In fact, it is the most expensive incident connected with the purchase of standing timber, and is information the lumberman must have, and if he can induce——

Mr. POLLARD. May I ask the gentleman a question?

Mr. TAWNEY. Certainly.

Mr. POLLARD. Would not the same objection apply also to making a census of mines and forests?

Mr. TAWNEY. No; it would not. But that proposition is not now before the House. The policy of what shall be included in the census has been established long before this.

This is a new proposition, and if it is adopted, either now or hereafter, will be chiefly and solely for the benefit of the lumbermen of the United States, or those who may desire to purchase the remaining standing timber. Why, the lumbermen of this country, wherever there is a tract of pine that is available for purchase, are sending their "cruisers" out. They must know before they purchase what the character of the timber is, as well as the amount of the acreage and amount of the stumpage; they must know the streams and the topography of the country; they must have a complete estimate and a reliable estimate, and they know a more reliable estimate could not be obtained than that made by the Government. Why, Mr. Chairman, it would take five years to take a census of the standing timber, unless you employed an army of "cruisers" and sent them out in the standing timber of the United States for that purpose. I sincerely hope this amendment will not prevail, and that no proposition like it will prevail hereafter.

Mr. COX of Indiana. Mr. Chairman, when this proposition first came before the Committee on the Census, of which I am a member—that a census of the standing timber should be taken—I must confess that at first I was disposed to favor it; but, on reflection, as the gentleman from Minnesota has well said, after I began to receive—and I presume every member of the Census Committee received the same thing, and probably each Member of this House—petitions from wholesale lumbermen all over the United States favoring a census of the stumpage of standing timber of the United States, I began to doubt the advisability of it, because, as the gentleman from Minnesota well says, if the census of the standing timber of the United States is taken by the Government, the stamp of approval would be put upon that census by the Government of the United States, and purchasers of standing timber would know it is reliable. It strikes me, Mr. Chairman, very forcibly that this is simply an attempt on the part of the large lumbermen to locate the standing timber of the United States and buy it up. For that reason I am opposed to the amendment, and I am opposed to taking a census of the standing timber of the United States. Now, Mr. Chairman, the statement was made in the committee hearings before the Census Committee that if a census was taken of the standing timber of the United States it would increase the cost of lumber; but there was not one word, Mr. Chairman, that it would increase the price of the standing timber of the United States. Therefore I do not think, Mr. Chairman, the gentleman's amendment should obtain. I am opposed to it, and I hope the committee will vote it down.

Mr. CRUMPACKER. Mr. Chairman, I move that debate on this amendment be closed in five minutes. That will give the gentleman from Massachusetts five minutes.

The question was taken and the motion was agreed to.

Mr. TIRRELL. Mr. Chairman, what subjects should be included in the taking of the census of the United States should be dependent upon the importance of the subjects themselves, and if a subject has arisen since the last census was taken that has become of paramount importance, then that should be included; I consider that the matter which has been brought to our attention by the gentleman offering this amendment is one of that sort, because now there is among the people absolute ignorance as to how fast our lumber resources are being denuded. Go down to the State of Maine and examine the thousands of miles of timber and ask those who are supposed to be conversant with the subject, and some will tell you that the forests of Maine are not being depleted, that they are cut upon regular rules and regulations, and the supply will be, for many years and generations to come, equal to the demand.

Others will controvert that statement. This shows that there has been no real compilation of the facts in the case.

Now, inasmuch as it must be admitted that this subject is of infinite importance to the commercial development of this country, on account of the enormous demand for lumber, both for building purposes and the manufacture of paper, there should be some knowledge given to the people of this country, which can only be attained by a census being taken, in order that we may know whether to vote for our great forest reservations, which are being presented for the consideration of Congress, and other matters appertaining to this subject.

How is it that Sweden, Norway, and Germany are able, after centuries, still to preserve their forests and have a supply for building purposes and for the manufacture of pulp and paper? It is because they know just how many trees are cut down in those countries and what their supply is, and because of that knowledge they have enacted laws by which the owners of the land are obligated to plant a tree for every one that is cut down. This supply will probably be equal to the demand for generations to come. And inasmuch as our forests are, as it were, being literally swept from the earth, and the price of lumber and pulp wood is going up at such an extraordinary rate from year to year, and as the people of the whole country are almost as much interested in this as they are in the necessaries of life, I say that we are negligent of our duty not to incorporate into this law some provision by which some knowledge at least of this subject shall be obtained. It will not be necessary that every tree should be counted or that every stump should be marked, but there should at least be something done in this direction, so that we may have some knowledge in reference to this most important matter.

Mr. CRUMPACKER. I think the gentleman misapprehends the status of his proposition. All such inquiries as a census of the timber of the country are what we call special inquiries, to be taken up during the interim between the decennial censuses. We take a decennial census of four important subjects, and we fix a time limit within which that undertaking shall be completed. The balance of the time the Census Office is employed in making special inquiries, and a census of the timber of the United States would be classed as one of those inquiries. The Chief of the Bureau of Forestry suggested that this subject be left out of this bill, but that it be included in the special inquiries that the Census Bureau is to make during the interim between the decennial censuses.

Mr. TIRRELL. I wondered why the gentleman had not made some provision for a census of this kind. If it is to be taken in the intervening years, immediately after the census of population is taken, of course the main object will be accomplished.

Mr. POLLARD. Did I understand the gentleman to say that Mr. Pinchot made the statement before the committee that he did not want this subject included in this bill?

Mr. CRUMPACKER. Yes; in effect.

Mr. POLLARD. I wish to say that he stated just the opposite in my committee. I understand the gentleman to say that this subject will be considered by the Census Bureau in the interim between the taking of the decennial censuses.

Mr. HAYES. I make the point of order that the time for debate on this has expired.

The CHAIRMAN. The time for debate has expired. The question is on the amendment.

Mr. HUGHES of New Jersey. I should like to have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "manufactures," in line 3, insert the words "timber lands."

The amendment was rejected.

Mr. TAWNEY. Mr. Chairman, I move to strike out, in line 6, page 1, the words "and once every ten years thereafter."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 6, page 1, strike out the words "and once every ten years thereafter."

Mr. TAWNEY. Mr. Chairman, this involves the question whether we are going to adopt a permanent census law under which the Thirteenth Census shall be taken and all future decennial censuses.

Mr. KEIFER. I would like to inquire if we have not a permanent census law now?

Mr. TAWNEY. We have what is claimed to be a permanent law. I was going to say that that very fact is one reason why we should not attempt to make this a permanent law, but merely enact a law covering the taking of the Thirteenth Census. We have two permanent census laws. We have a law creating a permanent Census Bureau with specific powers.

My principal objection, Mr. Chairman, to this, however, is the fact—and this is the distinction between the proposed permanent law and the one we now have—the present permanent census law does not enlarge the scope of the activities of the Census Bureau, as defined in the law making that Bureau a permanent census organization, while this law, or proposed law, will add materially to the functions of our permanent Census Bureau. I do not believe that this House is justified in enlarging the field of the activities of the Census Bureau in this or in any other bill.

There are several particulars in which, if this provision remains in the bill and the bill becomes a law, the Census Bureau will have added to its present functions many things it has no authority to do now, and where it will require a vast sum of money annually to enable the Census Bureau to do the additional work thus imposed by this proposed permanent act.

In the first place, we have a quinquennial census of agriculture, a census taken every five years. We have at the present time a law which authorizes the Census Bureau to take a census every year of the cotton statistics. It is now proposed to have a complete agricultural census every five years instead of every ten years, as heretofore, and have that agricultural census include everything imaginable in regard to the agricultural industries.

It was stated yesterday by the gentleman from Indiana [Mr. CRUMPACKER] that the estimated cost of this agricultural census, taken every five years, will be $2,000,000, which estimate, it is fair to assume, will not cover much more, if any more, than one-half of the cost of taking that census.

It is therefore not only proposed to greatly enlarge the field of activity of the Census Bureau, but also to greatly enlarge the permanent annual cost of maintaining that Bureau.

In addition to that, I find upon reading the bill, that, in section 18, it is proposed to give to the Director of the Census the power of appointing any number of special agents under this act and under the act creating the permanent Census Bureau, and all acts amendatory thereof. These special agents are to be employed in connection with the taking of the Thirteenth Census. Their employment, if authorized, may continue indefinitely under the permanent census act. Their per diem compensation is fixed at not more than $6 a day and traveling expenses added and subsistence at $4 a day.

Gentleman will see that there are a great many provisions here that will become permanent law on the Census Bureau, creating new functions and conferring new authority, which will hereafter be made the basis for additional appropriations.

Mr. CRUMPACKER. Mr. Chairman, it seems to me the force of the gentleman's argument is not directed to his amendment at all. We have now a permanent census law, and if this bill is not enacted at all the Census Office can take the Thirteenth Census under that law. It would take the general census, including the vital statistics, a subject that is now covered by the annual investigation of that subject which the law requires the permanent office to make.

So it occurs to me that the criticism the gentleman makes of the permanent character of the law that this bill foreshadows is without much, if any, force. There is just as much to be accomplished in having permanency in a census law that undertakes to create a general and harmonious system for collecting statistics as in any other law. It has been the policy of the Government for several decades to write each one of its census laws in permanent form. The act providing for the Twelfth Census provides for that census and all subsequent censuses. Since that act was passed we have created a permanent Census Office, and conditions have changed somewhat, and this bill undertakes to coordinate the decennial-census scheme with the permanent-census law. It is deemed highly important for that purpose.

Now, the question as to the additional powers that are conferred upon the permanent Census Office I will say may be met by stating that they will not be conferred upon the permanent Census Office unless the Committee of the Whole House and Congress shall think fit. Those questions will be met when we reach them in the reading of the bill. The gentleman can then make his motion to strike out the quinquennial census of agriculture if he chooses to do so. The gentleman was not entirely frank in stating the scope of that provision anyway. He says it includes the census of every imaginable thing that is connected with the industry of agriculture. Mr. Chairman, if he will read the section of the bill providing for it he will discover that it is a limited census of agriculture; that it covers simply the acreage of farm lands, the acreage of principal crops, and the live stock on the farms and ranges.

Mr. TAWNEY. Does not the decennial census give that same information?

Mr. CRUMPACKER. Yes; and much more. It includes the live stock on farms and ranges and everywhere else. It covers the entire subject. I refer to the provision the gentleman has discussed to show that it is a circumscribed and a limited census of agriculture and live stock in relation to the industry of agriculture.

Mr. HACKNEY. If the contention of the gentleman is correct, I would like to ask the necessity for these words sought to be stricken out. Would the bill be emasculated if the words were stricken out?

Mr. CRUMPACKER. It would not.

Mr. HACKNEY. Then what is the necessity for putting those words in?

Mr. CRUMPACKER. We are enacting a law now that supersedes the existing law, because since that law was enacted we have created a permanent Census Office, and we want a law that will be in perfect harmony with that, so that the two taken together will constitute a systematic and harmonious whole. That is the main object of this bill, and if the amendment of the gentleman from Minnesota [Mr. TAWNEY] shall be adopted it will not affect the question until ten years comes about. It will not affect the census—the Thirteenth Census—at all, but we think this bill provides a good and wise scheme for taking the decennial census and that it ought to be made permanent, so that the Census Office will know and shape its interdecennial work to meet the decennial period.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRISCOLL. I ask unanimous consent that the gentleman's time may be extended for five minutes.

There was no objection.

Mr. DRISCOLL. The law of 1899 provided for the Twelfth Census and a census every ten years thereafter.

Mr. CRUMPACKER. It did.

Mr. DRISCOLL. Then the law of 1902, of March 6, provided for a permanent census.

Mr. CRUMPACKER. Yes, for a permanent Census Office.

Mr. DRISCOLL. Now, section 6 of that law provides that all the provisions of the act of March 3, 1899, relating to the Twelfth Census not inconsistent with the provisions of that act should remain in full force and effect for the taking of the Thirteenth and subsequent censuses.

Mr. CRUMPACKER. Yes.

Mr. DRISCOLL. And therefore the law passed in 1902 provided for the permanency of the former census.

Mr. CRUMPACKER. Yes.

Mr. DRISCOLL. And it also amends several sections of the law of 1899.

Mr. CRUMPACKER. It does.

Mr. DRISCOLL. Now, this bill provides that the law of 1902 shall remain in force.

Mr. CRUMPACKER. Which bill?

Mr. DRISCOLL. Your bill.

Mr. CRUMPACKER. Oh, no.

Mr. DRISCOLL. Except as amended by this bill, and that is not amended. Will it not still remain in force?

Mr. CRUMPACKER. It will not. In the first place, this law covers the whole field, and if there was no repealing clause in the bill the original law would be repealed by necessary implication. That is a plain proposition.

Mr. DRISCOLL. Does not the gentleman think we get into a lot of complications if we have two permanent laws?

Mr. CRUMPACKER. We will not, because we can not have two permanent laws upon the same subject. We say the permanent law shall not be repealed except in so far as it may be inconsistent with this.

Mr. DRISCOLL. Will we not avoid a lot of civil-service complications and a lot of other matters if we let this law expire in three years?

Mr. CRUMPACKER. No, I think not; but these questions I can not go into in detail. The Committee on the Census obtained the best information on this subject that it could. It consulted men in the best situation to know—men who had experience in relation to the matters—and after a number of weeks of hearings and consultation among themselves, and obtaining a lot of information which would take some little time to give to the committee, they reached the conclusion this was a wise thing to do. If the Committee of the Whole House on the state of the Union thinks that it is better prepared to make a bill, it has the power to do it. We believe that this clause should remain in the bill.

Mr. BURLESON. I would like to ask the gentleman a question. Is it not a fact the censuses of 1860 and 1870 were both taken under the act of 1850?

Mr. CRUMPACKER. I think that is true.

Mr. BURLESON. And is it not also a fact that the censuses of 1890 and 1900, the act under which those censuses were taken, became a law on the 3d day of March, and both of them came very near failing of passage in the House?

Mr. CRUMPACKER. Yes; that is true, indeed.

Mr. BURLESON. And if in ten years anything should happen and we did not reenact a census act, there would be no law upon the statute book to take the census.

Mr. CRUMPACKER. Mr. Chairman, I want to submit a proposition—that is a good observation—every law that we have had for fifty years has been a permanent law in its character. It has been the policy of Congress for more than fifty years to make all of these laws permanent, and I do not see any reason for changing now. Now, as to the criticism about the appointment of special agents. That provision is substantially as it was in the Twelfth Census act. When we get to that section, if the Committee of the Whole thinks it ought to be amended, it has the power to amend it. If the gentleman from Minnesota has objections to it, he will doubtless be here to make them; and if he can convince the committee they are right, they will go out. If they are right for the Thirteenth Census, why are they not right for the permanent census?

Mr. TAWNEY. Mr. Chairman, the point I make in regard to that is that these special agents that are to be appointed are not alone appointed under the act authorizing the taking of the Thirteenth Census, but they are appointed and to serve under the law which establishes the permanent Census Bureau. It makes them permanent employees in the Census Department, and not temporary for the purpose of taking the Thirteenth Census.

Mr. CRUMPACKER. We can discuss that question when we meet it.

Mr. TAWNEY. Well, while I am on the floor, Mr. Chairman, I want to make this observation in answer to the gentleman from Indiana. The very fact that our permanent census law, under which the Twelfth Census was taken, is not now deemed adequate and sufficient for the taking of the Thirteenth Census is very good evidence of the fact that the proposed permanent census law which we are now considering will not be sufficient to meet the changed conditions that may arise between now and 1920, the time for the taking of the Fourteenth Census. I think that, when there is a specific service to be performed once every decade, it is absolutely impossible for Congress to know the exact conditions under which that service will have to be performed. The service is temporary, and the act under which the service is performed should also be temporary and logical. I do not think there is any necessity for making it permanent, and we do avoid, by striking this out, the possibility of enlarging the scope of our permanent Census Bureau.

Mr. KEIFER. Mr. Chairman——

Mr. CRUMPACKER. Mr. Chairman, I understand debate is exhausted.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. CRUMPACKER. I make the point of order that debate is exhausted on this amendment.

Mr. KEIFER. Mr. Chairman, I move to strike out the last word.

Mr. CRUMPACKER. I want to be orthodox in this debate.

Mr. KEIFER. The chairman of the Committee on the Census from Indiana is entirely right in wanting us all to be orthodox in this debate. I am trying to help him and I may not live long enough, if this system of legislature goes on, to reach a time when we will get through this matter of passing bills to establish a plan of making a permanent census. I think this will make the fifth act that has been passed for establishing a permanent census and to conduct it.

This bill illustrates the danger of having a great many acts on the same subject without anybody knowing how much they are in conflict with one another, and without, as is proved, any one of them being sufficient to accomplish the end desired. We find we had an act passed on March 3, 1899, entitled "An act to provide for taking the Twelfth and subsequent censuses." Then we have an act passed on March 6, 1902, entitled "An act to provide for a permanent Census Office," and taking the census. And then another act was passed on February 14, 1903, entitled "An act to establish a Department of Commerce and Labor," that has something to do with the census. Then we have an act passed June 7, 1906, "To amend section 7 of an act entitled 'An act to provide for a permanent Census Office.'" Now, we find that in this clause that it is proposed to amend it is said that: "This shall provide for the taking of the census of the year 1910, and once every ten years thereafter." What becomes of the permanent act or acts? What becomes of the other provisions for taking the census? If this bill is to become permanent law, if it is passed through this Congress, what becomes of it?

The gentleman from Indiana [Mr. CRUMPACKER], who is always quite at himself, says that it is to be permanent law and that it does not repeal any other law, except, perhaps, where there is a conflict, but he is unable to state now, or anybody else, where the conflict will come in, because the acts we already have are not sufficient to take the Thirteenth Census. I will read, so as to be entirely fair about it. This little bill that is to become permanent law covers twenty-five pages, and it has thirty-three sections. Section 33 reads:

> That the act establishing the permanent Census Office, approved March 6, 1902, and acts amendatory thereof and supplemental thereto, except as herein amended, shall remain in full force.

There is not any specific proposition to amend other acts on the subject. What is meant by this bill where it is in conflict with the other permanent acts nobody now knows.

Mr. CRUMPACKER. Will the gentleman allow me to make a suggestion?

Mr. KEIFER. I will in a moment. I will read further, as follows:

> That the act entitled "An act to provide for taking the Twelfth and subsequent censuses," approved March 3, 1899, and all other laws and parts of laws inconsistent with the provisions of this act, are hereby repealed.

Now, what was it that the gentleman wanted to suggest?

Mr. CRUMPACKER. I wanted to suggest to the gentleman that the last section continues in force the permanent census law except as amended in this bill. It is amended in a few particulars by the provisions of this bill.

Mr. KEIFER. I have just read what section 33 states on that subject. But we have a confusion of bills and laws, and we ought at least to take up, codify, and pass a permanent census law, and not undertake to patch the old ones or undertake to pass a bill that is inconsistent with the old, and leave somebody to find out what the law is by reading all of them together—what parts of existing acts are repealed by implication.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Minnesota [Mr. TAWNEY].

Mr. MANN. Mr. Chairman, I understood the distinguished gentleman from Indiana [Mr. CRUMPACKER] to say that the last act for the Twelfth Census provided for the taking of subsequent censuses.

Mr. CRUMPACKER. It says so.

Mr. MANN. Mr. Chairman, I have a very great deal of confidence in the ability of the gentleman from Indiana. I know of no man in the House who is more devoted to the duties of his office and more capable in the performance of his duties than the chairman of the Census Committee. [Applause.] I think,

on the whole, the bill that he has brought in this time is probably the best census bill which has ever been reported in the House. In saying this I say it with full appreciation of the fact that it is a difficult matter to prepare a bill providing for the taking of the census, and it requires great care and consideration. That care and consideration has been given to the bill by the gentleman from Indiana and by the Census Committee, and yet, Mr. Chairman, I am of the opinion that when the gentleman from Indiana and the Census Committee and all the balance of this House have passed away all wisdom will not die with them. The gentleman from Indiana must be familiar with the law providing for the taking of the Twelfth Census, and he cites us to the statement that it provided for taking not only the Twelfth but subsequent censuses. Mr. Chairman, I have always been of the opinion that, in order to know what a law meant and said, it was necessary to read beyond the title. The title of the law for the taking of the Twelfth Census was "An act to provide for the taking of the Twelfth and subsequent censuses," but there is not a line in the law in references to the taking of subsequent censuses.

The first section of that act provides that "it shall be the duty of the chief officer, whoever he may be, to superintend and direct the taking of the Twelfth Census of the United States in accordance with the laws relating thereto, and to perform such other duties as may be required of him by law;" and at the end of that same section is this provision:

Provided, That nothing herein contained shall be construed to establish a census bureau permanent beyond the Twelfth Census.

Mr. KEIFER. Well, Mr. Chairman, will not the gentleman allow me to request him to read the first section of the bill which he is now reading? It is very short; only two or three lines.

Mr. MANN. Very true; but the provision of the act provides that it shall not apply to the taking of any census after the Twelfth Census.

Mr. KEIFER. But the first section provides that the census shall be taken in the year 1900, and every ten years thereafter.

Mr. MANN. The Constitution provides that. That is just a repetition of the Constitution. The Constitution provides for the taking of the census; but this bill provides for an entirely different thing.

Mr. CRUMPACKER. Will the gentleman allow me to suggest to him these two things——

Mr. MANN. Now, there is not a line—permit me to make that statement. The gentleman from Ohio is usually extremely careful in matters of this kind. There is not a line that I find in the first section or any other place in the law—beyond the Twelfth Census alone—which provides a method of taking any census beyond the Twelfth Census.

Mr. CRUMPACKER. Oh, I think, Mr. Chairman, if the gentleman will permit an interruption—and if the gentleman needs more time I will get it for him—the first section of the bill, as said by the gentleman from Ohio, provides for the taking of the Twelfth Census, that it shall be taken how, by inference under some previous act, and once in every ten years thereafter; and the clause quoted by the gentleman from Illinois, "That nothing herein contained shall be construed to establish a census bureau beyond the Twelfth Census," is altogether a different proposition. The Congress was careful not to provide for a permanent Census Office in this bill, but the census could be taken according to the provisions of the bill in 1900 and every ten years thereafter. The Bureau, not being permanent, went out of existence after taking one census, and being created again for the next census; and the Director of the Census has taken the opinion of the Attorney-General upon that subject, and says in his report, or at least he said before the committee, that he had the power to take this census under the provisions of the act of 1889.

Mr. LANGLEY. If the gentleman will permit me to interrupt him; I am familiar with the legislative history of the bill, and I remember that this provision he refers to, providing that there should be no permanent Census Office beyond the completion of the Twelfth Census work, was inserted in the Senate. At that time there appeared, as the debate shows, to have been some fear entertained that an attempt would be made to string out the work indefinitely, as had occurred before. Hence that limitation was put in. There was no question raised then about the act applying to future decennial censuses.

Mr. MANN. The first part of the statement of the distinguished gentleman from Kentucky does not jibe with the last half of his statement. It is true the provision was inserted in the Senate, for the purpose of preventing this act applying to any census subsequent to the Twelfth Census.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask that I may have five minutes more.

There was no objection.

Mr. MANN. I want to be perfectly fair to the gentleman from Indiana and the Census Committee. The act for the taking of the Twelfth Census provides not for the taking of the census in the first section at all, but quotes the Constitution, and provides that a census shall be taken. It added nothing to the value of the Constitution to insert it in the act, but the act itself provides that so far as the taking of the census is concerned, it should not apply beyond the Twelfth Census.

Now, this bill is intended to and covers another and different proposition. The bill we have before us provides for the taking not of the census provided by the Constitution; provides not for a census of the population, that being provided by the Constitution, but provides also of agriculture, manufactures, mining, and quarries, which are not constitutional provisions, in regard to the census, and then goes on to provide that these subsequent censuses shall be taken in accordance with the provisions of this law.

Before this bill was reported to this House and after the gentleman from Indiana had introduced his first bill in reference to the subject of taking the census, the Director of the Census and the Secretary of the Interior appointed an advisory committee of men who have been distinguished experts in census matters to make a report upon the bill.

I was rather surprised that the distinguished gentleman from Indiana [Mr. CRUMPACKER] did not refer to the report of this advisory committee in his speech yesterday; but after I had read the report of the advisory committee myself I was not surprised that he did not refer to it, because I think that the Committee on the Census have not followed a single recommendation of the advisory committee; or perhaps they have followed a single recommendation; but the advisory committee recommended the striking out of this provision for every subsequent census.

Mr. CRUMPACKER. Let me correct the gentleman. That is in reference to the census for the Philippine Islands.

Mr. MANN. That may be. I am not familiar with the first bill.

Mr. CRUMPACKER. That is a fact.

Mr. MANN. The recommendation of the advisory committee does not show. Of course I take the gentleman's word for that.

Mr. CRUMPACKER. That refers to the first section of the bill.

Mr. MANN. What object is there in providing now for the taking of the census ten years from 1910? Does the gentleman suppose that Congress will not have the ability at that time, with the information which will then be before it, to provide for taking that census? I can see but one object in putting into this law a provision for taking the census hereafter, and that is to fasten upon the Government and the Census Office the spoils system of appointments in the first instance, and providing for an extremely costly method of taking the census in the second instance. Congress can determine the matter upon the facts which are then before them. We do not take the census now as they did in 1860. They did not take the census in 1870 as they did in 1860, nor in 1880 as they did in 1870. The census of 1900 was different from the census of 1890, and the one of 1890 was very different from the one of 1880. The one for 1910 is to be different from the one for 1900. Why should we endeavor to say that we know so much about the condition of the country ten years from now that we are better able to legislate now for something which is purely temporary and local then than the Congress will be at that time? What excuse can be given for the endeavor to fasten upon the Government a law which will have to be changed or repealed, in all likelihood, and which if not changed or repealed will not answer the purpose of the census at that time?

Mr. CRUMPACKER. Mr. Chairman, just a word in reply. I repeat that three censuses in the history of this country have been taken under a single law. I believe we have made a great deal of progress in the work of gathering statistics in the last twenty-five or thirty years. We have a permanent Census Office now, and we have the collection of census statistics reduced practically to a science. We have now provisions covering almost every subject of inquiry that is regarded as of any degree of importance, and our law provides that many of those inquiries shall be taken during the interims between the decennial censuses; and the bill, if enacted into law, covers but four important questions. It embodies many of the provisions of the law of 1899, but I repeat that it is the judgment of those best advised, those who know most about the administration of the Census Office, who know most about the traditions and the customs in

the Office respecting its temporary and its periodical work, that the present bill is one adapted to permanent uses, and the Director of the Census and the commissions selected by the Secretary of the Department of Commerce and Labor recommend the enactment of this bill, with the permanent provision as one of its chief features.

I can see no kind of reason why it should not be made permanent. If conditions shall so change within the next ten years that amendments shall be deemed proper, the amendments can readily be made. Now, it will take possibly a month of the time of this Congress to pass this bill, according to the present rate of progress. It will cost the country many thousands of dollars while the House is haggling over questions of this character, some of them important and some perhaps not; but I repeat that it has cost the Government no more to make the Office permanent than it would to make it only temporary, and it will cost no more to make the work permanent than it will to make it only temporary. There will then be harmony and system in census laws. I insist that the laws, ever since 1800, have been permanent in their character, and we will avoid ten years from now the labor and expense that the Government will have to bear of passing a new census law. Now, we need a new bill at this time, as I have explained, and I hope the amendment will be voted down.

Mr. TAWNEY. Mr. Chairman, I want to say one word in closing the debate on the amendment. We are considering this proposition of a permanent census law under entirely different circumstances and conditions from that which has obtained heretofore when the House considered previous census laws for the taking of previous censuses. Then we had no permanent Census Bureau. We knew when we were considering and acting upon the law under which the Twelfth Census was taken that when that census was taken and completed the law would expire or become inoperative until the time arrived to take the Thirteenth Census. But since that law has been enacted Congress established a permanent Census Bureau, and in doing so was influenced by the representations then made that, in consequence of having a permanent Census Bureau, the cost of taking the Thirteenth Census would be greatly reduced because then we would have all the machinery in working order to begin several years in advance of the time of taking this census.

Now, it is proposed to establish or enact a law under which the Thirteenth Census shall be taken in 1910 and under which the census in 1920 shall be taken. But the gentleman from Indiana must not overlook the fact that in attempting to enact this permanent law we are also asked to materially enlarge the functions of our permanent organization for the taking of the census, and that, too, in a bill which, in effect, is only temporary. I do not care what the language of the act may be; he may provide for the taking of future censuses, but in effect the act will be merely temporary for the reason that this Congress can not anticipate what the conditions may be when we come to take the census in 1920, nor whether or not our action to-day will appeal to the judgment and common sense of the Congress then in session.

We must bear in mind the fact that we are enacting a temporary law therefor, that we are enacting a law that affects a permanent institution without our knowing the extent to which that institution is to be affected or the extent to which we are now authorizing it to create obligations against the Government which must be paid in the future, and for that reason I say the law ought simply to provide for taking the Thirteenth Census and leave the work of the permanent Census Bureau to be done under the act creating that Bureau.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and on a division (demanded by Mr. TAWNEY) there were—ayes 37, noes 29.

Mr. TAWNEY. I ask for tellers, Mr. Chairman.

Tellers were ordered.

The Chair appointed as tellers Mr. CRUMPACKER of Indiana and Mr. TAWNEY of Minnesota.

The committee again divided, and the tellers reported that there were—ayes 41, noes 52.

So the amendment was rejected.

Mr. NORRIS. Mr. Chairman, I move to amend by striking out, in line 6, page 1, the word "one." I believe it will make the bill more definite.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, strike out the word "one."

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That after June 30, 1909, there may be employed in the Census Office, in addition to the force provided for by the act of March 6, 1902, entitled "An act to provide for a permanent Census Office," an Assistant Director, who shall be an experienced, practical statistician; a chief statistician, who shall be a person of known and tried experience in statistical work; an appointment clerk; a private secretary to the Director; two stenographers; and eight expert chiefs of division. These officers, with the exception of the Assistant Director, shall be appointed without examination by the Secretary of Commerce and Labor upon the recommendation of the Director of the Census. The Assistant Director shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. HACKNEY. Mr. Chairman, I offer an amendment, as follows:

On page 2, line 2, after the word "nine," insert the words "and during the decennial census period only."

I think, Mr. Chairman, that carries out the idea of the gentleman from Indiana. In section 3 it is provided for the appointment of an extra force, but I do not see anywhere in the bill any limitation on the term of office of that extra force. It is to carry out that idea that I offer the amendment.

Mr. CRUMPACKER. I have no objection to that, because it is clearly the intention of the bill. I think it is provided for, however, in a subsequent section.

Mr. HACKNEY. I did not find it.

The question was considered, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to amend, on page 2, line 11, by striking out the words "without examination."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 11, strike out the words "without examination."

Mr. MANN. Mr. Chairman, this provides for the appointment of a number of persons in the Office, including stenographers, without examination, and while I am inclined myself to be with the committee and with the gentleman from Indiana that the census employees ought not to be compelled to take a civil-service competitive examination for appointment in temporary places only, I can not quite see what argument there is in favor of excepting the principal places in the Office and making them merely political appointments under the spoils system.

If stenographers are to be paid the enormous sum of $2,000 apiece for being stenographers, they ought to be required to be stenographers. Under this provision they can appoint anybody as a stenographer if he goes on the pay roll as a stenographer, and he does not need to know a sign from a letter.

Mr. LANGLEY. Does the gentleman think that the Director of the Census would make an appointment of that kind where the law provides that the appointee shall be a stenographer?

Mr. MANN. Why, the gentleman from Kentucky is aware of the fact that all through the pay rolls of the Government men are filling offices which are called such and such positions, even requiring expert knowledge, when the appointee has no knowledge on the subject whatever.

Mr. LANGLEY. And appointed under that designation?

Mr. MANN. Transferred by the Department or the head of the Department from one place to another by that designation.

Mr. LANGLEY. But not appointed under a designation which requires or implies the qualifications that the employee does not possess?

Mr. MANN. This requires no qualifications.

Mr. LANGLEY. "Stenographer" implies certain qualifications that are necessarily implied.

Mr. MANN. It would require qualifications if there was to be an examination; but when you provide for a place and expressly say that there shall be no test of the applicant or of the appointee, you remove the qualifications, and I do not know what excuse the gentleman can offer or what reason can be given that these people should not have some kind of an examination.

Mr. LANGLEY. Simply because (if for no other reason) of the fact that their duties are of a confidential and exceptional character; and that is so to such an extent that no written form of examination could be prescribed that would be a fair test of the peculiar qualifications that the Director of the Census would want.

Mr. MANN. I am not talking about a competitive examination; I am not saying that these people should be subjected to a competitive examination; but the proposition is that when the Director selects these people they shall go in without any test whatever as to their fitness for the office, and the gentleman, who can give me cards and spades about appointments, knows from his own personal experience that many people are recommended and a good many appointed to places absolutely without fitness for the place.

Mr. LANGLEY. I know also that some of the most efficient employees in the Census Office are those who did not take any examination at all.

Mr. MANN. But they could have passed an examination, could they not?

Mr. LANGLEY. Certainly; but——

Mr. MANN. Then what is the object of refusing to require them to take an examination, where they can take the examination, and where they can pass the examination, and the examination is not competitive? Why, even in the consular service it used to be so that they required no examination; but they now require an examination. It is the whole tendency of the Government to require that a man who is appointed to a place shall take some kind of an examination. Why are these particular places excepted? What is the reason which can be given for saying that men of high position in the Census Office shall have no examination? I am not saying they should be required to pass a competitive examination, because I am aware of the fact that that would be words wasted at this time.

Mr. LANGLEY. Would the gentleman have the Assistant Director subjected to some sort of an examination?

Mr. MANN. Oh, the sentence that I refer to does not provide for the appointment of an Assistant Director at all. The section provides for the appointment of the Assistant Director by the President, by and with the advice and consent of the Senate, and the sentence which I wish to amend does not have anything to do with the appointment of the Assistant Director.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRUMPACKER. Mr. Chairman, there are twelve places that would be affected by the gentleman's amendment. The Assistant Director would not be affected at all, and neither would the private secretary to the Director. If the gentleman's amendment prevails, it will leave the appointment of these clerks and officers, I presume, as the law now provides. Those that are not required to be examined under the present law would not, of course, be required to be examined under the provisions of this bill, but it does this: Striking out "without examination" leaves the subject to be controlled by the law and the examinations would necessarily be competitive, and they would necessarily be under the civil-service law.

Mr. MANN. The gentleman will pardon me, but if you strike out the words "without examination" it leaves it optional with the Director to require the examination, because where you change the civil-service law in this respect by providing that the appointment shall be made by the Secretary of Commerce and Labor upon the recommendation of the Director of the Census, that takes it out of the civil-service law, and under this you forbid the making of an examination.

Mr. CRUMPACKER. My understanding of the effect of the gentleman's amendment is to place these positions as far as they are applicable under the civil-service law.

Mr. MANN. Well, that is not the case at all.

Mr. CRUMPACKER. Then I misunderstand the scope of that law. I understand the law provides for the appointment of certain officers, and if that class are within the classified service, there being no exception in the law, they must be appointed in the regular way.

Mr. LITTLEFIELD. But your qualification was "so far as applicable." That is the milk in the cocoanut.

Mr. CRUMPACKER. I meant so far as covered by the law.

Mr. LANGLEY. That would cover everyone except the Assistant Director.

Mr. MANN. If we provide for the creation of the places and went no further, it is extremely likely they would be appointed under the civil service, but when we provide by whom the appointment shall be made it takes it out from the civil-service law. The gentleman from Kentucky shakes his head, but he is simply in error——

Mr. LANGLEY. Simply right in this case.

Mr. MANN. It is held all through in every Department. It is a provision which has been stricken out in the legislative bill, in the Indian bill, a dozen times, nearly, within the last few weeks, because it is held that provision takes it out of the civil-service law. When you provide for the creation of places the law provides who shall appoint them, how they shall be divided, but when you provide for the creation of the places and authorize a particular official of the Government to appoint them the Civil Service Commission has nothing to do with it, and it is a change of the law.

Mr. CRUMPACKER. The gentleman may be right, but as I understand the law authorizes somebody to appoint every functionary in the Government. There must be specific authority for some particular head of Department or some particular bureau to appoint every officer we have. We have authority somewhere, and it is specific, and I insist the civil-service law does apply to specific provisions in law in relation to the power of appointment.

But I do not care to discuss that question, Mr. Chairman. The gentleman from Illinois says that this amendment would simply turn the whole question over to the Director to be exercised at his option. The Director has already exercised his option of recommending the identical provision in the bill. The commission that was appointed by the Secretary of the Department of Commerce and Labor, the head of which was Carroll D. Wright, a noted civil-service reformer, and his associates, Walter F. Willcox, Davis R. Dewey, and Willet M. Hays, recommended this provision of the bill. There are good reasons why these appointments should be made in this manner, and the Director of the Census is the best judge of any man in the country as to the peculiar kind of qualifications that are necessary for performing this work. The law imposes upon him the responsibility of its success, and of course he naturally expects as free a hand as is possible under the circumstances, in order that he may perform this tremendous work and meet properly the great responsibility that rests upon his shoulders, and he expects a corresponding degree of authority. Then, in regard to the chief statistician, a man who must be tried and experienced in statistical work.

The Director of the Census has been for more than twenty years engaged in statistical work, and he probably knows every statistician of prominence in all this country. Allow him to select the chief statistician, or recommend the one he wants as chief statistician, to the Secretary of the Department. Do not subject a man who occupies a position of such importance and prominence, and who takes it largely on account of the prestige it might give him, do not humiliate him by subjecting him to the ordinary pass examination to get into Government service, where perhaps he would be performing service for half the money he might receive for equivalent service in private life.

Mr. OLMSTED. Will the gentleman permit? Would not it reconcile his views with those of the gentleman from Illinois if instead of striking out the words "without examination" you insert between them the word "competitive," so that it would read "without competitive examination?" That would clearly leave it free from any civil-service examination, but would permit such examination as might be deemed necessary.

Mr. MANN. It would certainly meet my views.

Mr. CRUMPACKER. The last census had a provision for the very class of officers now asked for, and the gentleman from Illinois is the only man I have heard of who insists or contends that this class of officers, twelve in number, should be subject to a test examination.

Mr. OLMSTED. The gentleman referred particularly to stenographers. Of course nobody ought to be appointed as a stenographer without some examination by somebody capable of passing upon his fitness, but I would not employ one on a civil-service examination alone.

Mr. HAY. The effect of the adoption of the amendment offered by the gentleman from Illinois [Mr. MANN] would be that if the President chose he could put the twelve places under civil service. They are not places that ought to be under the civil service. But as the gentleman from Indiana [Mr. CRUMPACKER] has suggested, they are places to be filled by expert statisticians, and there can be no good purpose served in having them placed under civil service. It will be practically impossible to get the character of men that are needed for these places by putting them in that service. It has never been done, and these words are placed in the bill for the purpose, I assume, of not having them obtained in that way. I do not see any good reason to be obtained by adopting the amendment of the gentleman from Illinois [Mr. MANN].

Mr. LANGLEY. In addition to what the gentleman from Virginia [Mr. HAY] has said, and in reply to the gentleman from Illinois [Mr. MANN] I want to state that the precise question as to whether the language of this section, if the amendment of the gentleman from Illinois is adopted, would classify these places, has been passed upon by the Supreme Court. I can not cite the case, but the question is settled. Unless you put in some qualifying language which expressly indicates that Congress intends the places to be left outside of the civil service, the civil-service law and rules and regulations adopted pursuant thereto will cover them.

Mr. MANN. The gentleman is mistaken as to that. That is easily gotten at by adopting the suggestion of the gentleman from Pennsylvania [Mr. OLMSTED] in place of my amendment and inserting between the words "without examination" the word "competitive," so it shall read, "without competitive examination." That clearly takes the matter out of appointment through the Civil Service Commission and yet gives the Director the opportunity to test in some way the quality of a stenographer which this bill would permit.

Mr. LANGLEY. I was addressing myself, Mr. Chairman, to the remarks of the gentleman from Illinois wherein he asserted that the amendment which he proposed, if adopted, would not place these places in the classified service.

Mr. MANN. That is true. It will not leave them in the classified service.

Mr. LANGLEY. I desire to say that the gentleman is not correct. It would place them in the classified service. I did not want the statement to go unchallenged in the RECORD.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I wish to withdraw my amendment and offer another amendment.

The CHAIRMAN. If there is no objection, the amendment of the gentleman from Illinois will be withdrawn.

There was no objection.

Mr. MANN. I now desire to offer an amendment, that in line 11, page 2, the word "competitive" be inserted before the word "examination."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 11, page 2, before "examination," insert "competitive," so as to read, "shall be appointed without competitive examination."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. I have another amendment I wish to offer. In line 14, page 2, strike out "by and with the advice and consent of the Senate."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 14 and 15, strike out the words "by and with the advice and consent of the Senate."

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. BURLESON. I would like to have the gentleman state the reason for that.

Mr. MANN. The Constitution does not require that this official shall be appointed and confirmed by the Senate, and the only reason that can actuate anybody, that I can see, to have these positions confirmed by the Senate is in order to increase the already too greatly augmented power of Senators of the United States. This bill proposes to except these positions from the operations of the civil-service law, and the moment these principal officials, who appoint the officials below them, are required to be confirmed by the Senate it means that the Senators will control absolutely the appointment of all of the lower officials. The Constitution does not require it.

Mr. CRUMPACKER. My impression is that the Constitution requires the appointments of the President to be approved by the Senate. If it does not, I have no objection to the gentleman's amendment. I do not care whether they are confirmed or not.

Mr. MANN. I read from section 2, Article II of the Constitution, as follows:

But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments.

All through this bill it is provided that appointments shall be made by the Director of the Census.

Mr. CRUMPACKER. That is right.

The CHAIRMAN. The question is on the adoption of the amendment proposed by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

SEC. 5. That during the decennial census period the annual compensation of the officials of the Census Office shall be as follows: The Director of the Census, $7,500; the private secretary to the Director, $2,500; the Assistant Director, $5,000; the chief statisticians, $3,500 each; the chief clerk, $3,000; the disbursing clerk, $3,000; the appointment clerk, $3,000; the geographer, $2,750; the chiefs of divisions, $2,250 each, and the stenographers provided for in section 3 of this act, $2,000 each.

Mr. TAWNEY. Mr. Chairman, I want to offer an amendment to this section, and, by way of explanation, I desire to state that the salaries fixed by this section are very much in excess of the salaries paid to employees in other Executive Departments performing the same or very similar service. I think it is an unwise policy for us to fix these salaries above those paid in other Departments. It is just such discriminations about which Congress complains so much at each succeeding session. I therefore propose to reduce the salaries of the statisticians to $3,000, which is $750 in excess of the salary paid to the actuary of the Treasury Department, the only officer whose duties correspond at all with those of chief statisticians. I propose also to reduce the salary of the disbursing clerk to $2,500, which is the salary paid to the disbursing clerk in the War Department, where there is a great deal more money disbursed. I also propose to reduce the salary of the chiefs of divisions, in lines 22 and 23, from $2,250, as proposed, to $2,000, making the salary correspond with the salaries paid chiefs of divisions in other bureaus, and the salary of stenographer to $1,800, which is the highest salary paid to any stenographer employed by any Cabinet officer in the Government service.

Mr. COOPER of Wisconsin. Will the gentleman allow me to ask him a question for the purpose of obtaining information?

Mr. TAWNEY. Certainly.

Mr. COOPER of Wisconsin. Will the gentleman tell what are the duties of the appointment clerk?

Mr. TAWNEY. I do not know that I can correctly state what the duties of the appointment clerk are, and I do not care to undertake to do so in the presence of a gentleman who has served in that capacity from the State of Kentucky, and I will let him answer the gentleman from Wisconsin in my time.

Mr. LANGLEY. Mr. Chairman, I fear that I might more or less embarrass the gentleman from Minnesota if I should undertake to tell in detail all the duties of the appointment clerk of the Census Office. [Laughter.] Congressional courtesy would estop me in a good many instances. I take it that the gentleman's question is not seriously intended to call for a reply.

Mr. COOPER of Wisconsin. I assure the gentleman that it was. I do not know what the duties of the appointment clerk are.

Mr. LANGLEY. The duties of the appointment clerk, in a general way, are the same as those performed by other appointment clerks in other branches of the Government service.

Mr. COOPER of Wisconsin. What are they?

Mr. LANGLEY. The gentleman can read the law and get at that. I can not give them all now.

Mr. TAWNEY. I will say to the gentleman that the appointment clerk is not the man who makes the appointment, but selects from those recommended those who, in his judgment, would be best qualified and gives the Director the benefit of his judgment.

Mr. LANGLEY. I took it for granted that the gentleman knew that. Of course he has not the actual appointing power.

Mr. TAWNEY. Of course, in the Departments now that are under the classified service the duty of the appointment clerk is materially changed. The duty of the appointment clerk of the Treasury Department is to make selection from the eligible register of the certifications that are sent to the Treasury Department, and the same with reference to the various other Departments.

Mr. COOPER of Wisconsin. I express my surprise that the appointment clerk does not make the appointment.

Mr. TAWNEY. He makes the selection from the recommendations for the heads of departments.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

On page 3, lines 18 and 19, strike out the words "five hundred"—

Mr. LANGLEY. I want to say to the gentleman from Wisconsin that the appointment clerk does not make the appointments, but he does carry out the details in connection with the work of making appointments. The appointment clerk of the Twelfth Census, I remember, had a considerable portion of his time taken up by distinguished gentlemen in both Houses of Congress in discussing innumerable questions in that connection. It is a difficult job in any branch of the Government, and an enormous one in the Census Office during the emergency period. I would not think of undertaking it again at the salary that I received during the taking of the Twelfth Census.

Mr. PERKINS. May I ask if these appointments were under the civil service, if the gentleman's labors would not have been very much lighter?

Mr. LANGLEY. But the census, in my judgment, would in that event have been impossible. [Laughter.]

Mr. TAWNEY. Now, Mr. Chairman, these amendments I have proposed here——

Mr. CRUMPACKER. Have they been stated?

The CHAIRMAN. They have not yet been reported.

The Clerk will report the amendments.

The Clerk read as follows:

Page 3, lines 18 and 19, strike out the words "five hundred," so that it will read "three thousand." Line 20, strike out the words "three thousand" and insert "two thousand five hundred," so that it will read "disbursing clerk, two thousand five hundred." In lines 22 and 23, strike out the words "two thousand two hundred and fifty" and insert "two thousand," so that it will read "chiefs of division, two thousand," and in line 25, strike out "two thousand" and insert "one thousand eight hundred," so that it will read "and the stenographers provided for in section 3 of this act, $1,800 each."

Mr. PERKINS. Will the gentleman from Minnesota yield for just a moment?

Mr. TAWNEY. I will yield to the gentleman in just a minute. I want to say one word in explanation of these amendments. These salaries, which are proposed by the amendment I have just offered, are made to conform to the salaries of similar offices in the Treasury Department, where the duties are more responsible than they will be in the office of the Director of the Census, and also correspond with the salaries of similar employees in the War and other Departments. I do not think we should encourage this discrimination further.

Mr. MANN. Does the gentleman recognize the difference between a permanent place at a fixed salary and the obtaining of the services of an expert in a temporary office at the same salary?

Mr. TAWNEY. I do; but that has not influenced the recommendation of the Committee on the Census in respect to the other employees who are classified or provided for in classes 1, 2, 3, and 4. The services of those employees will be temporary, but they will receive only the compensation provided by statute for classes 1, 2, 3, and 4. I do not think the fact of their services being for three years, instead of a life tenure, should make any difference. I am very certain, however, that these particular officers or employees will be appointed under the classified service, and before their temporary services expire they will have found a way of being transferred into some other Department at the same salary allowed in this bill.

Mr. PERKINS. Does not the gentleman think that in leaving the salaries of the stenographers, by the amendment as proposed, at $1,800, he is still leaving them at a very high figure.

Mr. TAWNEY. I do.

Mr. PERKINS. There are competent stenographers appointed under the civil service in Washington who are glad when they reach a salary of $1,200; and that these men, appointed without any civil-service examination, should at once be placed at a salary of $1,800, does not seem to be quite fair. I hope the gentleman will put it at $1,500, which will be more than liberal.

Mr. TAWNEY. I appreciate that fact, but I do not want to appear in the attitude of criticising too severely the salaries fixed by the Committee on the Census. There are stenographers now to Cabinet officers who receive $1,800 a year. I will say that upon the recommendation of one of the Cabinet officers, at this session, we have reduced the compensation of his stenographer from $1,800 to $1,600. Now the duties of a stenographer to a Cabinet officer are certainly more important than the duties of the stenographers who are employed in the office of the Director of the Census. Their work is confined entirely to correspondence, and correspondence of a rather unimportant character as compared with the correspondence of the Secretary of the Treasury, the Secretary of War, and other Cabinet officers.

Mr. LANGLEY. The Twelfth Census act provided for two stenographers at $2,000 each.

Mr. TAWNEY. If it did, it was too much.

Mr. LANGLEY. I do not agree with the gentleman.

Mr. CRUMPACKER. If the gentleman is through speaking in relation to the salary of the expert stenographers provided in this section, I call the attention of the gentleman from New York to the fact that there are stenographers and stenographers. The stenographers provided here are two in number, the same as was provided in the law for the taking of the Twelfth Census, and they perform the duties of confidential secretaries in a large degree. They do not simply do mechanical work.

Mr. TAWNEY. That is true also with reference to the Cabinet officers. You can not justify the discrimination upon that ground.

Mr. CRUMPACKER. I will answer the gentleman from New York [Mr. PERKINS]. They do not perform simply the mechanical work of taking the dictation and writing it out upon a typewriting machine. There is a large volume of correspondence in the Census Office during the decennial period, which the expert stenographers will be expected to handle themselves.

Mr. PERKINS. But the stenographer to every Member of Congress is largely a confidential stenographer. The same is true of the stenographer to any business man or lawyer.

Mr. CRUMPACKER. If the duties and responsibilities of a Member's secretary measure up in magnitude and importance to the work of the Census Office, that has 70,000 employees during the decennial period, then the comparison may have some value.

Mr. PERKINS. They will have hundreds of other stenographers besides those two.

Mr. CRUMPACKER. The gentleman from New York is somewhat of an economist, and yet he votes year by year to pay the stenographers who are employed as the reporters of the debates of the House $5,000 a year for an average of about five month's work in the year. He votes every year to pay the stenographers who take the statements and arguments made before committees of the House $5,000 a year; yet their work is entirely mechanical, and does not average more than five months in the year. Now, he finds a good deal of fault because these expert Census Bureau stenographers, who carry large responsibilities and must have the ability to answer letters without dictation, are to be paid $2,000 a year, the amount which we paid the same officers ten years ago.

Mr. PERKINS. My friend, on the other hand, who is a lawyer, knows perfectly well that stenographers who are able to report cases in court, and still more those who are able to report the debates in the House, are an entirely different class of people from the stenographers whom the gentleman and I, and other lawyers and business men, employ to dictate their correspondence to, or who will be employed to do such work here. Their capacity is as different as that of the lawyer who tries a case in court from that of the clerk whom he employs in his office.

Mr. CRUMPACKER. But this provision is for expert stenographers.

Mr. MANN. It does not say so.

Mr. OLMSTED. The salary says so.

Mr. CRUMPACKER. There are to be two expert stenographers, who not only can take evidence in court, but try the cases in the bargain.

Mr. PERKINS. They are not required for any such work as is called for in the Census Office.

Mr. CRUMPACKER. As I said before, they will be employed as confidential secretaries, and we provide for other stenographers in the Census Office at lower rates.

Now, in relation to the disbursing officer, $2,500 is a low salary for an officer required in three years' time to disburse and be responsible for over $14,000,000. The bond that he is required to give is increased to $100,000. Where is there a county treasurer in this entire country who receives so small a sum for the responsibility and performing the service required of the disbursing officer provided for in this bill?

Mr. MANN. Does not the Government pay for the bond?

Mr. CRUMPACKER. No.

Mr. MANN. I will guarantee that the Government pays for the bond.

Mr. CRUMPACKER. The accounts of the disbursing officer have to be kept covering the great army of employees, 65,000, and those accounts must be supervised, and the disbursing officer is responsible for the accuracy of every one of them. It seems to me, in view of the responsibility and the arduous work that the supervising officer has to do, that $3,000 is a very small salary.

The gentleman from Illinois [Mr. MANN] suggested a thought to the gentleman from Minnesota [Mr. TAWNEY], and that is that these officers are temporary. Take an expert statistician, if he is out of a job and could not get one in these times, the chances are that he would not be a very expert statistician. Would a competent man give up a permanent position he already has to go into the Census Office for a term that may not exceed three years at a salary below that provided in the bill? These salaries in some respects are a little higher than the salaries fixed for the Twelfth Census. I notice, in reading the legislative appropriation bill, that they conform very closely to the salaries paid, not for the same class of service, but service not nearly so laborious as that required in the Census Office.

Mr. COOPER of Wisconsin. Mr. Chairman, I want to say a word in relation to the subject of appointment clerk. The language of the bill is, "The appointment clerk shall perform the appointment duties assigned to the disbursing clerk in section 4 of the act approved March 6, 1902, entitled 'An act to provide for a permanent Census Office.'" But in section 4 of that act there is not a word as to the appointment duties that are said to be assigned to the disbursing clerk. Section 4 of the act of March 6, 1902, provides "that there shall be in the Census Office, to be appointed by the Director thereof, * * * a disbursing clerk who shall also act as appointment clerk at an annual salary of $2,500."

Mr. PARSONS. The gentleman is reading from the act for the Twelfth Census.

Mr. COOPER of Wisconsin. I am reading from the act approved March 6, 1902, referred to in the pending bill.

Mr. PARSONS. If the gentleman will read page 32 of the report of the committee, section 4, he will find this language: "A disbursing clerk who shall also act as appointment clerk."

Mr. COOPER of Wisconsin. That is exactly what I alluded to. What I also call the attention of the gentleman from New York to is this language in the pending bill: "The appointment clerk shall perform the appointment duties assigned to the dis-

bursing clerk," in section 4 of the act of 1902. But there are no "appointment duties" prescribed in section 4 of the act of 1902. The duties of the disbursing clerk are thus defined in that section:

The disbursing clerk herein provided for shall, before entering upon his duties, give bond to the Secretary of the Treasury in the sum of $25,000, which bond shall be conditioned that the said officer shall render a true and faithful account to the proper accounting officers of the Treasury quarter-yearly, of all moneys and properties which shall be received by him by virtue of his office, with surety to be approved by the Solicitor of the Treasury. Such bond shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereon.

Does this make any mention of appointment duties? Not at all.

On the top of the next page of the bill is this language:

The disbursing clerk of the Census Office shall, at the beginning of the decennial census period, give an additional bond in the sum of $100,000.

To account for what? To account for property.

This bill provides for the payment of a salary of $3,000 to the appointment clerk, and the question is, What are the appointment clerk's duties? I infer from what was said that the appointment clerk is put as a buffer between the Director of the Census and Congressmen who go down to his office after patronage. When you come to analyze it that is exactly it. The gentleman from Kentucky [Mr. LANGLEY] practically admitted this, and then sought to retract when I asked if the appointment clerk made the selections.

Mr. LANGLEY. Not at all.

Mr. TAWNEY. I want to ask the gentleman from Wisconsin a question. Do I understand the gentleman to contend now that during the decennial census period this officer will receive the salary of the disbursing officer, a disbursing clerk, and also the salary of an appointment clerk?

Mr. COOPER of Wisconsin. I shall have to leave the gentleman to construe that for himself.

Mr. TAWNEY. That is what I would like to know, what the law is on that subject. My impression is that he may draw two salaries.

Mr. COOPER of Wisconsin. I want the gentleman to understand that when I say I propound a question for information I mean it. I want to know what the appointment duties are, and if this appointment clerk is to perform the appointment duties of the disbursing clerk, and the disbursing clerk has no appointment duties, and if he is to get a salary of $3,000 for duties not assigned to him, what the bill means by retaining the title "disbursing clerk."

Mr. LANGLEY. Mr. Chairman, I desire to suggest to the gentleman that hearing tales of woe from Congressmen and applicants for places was only one of the many functions of the appointment clerk.

Mr. COOPER of Wisconsin. I know; but is that assigned to him by section 4? Why does the bill retain that language which unintentionally misleads the House. Of course the committee did not mean to mislead the House, but I was misled by it.

Mr. LANGLEY. I am trying to answer the question, if the gentleman will pardon me. In the Twelfth Census Office there was an appointment clerk who was entirely independent of the disbursement clerk. When the permanent Census Office was organized these were consolidated. The act establishing that office provided that those two positions should in the permanent office be combined. It was an experiment, but it was believed that by combining the duties of the appointment and disbursing clerks, so that they could be performed by the same official, greater accuracy and expedition, especially in the work of disbursements, would be secured and that this combination was entirely practicable, except during the emergency periods. And the experiment was a success.

Mr. PAYNE. Was it not also understood and felt that the simple office of appointment clerk during that period would not furnish sufficient work to meet the abilities of the gentleman who held it at that time and so they put those duties on him?

Mr. LANGLEY. Not having been a Member of this honorable body at that time, I do not know what Congress understood and felt.

Mr. PAYNE. Of course the gentleman's modesty would not allow him to admit it, but I think that is probably the case. [Laughter.]

Mr. LANGLEY. I do know that the combined duties of appointment and disbursing clerk of the Census Office were a great deal more onerous than it was thought they would be at the time the permanent census act was passed. During the interim between the decennial census periods, I believe that it is as a matter of administrative——

Mr. HARDWICK. I want to interrupt the gentleman for a moment. Under this bill are we to have two separate clerks, one an appointment clerk and one a disbursing clerk?

Mr. LANGLEY. Certainly; just as we had in the Twelfth Census.

Mr. HARDWICK. Or is it, as some gentlemen seem to think, one clerk to draw two salaries?

Mr. LANGLEY. Not at all; and I am trying to show the gentleman——

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. LANGLEY. Yes; but I wish——

Mr. COOPER of Wisconsin. Why did you use the words "disbursing clerk?" In section 3 you provide specifically for the appointment of a chief statistician, and then, in line 8, for an appointment clerk, and omit the disbursing clerk.

Mr. LANGLEY. Simply because the existing law, the permanent census act, regulates that. That contains a provision for a permanent disbursing clerk, and this merely creates the position of temporary appointment clerk and transfers the appointment duties from the disbursing clerk to the appointment clerk who is provided for in section 3, and for this decennial period only. At the end of that period, in the absence of further legislation to the contrary, the duties of this temporary appointment clerk will, of course, devolve again upon the permanent disbursing clerk.

Mr. COOPER of Wisconsin. Exactly. Now then, we come to the point that confronted me when I first read it. What are the duties of the appointment clerk? What is the appointment clerk if there is to be a disbursing clerk also?

Mr. LANGLEY. I am coming to that. It will be utterly impossible during this decennial census period and when this emergency work is in progress for one man to perform the duties of disbursing officer and at the same time perform the duties of appointment clerk.

Mr. PAYNE. What became of the office of disbursing clerk when this law establishing the permanent Bureau was passed?

Mr. LANGLEY. The permanent census act continued that. It provided for the continuance of the office of disbursing clerk and abolished the office of appointment clerk, assigning his duties to the disbursing clerk.

Mr. CRUMPACKER. It consolidated the work in one position.

Mr. PAYNE. I think that explains the situation fully.

Mr. LANGLEY. I would have explained it earlier if the gentlemen had permitted me. I want to say that another important duty of the appointment clerk for the Twelfth Census, and the same will be true of the Thirteenth Census, I assume, was to supervise all the correspondence in connection with the appointments and examinations, and when you remember that there were about 3,400 or 3,500 appointments, and twice as many examined, you will readily see what an enormous undertaking that was of itself.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. LANGLEY. Certainly.

Mr. COOPER of Wisconsin. If we should not enact this bill into law containing this provision, the appointment duties assigned to the disbursing clerk by section 4 of this act—because there are no appointment duties——

Mr. LANGLEY. Of course.

Mr. CRUMPACKER. Of course the bill does not define a particular duty for each clerk. It is generally understood in the Department what the duties of an appointment clerk are, that he shall assist in making appointments.

Mr. COOPER of Wisconsin. Pardon me, this says that those duties are assigned to it by section 4, and there is not a word concerning this in section 4, therefore that should be amended.

Mr. CRUMPACKER. I beg the gentleman's pardon. In section 4 of the permanent Census Bureau act it says:

A chief clerk, at an annual salary of $2,500, who, in the absence of the Director, shall serve as Acting Director; a disbursing clerk, who shall also act as appointment clerk.

Now, that is the assignment of duties. They assign him to the duties of appointment clerk, and now during the temporary period we separate those duties and create a new office, the office of appointment clerk for the temporary period only, and he is required to perform the responsibilities of appointment clerk, a very responsible office, because it does take a lot of time. If the Director had to do this work personally he would not have much time for anything else. His time taken up with supervisory authority is such as to require all his time and it can not be taken for these details.

Mr. LANGLEY. I will call attention to the fact that this

bill does not define the duties of chief clerk for that matter. The general duties of appointment clerks in the various branches of the service were, I thought, generally understood.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Minnesota.

Mr. TAWNEY. Mr. Chairman, I would like to have the amendment reported, and I ask to have a vote taken on each amendment.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

On page 3, in lines 18 and 19, strike out "five hundred," so the clause will read "the chief statisticians, $3,000 each."

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

On page 3, line 20, strike out "$3,000" and insert "$2,500," so the clause will read "the disbursing clerk, $2,500."

Mr. TAWNEY. Mr. Chairman, I want to say this $2,500 is $250 in excess of what we pay to the disbursing officer of the Navy Department, who has the disbursement of over a hundred million dollars every year.

Mr. LANGLEY. But not 70,000 accounts to audit.

Mr. TAWNEY. He handles more accounts than they do in the Census Bureau.

Mr. CRUMPACKER. The disbursing officer of the Census does more in one month than the disbursing officer in the Navy Department does in ten.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows.

On page 3, line 23, strike out "two hundred and fifty," so it will read "the chiefs of divisions, $2,000 each."

Mr. TAWNEY. Mr. Chairman, that is the salary paid to the chiefs of divisions in all other Departments—$2,000.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. TAWNEY. Division, Mr. Chairman.

The committee divided, and there were—ayes 25, noes 35.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

In line 25 strike out "two thousand" and insert "one thousand eight hundred," so that the clause will read:

"And the stenographers provided for in section 3 of this act, $1,800 each."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. TAWNEY. Division, Mr. Chairman.

The committee divided, and there were—ayes 28, noes 37.

So the amendment was rejected.

The Clerk read as follows:

SEC. 6. That in addition to the force hereinbefore provided for and to that already authorized by law there may be employed in the Census Office during the decennial period, and no longer, as many clerks of classes 4, 3, 2, and 1; as many clerks, copyists, computers, and skilled laborers, with salaries at the rate of not less than $600 nor more than $1,000 per annum, and as many messengers, assistant messengers, messenger boys, watchmen, unskilled laborers, and charwomen, as may be found necessary for the proper and prompt performance of the duties herein required, these additional clerks and employees to be appointed by the Director of the Census: *Provided*, That the total number of such additional clerks of classes 2, 3, and 4 shall at no time exceed 100: *And provided further*, That employees engaged in the compilation or tabulation of statistics by the use of mechanical devices may be compensated on a piece-price basis to be fixed by the Director.

Mr. TAWNEY. Mr. Chairman, I move to strike out that section. I want to say for the information of the committee that if this section is stricken out I shall also move to strike out the next section, and my motive for doing so is this: In the first place, section 6, as drafted—and I say this without intending any criticism upon the Committee on the Census at all—is one of the most peculiarly worded sections authorizing the employment of personal service in any bureau or any Department in Washington that I have ever seen or ever read. Authority is given to the Director of the Census here, without any estimate whatever as to what number of clerks may be required of these various classes, to employ as many as he sees fit to employ up to a maximum of 100. And he may employ as many messengers as he sees fit to employ, he may employ as many charwomen as he sees fit to employ, and as many laborers as he may see fit to employ without any restrictions or limitations whatever.

Now, there is no necessity for any authorization for clerks at this time. The Director of the Census may be authorized at the next session of Congress to appoint clerks and he can then submit estimates in detail as to the number of clerks that will be required for the service. He can not make an estimate now. He can after this bill passes and becomes a law without this section, knowing the character of the work required.

With the aid of that information and with the aid of the experience of the Bureau, submit a detailed estimate to Congress as to the number of clerks that will be required and the number in each of the different classes, the number of charwomen, and the number of messengers. In this way we can avoid the blanket authority for the appointment of clerks and the payment of salaries out of lump-sum appropriations. While you specify the different classes you put no limitation at all upon the number that may be employed in each class, except the limitation of 100, which is 55 more than in the old law. Now, I think the chairman of the committee will agree with me that neither of these two sections are at all essential at this time. These clerks that are provided for in section 6 and section 7 will not be appointed until after the expiration of the current fiscal year, so that there will be ample time to provide for them at the next session of Congress. Then the Director of the Census can submit an estimate in detail as to the number of clerks in all of these different classes that will be required, and the committee of the House will have an opportunity to examine into the necessity of the number estimated for, just as the committee of the House examines the estimates from other Departments. I submit to the gentleman in charge of the bill that we ought not to give this wide-open authority to the Director of the Census to employ as many people as in his judgment may be necessary outside of the classified service. Who can tell to-day that 100 clerks in classes 1, 2, 3, and 4 will be required? I think it is bad legislation and necessarily leads to bad administration.

Mr. PAYNE. I want to ask the gentleman from Minnesota if he has not overlooked the statement of the unlimited authority given by the provision in line 5? Before that he can employ "as many clerks in classes 4, 3, 2, and 1," and then it goes on and says "as many clerks, copyists, computers, and skilled laborers, with salaries at the rate of not less than $600 nor more than $1,000 per annum." There is no limit on that class.

Mr. TAWNEY. None at all.

Mr. PAYNE. The gentleman spoke of the unskilled laborers, messengers, and watchmen. The proviso limits only the number of clerks in classes 1, 2, 3, and 4, so that the unlimited part seems to be greater than the gentleman stated.

Mr. TAWNEY. I am obliged to the gentleman from New York for calling attention to it. I intended to call attention to the provision here which says, "as many clerks, copyists, computers, and skilled laborers, with salaries at the rate of not less than $600 nor more than $1,000 per annum."

There is absolutely no limitation upon the number that he can employ. And these men will be paid largely out of lump-sum appropriations, because it will be physically impossible, or, as least claimed, I assume, to be impossible, for the Census Bureau to submit detailed estimates in all particulars in respect to this service. And therefore many of these whose employment is authorized generally will be paid out of these lump-sum appropriations.

I submit, Mr. Chairman, in all candor to the gentleman in charge of the bill that this section ought to go out; and if it does go out, then the committee should also defer the consideration of the other section until the next session of Congress, and then both sections can be considered together.

Mr. CRUMPACKER. Mr. Chairman, I do not agree with the gentleman from Minnesota at all. His fears are not well grounded. The Director of the Census can not employ a single clerk except the Committee on Appropriations provides money for it. The Committee on Appropriations in the first place will examine the Director of the Census; will require an estimate from him respecting the cost of administration, and that committee will report appropriations commensurate with the demands of the office as they are explained. Now, if this section goes out, there is no authority in the Director of the Census or anybody else to appoint this great army of clerks, who are necessary to carry on the work of the office. If the Committee on Appropriations next year should report a provision for so many clerks for the Census Office and so many messengers and so many charwomen and some gentleman should make a point of order against it and say, "Where is the law authorizing the appointment of clerks, messengers, etc., to the Census Office," the point of order would be sustained and the appropriation would fail.

This bill would be the authority for their appointment, and

the Committee on Appropriations will be authorized, under the rules of the House, to make appropriation for the payment of a sufficient number of clerks to conduct the affairs of the Office. The Committee on Appropriations will make an investigation. The gentleman knows that. I do not understand how he came to take so utterly indefensible an attitude in relation to this question. Now, it is the same section, identically, that was in the Twelfth Census bill, a bill that the gentleman from Minnesota assisted in passing. The gentleman was a Member of the House, and I am quite sure he voted for that bill. He made no such criticism against it then; no such criticism was made against the bill by any Member of the House. The Director of the Census stated in a hearing before the Committee on the Census that it was utterly impossible for him to know how many clerks, messengers, and other employees might be required. The work is largely mechanical, and the number of employees depends somewhat upon the number of tabulating machines or mechanical devices they may be using in the Office.

This bill, Mr. Chairman, provides for emergency work; it is a stupendous undertaking, and imposes great responsibilty upon the Director of the Census. Now, the gentleman from Minnesota asks us to tie his hands. If he is to perform this work in a creditable manner and publish the results within the period fixed by the bill, he must of necessity have a large discretionary power. Every census law has recognized that fact, and no Member of the House who has any knowledge of the magnitude of the undertaking would think of requiring the Director to particularize, or of limiting him in the number of clerks and employees except through the appropriations. The committee over which the gentleman from Minnesota so ably presides is always critical of estimates and always thoroughly investigates every request for an appropriation. I will venture to say that not a single clerk, not a single messenger, not a single charwoman, will escape the scrutinizing eye of the gentleman from Minnesota. [Laughter.]

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. CRUMPACKER. I will.

Mr. MANN. Will the gentleman inform us how many clerks of classes 2, 3, and 4 were provided for the Twelfth Census?

Mr. CRUMPACKER. I do not have that in mind.

Mr. MANN. Were they provided for except in the law providing for the Twelfth Census?

Mr. LANGLEY. There was fully as much power in the Twelfth Census act as it is proposed to give the Director in this bill.

Mr. MANN. If the gentleman wants the information I can give it to him, for the purpose of asking him another question.

Mr. CRUMPACKER. I do not have it in mind.

Mr. MANN. The act provides twelve clerks of class 4, fifteen clerks of class 3, twenty of class 2. This provides for 100 clerks of class 4, if they choose to appoint them.

Mr. BURLESON. Not to exceed.

Mr. CRUMPACKER. Not to exceed 100.

Mr. MANN. That is 100 if they choose to appoint them?

Mr. CRUMPACKER. Yes.

Mr. MANN. What reason is there for more than double the number of clerks of the three classes this census over last census?

Mr. CRUMPACKER. Because I presume there are exigencies that might come up which would require them; and it is recommended by the Director, who is thoroughly familiar with the work of the last census. I presume, doubtless, that sometimes there was not a sufficient force of classified clerks in the Department in the last census. Now, I repeat, that can all be taken care of by the Committee on Appropriations.

They can take care of that when the time comes to make appropriations.

Mr. MANN. The gentleman, I think, is mistaken about that, because no census appropriation is itemized to the extent of defining the number of clerks in different classes or at different salaries. The census appropriation is a lump-sum appropriation, and while it is possible that the Committee on Appropriations might require specific estimates——

Mr. TAWNEY. The law requires it.

Mr. MANN. It is also true that the Director of the Census is unable to furnish specific estimates a year in advance, so that you have to make a lump-sum appropriation.

Mr. CRUMPACKER. The proposition now is for the Committee of the Whole House to impose limitations on the power of the Director of the Census in the employment of clerks that the gentleman from Illinois says the Committee on Appropriations will not be able to impose a year hence, when the appropriations are to be made.

Mr. MANN. I am not making that proposition.

Mr. CRUMPACKER. The gentleman is making a statement which amounts to that.

Mr. MANN. No; I am not. Here you are making a provision for clerks of classes 1, 2, 3, and 4, and it appears that as to some of these employees you have more than doubled the number. I ask why?

Mr. CRUMPACKER. We have increased the number of expert chiefs of divisions, because in the administration of the office it has been found expedient. In the last census there would be a chief of division who would be in charge of 2,000 employees sometimes, and he could not properly supervise them, and we thought it wise to create eight or ten more subdivisions with chiefs over them, in order that the work in the office could have adequate supervisory control.

Mr. MANN. You only provide for eight expert chiefs of division.

Mr. CRUMPACKER. Eight in addition to those there are in the office now, and we have in the permanent office now as many as we had in the office during the Twelfth Census.

Mr. MANN. Does the gentleman mean to say that the permanent office, which is only carried along for the purpose of getting ready to take the Thirteenth Census, already has as many expert chiefs of division as they had when they were actually taking the last census?

Mr. CRUMPACKER. I will correct that. I think there are one or two less.

Mr. MANN. I should hope they had a good many less.

Mr. CRUMPACKER. This bill provides for eight additional chiefs of divisions.

Mr. PAYNE. If the gentleman will allow me, I want to ask the gentleman from Indiana a question, and perhaps the gentleman from Illinois [Mr. MANN] will also be interested in it. I notice when we were considering the last section the economical soul of my friend on the left was highly agitated about the question of salaries. His economy then was on the side of high salaries for clerks and stenographers. The argument which he made, and which was accepted by my friend from Indiana, was that the appointees in the Office should have higher salaries, because they were only to be employed for three years and then turned out. Now, why should not all these clerks in this section be similarly treated? Has the gentleman from Indiana overlooked the fact that they are only to be employed for three years, during the census period, and then to be turned out? Why is it that they are not paid on a higher basis? Is not the argument as good here as it was on the last section? Of course I voted for the reduction of the salaries on the other section and I am in favor of leaving these salaries without increasing them; but I wanted explanations from the gentlemen. I wanted them to reconcile their attitude on this section with their attitude on the other.

Mr. MANN. In order to ease the soul of the gentleman, I will say to him that I propose to offer an amendment fixing the highest salaries here at $1,200 instead of $1,000. I think they are too cheap as they are now.

Mr. CRUMPACKER. That, I suppose, will obviate the necessity of the gentleman from New York [Mr. PAYNE] offering that amendment.

Mr. PAYNE. As I said, I am satisfied with this, but I wanted the gentleman from Indiana to explain it.

Mr. OLMSTED. I am not disturbed about the amount of discretionary power proposed to be put in the hands of the Census Director. I think the suggestion of the gentleman from Indiana ought of itself to be sufficient to induce us to retain the provision, for without it the next Congress can not appropriate in the general appropriation bill for a single clerk against the objection of any Member that it violates the rule of the House against appropriating for any object without previous authority of law.

This act is to provide the previous authority of law. When we have done that we have practically placed this Census Bureau, in that regard, upon precisely the same footing as every one of the Departments of the Government, which is already authorized by act of Congress to appoint as many clerks as it pleases, provided the Appropriation Committee will appropriate for them. There is no limit on the number of clerks that may be appointed in the Treasury or War Department or the Navy Department. All that is required is to get an appropriation, and the Department may appoint the clerk.

Mr. TAWNEY. Mr. Chairman, I will say in that respect the gentleman is mistaken. The estimate as to the number of clerks required for the fiscal year in the Treasury and other Departments is submitted to Congress in order that the Congress may determine the amount that shall be appropriated, and also determine the number of clerks that shall be employed.

Mr. OLMSTED. That is not in contradiction of anything I

have said. The general act now on the statute book gives unlimited authority to the heads of the several Departments to appoint as many clerks as they please, provided Congress will appropriate for their salaries. They come to the Appropriation Committee and say, "We want an appropriation for so many clerks." That is exactly what the head of the Census Bureau will do when this provision shall become law. He will come in and say he needs so many clerks, and if he convinces the committee, he will get the appropriation for them. If he does not, he will have difficulty. The Director of the Census will stand, when we pass section 6, in precisely the same position that the head of every Department stands to-day.

Mr. MANN. I think the gentleman from Minnesota this time is wrong on this proposition, and for this reason: If this section should go out of the bill and the Committee on Appropriations should bring in in the legislative bill next time appropriations specifying a certain number of clerks for the Census Office which exceeded the number now in the permanent Census Office, it would be subject to a point of order. Any one could say there is no provision of law authorizing the Director of the Census to employ these specific clerks, and hence the item goes out on a point of order. While they could make a lump-sum appropriation for the census which could be used for the employment of clerks, the Committee on Appropriations could not report specifically for the employment of any certain number of clerks, because there is no authority in the law providing for the employment of those clerks. If this provision remains in the bill, the Director has authority to appoint such clerks as he pleases, and he will not employ anybody that is not appropriated for, because nobody will go in unless he can draw a salary.

Under this provision the Committee on Appropriations may, if it is required, specifically state how many clerks in class 1, how many in class 2, how many in classes 3 and 4, how many copyists, how many charwomen, how many laborers or messengers, and may report specifically the items for the number they find to be proper, and these provisions are not subject to a point of order in the House. It seems to me for that reason that we ought to put in the provision in the bill, so that in the future the House will have better control over the appropriations.

Now, my distinguished friend from New York [Mr. PAYNE] seemed to desire to call attention to the fact—which I am glad to have called to the attention of the House and go in the RECORD—that I just voted in favor of paying larger salaries for the temporary places. I do not believe, Mr. Chairman, that there is any reason why we should undertake to take the census with cheap employees. Nor do I believe it possible to obtain the service of expert census takers at the same salary where the positions are temporary that we pay for salaries in the permanent bureau and Departments of Government, nor do I believe we ought to expect or require the large number of clerks who will undoubtedly be brought to Washington from places all over the United States to serve here at a salary of a thousand dollars a year. It seems to me, that since we have raised, for instance, the pay of clerks of Members of Congress from $1,200 to $1,500 a year within a short period of time, if we expect to bring young men of the country to Washington to do this census work, we ought to be willing to pay them at least $100 a month for their best services.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Does my friend anticipate that they will be brought here from many parts of the United States?

Mr. MANN. My time has expired, and I have not time to answer the question.

Mr. TAWNEY. Mr. Chairman, in closing the debate on this amendment, I want to call to the attention of the committee the fact that in the vote which members of the committee cast against my amendments to decrease the proposed salaries in the section just passed, they have voted to increase the salaries of the employees now in the office of the Director of the Census during the period of the taking of the next census. I apprehend that many men voted upon the statement of the gentleman from Illinois [Mr. MANN] that these salaries were provided for temporary employees, whereas, as a matter of fact, they have increased the salaries of permanent employees in the Director's office, and I am sorry that that distinguished watchdog of the Treasury, the gentleman from Arkansas [Mr. MACON] was not in his seat when this work of increasing the salaries was going on. We have increased the salary of the geographer from $2,000 to $2,750.

Mr. CRUMPACKER. Two thousand five hundred dollars.

Mr. TAWNEY. Two thousand dollars carried in the current law, the legislative act which I have in my hand.

Mr. MANN. And the gentleman did not even move to reduce it.

Mr. TAWNEY. And you have increased the salary of the stenographer in the Director's office from $1,500 to $2,000.

Mr. CRUMPACKER. No, indeed.

Mr. TAWNEY. The current law carries the stenographer at $1,500 in the Director's office.

Mr. CRUMPACKER. The gentleman is mistaken. These stenographers are in addition to those already in the office.

Mr. TAWNEY. It does not say so.

Mr. CRUMPACKER. It says so in section 3.

Mr. TAWNEY. It is entirely competent for the Director of the Census to simply promote his present stenographer now getting $1,500 to a salary of $2,000.

Mr. CRUMPACKER. Then he would have to appoint somebody else to his present position.

Mr. TAWNEY. Yes; then he will appoint somebody else for the temporary service, but at the salary now paid his stenographer—$1,500 a year.

Mr. LANGLEY. Will the gentleman yield for a question?

Mr. TAWNEY. I simply call attention to this section, the section as already passed. All the amendments I offered to lower the salaries or equalize the salaries paid for like service in other Departments were voted down, and I simply want to advert to the fact that the committee has voted to increase the salaries of the permanent force in the office of the Director of the Census.

Mr. CLARK of Missouri. I would like to ask the gentlemen if they are not increasing these salaries upon the theory that they are appointed for a short term, and, if that is true, how does it happen that under that they are increasing the salaries of the fellows that have a life term?

Mr. TAWNEY. They do not distinguish between the people who are now in the Office and the people who may come into that Office under the authority of this act. Of course the clerks who are now in that Office and the stenographers who are permanently employed can be advanced to those $2,000 and $2,500 and $3,500 positions during the census period, because their experience would make them the more valuable, and then those who are appointed under this law will take the lower salaries during the census period, and when the census period has expired the people who have been brought into the Office during the census period will be dismissed and the permanent force will remain, but their salaries will then be reduced to the permanent salaries authorized under existing law. I call attention to this because of the fact that we are liable to be misled in regard to some of these provisions unless we are careful to analyze the statements that are made in regard to them. My distinguished friend from Illinois [Mr. MANN] and my distinguished friend from Indiana [Mr. CRUMPACKER] are both mistaken when they say that the number of people that will be employed under this blanket authority will be limited by the Committee on Appropriations in the next session of the Congress or whenever the appropriation is made for this service.

The appropriation for the taking of the census, as I said before, will be made largely in lump-sum appropriations. That lump sum will be available for the payment of compensation, not only to the clerks here in the city of Washington, but to the clerks all over the United States, and I imagine that the appropriation hereafter will be as it has been heretofore—that which is made for the service outside of the city of Washington will be available for the payment of compensation of those who are employed within the city of Washington, so that under this blanket authority for the appointment of clerks the only limit will be discretion of the appointing officer. It will be a physical impossibility for the Committee on Appropriations or for this House to determine how much of the appropriation will be expended for clerical service here in the city of Washington and how much will be expended outside of the city of Washington.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. TAWNEY. Now, that being so, Mr. Chairman, I say that the Committee on the Census at the next session of Congress should bring in a bill specifically authorizing the appointment of as many clerks of class 1, of classes 2, 3, and 4, as in the judgment of the Director may be necessary for the carrying on of this work, also the number of charwomen, messengers, etc., and then when the Committee on Appropriations makes

the appropriation for this service it will be upon estimates submitted by the Director of the Census for specific employment and not the appropriation of a lump sum out of which he may pay as many employees as he sees fit.

Mr. OLMSTED. Will the gentleman permit me to ask him a question?

Mr. TAWNEY. Yes, sir.

Mr. OLMSTED. Why must we appropriate a lump sum? Why not appropriate for so many clerks of class 1, so many clerks of class 2, or 3, and so many of the various other classes?

Mr. TAWNEY. In order to do that we must have them estimated for, and there is no provision here for submitting a detailed estimate. I propose if this section is retained to offer an amendment requiring the Secretary of Commerce and Labor to submit in detail estimates as to the number of clerks that will be required for this service, in order that we may avoid the extravagance incident to an appropriation for payment for personal services out of a lump-sum appropriation, and I submit that inasmuch as we are now considering this law a year in advance of the time that it is necessary to pass this bill, there will be plenty of time for the Director of the Census to submit his detailed estimates to the Committee on the Census at the next session and let them bring in a bill here specifically authorizing the number of employees, so that estimates can then be regularly submitted and appropriations made for them.

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota to strike out section 6 of the bill.

The question was taken, and the amendment was rejected.

Mr. CRUMPACKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. FULLER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16954) to proivde for the Thirteenth and subsequent decennial censuses, and it had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. KNAPP was granted leave of absence for ten days on account of sickness in family.

MEETING OF INTERPARLIAMENTARY GROUP IN CONGRESS FOR PEACE AND ARBITRATION.

Mr. BARTHOLDT. Mr. Speaker, I desire to call the attention of Members to a meeting of the Interparliamentary Group for Arbitration and Peace of the Congress of the United States, which has been called to meet this afternoon at 4.30 in the large hall in the southwest corner of the Office Building on the third floor, and I should like to invite all Members to attend that meeting.

ENROLLED JOINT RESOLUTIONS AND BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions of the following titles, when the Speaker signed the same:

H. J. Res. 130. Joint resolution providing for salaries of the Resident Commissioners from the Philippine Islands; and

H. J. Res. 139. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1171. An act granting a pension to Mary A. Sands;

S. 1403. An act granting an increase of pension to Martha Stewart;

S. 1408. An act granting an increase of pension to Elizabeth Sweat;

S. 1405. An act granting an increase of pension to William C. O'Neal;

S. 920. An act granting an increase of pension to Martha A. Kenny;

S. 638. An act granting a pension to Emily Ayres.

S. 524. An act granting an increase of pension to John Lowder;

S. 417. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company;

S. 1404. An act granting an increase of pension to John Lourcey;

S. 523. An act granting an increase of pension to John S. Hyatt;

S. 57. An act granting a pension to Alvah Moulton;

S. 1406. An act granting an increase of pension to Hester Kite;

S. 1757. An act granting an increase of pension to Jane C. Stingley; and

S. 1423. An act granting an increase of pension to Nancy Motes;

ENROLLED BILL PRESENTED TO PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 14638. An act to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 17 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, submitting statement of expenditures in the Coast and Geodetic Survey for the fiscal year ending June 30, 1907—to the Committee on Expenditures in the Department of Commerce and Labor and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting the report of Charles M. Pepper on trade conditions in Ecuador—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Homochitto River, Mississippi—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of July Anderson, jr., administrator of estate of July Anderson, sr., against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. F. Vann, administrator of estate of Leroy Campbell, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Jesse A. Wallace against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the heirs of estate of Joshua White against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Trustees of Alleghany College, of Blue Sulphur, W. Va., against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of S. C. Stewart, administrator of estate of J. M. Curry, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John Zillah and Mary T. Goss, heirs of estate of Joseph C. Zillah, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of H. B. Godbee, son and heir of Albert Godbee, deceased, against The United States—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 13097) to enable the city of Phoenix, in Maricopa County, Ariz., to issue bonds of said municipality for the purpose of funding its floating indebtedness incurred prior to July 1, 1906, reported the same without amendment, accompanied by a report (No. 978), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

The bill (H. R. 17464) granting arrears of pension to Julia P. Bate—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

The bill (H. R. 16455) for the relief of Isidore Cohen—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 9590) granting a pension to Joseph R. Sullivan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 15210) granting a pension to Ferdinand Williams—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SPARKMAN: A bill (H. R. 17503) for the purchase of additional land for garrison purposes adjacent to the military reservation of Fort Taylor, Key West, Fla.—to the Committee on Appropriations.

By Mr. DAVENPORT: A bill (H. R. 17504) to provide for the erection of a public building at Muskogee, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. SPARKMAN: A bill (H. R. 17505) to provide for the erection of a public building for the use of the United States court, custom-house, and post-office in the city of Key West, Fla.—to the Committee on Public Buildings and Grounds.

By Mr. SHERMAN: A bill (H. R. 17506) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897—to the Committee on Ways and Means.

By Mr. DENVER: A bill (H. R. 17507) to extend the franking privilege to literature published by the agricultural colleges and experiment stations of the States and Territories—to the Committee on the Post-Office and Post-Roads.

By Mr. MORSE: A bill (H. R. 17508) for the establishment of a light-house and fog-signal station at the easterly end of Michigan Island, Apostle Group, westerly end of Lake Superior, Wisconsin—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17509) to establish a safe, flexible, and uniform currency to be issued by the United States of America and protected by a coin reserve—to the Committee on Banking and Currency.

By Mr. WALLACE: A bill (H. R. 17510) to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17511) to construct a bridge at Parkdale, Ashley County, Ark.—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17512) to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot—to the Committee on Interstate and Foreign Commerce.

By Mr. KÜSTERMANN: A bill (H. R. 17513) to amend the national banking laws of the United States—to the Committee on Banking and Currency.

By Mr. SMITH of Arizona: A bill (H. R. 17514) to provide additional station grounds for the Arizona and California Railway Company in the Colorado River Indian Reservation, Ariz.—to the Committee on Indian Affairs.

By Mr. GAINES of Tennessee: A bill (H. R. 17515) to provide for a national road near Nashville, Tenn.—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 17516) to increase the membership of the Philippine Commission by one member—to the Committee on Insular Affairs.

By Mr. BENNET of New York: A bill (H. R. 17517) to amend section 842 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. CAPRON: A bill (H. R. 17518) for the establishment of a gas and whistling buoy off Point Judith, Rhode Island—to the Committee on Interstate and Foreign Commerce.

By Mr. RHINOCK: A bill (H. R. 17519) for the relief of the Kentucky drafted men—to the Committee on War Claims.

By Mr. DALZELL, from the Committee on Ways and Means: A bill (H. R. 17520) for the relief of tobacco growers—to the Union Calendar.

By Mr. CALDER: A bill (H. R. 17521) concerning wrecks that may occur on the Atlantic coast—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: A bill (H. R. 17522) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," approved February 6, 1907—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 17523) to amend the act approved June 30, 1906, entitled "An act creating a United States court for China, and prescribing the jurisdiction thereof"—to the Committee on Foreign Affairs.

By Mr. CLAYTON: A bill (H. R. 17524) to provide for circuit and district courts of the United States at Dothan, Ala.—to the Committee on the Judiciary.

Also, a bill (H. R. 17525) to extend the operation until March 4, 1909, of the act approved March 4, 1907, entitled "An act to amend an act entitled 'An act for the relief of certain homestead settlers in the State of Alabama,' approved February 24, 1905"—to the Committee on the Public Lands.

By Mr. SAUNDERS: A bill (H. R. 17526) to enlarge the United States court-house and post-office building at Danville, Va.—to the Committee on Public Buildings and Grounds.

By Mr. FOSS: A bill (H. R. 17527) to equalize and fix the pay of the Navy and the Marine Corps, and for other purposes—to the Committee on Naval Affairs.

By Mr. TIRRELL: A bill (H. R. 17528) to establish a fish-cultural station in the State of Massachusetts—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURNETT: A bill (H. R. 17529) to provide a site and erect a public building at Cullman, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. SIMS: A bill (H. R. 17530) to prevent the manufacture and sale of alcoholic drinks in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LLOYD: Resolution (H. Res. 254) for the increase of pay for certain employees of the House—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 17531) granting an increase of pension to Benjamin F. Ryan—to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 17532) granting an increase of pension to Lawrence Griffin—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 17533) granting an increase of pension to Frederick Wolfel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17534) to place Austin J. Chapman on the retired list of the United States Army—to the Committee on Military Affairs.

By Mr. ASHBROOK: A bill (H. R. 17535) granting a pension to Albert Hofacker—to the Committee on Pensions.

By Mr. BROUSSARD: A bill (H. R. 17536) for the relief of estate of Francois V. Breaux, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17537) for the relief of the estate of Lessin Guidry, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17538) for the relief of heirs of Antoine Clavel, deceased—to the Committee on War Claims.

Also a bill (H. R. 17539) for the relief of heirs of Mrs. Celestine Vavasseur, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17540) for the relief of heirs of Henry Vedrine and Alexis Hebert, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17541) for the relief of heirs of George Sallinger, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17542) for the relief of heirs of Edward Sigur, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17543) for the relief of the estate of Charles Jolivet, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17544) for the relief of the estate of Leandre Campo & Co.—to the Committee on War Claims.

Also, a bill (H. R. 17545) for the relief of the estate of Numa Vives—to the Committee on War Claims.

Also, a bill (H. R. 17546) for the relief of Pierre Breaux—to the Committee on War Claims.

Also, a bill (H. R. 17547) for the relief of J. B. Cheppert—to the Committee on War Claims.

Also, a bill (H. R. 17548) for the relief of Sylvester Chevalier—to the Committee on War Claims.

Also, a bill (H. R. 17549) for the relief of Paul Duhon—to the Committee on War Claims.

Also, a bill (H. R. 17550) for the relief of Bennett Lilly—to the Committee on War Claims.

Also, a bill (H. R. 17551) for the relief of Raphael Segura—to the Committee on War Claims.

Also, a bill (H. R. 17552) for the relief of Mrs. Katherine Smith—to the Committee on War Claims.

Also, a bill (H. R. 17553) for the relief of Julien Semere—to the Committee on War Claims.

By Mr. BRUNDIDGE: A bill (H. R. 17554) granting an increase of pension to Hiram E. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17555) granting an increase of pension to Thomas Hawkins—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 17556) to grant an honorable discharge from the military service to Robert C. Gregg—to the Committee on Military Affairs.

By Mr. BURTON of Delaware: A bill (H. R. 17557) granting a pension to Ansenath Fletcher—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 17558) for the relief of R. F. McPherson—to the Committee on Military Affairs.

By Mr. CAPRON: A bill (H. R. 17559) granting an increase of pension to James Cavanaugh—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 17560) to remove charge of desertion against J. M. Jordan—to the Committee on Military Affairs.

Also, a bill (H. R. 17561) granting an increase of pension to Charles Spaulding—to the Committee on Pensions.

By Mr. CHANEY: A bill (H. R. 17562) granting an increase of pension to John McIndoo—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 17563) granting an increase of pension to William H. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17564) granting an increase of pension to Matthew Crawford—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 17565) granting a pension to Rachael L. Pool—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 17566) granting an increase of pension to James M. Huff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17567) for the relief of Jesse Bates—to the Committee on the Public Lands.

By Mr. DAWES: A bill (H. R. 17568) granting a pension to Judson H. Hovey—to the Committee on Pensions.

By Mr. DAWSON: A bill (H. R. 17569) granting a pension to Adaline Fowle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17570) for the relief of Charles Max Wittig—to the Committee on War Claims.

By Mr. DENVER: A bill (H. R. 17571) to correct the military record of John S. Cadamy, remove the charge of desertion therefrom, and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. DUREY: A bill (H. R. 17572) for the relief of George M. Voorhees—to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 17573) granting an extension of patent to John C. Wingate—to the Committee on Patents.

By Mr. FLOYD: A bill (H. R. 17574) granting an increase of pension to Thomas D. Marshall—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 17575) granting an increase of pension to Elias C. Minium—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17576) granting an increase of pension to George W. Vertz—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 17577) to remove the charge of desertion from the record Robert G. Waud—to the Committee on Naval Affairs.

Also, a bill (H. R. 17578) granting a pension to W. A. Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17579) granting a pension to Elizabeth Newbanks—to the Committee on Pensions.

Also, a bill (H. R. 17580) granting a pension to Nancy E. McKinley—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 17581) granting a pension to Wedderspoon Keiller—to the Committee on Pensions.

By Mr. GOEBEL: A bill (H. R. 17582) to correct the date of discharge of James W. McLaughlin, first lieutenant Company C, Benton Cadets, Missouri Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 17583) granting an increase of pension to Thomas J. Pavy—to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 17584) granting a pension to R. B. Jones—to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 17585) granting a pension to Victoria Blanton—to the Committee on Pensions.

By Mr. HAY: A bill (H. R. 17586) granting a pension to Belle V. Jett—to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 17587) granting an increase of pension to James W. Crook—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 17588) granting a pension to Nellie J. Staley—to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 17589) to remove the charge of "absence without leave" standing against George W. Bell—to the Committee on Military Affairs.

By Mr. KNOPF: A bill (H. R. 17590) granting an increase of pension to John E. Tavenner—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 17591) granting a pension to Cora E. Davis and Minnie J. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17592) to correct the military record of Jasper Dobson—to the Committee on Military Affairs.

Also, a bill (H. R. 17593) granting an increase of pension to Shelby Bertram—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17594) granting an increase of pension to C. M. Skinner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17595) granting an increase of pension to James W. Sanford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17596) granting an increase of pension to John S. Wingfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17597) granting an increase of pension to Avery H. Baucom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17598) granting an increase of pension to William Corkran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17599) granting an increase of pension to Andrew J. Richards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17600) granting an increase of pension to John T. Bryant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17601) granting an increase of pension to James M. Watts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17602) granting an increase of pension to Robert W. Hardin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17603) granting an increase of pension to William O. Hamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17604) granting an increase of pension to J. L. Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17605) granting an increase of pension to Andrew J. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17606) granting a pension to John R. C. Tucker—to the Committee on Pensions.

Also, a bill (H. R. 17607) granting a pension to Jesse Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17608) granting a pension to Shray J. Harwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17609) making an appropriation for the legal heirs of Elisha F. Capps—to the Committee on War Claims.

By Mr. LANDIS: A bill (H. R. 17610) to correct the military record of Ovid B. Orr—to the Committee on Military Affairs.

By Mr. LANING: A bill (H. R. 17611) granting a pension to Amelia Southard—to the Committee on Pensions.

Also, a bill (H. R. 17612) granting an increase of pension to Allen Post—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17613) granting a pension to Mary Kilburn—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 17614) granting an increase of pension to Catharine Boykin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17615) for the relief of George W. Newman, guardian of Joseph W. Newman—to the Committee on War Claims.

By Mr. LILLEY: A bill (H. R. 17616) granting an increase of pension to Edwin W. Braman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17617) granting an increase of pension to Henry M. Prindle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17618) granting an increase of pension to John M. Gallagher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17619) granting an increase of pension to Francis Hoey—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 17620) granting an increase of pension to John Murray Murch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17621) granting a pension to Joseph Parker—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 17622) for the promotion of Joseph A. O'Connor, carpenter in the United States Navy, to the rank of chief carpenter and placing him on the retired list—to the Committee on Naval Affairs.

By Mr. MURPHY: A bill (H. R. 17623) granting an increase of pension to John Kolb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17624) granting an increase of pension to Reuben Sutton—to the Committee on Invalid Pensions.

By Mr. PARKER of South Dakota: A bill (H. R. 17625) granting an increase of pension to Samuel Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17626) granting an increase of pension to Seward Q. Payne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17627) granting an increase of pension to Hilan Hoskin—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 17628) to complete the military record of William M. Burrows—to the Committee on Military Affairs.

By Mr. REID: A bill (H. R. 17629) granting an increase of pension to Perry Cumpton—to the Committee on Pensions.

Also, a bill (H. R. 17630) granting an increase of pension to Martha Shinn—to the Committee on Pensions.

By Mr. RHINOCK: A bill (H. R. 17631) granting an increase of pension to Lewis Michaels—to the Committee on Pensions.

Also, a bill (H. R. 17632) granting an increase of pension to William Selhorst—to the Committee on Pensions.

By Mr. RIORDAN: A bill (H. R. 17633) granting an increase of pension to Mrs. H. V. Holdsworth—to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 17634) for the relief of the legal representatives of John M. Lester, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17635) granting a pension to Richard Hudson—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 17636) for the relief of the heirs of J. J. Montgomery—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 17637) granting an increase of pension to George W. Nicholson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17638) to correct the military record of George L. Patterson—to the Committee on Military Affairs.

By Mr. STURGISS: A bill (H. R. 17639) granting an increase of pension to Marcellus Albright—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 17640) to authorize the issuance of a patent to the assignees of Warner Dailey for land located in Choctaw County, State of Alabama—to the Committee on the Public Lands.

By Mr. WASHBURN: A bill (H. R. 17641) granting a pension to Seraphina E. Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17642) granting a pension to Alice E. Mahon—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 17643) granting an increase of pension to Thomas J. O'Hara—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 17644) to pay to the heirs of R. G. Martin, deceased, for cotton taken during the civil war—to the Committee on War Claims.

By Mr. WATSON: A bill (H. R. 17645) granting a pension to Edmond Castator—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 17646) for the relief of widow and heirs of John Walthall, deceased—to the Committee on Claims.

Also, a bill (H. R. 17647) for the relief of J. B. Maryman—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Paper to accompany bill for relief of August Hofacker—to the Committee on Pensions.

By Mr. ALEXANDER of New York: Petition of Chamber of Commerce of Buffalo, N. Y., for appointment of Thirteenth Census clerks by competitive examination—to the Committee on the Census.

By Mr. BURKE: Petition of Pittsburg (Pa.) Brewing Company, favoring the Cocks bill (H. R. 428)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Jacob E. Swap, favoring the Sulzer bill, for annuity to officers and men of Army, Navy, and Marine Corps who have received honorable mention for acts involving great personal peril—to the Committee on Military Affairs.

Also, petition of Charles A. Hope, secretary Central Labor Union of Philadelphia and vicinity, for building battle ships at navy-yards—to the Committee on Naval Affairs.

Also, petition of George E. Bartal, of the Philadelphia Bourse, for S. 25 and H. R. 6169, for retired list for disabled superintendents, keepers, and crews of the Life-Saving Service of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of E. F. Gwynn for H. R. 428, for Federal registration for automobiles—to the Committee on Interstate and Foreign Commerce.

By Mr. BROUSSARD: Paper to accompany bill for relief of estate of Leandre Campo—to the Committee on War Claims.

Also, papers to accompany bills for relief of estates of Francois V. Breaux, Lessin Guidry, Antoine Clavel, and Charles Jolivet—to the Committee on War Claims.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of Thomas Hawkins—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of National Funeral Directors' Association of United States, against practice of burial at sea—to the Committee on the Merchant Marine and Fisheries.

Also, petition of H. J. Swift, of Grand Army of the Republic, Department of New York, against consolidation of pension agencies (previously referred to Committee on Invalid Pensions)—to the Committee on Appropriations.

Also, petition of N. Johannsen, for an amendment to the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Henry O. Bainbridge, president of the Stationers' Board of Trade, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Hirsh & Schofield, against prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of J. D. Crary, of the New York Lumber Trade Journal, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. CARLIN: Paper to accompany bill for relief of J. M. Jordan—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Charles Spaulding—to the Committee on Invalid Pensions.

By Mr. CAULFIELD: Petition of Merchants' Exchange of St. Louis, Mo., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of board of directors of Merchants' Exchange of St. Louis, Mo., favoring S. 382 and suggesting certain changes therein (Federal inspection of grain)—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: Petition of Job Harriman and A. R. Halston, of Los Angeles, Cal., against certain amendments to certain treaties—to the Committee on Foreign Affairs.

By Mr. DAWSON: Petition of American Medical Association, for legislation to promote the health and well-being of officers and enlisted men of the Navy—to the Committee on Naval Affairs.

Also, petition of Dubuque Woman's Club, of Dubuque, Iowa, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Council Bluffs Council, No. 146, Iowa State Traveling Men's Association, Union Commercial Travelers of America, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS of Oregon: Paper to accompany bill for relief of George W. Mathis—to the Committee on Invalid Pensions.

Also, petitions of 114 citizens of Marion County, Oreg., and Central Church of Christ of La Grande, favoring the Littlefield bill—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Marvin E. Payne—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of Merchants' Association of New York, against the so-called "Aldrich currency bill"—to the Committee on Banking and Currency.

By Mr. FORNES: Petition of Perie McDonald, of New York

City, against copyright amendment relative to photography—to the Committee on Patents.

Also, petition of Stationers' Board of Trade, of New York City, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. FULLER: Petition of H. C. Uthoff and others, of Peru, Ill., for building at least one battle ship in a Government navy-yard—to the Committee on Naval Affairs.

By Mr. GARNER: Paper to accompany bill for relief of James Barbour—to the Committee on Pensions.

Also, paper to accompany bill for relief of Wedderspoon Keiller—to the Committee on Invalid Pensions.

By Mr. GOEBEL: Petition of Local Union No. 17, Newspaper Mailers' Union, of Cincinnati, Ohio, urging removal of duty on paper—to the Committee on Ways and Means.

By Mr. GORDON: Paper to accompany bill for relief of R. B. Jones—to the Committee on Pensions.

By Mr. GOULDEN: Petition of United Harbor, No. 1, American Association of Masters, Mates, and Pilots, of New York, for H. R. 10458, relative to appeals to supervising inspectors—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Pierce McDonald, of New York City, against copyright law amendment relating to photography—to the Committee on Patents.

Also, petition of Henry C. Bainbridge, of Stationers' Board of Trade, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Trades Labor Assembly of Superior, Wis., favoring H. R. 14941, relative to insufficient crews—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRAFF: Petition of various citizens in towns of the Sixteenth Congressional District of Illinois, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of Grand Division, Sons of Temperance, of Pennsylvania, for recognition of the temperance question in party platforms—to the Committee on Election of President, Vice-President, etc.

Also, petition of John Lucas & Co., of Philadelphia, against legislation regulating the paint industry—to the Committee on Interstate and Foreign Commerce.

Also, petition of Harry Pabst, for the Barchfeld copyright bill—to the Committee on Patents.

Also, petition of Charles A. Hope, of Central Labor Union of Philadelphia and vicinity, for building battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of George E. Bartol, of the Philadelphia Bourse, favoring passage of bills S. 25 and H. R. 6169, for retired list of superintendents, keepers, and crews of the Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of Melville H. Freas (previously referred, February 18, to the Committee on Invalid Pensions)—to the Committee on the Post-Office and Post-Roads.

By Mr. GRANGER: Petitions of Newspaper Pressmen of Providence, R. I., and vicinity; International Typographical Union, Local No. 33; International Typographical Union, Local No. 295, of Newport, R. I., and International Photoengravers' Union, in favor of abolition of duty on white paper and wood pulp, etc.—to the Committee on Ways and Means.

Also, petition of town council of North Kingston, R. I., for bill to promote efficiency of the Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

By Mr. GREENE: Petition of Rev. L. Sear Moore and other clergymen, of Fall River, Mass., in the interest of peace—to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: Petition of United Spanish War Veterans, Department of Connecticut, for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of citizens of West Hartford, Conn., favoring the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of Brig. Gen. Hy. S. Turrill (previously referred, February 13, to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. HOWELL of New Jersey: Petition of Vessel Owners and Captains' Association of Philadelphia, in favor of H. R. 15945—to the Committee on the Merchant Marine and Fisheries.

Also, petition of residents of Red Bank, N. J., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. HOUSTON: Paper to accompany bill for relief of Gustavus P. M. Williams—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Edward L. Bradley (H. R. 17363)—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: Petition of John D. Ripley, for appropriation for Alaska-Yukon-Pacific Exposition at Seattle in 1909—to the Select Committee on Industrial Arts and Expositions.

By Mr. JONES of Washington: Petition of John D. Ripley and others, against liquor selling on any Government property—to the Committee on Alcoholic Liquor Traffic.

By Mr. LAMB: Paper to accompany bill for relief of Isidore Cohen (previously referred, February 5, to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. LAW: Petition of the Merchants' Association of New York, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of New York Board of Trade and Transportation, against S. 42 and H. R. 6089—to the Committee on Agriculture.

By Mr. LEVER: Paper to accompany bill for relief of Charlotte Nelson—to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of Cambridge Branch of Woman's Auxiliary of Massachusetts, Civil Service Reform Association, to amend H. R. 7597 so that extra employees shall be appointed under civil-service rules—to the Committee on the Census.

By Mr. McMILLAN: Paper to accompany bill for relief of John Hannah, alias John Hunter (previously referred, February 12, to Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. MOORE of Pennsyvania: Petition of Philadelphia Bourse, for the retirement of superintendents, keepers, and crews of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY: Papers to accompany bills for relief of John Kalb and Reubin Sutton—to the Committee on Invalid Pensions.

By Mr. NORRIS: Paper to accompany a bill relative to the franking privilege (free transmission through the mails of public-health documents)—to the Committee on the Post-Office and Post-Roads.

By Mr. OLCOTT: Petitions of the Woman's Christian Temperance Union, the First Baptist Church, and the First Methodist Episcopal Church, all of Troupsburg, N. Y., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OVERSTREET: Petition of Major Robert Anderson Post, No. 369, and John F. Buckle Post, No. 165, Grand Army of the Republic, of Indianapolis, Ind.—to the Committee on Military Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of W. E. Fry—to the Committee on War Claims.

By Mr. PATTERSON: Paper to accompany bill for relief of heirs of S. R. Ihly—to the Committee on War Claims.

By Mr. REID: Paper to accompany bill for relief of Perry Cumpton—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Malon W. Clayton—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Martha Shinn—to the Committee on Pensions.

Also, paper to accompany bill for relief of William H. Chrouch—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Perie McDonald, against copyright law amendment relative to photographers—to the Committee on Patents.

By Mr. SHEPPARD: Papers to accompany H. R. 16935, for relief of Oliver Sills and his children—to the Committee on Indian Affairs.

By Mr. STEVENS of Minnesota: Petition of Minnesota Retail Hardware Association, for a repeal of the Nelson bankruptcy act, a revision of the iron and steel tariff schedules, and a removal of the duty on logs and lumber—to the Committee on Ways and Means.

By Mr. STURGISS: Paper to accompany bill for relief of William D. Graham (previously referred to the Committee on Invalid Pensions)—to the Committee on War Claims.

By Mr. SULZER: Petition of United Harbor, No. 1, favoring H. R. 10458 (an appeal to supervising inspectors)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of H. P. Durand, of Great Northern Steamship Company, for H. J. Res. 90, for appropriation for consular buildings in China, Japan, and Korea—to the Committee on Public Buildings and Grounds.

Also, petition of National Funeral Directors' Association of the United States, against the practice of burial at sea—to the Committee on the Merchant Marine and Fisheries.

By Mr. WALDO: Petition of Lorin Andrews in his own behalf and in behalf of other citizens of the United States resident in Shanghai, China, for the impeachment of Lebbeus R. Wilfley, judge of the United States court for China—to the Committee on the Judiciary.

By Mr. WALLACE: Paper to accompany bill for relief of Julia B. Reynolds (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

Also, paper to accompany bill for relief of Mrs. Virginia Terrell (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. WANGER: Petition of Central Labor Union of Philadelphia, Pa., and vicinity, for the building of a first-class battle ship at League Island Navy-Yard—to the Committee on Naval Affairs.

Also, petition of John L. Nicholson, president of Vessel Owners and Captains' Association of Philadelphia, for H. R. 15945 (increasing efficiency of the personnel of the Life-Saving Service of the United States)—to the Committee on Interstate and Foreign Commerce.

Also, petition of George E. Bartal, president of the Philadelphia Bourse, favoring S. 25 and H. R. 6169, for retirement of district superintendents, keepers, and crews of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Malon H. Rickert, of Dublin, Pa., and many other citizens of Pennsylvania, favoring the passage of S. 3152 (providing for additional protection to the dairy interests)—to the Committee on Agriculture.

By Mr. WASHBURN: Papers to accompany bills for relief of Alice E. Mahon and Seraphina E. Hunter—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *February 20, 1908.*

Rev. EDWARD E. HALE, the Chaplain, offered the following prayer:

"For we know that, if our earthly house of this tabernacle were dissolved, we have a building of God, a house not made with hands, eternal in the heavens."

And He who hath prepared us for this life "is God, who also hath given unto us the earnest of the spirit."

And we strive earnestly "that, whether present or absent, we may be accepted of Him."

Let us pray. Father, Thou art pleased to show to us day by day, month by month, hour by hour, that we are in Thy presence always, and that we pass from this life to that larger life, yes, in an instant, in the twinkling of an eye.

Come to us to-day as we learn that another has gone from this circle and that Thou art pleased that he shall be serving Thee in that larger life. Speak to us, Father, and lead us as only a father can lead us, by Thine own care and love, that we may learn the lesson of life and of what we call death. We are always with Thee, and Thou art pleased from day to day to assign to us the duty next our hand or the change through which we shall live.

We ask for ourselves; we ask for those who are nearest and dearest to us; we ask for the State that he has served, and for the nation, that with every such change we may come nearer to Thee and enter into Thy divine life. What we are here for is that Thy kingdom may come and Thy will may be done on earth as it is in heaven, and we accept the duty to enter into the life where a Father only can lead us, and to live and move and have our being in our God. In Him who is to us the resurrection and the life, the Savior of our lives, we ask it and offer it. Amen.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is done in heaven. Give us this day our daily bread. And remove from us our trespasses. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power, and the glory forever. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. ALDRICH, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DEATH OF SENATOR ASBURY C. LATIMER.

Mr. TILLMAN. Mr. President, his friends in this Chamber were startled Monday morning with the news that a surgical operation, which was very dangerous, had been performed upon my colleague, the Senator from South Carolina [Mr. LATIMER], and it is now my painful duty to announce that he never sufficiently rallied to make any headway and that he died this morning at 9 o'clock.

I send to the desk a series of resolutions, for which I ask immediate consideration.

The VICE-PRESIDENT. The Senator from South Carolina submits the following resolutions, which will be read by the Secretary.

The resolutions were read by the Secretary, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. ASBURY C. LATIMER, late a Senator from the State of South Carolina.

Resolved, That a committee of ten Senators be appointed by the Vice-President to take an order arranging for the funeral of Mr. LATIMER.

Resolved, That as a further mark of respect entertained by the Senate for his memory his remains be removed from Washington to South Carolina in charge of the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives and request the House of Representatives to appoint a committee to act with the committee of the Senate.

The VICE-PRESIDENT. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

The VICE-PRESIDENT appointed as members of the committee under the second resolution Mr. TILLMAN, Mr. FOSTER, Mr. DILLINGHAM, Mr. OVERMAN, Mr. CARTER, Mr. FRAZIER, Mr. SMITH, Mr. DIXON, and Mr. JOHNSTON.

Mr. TILLMAN. Mr. President, I send another resolution to the desk, for which I ask immediate consideration.

The VICE-PRESIDENT. The Senator from South Carolina submits an additional resolution, which will be read.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased Senator the Senate do now adjourn.

The resolution was unanimously agreed to, and (at 12 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 21, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 20, 1908.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Our Father in heaven, we find ourselves completely involved in the laws which Thou hast made. Thou art infinite; we are finite. Thou knowest the beginning and the end. We know only a little, hence we come praying for light that we may measure up to the obligations Thou hast laid upon us and fulfill all the conditions of life. "Thou giveth snow like wool; Thou scattereth the hoar frost like ashes. Thou casteth forth ice like morsels. Who can stand before Thy cold?"

In the midst of the rigors of winter hundreds are forced to idleness, without the means of subsistence. Give us light that we may solve the economic, social, and industrial problems which confront us, to the end that all who will may work and subsist.

Our hearts are bowed in sorrow, in that the Death Angel has visited our Congressional family and taken from us one who served with distinction on the floor of this House and was at his taking serving with equal distinction in the Senate Chamber.

Our sympathies go out to his colleagues and friends. Especially do we pray for the bereaved family, his wife and children. God give them grace, hope, and patience that in Thine own good time they shall meet again in a family reunion and stay in his presence forever, and glory and honor and praise be Thine. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MAKING PORT ARTHUR, TEX., A PORT OF DELIVERY, ETC.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9079) to make Port Arthur, in the State of Texas, a port of delivery in the customs collection district of Sabine, with the privilege of immediate transportation without appraisement of dutiable merchandise.

Be it enacted, etc., That Port Arthur, in the State of Texas, a port of entry in the customs collection district of Sabine, be, and is hereby, constituted a port of delivery, and that the privileges of immediate transportation without appraisement of dutiable merchandise conferred by the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same is hereby, extended to said port.

The amendment in the nature of a substitute was read, as follows:

That the privileges of the seventh section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Port Arthur, in the State of Texas.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, the question will be to discharge the Committee of the Whole House from the consideration of the bill.

The SPEAKER. The request is to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill just read and consider it in the House at this time. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Texas. Mr. Speaker, I move the adoption of the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read as follows: "A bill to extend to Port Arthur, in the State of Texas, the privilege of immediate transportation without appraisement of dutiable merchandise."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4809. An act to authorize the construction of a bridge across the Merrimac River at Tyngs Island, Massachusetts;

S. 5110. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors;

S. 4266. An act to establish a fish-cultural station in New Mexico;

S. 2892. An act to provide for the repayment of deposits by bidders of Kiowa-Comanche and Apache ceded lands;

S. 2248. An act for the improvement of the United States national cemetery at Mexico City, Mexico;

S. 4546. An act to authorize the sale of timber on allotments made to Indians of the Hoopa Valley extension in California;

S. 1677. An act providing for the taking over by the United States Government of the Confederate cemetery at Springfield, Mo.;

S. 4690. An act for the relief of the legal representatives of Napoleon B. Gibbings; and

S. 626. An act authorizing and empowering the Secretary of War to locate a right of way for, and granting the same, and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. ASBURY C. LATIMER, a late Senator from the State of South Carolina.

Resolved, That a committee of ten Senators be appointed by the Vice-President to take order arranging for the funeral of Mr. LATIMER.

Resolved, That as a further mark of respect entertained by the Senate for his memory his remains be moved from Washington to South Carolina in charge of the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives and request the House of Representatives to appoint a committee to act with the committee of the Senate.

Resolved, That as a further mark of respect to the memory of the deceased Senator the Senate do now adjourn.

The message also announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 586. An act granting an increase of pension to Squire J. Carlin.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated:

S. 2892. An act to provide for the repayment of deposits by bidders of Kiowa, Comanche, and Apache ceded lands—to the Committee on the Public Lands.

S. 4690. An act for the relief of the legal representatives of Napoleon B. Giddings—to the Committee on War Claims.

S. 1677. An act providing for the taking over by the United States Government of the Confederate cemetery at Springfield, Mo.—to the Committee on Military Affairs.

S. 4546. An act to authorize the sale of timber on allotments made to Indians of the Hoopa Valley extension in California—to the Committee on Indian Affairs.

S. 4266. An act to establish a fish-cultural station in New Mexico—to the Committee on the Merchant Marine and Fisheries.

S. 5110. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent children of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 4809. An act to authorize the construction of a bridge across the Merrimac River at Tyngs Island, Massachusetts—to the Committee on Interstate and Foreign Commerce.

S. 2248. An act for the improvement of the United States national cemetery at Mexico City, Mexico—to the Committee on Military Affairs.

S. 626. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns—to the Committee on Military Affairs.

DISTRICT OF COLUMBIA BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District business, and pending that motion I ask that the time for general debate be limited to two hours and also that the debate be limited to the bill under consideration. I shall call up the bill (S. 902), known as the "trackage bill."

The SPEAKER. The gentleman from Michigan calls up the bill indicated, and pending that asks unanimous consent that general debate may be closed in two hours and that the debate be confined to the bill. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to suggest to the gentleman that there has been already a good deal of debate on this subject. Does the gentleman propose to be strict in the enforcement of the five-minute rule?

Mr. SMITH of Michigan. Oh, no.

Mr. MANN. Is it the intention of the gentleman in charge of the bill to construe the five-minute debate very liberally, so that there may be opportunity for debate on the bill?

Mr. SMITH of Michigan. Yes; if there is desire for more than two hours' general debate on the bill, we would not object to that.

Mr. HENRY of Texas. Mr. Speaker, I would like to ask the gentleman why he can not agree to two hours on a side, four hours in all. Two hours would not be enough for both sides, and unless we can have that much time——

Mr. SMITH of Michigan. I have no objection to that. Perhaps two hours would be sufficient.

Mr. HENRY of Texas. With that understanding I shall not object. I think we ought to have two hours on a side. It is a very important matter that is coming up, and with that understanding I shall raise no objection.

Mr. SHACKLEFORD. The time to be controlled by the gentleman from Michigan [Mr. SMITH] on the one side and the gentleman from Tennessee [Mr. SIMS] on the other.

Mr. WILLIAMS. I understand the proposition which the gentleman makes to the House is agreeable to the minority members of the committee?

Mr. SMITH of Michigan. Yes, sir; four hours of general debate.

Mr. MANN. To be divided equally?

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Is that time to be equally divided?

Mr. SMITH of Michigan. Yes, sir; to be equally divided.

IMPEACHMENT OF LEBBEUS R. WILFLEY.

Mr. WALDO rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. WALDO. I rise for the presentation of a privileged question.

Mr. HENRY of Texas. Mr. Speaker——

The SPEAKER. The gentleman from New York [Mr. WALDO] states that he rises to a question of privilege. Does the gentleman from Michigan [Mr. SMITH] for the present yield?

Mr. SMITH of Michigan. Yes.

The SPEAKER. The gentleman from New York [Mr. WALDO] is recognized.

Mr. WALDO. I desire to impeach Lebbeus R. Wilfley, of the United States court of China, of mal and corrupt conduct in office, and of high crimes and misdemeanors, and I present the following articles of impeachment and ask that they may be read at the Clerk's desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

ARTICLES FOR THE IMPEACHMENT OF LEBBEUS R. WILFLEY, JUDGE OF THE UNITED STATES COURT FOR CHINA.

To the House of Representatives of the United States of America:

Upon the petition and memorial of Lorrin Andrews in his own behalf and in the behalf of various citizens of the United States of America, residents of Shanghai, China, these articles for impeachment of Lebbeus R. Wilfley, judge of the United States court for China, for high crimes and misdemeanors in the conduct of his office as such judge are presented, to wit:

CHARGE I. That said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of his said office and in violation of his oath of office, was guilty of mal and corrupt conduct and of high crimes and misdemeanors in this, to wit:

That the said Lebbeus R. Wilfley, acting in his said office as judge of the United States court for China, was guilty of oppression and misuse of his powers as judge of said court in that he, without cause, unlawfully, maliciously, and contrary to their rights as citizens of the United States of America, refused to allow to practice before the United States court for China the following lawyers, to wit: Francis M. Brooks, Cecil Holcomb, William I. Rogers, Edwin H. Lamme, Harry L. Hart, Lorrin Andrews, and W. L. Heen, duly admitted attorneys and counselors, holding certificates of admission to practice in the United States consular court in Shanghai, China, and members of the bar regularly practicing in said consular court in China for many years, and citizens of good standing in that community and in the communities of the United States where they had formerly lived; all of whom were and are also duly admitted members in good standing of various State and Federal courts of the United States, and some of whom were attorneys and counselors of the United States Supreme Court in good standing and in regular practice there; and refused to admit said attorneys to practice in his court upon motion and upon proof of good character as provided by the rules of the Supreme Court of the United States and the Federal courts, and thereby, in effect, disbarred the said attorneys and counselors from said United States court for China without any cause, without any charges being filed against them, without any hearing or due process of law, and in defiance of the rules and practice of the United States Supreme Court and of the Federal and Territorial courts of the United States, adopted and in force since the year 1790; and thereby ruined the said attorneys and counselors in standing and reputation in that community, deprived them of their livelihood, impoverished them, and left them, citizens of the United States, in a distant country without means of support for themselves, their wives, and children.

That for many years the consular courts of the United States have existed in Shanghai and in other parts of China, and members of the bar of the various State and Federal courts of the United States have been admitted to practice upon motion and in accordance with the rules of the United States Supreme Court and of the Federal and Territorial courts of the United States.

That said above-named attorneys and counselors had been in practice in said consular courts, some of them for many years, and had acquired a large clientage and large business; and from long and honorable practice had acquired a standing and reputation in that community for honesty, integrity, and ability as attorneys and counselors and as men.

That on the 30th day of June, 1906, an act was passed by the Congress of the United States creating a United States court for China.

That by the provisions of said act, said United States court for China superseded United States consular courts for China in all civil cases where the amount in controversy exceeded $500 and in all criminal cases where the punishment might exceed $100 fine or sixty days imprisonment, or both, and gave to the said United States court for China appellate jurisdiction over the judgments of the consular courts and supervisory control over the actions of the consular courts relating to the estates of persons dying in China.

That said act provided that the practice of said court should be in accordance with the existing procedure of the consulor courts in China, with power only to modify and supplement such rules and proceedure, and further provided in all cases where treaties and law were deficient to give jurisdiction or furnish suitable remedies the common law and the law established by the decision of United States courts should be applied by said court in its decisions.

That by virtue of the said act of Congress and by virtue of the said court of China superseding and taking the place and most of the jurisdiction of said consular courts, the attorneys and counselors of said consular courts became attorneys and counselors of said United States court for China, and entitled to practice as attorneys and counselors therein.

That by virtue of said act the consular courts of China, were at once upon the passage and approval of said act, deprived of their jurisdiction to entertain and try various cases that were then pending in the said consular courts; and said cases were at once transferred to the United States court for China, and after the 30th day of June, 1906, new cases of which said court had sole jurisdiction were commenced and held until the arrival of said Judge Wilfley and organization of the said United States court for China on December 17, 1906; that all of the said time from June 30 until December 17, 1906, the attorneys and counselors of the consular courts of China had appeared as attorneys and counselors for their clients in the cases so transferred to the United States court for China, and appeared on the morning of the first day when said court opened for the purpose of protecting the interests of their said clients.

That to their surpise they were informed in open court, by said Lebbeus R. Wilfley, that he had just adopted rule 1, which he read; providing that no American lawyers would be permitted to appear and practice in his court until they had passed an examination in the following branches: Equity, evidence, pleading, contracts, torts, international law, criminal law, United States Revised Statutes affecting consular courts, and wills and administration of estates, and then announced that he would hold such an examination one week from that day.

That unless this examination was passed at that time no attorneys of the United States, regardless of the certificates which they held, would be allowed to practice in the United States court for China.

That, on the contrary, attorneys of other nationalities would be allowed to practice in said court upon presentation of certificates from their respective consuls, showing that they were qualified to practice in their own consular courts.

That the said members of the American bar at Shanghai protested against this practice, asserting that they were already members of that court, and that in any event under the rules of the United States Supreme Court, they were entitled to be admitted upon motion and proof of good character.

That said Lebbeus R. Wilfley said that he would not permit anyone to practice before him until examined; that he had absolute power and could make any rules he saw fit, and that no attorneys of the United States would be permitted to practice before him until they had passed this examination.

That said Lebbeus R. Wilfley, as such judge, refused to allow any extension of time to any of the said attorneys, in which they might finish their business then pending in the United States court for China, and that he refused to allow them to appear in said court in connection with their cases transferred from the said United States consular courts.

That on the day before Christmas the said above-named attorneys and counselors, except W. L. Heen, with the two other members of the American bar of Shanghai, T. R. Jernigan and his partner, S. Fessenden, took said examination before said Wilfley.

That said Wilfley refused to allow them to take copies of the questions asked and the answers which they made.

That on the day after Christmas said Wilfley told them when they called at the court, pursuant to his direction, that the clerk of the court would inform them of the result of said examination.

That said attorneys and counselors then called upon one Hinckley, the clerk of the said court of the United States for China, and were informed that none of the said attorneys and counselors had passed, excepting only said Jernigan and Fessenden, comprising one firm.

That said attorneys and counselors, whom Wilfley said did not pass said examination, called upon said Wilfley and asked him for copies of said questions and answers, so that they could ascertain whether they had answered the questions properly or not.

That said Judge Wilfley, upon said application made to him, refused to show the questions and answers to said examination or to state in what respect any of the said attorneys and counselors at law whom he declared had not passed the examination had failed to properly answer said questions or any of them.

That the said examination was a mere sham and pretense, without any purpose or intention on the part of said Wilfley to ascertain the knowledge or qualifications of the said lawyers to practice their profession before said court, but was a mere pretext to disbar and ruin said attorneys, whom he disfavored, and to secure the whole practice of the law and business before the said United States court for China for his own favorites.

That the refusal of said Judge Wilfley to admit said attorneys to practice was not based upon any rule or proper discretion, but that said refusal was based upon gross favoritism and mal and corrupt reasons, all to the great scandal, reproach, and disrepute of the United States court for China and the administration of justice by the United States.

CHARGE II. That the said Lebbeus R. Wilfley, as judge of the United States court for China, unmindful of the duties of his said office and in violation of his oath of office, was guilty of mal and corrupt conduct and of high crimes and misdemeanors in this, to wit:

That he, the said Lebbeus R. Wilfley, judge of the United States court for China, and while acting in that capacity was guilty of oppression and of abuse of the powers of his office and gross favoritism in that he refused to admit to practice one Edwin H. Lamme, a lawyer of over thirty-six years' practice and standing, and at that time a member of the bar of the Supreme Court of the United States, of the United States circuit court of appeals, and the United States circuit courts of the seventh and ninth circuits; several district courts of the United States and the supreme courts of Indiana and the State of California, in good standing, a veteran of the civil war, and a man of good repute in Shanghai, and in the various communities of the United States where he had previously practiced; and further

In that he refused to permit to practice one Francis M. Brooks, a lawyer of over fifteen years' practice and good standing; a member of the bar in good standing of the supreme courts of Maine, Montana, and Hawaii, who had studied in Harvard Law School, and who was one of the prominent members of the bar in the various communities where he had practiced, including Shanghai, China; and further

In that he refused to admit one Lorrin Andrews, a graduate of the New York University Law School, and a member of the bar in good standing of the Supreme Court of the United States and of the supreme court of the State of New York, and of the Territorial courts of Hawaii and for several years attorney-general of Hawaii, then or lately in charge of many important cases in the consular court of Shanghai, China, and other courts at Shanghai, and at the time or directly thereafter engaged in the conduct of cases for the Territory of Hawaii in the Supreme Court of the United States; and

In that, while refusing to admit to practice the said Lamme, Brooks, Andrews, and others, he did admit to practice one T. R. Jernigan and S. Fessenden, of no greater qualifications, learning, or standing, and permitted to practice in said court one Arthur L. Bassett, not a member of the bar of said court and never admitted to practice therein; all to the great scandal, reproach, and disrepute of said United States court for China, and the administration of justice of the United States.

CHARGE III. That the said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of his office and in violation of his oath of office, was guilty of mal and corrupt conduct and of high crimes and misdemeanors in this, to wit:

That he, the said Lebbeus R. Wilfley, as judge of the United States court for China, and while acting in that capacity was guilty of gross favoritism, in that he does and has ever since the opening of said court permitted one Arthur L. Bassett, his close friend and protégé, to practice as an attorney and counselor at law in his court in civil cases as attorney for private individuals and in criminal cases as district attorney of the United States court for China without the said Arthur L. Bassett being a member of the United States consular court for Shanghai, or ever having been admitted to practice in the said United States court for China, either upon motion or upon examination or otherwise; all to the great scandal, reproach, and disrepute of said United States court for China and the administration of justice of the United States.

CHARGE IV. That the said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of his said office and in violation of his oath of office, was guilty of mal and corrupt conduct and high crimes and misdemeanors in this, to wit:

That he, the said Lebbeus R. Wilfley, judge of the United States court for China, and while acting in that capacity, was guilty of oppression,

abuse, and of great favoritism in the conduct of his said office in that he, without cause, willfully, unlawfully, and maliciously refused for a long time to permit to practice in the United States court for China any member of the American bar, except T. R. Jernigan and S. Fessenden, constituting the law firm of Jernigan & Fessenden, and one Arthur L. Bassett, the close friend and protégé of said Judge Wilfley, who never was admitted to practice in said court, although he has been permitted to practice as an attorney and counselor at law in said United States court for China ever since the opening of said court; in all to the great scandal and reproach and disrepute of the United States court for China and the administration of justice by the United States.

CHARGE V. That the said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of said office, and in violation of his oath of office was guilty of mal and corrupt conduct in this, to wit:

That the said Lebbeus R. Wilfley, judge of the United States court for China, while acting in that capacity was guilty of mal and corrupt conduct, in holding a sham and pretended examination for admission to practice in the United States court for China, and that he falsely and corruptly and not in the exercise of any proper discretion refused to admit one Lorrin Andrews to practice in said United States court for China, alleging that he had not passed the said examination, when in truth and in fact he never intended at that time to admit said Lorrin Andrews to practice, and that a few months thereafter, when forced by circumstances to a second time examine said Lorrin Andrews for admission to practice as an attorney and counselor in said United States court for China, the said Wilfley declared that the said Lorrin Andrews had correctly answered substantially every question put to him in said examination, and stated that the indorsements of character of said Lorrin Andrews were of the highest character.

That second examination covered substantially the same ground as the first examination to which said Lorrin Andrews submitted, said Wilfley thus admitting that the pretended examination of the said Lorrin Andrews and the other members of the American bar of Shanghai, China, held by him in December, 1906, was a mere pretense and sham, all to the great scandal, reproach, and disrepute of the United States court for China, and the administration of justice by the United States.

CHARGE VI. That the said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of his said office and in violation of his oath of office, was guilty of mal and corrupt conduct in this, to wit:

That the said Lebbeus R. Wilfley, judge of the United States court for China, and while acting in that capacity, was guilty of misuse of his powers as such judge in that, after he had been forced by circumstances to admit said Lorrin Andrews to practice as an attorney and counselor at law in the said United States court for China, he, the said Wilfley, threatened to disbar the said Andrews as a practicing attorney and counselor at law before the United States court for China, and to ruin him in his good name and standing in his profession and deprive him of all opportunity to earn a livelihood for himself and family unless he, the said Andrews, would comply with the demand of the said Judge Wilfley, that he, the said Lorrin Andrews, dissolve his law partnership with one Francis M. Brooks, a reputable attorney of the consular courts of China, and of various State and Federal courts of the United States and under the rules and practice of the United States Supreme Court, and of the Federal and Territorial courts of the United States, entitled to practice in said United States court for China, although not permitted to do so by the said Wilfley; all to the great scandal, reproach, and disrepute of the said United States court for China, and the administration of justice by the United States.

CHARGE VII. That the said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of his said office, and in violation of his oath of office, was guilty of mal and corrupt conduct in this, to wit:

That the said Lebbus R. Wilfley, judge of the United States court for China, and while acting in that capacity, was guilty of mal and corrupt conduct and of gross oppression and misuse of his power as judge of said court, in that, upon one Lorrin Andrews refusing to accede to his demand to dissolve his partnership with one Francis M. Brooks, a reputable attorney and counselor at law of the consular courts of China, and of various State and Federal courts of the United States; that he, the said Wilfley, acting as such judge of the United States court for China, did personally commence proceedings before himself as such judge, to disbar said Lorrin Andrews on the pretended charge that said Andrews had committed perjury in the State of California, in an affidavit filed in the United States circuit court of appeals seven months prior to the commencement of the said proceedings, upon an application for a writ of habeas corpus, in the case of one S. R. Price, in which case said Price was wrongfully charged with assault with a deadly weapon, and convicted by said Wilfley sitting as a judge without a jury, and in which case said Wilfley had unlawfully and unjustly refused to admit said Price to bail pending his appeal.

That the filing of said affidavit was well known to said Wilfley at the time he admitted said Andrews to practice as an attorney and counselor at law in the said United States court for China, and, moreover, said affidavit upon its face shows that the charge of perjury made by said Wilfley was without foundation.

That the said disbarment proceedings were unlawfully and corruptly instituted by said Wilfley, acting as such judge, for the purpose of preventing said Lorrin Andrews from practicing in the United States court for China, and were false, fraudulent, and a mere pretense and sham, and well known by said Wilfley so to be, and, in fact, were intended to ruin said Andrews in business and reputation, because he (said Andrews) had refused to dissolve his partnership with said Brooks.

That when said Andrews appeared before said Judge Wilfley and protested against the unfairness, injustice, and groundlessness of said charge he (the said Wilfley), acting as said judge and plaintiff, at once overruled said objections; and upon said objections being overruled and said Andrews having at once filed his answer to said pretended charges and demanded an immediate hearing thereon, he, the said Judge Wilfley, corruptly, willfully, and unjustly refused to grant a hearing to the said Andrews and adjourned the said case indefinitely, for the pretended purpose of taking testimony in the State of California, but with the real purpose and intent of holding said charges over said Andrews as a menace to his business and reputation.

That the said Wilfley well knew that the said Andrews had committed no wrong or crime or made any statement in his affidavit that was untrue and was well aware of the contents of said affidavit long before he had permitted the said Andrews to practice as an attorney and counselor at law in the United States court for China; all to the great scandal, reproach, and disrepute of the United States court for China and the administration of justice by the United States.

CHARGE VIII. That the said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of his said office and in violation of his oath of office, was guilty of mal and corrupt conduct and of high crimes and misdemeanors in this, to wit:

That the said Lebbeus R. Wilfley, judge of the United States court for China, and acting in that capacity, has been guilty of mal and corrupt conduct and gross abuse of the power and influence of his office as such judge in that he has intentionally and in order to gain a reputation for himself as a great reformer, falsely declared in oral and written statements that the American community in Shanghai, China, is corrupt, depraved, and was in the hands and control of depraved, corrupt, and criminal persons, and that it was necessary for him to take the extraordinary, high-handed, and unlawful method which he had pursued in order to purge said community of such criminals and disreputable persons, among whom he included the members of the bar of the United States residing in Shanghai, China; all to the great scandal, reproach, and disrepute of the United States court for China, and the administration of justice by the United States.

CHARGE IX. That the said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of his said office and in violation of his oath of office, was guilty of mal and corrupt conduct and high crimes and misdemeanors in this, to wit:

That the said Lebbeus R. Wilfley, judge of the United States court for China, and while acting in that capacity, has been guilty of mal and corrupt conduct and of gross oppression and misuse of his powers as such judge in that he has willfully, maliciously, unlawfully, and with intent to defame and ruin the attorneys constituting the American bar in Shanghai, China, charged said attorneys by spoken word and in writing, with being disreputable persons unworthy of practicing their profession, and has urged and secured the publication of articles in the public press containing such untrue, malicious, and libelous statements, which he the said Wilfley well knew to be false and untrue, and which wrongful, malicious, and unlawful acts were committed by said Wilfley for the purpose of discrediting said attorneys with the American people, so that it would be difficult or impossible for them to obtain relief from the wrongful oppression, tyranny, and gross outrages practiced upon them by the said Wilfley, and to gain for himself the reputation of being a great reformer; all to the great scandal, reproach, and disrepute of the United States court in China and of the administration of justice by the United States.

CHARGE X. That the said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of his said office and in violation of his oath of office, was guilty of mal and corrupt conduct and of high crimes and misdemeanors in this, to wit:

That the said Lebbeus R. Wilfley, while holding the office of judge of the United States court for China, and while pretending to conduct that office in the interest of great reforms and purifying the said city of Shanghai from disreputable and corrupt Americans, has allowed and permitted the carrying on in the city of Shanghai and throughout China by citizens of the United States of a lottery known as the "Shanghai Watch Club," although the same has been publicly brought to his attention.

That the agents and representatives of the said "Shanghai Watch Club" are conducting a newspaper publication in Shanghai, which was started after the appointment of said Wilfley as such judge, and which devotes a large portion of its space to the praise and laudation of the said Wilfley, together with flaming advertisements of said lottery scheme.

That the said Wilfley well knew and well knows that said lottery was driven from the Philippines and refused the rights of the United States mail as being contrary to the laws of the United States. Notwithstanding such knowledge, said Wilfley still allows the said lottery scheme to continue under his jurisdiction without prosecution or proceedings against the same in his court; all to the great scandal, reproach, and disrepute of the United States court in China and of the administration of justice by the United States.

CHARGE XI. That the said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of his said office and in violation of his oath of office, was guilty of mal and corrupt conduct and of high crimes and misdemeanors, in this, to wit:

That the said Lebbeus R. Wilfley, while holding the office of judge of the United States court for China and while pretending to conduct that office in the interest of great reforms and purifying the city of Shanghai of disreputable and corrupt Americans, has allowed and permitted the establishment of a company in Shanghai known as the "China Investment Company," which is carrying on a business declared to be unlawful throughout the United States, and which same business was suppressed by the United States consular office in Canton, China, as a fraud and swindle. Said "China Investment Company" is owned and conducted and advertised by the same people who were conducting the lottery known as the "Shanghai Watch Club," and is advertised in the same paper published by the same firm and agents, which paper carries continuously articles of praise and laudation of said Wilfley; all to the great scandal, reproach, and disrepute of the United States court for China and of the administration of justice by the United States.

CHARGE XII. That the said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of his said office and in violation of his oath of office, was guilty of mal and corrupt conduct, and of high crimes and misdemeanors, in this, to wit:

That the said Lebbeus R. Wilfley, judge of the United States court for China, and while acting in such capacity, has been guilty of mal and corrupt conduct, of gross oppression and misuse of his powers as such judge; of gross partiality and favoritism to one Arthur L. Bassett, a close friend and protege of the said Wilfley, in the following matters and respects, to wit:

Specification 1. In that he, the said Lebbeus R. Wilfley, as judge of the United States court for China, refused for a long time to permit any of the attorneys and counselors of the said American bar of China, although they were entitled thereto by operation of the law of the statute under which said court was constituted, as well as by the rules and practice of the Supreme Court and Federal and Territorial courts of the United States obtaining since 1790, to practice in the said United States court for China, unless they, the said members of the American bar of Shanghai, first submitted to an arbitrary and unlawful examination upon the various branches of the law, and at the same time permitted the said Arthur L. Bassett to practice in said United States court for China, both as district attorney of said court in criminal cases and as attorney for private persons and corporations in civil cases, notwithstanding said Bassett had never been admitted to said United States court for China upon motion or upon examination or otherwise and contrary to and in defiance of the rule and practice of the United States Federal, State, Territorial, and Supreme Courts.

Specification 2. That the said Judge Wilfley refused for a long time to admit any member of the American bar of Shanghai, China, to

practice, except the one firm of Jernigan & Fessenden, so that the said Arthur L. Bassett acquired a large proportion of the civil practice and clientage of the other members of the American bar.

Specification 3. That the said Lebbeus R. Wilfley wrongfully and unlawfully and with intent to oppress citizens of the United States who might be charged with crimes in Shanghai, China, and to make it practically impossible for them to make a proper defense, refused to allow any members of the American bar to defend American citizens so charged with crimes in said court, without said attorneys first having submitted to an unlawful and arbitrary examination before himself upon all branches of the law, while at the same time he permitted his close friend and protege, said Arthur L. Bassett, to prosecute as district attorney of said United States court for China without his, said Bassett, ever having been admitted to practice in said court upon motion, examination, or otherwise.

Specification 4. That the said Lebbeus R. Wilfley, as judge of the United States court for China, and while acting as such, was guilty of gross oppression and misuse of his power as said judge, and of gross favoritism, in allowing said Arthur L. Bassett, in defiance of the rules of the Supreme Court and of the Federal and State courts of the United States, to practice before said United States court for China without ever having been admitted as an attorney and counselor at law thereof; and to prosecute one S. R. Price, while at the same time denying to the law firm of Andrews & Brooks, who were at the time attorneys for S. R. Price, in the said case, the right to appear in said United States court for China, as they were entitled to by the statute creating said court and by the rule and practice of the Supreme Court of the United States, and of the Federal and Territorial courts of the United States, and defend the said Price from the charge made against him, thus depriving said Price, a citizen of the United States, from any opportunity to be defended by American lawyers of his own choice.

Specification 5. In that the said Lebbeus R. Wilfley, judge of the United States court for China, and while acting as such, was guilty of gross favoritism to said Arthur L. Bassett, the district attorney of the United States court for China, and close friend and protégé of said Judge Wilfley, in a certain case of one Connell against one Daly; in that, at the instance of said Bassett, he ordered the appointment of a receiver and the sequestration of all of the property of said Daly without giving said Daly an opportunity to secure counsel.

Specification 6. In that the said Lebbeus R. Wilfley, judge of the United States court for China, and while acting in that capacity, was guilty of gross favoritism to said Arthur L. Bassett, the district attorney of the United States court for China, and close friend and protégé of said Judge Wilfley, in a certain case pending before said Judge Wilfley as such judge, wherein one M. S. Friede was plaintiff and Getz Brothers & Co., defendants, and where the plaintiff, said Friede, had remained in Shanghai awaiting a trial of his case for more than five months and yet, shortly after said Friede had left China to attend to his business in some other part of the world, said Bassett, who had been retained by the defendants, made an application to said Wilfley, as judge, for an immediate trial, and said Wilfley, at the instance of said Bassett, and against the protest of the attorneys for said Friede, ordered an immediate hearing and the examination of witnesses in the absence of said Friede, and without giving his attorneys time to send for him or to ascertain in what part of the world he then was, all to the great scandal, reproach, and disrepute of the United States court for China and the administration of justice by the United States.

CHARGE XIII. That the said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of his said office and in violation of his oath of office, was guilty of mal and corrupt conduct and of high crimes and misdemeanors in this, to wit:

That the said Lebbeus R. Wilfley, while holding the office of judge of the United States court for China and while acting in that capacity, was guilty of mal and corrupt conduct and of gross oppression and misuse of the powers of his office, in that the said Judge Wilfley unlawfully refused to allow one George F. Curtis, a member of the bar of the Supreme Court of the United States and of various State and Federal courts and of the United States consular court of Shanghai, China, to practice in said United States court for China, although entitled so to do under the statute constituting said court and under the rule and practice of the United States Supreme Court and the Federal and Territorial courts of the United States, and willfully and unlawfully convicted the said Curtis of contempt of court for attempting to practice in the United States court for China, and fined said Curtis for said pretended contempt.

That the said Wilfley well knew that the said Curtis was not guilty of any contempt of court and that said conviction and punishment was unlawful and that the said Curtis was found guilty not for the reasons set forth, but for the purpose of discrediting him, the said Curtis, and injuring his reputation as a man and lawyer, because the said Curtis was protesting against the oppressive and unlawful actions and conduct of said Wilfley as judge of the United States court for China; all to the great scandal, reproach, and disrepute of the United States court for China and of the administration of justice by the United States.

CHARGE XIV. That the said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of his said office and in violation of his oath of office, was guilty of mal and corrupt conduct and of high crimes and misdemeanors in this, to wit:

That the said Lebbeus R. Wilfley, while holding the office of judge of the United States court for China and while acting in that capacity, was guilty of mal and corrupt conduct and of gross favoritism, oppression, and misuse of his powers as said judge in a certain case of one Cunningham against one Rogers, in that he refused to permit one George F. Curtis, a duly admitted attorney and counselor at law of the consular court of Shanghai, China, and of the United States Supreme Court and of various State and Federal courts of the United States, and entitled to practice in said United States court for China, to file a complaint for one Cunningham in a suit for damages against James L. Rogers, who was then United States consul-general for Shanghai, until the day when the said Rogers departed from Shanghai, thereby preventing the said Curtis from obtaining service of said summons upon said Rogers; all to the great scandal, reproach, and disrepute of the United States court for China and of the administration of justice by the United States.

CHARGE XV. That the said Lebbeus R. Wilfley, while holding the office of judge of the United States court for China, unmindful of the duties of his said office, and in violation of his oath of office, was guilty of mal and corrupt conduct and high crimes and misdemeanors in this, to wit:

That the said Lebbeus R. Wilfley, while holding the office of judge of the United States court for China, and while acting as such judge, was guilty of mal and corrupt conduct and of gross oppression and misuse of his powers as such judge in the case of one M. S. Friede against Getz Brothers & Co., a corporation, to recover the sum of $25,000, which case had been pending in the United States consular court of Shanghai, China, and which was transferred by operation of law to the United States court for China.

That said Friede had been in Shanghai from June, 1906, until November, 1906, awaiting a trial and hearing in his case, when he was obliged to leave in order to attend to his business in some other country.

That after said Friede left Shanghai, one Arthur L. Bassett, district attorney of the United States court for China, was retained as counsel for Getz Brothers & Co., and in the absence of said Friede made application to said Wilfley, as judge of the United States court for China, to set said case down for immediate trial.

That said Wilfley, as such judge and against the protest of counsel for said Friede, held a hearing of said case on the 7th day of January, 1907, in which he took the testimony of the witnesses for said Getz Brothers & Co., and at the instance of said Arthur L. Bassett, district attorney of the United States court for China, and acting as counsel for said Getz Brothers & Co., ordered a commission to be appointed to take the testimony of said Friede and his witnesses in the city of St. Louis, State of Missouri.

That neither said Friede or said Getz Brothers & Co. resided or had any business agents or representatives in St. Louis, Mo., and that the said Getz Brothers & Co. have their principal place of business in San Francisco, Cal., while the said Friede is engaged in business in Russia and China, and that no legal reason or excuse existed for ordering said Friede or his witnesses to appear in the said city of St. Louis, Mo.

That said Wilfley, without further notice to said Friede, on the application of said Bassett, the district attorney of his court, and counsel for Getz Brothers Co., upon receiving word that said Friede had not appeared and given testimony in St. Louis, in said Friede's absence and on the testimony taken on the 7th day of January, 1907, rendered a decision awarding the defendants, Getz Brothers & Co., the sum of $37,500 as a counterclaim against said Friede and dismissing the complaint of the said Friede; all to the great scandal, reproach, and disrepute of the United States court for China and of the administration of justice by the United States.

CHARGE XVI. That the said Lebbeus R. Wilfley, while holding the office of judge of the United States court for China, unmindful of the duties of said office, and in violation of his oath of office, was guilty of mal and corrupt conduct, and of high crimes and misdemeanors, in this, to wit:

That the said Lebbeus R. Wilfley, while holding the office of judge of the United States court for China, and acting in that capacity, was guilty of mal and corrupt conduct and of gross oppression and misuse of his powers as such judge, in the case of one J. J. Connell against one R. F. Daly, as follows:

That said Lebbeus R. Wilfley, as judge of the United States court for China, at the special instance and request of said Arthur L. Bassett as attorney for said Connell, issued an exparte order requiring said Daly to appear before him at 10 o'clock in the forenoon of January 23, 1907, and show cause why a receiver should not be appointed for the business that said Daly was conducting as a restaurant keeper.

That at the time said order was issued no summons or complaint in any suit had been served upon said Daly and no suit against said Daly was pending in the United States court for China.

That said Daly was not served with notice of said order until 8.30 o'clock on the evening of January 22, 1907, by the United States marshal and appeared in court at 10 o'clock on the morning of January 23, 1907, and stated that he had not been served with any notice until the evening before, and that as his regular attorney, F. M. Brooks, was not allowed to appear in his behalf by Judge Wilfley, he had had no time to obtain another attorney to represent him in this matter; that no action had been begun against him to his knowledge by J. J. Connell, and the said Connell had no interest whatsoever in the business of said Daly, which he the said Daly had built up during the past two years by hard and conscientious labor, until it was now a money-making and prosperous business, and he asked that the matter be adjourned until the afternoon of January 23, or the morning of the next day, so that he, the said Daly, might have an opportunity to procure legal advice and representation to protect himself.

That said Wilfley, as judge and upon the request of Arthur L. Bassett, who was appearing as counsel for the plaintiff Connell, with willful and corrupt partiality toward said Bassett, his close friend and protégé, refused to grant any adjournment, and refused to give said Daly any time to employ counsel; and forthwith appointed as receiver for said business an employee of said J. J. Connell, and put said employee of plaintiff in possession of said business.

That although said Daly denied that said plaintiff was a partner or had any interest in said business, through the threats of said Bassett and fear of imprisonment by Judge Wilfley he was coerced into agreeing to allow said receiver to dispose of his business to a Chinese employee of said Connell, the said Daly receiving less than $1,000 for said business and being forced to expend practically all of that amount in sending his wife to the United States, she having become insane by reason of the worries and troubles brought upon her husband.

That said Daly was given no trial or opportunity to prove the charge of Connell that he was entitled to an interest in said business was false and untrue, and by reason of the above mal and corrupt conduct of said Wilfley, and the gross oppression and misuse of his power as judge of the United States court for China, and his gross partiality and favoritism shown to said Bassett, the property of said Daly was taken from him, said Daly turned into the streets practically a penniless pauper; all to the great scandal, reproach, and disrepute of the United States court for China and of the administration of justice by the United States.

CHARGE XVII. That the said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of said office and in violation of his oath of office, was guilty of mal and corrupt conduct and of high crimes and misdemeanors in this, to wit:

That the said Lebbeus R. Wilfley, while holding the office of judge for the United States court for China and while acting in that capacity, has been guilty of mal and corrupt conduct and of gross oppression of his powers as said judge in that he has unlawfully and willfully refused to allow any appeals from criminal cases where he, sitting without a jury, has convicted a defendant, to be taken to the United States circuit court of appeals in California until the defendant has deposited in the United States court for China large sums of money alleged to be security for costs of the appeal, although all costs of appeal payable in said United States court for China have heretofore been paid in cash by said defendants, thereby hindering and interfering with the statutory rights of defendants in criminal cases and making it in the case of poor defendants practically impossible for them to obtain their statutory right of appeal; all to the great scandal, reproach, and disrepute of the United States court for China and of the administration of justice by the United States.

CHARGE XVIII. That the said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of said office and in violation of his oath of office, was guilty of mal and corrupt conduct and of high crimes and misdemeanors in this, to wit:

That the said Lebbeus R. Wilfley, while holding the office of judge of the United States court for China and while acting in that capacity was guilty of mal and corrupt conduct and of gross oppression and misuse of his powers as such judge in that a certain civil case on trial before him the said Wilfley as such judge, sitting without a jury, between a certain Chinaman and one C. A. Biddle, a citizen of the United States and the manager and principal stockholder of the Metropole Hotel, a large hotel in Shanghai, China, he, the said Wilfley, as such judge, unlawfully instructed one said Arthur L. Bassett, United States district attorney for the United States court for China, to file an information against said Biddle for obtaining money under false pretenses, and upon the trial of said Biddle on said charge the said Judge Wilfley, sitting without a jury, unjustly, unlawfully, and without warrant of law or fact, convicted said Biddle on the said pretended charge of obtaining money under false pretenses, and sentenced him to one year at hard labor in the Shanghai jail; and, further,

That upon an application to admit said Biddle to bail pending an appeal from said conviction to the United States circuit court of appeals for the ninth circuit, the said Wilfley unlawfully refused to admit said Biddle to bail until he had been confined in said jail for about one month, when said Wilfley became frightened as to his arbitrary conduct by reason of the decision of the said United States circuit court of appeals in another case appealed from said Wilfley, and offered to permit said Biddle to give bail in the sum of $4,000.

That the said Biddle in the meantime had by said conviction and imprisonment been ruined in his business, calling, and reputation, and was then unable to raise said sum of $4,000, although said Biddle was at the time of his imprisonment reputed to be a man of considerable wealth, and he had a good standing and reputation in the community; and as a consequence of said gross oppression and misuse of his powers as judge of the United States court for China by said Wilfley, said Biddle was obliged to remain in said jail for over nine months, until his appeal was heard and decided by the United States court of appeals for the ninth circuit, by which decision the United States circuit court of appeals declared that the charge made by the district attorney at the instance of Judge Wilfley was wholly unfounded and was in no respect a crime, but a matter solely for adjudication in a civil suit; all to the great scandal, reproach, and disrepute of the United States court for China and of the administration of justice for the United States.

CHARGE XIX. That the said Lebbeus R. Wilfley, judge of the United States court for China, unmindful of the duties of said office and in violation of his oath of office, was guilty of mal and corrupt conduct and of high crimes and misdemeanors in this, to wit:

That the said Lebbeus R. Wilfley, judge of the United States court for China, and while acting in that capacity, was guilty of mal and corrupt conduct and gross oppression and misuse of his powers as such judge in the case of one Stuart R. Price, a citizen of the United States, and a member of the regiment of Rough Riders and a veteran of the Spanish-American war, and entitled to protection and just treatment under the laws of the United States.

That said Price has been charged by one Arthur L. Bassett, district attorney for said United States court for China, with the crime of assault with a deadly weapon.

That the evidence showed that said Price had pointed an unloaded revolver at a person who was attacking him with a large carving knife because said Price was protecting a lady from insult.

That said Price was defended by an Italian lawyer, as the American lawyers who had charge of his case were not permitted by said Wilfley to practice in said court, and one of said American lawyers was threatened by said Wilfley with a charge of contempt of court if he dared to appear in court on the trial of said Price and advise the said Italian lawyer, who knew little of the methods of American procedure.

That, contrary to the evidence in the case, said Price was convicted by said Wilfley and sentenced to a term of imprisonment at hard labor for a period of six months at the Shanghai consular jail.

That said Price, through his Italian attorney, immediately filed notice of appeal to the United States circuit court of appeals for the ninth circuit, and perfected said appeal, and asked that bail be fixed pending said appeal, offering sureties for any reasonable amount or cash bail for any amount up to $10,000 pending said appeal, which appeal could not be heard for some time, as said appellate court was in California, where all the papers must be sent and the appeal argued.

That Judge Wilfley announced from the bench that having the power to make rules for his court, he would promulgate a new rule, which he then read, as follows:

"After conviction on appeal a prisoner may be admitted to or denied bail in the discretion of the court."

That said Wilfley then refused to allow bail for said Price, then a prisoner before him, and despite the perfection of his appeal and despite the fact that incarceration nullified the right of appeal given him by law and made it certain that said Price would undoubtedly undergo a long imprisonment whether his appeal was sustained or not.

That thereafter, on the 21st of February, 1907, the United States circuit court of appeals for the ninth circuit issued an order to said Judge Wilfley, and said order was cabled to the United States court in China, ordering said court to admit Price to bail upon his entering into a sufficient bond in the sum of $4,000 for his appearance when required.

That said Wilfley did not obey said mandate of the United States circuit court of appeals, but the clerk of his court cabled to the said United States circuit court of appeals asking said court to reverse its mandate, and stating that bail was refused to said Price because his appeal was frivolous.

That said Price remained incarcerated in the consular prison of Shanghai until the 25th day of February, 1907, when the circuit court of appeals cabled a second order reaffirming its former order for the immediate release of said Price upon bail.

That thereafter and on or about the 6th day of November, 1907, the United States circuit court of appeals for the ninth circuit reversed the unlawful and illegal conviction of said Price by the said Judge Wilfley.

All of which mal and corrupt conduct by said Lebbeus R. Wilfley, judge of the United States court for China, and gross oppression and misuse of his powers as such judge were high crimes and misdemeanors and all to the great scandal, reproach, and disrepute of the United States court for China and the administration of justice by the United States.

Mr. WALDO. Mr. Speaker, I now offer the following privileged resolution and ask that it be read at the Clerk's desk.

The SPEAKER. The gentleman from New York [Mr. WALDO] offers a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be authorized and directed to investigate and report upon the charges of official misconduct of Lebbeus R. Wilfley, judge of the United States court for China, and upon the charges of mal and corrupt conduct, and of high crimes and misdemeanors in office, made against said Lebbeus R. Wilfley, judge of the United States court for China, and to report to the House the result of such investigation, with the testimony, and whether articles of impeachment for mal and corrupt conduct and high crimes and misdemeanors in office shall be adopted by the House.

And in reference to this investigation the said committee or subcommitee is hereby authorized and empowered to sit at such times and places as may suit its conveniences, to send for persons and papers, administer oaths, take testimony, and to employ a clerk and stenographers to report its hearings, and to have the same printed, to send a subcommittee whenever or wherever it may be necessary to take testimony for the purpose of said investigation and for the use of said committee. And the said subcommittee while so employed, either within or without the United States, shall have the same powers in respect to obtaining testimony and taking proof thereof as are hereby given to said Committee on the Judiciary, with a sergeant-at-arms, by himself or deputy, who shall serve the processes of said committee and subcommittee and execute its orders, and shall attend the sittings of the same as ordered and directed thereby. And that the expense of such investigation shall be paid out of the contingent fund of the House.

Mr. WALDO. Mr. Speaker, unless there is some objection, I have nothing to say.

Mr. PAYNE. Mr. Speaker, I want to suggest to my colleague that this resolution proposes on the face of it, and on the strength of this memorial that is presented to Congress, to authorize the Committee on the Judiciary to appoint a subcommittee to go to China or anywhere else and take evidence in this case. Now, it seems to me, and I suggest to my colleague, that it would be well to refer this resolution to the Committee on the Judiciary, with instructions to report back a resolution, say within ten days, in order not to delay the matter, and let them look into the memorial and see whether a prima facie case is made out and report a suitable resolution.

Mr. WALDO. That is entirely satisfactory to me.

Mr. PAYNE. Then I suggest to take that course.

Mr. WALDO. I move, then, that this resolution and the articles be referred to the Committee on the Judiciary, to report back by resolution within ten days what, if any, proceedings should be taken.

The SPEAKER. The gentleman from New York [Mr. WALDO] moves to refer the whole matter to the Committee on the Judiciary, with instructions to report to the House within ten days, by resolution or otherwise, what, if any, proceedings should be taken by the House. The question is on agreeing to the motion.

The question was taken, and the motion was agreed to.

DISTRICT OF COLUMBIA BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that Saturday of this week be set aside for the consideration of District business in lieu of to-day.

The SPEAKER. The gentleman from Michigan asks unanimous consent that Saturday of this week be set apart for business of the District Committee in lieu of to-day. Is there objection?

There was no objection.

DEATH OF HON. ASBURY C. LATIMER.

Mr. FINLEY. Mr. Speaker, the House has been officially informed by communication from the Senate of the death of Hon. ASBURY C. LATIMER, junior Senator from the State of South Carolina, who departed this life at Providence Hospital, in this city, at 9.15 o'clock this morning. At some future time I will ask the House to set apart a day at which time proper tribute can be paid to the life, character, and public services of South Carolina's distinguished son. I ask, Mr. Speaker, the adoption of the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House of Representatives has heard with profound sorrow of the death of Hon. ASBURY C. LATIMER, late a Senator of the United States from the State of South Carolina.

Resolved, That a committee of nineteen Members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the late ASBURY C. LATIMER the House of Representatives do now adjourn.

The SPEAKER. The question is on the adoption of the first three resolutions.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER. The Chair announces the following committee:

The Clerk read as follows:

Mr. FINLEY, Mr. LEVER, Mr. PATTERSON, Mr. ELLERBE, Mr. LEGARE, Mr. JOHNSON of South Carolina, Mr. AIKEN, Mr. BENNET of New York,

Mr. BURNETT, Mr. COOK of Colorado, Mr. STAFFORD, Mr. RODENBERG, Mr. HINSHAW, Mr. POLLARD, Mr. LEE, Mr. DE ARMOND, Mr. FAIRCHILD, Mr. WEBB and Mr. KÜSTERMANN.

The SPEAKER. The question is on the last resolution.

The question was taken, and the resolution was unanimously agreed to.

Accordingly (at 1 o'clock and 11 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Doorkeeper of the House, transmitting, with a favorable recommendation, a letter from the superintendent of the document room recommending certain changes in certain features and detail of the printing and Congressional index service—to the Committee on Printing and ordered to be printed.

A letter from the Doorkeeper of the House, transmitting, with approval, certain recommendations of the superintendent of the document room relating to repairs and alterations necessary for keeping the public documents in proper condition—to the Committee on Accounts and ordered to be printed.

A letter from the Secretary of the Interior, transmitting draft of a proposed bill relating to amendment of the general Indian allotment act in regard to area—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Interior, transmitting draft of a proposed bill in relation to area of allotment of the Western Navaho, San Carlos, and Mescalero reservations—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation for the reservation of reservoir and water-power sites on Indian reservations—to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1) pensioning the surviving officers and enlisted men of the Texas volunteers employed in the defense of the frontier of that State against Mexican marauders and Indian depredations, from 1855 to 1860, inclusive, and for other purposes, reported the same with amendments, accompanied by a report (No. 1041), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAYES, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 16515) authorizing the purchase of a steel ferryboat for use between Angel Island and San Francisco, Cal., and a steel cutter for use of immigration officials at San Francisco, Cal., reported the same with amendment, accompanied by a report (No. 1042), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1378) granting a pension to Andrew Goddard, reported the same with amendment, accompanied by a report (No. 981), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1589) granting an increase of pension to Susan M. Yeoman, reported the same with amendments, accompanied by a report (No. 982), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3012) granting an increase of pension to James Jeffreis, reported the same with amendments, accompanied by a report (No. 983), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4121) granting an increase of pension to James B. Smith, reported the same with amendment, accompanied by a report (No. 984), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4337) granting an increase of pension to Francis H. Swift, reported the same with amendments, accompanied by a report (No. 985), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4413) granting an increase of pension to Alexander Beckwith, reported the same with amendment, accompanied by a report (No. 986), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4974) granting an increase of pension to John O. Evans, reported the same with amendments, accompanied by a report (No. 987), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4979) granting an increase of pension to Julius M. Dutton, reported the same with amendment, accompanied by a report (No. 988), which said bill and report were referred to the Private Calendar.

Mr. HACKETT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5298) granting a pension to Kirk Brown, reported the same with amendments, accompanied by a report (No. 989), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6407) granting an increase of pension to John H. Arnold, reported the same with amendment, accompanied by a report (No. 990), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6529) granting a pension to Thomas Carten, reported the same with amendments, accompanied by a report (No. 991), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6654) granting an increase of pension to Edward Marden, reported the same with amendment, accompanied by a report (No. 992), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7220) granting an increase of pension to Langdon Sheriff, reported the same with amendments, accompanied by a report (No. 993), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7388) granting an increase of pension to De Witt Nash, reported the same with amendment, accompanied by a report (No. 994), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7440) granting an increase of pension to Oliver Jones, reported the same with amendment, accompanied by a report (No. 995), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7745) granting an increase of pension to William Sheppard, reported the same with amendment, accompanied by a report (No. 996), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7746) granting an increase of pension to William D. Williams, reported the same with amendment, accompanied by a report (No. 997), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7938) granting a pension to James B. Wilson, reported the same with amendments, accompanied by a report (No. 998), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7939) granting a pension to Mrs. Gershom M. Barber, reported the same with amendments, accompanied by a report (No. 999), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8333) granting an increase of pension to George Jenkins, reported the same with amendment, accompanied by a report (No. 1000), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8628) granting an increase of pension to John Gibson, reported the same with amendment, accompanied by a report (No. 1001), which said bill and report were referred to the Private Calendar.

Mr. HACKETT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8743) granting an increase of pension to Charles Titterington, reported the same with amendment, accompanied by a report (No. 1002), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10158) granting an increase of pension to John F. Lane, reported the same without amendment, accompanied by a report (No. 1003), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11041) granting an increase of pension to Alexander Keefe, reported the same with amendment, accompanied by a report (No. 1004), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11367) granting an increase of pension to George W. Robb, reported the same with amendments, accompanied by a report (No. 1005), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11687) granting an increase of pension to Alonzo Knox, reported the same without amendment, accompanied by a report (No. 1006), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11939) granting an increase of pension to Philip Bowers, reported the same with amendment, accompanied by a report (No. 1007), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12026) granting an increase of pension to Fred Wiffin, reported the same with amendments, accompanied by a report (No. 1008), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12490) granting an increase of pension to John Wagner, reported the same with amendment, accompanied by a report (No. 1009), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12629) granting an increase of pension to Albert Newton, reported the same without amendment, accompanied by a report (No. 1010), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13140) granting an increase of pension to John O. Matthews, reported the same with amendments, accompanied by a report (No. 1011), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13536) granting a pension to Granville W. Smith, reported the same with amendment, accompanied by a report (No. 1012), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13627) granting an increase of pension to George A. Osborn, reported the same with amendment, accompanied by a report (No. 1013), which said bill and report were referred to the Private Calendar.

Mr. HACKETT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14084) granting an increase of pension to Charles W. Heisler, reported the same without amendment, accompanied by a report (No. 1014), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14531) granting an increase of pension to Thomas G. Orr, reported the same with amendments, accompanied by a report (No. 1015), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14547) granting an increase of pension to Joseph A. Turner, reported the same with amendment, accompanied by a report (No. 1016), which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14972) granting an increase of pension to G. W. Stabler, reported the same with amendments, accompanied by a report (No. 1017), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14981) granting an increase of pension to John W. Don, sr., reported the same with amendments, accompanied by a report (No. 1018), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15539) granting an increase of pension to Edward P. Howe, reported the same with amendment, accompanied by a report (No. 1019), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15893) granting an increase of pension to Richard H. Jones, reported the same with amendment, accompanied by a report (No. 1020), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16236) granting an increase of pension to Thomas Sheppard, reported the same with amendment, accompanied by a report (No. 1021), which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16415) granting an increase of pension to Joseph Rickey, reported the same with amendment, accompanied by a report (No. 1022), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16444) granting an increase of pension to Louis N. Brady, reported the same with amendment, accompanied by a report (No. 1023), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4123) granting an increase of pension to Graham Maffett, reported the same with amendment, accompanied by a report (No. 1024), which said bill and report were referred to the Private Calendar.

Mr. HULL of Tennessee, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1549) granting a pension to Lela Ellis, reported the same with amendments, accompanied by a report (No. 1025), which said bill and report were referred to the Private Calendar.

Mr. LANING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4173) granting a pension to Harris Alvin Conrad, reported the same with amendments, accompanied by a report (No. 1026), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4327) granting an increase of pension to Jorge Benavides Anderson, reported the same with amendments, accompanied by a report (No. 1027), which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5138) granting a pension to David McGinnis, reported the same with amendments, accompanied by a report (No. 1028), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7169) granting an increase of pension to Jennie H. Thomas, reported the same with amendments, accompanied by a report (No. 1029), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12856) granting an increase of pension to Peter A. Rainbolt, reported the same with amendments, accompanied by a report (No. 1030), which said bill and report were referred to the Private Calendar.

Mr. BARCLAY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15137) granting an increase of pension to Fenemore Ames, reported the same with amendment, accompanied by a report (No. 1031), which said bill and report were referred to the Private Calendar.

Mr. HULL of Tennessee, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15179) granting an increase of pension to Martha E. McDonald, reported the same with amendments, accompanied by a report (No. 1032), which said bill and report were referred to the Private Calendar.

Mr. BARCLAY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15473) granting an increase of pension to Mary A. L. Hawk, reported the same with amendments, accompanied by a report (No. 1033), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15546) granting a pension to John T. Maloney, jr., reported the same with amendment, accompanied by a report (No. 1034), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15947) granting an increase of pension to Mary E. Leigh, reported the same with amendments, accompanied by a report (No. 1035), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16184) granting an increase of pension to James Cochran Key, reported the same with amendments, accompanied by a report (No. 1036), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16241) granting an increase of pension to Sarah W. Passmore, reported the same with amendments, accompanied by a report (No. 1037), which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16331) granting an increase of pension to Annie Ricks, reported the same with amendments, accompanied by a report (No. 1038), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16803) granting a pension to William Abt, reported the same with amendments, accompanied by a report (No. 1039), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17073) granting an increase of pension to Thomas J. Perkins, reported the same with amendments, accompanied by a report (No. 1040), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. REEDER: A bill (H. R. 17648) to provide for the purchase of a site for a public building at Beloit, Kans.—to the Committee on Public Buildings and Grounds.

By Mr. CALE: A bill (H. R. 17649) to establish a Territorial government in Alaska, and for other purposes—to the Committee on the Territories.

By Mr. SCOTT: A bill (H. R. 17650) providing for the control of grazing upon the public lands in the arid States and Territories of the United States, and for other purposes—to the Committee on the Public Lands.

By Mr. WANGER: A bill (H. R. 17651) to authorize the Postmaster-General to establish a station, substation, or branch post-office in certain communities—to the committee on the Post-Office and Post-Roads.

By Mr. LAMAR of Missouri: A bill (H. R. 17652) to establish a breeding station for farm animals in the Sixteenth Congressional district of Missouri and making an appropriation therefor—to the Committee on Agriculture.

By Mr. McMILLAN: Joint resolution (H. J. Res. 142) for the erection of a monument to the memory of ex-President Martin Van Buren—to the Committee on the Library.

By Mr. LILLEY: Resolution (H. Res. 255) for the investigation of the Electric Boat Company of New Jersey, etc.—to the Committee on Rules.

By Mr. WALDO: Resolution (H. Res. 257) directing the Committee on the Judiciary to investigate, etc., the charges of official misconduct of Lebbeus R. Wilfley, judge of the United States court for China—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDRUS: A bill (H. R. 17653) granting a pension to Mary Elizabeth McCann—to the Committee on Pensions.

By Mr. ANSBERRY: A bill (H. R. 17654) granting a pension to Alwilda Blades—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 17655) granting an increase of pension to Grant Moore—to the Committee on Pensions.

By Mr. BINGHAM: A bill (H. R. 17656) for the relief of Nathan Van Bell, of Philadelphia, and others—to the Committee on Claims.

By Mr. BIRDSALL: A bill (H. R. 17657) granting an increase of pension to Alvin Eck—to the Committee on Invalid Pensions.

Also, a bill (H. R.17658) granting an increase of pension to Moses A. Kellum—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 17659) granting an increase of pension to Theodore Halberstadt—to the Committee on Invalid Pensions.

By Mr. COOK of Pennsylvania: A bill (H. R. 17660) authorizing the appointment of Maj. John S. Bishop, United States Army, retired, on the retired list of the Army, with the rank of brigadier-general—to the Committee on Military Affairs.

Also, a bill (H. R. 17661) providing for the adjudication of the claim of the Philadelphia and Reading Coal and Iron Company by the Court of Claims—to the Committee on Claims.

By Mr. COX of Indiana: A bill (H. R. 17662) granting an increase of pension to William E. Jenner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17663) granting a pension to Thomas J. D. Pinnick—to the Committee on Pensions.

Also, a bill (H. R. 17664) granting a pension to John C. Deubo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17665) granting a pension to Samuel B. Wellman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17666) for the relief of James W. Jacobs—to the Committee on War Claims.

By Mr. DENVER: A bill (H. R. 17667) granting an increase of pension to Harry C. Newton—to the Committee on Pensions.

By Mr. ELLIS of Missouri: A bill (H. R. 17668) for the relief of M. E. Saville—to the Committee on Claims.

By Mr. FASSETT: A bill (H. R. 17669) granting a pension to James Ball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17670) granting an increase of pension to Thomas Freeland—to the Committee on Invalid Pensions.

By Mr. GRIGGS: A bill (H. R. 17671) granting an increase of pension to Samuel N. Clary—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 17672) to remove the charge of desertion standing against William N. Mabry—to the Committee on Military Affairs.

By Mr. HILL of Mississippi: A bill (H. R. 17673) for the relief of Mercy C. Harvey—to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 17674) for the relief of the legal heirs of Mrs. George M. Goodwin—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: A bill (H. R. 17675) granting an increase of pension to Alexander A. Yard—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 17676) granting a pension to John M. Wright—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 17677) granting a pension to Nannie Vanarsdall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17678) granting a pension to John W. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17679) granting an increase of pension to Frank T. Bristow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17680) granting an increase of pension to Dulaney R. Carr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17681) granting an increase of pension to John F. Harper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17682) for the relief of the estate of Herman Whitney—to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17683) granting an increase of pension to John T. Stasel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17684) to correct the military record of Thomas Etherton—to the Committee on Military Affairs.

Also, a bill (H. R. 17685) for the relief of Conrad Claycomb—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 17686) granting a pension to Lewis Lyon—to the Committee on Pensions.

Also, a bill (H. R. 17687) granting a pension to Susan Webb—to the Committee on Pensions.

Also, a bill (H. R. 17688) granting an increase of pension to Morgan Clark—to the Committee on Pensions.

Also, a bill (H. R. 17689) for the relief of Joseph Nickell—to the Committee on War Claims.

Also, a bill (H. R. 17690) for the relief of Elizabeth Bevins—to the Committee on War Claims.

Also, a bill (H. R. 17691) for the relief of the legal representatives of James M. Bullock—to the Committee on War Claims.

Also, a bill (H. R. 17692) to correct the military record of Andrew Napier—to the Committee on Military Affairs.

Also, a bill (H. R. 17693) to correct the military record of Jesse Osban—to the Committee on Military Affairs.

Also, a bill (H. R. 17694) to correct the military record of Henry Collins—to the Committee on Military Affairs.

By Mr. LAWRENCE: A bill (H. R. 17695) granting a pension to Charles H. V. Wiggin—to the Committee on Pensions.

By Mr. NELSON: A bill (H. R. 17696) granting an increase of pension to William H. Bassett—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 17697) granting an increase of pension to James L. Millspaugh—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 17698) granting an increase of pension to Julius Zippling—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 17699) granting an increase of pension to Henry C. Curtis—to the Committee on Invalid Pensions.

PETITIONS, ETC

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Philadelphia Bourse, for retirement of the superintendents, keepers, and crews of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Reading Circle, of New Castle, Pa., for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Local Union No. 456, International Typographical Union, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Local Union No. 341, of Monaca, Pa., for battle-ship construction in navy-yards—to the Committee on Naval Affairs.

By Mr. ANSBERRY: Petition of citizens of Defiance, Ohio, against the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BIRDSALL: Petition of C. A. Kendall and others, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of New York Board of Trade and Transportation, against S. 42 and H. R. 6089 (previously referred to the Committee on Agriculture)—to the Committee on Interstate and Foreign Commerce.

By Mr. CHANEY: Paper to accompany bill for relief of Theodore Halberstadt—to the Committee on Invalid Pensions.

By Mr. COCKRAN: Paper to accompany bill for relief of James W. Skiff, sr.—to the Committee on Pensions.

By Mr. DAWSON: Petition of D. A. Typographia, No. 20, of Davenport, Iowa, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of citizens of Washington, for extension of tracks of Capital Traction Company—to the Committee on the District of Columbia.

Also, petition of James Eades How, of St. Louis, for appropriation of $150,000,000 for waterways of the country—to the Committee on Rivers and Harbors.

By Mr. DUNWELL: Petition of New York Board of Trade and Transportation, against S. 42 and H. R. 6089 (previously referred to the Committee on Agriculture)—to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD: Paper to accompany bill for relief of Thomas D. Marshall—to the Committee on Invalid Pensions.

By Mr. FOCHT: Petition of Donation Grange, No. 330, Patrons of Husbandry, of Huntingdon County, Pa., against repeal of 10 per cent tax clause of the oleomargarine bill—to the Committee on Agriculture.

By Mr. FULLER: Petition of Chicago Federation of Labor, for legislation to investigate affairs of the telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of Michigan: Petition of William Killefer and others, for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. HOWELL of New York: Petition of N. E. Society of Orange, N. J., against the Crumpacker census bill—to the Committee on the Census.

By Mr. HOWELL of Utah: Petition of Commercial Club of Ephraim City, Utah, in favor of certain amendments to section 4 of interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. HOUSTON: Paper to accompany bill for relief of Thomas G. Bratten—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: Paper to accompany bill for relief of Frank H. Briston—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of heirs of Herman Whitney, and estate of John Riley—to the Committee on War Claims.

By Mr. JONES of Washington: Petition of Lou E. Beach and others and Sampson P. Hughes, for the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of W. H. Wilcox, against amendment to the copyright bill inimical to photographers—to the Committee on Patents.

Also, petition of Spokane Clearing-House Association favoring the McKinney bill (H. R. 15262), relative to the currency—to the Committee on Banking and Currency.

By Mr. LINDSAY: Petition of New York Board of Trade and Transportation, against passage of S. 42 and H. R. 6089 (previously referred to the Committee on Agriculture)—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of Henry Carvill Lime and Cement Company, for H. R. 3892, relative to lands affected by the Sacramento River—to the Committee on Rivers and Harbors.

Also, petition of Baldwin & Howell, of San Francisco, Cal., favoring S. 4316 (certain amendments to the Dick law)—to the Committee on Militia.

By Mr. KNOPF: Paper to accompany bill for relief of John E. Tavenner—to the Committee on Invalid Pensions.

Also, petition of Chicago Federation of Labor, favoring H. R. 15123 and 15267 and S. 4395, embodying legislation in correction of certain faults of the telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. McKINNEY: Petition of Typographical Union No. 107, of Rock Island, Moline, and Davenport, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. MADDEN: Petition of Chicago Federation of Labor, for H. R. 15123 and 15267 and S. 4395, relative to correction of matters concerning telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER of New Jersey: Petition of Frederick Frelinghuysen et al., of Newark, N. J., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. PARSONS: Paper to accompany bill for relief of William M. Burrows—to the Committee on Military Affairs.

By Mr. RANDELL of Texas: Petition of citizens of Bonham, Tex., to accompany H. R. 262, for a public building at Bonham, Tex.—to the Committee on Public Buildings and Grounds.

Also, petitions of citizens of Texas and citizens of Kansas, Business Men's Committee, of McKinney, Tex., and citizens of Sherman, Tex., for appropriation to fight green bugs and other grain pests, to accompany H. R. 10507—to the Committee on Agriculture.

By Mr. RIORDAN: Petition of Metropolitan Association of Retail Druggists, for S. 4700 (Rayner bill) and H. R. 14639 (Bennet bill), for a just and equitable schedule of remuneration for services by the National Association of Superintendents of Post-Offices to the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

Also, petition of James Eads How, of St. Louis, for appropriation of $150,000,000 to improve the waterways of the country—to the Committee on Rivers and Harbors.

By Mr. SABATH: Petition of Chicago Federation of Labor, for H. R. 15123 and 15267 and S. 4395, relative to management of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of California: Petition of Cornman Post, No. 57, Grand Army of the Republic, Department of California and Nevada, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. SPERRY: Petition of Department of Connecticut, United Spanish War Veterans, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. SULZER: Petition of New York Board of Trade and Transportation, against passage of S. 42 and H. R. 6080 (previously referred to the Committee on Agriculture)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the United States Monetary League, against legislation for an asset credit or bankers' flexible currency—to the Committee on Banking and Currency.

Also, petition of Metropolitan Association of Retail Druggists, favoring S. 4700 (Rayner bill) and H. R. 14639 (Bennet bill)—to the Committee on the Post-Office and Post-Roads.

Also, petition of People's Institute, against the Crumpacker census employee bill—to the Committee on the Census.

Also, petition of citizens of Washington, D. C., for extension of tracks of the Capital Traction Company—to the Committee on the District of Columbia.

By Mr. WALLACE: Paper to accompany bill for relief of Rebecca Walthall—to the Committee on War Claims.

By Mr. WILEY: Petition of Board of Trade of Columbus, Ga., for appropriation to improve the Chattahoochee River—to the Committee on Rivers and Harbors.

By Mr. WOOD: Petition of David W. Morton, for restoration of motto "In God we trust" to coins of the United States—to the Committee on Coinage, Weights, and Measures.

Also, petition of Alfred Garkill, for forest reservations in White Mountain and southern Appalachian Mountains—to the Committee on Agriculture.

SENATE.

FRIDAY, *February 21, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

STREET CLEANING IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 5th instant, a statement relative to the estimate for the coming fiscal year for sprinkling, sweeping, and cleaning streets in order to avoid further dumping of street sweepings and ashes along the banks of Rock Creek, which was referred to the Committee on the District of Columbia and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Trustees of the Methodist Episcopal Church South, of Decatur, Ala., *v.* United States;

In the cause of Bushrod W. Nash, trustee of the Union Baptist Association of North Carolina, successor in interest to the Hood Swamp Baptist Church, of Wayne County, N. C., *v.* United States;

In the cause of George H. Sampson et al., heirs at law of Daniel W. Sampson, deceased, *v.* United States;

In the cause of Elizabeth M. Pitkin and Carrie E. Pitkin McDowell, heirs of Henry S. Pitkin, deceased, *v.* United States;

In the cause of E. Rittenhouse Miller, executor of Dickenson Miller, deceased, *v.* United States;

In the cause of Alice C. McRitchie et al., heirs at law of Silas Reynolds, deceased, *v.* United States;

In the cause of Marie L. Clark, widow of Lewis Clark, deceased, *v.* United States;

In the cause of Charles A. White and Isabelle G. White, sole heirs at law of Leverette H. White, deceased, *v.* United States; and

In the cause of Emma M. Gay, widow and executrix of Thomas S. Gay, deceased, *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. J. W. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 9079) to extend to Port Arthur, in the State of Texas, the privilege of immediate transportation without appraisement of dutiable merchandise, in which it requested the concurrence of the Senate.

The message also transmitted to the Senate resolutions of the House on the death of Hon. ASBURY C. LATIMER, late a Senator from the State of South Carolina.

The message further announced that the Speaker of the House had appointed Mr. FINLEY, Mr. LEVER, Mr. PATTERSON, Mr. ELLERBE, Mr. LEGARE, Mr. JOHNSON of South Carolina, Mr. AIKEN, Mr. BENNET of New York, Mr. BURNETT, Mr. COOK of Colorado, Mr. STAFFORD, Mr. RODENBERG, Mr. HINSHAW, Mr. POLLARD, Mr. LEE, Mr. DE ARMOND, Mr. FAIRCHILD, Mr. WEBB, and Mr. KÜSTERMANN members of the committee on the part of the House to attend the funeral of the late Senator.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice-President:

S. 57. An act granting a pension to Alvah Moulton;

S. 417. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company;

S. 523. An act granting an increase of pension to John S. Hyatt;

S. 524. An act granting an increase of pension to John Lowder;

S. 638. An act granting a pension to Emily Ayres;

S. 920. An act granting an increase of pension to Martha A. Kenny;

S. 1171. An act granting a pension to Mary A. Sands;

S. 1403. An act granting an increase of pension to Martha Stewart;

S. 1404. An act granting an increase of pension to John Lourcey;

S. 1405. An act granting an increase of pension to William C. O'Neal;

S. 1406. An act granting an increase of pension to Hester Kite;

S. 1408. An act granting an increase of pension to Elizabeth Sweat;

S. 1423. An act granting an increase of pension to Nancy Motes;

S. 1757. An act granting an increase of pension to Jane C. Stingley;

H. J. Res. 130. Joint resolution providing for salaries of the Resident Commissioners from the Philippine Islands; and

H. J. Res. 139. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Local Union No. 11, International Photo-Engravers' Union, of Indianapolis, Ind., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented the petition of Jens Jensen, landscape architect and general superintendent of the West Chicago Park Commission, of Chicago, Ill., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, of San Francisco, Cal., remonstrating against the enactment of legislation amending section 4438 of the Revised Statutes so as to make the provision contained therein inapplicable to masters of sailing vessels of over 700 gross tons, which was referred to the Committee on Commerce.

Mr. PLATT presented a memorial of Clayton Harbor, No. 67, American Association of Masters and Pilots of Steam Vessels, of Clayton, N. Y., remonstrating against the enactment of legislation to remove discriminations against American sailing vessels in the coastwise trade, which was referred to the Committee on Commerce.

He also presented a petition of the American Paper and Pulp Association, of New York City, N. Y., praying for the passage of the so-called "Aldrich emergency bill," which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Schenectady, N. Y., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BURNHAM presented the memorial of D. Eugene Rowell, of Lancaster, N. H., remonstrating against the adoption of a certain amendment to the present copyright law relating to photographic reproductions, which was referred to the Committee on Patents.

He also presented a memorial of Local Union No. 24, Pulp, Sulphite, and Paper Mill Workers of Cascade, N. H., remonstrating against the enactment of legislation to repeal the duty on paper and wood pulp imported into the United States, which was referred to the Committee on Finance.

He also presented a petition of the congregation of the First Baptist Church of Tempe, Ariz., praying for the adoption of a certain amendment to section 2139 of the Revised

Statutes relating to the sale of intoxicating liquors in the Indian Territory, which was referred to the Committee on the Judiciary.

Mr. FULTON presented a petition of the Commercial Club of Eugene, Oreg., praying that an appropriation be made for the improvement of the Suislaw River in that State, which was referred to the Committee on Commerce.

Mr. SCOTT presented a petition of Sinks Grove Grange, No. 59, Patrons of Husbandry, of Sinks Grove, W. Va., praying for the enactment of legislation to provide for the advancement of instruction in agriculture, manual training, and home economics, through national and State direction, of all State normal schools, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of the State of West Virginia, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of sundry citizens of Rindge, Franklin, and Dover, all in the State of New Hampshire; of Brooklyn, N. Y.; Washington, D. C.; Grand Rapids, Byron Center, and Muskegon, all in the State of Michigan, and of Elkhart, Ind., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the East End Suburban Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for the widening of Benning road, in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of the District of Columbia, remonstrating against the enactment of legislation providing for the extension of New Hampshire avenue to the District boundary line in any other direction than in a continuation of the line as now opened through the subdivision known as "Petworth," in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Columbia Heights Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for lower rates for illuminating gas in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Anacostia Citizens' Association, of the District of Columbia, remonstrating against the passage of the so-called "Dolliver bill," providing for the direction and control of public education in the District of Columbia, which was ordered to lie on the table.

Mr. McLAURIN presented the petition of Benjamin S. Chase and sundry citizens of Mississippi, praying for the enactment of legislation referring their claims to the Court of Claims, which was referred to the Committee on Claims.

Mr. HOPKINS presented a petition of Local Union No. 215, International Typographical Union, of Decatur, Ill., and a petition of Local Union No. 174, International Brotherhood of Bookbinders, of Joliet, Ill., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of Local Union No. 1, Commercial Telegraphers' Union of America, of Chicago, Ill., praying for the enactment of legislation placing the telegraph systems of the United States under the provisions of an act whereby any controversy threatening to interfere or interrupt the telegraph service may have Federal investigation, which was referred to the Committee on the Judiciary.

He also presented a petition of the American Paper and Pulp Association, of New York City, N. Y., praying for the passage of the so-called "Aldrich emergency currency bill," which was referred to the Committee on Finance.

Mr. KEAN presented a petition of the Woman's Club of Orange, N. J., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the petition of G. H. Putnam, of Vineland, N. J., and the petition of W. B. Keighley, of Vineland, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 399, International Typographical Union, of Plainfield, N. J., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. CULLOM presented a petition of Local Union No. 174, International Brotherhood of Bookbinders, of Joliet, Ill., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Epworth League of the Avondale Methodist Church, of Avondale, Ill., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a memorial of sundry citizens of Peace Dale, R. I., remonstrating against the adoption of a certain amendment to the present copyright law relating to musical compositions, which was referred to the Committee on Patents.

He also presented a petition of the Federation of Labor of Providence, R. I., praying for the enactment of legislation to prohibit Army and Navy bands from entering into competition with civilian bands, which was referred to the Committee on Military Affairs.

Mr. FLINT presented a petition of Cornman Post, No. 57, Department of California and Nevada, Grand Army of the Republic, of San Bernardino, Cal., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. HEYBURN presented a petition of the board of trustees of the State Normal School, of Lewiston, Idaho, praying for the enactment of legislation to provide for the advancement of instruction in agriculture, manual training, and home economics through national and State direction of all State normal schools, which was referred to the Committee on Agriculture and Forestry.

Mr. BULKELEY presented petitions of sundry organizations of New Haven, Bridgeport, Middletown, Hartford, Seymour, New Britain, Ansonia, and Meriden, all in the State of Connecticut, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. STEPHENSON presented a petition of Local Union No. 211, International Typographical Union, of Oshkosh, Wis., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Sheboygan, Wis., remonstrating against the passage of the so-called "Crumpacker bill" providing for the employment of additional clerks for taking the Thirteenth Census, which was referred to the Committee on the Census.

He also presented memorials of sundry citizens of Neillsville, Depere, Sharon, Spring Valley, Spring Green, Boscobel, Viola, Watertown, New London, Cascade, and inmates of the Wisconsin Veterans' Home, all in the State of Wisconsin, remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

Mr. McCUMBER presented a petition of sundry citizens of Northwood, N. Dak., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the North Dakota Retail Hardware Association, praying for the enactment of legislation setting aside certain lands in that State for forest reserves; for the improvement of certain waterways, and for the enactment of a national paint law, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Commercial Club of Bismarck, N. Dak., praying for the adoption of a certain amendment to the present interstate commerce law relating to the compensation for the transportation of passengers or property for a shorter or longer distance, which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented a petition of sundry citizens of Amesbury, Mass., praying for the establishment of a permanent court of arbitration at The Hague, which was referred to the Committee on Foreign Relations.

Mr. LONG presented the petition of C. L. Ingwerson and seven other veterans of the Kansas "Price raid" of 1864, of Burlington, Kans., praying for the enactment of legislation extending the provisions of the pension laws to the survivors of that raid, which was referred to the Committee on Pensions.

He also presented petitions of the Woman's Christian Temperance Union, and sundry other organizations of Wichita, Mayfield, Iola, Laharpe, Larned, Howard, Prettyprairie, Phillipsburg, Columbus, Emporia, Independence, and Manhattan, all in the State of Kansas, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PENROSE presented sundry papers to accompany the bill (S. 5101) granting an increase of pension to C. W. Couser, which were referred to the Committee on Pensions.

Mr. DICK presented sundry papers to accompany the amendment submitted by himself on the 13th instant relative to the Bureau of Yards and Docks, Navy Department, intended to be proposed to the legislative, etc., appropriation bill, which were referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of Cleveland, Cincinnati, and Elyria, all in the State of Ohio, praying for the passage of the so-called "Crumpacker bill," providing for the employment of additional clerks for taking the Thirteenth Census, which was referred to the Committee on the Census.

He also presented memorials of sundry citizens of Cincinnati and Massillon, in the State of Ohio, remonstrating against the passage of the so-called "Crumpacker bill," providing for the employment of additional clerks for taking the Thirteenth Census, which were referred to the Committee on the Census.

He also presented a petition of Canfield Post, No. 124, Department of Ohio, Grand Army of the Republic, of Ohio, praying for the passage of the so-called "Sherwood bill," granting more liberal rates of pensions, which was referred to the Committee on Pensions.

He also presented a petition of the Pattern Makers' Association of Akron, Ohio, praying for the enactment of legislation providing for the construction of all battle ships at Government navy-yards; which was referred to the Committee on Naval Affairs.

He also presented a petition of the congregation of the Friends' Church of Alliance, Ohio, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the German-American Alliance of Steubenville, Ohio, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Cincinnati, Cleveland, Springfield, Columbus, and Toledo, all in the State of Ohio, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of Local Union No. 1, American Federation of Musicians, of Cleveland, Ohio, and a petition of Local Union No. 103, American Federation of Musicians, of Columbus, Ohio, praying for the enactment of legislation to prohibit Army and Navy bands from entering into competition with civilian bands, which were referred to the Committee on Military Affairs.

He also presented a petition of Rear-Admiral Henry E. Picking Garrison, No. 4, Army and Navy Union, of Erie, Pa., praying for the enactment of legislation to increase and equalize the pay officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

He also presented a memorial of Buckeye Council, No. 75, United Commercial Travelers of America, of Cincinnati, Ohio, remonstrating against the enactment of legislation to secure the use of United States rural mail equipment and to place the rural service on a paying basis, and also against the consolidation of third and fourth class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURKETT presented a petition of sundry citizens of Lincoln, Nebr., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented memorials of sundry citizens of the State of Nebraska, remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a petition of the Woman's Christian Temperance Union of Philmont, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of Clayton Harbor, No. 67, American Association of Masters, Mates, and Pilots, of Baltimore, Md., remonstrating against the enactment of legislation to remove discriminations against American sailing vessels in the coastwise trade, which was referred to the Committee on Commerce.

He also presented a petition of the United Trades and Labor Council of the port of Buffalo, N. Y., praying for the passage of the so-called "Goulden bill," relating to crews on steam vessels, which was referred to the Committee on Commerce.

CLAIMS OF LOYAL CREEK INDIANS.

Mr. TELLER. There has been pending before Congress for a number of years a claim known as "the loyal Creek Indians claim." I present a brief concerning this question. I do not ask that it be printed in the RECORD, but I move that it lie on the table and be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on the Philippines, to whom was referred the bill (S. 5507) to increase the membership of the Philippine Commission, reported it with an amendment.

Mr. FLINT, from the Committee on the Geological Survey, to whom was referred the bill (S. 4171) to provide for continuation of investigations of the rivers and water resources of the United States, reported it without amendment and submitted a report thereon.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. PERKINS on the 4th instant, proposing to increase the limit of cost heretofore fixed for the construction of the custom-house building at San Francisco, Cal., intended to be proposed to the sundry civil appropriation bill, reported it with amendments, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, which was agreed to.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 5341) to authorize the enlargement, improvement, and equipment of the light-house depot at Yerba Buena Island, California, reported it without amendment and submitted a report thereon.

Mr. SUTHERLAND, from the Committee on Indian Affairs, to whom was referred the bill (S. 5038) for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians, known also as the "confederated bands of Ute Indians of Colorado," reported it without amendment and submitted a report thereon.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5333) relating to yachts, to report it without amendment, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. CULBERSON. I ask that the bill may go over, so that I can look into it.

The VICE-PRESIDENT. Objection is made to the present consideration of the bill, and it will go to the Calendar.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 4454) authorizing the Secretary of War to accept for the Government the Gallatin turnpike, from the city of Nashville to the national cemetery, in the county of Davidson, State of Tennessee, reported it without amendment and submitted a report thereon.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 418) to provide for the purchase of a site and the erection of a public building thereon at Huron, in the State of South Dakota, reported it with an amendment and submitted a report thereon.

He also, from the Committee on the Library, to whom was referred the bill (S. 1761) for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, in North Carolina, reported it with an amendment and submitted a report thereon.

Mr. NELSON, from the Committee on Territories, to whom was referred the bill (S. 4351) for the relief of the Alaska Pacific Railway and Terminal Company, reported it without amendment and submitted a report thereon.

Mr. PENROSE, from the Committee on Post-Offices and Post-

Roads, to whom was referred the bill (S. 1204) for the relief of J. M. Bloom, reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1751) to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance and supplies;

A bill (S. 1752) to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance; and

A bill (S. 3248) for the relief of James A. Russell.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. 2911) for the relief of the Columbus Gas and Fuel Company, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

MARKING OF GRAVES OF CONFEDERATE SOLDIERS.

Mr. FORAKER. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 138) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," to report it favorably without amendment, and I submit a report thereon. I ask for the immediate consideration of the joint resolution.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURVEY OF PROVIDENCE RIVER AND HARBOR, RHODE ISLAND.

Mr. GALLINGER. I am directed by the Committee on Commerce to report back favorably without amendment the concurrent resolution providing for a survey of Providence River and Harbor, Rhode Island, and I call the attention of the senior Senator from Rhode Island to it.

Mr. ALDRICH. I ask to have the resolution, to which there will be no objection, put upon its passage.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of Providence River and Harbor between Kettle Point, Rhode Island, and Gaspee Point, Rhode Island, with a view to widening and straightening the channel and dredging the same to a depth of 25 feet at mean low water, and submit a plan and estimate for such improvements.

HEARINGS BEFORE COMMITTEE ON EDUCATION AND LABOR.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. DOLLIVER on the 18th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Education and Labor be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

CANAL AT FALLS OF WILLAMETTE RIVER, OREGON.

Mr. HOPKINS, from the Committee on Commerce, to whom was referred the following concurrent resolution submitted by Mr. FULTON on the 3d instant, reported it without amendment:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause such survey and examination to be made of the existing canal and locks at the Falls of the Willamette River at Oregon City, Oreg., as may be necessary to ascertain what sum of money, at present prices of labor and material, should be appropriated by Congress, in addition to the appropriation already made by the State of Oregon therefor, to enable the Government to acquire said canal and locks and properly repair the same.

Mr. FULTON. The concurrent resolution being local in its nature and character, I ask for its present consideration.

The concurrent resolution was considered by unanimous consent and agreed to.

IMPROVEMENT OF MISSOURI RIVER, KANSAS.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the following concurrent resolution submitted by Mr. CURTIS on the 13th instant, reported it without amendment:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized and directed to submit an estimate to Congress as to the cost of improvements and works necessary to restore the Missouri River to its proper channel at the city of Atchison, in the State of Kansas.

Mr. CURTIS. I ask unanimous consent for the immediate consideration of the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

HITCHMAN COAL AND COKE COMPANY V. JOHN MITCHELL.

The VICE-PRESIDENT. Are there further reports of standing or select committees?

Mr. CULBERSON. Before passing from that order I ask the Senator from New Jersey [Mr. KEAN], the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, if there has yet been any report on resolution No. 81, respecting the issuance of a preliminary injunction by the United States district judge for one of the districts of West Virginia? The resolution was referred to that committee several weeks ago.

Mr. KEAN. If the Senator will withhold his request for a moment, I have sent to the committee room to get the papers.

Mr. CULBERSON. I do not mean any discourtesy to the chairman or to the committee, but it occurs to me that there has been ample time to consider the resolution and make some character of report with reference to it.

Mr. KEAN. I will say to the Senator from Texas that I am ready to report upon it at any moment he desires. I have sent for the papers.

Mr. CULBERSON. I would be glad to have some character of report from the committee at an early day, now or at such time as the committee sees proper to report. I do not want it delayed unnecessarily. If there is any reason why the committee desires further time to consider this matter, I have no objection to deferring it; but if it is the mere purpose, which I will not assume at all is the case, to bury the resolution in the committee, then probably some action may be taken in the Chamber.

Mr. KEAN. I have no such desire, Mr. President, I will say to the Senator.

Mr. CULBERSON. I am sure of that; I have said that I would not assume that there was any such purpose, but if the Senator or the committee for any reason should desire further time to consider the matter and will so state, I have no objection to its being deferred until such time as may be reasonable. However, it occurs to me that there has been ample time to give the resolution full consideration, and that some character of report ought to have been made upon it.

Mr. KEAN. What is the Senator's wish about it?

Mr. CULBERSON. The wish of the Senator from Texas is to know whether or not a report on the resolution may be expected from the committee at an early day.

Mr. KEAN. I can assure the Senator that there will be one.

Mr. CULBERSON. Very well.

The VICE-PRESIDENT. Bills and joint resolutions are in order.

BILLS INTRODUCED.

Mr. ALDRICH introduced a bill (S. 5530) to establish a fish-hatching and fish-culture station at Strawberry Island, Point Judith Pond, Rhode Island, which was read twice by its title and referred to the Committee on Fisheries.

He also introduced the following bills, which were severally read twice by their titles and referred on the Committee on Pensions:

A bill (S. 5531) granting an increase of pension to Emily W. Tilley;

A bill (S. 5532) granting an increase of pension to James A. Miller; and

A bill (S. 5533) granting an increase of pension to Bridget Malloy.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5534) granting a pension to Maria B. Wheaton;

A bill (S. 5535) granting a pension to Abbie W. Fessenden;

A bill (S. 5536) granting an increase of pension to Darius A. Sweet;

A bill (S. 5537) granting an increase of pension to Hazzard P. Gavitt;

A bill (S. 5538) granting an increase of pension to John S. Bagley, formerly John S. Brown;

A bill (S. 5539) granting an increase of pension to William R. Drake;

A bill (S. 5540) granting an increase of pension to Thomas J. Griffin; and

A bill (S. 5541) granting an increase of pension to Edwin A. Chase.

Mr. CULLOM introduced a bill (S. 5542) granting an increase of pension to William F. Windle, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PAYNTER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5543) for the relief of the Methodist Episcopal Church South, of Lebanon, Ky.;

A bill (S. 5544) for the relief of the Ascension Protestant Episcopal Church, of Mount Sterling, Ky.;

A bill (S. 5545) for the relief of Joseph E. Lindsey, surviving partner of John Lindsey & Son;

A bill (S. 5546) for the relief of the estate of Mrs. Prudence Hensley, deceased;

A bill (S. 5547) for the relief of the administrator of T. J. Pritchett, deceased;

A bill (S. 5548) for the relief of the estate of John H. Seebold, deceased; and

A bill (S. 5549) for the relief of the estate of Julia E. Rightor.

Mr. McLAURIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5550) to carry into effect the findings of the Court of Claims in the case of John B. Jarratt, administrator of the estate of Sarah T. Jarratt, deceased (with the accompanying paper);

A bill (S. 5551) to carry out the findings of the Court of Claims in the case of Robert M. Lay, administrator of Nancy Lay, deceased; and

A bill (S. 5552) for the relief of certain owners of cotton taken by the United States military authorities in Adams County, Miss., in 1863.

Mr. FORAKER introduced a bill (S. 5553) for the relief of Worthington Kautzman and other officers of the Philippine Volunteers, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. PLATT introduced a bill (S. 5554) to complete the military record of William M. Burrows, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. BURROWS (for Mr. LODGE) introduced a bill (S. 5555) to compensate civilian Government employees for personal injury in line of service, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. GALLINGER introduced a bill (S. 5556) granting an increase of pension to Elenor Sanborn, which was read twice by its title and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 5557) to correct the military record of John McKeon, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5558) granting an increase of pension to Laura Dennett, which was read twice by its title and referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 5559) for the relief of the board of education of Gallipolis, Ohio, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5560) to establish a Soldiers' Home at or near Gulfport, Harrison County, Miss., which was read twice by its title and referred to the Committee on Military Affairs.

Mr. BURNHAM introduced a bill (S. 5561) granting an increase of pension to Hiram B. Lord, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 5562) for the relief of Henry W. Lee, which was read twice by its title and referred to the Committee on Claims.

Mr. HOPKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5563) granting an increase of pension to Martha S. Taylor;

A bill (S. 5564) granting an increase of pension to James S. Wheeler; and

A bill (S. 5565) granting a pension to George Forbus, alias George Davidson.

Mr. HEYBURN introduced a bill (S. 5566) to amend an act entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes," approved June 29, 1906, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 5567) granting an increase of pension to James P. Nowland, which was read twice by its title and referred to the Committee on Pensions.

Mr. LONG introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5568) granting an increase of pension to Thomas Kidd; and

A bill (S. 5569) granting an increase of pension to John L. Middleton.

Mr. CRANE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5570) granting an increase of pension to Ann Eliza Hemenway; and

A bill (S. 5571) granting an increase of pension to George C. Simmons.

Mr. CLAPP introduced a bill (S. 5572) to provide for the disbursement of funds, under certain circumstances, by the White Earth bands of Chippewa Indians, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. WETMORE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5573) granting an increase of pension to John F. Leach; and

A bill (S. 5574) granting an increase of pension to Richard Pascoe.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5575) for the relief of John J. Curran in his own right and as sole heir of Murty Curran, deceased (with accompanying papers); and

A bill (S. 5576) for the relief of Col. Littleton W. T. Waller, United States Marine Corps.

Mr. CURTIS introduced a bill (S. 5577) for the relief of John Birkett, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5578) granting an increase of pension to William Mitchell; which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SCOTT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5579) granting an increase of pension to Henry W. Howe (with accompanying papers); and

A bill (S. 5580) granting an increase of pension to Arthur Ruble.

Mr. CULBERSON introduced a bill (S. 5581) pensioning the surviving officers and enlisted men of the Texas volunteers employed in the defense of the frontier of that State against Mexican marauders and Indian depredations from 1855 to 1860, inclusive, and for other purposes, which was read twice by its title and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5582) authorizing the appointment and retirement as brigadier-generals of certain officers of the Army below the grade of colonel who served during the war of the rebellion, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. BACON introduced a bill (S. 5583) for the relief of the trustees of the Lutheran Church of the Ascension, of Savannah, Ga., which was read twice by its title and referred to the Committee on Claims.

Mr. HOPKINS (by request) introduced a bill (S. 5584) for the extension of Otis place from Holmead place to Fourteenth street NW., which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. SMITH introduced a bill (S. 5585) to provide for the appointment of an additional judge of the district court of the United States for the eastern district of Michigan, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. FLINT introduced a joint resolution (S. R. 58) authorizing the Secretary of War to establish harbor lines in Wilmington Harbor, California, which was read twice by its title and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLINT submitted an amendment proposing to appropriate $2,000 for a monthly pilot chart of the Northern Pacific Ocean,

etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $930, being the balance due James H. Owen, of Los Angeles, Cal., for the erection of buildings and construction of irrigation works for the Truxton Canon Indian School, Arizona, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. FORAKER. I submit an amendment intended to be proposed by me to the post-office appropriation bill. I ask that it be referred to the Committee on Post-Offices and Post-Roads and printed.

Mr. CULBERSON. May I ask that the amendment submitted by the Senator from Ohio be read?

The VICE-PRESIDENT. The Secretary will read the amendment, as requested by the Senator from Texas, in the absence of objection.

The Secretary read as follows:

An amendment intended to be proposed by Mr. FORAKER to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes. Insert the following proviso:

Provided, That from and after July 1, 1908, railway postal clerks shall be paid their actual and necessary traveling expenses, not to exceed $2 per day, while away from the terminal where their runs, or series of runs, begins and ends, when actually on duty, such expenses to be paid under the direction of the Postmaster-General; but in no case shall a greater sum be paid a clerk than he shows has actually been expended by him; and the sum of ——— dollars is hereby appropriated to carry the provisions of this act into effect.

Mr. CULBERSON. I misconceived the amendment. I thought it had reference to the prohibition of the payment of salaries of postmasters where the nomination had been rejected by the Senate. [Laughter.]

Mr. FORAKER. No; that will come later.

The VICE-PRESIDENT. The proposed amendment will be referred to the Committee on Post-Offices and Post-Roads and printed.

Mr. GAMBLE submitted an amendment proposing to make the Committee on Transportation Routes to the Seaboard a standing committee of the Senate, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment relative to the Office of the Commissioner of the General Land Office, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to increase the salaries of two translators in the Office of Naval Intelligence, Navy Department, from $1,400 each to $2,100 each, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DICK submitted an amendment proposing to increase the salary of the foreman and captain of the watch at the Naval Observatory, Washington, D. C., from $1,000 to $1,200, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment relative to certain changes in the personnel of the Office of the Secretary of the Interior, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BULKELEY submitted an amendment relative to an increase in the pay of all clerks to committees of the Senate, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CLAPP submitted an amendment authorizing the Secretary of the Interior to pay $1,000 to the treasurer of the executive committee of the White Earth bands of Chippewa Indians, in Minnesota, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. LODGE submitted an amendment proposing to increase the salary of the Senate keeper of stationery from $2,220 to $2,500, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. TELLER submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. BURNHAM submitted two amendments intended to be proposed by him to the House bill 15372, known as the "omnibus claims bill," which were referred to the Committee on Claims and ordered to be printed.

Mr. McCUMBER submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

RURAL FREE DELIVERY.

On motion of Mr. BURNHAM, it was—

Ordered, That there be printed for the use of the Post-Office Department 10,000 copies of Senate bill No. 5122, Sixtieth Congress, first session, "To provide a rural delivery parcel-post for merchandise and other articles mailed on rural delivery routes, and for other purposes."

TRANSPORTATION FACILITIES.

On motion of Mr. CULLOM, it was—

Ordered, That 2,500 additional copies of Senate Document, Sixtieth Congress, first session, "Prompt furnishing of transportation facilities," etc., be printed.

ADVANCEMENT OF INSTRUCTION IN AGRICULTURE.

On motion of Mr. BURKETT, it was—

Ordered, That the bill (S. 3392) to provide for the advancement of instruction in agriculture, manual training, and home economics in the State normal schools of the United States be reprinted.

REPORT OF COMMITTEE ON DEPARTMENT METHODS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a report by the Committee on Department Methods on the subject of superannuation in the classified civil service; also a draft of a proposed bill which provides for the payment of annuities to employees upon retirement.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 21, 1908.*

HOUSE BILL REFERRED.

H. R. 9079. An act to make Port Arthur, in the State of Texas, a port of delivery in the customs collection district of Sabine, with the privilege of immediate transportation without appraisement of dutiable merchandise, was read twice by its title and referred to the Committee on Commerce.

MISSISSIPPI RIVER BRIDGE AT RICE, MINN.

Mr. CLAPP. Day before yesterday the junior Senator from Virginia [Mr. MARTIN] reported back favorably, from the Committee on Commerce, the bill (H. R. 12401) to legalize a bridge across the Mississippi River at Rice, Minn., and the bill was placed on the Calendar. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GROUNDS FOR PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Mr. President, some days ago I presented a concurrent resolution which was laid on the table subject to call. I ask to have it now considered, and I desire to change it so as to make it a simple Senate resolution, the bill to which it applies being now before the Senate.

The VICE-PRESIDENT. The concurrent resolution will be stated.

The SECRETARY. Senate concurrent resolution No. 39, by Mr. GALLINGER, relative to the purchase of certain blocks and parcels of land south of Pennsylvania avenue.

Mr. GALLINGER. The resolution has been read. Let it be modified so as to make it a Senate resolution.

The VICE-PRESIDENT. The resolution will be so modified.

Mr. FRYE. The resolution has not been read.

Mr. GALLINGER. It was read the other day.

Mr. CLAPP. Let the resolution be read.

The VICE-PRESIDENT. The resolution will be read by the Secretary at the request of the Senator from Minnesota.

The resolution as modified was read and agreed to, as follows:

Resolved, That the Commissioners of the District of Columbia are hereby authorized and directed to ascertain the lowest purchase price of blocks numbered 226, 227, 228, 229, 230, 256, 257, 258, 259, 260, 292, 293, 294, 295, 349, 350, 380, 381, 382, 461, 575, 576, reservation A,

reservation B, reservation C, reservation D, reservation 12, according to the official plat of the city of Washington, not already owned in whole or in part by the Government of the United States, report to be made to Congress at the earliest practicable day, the proposed price of the land and the proposed price of the improvements thereon being separately stated in each case.

OCEAN MAIL SERVICE.

Mr. GALLINGER. Mr. President, by reference to the Calendar it will be observed that Thursday, February 20, was fixed by unanimous consent for the consideration of the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce." Certain Senators have asked me, two of whom are absent from the city in pursuance of the order of the Senate, to let the measure go over until Monday next. For the purpose of carrying out their wishes, I ask unanimous consent that the date may be changed, making it Monday next at the conclusion of the morning business.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unanimous-consent agreement by which Senate bill 28 was made the special order for this morning after the close of the morning business be modified, and that the bill be made the special order after the routine morning business closes on Monday the 24th instant. Is there objection? The Chair hears none, and it is so ordered.

Mr. DEPEW. Mr. President, I desire to give notice that immediately after the Senator from New Hampshire concludes his remarks on Monday next I shall make some remarks on the same subject.

INQUIRY AS TO CERTAIN WESTERN LAND GRANTS.

Mr. FULTON. Mr. President, some days ago I called up the joint resolution (S. R. 48) instructing the Attorney-General to institute certain suits, etc. At that time there was some objections made to its consideration, but I am advised that those who then objected, after an examination of the joint resolution, do not wish to further object. The joint resolution simply authorizes the Attorney-General to institute such suits or take such proceedings as he shall ascertain and deem to be necessary in order to determine whether certain land-grant companies have complied with the conditions enacted by Congress. I therefore ask that the joint resolution may be now taken up and put on its passage.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent for the present consideration of a joint resolution, which will be read for the information of the Senate.

Mr. FULTON. It has been read.

Mr. KEAN. Let it be read again.

Mr. FULTON. Very well.

The Secretary proceeded to read the joint resolution.

Mr. FULTON. The preamble is no part of the joint resolution as reported by the committee, and unless the Senator from New Jersey desires that the preamble shall be read it may be omitted.

Mr. KEAN. I was going to move to strike out the preamble.

Mr. FULTON. The Committee on the Judiciary has reported a substitute without any preamble, and therefore it seems to me unnecessary to read the preamble.

The VICE-PRESIDENT. The Secretary will read the joint resolution as reported by the committee.

The SECRETARY. The Committee on the Judiciary report to strike out all after the resolving clause and in lieu thereof to insert:

That the Attorney-General of the United States be, and he hereby is, authorized and directed to institute and prosecute any and all suits in equity, actions at law, and other proceedings which he may deem adequate and appropriate to enforce any and all rights and remedies of the United States of America in any manner arising or growing out of or pertaining to either or any of the following-described acts of Congress, to wit: "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California to Portland, in Oregon," approved July 25, 1866, as amended by the acts approved June 25, 1868, and April 10, 1869; also "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State," approved March 3, 1869; also "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, including all rights and remedies in any manner relating to the lands, or any part thereof, granted by either or any of said acts; and in and by any and all such suits, actions, or proceedings the Attorney-General shall, in such manner as he shall deem appropriate, assert all rights and remedies existing in favor of the United States relating to the subject of such suits, actions, and proceedings, including the claim on behalf of the United States that the lands granted by each of said acts respectively, or any part thereof, have been and are forfeited to the United States by reason of any breaches or violations of any of the terms or conditions of either or any of said acts which may be alleged and established in any such suits, actions, or proceedings; it not being intended hereby to determine the right of the United States to any such forfeiture or forfeitures, but it being intended to fully authorize the Attorney-General in and by such suits, actions, or proceedings to assert on behalf of the United States and the court or courts before which such suits, actions, or proceedings may be instituted or pending to ascertain, consider, and adjudicate the claim and right of the United States to such forfeiture or forfeitures, and if found to enforce the same.

Resolved further, That the authority and direction hereinbefore given shall extend to any and all suits, actions, or proceedings which may be instituted or pending under the authority of the Attorney-General at the time of the adoption and approval hereof.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. FULTON. Mr. President, the Secretary has read the joint resolution as if the committee had recommended that the original joint resolution should be amended by striking out all after the resolving clause. That would have been a very good report to have made; I think, indeed, better than the report that was made; but, as a matter of fact, the record shows that the amendment reported by the committee is a substitute. Therefore I ask that the substitute be adopted instead of the original joint resolution. The substitute omits the preamble.

The VICE-PRESIDENT. The preamble can be disagreed to after the joint resolution itself has been acted upon. The question is on the amendment, in the nature of a substitute, which has been reported by the Committee on the Judiciary.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was rejected.

THE UNITED STATES NAVY.

Mr. PERKINS. Mr. President, I offer the resolution which I send to the desk, which I ask to have read.

The VICE-PRESIDENT. The resolution submitted by the Senator from California will be read.

The Secretary read the resolution, as follows:

Resolved, That it should be the policy of this Government, while not adopting a continuous programme fixing the number of naval vessels of any type to be built in future years, to maintain the present relative position in comparison with the navies of the other great powers.

Mr. PERKINS. Mr. President, before asking the reference of the resolution to the Committee on Naval Affairs, with the permission of the Senate, I desire to submit some remarks bearing upon the subject to which it pertains.

The VICE-PRESIDENT. The Senator from California.

Mr. PERKINS. Mr. President, the departure of a United States battle-ship fleet to the Pacific has called attention to our Navy as perhaps no other possible event could have done. Sixteen armored vessels, ranging from 11,525 to 16,000 tons, make a formidable sea force which would command respect from any nation in time of trouble. But there is, happily, no chance of international difficulties which would call for the dispatch of such a fighting force to any part of the world. The simple fact is that, as our Navy has become large enough for the purpose, it has been possible to form a homogeneous fleet of fighting ships and give it, by a long voyage, a chance to solve important tactical problems and afford practice which is invaluable to the proper management of a large sea force. It is also important to establish the fact that our fleets are free from any local tie or dependence, and that perfect mobility is possible. So it is determined to have a regular interchange of vessels between the Atlantic and Pacific, with occasional concentration into large fleets under one general command. But besides the great benefit to be derived from the experiences of the long voyage by both officers and men is the lasting effect it will have in promoting good relations between this country and the South American States which have been visited by the fleet. The cordiality between the United States and the South American republics has been demonstrated by the character of the receptions given to our sailors, and the bonds of friendship have thereby been strengthened. This was one of the objects of the long voyage, and alone would justify the movement.

A BIG FLEET IN THE PACIFIC.

The fleet which is now making its way up the west coast of South America consists of sixteen battle ships aggregating 223,066 tons displacement, carrying sixteen 13-inch breech-loading rifled guns, forty-eight 12-inch, and eighty 8-inch, besides secondary batteries of 5 and 6 inch rapid-fire guns. The ships are manned by about 14,000 men. The six torpedo-boat destroyers, which have preceded the fleet, add to its effective force very materially. When Rear-Admiral Evans's squadron reaches San Francisco it will be in touch with other vessels of the United States and, joining with them, will form a strong fleet. There are already on the Pacific coast two battle ships, the *Nebraska* and *Wisconsin*, one in commission and the other ready for commission in April, aggregating 26,500 tons. There

are also eight armored cruisers in commission, aggregating 111,080 tons; nine protected cruisers, aggregating 49,726 tons, five now in commission, one to be ready in March, and three in July. There are also three torpedo boats, five destroyers, and two submarines. On the Asiatic station we have four more protected cruisers, aggregating 12,800 tons, and five torpedo-boat destroyers. Harbor-defense vessels and unprotected cruisers are disregarded in this enumeration of sea strength, which really means fighting strength on the high seas.

The Pacific fleet, when completed by the arrival of the vessels now on the way, will consist of eighteen battle ships, eight armored cruisers, thirteen protected cruisers, thirteen torpedo-boat destroyers, five torpedo boats, and two submarines. The battle ships and cruisers alone aggregate 423,172 tons, which shows that ours will be by far the most powerful fleet in the Pacific, as the effective forces of Japan, the only other naval power bordering on that ocean, including coast-defense vessels, unprotected cruisers, torpedo boats, destroyers, and submarines, aggregate 374,701 tons, according to latest figures. The vessels of the Pacific fleet, when the battle ships arrive in that ocean, will carry twenty 13-inch rifles, fifty-two 12-inch, and one hundred and twenty-four 8-inch guns, besides several hundred 5 and 6 inch rapid-fire guns. Thus the Pacific fleet will be imposing in the dignity of its great strength.

NATIONAL PRIDE IN OUR NAVY.

The Navy of the United States is one branch of the public service in which the people have a just pride. They also have a direct interest in it, for there is no section of the United States that has not a representative on the decks of our ships of war. Each Senator and each Congressman has the privilege of two appointments to the Naval Academy, each vacancy, upon the graduation of a cadet, to be filled by other appointments, so that there are constantly at Annapolis two cadets appointed through each Member of the two Houses of Congress. Thus every section of the country is reached, and every class of our citizens is represented in the Navy. Cadets do not come from the maritime States alone; the greater number come from the farms and manufacturing towns of the interior. Farmers' boys have been among the most brilliant of our naval men. The sons of mechanics have made records of which we are all proud. So the entire country is knit together in its common interest in our Navy, which represents the people of all sections and of all classes. In addition, the President has twenty appointments per year to Annapolis, and selects the sons of naval officers, thus giving to the service the advantages of the naval spirit which is characteristic of the families of those whose lives have been devoted to the Navy and its work.

The Navy is non-sectarian in the strictest sense, and politics is virtually unknown in the service; and so single-minded in this respect are men of all grades that the highest officers believe that by law no one under the naval flag should even be permitted to vote. In their opinion the sole duty of officers and men is to defend on the sea the honor of our country—not to engage on shore in ballot battles between political parties and rival candidates for civil offices.

A GLORIOUS RECORD.

From the time when a few fighting ships were sent out during the Revolution against the great navy of England to the present time there has been an unbroken record of bravery, self-sacrifice, and patriotism which has made the naval establishment a model of efficiency. The Continental navy was, from the nature of the circumstances, an experiment, and though it was not a formidable factor in the war, it covered itself with glory and caused the American flag on the high seas to be respected. The American-built frigate *Alliance* came out of the war with a brilliant reputation; but nearly all the other Continental vessels were destroyed or captured.

John Paul Jones won his most famous victory in a French-built ship, the *Bon Homme Richard*. The 30 Continental cruisers of 1776 had shrunk to 9 in 1781, carrying all together only 164 guns. But of privateers—the irregular navy of the Colonies—there were 449, carrying 6,735 guns, and these scourges of the sea did much to bring England to terms. In them were educated the masters and men who played so great a part in the naval wars which were to follow.

Soon after the adoption of the Constitution and the establishment of the Federal Government the question of a navy was brought prominently forward by reason of the attacks of the Barbary coast pirates on American shipping. Congress had pleaded that to authorize a fleet capable of protecting our commerce would be to create a menace to our Republican institutions, and recommended that, instead, the pirates be bought off, and an attempt to do this was actually made in the treaty with the Dey of Algiers, by which the United States bound itself to pay him $1,000,000 in money, besides presents, which latter took the form of the magnificent frigate *Crescent*, built at Portsmouth, N. H. But this exhibition of faint-heartedness on the part of Congress was condemned by Washington, who then laid down the sound maxim that "to secure respect to a neutral flag requires a naval force organized and ready to vindicate it from insult and aggression." A navy was determined on, and the first fighting ship of the United States was the *Ganges*, an old-fashioned, deep-waisted merchantman, purchased and refitted as a man-of-war, with twenty-four guns. Under the spur of Washington, Congress authorized the construction of six frigates, one of which, the *Constellation*, became later famed for her capture of the French frigate *Insurgent*, while the *Constitution* captured the *Guerriere*. And in the war which unexpectedly sprang up with France American ships of war performed most notable feats of arms, which placed the Navy of the United States in the van of the navies of the world.

THE WAR OF 1812.

But with the occasion for use lacking, our naval vessels fast diminished in number, and, as on previous occasions, it required the stimulus of impending attack to awaken the nation to the necessity for a navy. The war of 1812 found us with not a single two-deck man-of-war afloat and only six serviceable frigates. Jefferson and his party had opposed line-of-battle ships, so that when war was declared we had only seventeen national vessels, not one of first class in power or size, mounting 442 guns, and carrying 5,000 men, to oppose a thousand ships, 27,000 guns, and 150,000 seamen of England. But our Navy, inadequate as it was, covered itself with glory, and England found herself no match, ship for ship, for the United States cruisers. In twelve single-ship actions we won ten. No brighter pages of naval history exist than those which chronicle the victories of the *Constitution* over the *Guerriere*, the *Java*, the *Cayane*, and the *Levant;* of the *United States* over the *Macedonian;* of the *Hornet* over the *Peacock;* of the *Wasp* over the *Frolic* and *Reindeer;* of the great victories on Lakes Erie and Champlain, and the heroic defense of the *Essex* by David Porter, with Farragut as midshipman, against the combined attack of the *Phœbe* and the *Cherub*. But notwithstanding all this valor, all this burning patriotism which made a United States vessel superior as a fighter to any other fighting vessel then afloat, nearly all of our frigates and sloops were finally blockaded by overwhelming squadrons simply because we had no line-of-battle ships. For lack of heavy ships of the line the achievements of our sailors went for naught. The last frigate to run the gantlet of the blockade was the *President*, and she was defeated and captured by a hostile fleet before she cleared the land.

But the loss of the national fleet did not end the warfare by sea, for the American privateer was abroad and made such havoc with the commerce of Great Britain that her merchants cried for quarter. They were fighters which did not single out defenseless merchant ships. They constantly sought British privateers, armed like themselves, and vanquished them. They did not hesitate to attack ships of the royal navy. The cruiser *St. Lawrence* was captured by the famous American brig *Chasseur*, and there are numerous other instances where American merchant vessels defeated and captured ships flying the colors of the King.

THE NAVY IN THE CIVIL WAR.

But with peace the United States Navy was again neglected, and it required the crisis of the civil war to bring about a full realization of its importance. When war began the United States Navy consisted of only 30 steam ships of war, with about twice as many obsolete sailing vessels, with 1,450 officers and 7,600 seamen. Before the war ended this force was expanded to 600 steamers, with 9,000 officers and 51,000 men. Although the Government began to build new war vessels on the commencement of hostilities, the exigencies of the situation demanded a fleet for immediate operation, and the best that could be done was to purchase merchant steamers and transform them into ships of war. It was these remodeled vessels that comprised the bulk of our blockading squadron, manned by captains and seamen from the merchant marine, which educated and had available the finest body of sailors on the globe. Without these men, trained on American vessels in time of peace, the North could not have created and maintained the effective fleets that swarmed along the southern coasts. During the war there were few opportunities for battles between ships of the contestants. The most notable was that between the *Monitor* and the *Merrimac*, which changed at once and finally the character of war-ship construction. Another encounter which will never be forgotten was that between the *Kearsarge* and the *Alabama*, and it is of interest

at this time to note that the notorious commerce destroyer of the Confederacy was built in England through the efforts of Capt. James D. Bulloch, Confederate naval agent, who was the uncle of one of the most distinguished men our country has produced. The trouble which began to brew between the United States and England on account of the devastation caused by this English-manned and English-built Confederate privateer, caused the United States to prepare for conflict by building commerce destroyers for use against British commerce. The *Wampanoag* was one of the ships so built, and as it and others built on the same model outclassed any and all vessels under the English flag in speed and endurance, they exercised no little influence in inducing the British Government to submit the *Alabama* matter to arbitration. There was then no vessel in the British navy that could steam 14 knots; the *Wampanoag* and her sisters made an average of 17 knots, which could easily be maintained across the Atlantic.

PITIABLE REDUCTION OF SEA POWER.

At the close of the civil war the United States Navy was undoubtedly the most powerful in the world, for it had a large fleet of vessels, which were manned by 50,000 of the best seamen on salt water, all of whom were well disciplined and seasoned by long service, and ready to fight anything that sailed the seas. But this fleet, when reduced after the war to a peace footing, consisted mainly of wooden ships, and only wooden ships, with two exceptions, were found therein for nearly twenty years. But among these structures of oak there were some whose names will never be forgotten—notably the *Hartford*, which bore Farragut into Mobile Bay. All of the vessels of the Navy at that time used sail power, to which steam was simply auxiliary. And the armament was, to us as we look back, as primitive as were the means of propulsion. For instance, the glorious *Hartford* was only 225 feet long (the same length as the *Mayflower*, the President's dispatch boat), 44 feet beam, drawing 18⅓ feet of water, with a displacement of 2,900 tons. Her coal capacity was 241 tons, horsepower 940, and speed 10 knots an hour. Her armament was one 8-inch, muzzle-loading rifle (converted from smoothbore) and twelve 9-inch smoothbores. The latest vessel constructed of this type was the *Trenton*, 3,900 tons and 2,813 horsepower, capable of making 12⅓ knots, with a coal capacity of 350 tons. Her battery consisted of ten 8-inch muzzle-loading rifles converted from smoothbores.

When the United States Navy became reduced to twenty-three such vessels as above—exclusive of a few single-turreted monitors—the question began to be asked, "Of what good is it?" The Old World nations, alive to the ideas inspired by the *Monitor* of Ericsson, were building new navies on plans which rendered our own as useless as paper boats. In case of trouble with any European power we should, we began to realize, be helpless. And as for asserting with any vigor the Monroe doctrine, that would be out of the question. Naval officers began to feel humiliated at the condition of the service, for the time had arrived when there could be found no excuse. Our Navy had, in fact, become practically the standard of inefficiency—not because of its personnel, but by reason of the obsolete type of its vessels and armament and the scanty number of armed ships carrying the American flag. Little Chile, with two or three modern fighting machines, could easily become an actual menace to our country, for we had nothing with which to oppose them.

THE MAN BEHIND THE GUN.

But though the old Navy was inefficient as far as its vessels and their armament were concerned, its officers and its seamen maintained the best traditions of the service, and were ready to fight the world with their smoothbores against modern rifles. That was the spirit exhibited by the last remnant of the old Navy before its glorious extinction in the harbor of Apia. The wooden *Trenton* and *Vandalia* and the little *Nipsic* were ready and anxious to come to close quarters with the modern German war ships *Adler*, *Eber*, and *Olga*, and a battle royal would probable have been fought between these representatives of the new and the old navies of the world had it not been for the hurricane that brought destruction to them all. And as the *Trenton* strained at her anchors while drifting slowly but surely on the fatal reef there was an exhibition of coolness and bravery of the kind that has always characterized our Navy. Another modern war ship, the British *Calliope*, of then tremendous horsepower, fought her way out of the crowded harbor in the face of the hurricane at the rate of a knot and a half an hour. As she passed the *Trenton*, whose crew knew that they would soon be cast upon the reef, every man, headed by the gallant Admiral Kimberly, rushed to some point of vantage—rail, shrouds, yardarms, or whatnot—and sent up cheer upon cheer for the courageous Englishman who dared to run his ship into the teeth of the hurricane and who succeeded in beating the elements because he was the stronger. And with such men on board, the last vessels of the old Navy of the United States went to their doom, and their bones, with those of scores of the brave sailors who trod their decks, now lie amid the coral reefs of beautiful Samoa.

I remember, being president of the chamber of commerce of San Francisco, when Admiral Kimberly and the surviving men from that fleet reached San Francisco. The people of that great metropolis of the Pacific coast turned out en masse to give them a reception and applaud them for their gallant deeds and valor on that great and eventful occasion.

SPIRIT OF THE AMERICAN NAVY.

At every period in the history of the United States Navy there has been some notable example of the spirit of the men who sailed and manned the vessels. When John Paul Jones, on the deck of the sinking *Bon Homme Richard*, was asked if he had surrendered, his answer was, "I have not begun to fight yet."

In the Straits of Gibraltar, Commodore Preble, in the famed *Constitution*, hailed one dark night a ship that gave an evasive answer and then tried to get the weather gauge.

"I hail you for the last time," said the commodore. "If you don't answer I'll fire. What ship is that?"

"His Britannic Majesty's 84-gun ship-of-the-line *Donegal*. Send a boat aboard."

"This is the United States 44-gun ship *Constitution*, Capt. Edward Preble," returned the commodore, "and I'll be d—d if I send a boat on board any ship. Blow your matches boys."

Preble had no need to fire, for the stranger stood off.

Lawrence in the *Chesapeake*, manned by a green crew, and shattered by the shots of the *Shannon*, gave as his last order before being carried below, "Don't give up the ship. Never strike the colors. They shall wave while I live."

Farragut, on the *Hartford*, going into Mobile Bay, seeing the *Brooklyn* falter and learning that she feared torpedoes, trumpeted:

"Damn the torpedoes. Four bells. Captain Drayton, go ahead; Jouett, full speed."

And the new Navy, in its first action with an enemy, showed that the spirit of 1776, of 1812, and of 1861–1864 was still alive and ready to make itself manifest at any moment. Dewey, in Manila Bay, after his famous order: "You may fire when you are ready, Gridley," was to show anew the spirit of Commodore Perry when he fell in with the insolent Englishman. In this case the insolent offender was a German, who, forgetful of the character of American naval men, had manifested too great a sympathy for our enemies and had taken not only pains to aid them, but had endeavored to thwart us. With diplomatic patience Dewey endured it all until the proper time arrived, and then sent his flag lieutenant to Rear-Admiral Von Diedrich, to call to his attention his extraordinary disregard of the usual courtesies of naval intercourse and to notify him that "If he wants to fight, he can have it right now." And the German rear-admiral knew that he would have a fight on his hands that would cost him dear, and further annoyance ceased.

Thus was the new Navy shown to be the worthy descendant of the old, maintaining the same traditions of gallantry, bravery, and force, and ready to uphold the national honor at all times and in all places. Such is the spirit abroad to-day in the fleet, and so we are assured that no fighting vessels in the world are in better hands.

IN A DEFENSELESS CONDITION.

Ericsson's little *Monitor* of the civil war indicated a change in the character of fighting vessels which was to be revolutionary and which was to cause all the maritime nations to cast aside the old wooden ships and to build of iron and steel on entirely different models. After the battle with the *Merrimac* in Hampton Roads, the London Times stated that whereas Great Britain, previous to the encounter, had available for immediate service 149 first-class war vessels, it had only two "that it would not be madness to trust to an engagement with that little *Monitor*." England at once began the construction of a new navy on the lines of the new fighting machine, but the United States, wearied by the long conflict it had just gone through, was naturally indisposed to rush immediately into further huge expenditures for the creation of a new fleet of battle ships, particularly as such construction would be in a great measure experimental. In consequence the ships of the old Navy were retained in service, and iron construction was attempted in only three vessels of little over 1,000 tons displacement, while old cast-iron, smoothbore cannon were converted into rifled muzzle-loaders. The few other small vessels that were built were of wood, with auxiliary steam power, of low speed, and a coal capacity ranging from 150 to 350 tons.

It may be fairly claimed that such vessels were simply makeshifts, pending the determination of fundamental principles which should govern in the construction of modern ships of war. But as naval architecture and armament were advancing with rapid strides abroad, the time soon came when we saw ourselves so far deficient in means of naval defense that the country was awakened to the danger of the continuance of such conditions, and a new and modern navy was seen to be an absolute necessity, and the Administration and Congress went to work with a will to provide adequate means of protection against the sea power of other nations. In 1879, just before this work was begun, the United States had only five steam vessels classed as first-rates, but which were obsolete and useless as men-of-war; only nine second-rates in condition for sea duty; only fifteen third-rates available for naval duty; six fourth-rates, none of any value whatever for war purposes; only five sailing vessels that could navigate the sea, and fourteen ironclads that might serve in some slight degree for coast and harbor defense. In the entire Navy there was not a single high-power, long-range rifled gun.

BEGINNING OF THE NEW NAVY.

It was high time, therefore, for radical action to be taken when President Arthur, in his first annual message, stated that "every consideration of national safety, economy, and honor imperatively demands a thorough rehabilitation of the Navy." Secretary of the Navy Hunt reenforced this advice of the President and called attention to the fact that our right of way across the Isthmus of Panama, becoming more and more important with the rapid growth of the Pacific coast, should be maintained against any and all foreign powers. An advisory board had been appointed which gave the subject of naval increase its attention and had recommended that thirty-eight unarmored cruisers should be built—eighteen of wood and twenty of steel—besides five steel rams and twenty torpedo boats. The designation of the material for construction was evidently a compromise, for there was great divergence of opinion, even among the naval experts on the board, as to the advisability of steel. Strange as it may now seem, the minority advocated iron instead of steel, for the reason that steel is only a high quality of iron, made at greatly increased cost, which cost to the Government would be excessive for the reason that there would have to be established plants for its manufacture and workmen would have to be educated to their use. Moreover, there was no assurance that contracts would not fall into the hands of middlemen who would import the necessary steel and charge exorbitant prices based on the cost of establishing here manufactories capable of turning out like products. But the majority held a different view and advocated the use of steel because the demand by the Government would give such an impetus to steel manufacture that we should soon have established plants capable of producing all the steel necessary for our entire domestic consumption, and for the further reason that "a bold and decided step should be taken to win back our former prestige as the best shipbuilders of the world." That the majority was right is evident from the fact that the United States is now the greatest producer of steel in the world, sending its products to every country under the sun. And the building of the new Navy has had a very potent influence in bringing about the development of the greatest industry on the globe. The question as to steel in naval construction was raised for a year or two, and in 1882 the chairman of the House Committee on Naval Affairs presented a report in which steel was recommended as the only proper material for the construction of vessels of war. The committee was not ready to go so far as the advisory board recommended, and proposed that six cruisers and one ram be built. Congress, however, did not feel disposed to adopt this limited programme, and by the act of August 5, 1882, it authorized the construction of two steel cruisers of full sail and steam power, one between 5,000 and 6,000 tons and one between 4,000 and 4,300 tons.

Mr. SCOTT. Will the Senator from California permit me?

Mr. PERKINS. Certainly.

Mr. SCOTT. What is the displacement of our largest battle ship to-day?

Mr. PERKINS. The new ships we are building will have a displacement of 20,000 tons.

Mr. SCOTT. Four times the size.

Mr. PERKINS. Nearly five times. It shows what the evolution of the Navy has been; the same as it has been with the merchant marine. We are a progressive people. The best index of what we have accomplished is the development of our steel manufactures and the building of these ships.

THE WHITE SQUADRON.

This was the act which may be said to have brought the new Navy into existence, although no appropriation was made for carrying the act into effect. A second advisory board, created by this act, advised that the larger vessel be not built, on the ground that so large a ship was not then necessary. The board suggested five vessels, one of 4,000 tons, three of 2,500 tons, to be built of steel, and one iron dispatch boat of about 1,500 tons. At the second session of the Forty-seventh Congress an act was passed and approved March 3, 1883, authorizing the construction of the vessels recommended by the board, with the exception of one of the smaller steel cruisers. Bids were invited from all American shipbuilders, and the ships built under the act were the *Chicago*, *Boston*, *Atlanta*, and *Dolphin*.

These, the first vessels of the new Navy, were, respectively, of 5,000 tons, 3,035 tons, 3,000 tons, and 1,486 tons displacement.

The three first were protected cruisers, the last a dispatch boat. The *Chicago* was of 18-knot speed, the other two cruisers of 15.60 knots, and the *Dolphin* of 15.50 knots. The cost of hull and machinery was, respectively, $889,000, $619,000, $617,000, and $315,000. The *Chicago* had an indicated horsepower of 5,000 and bunker capacity of 950 tons of coal. Her battery consisted of four 8-inch breech-loading guns in half turrets and eight 6-inch and two 5-inch breechloaders on the main deck. The *Boston* and *Atlanta* had 3,482 horsepower, 580 tons bunker capacity, and batteries composed of two 8-inch breechloaders and six 6-inch guns. The *Dolphin* has the distinction of being the first vessel, whether for naval or commercial purposes, built entirely of steel of domestic production. The rolled-steel plating of which she was built was the best in the world, and its character was the result of the impetus given to the steel industry by the policy of building a new and modern Navy. The Advisory Board prepared a set of strict regulations governing the acceptance of steel for the new ships, and the necessity for manufacturers to live up to the standard resulted in the production of better steel ship plates than could be made anywhere abroad. Before the work on the new vessels began steel was held at 8½ cents per pound, but it immediately dropped to 4½ cents, and this reduction, as well as the high quality of the material, caused it to be used in a great many ways from which it had been previously barred, and this increase in consumption in turn reacted on the manufactures, and the extension of plants and the employment of more workmen was the result.

TRIUMPH OF AMERICAN SHIPBUILDERS.

John Roach, of Chester, Pa., was the successful bidder for the first vessels of the new Navy, and his figures were $774,100 below the estimate of the Advisory Board. But he was not permitted to complete the vessels, as his failure compelled the United States to take over the cruisers and finish the work. The result was that it was 1886 before the *Atlanta* was commissioned and not until 1887 that the *Chicago* and *Boston* were placed in active service. The speeds attained by these cruisers ranged from 16.35 knots for the *Chicago* to 16 for the *Atlanta*, and this at a time when there were only eight 16-knot vessels in the world. This fact speaks well for the builders of that time, especially when it is taken into consideration that there was disagreement in the Advisory Board over nearly every phase of the question—engines, screws, sail power, etc. But notwithstanding this the result was highly satisfactory, and the vessels so constructed are to-day among the most efficient of their class in the Navy. One of them, the *Boston*, was with Dewey at Manila, and the *Dolphin* took part in the Cuban blockade. The *Atlanta* and *Chicago* were undergoing repairs at the time of the Cuban war, and so did not have their baptism of fire.

Additional ships were not authorized until the session of 1884–85, when the *Newark* and *Charleston*, cruisers, and the gunboats *Yorktown* and *Petrel* were provided for. The *Charleston* was constructed from plans purchased in England, and her engines combined features of the machinery of several foreign countries. But this vessel, built on these lines, was criticized as being behind the times, for her engines were compound, where the naval practice of the period was to use triple expansion. But for all that she did good service. Her first work was on the Pacific coast, where she captured the steamer *Itata*, suspected of filibustering in connection with the Chilean revolution of 1891, after a chase of more than 6,000 miles, steaming to Iquique, Chile, under war conditions. During the Spanish war she was sent to Manila, and on her way across the Pacific she called at Guam and took possession of that island in the name of the United States, the Spanish garrison making no

opposition. In 1900, while cruising off the northern coast of Luzon, she ran on an uncharted reef and sank. When the *Yorktown* was completed, she, with the *Chicago*, *Atlanta*, *Boston*, and *Dolphin*, were sent to Europe to show our friends on the other side that we could really do that which they claimed we were incapable of doing, namely, build modern ships of war and sail them. That memorable cruise, the first of the new Navy, dispelled some of the doubts that had existed in European minds as to our mechanical and nautical skill; but there was still question whether we could really fight such vessels in case of need. The contempt of the Spanish toward us was only the exaggerated sentiment of the rest of Europe. But the events of the Spanish war very effectively removed the impression that we could not maneuver a fleet in action and shoot rapidly and straight. The practical annihilation of the navy of Spain was the answer the new Navy of the United States gave to the unfriendly critics of the Old World.

THE FIRST BATTLE SHIPS.

The Forty-seventh and Forty-eighth Congresses had authorized only eight vessels, aggregating 22,591 tons, and costing $5,407,500 for hulls and machinery. It was but a fair beginning, for the little fleet had but little offensive power, and would have been of scant protection in case of war. But the Forty-ninth Congress began the work of constructing the fighting machines on which the burden of conflict must fall in time of trouble, and authorized two second-class battle ships, the *Texas* and *Maine*, and the protected cruisers *Baltimore*, *Philadelphia*, and *San Francisco*. A torpedo boat, the *Cushing*, was also authorized, besides six monitors, two gunboats, and the dynamite cruiser *Vesuvius*. The aggregate tonnage of these vessels was 56,491 tons and the cost over $12,000,000.

Mr. SCOTT. Will the Senator from California allow me to interrupt him?

Mr. PERKINS. Certainly.

Mr. SCOTT. Has the Senator from California figured what percentage of the cost of a battle ship is represented by labor?

Mr. PERKINS. It is nearly all labor. The royalty on the iron ore that is taken from the ground is about 50 cents a ton. It is converted into pig iron, and the pig iron into steel, and the steel into steel plates, and they are then fashioned and shaped into form. It is nearly all labor.

Mr. SCOTT. It would be over 90 per cent?

Mr. PERKINS. At least 95 per cent of it is labor. Indeed, it is all labor, one might say, from the time the miner with his pick delves in the ground to extract the iron, and the miner digs coal in the coal fields of West Virginia to smelt the iron, by which it is converted into pig iron, and the pig iron into ingots of steel.

Mr. SCOTT. The Senator will allow me. The building of a navy, then, really is a benefit to the working classes of the country. The money all comes back and stays in this country.

Mr. PERKINS. My friend, the Senator from West Virginia, has anticipated what I was about to state.

Mr. SCOTT. Excuse me.

Mr. PERKINS. It is really a benefit to the laboring men of this country. In my story here, which is somewhat tedious, perhaps, I have endeavored to show, so far as it was practical for me to do so, the evolution of our Navy, and not only the evolution of the old Navy, which I have glanced over very rapidly, but also of our new Navy up to the present time. I will show that to-day we are the second power in the world, ship for ship, ton for ton, gun for gun—second only to England.

A NAVY JUST IN TIME.

Congress had, therefore, entered fully upon the course of creating a modern navy, and, as events proved, it was high time, for if we had not then got fairly at work, it is probable that the Spanish war would have found us unable to cope with such a weak naval power as Spain. The *Maine* and the *Texas* were the largest seagoing war ships we had at that time undertaken to construct, the former being 6,682 tons and the latter 6,315 tons, each of a little over 17 knots speed, and costing $2,500,000 each for hull and machinery. The cruisers were of about 4,000 tons, with speeds of about 20 knots. The battle ships were the first armored cruising ships ever built in the United States, and the necessity for this type was realized when it was seen with what ease the French ships, in the Min River, China, caused the Chinese fleet to surrender in 1884. Then was demonstrated the terribly destructive effect of modern guns and the absolute necessity of armor to protect fighting vessels. The *Maine*, it will be remembered, was blown up in the harbor of Habana, and was the immediate cause of the Spanish war. The *Baltimore* was with Dewey during the historic episode in Manila Bay.

The nation, having fairly launched itself in the great undertaking of creating a modern navy, went steadily ahead. But the progress, though sure, was not rapid, for it was not until 1892 that Congress authorized the *Iowa*, the last of the five battle ships that were ready to take part in the Spanish war, and without which we should at that time have been in far from a good condition to wage war in Cuba. Since that date every Congress has authorized one or more first-class battle ships. The *Iowa*, the most modern of our fighting ships at the time of the Spanish war, was of 11,340 tons and 17 knots speed, costing $5,871,206. From that time the size of battle ships increased a few hundred tons each year until 16,000-ton ships were attained. A few years ago it was believed that this displacement would very rarely be exceeded, but suddenly the world began to build fighting machines still more huge, and the Congress just ended has authorized the construction of two monster battle ships of 20,000 tons each.

PRESENT STRENGTH OF OUR NAVY.

On the first of last July the Navy of the United States consisted of 325 vessels, of which 20 were under construction, 8 authorized and 12 unfit for service. There were ready for sea 285 vessels, including all classes. But the sea strength—the fighting strength—of the Navy excludes vessels over twenty years old unless they have been reconstructed or rearmed since 1900, transports, colliers, repair ships, converted merchant vessels and other auxiliaries, and all vessels less than 1,000 tons, except torpedo craft, and of these boats of less than 50 tons are excluded. There is thus left an immediately efficient sea going fleet of purely fighting craft numbering 144, as follows: Battle ships, 22; armored cruisers, 10; cruisers, 41; destroyers, 16; torpedo boats, 32; submarines, 12; coast-defense vessels, 11. But two battle ships, the *Mississippi* and *Idaho*, are so nearly completed that they will very soon be added to the fighting strength of the fleet. The effective vessels are manned by 2,081 officers, 34,062 enlisted men, and 8,414 officers and enlisted men of the Marine Corps. The battle ships range in size from 10,288 tons displacement to 16,000 tons, and the armored cruisers from 8,150 to 14,500 tons, only two being below 13,680 tons. The total tonnage of battle ships is 292,146; of armored cruisers, 128,445 tons; of cruisers, 131,487 tons; of coast-defense vessels, 45,334 tons. The tonnage of torpedo boats, destroyers, and submarines is 14,204. The total displacement of our effective vessels is therefore 611,616 tons.

Mr. NELSON. If it would not embarrass the Senator from California, I should like to ask him a question.

Mr. PERKINS. Not at all.

Mr. NELSON. How much water do these various ships draw, and can they enter most of our principal harbors?

Mr. PERKINS. That is quite an important question, and the answer to it is all important, too. Our battle ships draw from 26 to 28 feet of water. Anticipating the inquiry of my friend, the Senator from Minnesota, knowing how vigilant he is in whatever he undertakes—for I have been associated with him on the Committee on Commerce for many years—and thinking he might ask me some such question, I made inquiry of the Coast and Geodetic Survey as to the depth of water in the different principal ports of the United States.

It is said by some of our friends who are not in favor of subsidizing American shipping that we are appropriating fifty to seventy-five million dollars annually for the purpose of dredging our harbors and improving them to accommodate foreign ships, but it will be apparent that the work is necessary to enable our own ships of war to enter our own harbors.

In response to the inquiry of the Senator from Minnesota, I will, with his permission, give the list as given to me by the Coast and Geodetic Survey.

This is a statement of low water at various ports in the United States. First, on the east coast, Portland, Me., 30 feet; Boston, 27; New York, 35; Philadelphia, 23; Baltimore, 30; Norfolk, 28; Savannah, 22; Charleston, 26. Therefore there would be only three of those ports into which it would be safe for a battle ship to go at low tide. There ought to be 2 feet of water between the keel of a ship and the bottom.

Gulf ports: Key West, 26 feet; Mobile, 23 feet; New Orleans, 28 feet; Galveston, 27 feet. New Orleans may have it now, but I remember when I was on a ship as a boy we had to remain at the bar six weeks, and the ship drew only 16 feet of water. We had to wait for the freshets.

On the Pacific coast we have not so many ports, but many of them have ample depth of water. San Diego, 27½ feet; San Francisco, 33 feet; Portland, Oreg., about 19 or 20 feet; Seattle and those ports will supply any depth of water.

DEPTH OF OUR PRINCIPAL HARBORS.

Here is a list of vessels that have entered various ports drawing a certain draft of water. I will not weary the Senate by reading it, but I think, perhaps, it might be well to place it in the RECORD.

The matter referred to is as follows:

[Information furnished Senator PERKINS, February 18, 1908.]

Low water at various United States ports.

	Feet.
East coast:	
Portland, Me	30
Boston	27
New York	35
Philadelphia	23
Baltimore	30
Norfolk	28
Savannah	22
Charleston, S. C	26
Gulf coast:	
Key West	26
Mobile	23
New Orleans	28
Galveston	27
Pacific coast:	
San Diego	27½
San Francisco	33
Portland, Oreg., about 19 or 20 feet.	
Seattle, deep enough for any draft.	

Vessels have actually entered various harbors within a year drawing:

	Ft.	In.
Portland, Me	28	
Boston	31	4
New York	34	8
Philadelphia	29	2
Baltimore	30	
Norfolk	30	
Charleston	25	
Savannah	23	
Key West	25	
New Orleans	28	
Mobile	24	8
Galveston	28	

Mr. PERKINS. I think the inquiry of my friend from Minnesota is very pertinent and to the point. In building ships of great draft, if lack of water would prevent them from entering the harbors, certainly there would not be any benefit. That is a question we shall have to consider in connection with the appropriations for building immense battle ships. I think the two large vessels of the Cunard Line recently constructed—the *Lusitania* and *Mauretania*—have a draft of water which makes it impossible for them to enter New York Harbor at low tide.

THE COMPARATIVE FIGHTING STRENGTH.

Such are the salient facts in relation to our sea force, but what of its comparative fighting strength? I think that the Scientific American explains the difficulties of the problem very clearly when it says:

It is a difficult matter to find a basis of comparison of the strength of the world's navies which will give satisfactory results. There are so many elements that affect naval efficiency, and the military value of these elements differ so widely that it is simply impossible to make a comparison based upon any one of them which will give a reliable result. A mere statement of the total number of ships in each navy will not suffice, since these ships vary in size, speed, armor, and armament. It has been claimed that a comparison based on the total number and weight of guns carried would suffice; but the value of a gun depends greatly upon the character of the ship which carries it, the kind of mount upon which it is placed, the degree of armor protection, etc. Because of these modifying conditions, a 12-inch gun in one ship may expect to have two or three times the battle life and efficiency of a 12-inch gun in some other ship. Nor will a comparison on the basis of armor protection suffice, for a fleet which is powerful only in its defensive qualities and in which the area and thickness of its armor plating has been increased at the expense of the armament and the speed, would be wanting in that mobility and power to swiftly concentrate and deliver a telling blow at the critical moment, upon which the success of a naval campaign so greatly depends. So, also, a comparison on a basis of speed would be misleading, for high speed is one of the most costly elements in a war ship, costly in the large demands which it makes upon displacement, and it is a fact that, unless the size of the units be very large, unusually high speed in war ships is always associated with limited gun power and inadequate protection. A fleet of exceedingly fast, but moderately armed and moderately protected ships, might sweep the seas of the smaller unprotected cruisers and the general sea-borne commerce of an enemy, but it would be powerless to force the issue by a decisive line-of-battle engagement. Then, lastly, and perhaps most important of all, there is the question of age. We do not recall any product of human industry which, as the years go by, depreciates so rapidly in value as the war ship; and the most elaborate estimate of the relative value of the fleets of the world is not worth the paper it is written on unless the question of the age of the ships be most carefully considered. War ships built to-day have at least twice the value of those built ten years ago, and from four to six times the value of those built twenty years ago. Great Britain awoke to this fact and acted upon it in the most trenchant way when she swept over 100 war ships off the list and placed them under the auctioneer's hammer.

I will say, having been engaged in the maritime business many years, that it is the rule of every prudent company to write off every year 5 per cent of the value of a vessel. The result is that the life of a vessel is but twenty years. Yet it requires a great deal of money to keep the vessels in order, as I shall show later on from figures taken from the records of the Bureau of Construction of the amount it would cost to keep a ship in ordinary repair, and they deteriorate, I will say, quite as much when laid up as when in service.

THE UNITED STATES SECOND IN NAVAL STRENGTH.

It is the opinion of the writer of the above and of many experienced naval men that the only true basis of comparison is total displacement modified by consideration of age. If this basis is adopted and comparison is made with the naval strength of the other principal nations of the world, the United States is found to be second only to Great Britain. The relative order of tonnage of effective fighting vessels stands as follows:

	Tonnage.
Great Britain	1,633,116
United States	611,616
France	609,079
Germany	529,032
Japan	374,701
Russia	232,943
Italy	207,632
Austria	113,235

According to the Bureau of Navigation, the tonnage of all naval vessels built or building November 1, 1907, shows France in the second place, with 836,112 tons, against 771,758 for the United States, and if we authorize two battle ships of the *Dreadnought* type the figures for the United States will be increased to about 812,000 tons, leaving France still second in tonnage on the sea. But these figures are, in a way, deceptive, for they include coast-defense vessels, which are not designed for cruising, and consequently should not figure in our computation of strength on the high seas. If we eliminate these we shall have 766,666 tons for the United States and 762,812 for France, leaving us still second by a small margin. But if we compute the strength of line-of-battle ships—the true fighting strength of the Navy—including battle ships and armored cruisers, we shall find a still greater margin in our favor.

As intimated in the resolution which I have offered and which we have under consideration, I think we ought to maintain our relative position as the second great naval power of the world. I will show you later, if I have not already done so, that for effective service we are to-day the second great naval power. It is a most popular branch of our Government to-day with the people, but they seem to underrate or underestimate the great progress we have made during the past ten years in building up our Navy.

According to the Navy Yearbook, compiled by Mr. Pitman Pulsifer, we have built, building, and provided for 563,591 tons in ships of this character. But foreign naval authorities class the *Charleston*, *Milwaukee*, and *St. Louis*—nominally protected cruisers—as armored cruisers, and if we add their tonnage—29,100 tons—and the 40,000 tons in two new battle ships of the *Dreadnought* type, we shall have 632,691 tons of purely fighting ships against 590,215 for France, giving us a lead of over 42,000 tons, while our vessels are not so old, and are thereby relatively more effective than the French. Two more big-gun battle ships, therefore, will assure us the second place as a sea power. We shall have thirty-one battle ships against twenty-seven for France, with twelve armored cruisers—or fifteen if we adopt the foreign classification of the three cruisers named above—against twenty-three French of the same class. But our armored cruisers will average 12,400 tons against 9,600 for the French, so that, on the basis of the greater number of guns in a shorter line, our cruisers should be at least equal in offensive strength to the greater number in the French navy.

CONSTRUCTION BY OTHER NATIONS.

In November Great Britain had under construction four battle ships and six armored cruisers; France, eight battle ships and four armored cruisers; the United States, seven battle ships and two armored cruisers; Germany, six battle ships and two armored cruisers; Japan, two battle ships and two armored cruisers. With the authorization of two more big-gun ships we should be far in advance of all other naval powers in the matter of new construction of battle ships, surpassing even Great Britain. And in the past ten years we have been next to Great Britain in the matter of appropriations for new construction and in the tonnage constructed. I refer to this more particularly because many claim that we ought to provide for four large battle ships. It is understood that provision will be made for two, which will give us, as I have endeavored to show, relatively, a position second only to that of Great Britain, and far in excess of that of France.

According to Lord Brassey, during the ten years from 1896 to 1906, the United States expended in new construction £48,938,200, while France did not expend so much by £520,000. And in that time we added 503,100 tons to the aggregate of the displacement of our naval vessels, while France added only 388,600 tons. No country except Great Britain equaled the United States in the total expenditure on the Navy, which was

for the United States in the ten-year period £152,403,000, against £120,610,000 for France, and only £81,974 for Germany.

Yet, before projected ships are on the water, other and more formidable ships will be authorized or begun, and we may, I think, be assured that the additions to our Navy will be such as to keep us for all time in the second place as a sea power. Germany and Japan we have already so far outstripped that there is no likelihood that they will ever overtake us. But in the number of men we fall behind. Our effective fleet has 34,062 enlisted men, against 41,070 of Japan, 42,400 of Germany, 51,926 of France, and 98,973 of Great Britain. But, as is well known, the fighting strength of a body of men does not reside entirely in numbers. The character of the man behind the gun, as Rear-Admiral Mahan pointed out years ago, is a prime factor, which often makes a hundred men the superior in fighting power to a thousand.

So, I believe, the recent target practice in the Navy has given every evidence of the great energy, efficiency, and power of our ships and of the skill of our men behind the guns. We need have no uneasiness, therefore, on account of the lesser number of men per ton on our fighting ships.

Mr. HOPKINS. Will the Senator allow me to interrupt him right there?

Mr. PERKINS. Certainly.

Mr. HOPKINS. Have we men sufficient to man the different war and other vessels that we have so as to make them the most efficient possible?

Mr. PERKINS. I understand that now we can fill up the quota. We have not done so heretofore. I will say, by way of explanation to my friend from Illinois, that the sailor experience is not so much required now as in former days. The modern battle ship is a great machine shop, and men who have not been following the sea who are good machinists are very efficient in many ways on a battle ship. Under the old Navy, the Navy of 1812 that I referred to, it was the men of experience on sailing ships who were necessary to man our vessels of war. A man had to graduate in the fishing trade or the coast trade, but I am informed by the Chief of the Bureau of Ordnance that now they can fill at almost any time the demand for men for our fighting ships.

Mr. HOPKINS. I will state to the Senator that what caused me to ask the question is the great disparity in numbers as compared with Japan when you take into consideration the fact that our tonnage is so much greater than that of Japan.

Mr. PERKINS. The ships of war of Japan carry about 30 per cent more men than we do. Therefore it can be said that an American sailor is worth nearly two of Japan's.

Mr. HOPKINS. Why is that? Why do the Japanese ships carry so many more sailors?

Mr. PERKINS. It is a matter of expense. The sailor's wages on a Japanese ship is $5 a month, while we pay our men $16, and they do not care to go to sea for that. We have, however, first-class men now in our Navy.

The VICE-PRESIDENT. The Senator from California will kindly suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Without objection it is so ordered. The Senator from California will proceed.

AN ENGLISHMAN'S IDEA.

Mr. PERKINS. In further answer to the Senator from Illinois, I will quote what Lord Brassey says. It is the opinion of the British Engineering Magazine that we should supply more men. It says:

> Of personnel it may be said in passing that the United States Navy is short some thousands of men; and although the officers responsible say that this deficit could easily be filled, it can not be considered that the Navy is an efficient service until this is done; and, in spite of official optimism, the supply of freeborn white Americans who seek a living on the sea is by no means on the increase.

This is British authority, and just here is a strong argument in favor of the rehabilitation of the American merchant marine, which can give us a reserve supply of seafaring men, as it did in times past, and such as England possesses to-day. My friend from New Hampshire [Mr. GALLINGER], who to-day I am relieving, says he will take the floor on Monday and show the necessity of rehabilitating the American merchant marine, in order to supply sailors.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. PERKINS. With pleasure.

Mr. GALLINGER. I was called from the Senate Chamber and I have not had the great pleasure I anticipated of listening to the Senator from California during his entire address to-day. I note that he has been discussing the American sailor—the matter of crews on our ships. I have been told that two-thirds of the men who have gone on the Pacific cruise on our battle ships have been recently recruited from the agricultural regions of the West and the Northwest. They make most excellent men, of course, but I anticipate that they have gone as on a pleasure trip, rather than with a view of remaining in the service. Is there not great danger that after the term of their enlistment expires they will leave the service and we shall then have a very great shortage of men for service on our ships?

Mr. PERKINS. I think, Mr. President, with the Senator from New Hampshire, that we ought to rehabilitate our merchant marine, so that we can have experienced sailors to draw from in case of emergency to fill places that do not require the training necessary in those who manage machinery, tend boilers, and have to do with the complicated machinery of a modern ship of war.

Mr. GALLINGER. I thank the Senator for expressing that view. Beyond doubt there is very great necessity for doing that.

Mr. PERKINS. Yes, Mr. President, that is quite true. We have naval training stations, and those men furnish the recruits for our Navy. The 14,000 sailors now en route to the Pacific enlisted for a term of years, and they were prompted and inspired to enlistment by patriotism. Our Navy has become very popular among the sailor men, although the wages we pay are not those paid in the merchant service.

ADVANCE IN NAVAL CONSTRUCTION.

The battle of the Sea of Japan, in which Japan wiped out the remnants of the naval power of Russia, taught lessons which have led to marked changes in the character of fighting ships. A study of that battle has convinced naval experts that in an engagement that fleet will be victorious which can place on the shortest battle line the greatest number of 12-inch or other larger guns. Therefore there has come upon the scene the huge 20,000-ton battle ship, armed with the most powerful 12-inch or 13-inch rifled guns, on whose smashing effect the results of battle rest. The big ship is designed for the purpose of shortening the battle line, thus concentrating the big-gun fire. The United States has authorized the construction of two of these 20,000-ton monster fighting machines, and the President recommends that the present Congress authorize four more. The terribly destructive effect of the modern 12 and 13 inch guns at close range is so great that the distance at which sea battles are fought has been greatly increased. It is estimated that in the battle of the Sea of Japan the distance between the hostile fleets was 5,000 yards, or about 3 miles, and it is believed that the newer and higher-power guns of to-day would lead to an increase of the distance to fully 7,000 yards, or 4 miles. Accuracy of fire is, therefore, a prime necessity, and for that reason the existing naval vessels of the different nations spend much time in target practice. It was the target practice of the Japanese that completely smothered the Russian fleet and destroyed in a few hours the sea power of the Czar. What the United States Navy is doing in this line of work is illustrated by the record of the battle ship *Connecticut*, flagship of the Pacific fleet, now on its way to San Francisco. Targets 30 feet high and 50 feet long—about an eighth the exposed surface of a modern battle ship—were hit by four 12-inch, nine 8-inch, and seventeen 7-inch shells as the vessels steamed for eight minutes from a position 4½ miles from the target to one 5½ miles distant. That is taken from the official record. It is a most wonderful exhibition of skill on the part of the men behind the gun on the ships. This is clearly a case of shooting straight, which has always characterized the men on board American ships of war.

IMPORTANCE OF THE BIG-GUN SHIP.

In heavy armor-piercing guns England, of course, is pre-eminent, having 292 that can be brought into action when the vessels under construction and authorized are completed. France comes next with 160, and the United States third with 144. Germany and Japan have 118 each. These are the guns which would probably prove decisive in any engagement, and the fleet which could bring the greatest number within the shortest battle line would undoubtedly be the victor. The big ships alone could shorten the line and concentrate the big-gun fire, and the fleet having the greatest number of big ships would, therefore, in all likelihood be the victor, the fighting qualities of the men being equal, even though the opposing fleet had a far greater aggregate displacement.

Mr. HOPKINS. I should like to ask the Senator another

question. If in the modern war vessel the distance between the contending navies will be 3 or 4 miles, of what great benefit are the torpedo boats? I ask the question in view of the fact, as I understand, that the other branch of Congress has authorized a larger number of torpedo boats than was recommended by the Department.

Mr. PERKINS. It is a question of evolution in high explosives.

Mr. GALLINGER. I was about to remark, if the Senator will permit me, that the increase allowed by the other House is not in torpedo boats, but in submarines, and it is not expected that the submarines will go very far from shore to do their fighting. They are largely designed for coast defense.

Mr. HOPKINS. But we have given a large amount of money from time to time for the construction of torpedo boats in our Navy, have we not?

Mr. GALLINGER. Certainly; but my suggestion was that, as far as the increase in the pending naval bill is concerned, it is for submarines proper.

Mr. HOPKINS. I understand that the submarines are used for coast service largely.

Mr. PERKINS. Answering the Senator from Illinois, in my opinion the torpedo is a very effective mode of warfare. It can be sent 3,000 yards from the torpedo destroyer, which goes with great speed—at 30 knots an hour, perhaps. It goes within a short distance of the battle ship and sends its torpedo on its mission of destruction and is particularly effective in a naval engagement against battle ships that have had their offensive power weakened by the fire of big guns. They are said to have been very effective in the hands of the Japanese in the battle of the Sea of Japan against the crippled vessels of the Russians. It is the opinion of Admiral Mahan and other eminent men in our Navy that torpedoes are most effective, both as offensive and defensive weapons.

Mr. GALLINGER. We had an illustration of that at Port Arthur.

Mr. HOPKINS. What is the opinion of the Navy people as to the number of torpedo boats that should be constructed in proportion to the number of cruisers and battle shipe?

NEED OF MORE TORPEDO BOATS.

Mr. PERKINS. Japan has a very much greater proportion than we have. I think myself that we are deficient in torpedo boats. The Naval Board, of which Admiral Dewey is president, the Joint Army and Navy Board, and the General Board have this matter under consideration. Our Committee on Naval Affairs also have it under consideration; and I would hardly like to venture an opinion until we have had their evidence, which will materially aid in forming a conclusion on the various questions before our committee.

Mr. HOPKINS. Then, as I understand it, in constructing a great navy and maintaining it as we are seeking to do, there is a certain proportion of torpedo boats that will be constructed with other war vessels.

Mr. PERKINS. Certainly; that is the policy of the Navy Department. It is the policy of the Bureau of Construction, and also, I think, of both Houses of Congress. It is the part of wisdom, it seems to me, for the United States to profit by the experience of other countries. Great Britain has pursued that course, France has done so, and Japan used torpedoes most effectively in the recent war with Russia.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from West Virginia?

Mr. PERKINS. With pleasure.

Mr. SCOTT. I should like to ask the Senator from California how many colliers are now in transit with our fleet to the Pacific coast for the purpose of carrying supplies of coal?

Mr. PERKINS. Does the Senator refer to American colliers?

Mr. SCOTT. I am asking for the total number.

Mr. PERKINS. Twenty-one, I think, left the Atlantic coast.

Mr. SCOTT. Of the twenty-one how many are American built or flying the American flag?

Mr. PERKINS. Two, I think; not more than three.

Mr. GALLINGER. Two.

Mr. SCOTT. There are only two of those colliers that belong to America and fly the flag?

Mr. PERKINS. That is one of the bad features.

Mr. SCOTT. Does the Bureau of Navigation recommend the building of additional colliers?

Mr. PERKINS. I understand so; and there are several bills for that purpose now pending before Congress. Two have been introduced in the Senate. One, I think, by the Senator from Massachusetts [Mr. LODGE], and another by the Senator from New Hampshire [Mr. GALLINGER], providing for the purchase of some colliers that have already been built in American yards.

Mr. SCOTT. How far could the battle-ship fleet possibly proceed, even on a pacific mission, without the aid of colliers to carry supplies of coal?

Mr. PERKINS. Three thousand miles, I think, would be an extreme distance.

Mr. SCOTT. Perhaps two or three days.

Mr. PERKINS. About ten days—that is, under ordinary speed.

Mr. SCOTT. From five to ten days?

Mr. DEPEW. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from New York?

Mr. PERKINS. With pleasure.

Mr. DEPEW. I have inquired about these colliers. I think the exact number is thirty-seven.

Mr. PERKINS. I took the statement in the press at the time that twenty-one left here. A part, I think, only went down on the southern coast. I think only ten went through the Straits of Magellan. However, it is a pretty serious question, and the Senator from West Virginia makes a very pertinent inquiry, "What would we do with the colliers which we have now chartered if we were at war with another nation?" Probably we would have to charter others.

Mr. SCOTT. I will ask another question, if the Senator will pardon me. In case we were engaged in a war, would it not be impossible for us to charter these vessels from a neutral power?

Mr. PERKINS. I think we could purchase them or press them into service.

Mr. SCOTT. We would have to purchase them before we declared war.

Mr. PERKINS. We purchased from England during the Spanish war. We have on the Pacific coast, I think, some six or eight foreign-built vessels now in the transport service between the Pacific coast ports and the Philippine Islands.

Coming down to the practical question, the big-gun ship has come to stay, and we are preparing to build two of 20,000 tons displacement and 21 knots speed, larger than any battle ship yet built by any other nation. The *Dreadnought*—that big-gun ship which England built with such astonishing rapidity and which has set the pace for other nations—is only 17,900 tons, and none of the six large fighters now on the stocks in England equals in size our *North Dakota* and *Delaware*, whose construction has just commenced. Three of the new English battle ships, building or authorized, are of 18,600 tons, and three of the improved *Dreadnought* class are of 19,250 tons displacement. It has been stated that the last three are to be given 13½-inch guns, but the accepted belief is that they will be armed with ten 12-inch rifles. The smaller ships will carry ten 12-inch guns.

France is constructing six battle ships of 18,350 tons and two of 14,865 tons, but the programme for 1909 contemplates only battle ships of 20,000 or 21,000 tons, 20 knots speed, with turbine engines, and is leaning toward an armament of 16 guns of 274 millimeters, or nearly 11 inches. They suggest even as many as 20 guns of 240 millimeters, or about 9½ inches.

THE LIFE OF A SHIP OF WAR.

As I said, the life of a ship is twenty years, and we write off every year 5 per cent. I think with a battle ship the improvements that have been made in the engines and boilers would make the life of the ship much less.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Wyoming?

Mr. PERKINS. Certainly.

Mr. WARREN. Does not the Senator think 10 per cent is about the average percentage of loss as applied to a battle ship and its machinery?

Mr. PERKINS. It is, undoubtedly; because the life of an engine and of a boiler is only about ten years. The corrosion and galvanic action upon the boilers will make the average life of a boiler not to exceed ten years.

Mr. WARREN. That would represent the entire percentage of loss on a large battle ship.

Mr. PERKINS. I think so.

Mr. WARREN. That would amount to the same thing as a battle ship being practically consumed in ten years.

Mr. PERKINS. That is the calculation made by my friend from Wyoming.

Japan is constructing a battle ship of 19,200 tons and one of 19,800 tons. The latter has a battery of four 12-inch and twelve 10-inch rifles. Four more ships are planned for this year, of 21,000 tons, 20 knots speed, each carrying twelve 12-inch guns. She has one armored cruiser, the *Tsukuba*, of nearly 20,000 tons, and plans two more such ships.

Italy seems to have set her limit at 16,000 tons and Austria at 14,500 tons.

RELATION OF SIZE OF SHIPS TO DEPTH OF HARBORS.

Mr. President, there must be a limit to the size of battle ships, which limit is set by the depth of harbors, for a ship must after all rely upon the land for support and must visit dockyards for supplies and repairs. This applies to what has already been anticipated by me in what I have said to my friend from Minnesota [Mr. NELSON].

It is apparent that that limit is nearly reached, for there are few harbors that will admit vessels of over 35-foot draft. The huge *Lusitania*, of the Cunard Line, of 38,000 tons displacement and drawing 33½ feet, is undoubtedly as large a vessel as can enter New York Harbor without a further expenditure for dredging. That harbor, Norfolk, San Francisco, and Puget Sound are, I think, the only harbors we have that can receive the largest vessels now afloat. I was surprised at the list given me by the Coast and Geodetic Survey relative to the depth of water at Baltimore.

It is pointed out by naval authorities that Germany is limited in the size of its fighting ships by the shallowness of its harbors. In spite of the energy of the Emperor and his intense desire to create as powerful a fleet as exists, he can not alter the physical configuration of the German coast. Thus at present Germany possesses no battle ships of over 13,200 tons, though four of 19,000 tons are projected. It is quite safe to say that these figures represent about the limit of size for German ships unless there is a great improvement in harbors. But even when the limit of size has been reached the building of war ships must continue, for the reason that a new vessel is hardly in the water before some other nation lays the keel of another which outclasses her in some important respects. Advances in the construction of engines, boilers, speed, armor, armament, guns, ammunition, and torpedoes are constantly made, and when incorporated in a new vessel create a new and more efficient fighting machine. Already foreign naval experts class the *Indiana*, the *Massachusetts*, and the glorious *Oregon*, which was the crack ship of the ocean at the time of the Spanish war, as obsolescent—hardly worthy of being considered as effective in line of battle when pitted against the newer ships of the world's navies. England has virtually wiped out eleven battle ships of from 10,500 to 14,150 tons as obsolescent, though among them we find the *Royal Sovereign*, the *Emperor of India*, and the *Hood*, which a few years ago were considered the most powerful ships of the British navy.

This proves what I said, in answer to a question already propounded to me, that the vessels have become obsolete by the greater improvements being made in structure, machinery, and general fighting capacity.

The new naval programme of Germany includes a proposition to decrease the nominal life of a battle ship from twenty-five to twenty years of active service, which, if adopted, will lead to the construction of five 19,000-ton battle ships instead of four. Thus progress in science is constantly lessening the efficiency of existing fleets by bringing into the field others which outclass them in many or all important points. Therefore the nation that would keep on the sea a fleet equal to all emergencies must be constantly building new ships and planning still others before the keels of those authorized are even laid. For that reason I have an idea that it will be a wise policy for us to limit the number of ships which we build yearly, and that one or two should be the maximum of these huge ships to be built each year.

The two huge battle ships authorized by the Fifty-ninth Congress are evidences of the sudden changes which occur in the ideals of naval construction. These big fighting machines are the results of the observations made during the progress of the war between Japan and Russia, and the study given to the details of the naval battles, particularly that of the Sea of Japan, in which Admiral Togo destroyed the Russian fleet. Up to that time it had been one of the cardinal points of naval construction to provide for what are called "secondary batteries," which consisted of a large number of guns of small caliber compared with the four big guns which composed the main battery of battle ships. The manner in which the Russo-Japanese battles were fought, the nature of the injuries received, and the controlling factors in the work of demolishing the Russian vessels seemed to teach that it was the big guns that were the most efficacious, and that the 8-inch and 6-inch rifles were of practically no avail against amored ships at the distances at which they are fought. The conclusion was that inasmuch as we had learned how to handle big 12-inch guns so as to secure accuracy of fire, a battle ship carrying only 12-inch guns as an offensive force, with simply small-bore rifles to repel torpedo-boat attacks, presented the very highest type of efficiency. So the great European naval powers set about creating such ships, and England built the *Dreadnought* and commissioned her October 2, 1906. This great ship is 490 feet long, 17,900 tons displacement, of 21½-knot speed, with about 26,000 horsepower, and a bunker capacity of 2,700 tons. Her main battery consists of ten 12-inch breech-loading rifles in turrets. She has no secondary battery; her entire offensive power is centered in the ten great guns in her turrets.

OUR OWN BIG-GUN BATTLE SHIPS.

The United States had about the same time authorized the *South Carolina*, of 450 feet length, 16,000 horsepower, and 18½ knots, to be armed with eight 12-inch rifles, but when the details of the *Dreadnought* came to hand it was seen that our own big vessel was outclassed. Hence Congress was urged to authorize the construction of vessels of the *Dreadnought* class, and this was done by the Congress just ended. The two great battle ships which will now be built will cost, exclusive of armor and armament, $6,000,000 each, and probably $12,000,000 each when ready for commission. They will be 510 feet long, 85 feet 2⅝ inches beam, of 20,000 tons displacement, and 2,300 tons bunker capacity, with a speed of 21 knots. They will have for a main battery ten 12-inch breech-loading rifles, and for a secondary battery fourteen 5-inch rapid-fire guns; four 3-pound saluting guns; four 1-pound semiautomatic guns; two 3-inch fieldpieces, and two machine guns. There will be two submerged torpedo tubes. The hull will be protected by a water-line belt 8 feet wide and 11 inches thick. Above this 10-inch armor will extend in a belt 7 feet 3 inches wide, and above this there will be armor 5 inches thick to protect smokestacks, the secondary battery, etc. The arrangement of the main battery is such as to give a broadside fire 25 per cent greater than that of any battle ship now built, or, so far as known, under construction, and the average elevation of the guns above the water line is believed to be greater than that of any other vessel, thus giving a distinct advantage in long-range firing. By compartment arrangements, armor, protective decks, and other provisions, it is believed that those vessels will have defensive qualities greater than those of any vessel now afloat, or up to this time designed. The proportion of weight of hull and armor is greater than in any other battle ship, and the actual total 3,000 tons greater than in the largest battle ship built so far.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from North Dakota?

Mr. PERKINS. With pleasure.

Mr. McCUMBER. I wish to ask the Senator from California if the logic of his argument is not that we are simply trying to keep up with the other maritime nations of the world, and that every time they get out an immense ship we try to match it with one of equal capacity? Why not in the very beginning, or right now, if we are going upon that theory, proceed to estimate for the largest possible war ship that can be constructed which can enter any of our ports, build it at once, and man it with the largest possible guns, instead of changing year after year and going by a gradual scale, simply trying to keep up with some of the other nations? It seems to me the logic of the argument is that ships built this year will be of very little value two years from now, and that we are all the time reaching toward greater ships. Why not, then, in the beginning build, man, and equip the very greatest ships that we can put afloat which can enter our harbors?

Mr. PERKINS. Mr. President, that is a point which has developed itself in the ship which we are now building named after the State of my friend from North Dakota, of 20,000 tons displacement, I think it is. As I have stated, I think we have nearly reached the limit in the size of ships.

Mr. McCUMBER. I understand from the Senator that his view is now that we have finally reached the limit as to the size of ships that can be built for war purposes.

Mr. PERKINS. It would hardly be fair, Mr. President, to put it in that shape; but I have been endeavoring to show that from the time of the building of the *Constitution* we have been progressing until we have reached the construction of one of the largest battle ships. That is an evolution which has been gradually going on in development until we have reached a point which could not have existed even in the vivid imagination of my friend from North Dakota ten years ago.

EVOLUTION IN BATTLE-SHIP CONSTRUCTION.

Mr. McCUMBER. If the Senator will pardon me, the evolution that has been going on so far has been simply to keep abreast with other great nations in the construction of immense war ships. We have not tried to exceed them to any extent; we have not considered practically what we can do and what ought to be done; but we have been guided simply by the one

proposition, that we must have as great a ship of war as Great Britain has produced, and we go a few thousand tons ahead each time. It does seem to me that we ought to start on some plan which looks far enough ahead so that the ship built to-day will be worth something ten years from to-day. The Senator from California speaks of the practical life of a ship as being about ten years.

Mr. PERKINS. Twenty years.

Mr. McCUMBER. About ten years for a war vessel after taking off 10 per cent each year. The Senator's argument, if it establishes anything, establishes the fact that a war ship built ten years ago is practically of no value to-day, and, logically, from the same argument, one built to-day will be practically of no value ten years from to-day, irrespective of the ability to maintain it and keep it in working order during that time.

Mr. PERKINS. Our Navy Department is composed of as eminent men as there are in this or any other country. They are desirous of having geniuses submit plans to them or any new invention in connection with these matters or for experimental purposes; and if my friend from North Dakota will submit plans embodying his ideas, I shall take great pleasure in presenting them to the Department, and I am sure they will receive proper consideration. The evolution in the construction of a battle ship is like that of the rifle which my friend now shoots. A few years ago he shot a muzzle-loading rifle, using black powder, and now he shoots a Winchester, a Henry, or some other modern make of rifle, using smokeless powder. Such a rifle has been produced by this same process of evolution.

Mr. WARREN. Mr. President, I should like the Senator to state his views as to the kind of Navy he desires relatively to the other navies of the world. Does he desire a Navy relatively of a second or third size?

Mr. PERKINS. I desire to maintain our Navy in the present relative position which it now has, which is second only to that of Great Britain. I think our great country ought to maintain that position.

Mr. WARREN. I quite agree with the Senator. It is not a question as to how large a Navy we may be able to build. I think we have the best men in the world behind the guns; and if we hold our relative position as at present, I think we shall be doing quite well enough.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from North Dakota?

Mr. PERKINS. With pleasure.

THE MEN ON OUR SHIPS OF WAR.

Mr. McCUMBER. If I may be permitted, I should like to make a suggestion in answer to the suggestion that has been made by the Senator from Wyoming [Mr. WARREN]. I have heard a great deal of the argument about "the man behind the gun." I concede that we have about as good men behind the guns of the United States as has any nation on the face of the earth; but when our friends tell us that our ships are manned about 75 per cent or 80 per cent by foreigners, and not by American citizens at all, it does not seem to me that the question of the men behind the guns counts for so very much in view of the personnel of the present force upon our great war ships. It seems to me—if I may just take one second of the Senator's time——

Mr. PERKINS. I am in search of light.

Mr. McCUMBER. That the drift of our American populace for labor will be where they can get the best remuneration, and you can get good sailors only as you pay good remuneration to them. You are not going to get the very best of our American citizenship and character to be the men behind the guns unless you pay a remuneration that will justify them in giving their service to the Navy instead of to some branch of industry.

For my part, I can not see any difference in this respect between the man who comes from Norway, as the father of my friend from Minnesota [Mr. NELSON] came, and the man that was born in this country. When Ole Olsen lands in New York, he is just exactly the same Ole when he lands there that he was when he left Norway. The mere taking on of American citizenship does not give him an inherent quality any better than he had in his old country. What does he get here? He gets the practice. The "man behind the gun" is the man that has the practice; and the country that has got the wealth to expend in the practice—I do not care whether it is on the other side of the ocean or on this side of the ocean—will get good marksmen in time. Japan and Great Britain probably are doing just exactly as well as we are. After all, it is a question not so much of "the man behind the gun" as it is the dollars that are behind the guns and the dollars that can furnish new guns when the old ones are exhausted.

That is to me really the whole question that arises in connection with "the man behind the gun." It is practice. If we want good men for our Navy, we have got to pay for them; and I believe we can get them without even passing the bill recommended by our friend from New Hampshire [Mr. GALLINGER].

Mr. WARREN. Mr. President, will the Senator from California permit me?

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Wyoming?

Mr. PERKINS. With pleasure.

Mr. WARREN. I ask the Senator from North Dakota [Mr. McCUMBER] if there has been any claim made that a man must be an American citizen in order to make a good gunner? I make no such claim, but I do say that men educated in the American Navy by American officers—and when I say "American officers" I mean those who are educated at Annapolis and in our schools—are the best in the world. I agree with the Senator perfectly that it is not a matter of where the men were born. They may be born in any country; but the American Navy as it is officered and manned, to my mind, furnishes the best gunners in the world, and they have the best practice and the best schooling.

Now, as to the pay. So far as the rank and file is concerned, the Navy is getting a very sufficient pay. As stated by the Senator from New Hampshire [Mr. GALLINGER], the late recruits are largely men from the Northwestern States—all educated men and good men. The Navy is paid to-day in the rank and file just a fraction of 1 per cent less than double what is paid in the Army for corresponding rank and file.

HOW AMERICAN CITIZENSHIP WORKS.

Mr. PERKINS. Mr. President, I can only answer my friend from North Dakota [Mr. McCUMBER] by relating an incident that once came under my observation. I was in a mining camp away back in the gold fields of California. A worthless fellow there, who amounted to nothing and had not the respect of anyone, was finally elected constable. They said, "He is a 'rum' customer for a constable, an officer of the law;" but immediately on his election he caused them to change their opinion. There was a riot and a row on hand, and he went into camp and said: "I am a little fellow and only weigh 120 pounds, but I represent this Government; the whole American people are back of me, and I will arrest every man of you." So it is with the men who join the Navy. They do it for patriotism, for love of the country which they have taken an oath to fight for, and not the dollars and cents that they receive.

My friend from Minnesota [Mr. NELSON], who went to the front during the war, did not go for the little measly $12 or $14 a month that he got. It was patriotism that inspired him, and so it is with nine-tenths of the men who enlist in the Navy. It is patriotism; it is love of country; it is the position they hold that inspires them to do their duty and not the per diem or the per month wages received.

Mr. McCUMBER. I should like to ask the Senator right there——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from North Dakota?

Mr. PERKINS. With pleasure.

Mr. McCUMBER. I should like to ask the Senator if he does not think that in time of war we get a great deal better citizen soldiery into the Army than we do in time of peace?

Mr. PERKINS. I think there is no question of that.

Mr. McCUMBER. In time of peace it is not so much a question of patriotism. In time of actual war, of course, it is a question of patriotism, and then we get our very best citizenship, irrespective of the remuneration; but to-day we are unable, as is stated, to get men into the Army. They will not go and serve. Still those men are patriotic, and if we were engaged in war they would go quickly and serve the country; but they do not care in time of peace about serving the country for that measly $13 a month, nor will the average American care about going into the Navy in time of peace unless it is sufficiently remunerative. In time of war I think we would have no trouble in manning all our vessels.

THE NEWER SHIPS OF THE NEW NAVY.

Mr. PERKINS. Mr. President. I was about to say, when interrupted, that the ships to which I have referred should, in truth, be formidable antagonists in a naval battle, and they will cast into the shade the modest little ships with which Dewey achieved his immortal victory, or those with which Sampson and Schley destroyed the Spanish cruisers on the Cuban coast. The advantages claimed for the big-gun ships are concentration of fire, which is easy with a few ships, but difficult where the

same number of big guns are dispersed among many vessels. Besides this, it costs less to build and less to maintain a vessel of the *Dreadnought* type than two ships which will give as great offensive power. The big-gun ships, therefore, permit a very material gain in two ways, and these ways are such that they must be considered. Hence we have come to the all-big-gun battle-ship period, and the United States has set the pace for this style of naval architecture. We may truly feel a just pride in our Navy as it now stands, and when the two big battle ships are afloat we need have no fear on the sea of any other nation on the globe. There is no longer any danger that we shall fall behind in the march of naval progress. Congress has given evidence that it realizes the necessity for being "up to date" in our Navy, and we may be assured that we shall in the future keep at least abreast of the other nations of the world.

But if we are to do so we must avail ourselves of the knowledge of experts, wherever they may be found, who have devoted themselves to naval architecture. To confine ourselves to the experience of a given class of builders will deprive us of the benefits of the discoveries of those who have followed other lines of investigation, or when we are compelled to make use of them we shall find ourselves behind in the race. The most complicated machine yet constructed—the modern battle ship—should embody the results of the most advanced thought at the time it is designed. Constructors of the huge merchant vessels of to-day have ideas of value; private constructors of war ships have experience that is worth considering; the results of experiments of foreign nations must be taken into account. In fact, the whole field of naval architecture must be searched and every well-developed fact to date must be utilized in building a battle ship of to-day, if we are not to have the mortification of seeing our ships outclassed as soon as they are launched.

THE COST OF THE NAVY.

From March 3, 1883, to June 30, 1907, the cost of the vessels of the new Navy, built, building, and authorized, aggregated $309,359,190. The actual cost of the completed battle ships, armored cruisers, protected and unprotected cruisers, aggregated $227,403,833, and there has been expended on vessels under construction $30,454,190. But this is only a part of the cost of the Navy to the nation. During the period above named, the entire pay of the officers and men manning the vessels in commission has been $258,458,611, and the Marine Corps, which is a part of the naval establishment, has cost $28,440,241. There must also be added the repairs to the vessels which will average from $30,000 to $50,000 per year for each of the fighting vessels. Then, there are other expenses at the navy-yards, etc., which add still more to the total of expenditures. The total expenditure on account of the new Navy is, indeed, very large, amounting since 1883 to $1,244,651,029, and most of it is of the character which political economists class as unproductive, and therefore call an absolute waste. But in the case of our new Navy, is it a fact that we have wasted the hundreds of millions of dollars we have put into these ships and have paid to the men who man them? I think that the victory of Dewey and the affair of the Spanish cruisers off the Cuban coast, with the subsequent change of the world's opinion regarding the United States, give a conclusive answer. And, as our Navy grows, the attitude which other nations will take toward us will be further proof that the expenditure has been judiciously made. But in the mere matter of dollars and cents has our new Navy been a mistake? I think not, for these reasons:

HAS OUR NAVY BEEN A MISTAKE?

Up to the time the first steel cruisers were proposed no steel ship plates had been manufactured in this country, and when John Roach put in his bid for them and secured the contract he had to undertake the manufacture of this material, and succeeded in doing so through the steel works of Thurlow, Pa. After receiving the contract, he contracted with the Phœnix Iron Company and Park Brothers, of Pennsylvania, and the Norway Iron and Steel Works, of Boston, for similar material, and this introduced a new industry into this country. And this industry has grown, as everyone knows, but how much is not perhaps fully realized. In 1880, just before we began to build ships which called for steel of domestic manufacture, there were, according to the census of that year, 140,978 wage-earners in the iron and steel trades, earning $55,476,000 in wages, and turning out products worth $296,557,000. The demand for steel of the highest quality resulted, as stated before, in the introduction of processes for its manufacture, for there was a sure market for the product. This enabled manufacturers to improve plants and produce steel at lower and lower cost. Its lower cost enabled it to be used in structural work, where its high price previously prohibited it, and gave birth to the new style of construction which has revolutionized the methods of the building trades, and has given us better structures than we ever had before. The increased plants of the steel manufacturers soon turned out the cheapest rails and railroad iron in the world, and rendered possible that marvelous growth of our railroad system which in time has led to the development of what were the waste places of the continent. And, as we all know, not only do we supply the domestic market with all the iron and steel it demands, but our manufactures go to all parts of the globe. We build bridges in Africa, Burmah, China, and wherever work of that kind is needed, and our rails bear the commerce of the world. The result is that in 1905 there were 857,298 wage-earners in the iron and steel industry, earning yearly $482,357,503 in wages, and producing iron and steel worth $2,176,739,726, according to the Census Bureau. And the average yearly wage per man has increased from about $400, in 1880, to $560, in 1905, or 40 per cent. The wages of the iron and steel workers for one year will more than pay the total cost, when ready for sea, of all the vessels of the new Navy built, under construction, or authorized from 1883 up to the present time, and one-half of the value of the iron products for a single year will pay the cost of the entire naval establishment for the last quarter of a century. That the encouragement given to this industry by the construction of the new Navy has had a very potent influence in bringing about this surprising result can not be doubted. The money expended on our war vessels, therefore, has been anything but an economic loss, judged by a single trade alone.

But there is not an industry in the land, in all probability, which has not felt the stimulus afforded by the construction of our new war ships. The coal industry is very greatly benefited as may well be imagined when it is remembered that every one of our naval vessels burns coal. The brass industry, the copper industry, the electrical industry, and aluminum industry, the food canners and meat packers, the clothing manufacturers, and all the industries which contribute to these different departments of employment of labor, all benefit from the steady demand of the United States for their products. The farmer feels it in the case of the products of his fields. Even the cornstalks, which were formerly waste matter, are now sold to manufacture backing for the armor of battle ships. And whereas there were only eight firms that could bid for the first naval vessels constructed, there are now thirteen great plants fully capable of turning out the largest and most complicated ship of war that can be designed, employing tens of thousands of skilled laborers, who find constant employment in shaping the most wonderful of human productions. The great shipyards of San Francisco, Seattle, Newport News, Philadelphia, New York, Bath, Me., and Quincy, Mass., owe their development to the Government work given them. And our navy-yards have been developed with our Navy, so that now they are in a state of high efficiency, and some of them, like the yards at New York and Mare Island, have been supplied with machinery and all facilities for naval construction. And these yards, which in 1883 employed less than 5,000 men, now furnish work at good wages to nearly 20,000, and all are under civil service, which has supplanted the spoils system, which formerly made our navy-yards simple retreats for political camp followers.

THE NAVY AN EDUCATIONAL STIMULUS.

Educationally, too, the new Navy has been a stimulus in the line of technical, designing, engineering, and mechanical training, and has been no small factor in the success of our technical schools, which are increasing in number and efficiency. We are thus turning out young men of highest technical skill and training, who in turn will use their energy in industrial fields and add still more to the national prosperity. The high standard set by the United States for the material and supplies which go to build and maintain the new Navy have caused manufacturers to design machines to produce the highest class of work at the least expense, and the result is that not only are we now making such machines for European nations, but our product is so superior and so cheap that we find a market wherever steel products are in demand. And the standard set for food, clothing, and other supplies sets a higher standard for all domestic articles of the same class than would otherwise have been demanded. These high standards fixed by the United States on account of its Navy have promoted and improved our national products at large. As ex-Secretary of the Navy Long truly says:

> They all necessitate and encourage the industrial training of our people, and are in line with that education which is now recognized as the most important education—the education of the hand and brain in the useful arts of life.

Since such are some of the benefits to the people at large from the construction of vessels of war, it can hardly be successfully

maintained that this expenditure, large as it may be, is a waste of money, particularly for a nation, one year's wages of whose iron and steel workers are sufficient to build a modern navy which has raised the United States from insignificant rank as a sea power to one which is second only to Great Britain. The wages of a second year of our workers in steel and iron would give us a navy equal to that of the mistress of the seas.

WAR SHOWS THE CHARACTER OF THE PERSONNEL.

The new Navy had no chance to show of what material it was made until the Spanish war. Even if there had been an opportunity for action, up to that time we had not fighting vessels enough to make a decent showing on the sea in case of trouble. But just before the breaking out of hostilities we had completed and got ready for commission a little fleet of five battle ships, two armored cruisers, a few protected cruisers and other vessels for lighter duties than fighting, so that when we were called upon to fight we had some good instruments used in the trade of war. The first act in the tragedy was the blowing up of the *Maine* in the harbor of Habana, and it was in this disaster that the spirit of the Navy, exemplified in the conduct of Captain Sigsbee and his men, showed the temper of the sailors who trod the decks of American men-of-war. Coolness, self-restraint, and bravery of the highest quality were manifest. Then came the brilliant feat of arms of Commodore Dewey in Manila, where were exhibited the sound judgment, dash, enterprise, contempt of danger, and invincible determination which has characterized the American Navy at all periods in its history. And not alone in action were these qualities exhibited in Manila Bay. A supreme test was made after destruction of the Spanish fleet, when Dewey held the city in his grasp for long weeks until the arrival of the Army, in the face of what was the almost hostile demonstrations of the German fleet, that clearly attempted to browbeat the American and wrest from him the fruit of his victory. No greater work during the war was done than was performed by Dewey while his ships were at anchor holding possession of Manila Bay and the hostile city, which he was unable to occupy by reason of his lack of men to land against the Spanish army. That he was able to gain this great though bloodless victory was due not only to his own indomitable courage, resource, and firmness, but to the fact, which the foreign navies soon recognized, that every man on the vessels under the American flag were actuated by the same fighting spirit as was their commander.

On the Cuban coast during the war there were numerous instances showing that the Navy had no exceptions in points of courage, daring, and self-sacrifice. The long blockade of Cervera's fleet displayed the qualities of steadfastness and determination, as the battle in which it was destroyed showed examples of bravery. The exploit of Commander Wainright in sinking the two Spanish torpedo boats with a converted yacht was the most striking incident of that affair, but was recognized as showing the spirit and temper of the whole fleet. The sinking of the *Merrimac* by Hobson and his gallant crew of volunteers in the harbor's entrance was another instance of daring which many other events of the war showed to be characteristic of the Navy. The unprecedented voyage of the *Oregon* from San Francisco to Key West, by way of the Straits of Magellan, steaming 14,000 miles in sixty-eight days, was another vivid flash of light on the character of the officers and men who sailed under the American flag.

Mr. SCOTT. Will the Senator from California permit me?

Mr. PERKINS. Certainly.

THE MEN OF THE NAVY UNDER FIRE.

Mr. SCOTT. In reference to the *Oregon*, I should like to ask what was the condition of that vessel after her run of the number of thousands of miles stated, and what was the reply of her captain when he was asked if she was ready for battle?

Mr. PERKINS. In two hours' time he was ready to enter the engagement, and did gallant service there.

The war with Spain brought out the other side of humanity. I have in mind, passing before me like a panorama which has filled us all with patriotism and sympathy, Commodore Jack Phillips's observation when his crew were firing upon the other ships. He said: "Don't shoot, boys; don't you see that the poor fellows are dying!" The enemy's ship was ashore. It shows that after victory came to him his heart went out in sympathy to those whom he had sent ashore in distress.

And after the destruction of the Spanish cruisers the work of rescue of the survivors brought into play the courage and daring of the American sailors in as emphatic a manner as was afforded by battle. To the Navy, too, belongs the honor of having made the first permanent landing in Cuba, for a battalion of marines under Lieutenant-Colonel Huntington occupied Guantanamo in face of the enemy and retained possession after several days of sharp fighting, and thus secured a safe station for coaling and repairing the fleet. The entire series of operations of the fleets during the Spanish war afforded numberless proofs that the new Navy had maintained the glorious standard of the old, and that the American flag covered no braver or more competent seamen in the world.

The history of operations in Samoa and in China during the Boxer outbreak only strengthens the high opinion which our Navy has deservedly secured among the nations of the globe. In Samoa our marines and blue jackets fought side by side with English sailors and earned their hearty praise. At Tientsin, Capt. (now Admiral) B. H. McCalla, with American marines and blue jackets was the first foreign force to land to aid the foreign settlement, and he and his little detachment were the first to enter Peking. In the subsequent expedition of the foreign troops to the Chinese capital, it was the American sailors and marines who cleared the road when the force was compelled to retreat, showing an appetite and aptitude for fighting that elicited praise from every foreign observer. And in the defense of the legations in Peking, it was to the little band of American marines that was intrusted the defense of the wall, and well and heroically did they do their duty. No harder fighting was done during the siege than was done by the men from the American ships of war, and no armed force from any foreign nation exhibited greater courage, steadfastness, bravery, and devotion than did the American marines and blue jackets during those trying days.

You will remember it was only during the last session of Congress, I think, that Germany presented to Admiral McCalla a sword and other trophies in appreciation of his heroic deeds in defense of the German legation at Peking during that siege.

Our new Navy has been tried and has not been found wanting. It is the same Navy which answered the call of John Paul Jones, of Decatur, of Preble, of Porter, and of Farragut, and has proved itself capable of as daring deeds of valor and of as great heroism as have been manifested by the old Navy in times of stress. The old Navy was the strong arm which inspired fear and respect in foreign antagonists. The new Navy will worthily perpetuate the reputation of the old, and while the American flag floats over a keel our country will know that its interests will be protected and its dignity maintained.

THE AMERICAN FLEET IN THE PACIFIC.

As the fleet of Admiral Evans steams up the west coast of the Americas the men behind the guns will be constantly reminded of notable deeds of daring, courage, and enterprise. Pizarro in Peru, Balboa at the Isthmus of Darien, Cortes in Mexico, and along its coast the names of his famous lieutenants will call to mind stirring deeds. At Magdalena Bay, where the big guns will be fired for the first time on the Pacific, they will see the land to which the great conqueror of Mexico gave the name California, which was later made to cover the entire region between the Sierra and the sea. At San Diego they will hear of the brave and earnest Father Junipero Serra, the advance guard of Christian civilization, who founded there the first of the twenty-one missions that linked the fertile region of Alta California to Spain. Monterey will recall the Spanish count whose expedition to that coast in 1602 gave to the bay its name. Sir Francis Drake also sailed along those shores and gave his name, too, to a bay farther up the coast. And the attempt of the Russians, coming down from the north, to take possession of the rich country reaching to the snowy mountains will be recalled by the remains of the old fort built by them near the mouth of what to this day is known as Russian River.

But at Monterey there will be recalled an incident in which was shown the same spirit which has actuated our Navy from the time our first vessel of war touched the water with her keel. California was Mexican territory, though held by the Mexican Government by a precarious tenure. England had long before, as had France, cast covetous eyes upon her rich valleys, and for some years previous to 1846 the former power had kept on the Pacific coast a fleet ready to pounce upon the fair land at the first chance that would offer her an excuse to take possession. The United States also had in view the acquisition of that part of the continent which would round out our territory, and we had at the time on the Pacific coast a small squadron. June 7, 1846, Commodore John D. Sloat lay in the harbor of Mazatlan on the U. S. S. *Savannah*, and at San Blas, only 82 miles farther from Monterey, lay Admiral Sir John Seymour on the British line-of-battle ship *Collingwood*. Both were waiting for the opening of hostilities between Mexico and the United States to sail northward and take possession of the coveted country. By special message from Mexico Commodore Sloat received news that the Mexican forces had invaded Texas, and at once hoisted anchor and on the same

day was on his way to plant the American flag on California soil. The British admiral sailed on a similar errand the next day, but Sloat beat the Englishman up the coast by two weeks, arriving July 2, while Seymour did not arrive until July 16.

TAKING POSSESSION OF CALIFORNIA.

In the meanwhile Commodore Sloat had taken possession of the country in the name of the United States, and had raised our flag at Monterey July 7, 1846. When the *Collingwood* sailed into Monterey Bay she was anchored within a pistol shot of the *Savannah*, which had been joined by the *Congress* and sloops of war *Levant and Cyane*. The American vessels had their crews at quarters, and all that was needed was to run out the guns in case the British admiral designed trouble. But none came, for Seymour, though reluctant to acknowledge it, was forced to see that the American flag indeed floated over the town of Monterey, and, boarding the *Savannah*, grimly made his compliments to the American commodore amid scarcely concealed preparations for action.

"You seem to be about to give your men some practice in the art of gunnery," he said.

"I did not know," said Sloat, pointing to the American flag waving over the town, "but that it would take some practice to keep it there."

"But tell me, Commodore," said Admiral Seymour, "What would you have done had you found the flag of some other nation floating there, and that flag guarded by a ship of the line?"

"I should," replied Commodore Sloat, "have at least fired one shot at it, and perhaps have gone to the bottom, and left my Government to settle the matter as it thought best."

This was the spirit of the old Navy, whose commodore, in his general order before taking possession of the fairest part of our territory, said:

We are about to land on the territory of Mexico, with whom the United States is at war; to strike their flag and hoist our own in place of it is our duty. It is not only our duty to take California, but to preserve it afterwards as a part of the United States at all hazards.

That is the spirit of the new Navy also, as was demonstrated by Dewey at Manila. Admiral Evans's men will find their high ideals of duty, courage, and patriotism already long established by brave deeds on the greatest ocean of the globe.

AN ANSWER TO CRITICISMS OF OUR WAR SHIPS.

I ask unanimous consent to publish in the RECORD as an appendix to my remarks the article which I submit, taken from the Scientific American. I do this for the reason that this is a reply to some of the adverse criticisms on our Navy that have appeared from time to time in some of the magazines of the country.

The VICE-PRESIDENT. The Senator from California asks that the article submitted by him be printed as an appendix to his remarks. Is there objection? The Chair hears none.

APPENDIX.

[Scientific American, New York, Saturday, January 18, 1908.]

The Reuterdahl attack on our Navy.

1.—WHO DESIGNED OUR NAVY? WAS THE SEAGOING OFFICER IGNORED?

The present reply to the recent attack on the ships of our Navy and the men who design them is, it is needless to say, in no sense inspired. It is written purely in the interests of truth, being based upon facts with which we have long been familiar, and most of which have appeared in earlier issues of the Scientific American; and it is devoid, of course, of any personal feeling. When Mr. Reuterdahl states that he is highly appreciative of the American Navy, we believe him—and this in spite of the fact that, if all he alleges be true, the ships of that Navy, under certain battle conditions, would be unable to fire their guns, and must promptly be sent to the bottom. Moreover, we are prepared to admit that some of the points in this article, and particularly those dealing with the bureau system and the scant encouragement shown to the American inventor, are well taken. But having made this reservation, we do not hesitate to say that, from first to last, the article is so full of technical errors regarding the ships themselves—errors which range from slight variations from the facts up to absolute misstatements—that, for anyone who has an intimate knowledge of the material and methods of the Navy, it carries its own direct refutation. But, unfortunately, of the thousands of American citizens who may have read this article not one in ten thousand, probably, has any such knowledge of the facts; and hence it follows that no end of people who have always taken a patriotic and very proper pride in our Navy must necessarily find their faith rudely shaken. Unfortunately, there have not been wanting certain officers of the line who have lent themselves freely to the questioning of the newspaper reporter, and have so far indorsed the general trend of the article as to convey the impression that the whole of it is true; and this in spite of the fact that they must know perfectly well that much of it is a gross exaggeration.

In the first place, then, let it be clearly understood that the present controversy is as old as the Navy itself, and that many of the criticisms now made public have been urged over and over again, carefully debated, and action taken upon them in the secret—and very properly secret—deliberations of the Navy Department. It is the bold publication of the whole matter in an article whose inspiration seems to bear strong internal evidence of being semiofficial that has brought the subject so prominently and suddenly to the wide attention of the public. It is not our intention to enter, in the present issue, into any detailed refutation of the many misstatements made by Mr. Reuterdahl regarding the material—i. e., ships, guns, armor, etc.—of our Navy. This matter we shall take up in a succeeding article. What we wish to do here is to clear the ground and put our readers in a position for judging the question more intelligently, by showing how it has become possible that there should be such an apparently wide divergence of opinion between the men who design our ships and the men who command and fight them. And let it be noted here, very carefully, that we speak of an *apparent* divergence of opinion, for we shall show that, so far from the seagoing officers having nothing whatever to say about what kind of vessels shall be built, they have been in the actual majority on the many boards that have determined the characteristics of our ships, *and on some questions have outvoted the constructors at the ratio of ten to one.* The Navy Department has been scrupulously careful to give them every opportunity to express their views and, indeed, has been in the habit of sending out official letters inviting the most frank discussion and the freest offering of any suggestions.

The designing of battle ships and cruisers is without doubt one of the most complicated and difficult tasks in the world—so rapidly do new ideas become old, so swiftly do novel and revolutionary methods become popular. And the naval constructor would be more than human if, in the midst of these everchanging standards and ideals, he should always succeed in building a ship that embodies only those elements which are bound to remain permanent in the years to come. At his best he is but human. He is no seer or prophet. At times he is bound to make mistakes; a fact which, as the official records show, he is perfectly willing to admit.

One serious fault and crying injustice in the whole of this discussion is the fact that the impression has been conveyed, and purposely conveyed, that the work of determining the characteristics of our war ships is exclusively confined to the Bureau of Construction and Repair; that this Bureau is a kind of "close corporation," extremely jealous of its prerogatives and slow to accept any suggestions from the outside, and that it is peculiarly marked by that narrow range of outlook which is supposed to distinguish the purely technical, the "office" man, from the "practical" outside man. Now, the merits of this question are necessarily of a nature which can be determined only by reference to the official records of the Navy Department, in which, fortunately for this discussion, is to be found a full history of the deliberations which preceded the final choice of plans for the ships of our modern Navy.

Who is it, then, that is responsible for the design of our war ships, and what share, if any, had the seagoing officers in determining the characteristics of the ships which a certain clique among them now so freely condemn? There is a provision of the Navy Regulations by which the "general supervision over the designing, constructing, and equipping of new vessels for the Navy" is delegated to what is known as the "Board on Construction," which is composed of the chiefs of the four Bureaus of Equipment, Ordnance, Construction and Repair, and Steam Engineering, with an additional officer of the seagoing branch. The chiefs of the first two named Bureaus are seagoing officers, and these two, with the additional officer above named, serve to place the seagoing element, as compared with the Construction Corps, in the proportion on this board of three to one. That does not look as though the constructive branch had any arbitrary control over the design of ships or that seagoing officers were without adequate representation. Moreover, on the 1st of July, 1907, there were thirty-four seagoing officers serving as assistants in the Bureau of Ordnance and Equipment, and on duty under the Bureau of Ordnance at the Washington Navy-Yard. These thirty-four officers are thoroughly representative of the seagoing branch of the naval service and are in close and constant touch with the chiefs of their respective Bureaus, and advantage is taken of their wide practical knowledge in matters affecting the preparation of new designs. By this arrangement the Board on Construction has the advantage of suggestions born of the practical knowledge of the seagoing officers upon such features as magazine arrangements, ammunition stowage, coaling arrangements, and the location and method of installation of all mechanisms coming under the cognizance of the Bureaus concerned.

Clear proof of the important part played by the seagoing officer in determining the military features of our ships will now be given in connection with the battle ships which have been designed since the Spanish war; and just here it will be well to draw attention to the fact that at the close of the war and at the request of the Bureau of Construction and Repair a special order was issued by the Secretary of the Navy to commanding officers of vessels requesting that those who served during the war make reports as to the operation of their ships, specifying both the good points and the band points and suggesting any improvements which might be desirable. An analysis of the numerous reports submitted indicates that in the opinion of the seagoing officers of that period such defects as existed were not of a serious character. The criticism was the result of the experience, under war conditions, of seventy-five officers; and they were so favorable as to lead the Chief of the Bureau of Construction to state in his next annual report that *with regard to the strength, stability, seaworthiness, and maneuvering powers of the vessels of the various classes, the war experience tended to confirm the favorable opinions previously arrived at and to demonstrate the general success of the designs.*

At the close of the war the three battle ships of the *Illinois* class were in course of construction, and encouraged by the results of the war as indorsing the general system of construction, the plans of the new *Maine* class provided for vessels of the same general character as the *Illinois*, but with more speed and greater displacement. Thus it will be seen that as far as the military features of the six battle ships of the *Illinois* and *Maine* classes are concerned, *they were substantially indorsed by the specific reports of seventy-five officers who saw active service during the war, and that they were worked out by a board the majority of whose members were seagoing officers.*

The Scientific American holds no brief for the Board on Construction, and we bring these facts before the public simply to correct the absolutely false impression that the determination of the leading features of our war ships is restricted to a single bureau, and that it does not embody the rich and valuable experience of the seagoing officers of the line.

Following the *Maine* came the five ships of the *Virginia* class, whose otherwise admirable qualities are marred by the fact that they carry the double-deck turret—one of the most unfortunate mistakes ever committed in any navy. The double-deck turret was nothing new in our service. It was the design of a young ordnance officer which was enthusiastically taken up by the seagoing officers of the line and, because of its *theoretical* advantages, became extremely popular. *It is on record in the files of the Navy Department that the naval constructors, to a man, bitterly opposed the introduction of this type of*

mounting, and it was installed upon the Kentucky and Kearsarge against their strong protest. They opposed the turret on several grounds, among which were the following: That there was a lack of independent action of the 8-inch guns; that four guns of two different calibers on one single mounting would deliver a less volume and a less accurate fire than if the two types were separately mounted; that the great concentration of weight at the ends of the vessel and the enormous weight on the roller path were objectionable; that the efficiency of four important guns was dependent upon one controlling apparatus, and that the error of one gun pointer enters into four guns.

Unfortunately, after a bitter fight to keep it out of these five splendid ships, the influence of the seagoing officers was successful in incorporating the double turret. In the first plan for the *Virginia* class, the majority of the Board on Construction proposed an armament of four 12-inch guns in two turrets and eight 8-inch guns in four turrets, mounted amidships; but one seagoing member of the board dissented from the majority report, and recommended that four of the 8-inch guns be superposed upon the 12-inch turrets. This opened up the old controversy of the *Kearsarge* period, and in order to have the subject well thrashed out, the Navy Department made an addition to the original Board on Construction of eight additional seagoing line officers, thus forming a special board for the purpose. This board approved by a majority report the use of the superposed turret. Later, another special board was convened, consisting of the Board on Construction with the addition of two rear-admirals and five captains; and, as a final result, ten out of the twelve members signed a majority report in favor of installing the superposed turret in the *Virginia* class. One rear-admiral and the naval constructor signed a minority report. *In these two boards the ratio of seagoing officers to naval constructors was, respectively, ten to one and eleven to one, so that the superposed turret must ever be looked upon as the special protégé of the seagoing officer.*

The superposed turret, moreover, came very near being emplaced upon the *Connecticut* and the *Louisiana;* a minority report of the board which decided on their plans advocating an armament of four 8-inch guns superposed on the 12-inch turrets, and four 8-inch guns in broadside turrets. The final designs for these ships, from which the superposed turret was excluded, were adopted only after an extended discussion, in which the question of the battery arrangement alone was made the subject of report or suggestion by upward of eighty naval officers.

The designs for the following three ships, *Vermont, Kansas,* and *Minnesota,* are practically identical with those of the *Connecticut,* some slight changes being made in the distribution of the armor.

The faults of the two battle ships *Idaho* and *Mississippi* are directly chargeable to the mischievous custom of Congress, by which it specifies the limits of displacement of the ships which it authorizes. This was put at the ridiculously low figure for a modern battle ship of 13,000 tons, and on this limited displacement the board was requested to design, forsooth, "two first-class battle ships carrying the heaviest armor and the most powerful ordnance of vessels of their class." Under the circumstances something had to be sacrificed. Four of the five members of the Board on Construction, including two of the three seagoing members, recommended a vessel with battery arrangement similar to that of the *Connecticut,* but carrying four less 7-inch guns, with a lower freeboard aft, and having one knot less speed, submerged torpedo tubes being also omitted. The Navy Department before approving this report invited an expression of opinion from nine officers of large experience in the Navy, which was duly offered. In submitting its final report the Board on Construction stated that the designs of these 13,000-ton ships did not "represent its opinion of what first-class battle ships should be, nor what the United States Navy should have."

The naval appropriation act of March 9, 1905, authorized the construction of two 16,000-ton battle ships, and the final plans of these vessels, which are now known as the *South Carolina* and *Michigan,* embodied the all-big-gun idea. These ships were the first to embody an arrangement of turrets which, although it was subjected to much criticism at the time of its first publication, seems now likely to become the standard practice throughout the navies of the world. We refer to the method of mounting the eight 12-inch guns in four center-line turrets, so as to allow all of the guns to fire upon either broadside. This arrangement, like that of the emplacement of eight 8-inch guns in four turrets arranged quadrilaterally, as in the *Oregon,* originated in the Bureau of Construction, and it bids fair to be a permanent feature in future battle ships. The excellence of the design of these ships is beginning to meet with the approval which it merits; and we give the following quotation from a well-known *foreign* paper, which is devoted exclusively to naval matters: "Few, if any, ships are likely to be built in the future which can not use all guns on either broadside. This may be taken as certain. America, in the *South Carolina,* led the way in this direction, and the ship of the future is bound to be some improved variation of her. * * * *There is some good reason to believe that, taking all things into consideration, the South Carolina type is the best all-big-gun ship yet in hand."*

The plans of the 20,000-ton battle ships *Delaware* and *North Dakota* were unanimously approved by the Board on Construction, the majority of whose members are, as we have seen, seagoing officers. They were subsequently referred to and approved by a special board, the majority of whose members were seagoing officers, and finally were indorsed by special act of Congress.

It will be evident from the foregoing review of the *facts* regarding the responsibility for the design of our war ships, as recorded in the files of the Navy Department, that the ships of our Navy represent the accumulated experience and critical judgment, not merely of one bureau of the Department, but of the very pick and flower of the personnel of the Navy. Having fully established this fact, we shall, in our succeeding issue, take up seriatim the charges made by Mr. Reuterdahl against the matériel of the Navy, and we shall show that though, in one or two cases, the charges are to the point, they are, as a general rule, grossly in error.

[Scientific American, Saturday, January 25, 1908.]

The Reuterdahl attack on our Navy.

II. ARE OUR SHIPS INFERIOR TO THOSE OF THE LEADING FOREIGN NAVIES?

Replying to our last issue to the charge that the supposed faults in the war ships of the United States Navy are due to the fact that the designing of these ships is confined to a particular board and certain bureaus, and that the seagoing officer has little to say about the matter, we proved conclusively that, so far from his being ignored, the seagoing officer has been in the majority on the various boards which have determined the leading characteristics of our vessels. We showed that our ships, and particularly those built since the Spanish war, embody the ripe experience of the ablest men in the various branches of the naval service. Yet we are asked by Mr. Reuterdahl in McClure's to believe that "the ships of the battle fleet of the United States are in exactly the same condition as the Russian ships at Tsushima;" that the guns, mounted at low elevation, protrude from yawning gun ports, into which volumes of water will pour in a seaway, and through which shells will enter and burst, killing the gun crews, cutting the ammunition hoists to pieces, and blowing up the magazines; that the whole of the thick armor belt is generally below the water line, and that shells would blow in the thinly armored sides above the submerged belts; that our ships are without torpedoes and torpedo tubes, and without suitable guns to fight off the enemy's destroyers, and so forth and so on—the upshot of it all being that our Navy is in no condition to go to war, and therefore, we suppose, must be considered as of practically no consequence at all. In the present article we will take these charges *seriatim,* and show that, generally speaking, they are either gross exaggerations, or have no basis whatever of fact.

It has long been recognized among naval experts that all criticisms and comparisons of ships, if they are to have any value, must be referred to some common standard, comparison being made only between ships of the same date and the same displacement, and all questions of draft, freeboard, height of guns, etc., being referred to some common water line. The broad underlying fallacy which vitiates not merely Mr. Reuterdahl's article, but the whole of the campaign of criticism of the past few months, is that this essential principle has been largely ignored.

1. Submerged armor belts.—Mr. Reuterdahl states that "of all our battle ships not one shows the main armor belt 6 inches above the water when fully equipped and ready for sea." As a matter of fact, our ships, if we include those now building, show from 18 inches to 11 feet 6 inches of thick armor above the water line when fully equipped. Because the water line of a ship must change with the amount of load she has on board, it is necessary to have some fixed datum to which her displacement, draft, freeboard, etc., may be referred. This datum in our own and the British navy is known as the mean or normal water line. It is the level at which our ships float when they have about two-thirds of their ammunition and stores and about 800 or 900 tons of coal aboard; and it is at this draft that the ship is required to make her specified speed during the Government trials. Thus, in the case of the *Vermont,* whose designed normal or mean draft is 24 feet 6 inches, the top of the armor belt at this draft is 4 feet 3 inches above the water line, and in this condition she is carrying two-thirds of the full supply of ammunition and stores, and displaces 16,000 tons. At the designed full-load displacement she displaces 1,650 tons more. It takes 63.14 tons to sink the *Vermont* 1 inch deeper in the water, and hence the addition of 1,650 tons will add 26 inches to her draft. Hence, at full-load draft the top of the belt would be still 25 inches above the water. Similarly, the *Maine* increases her draft from normal to full-load displacement by 20 inches, leaving 22 inches of the main belt above the water at full load. In preparing for a cruise like that to the Pacific, however, a large amount of extra material is taken aboard, and the last pound of coal is crowded into the bunkers. One of the battle ships now on the Pacific cruise, in addition to spare propeller blades, anchors, etc., carries an extra crank shaft for her engine. But even with this added load the ship in question showed her belt above the water line.

There has been altogether too much wild talk about submerged armor belts, and its absurdity is evident when it is brought to the cold test of facts and figures. A naval officer recently assured the writer that the *Virginia* not long ago started from a navy-yard with the top of her belt 2 feet below the water. Now, in dissecting this statement, we find that at normal load, when the *Virginia* displaces 15,000 tons, this mark is 3 feet above the water; so that, according to our informant, she must have sunk 5 feet, or 60 inches, below her normal draft. It takes 60.95 tons to sink the *Virginia* 1 inch below her normal draft. Therefore, to get her belt 2 feet below the water, she must have taken on board 2,657 tons dead weight, and her displacement must have been 18,657 tons, 700 tons greater than that of the huge British battle ship *Dreadnought.* This is a fair sample of much of the absurd talk that has been indulged in during the past three months on this question of submerged armor belts.

Furthermore, even if the belts were submerged, which they are not, when our ships start out to fight and find the enemy, the consumption of coal, provisions, water, etc., would bring them up several inches a day, and by the time they met the enemy it is probable that they would be floating not much below their normal draft, with several feet of the belt above water.

2. Low freeboard.—Mr. Reuterdahl has much to say about the "lowness" of American ships, and he would have us believe that the forward decks are much lower than those of foreign ships. He says: "*All*" (the italics are ours) "modern battle ships in foreign navies have forward decks about 22 to 28 feet above water." We have no space to consider the various foreign navies in detail, and in this reply we will confine ourselves to the acknowledged leader of them all, the British navy. What are the facts? With one single exception, the *Dreadnought,* there is not a British battle ship in commission with a forward deck 28 feet above the water, all the other modern battle ships being, like our own, three-decker ships—that is, having a berth deck, gun deck, and main or upper deck above the protective deck; and the height between decks being about the same for all ships, viz, from 7 feet 6 inches to 8 feet, it follows that the height above normal water line is approximately the same. As a matter of fact, on several of our ships the height between decks is greater than on the British ships and the freeboard is correspondingly greater. The two photographs herewith shown of the *King Edward* and the *Vermont,* selected because the ships are of about the same date of design, show the *Vermont* to have actually a foot more freeboard on the same normal flotation line. The "draft marks" (figures painted on the side) on the *King Edward* clearly indicate the position of the normal water line for her known normal draft of 26 feet 9 inches.

3. "Broadside guns useless in a seaway."—The question of freeboard is intimately associated with that of the height of guns above water. Though we have not at hand the figures of freeboard of the British ships, the low elevation of broadside batteries on certain crack British ships as compared with our own proves conclusively that their freeboard must generally be considerably lower, and not, as Mr. Reuterdahl states, considerably higher, than that of our ships of the same date. Therefore, all his pictorial description of the trouble our turrets and broadsides would encounter when steaming in a seaway may be relegated to that land of fiction to which so much of this article belongs.

Not only would "one-third of our guns" not be "useless in a seaway," but the muzzles of the guns would be clear of the water when

the eight battle ships of the *King Edward* class and the two battle ships, *Swiftsure* and *Triumph*, to say nothing of the four armored cruisers of the *Drake* class, would be rolling theirs under.

We have always been a great admirer of Mr. Reuterdahl's marine pictures; and one of the chief elements of their charm, for the writer at least, is their freedom of treatment. The trouble with the present article is that the artist has carried this freedom of treatment into a field from which it should have been most rigidly excluded. The statement that "broadside guns of foreign battle ships and cruisers are, generally speaking, twice as high as ours, and many of them three times as high," would be startling indeed if it were true. As a matter of fact, our broadside guns are as high as the similar broadside guns in the German and Japanese navies, and, as we have seen, are from 2 to 4½ feet higher than those in some of the finest modern battle ships and cruisers of the British navy.

The question of giving ships a lofty freeboard is not as simple as Mr. Reuterdahl seems to think. To add a forecastle deck, raising the freeboard from 20 to 28 feet, means the addition of an enormous weight, and, on a given displacement, involves heavy sacrifices, either in guns, armor, speed, or coal supply. Grave questions of stability are also encountered. We hear much in this controversy about the high freeboard of the French ships. As a matter of fact, there are two schools of design: The French, favoring lofty freeboard, and the British, American, Japanese, and to a less extent the German, favoring a 20-foot freeboard. The British, of whom Mr. Reuterdahl mistakenly gives the impression that they have several 28-foot freeboard ships, were content with 20 feet until the great length of the *Dreadnought* compelled the addition of a forecastle deck to give her good sea-riding qualities. All this talk about flooded turrets and broadside guns useless in a seaway is no more, and not as much, applicable to our own Navy as it is to the others of the same school. The battle of Tshushima was fought by Japanese ships of the same freeboard as our own and in weather that was described in Admiral Togo's report as "rough." But we have yet to hear that the Japanese broadside guns were "useless in a seaway;" and our broadside guns are as high, if not higher, than theirs.

4. Poor protection for gun crews.—Mr. Reuterdahl's imagination never leads him so far away from the facts as when he comes to speak of the poor protection for gun crews due to overlarge gun ports and the poor subdivision of the broadside batteries. The story of the "enormous" turret ports of the *Kearsarge* and *Kentucky*, and the pathetic incident of the "painted wooden canvas screens" has been retailed to the public *ad nauseam*. As a matter of fact, these turret ports are large only in comparison with the naturally smaller ports which appear in turrets using an inclined face of the character shown on our front-page engraving. The *Kentucky* and *Kearsarge* are pretty old ships, as things go nowadays; for their designs were prepared some thirteen years ago. The turret ports were no larger than the necessities of the type of gun mount used at that period demanded. The fronts of the turrets of the *Alabama* class, which followed the *Kearsarge*, are inclined, and the ports are proportionately smaller. It is an abuse of the ethics of fair criticism to keep ringing the changes on the supposed poor design of this out-of-date ship, without making any reference to the fact that in all of our later ships the ports have closed in on the guns until the protection is ample. Mr. Reuterdahl is so fascinated with these "yawning gun ports" that apparently he sees double, if not quadruple; for he tells us that "the openings above and below the guns in the turrets of these ships are 10 feet square!" Were this indeed the case, there would be not one square foot of the port plate left, and the Empire State Express could drive bodily into the turret without let or hindrance. Well might "the service journal, the Navy," say that "these ships are not fit for service in battle line against a really modern vessel." In his search for further proof of poor protection for our gun crews, Mr. Reuterdahl goes back to ships that were authorized from twelve to seventeen years ago, and speaks of the broadside guns which "stand glowering from unprotected or badly protected openings as wide as double doors;" but he omits to state that most foreign ships of the same date used the same wide ports, and that many of them, notably in the British navy, mounted their guns in the open with nothing but shield protection. So also he states, by implication, that there is no attempt at isolation of the separate broadside guns from shell fire on eleven of our battle ships, upon which, as a matter of fact, special screen protection has been carefully provided.

5. The open shaft to the magazine.—That Mr. Reuterdahl's criticisms of the open shaft, or well, leading down from the turret guns to the handling room below is well made, is proved by the fact that what is known as the "interrupted hoist," with a floor cutting off the upper from the lower part of this shaft, is being installed on our latest ships. It is only fair, however, to bear in mind the considerations which led to the adoption of the present type of hoist. In the first place, at the period when it was designed, our ordnance officers were anxious to avoid a very serious defect which existed in many foreign ships, and noticeably the British, namely, that the loading could be done only in one position. That is to say, if a ship were firing on the broadside, her turret guns would have to be swung back to the axial position for loading to bring the breech in line with the loading tray and rammer, an arrangement which entailed a great loss of time and a slow rate of fire. Our officers designed a hoist which rotated with the gun and its carriage, and brought the ammunition direct from the handling room to the breech, no matter on what point of bearing the gun was laid. This, of course, necessitated an opening direct down to the handling room. In its later form the hoist was given a high speed of 600 or 700 feet a minute, and it is believed to give a more rapid service and enable a faster rate of fire to be obtained than is possible with the big guns of other navies. The hoist gave great satisfaction, and no complaints were heard until the introduction of smokeless powder developed the danger of "flarebacks." To meet this difficulty the Ordinance Bureau provided gas ejectors for blowing the combustible gases out of the gun before the breech was opened, and stringent regulations were laid down to prevent crowding of ammunition up to the gun in the effort to obtain rapidity of fire at target practice.

Later, an intersecting floor of steel was placed at the mid-height of the turret shaft, with an automatic shutter, which lifted as the charge passed through and then fell by its own gravity, shutting off the handling room from the turret. With a view to shutting off the ammunition room from the handling room floor below the turret, the doors of the ammunition room are provided with circular hinged shutters, and the instructions are that these shutters shall be closed except when a charge is passed through them. Now, it is well known in the Navy that, in the zeal to secure good target records, these safety devices have, at times, been rendered inoperative; and it is a fact that much of the loss of life in the target-practice accidents of recent years would have been avoided had the safety devices been fully utilized, and the instructions for safeguarding the powder been strictly followed. There is one feature in which the hoisting gear of our turrets is subjected to unjust comparison with that of foreign battle ships. The impression may be gathered from Mr. Reuterdahl's description that every foreign battle ship has an independent ammunition hoist, with track, ammunition cars, and cable complete in itself. This is not the case. There is but a single cable, and the auxiliary gear consists of a hand-operated crank shaft geared to the motor shaft, which drives the one cable. Should the motor be short-circuited or otherwise injured, the driving shaft can be hand-operated, but, of course, at only a slow speed. If a shell fragment should cut this cable on a foreign ship, the whole hoist would be immediately put out of business and the turret would be just as completely disabled as our own.

6. Lack of torpedoes and destroyers.—We are entirely in agreement with Mr. Reuterdahl in his belief that our weakness in torpedo-boat destroyers is a distinct menace to the efficiency of the Navy. Congress should make liberal appropriations for ships of this type, which should be of not less than 750 tons displacement and 30 to 32 knots speed. Such boats should be of sufficient strength and freeboard to enable them to cruise with the fleet in any weather. But Mr. Reuterdahl is in error when he considers that the lack of submerged torpedoes in the ships of the Pacific fleet is a serious matter. Expert opinion on this question has been "seesawing" for several years, according as the speed and range of the torpedo, or the range and deadliness of armor-piercing gun fire, have been in the ascendency. In 1903 the General Board, speaking on this question, said: "The range, speed, and accuracy of torpedoes have so greatly increased within the last year or two, that at the present time the torpedo may be considered a weapon of offense to be seriously reckoned with up to 3,000 yards, and even more. Since gun fire, in order to result in a decisive action, must be delivered at a range not greatly exceeding 3,000 yards, it follows that the tactics of fleet actions will hereafter be influenced by the presence or absence of torpedoes." Since that opinion was given, the battle range has increased from 3,000 to 8,000 or even 10,000 yards, as witness the remarkable shooting up to 9,000 yards made by our own *Connecticut* during the past summer. At such ranges the torpedo becomes an incumbrance, and the space occupied by the submerged torpedo room may much better be given up to coal or stowage.

In concluding this answer to the criticisms of Mr. Reuterdahl's article, and to the general campaign of criticism by which it was preceded, we wish to state that the Scientific American has based its statements upon facts which are either of its own knowledge or gathered from public Government documents. We believe that after a careful consideration of the facts as here presented the general American public will agree with us that our Navy stands second to none in the general efficiency of its ships.

There is one feature, however, in which our ships are superior, and often greatly superior, ton for ton, to the ships of other navies. We refer to the exceptionally heavy armament which they carry. Since the days of the Revolutionary war it has been our aim to mount upon our ships heavier batteries than were carried by foreign ships of corresponding size, and to this policy very largely have been due most brilliant victories, particularly where single ships were engaged. That policy has been steadily followed in the creation of our new Navy, whose birth may be dated from the year 1883. Although Congress has persisted in the most unreasonable practice of stating what the displacement of the ships shall be, the Department has succeeded in equaling the foreign ships in speed, protection, and coal supply, and at the same time has greatly outmatched them in the weight of the armament.

At the conclusion of his speech, Mr. PERKINS said:

I move that the resolution which I presented be referred to the Committee on Naval Affairs.

The motion was agreed to.

ALASKA PACIFIC RAILWAY AND TERMINAL COMPANY.

Mr. NELSON. I ask unanimous consent to call up for consideration the bill (S. 4351) for the relief of the Alaska Pacific Railway and Terminal Company, which was reported from the Committee on Territories. It grants one year's extension of time for the building of a railway in Alaska. The time will expire in the early part of March. In order that the bill may be of any assistance, it is necessary that it should be passed here at an early day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACCOMMODATIONS FOR STEERAGE PASSENGERS.

Mr. LODGE. I ask unanimous consent to call up the bill (S. 5083) to amend section 1 of the passenger act of 1882.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Immigration with amendments.

The first amendment was, on page 2, to strike out line 13, as follows: "For the purposes of this act."

The amendment was agreed to.

The next amendment was, on page 2, line 14, before the word "In," to strike out "First," and in the same line, before the word "passengers," to strike out "steerage," so as to read:

In computing the number of passengers carried or brought in any vessel, children under 1 year of age shall not be included.

The amendment was agreed to.

The next amendment was, on page 3, line 2, to strike out "statute adult" and insert "passenger," so as to read:

Second. The expression "steerage passenger" means all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless the space allotted to their exclusive use is in the proportion of at least 36 clear superficial feet to each passenger.

The amendment was agreed to.

The next amendment was, on page 3, line 19, after the word "one," to strike out "statute adult" and insert "steerage passenger."

The amendment was agreed to.

The next amendment was, on page 4, line 2, after the word "one," to strike out "statute adult" and insert "steerage passenger."

The amendment was agreed to.

The next amendment was, on page 4, line 7, after the word "one," to strike out "statute adult" and insert "steerage passenger."

The amendment was agreed to.

The next amendment was, on page 4, line 12, after the word "one," to strike out "statute adult" and insert "steerage passenger."

The amendment was agreed to.

The next amendment was, on page 4, line 17, after the word "one," to strike out "statute adult" and insert "steerage passenger."

The amendment was agreed to.

Mr. NELSON. I should be very glad to have the Senator from Massachusetts explain the object of the bill. I have no recollection of the bill having been before the Committee on Commerce and being considered by that committee. From what committee does it come?

Mr. LODGE. It comes from the Committee on Immigration.

Mr. NELSON. It relates to shipping?

Mr. LODGE. It relates solely to the space for immigrants. That is all.

Mr. NELSON. What is the effect of it?

Mr. LODGE. The effect of it is to amend section 42 of the immigration act of last year. That is the reason why the bill went to the Committee on Immigration. I will explain it if the Senator desires.

Mr. FRYE. Does it apply to foreign ships?

Mr. LODGE. It applies to all ships carrying steerage passengers to this country.

Mr. NELSON. As I understand, it reduces the cubic space devoted to steerage passengers. It enables the big steamship companies to huddle the steerage passengers in closer quarters than they do now.

Mr. LODGE. The Senator is mistaken. It enlarges the space very much over that required under existing law.

Last year there was an amendment to the immigration act enlarging the space, and using the phraseology of our old passenger act. The amendment was very hastily drawn in the closing days of the session, and two years were given to the steamship companies to comply with the provisions of section 42 of the immigration act. It was found, as it became necessary to put the law in force, that the definition of "main deck" was a definition on which agreement was almost impossible with respect to modern ships. The officers in the port of New York, to whom this matter was referred, were divided in opinion as to what constituted the main deck of the modern steamship. If you took the definition that it was the first deck flush from stem to stern, all the company was obliged to do was to make a break in that deck and drop the main deck still lower, and there was therefore no proper limitation to the deck upon which steerage passengers could be carried. It became absolutely essential that there should be a proper definition in the law, so as to prevent steerage passengers being carried below the water-line deck. That is the first thing in the act of last year which makes necessary action at the present time.

The other point was the air space. We enlarged the air space very greatly last year. We carried it not only beyond the act of 1882, but we carried it beyond the air space required under the English law, which was the standard law at that time. We omitted what is in the British regulations, a provision for what is known as "promenade space"—that is, space for dining room and smoking room and space for immigrants to move about. Under the law, as it stood in section 42, it would have been entirely possible for the steamship companies, at the crowded season of the year, to have taken all the promenade space, which is what exists in all the best ships now, and to have converted it into berth space. Our law simply limited the berth space. Under this proposed act, although the air space is very largely increased over the law of 1882 now in existence, and over any air space that we have ever given before, it is not quite so large as that provided in the section of the act of last year, but if you add to it the space in what is known as the "promenade space," and which, under the existing law, could all be absorbed for berth space, you increase the total accommodations for the immigrant. It is simply a somewhat different distribution of the air space.

At the time section 42 was passed last year the British Parliament had appointed a special board of experts to revise entirely the regulations in regard to steerage passengers, and those regulations were not completed until just at the beginning of the present session. They provided, as I have already said, for the promenade space, and the act was drawn with great care. It applies not only to all British ships, but it applies to all foreign ships which touch for steerage passengers at British ports. It is of great importance in an international sense that our arrangements should conform, as far as possible, to the British regulations, which are undoubtedly the best for the modern carrying of steerage passengers. If our arrangements and theirs conform it practically compels all other ships to conform also.

I will just read what the result of this bill is in air space, taking 100 cubic feet as the standard. On the passenger deck, under the French, 100; under the American, the existing act, 100; under the German law of 1898, 100; Italy, law of 1901, 97. Under the proposed bill we have given 127½. On the lowest passenger deck, against 119 for the French, 120 American, 100 German, and 106 Italian, under the present bill we give 153 cubic feet. I have reduced it to cubic feet so as to make the comparison.

On the lowest passenger deck the increase is 50 per cent; on the other passenger decks it is 27½ per cent, and in addition there is the provision for the promenade space, which did not exist at all in our law.

It was the unanimous opinion of the committee that this is a very great improvement on any provision for immigrants that has ever been made in any of our navigation laws or passenger acts. It was also impossible to proceed under section 42, which changed the old passenger act and which proved, as far as the decks went, to be unworkable, and which owing to its arrangement of air space would have made great conflict among the ships.

The effect of this enactment will be to reduce the number of immigrants now brought on the present number of ships afloat from 15 to 21 per cent. Of course they are very much more crowded in the Italian ships than they are in the German, and more crowded in the German and French than they are in the British and the American.

I believe that this is a measure of very great value for the best possible care of the immigrants, and that it will compel the companies which have not given them promenade space to follow the best type of the American and British ships.

The VICE-PRESIDENT. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT VICTORIA, TEX.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (S. 486) to provide for the purchase of a site and the erection of a public building thereon at Victoria, in the State of Texas.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site and to contract for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States courts, post-office, and other Government offices, in the city of Victoria and State of Texas, the cost of site and building, including vaults, heating and ventilating apparatus, and approaches, complete, not to exceed $100,000.

The bill was reported to the Senate without amendment, ordered to engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (S. 5255) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place upon the pension roll, at the rate per month therein specified, the following-named persons:

Rachel Beatty, widow of William L. Beatty, late of Company A, Third Regiment United States Dragoons, war with Mexico, $12.

Jane Payne, widow of Anderson L. Payne, late of Company K, First Regiment North Carolina Volunteer Infantry, war with Mexico, $12.

Andrew E. Waterman, late of Company H, First Regiment South Dakota Volunteer Infantry, war with Spain, $12.

Frances V. Dallas, widow of Alexander James Dallas, late major Twenty-third Regiment and lieutenant-colonel Twenty-second Regiment, United States Infantry, $35.

William Lind, late of Capt. William Young's company, California Volunteers, California Indian disturbance, $8.

George H. Thorpe, late of Company L, Second Regiment Kentucky Volunteer Infantry, war with Spain, $12.

Augusta C. Stouch, widow of George W. H. Stouch, late captain Third Regiment United States Infantry and lieutenant-colonel, United States Army, retired, $30.

Van Ogle, late first lieutenant Company B, Washington Territory Volunteers, Oregon and Washington Territory Indian war, $16.

Adam S. Bridgefarmer, late of Capt. Hiram Wilber's Company B, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16.

John Burkman, late of Company K, Fifth Regiment Missouri Volunteer Infantry, and Troop L, Seventh Regiment United States Cavalry, $24.

Hardin E. Runnels, late of Company B, Eighth Regiment United States Cavalry, $10.

Sadonia Pierce, widow of Riley W. Pierce, late of Capt. James Smith's company, Texas Mounted Volunteers, war with Mexico, $8.

Hansford D. Wall, late of Capt. Winston Stephen's company, Florida Volunteers, Seminole Indian war, $16.

Annie M. Dancy, dependent mother of George L. Dancy, late of Company F, First Regiment Florida Volunteer Infantry, war with Spain, $12.

Mary M. Wells, widow of Giles Wells, late of Company K, Second Regiment Illinois Volunteers, war with Mexico, $12.

Fannie W. Reading, widow of Pearson B. Reading, late paymaster, Fremont's battalion, California Volunteers, $12.

Eloise Wilkinson, widow of George Wilkinson, late of Troop E, Fifth Regiment United States Cavalry, $12.

Lavinia A. E. Rogers, widow of William W. Rogers, late of Captain Sweat's company, Georgia Mounted Volunteers, Florida Indian war, $12.

Mary Varn, widow of George Varn, late of Captain Hutchinson's company, Florida Volunteers, Florida Indian war, $12.

Owen J. Revels, late of Captain Whitehead's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, $16.

Anna Cochran, widow of Charles H. Cochran, late first lieutenant Seventh Regiment United States Infantry, $25.

H. Rowan Saufley, late second lieutenant Company F, Second Regiment Kentucky Volunteer Infantry, war with Spain, $12.

Archibald N. Hogans, late of Captain Hart's independent company, Florida Mounted Volunteers, Florida Indian war, $16.

Emil Kuhblank, late landsman U. S. S. *Palos*, United States Navy, $12.

Mr. McCUMBER. I move to strike out, on page 2, from line 6 to line 9, inclusive, the following words:

The name of Andrew E. Waterman, late of Company H, First Regiment South Dakota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I also ask, in connection with the bill just passed, for the present consideration of the bill (S. 5254) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place upon the pension roll, at the rate per month therein specified, the following-named persons:

Nathan H. Tyler, late of Second Battery, First Battalion Maine Volunteer Artillery, $24.

Chase M. Swain, late second lieutenant Company I, Twenty-sixth Regiment Massachusetts Volunteer Infantry, $30.

Rebecca Kraus, widow of Samuel Kraus, late captain Company B, Seventh Regiment West Virginia Volunteer Infantry, $20.

Joseph Logsdon, late of Company L, Fourth Regiment West Virginia Volunteer Cavalry, and Company A, Seventeenth Regiment West Virginia Volunteer Infantry, $24.

Isaac Wharton, late of Company H, Third Regiment West Virginia Volunteer Cavalry, $30.

Gilbert A. Jordan, late of Company C, One hundred and second Regiment, and Company H, Sixteenth Regiment, Illinois Volunteer Infantry, $24.

Edward C. Gearey, late lieutenant-colonel Thirty-second Regiment United States Colored Volunteer Infantry, $36.

Anthony Grisvoi, late of Company G, One hundred and fortieth Regiment New York Volunteer Infantry, $40.

George A. Bucklin, late of Company C, Fiftieth Regiment Illinois Volunteer Infantry, $24.

Marshall H. Lewis, late of Company I, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, $24.

David S. Oliphant, late second lieutenant Company D, Thirty-fifth Regiment New Jersey Volunteer Infantry, $30.

Erastus Strickland, late of Company H, Tenth Regiment Connecticut Volunteer Infantry, $30.

Franklin L. Felch, late of Company E, First Regiment New Hampshire Volunteer Infantry, $20.

Elizabeth Marshall, widow of Dustin Marshall, late of Company C, and first lieutenant Company A, Third Regiment New Hampshire Volunteer Infantry, $17.

Sarah J. Mumford, widow of James R. Mumford, late of Company A, Fifty-second Regiment Wisconsin Volunteer Infantry, $16.

Jefferson Stanley, late of Company F, Thirty-first Regiment Wisconsin Volunteer Infantry, $24.

Nathan Dunkelberg, late of Company D, One hundred and seventy-second Regiment Pennsylvania Drafted Militia Infantry, $30.

Luman N. Judd, late of Company I, Thirty-fourth Regiment Iowa Volunteer Infantry, $24.

William M. Favorite, late of Company D, Eleventh Regiment Wisconsin Volunteer Infantry, $30.

Charles F. Shepard, late of Second Independent Battery Ohio Volunteer Light Artillery, $30.

Marilla Harvey, widow of Elijah E. Harvey, late captain Company B, Sixth Regiment Kansas Volunteer Cavalry, $20.

Bertha Zwicker, blind and dependent daughter of Charles Zwicker, late of Company G, Fifty-seventh Regiment Illinois Volunteer Infantry, $12.

Frederick D. Winton, late of Company C, Twenty-fourth Regiment Connecticut Volunteer Infantry, $24.

Bridget Murphy, widow of Michael Murphy, late of Company E, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, $12.

Edmund J. Graves, late of Company C, Fifty-second Regiment Illinois Volunteer Infantry, $30.

Alexander Russell, late of Company K, Eleventh Regiment Iowa Volunteer Infantry, $30.

Charles Thurston, late first lieutenant Company G, Twenty-third Regiment Maine Volunteer Infantry, $24.

Thomas J. Postlewait, late of Company A, Sixty-first Regiment Pennsylvania Volunteer Infantry, $30.

Hazen E. Soule, late of Eleventh Independent Battery Ohio Volunteer Light Artillery, $24.

Mary J. Logan, widow of Robert Logan, late of Company A, First Regiment District of Columbia Cavalry, $16.

Marcus J. Howland, late of Company F, Twentieth Regiment Indiana Volunteer Infantry, $30.

Andrew G. Pringle, late of Company G, Twelfth Regiment Indiana Volunteer Cavalry, $24.

Johnston M. Watts, late of Company A, Second Regiment Ohio Volunteer Heavy Artillery, $24.

Elbridge Stevens, late of Company C, Eighth Regiment Maine Volunteer Infantry, $40.

Richard Firn, late of Company D, Fifth and First Regiments California Volunteer Infantry, $30.

George W. Irwin, late of Company H, Thirty-fourth Regiment Iowa Volunteer Infantry, $30.

John G. Snook, late of Company B, Nineteenth Regiment Iowa Volunteer Infantry, and Company I, Ninth Regiment Iowa Volunteer Cavalry, $24.

Joseph A. Clark, late of Companies H and K, First Regiment New York Volunteer Cavalry, $24.

Jacob M. Weekley, late of Company B, First Regiment Pennsylvania Reserve Volunteer Light Artillery, $24.

Sarah A. Chitwood, widow of Richard G. Chitwood, late captain Company C, Osage Regiment Missouri Home Guards, and Company G, Eighth Regiment Missouri State Militia Volunteer Cavalry, $20.

Harrison Lovelace, late of Company K, Twenty-second Regiment Wisconsin Volunteer Infantry, $24.

Harriet E. Whiton, widow of Lester Whiton, late first lieutenant Company D, Twenty-second Regiment Connecticut Volunteer Infantry, $17.

George A. Whitney, late of Company E, Sixty-fifth Regiment Ohio Volunteer Infantry, $24.

Lydia M. Salisbury, widow of Jonathan B. Salisbury, late of Captain Ramsey's Company K, First Regiment Ohio Volunteer Infantry, war with Mexico, and second lieutenant Company D, Hatch's battalion, Minnesota Volunteer Cavalry, $16.

John S. Lee, late of Company G, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, $30.

John L. Francis, late of Company G, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and Company G, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, $30.

Thomas Gibson, late major, Fourteenth Regiment Pennsylvania Volunteer Cavalry, $30.

Mary E. Kellogg, widow of Edward Josiah Kellogg, late of Company B, One hundred and twenty-seventh Regiment New York Volunteer Infantry, $12.

Mary J. Hammond, widow of Jehial P. Hammond, late of Company B, Seventy-second Regiment Illinois Volunteer Infantry, $12.

Dolson B. Searle, late of Company I, Sixty-fourth Regiment New York Volunteer Infantry, $30.

James H. Conley, late of Company F, Fourteenth Regiment New Hampshire Volunteer Infantry, $24.

Gage S. Gritman, late first lieutenant Company K, One hundred and sixth Regiment Illinois Volunteer Infantry, $24.

Henry P. French, late of Company A, Ninth Regiment Vermont Volunteer Infantry, $30.

William H. Son, late of Company B, Thirteenth and Fifth Regiments Missouri State Militia Volunteer Cavalry, $24.

Eunice P. Athey, widow of Morrison C. Athey, late of Company E, First Regiment Oregon Volunteer Infantry, $12.

Orlando S. Goff, late of Company D, and second lieutenant Company K, Tenth Regiment Connecticut Volunteer Infantry, $30.

George E. Lounsberry, late of Company E, Thirty-sixth Regiment Illinois Volunteer Infantry, $24.

Mary E. Ostheimer, widow of Simon Ostheimer, late of Third Battery, Indiana Volunteer Light Artillery, $12.

Hannibal H. Whitney, late of Company F, Tenth Regiment Vermont Volunteer Infantry, $24.

Edwin W. French, late captain Company C, First Regiment Connecticut Volunteer Cavalry, $24.

Jerome Crandall, late of Company K, Twenty-sixth Regiment Wisconsin Volunteer Infantry, $30.

Mr. McCUMBER. I move to amend the bill in the paragraph granting an increase of pension to Bridget Murphy, by striking out "twelve" before "dollars," in line 16, page 5, and inserting in lieu thereof the word "sixteen," so as to read:

And pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

I wish to say, in explanation, that the word "twelve" was placed in the bill by error. The report which accompanies the bill shows that a pension of $16 a month was intended to be allowed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FILIPINOS AT MILITARY ACADEMY.

Mr. WARREN. I wish to call up the joint resolution (S. R. 49) authorizing the Secretary of War to permit not exceeding seven Filipinos to receive instruction at the United States Military Academy.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported from the Committee on Military Affairs with amendments, in line 7, page 1, to strike out the words "Filipino cadets" and insert "Filipinos undergoing instruction, as," and on page 2, lines 2 and 3, to strike out the words "Filipino cadets" and insert "Filipinos undergoing instruction," so as to make the joint resolution read:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit not exceeding seven Filipinos, to be designated by the Philippine Commission, to receive instruction at the United States Military Academy at West Point: *Provided*, That the Filipinos undergoing instruction, as herein authorized, shall receive the same pay, allowances, and emoluments as are authorized by law for cadets at the Military Academy appointed from the United States, to be paid out of the same appropriations: *And provided further*, That the provisions of section 1321, Revised Statutes, are modified in the case of the Filipinos undergoing instruction, so as to require them to engage to serve for eight years, unless sooner discharged, in the Philippine Scouts.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET K. HERN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2420) granting an increase of pension to Margaret K. Hern, which was, in line 8, before the word "dollars," to strike out "sixteen" and insert "twenty-four."

Mr. McCUMBER. I move that the Senate disagree to the amendment of the House, and request a conference on the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the VICE-PRESIDENT appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO the conferees on the part of the Senate.

IRRIGABLE LANDS IN IDAHO.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the joint resolution (S. R. 51) providing for additional lands for Idaho under the provisions of the Carey Act.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, as follows:

Resolved, etc., That an additional 1,000,000 acres of arid lands within the State of Idaho be made available to be subject to the terms of said acts, and that the State of Idaho be allowed under the provisions of said acts to purchase said additional area or so much thereof as may be necessary for the purposes and under the provisions of said acts.

Mr. CULBERSON. What is the Calendar number?

The VICE-PRESIDENT. Two hundred and fifty-three.

Mr. HEYBURN. I move, on page 2, line 4——

Mr. CULBERSON. I do not understand that the consent of the Senate has yet been given for the consideration of the joint resolution.

The VICE-PRESIDENT. The joint resolution has been read for the information of the Senate. Is there objection to its present consideration?

Mr. CULBERSON. Before passing upon that question I wanted to get the number of the joint resolution and see from what committee it comes. I notice now, the reference having been given, that it comes from the Committee on Public Lands. I ask the Senator if it is the unanimous report of the committee?

Mr. HEYBURN. Yes.

Mr. CULBERSON. I notice that there is a report accompanying the joint resolution—report No. 228. I ask the Senator from Idaho if it is a lengthy report? This is quite an important measure, involving a million acres of land.

Mr. HEYBURN. I did not distinctly hear the inquiry of the Senator from Texas.

Mr. CULBERSON. It is whether report No. 228 is a lengthy report?

Mr. HEYBURN. It is not a lengthy report. I can state the purpose and substance of the joint resolution.

Mr. CULBERSON. Very well; I would be glad to have the Senator explain it.

Mr. HEYBURN. I was going to propose an amendment to make it in accordance with the language of the act, but I will first state the purpose of the joint resolution.

In Idaho, as in other arid-land States, under the Carey Act, a million acres was allowed to be taken subject to the provisions of that act. It is taken by actual settlers.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. I suggest that no portion of the million acres is reserved until it is absolutely entered for settlement and settled upon; so it does not take so much of it as may be used out of the market or devote it to any other purpose than settlement itself.

Mr. HEYBURN. It happened that the arid and semiarid lands of Idaho were particularly adapted to settlement under the provisions of the Carey Act to a larger extent than lands of that character existing elsewhere, and there have already been taken up under the provisions of that act 886,500 acres of the million acres.

Mr. CULLOM. By actual settlement?

Mr. HEYBURN. Yes. The act provided that each State of what are known as the "arid-land States" should be allowed to take land under the Carey Act to the extent of 1,000,000 acres. The remainder—that is, the difference between 886,500

acres and a million acres—does not leave a sufficiently large area to meet the requirements of the next application for the segregation of lands under that act. As is shown in the report, there are already applications for 685,555 acres on file with the State land board of the State of Idaho in addition to the million acres allowed to be taken by the terms of the original act.

This land is taken up by actual settlers only after the water is made available for irrigating it. The first great project that was accomplished under the Carey Act is what is known as the "Twin Falls project," in what was then Cassia County and is now Twin Falls County. It was absolutely an unhabited country, covered with sagebrush, and it had always been considered as entirely out of the range of possible settlement. But under the terms of the Carey Act a canal over 80 miles in length, 140 feet wide at the top and 80 feet wide at the bottom—I believe I give the figures exactly—carrying from 8 to 12 feet of water, was constructed, taking the water out of the Snake River at Twin Falls. The water was carried on high ground back of the vast area that lay along the south side of the Snake River in what was known as the "Shoshone Falls section." Then, of course, lateral and other canals were constructed carrying the water out all along at proper intervals and distributing it over the tract.

That first tract contained an area of 220,000 acres that has been now enlarged and added to until all the adjacent country, not only on the south side of the Snake River, but on the north side of the Snake River, carrying another 180,000 acres, has been put under water, either complete or under process. The south side, therefore, known as Twin Falls, this uninhabited arid tract of land five years this coming fall, without a single inhabitant upon it, I drove across in going to another section of the State, and the only evidence of the human hand upon it was the construction of a little temporary shanty that was intended for the accommodation of the men who were laying out this project. There is now an assessed valuation of real property upon that tract of more than $3,000,000—that is, upon the basis of one-third—in that length of time. There is a population of 10,000. It looks like an old settled country with its trees, its houses, its buildings, its barns, its orchards, and its stacks of hay that dot the country thickly. You would never dream but what that country had been settled through at least one generation or more.

These canals are constructed by individual enterprise under contract with the State. The State, by the provisions of the Carey Act, makes a contract with an individual or an aggregation of individuals that if they will bring water upon these lands they may have them by paying to the State 50 cents an acre and by the settler paying the actual cost of the water.

Under that act the lands in Idaho on the Twin Falls tract cost the settler $25 an acre; that is, for the water and land. That is true of several of them. There is one, however, on which the cost is $15 an acre, another one $35 an acre, and one $40 an acre. The maximum cost of this land with the water on it—which means forever—is $40 an acre. On the great Twin Falls tract is located the city of Twin Falls, with a population approximating 5,000, with as beautiful buildings as you would find in any city of this country of the same size, with brick blocks and paved streets and all modern improvements that have grown up in five years.

We stand ready in Idaho to carry on this work and to settle up these lands, on which you have looked out from car windows for the last generation or two and pronounced them to be absolutely worthless and marveled that anyone should go to such a country. They are now being converted into green and productive fields and happy homes. We have added to the population of that section of the State, that was marked on the map of Idaho as "Snake River Desert" until I had that designation taken off the map since I came here, because I knew it was not a desert and the people have found out that it was not a desert, that it was simply uncultivated land that was susceptible of the highest cultivation and the most magnificent production.

We ask you to make available to settlers in Idaho another million acres, and we will add another 50,000 to the people of that State when we get that land. It will cost the Government nothing and the Government will gain in settlement and the prosperity incident to it.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HEYBURN. I want to amend the joint resolution, so as to make the language conform to the acts referred to. On page 2, line 4, I move to strike out the words "to purchase."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 4, after the word "acts," it is proposed to strike out the words "to purchase," so as to read:

That an additional 1,000,000 acres of arid lands within the State of Idaho be made available to be subject to the terms of said acts, and that the State of Idaho be allowed under the provisions of said acts said additional area or so much thereof as may be necessary for the purposes and under the provisions of said acts.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MISSOURI RIVER BRIDGE AT YANKTON, S. DAK.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 5133) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF SALVADOR COSTA.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 1392) for the relief of Salvador Costa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Claims with an amendment, in line 5, before the name "Salvador Costa," to insert "to the heirs of;" and in line 6, after the words "sum of," to strike out "$2,850" and insert "$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of Salvador Costa, of Tallahassee, Fla., the sum of $1,000, for the sloop *Mary Lawrence*, which was seized and destroyed by the Federal authorities during the late civil war.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the heirs of Salvador Costa."

MEMORIAL AT POINT PLEASANT, W. VA.

Mr. SCOTT. I ask unanimous consent for the consideration at this time of the bill (S. 160) to aid in the erection of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $10,000, to be expended under the direction of the Secretary of War, to aid in the erection and completion of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774; but no part of the appropriation shall be expended until the site and plans for the monument or memorial shall be approved by the Secretary of War and the grounds on which it is to be located shall be dedicated to the use of the public and provision made for opening and maintaining an open highway thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

H. R. KING.

Mr. FULTON. I ask unanimous consent for the present consideration of the bill (S. 1702) to reimburse H. R. King. I will state that I do this at the request of the junior Senator from Minnesota [Mr. CLAPP], who is necessarily absent from the Chamber.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $1,015.58 to H. R. King, of Grand Rapids, Minn., to reimburse him for moneys collected from him on contracts for the cutting of timber in the Indian reservation in Minnesota in excess of the value of the timber.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE BUILDING AT KEARNEY, NEBR.

Mr. BROWN. I ask unanimous consent for the immediate consideration of the bill (S. 4248) to increase the limit of cost of the United States post-office building at Kearney, Nebr.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Public Buildings and Grounds with an amendment, in line 5, after the words "hundred and," to strike out "thirty-five" and insert "ten," so as to make the bill read:

Be it enacted, etc., That the limit of cost of the United States post-office building at Kearney, Nebr., be increased from the sum of $80,000 to the sum of $110,000, said increase to be employed for the enlargement and decorating of said building.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND IN DONA ANA COUNTY, N. MEX.

Mr. SMITH. I ask unanimous consent for the present consideration of the bill (S. 1617) to quiet title to certain land in Donna Ana County, N. Mex.

Mr. BACON. I ask for the reading of the report in that case, if it is not long.

The VICE-PRESIDENT. At the request of the Senator from Georgia the Secretary will read the report accompanying the bill.

The Secretary read the report submitted by Mr. FULTON, February 19, 1908, as follows:

The Committee on Public Lands, to which was referred the bill (S. 1617) to quiet title to certain land in Donna (Dona) Ana County, N. Mex., having had the same under consideration, respectfully reports the same back to the Senate and recommends that it pass with the following amendments:

On page 2, line 6, strike out the words "issue patents" and insert in lieu thereof the words "cause patents to issue."

In line 4, page 1, strike out the word "Donna" and insert in lieu thereof the word "Dona."

Amend the title by striking out the word "Donna" and insert in lieu thereof the word "Dona."

A letter from the Acting Secretary of the Interior, hereto appended, quite clearly explains the nature and object of the bill, excepting that it should be added that the correct name of the county is "Dona Ana" instead of "Donna Ana," as designated in the bill.

DEPARTMENT OF THE INTERIOR,
Washington, February 11, 1908.

GENTLEMEN: I am in receipt, by your reference, for an expression of the views of this Department thereon, of Senate bill No. 1617, entitled "A bill to quiet title to certain land in Donna (Dona) Ana County, New Mexico."

Said bill proposes to permit persons who claim land in Dona Ana County, N. Mex., which was originally thought to be in the Refugio Colony grant, but which has been excluded from said grant as finally confirmed and surveyed, to purchase such lands from the United States at the minimum price provided by law, under certain conditions, the bill being substantially in the terms of section 7 of the act of July 23, 1866 (14 Stat., 218), which granted similar relief to persons who claimed land in California in the belief that the land was embraced in a Mexican grant and which land was afterwards found to be public land of the United States.

The bill is in accordance with the views of this Department as expressed in its report on H. R. 18670 of the last session of Congress, which bill proposed to grant the land in question outright to the claimants. Said report is dated February 23, 1907.

On page 2, beginning in line 5, it is provided "and the Commissioner of the General Land Office shall issue patents for the same." Attention is called to the fact that all land patents are signed by the President, by the President's secretary to sign land patents, and countersigned by the Recorder of the General Land Office, and it is suggested that in lieu of the words quoted the following words be substituted, "and the Commissioner of the General Land Office shall cause patents to be issued for the same" or "and patents shall issue for the same."

If amended as suggested, this Department has no objections to offer to the enactment of the said bill into law.

Very respectfully,

FRANK PIERCE, *Acting Secretary.*

The SENATE COMMITTEE ON PUBLIC LANDS.

The VICE-PRESIDENT. The amendment reported by the committee will be stated.

The SECRETARY. On page 1, line 4, after the word "in," it is proposed to strike out "Donna" and to insert "Dona," and on page 2, line 9, after the word "shall," to strike out "issue patents" and to insert "cause patents to issue," so as to make the bill read:

Be it enacted, etc., That in all cases where persons have made a claim or claims to land in Dona Ana County, N. Mex., by virtue or under color or bona fide claim of right or title derived from the Mexican land grant known as the "Refugio Colony grant," in said county, and which grant was confirmed by the final decree of the Court of Private Land Claims, rendered in 1902, and where such person or persons in good faith and for a valuable consideration have purchased such lands and occupied and improved the same prior to the rendition of said decree, in the bona fide belief that said lands were embraced in and a part of said grant and which lands were excluded therefrom by the final survey of said grant ordered by said court, and where said persons, their assigns, and successors in interest have used, improved, and continued in the actual possession of the same as according to the lines of the original purchase, and where no valid adverse right or title (except of the United States) exists, such occupants, claimants, or purchasers may purchase and the Commissioner of the General Land Office shall cause patents to issue for the same, after having such lands surveyed under existing laws, at the minimum price established by law, upon first making proof of the facts as required in this section, under regulations to be provided by the Commissioner of the General Land Office, joint entries being admissible by coterminous proprietors to such an extent as will enable them to adjust their respective boundaries: *Provided*, That the right to purchase herein given shall not extend to lands containing mines of gold, silver, copper, or other valuable minerals: *And provided*, That whenever it shall be made to appear by petition from the occupants of such land that injury to permanent improvements would result from running the lines of the public survey through such permanent improvements, the Commissioner of the General Land Office may recognize existing lines of subdivisions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to quiet title to certain land in Dona Ana County, N. Mex."

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 22, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 21, 1908.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Capt. Abraham P. Buffington, unassigned, to be major from January 27, 1908, vice Palmer, Twenty-first Infantry, retired from active service.

Capt. Charles L. Beckurts, Sixteenth Infantry, to be major from February 13, 1908, vice Vance, Fifth Infantry, retired from active service.

First Lieut. Ralph McCoy, Twenty-seventh Infantry, to be captain from December 23, 1907, vice Settle, Fifth Infantry, detailed as commissary.

First Lieut. Grosvenor L. Townsend, Twenty-third Infantry, to be captain from December 28, 1907, vice Croxton, Twenty-third Infantry, detailed as quartermaster.

First Lieut. Thomas L. Brewer, Twenty-first Infantry, to be captain from January 1, 1908, vice Wren, Twenty-third Infantry, promoted.

First Lieut. James K. Parsons, Twentieth Infantry, to be captain from January 27, 1908, vice Morton, Sixteenth Infantry, detailed as paymaster.

First Lieut. George E. Ball, Twenty-first Infantry, to be captain from February 13, 1908, vice Beckurts, Sixteenth Infantry, promoted.

Second Lieut. Harry S. Adams, Twenty-third Infantry, to be first lieutenant from November 8, 1907, vice Wright, Fifth Infantry, promoted.

PROMOTIONS IN THE NAVY.

Lieut. Commander William L. Howard to be a commander in the Navy from the 28th day of January, 1908, vice Commander Albert B. Willits, promoted.

Ensign Kirby B. Crittenden to be a lieutenant (junior grade) in the Navy from the 1st day of November, 1907, upon the completion of three years' service in his present grade.

Midshipman Francis G. Blasdel to be an ensign in the Navy from the 31st day of January, 1907, to fill a vacancy existing in that grade on that date.

The following-named citizens to be second lieutenants in the Marine Corps from the 6th day of February, 1908, to fill vacancies existing in that grade on that date:

Franklin H. Drees, a citizen of Iowa;
John Dixon, a citizen of the District of Columbia;
Henry M. Butler, a citizen of Ohio; and
Nedom A. Eastman, a citizen of New York.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years' service in their present grade:

Francis J. Cleary,
William J. Giles,
Charles A. Blakely,
Frank H. Sadler, and
Frederick V. McNair, jr.

The following-named lieutenants (junior grade) to be lieu-

tenants in the Navy from the 3d day of February, 1908, to fill vacancies existing in that grade on that date:

Francis J. Cleary,
William J. Giles,
Charles A. Blakely,
Frank H. Sadler, and
Frederick V. McNair, jr.

Asst. Paymaster Reginald Spear to be a passed assistant paymaster in the Navy from the 5th day of December, 1906, vice P. A. Paymaster George P. Auld, promoted.

Asst. Paymaster Robert B. Lupton to be a passed assistant paymaster in the Navy from the 22d day of October, 1907, vice P. A. Paymaster Arthur M. Pippin, promoted.

POSTMASTER.

COLORADO.

Daniel M. Sullivan to be postmaster at Cripple Creek, Teller County, Colo., in place of Daniel M. Sullivan. Incumbent's commission expired January 4, 1908.

WITHDRAWAL.

Executive nomination withdrawn from the Senate February 21, 1908.

John A. Johnson to be postmaster at Palestine, in the State of Illinois.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 21, 1908.

RECEIVER OF PUBLIC MONEYS.

Joseph C. Auld, of Montana, to be receiver of public moneys at Miles City, Mont.

INDIAN AGENTS.

Thomas W. Lane, of Gann Valley, S. Dak., to be agent for the Indians of the Crow Creek Agency, in South Dakota.

Lawrence F. Michael, of Gettysburg, S. Dak., to be agent for the Indians of the Lower Brule Agency in South Dakota.

POSTMASTERS.

ALABAMA.

Tyler McElwin Swann to be postmaster at Roanoke, in the county of Randolph and State of Alabama.

FLORIDA.

Lawrence Brown to be postmaster at Milton, Santa Rosa County, Fla.

John F. Stunkel to be postmaster at Leesburg, Lake County, Fla.

MARYLAND.

Henry L. Arthur to be postmaster at Aberdeen, Harford County, Md.

MICHIGAN.

George E. Dewey to be postmaster at Shelby, Oceana County, Mich.

MINNESOTA.

Iver M. Kalnes to be postmaster at Starbuck, Pope County, Minn.

Arthur H. Rowland to be postmaster at Tracy, Lyon County, Minn.

OKLAHOMA.

William E. McGuire to be postmaster at Pawhuska, Osage County, Okla.

SOUTH CAROLINA.

Martin Cauthen to be postmaster at Kershaw, Lancaster County, S. C.

John L. Dew to be postmaster at Latta, Marion County, S. C.

John W. Dunovant to be postmaster at Chester, Chester County, S. C.

George H. McKee to be postmaster at Darlington, Darlington County, S. C.

Landrum Padgett to be postmaster at Pelzer, Anderson County, S. C.

Edgar E. Poag to be postmaster at Rockhill, York County, S. C.

William H. Reedish to be postmaster at Branchville, Orangeburg County, S. C.

Charles J. Shannon to be postmaster at Camden, Kershaw County, S. C.

VIRGINIA.

William H. Mosby, to be postmaster at Bedford City, Bedford County, Va.

WISCONSIN.

Ralph E. Arnold to be postmaster at Fairchild, Eau Claire County, Wis.

Anna M. Merrill to be postmaster at Merrillan, Jackson County, Wis.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 21, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

POLICING NEW OFFICE BUUILDING.

Mr. CURRIER. Mr. Speaker, I present a privileged report from the Committee on Accounts, on House resolution 210, providing for the policing of the Office Building; and in order that Members may fully understand the recommendations of the committee, I ask unanimous consent that the resolution and report thereon may be printed in the RECORD, and that the matter may go over until to-morrow.

The SPEAKER. The gentleman from New Hampshire presents the privileged resolution referred to, and asks that the same and the report may be printed in the RECORD and go over until to-morrow. Is there objection? [After a pause.] The Chair hears none.

The resolution and report are as follows:

Resolved, That there shall be paid out of the contingent fund of the House until otherwise provided by law the following sums as compensation for a police force for the House Office Building, to be appointed by the Sergeant-at-Arms of the House of Representatives: One captain at $1,600 per annum; three lieutenants at $1,200 per annum each, and thirty privates at $1,050 per annum each.

Report to accompany House resolution 210.

The Committee on Accounts, to whom was referred House resolution No. 210, have had the same under consideration and recommend its adoption with the following amendments:

In line 6 strike out the word "three" and insert the word "two."

In line 7 strike out the word "thirty" and insert the word "twenty-one."

This resolution provides for the appointment of a police force for the House of Representatives Office Building, to consist of one captain, at a salary of $1,600 per annum; three lieutenants, at $1,200 per annum each, and thirty privates, at $1,050 per annum each. The proposed amendment reduces by one the number of lieutenants and the number of privates from thirty to twenty-one, making a total force of twenty-four and a total expenditure for salaries of $26,050.

Your committee conferred with the Sergeant-at-Arms of the House and the Superintendent of the House of Representatives Office Building, and a subcommittee, together with those officers, examined carefully into the needs of the Office Building with respect to a police force, and concluded that the number recommended as above will provide adequate protection.

If the resolution as amended be adopted, it is proposed to place twelve policemen at six doors on the first floor, two at the three doors in the northwest corner of the building at the main entrance opening into the rotunda, one each at the three doors at the other corners of the building, and one at the northwest corner door on the first floor, with two reliefs, providing sixteen hours of service, eight hours for each shift, from 8 a. m. to 4 p. m. and from 4 p. m. to 12 midnight; two officers for night duty, from 12 midnight to 8 a. m., at one of the northwest corner doors, and one at the southwest corner door; six officers on the second, third, and fourth floors, one officer to a floor, between the hours of 8 a. m. and 4 p. m., and from 4 p. m. to 12 midnight, and one officer at the subway entrance from 9 a. m. to 5 p. m. The total force of twenty-one men will be in charge of the captain and two lieutenants.

The salaries proposed are the same as those now received by the captain, lieutenants, and privates, respectively, on the regular Capitol police force.

The Capitol police force proper consists of seventy-three men, sixty-nine privates, of whom two are detailed as special officers (detectives), three lieutenants, and one captain. This force is on duty in the Capitol building and throughout the grounds with two shifts every twenty-four hours, from 8 a. m. to 7 p. m. for day duty and from 7 p. m. to 8 a. m. for night duty, those on night duty working thirteen consecutive hours, one hour of which is made up by the shorter day period of eleven hours, and when night duty is performed a lay off for twenty-four hours follows.

It has been suggested that the regular Capitol police force is sufficient also to protect the House of Representatives Office Building, but your committee find it is impossible to make such an arrangement, for the reason that the regular Capitol police force is fully employed in the building and about the grounds and in the buildings adjacent which are used by the Senate and House, and for the further reason that the Capitol police are under the jurisdiction of both the Senate and House, and therefore, for the purpose of protecting the House of Representatives Office Building, which has no relation to the Senate, that force could not be made available. The House itself must provide for it.

Your committee made inquiry of the various Departments as to the force of watchmen employed therein, the amount of compensation paid, and hours of duty, and append hereto a table giving such information. Compared with the requirements in the buildings occupied by the various Departments in Washington, the number of policemen recommemnded for the House of Representatives Office Building is reasonable. There will appear a difference in compensation in favor of the privates authorized for the House Office Building, the uniform salary for such in the Departments being $720 per annum each, while the amount we recommend for those for the Office Building is $1,050. This amount is recommended so as to make uniform the salaries paid to the regular Capitol police force and the force in the Office Building, and for the further reason that the men will be required to purchase uniforms at their own expense. The men will come from all parts of the country, whereas the men employed in the Departments, as a rule, are residents of the District of Columbia and are in the classified service.

The Sergeant-at-Arms of the House appoints one-half of the Capitol police force, and he will also appoint the force for the Office Building, as authorized by the sundry civil appropriation act of March 3, 1907.

Your committee recommend the adoption of the resolution when amended as proposed.

Statement showing the number of watchmen employed in buildings in the city of Washington occupied by the Executive Departments and in the Government Printing Office, their compensation and hours of duty.

Department.	Officers.	Watchmen.	On duty.
Agriculture	1 captain, at $1,600; 1 lieutenant, at $1,000.	25, at $720	8 hours.
Commerce and Labor (nine buildings).	1 captain, at $1,200	72, at $720	Do.
Justice (two small buildings)		4, at $720; 1, at $840.	Do.
Interior:			
Patent Office, General Land Office, Bureau of Education	1 captain, at $1,200; 5 lieutenants, at $840.	58, at $720	8 hours, 3 reliefs.
Pension Office	1 captain, at $840; 3 sergeants, at $750.	20, at $720	
Geological Survey	1 captain, at $1,000	1, at $840; 3, at $720; 6, at $600.	
State, War, and Navy	1 captain, at $1,200; 2 lieutenants, at $840.	49, at $720	Do.
Post-Office	1 captain, at $1,000; 2 lieutenants, at $840.	29, at $720	Do.
Treasury:			
Main building, Winder building, Auditor Post-Office Dept., Engraving and Printing	2 captains, at $1,400; 4 lieutenants, at $900.	120, at $720	Do.
Government Printing Office	1 captain, at $1,200; 2 lieutenants, at $900.	64, at $720	8 hours.

SELECTION OF INDEMNITY LANDS BY NEW MEXICO.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill H. R. 9205 and that it be considered at this time.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of a bill which was read upon a former day and of which the Clerk will read the title, the same to be considered in the House now as in Committee of the Whole.

The Clerk read as follows:

A bill (H. R. 9205) to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., p. 796), applicable to the Territory of New Mexico.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was read, as follows:

To make the provisions of an act of Congress approved February 28, 1891 (26 Stat., p. 796), applicable to the Territory of New Mexico.

Be it enacted, etc., That all the provisions of an act of Congress approved February 28, 1891, entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes," be, and the same are hereby, made applicable to the Territory of New Mexico, and the grant of school lands to said Territory, and indemnity therefor, shall be administered and adjusted in accordance with the provisions of said act, anything in the act of Congress approved June 21, 1898, making certain grants of land to the Territory of New Mexico, and for other purposes, to the contrary notwithstanding.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CONSTRUCTION OF LOCK AND DAM AT DALLAS, TEX.

Mr. BEALL of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of joint resolution 120.

The Clerk read as follows

Joint resolution (H. J. Res. 120) authorizing the Secretary of War to apply the unexpended balance of the donation made by the citizens of Dallas, Tex., under the provisions of the river and harbor act of March 3, 1905, to work in construction of Lock and Dam No. 2 in section 1 of Trinity River.

Resolved, etc., That the unexpended balance of the sum of $66,000, donated to the United States by citizens of Dallas, Tex., in pursuance of a provision in the river and harbor act of March 3, 1905, to aid in the improvement of section 1, Trinity River, is hereby made available for the construction of locks and dams, and the Secretary of War may, in his discretion, apply the said balance to work in connection with the construction of Lock and Dam No. 2 in said section 1.

Mr. PAYNE. Reserving the right to object——

The SPEAKER. The request is to discharge the Committee of the Whole House on the state of the Union from the further consideration of this resolution and to consider it in the House at this time.

Mr. PAYNE. I will ask the gentleman if this resolution has been reported by the Committee on Rivers and Harbors?

Mr. BEALL of Texas. It has been unanimously reported by the Committee on Rivers and Harbors.

Mr. PAYNE. Are these dams to be constructed in the interest of navigation or for private power?

Mr. BEALL of Texas. They are to be constructed in the interest of navigation, authorized by the river and harbor act of 1905.

Mr. PAYNE. They are part of that scheme?

Mr. BEALL of Texas. In 1905 an appropriation was made for this river, with the condition that the citizens of Dallas should donate the sum of $66,000 for certain purposes. Since that time there has been a slight change in the plan for the improvement of the river, and part of this donation fund is not needed for the purpose designated in the act of 1905. In 1907 there was an additional appropriation made for the construction of two locks and dams, and it has developed that there are lacking a few thousand dollars of enough to construct both the locks and dams provided for in the act of 1907.

Mr. PAYNE. This is to be used for the purpose the War Department has in view?

Mr. BEALL of Texas. It is money donated by the people of Dallas for the purpose of improving that river.

Mr. KEIFER. Why can it not be used now?

Mr. BEALL of Texas. The War Department said they would prefer to have a resolution of this kind come from Congress authorizing them to use it for the purpose of constructing locks and dams.

Mr. KEIFER. What was the donation originally for?

Mr. BEALL of Texas. The money was originally donated for three specified purposes—a dam at what they called Old River, another at Parsons Slough for straightening the river, and for the general improvement of section 1.

Now, under the changed conditions it is not necessary, the engineers say, to do all the things contemplated originally with this donation; consequently there is about $37,000 of this money remaining in the Treasury unused for the purposes specified in the original act.

Mr. KEIFER. There was a private donation for a special purpose, was there not?

Mr. BEALL of Texas. Yes.

Mr. KEIFER. How can we change the direction of that voluntary subscription and apply it differently from the purpose for which it was originally paid?

Mr. BEALL of Texas. The donation was made for three specific purposes and then for the general purpose of the improvement of section 1. These locks and dams are in section 1, and form a part of the general improvement of that section.

Mr. KEIFER. Will this resolution divert the donation to other purposes than those for which it was originally made?

Mr. BEALL of Texas. We do not think it will. The War Department, however, report that they prefer to have some specific authorization from Congress before they use it for these purposes.

Mr. KEIFER. My trouble is that I do not see that Congress would have the right to take money donated for one purpose by private individuals and apply it for another purpose.

Mr. BEALL of Texas. I will state to the gentleman from Ohio that this money was donated in small sums by hundreds and perhaps thousands of people in and about the city of Dallas.

Mr. KEIFER. I do not see how that changes the question.

Mr. BEALL of Texas. It would be impossible, if it should be required, to secure the consent of all those donors. Some of them are dead, some of them have moved away and their whereabouts are unknown. What is to become of this money if they do not use it for the purpose of the improvement of section 1 of the river, the general purpose expressed in the original act?

Mr. KEIFER. Is any part of the money subscribed yet unpaid?

Mr. BEALL of Texas. No part of the money subscribed is unpaid. All of it was paid in two or three years ago.

Mr. KEIFER. I am very doubtful whether we have a right to do this, but I will not object.

Mr. BEALL of Texas. Every citizen of Dallas is anxious that the money be used in this way. The improvement of this river is of vital importance not only to Dallas, but to all of north and central Texas. The freight situation is there most acute and our people are anxious to secure some relief from the oppressions of the railroads, and their chief hope is in securing water competition. The work leading to the development of the river is now well under way, and we are anxious for this work to continue without interruption or delay. When the appropriation of 1907 was made it was believed that a sufficient sum was appropriated to construct the locks and dams then contemplated, but it has developed since that it will require an additional amount about equal to the amount of the unused

part of this donation fund. If we are permitted to use this fund for this purpose the work can proceed; if we are denied this right, the construction of one lock and dam will be delayed or we will have to appeal to Congress for a direct appropriation of an additional sum.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BEALL of Texas, a motion to reconsider the last vote was laid on the table.

HORSESHOE BATTLE GROUND MONUMENT, ALABAMA.

By unanimous consent the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 14378) to appropriate $25,000 to erect a suitable monument on the battle grounds at the Horseshoe, on the Tallapoosa River, in the State of Alabama, and the same was referred to the Committee on the Library.

STREET-RAILWAY EXTENSIONS, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 902) authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Surburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 902—the street-railway extension bill—with Mr. MANN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a bill which the Clerk will report. If there be no objection, the Clerk will read the substitute as reported by the House committee.

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the City and Suburban Railway of Washington be, and it is hereby, authorized and required to construct and extend, by double tracks, the lines of its underground electric railroad from New Jersey avenue and G street NW. eastwardly to and along Massachusetts avenue, with such northerly deviation as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance of the Union Station, to junction with the existing track at Third and D streets NE. and a single track extension thence to the northwest corner of Stanton square, there to connect with the present track of the City and Suburban Railway; also, by double tracks, on North Capitol street southwardly from the intersection of G street to Massachusetts avenue, to connect with the tracks of the City and Suburban Railway hereinbefore authorized.

"SEC. 2. That the Washington Railway and Electric Company be, and it is hereby, authorized and required to construct and extend, by double tracks, the lines of its underground electric railroad from North Capitol and C streets northwardly along North Capitol street and the new street running northeast from North Capitol and D streets to the Union Station plaza; thence westwardly in said plaza and near to the southern curb thereof to Massachusetts avenue, there to connect with the tracks of the City and Suburban Railway of Washington, hereinbefore authorized, and with the two tracks provided for in section 8 of this act; also a double track extension of its lines from First and B streets NE. northwardly on First street to the Union Station plaza; thence eastwardly in said plaza and near to the southern curb thereof to connect with the tracks of the City and Suburban Railway, hereinbefore authorized, and with the two tracks provided for in section 8 of this act.

"SEC. 3. That the Capital Traction Company of the District of Columbia be, and it is hereby, authorized and required to construct and extend, by double tracks, the lines of its underground electric railroad from Florida avenue and Seventh street NW., southeastwardly along Florida avenue to its intersection with Eighth street east, thence southwardly along Eighth street to Pennsylvania avenue, there to connect with existing tracks of the Capital Traction Company; also a double-track extension from the tracks hereinbefore authorized on Florida avenue southeastwardly along New Jersey avenue to its intersection with Massachusetts avenue and First street west, thence along said Massachusetts avenue southeastwardly to the said plaza, and with such northerly deviation as may be necessary to bring the tracks imediately in front of and adjacent to the main entrance of the Union Station, thence by such route as may be determined by the Commissioners of the District of Columbia to the corner of Second and F streets NE., thence east on F street north to Eighth street east to connect with the tracks of the Capital Traction Company hereinbefore authorized; also a double-track extension of its lines from Seventh and T streets NW. eastwardly along T street to Florida avenue to connect with the tracks of the Capital Traction Company hereinbefore authorized; also a double-track extension of its lines from North Capitol and C streets northwardly along North Capitol street and the new street running northeast from North Capitol and D streets to the Union Station plaza, thence westwardly in said plaza and near to the southern curb thereof to Massachusetts avenue to connect with the tracks of the Capital Traction Company hereinbefore authorized; also a double-track extension on North Capitol street from D street to Massachusetts avenue to connect the tracks of said company hereinbefore authorized; also a double-track extension of its tracks from First and C streets NE. northwardly on First street to the Union Station plaza, thence eastwardly in said plaza and near the southern curb thereof to connect with the tracks of the Capital Traction Company hereinbefore authorized, and with the two tracks provided for in section 8 of this act.

"SEC. 4. That the Anacostia and Potomac River Railroad Company be, and it is hereby, authorized and required to construct and extend by double tracks the lines of its underground electric railroad from the intersection of Second and E streets SE. northwardly along Third street to East Capitol street, there to connect with existing tracks of the Washington Railway and Electric Company.

"SEC. 5. That the said street railway companies mentioned in this act be, and they are hereby, authorized and required, within eighteen months from the date of the passage of this act, and it shall be the duty of each of them, to remove their respective railway tracks and appurtenances from the following streets, and at the time of their removal to repair, restore, and make good in all respects the space now occupied by said railway tracks and appurtenances to the satisfaction and written approval of the Commissioners of the District of Columbia, namely: G street NW., from North Capitol street to New Jersey avenue; C street north, from First street east to Fourth street east; D street north, from First street east to Massachusetts avenue; First street west, from C street north to G street north; Sixth street west, from Louisiana avenue to B street north, and Louisiana avenue, from Fifth street west to Sixth street west; and upon neglect or refusal of said companies to remove their respective tracks and to repave, repair, restore, and make good said space to the satisfaction of the said Commissioners within the time above limited, any said street railway company so neglecting or refusing shall be deemed guilty of a misdemeanor and shall be subject to the penalty provided in section 710 of the Code of Laws for the District of Columbia regarding the removal of abandoned tracks, and said Commissioners are authorized without notice to remove said tracks and to repave the space occupied by same and charge the cost thereof to such railroad company, whatever may be the manner or cost of doing said work, and to collect the cost thereof in the manner provided in section 5 of an act of Congress entitled "An act to provide a permanent form of government for the District of Columbia," approved June 11, 1878.

"SEC. 6. That the companies hereinbefore named be, and they are hereby, permitted to lay duct lines on such streets as may be necessary for the proper operation of their lines, the location of such duct lines to be approved by the Commissioners of the District of Columbia, and the cost thereof and all the other costs and expenses of construction, removal of tracks, repairs, and restoration in this act mentioned shall be borne and paid solely by said street railway companies, and they shall be solely liable for all damages to persons and property occasioned by any construction or work authorized by this act.

"SEC. 7. That the construction of the underground electric street railway lines in this act hereinbefore mentioned shall be commenced within thirty days and completed on or before February 1, 1909; and in default of such commencement or completion within said time or within the extension of time by this section specified, all corporate rights, franchises, and privileges of any street railway company so in default shall immediately cease and determine: *Provided*, That the Commissioners of the District of Columbia may, for good cause shown in writing, extend the time for completion; but the said Commissioners shall in no case grant such extension for a longer period than six months.

"SEC. 8. That where the route or routes provided for in this act coincide with each other or with the route or routes of existing street railways or street railways hereafter authorized to be operated or constructed, one set of double tracks only shall be constructed and shall be used in common, upon terms mutually agreed upon, or, in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give notice and hearings to the interested parties and to fix and finally determine the terms of the joint trackage: *Provided*, That there shall be only one set of double tracks immediately in front of the main entrance to the Union Station, facing Massachusetts avenue, the most northerly rail being not less than 70 feet from the axis of the south portico of said station.

"SEC. 9. That authority is hereby given the Commissioners of the District of Columbia to use such portion of reservation No. 77 as may in their judgment be necessary for sidewalks and roadways and for street railway use. And authority is hereby given said Commissioners to acquire by purchase or to condemn, in accordance with existing law, for street purposes so much of square No. 626, lying north of the north building line of square No. 567, extended, as they may deem necessary, and the cost of acquiring said property as above shall be paid by the City and Suburban Railway Company of Washington: *Provided*, That where a portion of any lot is authorized to be acquired as above the said Commissioners may, in their discretion, acquire the entire lot; the portion thereof, when so acquired, lying south of the north building line of square No. 567, extended, to become the property of said City and Suburban Railway Company of Washington as soon as the entire cost of acquisition as above specified shall be paid by it.

"SEC. 10. That whenever, in the construction of the new tracks herein authorized, the Commissioners of the District of Columbia deem it necessary, in order to reasonably accommodate vehicular traffic, to widen the roadway of any street or streets in which said track or tracks are to be laid, such widening shall be done by said Commissioners, the cost and expense of such widening, including the laying of new sidewalks, the adjustment of all underground construction, and of every public appurtenance, shall be borne by the railway company constructing such tracks, and the said railway company shall deposit with the collector of taxes of the District of Columbia in advance the estimated cost of changing or widening the said street or streets, the work to be done by said Commissioners; and whenever at any future time the Commissioners deem it necessary to widen the roadway of any street or streets occupied by the extensions herein authorized, said railway company shall bear one-half the cost of widening and improving such street or streets, to be collected in the same manner as the cost of laying or repairing pavement lying between the exterior rails of the tracks of said street railroad and for a distance of 2 feet exterior to such track or tracks is collectible, under the provisions of section 5 of an act entitled 'An act to provide a permanent form of government for the District of Columbia,' approved June 11, 1878.

"SEC. 11. That whenever in the construction of any of the tracks herein authorized it is necessary, in the opinion of the Commissioners, to improve, by paving or otherwise, the roadway of any street occupied by such track or tracks, said company shall adjust the grade of its tracks to the new grade of the street or streets, the cost thereof to be borne by the said company in the same manner as the cost of paving between the exterior of the tracks of the street railroad companies, as referred to in the preceding section.

"SEC. 12. That the arrangement of all tracks herein authorized within the lines of the plaza in front of the Union Station shall be in accordance with the plans approved by the Commissioners of the District of Columbia, and all work of construction and extension herein authorized shall be executed in accordance with plans to be approved by the Commissioners of the District of Columbia and under a permit or permits from said Commissioners.

"SEC. 13. That existing transfer arrangements between the Washington Railway and Electric Company and the Metropolitan Coach Company, a corporation of the District of Columbia, shall not be terminated, except by authority of Congress; and unless said Metropolitan Coach Company shall, within one year after the passage of this act, substitute motor vehicles to be approved by the Commissioners of the District of Columbia, for the herdics now used by it, its right to operate said line shall cease and determine: *Provided further*, That all transfers issued by the Metropolitan Coach Company shall be properly dated and punched as to time limit as provided by rules and regulations to be made, altered, and amended from time to time by the Commissioners of the District of Columbia, and that unless said transfers are so dated and punched the Washington Railway and Electric Company shall not be required to receive them.

"SEC. 14. That the Washington Railway and Electric Company and the Capital Traction Company be, and they are hereby, authorized and required, jointly, to construct, maintain, and operate, by overhead trolley, temporary railway tracks for passenger service from the Union Station to the intersection of either North Capitol street or Delaware avenue and C street north, as the Commissioners of the District of Columbia may direct, said tracks to be constructed within sixty days from the date of the approval of this act in accordance with plans approved by the Commissioners of the District of Columbia, said tracks to be maintained and operated by said companies to the satisfaction of said Commissioners, and to be removed by said companies after the construction of the permanent street railway tracks herein provided for within thirty days after notice from said Commissioners so to do.

"SEC. 15. That, except as modified herein, the railway companies affected by this act shall have, over and respecting the routes herein provided for, the same rights, powers, and privileges as they respectively have or hereafter may have by law over and respecting their other routes, and shall be subject in respect thereto to all the other provisions of their charters and of law.

"SEC. 16. That all street railway companies or lessees now operating or controlling, or hereafter operating or controlling, their systems or part of their systems in the District of Columbia are hereby authorized and required, and shall, in said District, make or cause to be made and given, at all times, free, reciprocal, continuous, universal transfers, interchangeable to, from, and over the line or lines of every other street railway company or companies in said District, good and receivable at all junction points, intersections, or connections of every said street railway company with the line or lines of every other said street railway company, for one continuous passage in one general direction for one cash or ticket fare. All said street railway companies are authorized and required to receive, accept, and honor all transfers made or given in accordance herewith, and to carry all passengers transferred without the payment of additional fare: *Provided*, That all said street railway companies shall sell six tickets for 25 cents.

"The right and use of said transfer shall terminate and become void at the expiration of thirty minutes from the time of the arrival of the car at the transfer point, unless passage be delayed through the failure of the railroad company or companies, or of the railroad companies owning, leasing, or operating the same, to provide transportation within said time, in which case the transfer will be good until transportation is provided.

"The Commissioners of the District of Columbia are hereby authorized to enforce compliance with the provisions hereof in any court of competent jurisdiction by mandamus, or other remedy either at law or in equity, in the name of the District of Columbia.

"Any street railway company, or any officer or agent thereof, who shall refuse to issue or receive a transfer, as provided by this section, or who shall violate any of the provisions of this section, shall for every violation thereof be punished by a fine of not more than $100.

"SEC. 17. That no transfer ticket or written or printed instrument giving or purporting to give the right of transfer to any person or persons from a public conveyance operated upon one line or route of a street railroad, or from one car to another car upon the line of any street railroad, shall be issued, sold, or given except to a passenger lawfully entitled thereto. Any person who shall issue, sell, or give away such a transfer ticket or instrument as aforesaid to a person or persons not lawfully entitled thereto, and any person or persons not lawfully entitled thereto who shall receive and use or offer for passage any such transfer ticket or instrument to another with intent to have such transfer ticket used or offered for passage shall be punished by a fine not exceeding $25.

"SEC. 18. That every street railroad company or corporation owning, controlling, leasing, or operating one or more street railroads within the District of Columbia shall on each and all of its railroads supply and operate such number of cars, clean, sanitary, in good repair, with proper and safe power, equipment, appliances, and service, comfortable and convenient, and so operate the same as to give expeditious passage, not to exceed 15 miles per hour, to all persons desirous of the use of said cars, without crowding said cars or the platforms thereof. The Commissioners of the District of Columbia are hereby given power to require and compel obedience to all of the provisions of this section, and to make, alter, amend, and enforce all needful rules and regulations to secure said obedience; and said Commissioners are given power to make all such orders and regulations necessary to the exercise of the powers herein granted to them as may be reasonable and proper; and such railroad companies or corporations, their officers and employees, are hereby required to obey all the provisions of this section, and such regulations and orders as may be made by said Commissioners. Any such company or corporation, or its officers or employees, violating any provision of this section, or any of the said orders or regulations made by the Commissioners, or permitting such violation, shall be punished by a fine of not more than $1,000. And each day of failure or neglect on the part of such company or corporation, its officers or employees, to obey each and all of the provisions and requirements of this section, or the orders and regulations of the Commissioners made thereunder, shall be regarded as a separate offense.

"SEC. 19. That prosecutions for violations of any of the provisions of this act shall be on information in the name of the District of Columbia, filed in the police court by the corporation counsel or any of his assistants.

"SEC. 20. That Congress reserves the right to alter, amend, or repeal this act."

Mr. SMITH of Michigan rose and was recognized.

Mr. SHACKLEFORD. May I interrupt the gentleman a moment?

Mr. SMITH of Michigan. Yes.

Mr. SHACKLEFORD. I ask the gentleman to yield to me for one minute, in which to have some proposed amendments read.

The CHAIRMAN. The gentleman from Missouri is recognized for one minute.

Mr. SHACKLEFORD. I desire to have read in my time two amendments which I shall, at the proper time, offer to the bill. I ask that they be read for the information of the committee.

The CHAIRMAN. If there be no objection, the Clerk will report the amendments for information.

The Clerk read as follows:

Amend by adding, on page 12, at end of line 24, as a new section, the following:

"SEC. 6. That all companies or corporations which now are or shall hereafter be engaged in the operation of street cars within the District of Columbia shall have equal rights and privileges in relation to the passage of street cars over the tracks herein authorized and directed to be constructed upon payment of reasonable compensation for such use. In case of any disagreement between companies or corporations concerning the terms of such use or the sums to be paid therefor, all matters at issue shall be determined by the supreme court of the District of Columbia. In determining what is a reasonable compensation for the use of such tracks no account shall be taken of the value of the franchise of any company or corporation involved in the determination; but such compensation shall be based solely upon the actual value of the physical property used and the reasonable cost of its maintenance."

Amend, on page 18, in line 22, by striking out the word "six" and inserting in lieu thereof the word "eight."

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire to have an amendment read for information of the House.

Mr. SMITH of Michigan. I will yield to the gentleman for that purpose.

The CHAIRMAN. The gentleman from Kentucky desires to have the following amendment read for the information of the House.

The Clerk read as follows:

On page 18 amend section 16 in line 11 by inserting, after the word "over," the following: "Its own line or lines and;" and in line 12 strike out the word "every" and insert the word "any;" and in line 15, after the word "with," insert "its own line or lines and;" and in line 15 strike out the word "said."

Mr. SMITH of Michigan. Mr. Chairman, we have thought that some sections of this bill could be better explained and be more thoroughly understood by use of the map before us. Section 1, page 8, of the bill provides what the City and Suburban Railway Company shall do, and if the Clerk will read the section I will, as he proceeds, point out on the map the proposed extensions. The City and Suburban Railway Company is indicated by the green line on the map.

The Clerk read section 1 of the bill, and Mr. SMITH of Michigan indicated the extension on the map.

Mr. SMITH of Michigan. Section 2 relates to the Washington Railway and Electric Company, and if the Clerk will read that section I will indicate those extensions. The track of that company is indicated in red on the map.

Section 3 relates to the Capital Traction Company, which is marked on the map in blue. The provision in section 3—

Thence by such route as may be determined by the Commissioners of the District of Columbia to the corner of Second and F streets NE.—

is rendered necessary by these facts: At this point on the map the Terminal Company have not been able to get such legislation as they desire to obtain this property. The Commissioners of the District have an understanding with the Terminal Company, the company which owns the Union Station. The Terminal Company is composed of the directors of the Pennsylvania Railroad Company and the Baltimore and Ohio Railroad Company. If the Terminal Company is able to get such legislation as they desire to secure this land mentioned, just east of the Union Station, then the Commissioners hope to be able to arrange so as to go north and east [pointing to map] as instead of California street and First street. The District Committee believe the Commissioners should be authorized to put the tracks there if they are able to make this arrangement.

Mr. KEIFER. I would like to ask the gentleman from Michigan a question.

Mr. SMITH of Michigan. I will yield to the gentleman.

Mr. KEIFER. Is the plan that the gentleman is pointing out in accordance with the same one that was agreed upon by the committee in the Senate?

Mr. SMITH of Michigan. No, sir; the plan of reaching the plaza is somewhat different from that of the Senate. The Senate bill provides for two sets of double tracks in front of

the Union Station and for a set of double tracks around the plaza, not only as indicated on the map, but across in front of it.

Mr. KEIFER. In other respects are the two plans the same?

Mr. SMITH of Michigan. No, sir; the Senate bill does not provide that the Capital Traction or any other company shall build what is known as the "cross-town" line from Seventh and Florida avenue to Eighth and from Eighth to Pennsylvania avenue. Also the Senate bill provides that the Capital Traction Company shall come down Florida avenue and down North Capitol street, and the District Committee believe that as the Washington Electric Company has two tracks on this street, it would be better service to come down New Jersey avenue than it would to come down North Capitol street.

Mr. KEIFER. One other question. I want to know whether the committee have the means of stating that if this bill passes this company will build the tracks?

Mr. SMITH of Michigan. Yes. I desire to say that the Washington Railway Company, represented by General Harries, stated that if they were authorized they could not build this extension down Florida avenue and down Eighth street. But the Capital Traction Company, through its representative, came before the committee and asked that they simply be requested so to do and stated that they would be willing to build the extension.

Mr. KEIFER. Another question. In this bill do you propose to grant additional franchises to these companies?

Mr. SMITH of Michigan. No; except as they get the extensions of the streets.

Mr. KEIFER. Do they get new franchises by reason of the authority given by this bill, without any conditions?

Mr. SMITH of Michigan. They will pay 4 per cent on their gross receipts and pay their share of the taxes on real estate.

Mr. KEIFER. Does this bill grant them franchises that authorize them to enter upon certain avenues and streets?

Mr. SMITH of Michigan. This simply authorizes them to build on certain streets.

Mr. KEIFER. There is no additional requirement of the traction company in consequence of that additional right to build, is there?

Mr. SMITH of Michigan. Well, they will pay their 4 per cent, as I say, and we have put upon them some additional burden in this bill. We are asking them to give universal transfers.

Mr. KEIFER. Ah, I was just going to ask whether that was required of the traction companies—that they shall have universal transfers all over the city.

Mr. SMITH of Michigan. Yes, that provision is contained in sections 16 and 17 of the bill, which I expect to explain in a few moments.

Mr. KEIFER. I am getting information that I would get from reading the bill. Does that universal transfer apply to the extensions to Georgetown?

Mr. SMITH of Michigan. Yes, sir.

Mr. DRISCOLL. Mr. Chairman, I would like to ask the gentleman to explain what he means by universal transfers.

Mr. SMITH of Michigan. As I understand sections 16 and 17 of this bill, it is not simply one transfer from one company to another, but, for illustration, if you are on the Capital Traction Company on Seventh street and were going south toward F street and desired a transfer you would get it at F street. Assuming that you desire to go to the west side, for instance, of the market, you would get your transfer at Seventh and F, and you would go west on F street, and then you would get another transfer at the corner of Ninth and F, which would take you to the west side of the market.

Mr. DRISCOLL. Can one get a transfer upon a transfer?

Mr. SMITH of Michigan. You may perhaps call that a transfer upon a transfer, and, as I interpret these sections as they are written in this bill, it would give such a transfer as I have explained, as I understand it. Perhaps the courts, if they get an opportunity to interpret those sections, will interpret them differently.

Mr. DRISCOLL. Can not we put it in language here so that there will be no doubt about it, and it will not be left to the court to interpret one way or the other?

Mr. SMITH of Michigan. By reading those sections the gentleman will see that they provide for a ride or trip in the same general direction to destination, and in order to do that, it seems to me there necessarily would be a transfer upon a transfer.

Mr. OLMSTED. I would like to ask in respect to one matter that is not clear to me. How many tracks does the bill provide shall be laid immediately in front of the Union Station?

Mr. SMITH of Michigan. One set of double tracks; in other words, just what there is on Pennsylvania avenue. If there are no further questions, I will ask the Clerk to finish the reading of the section.

The Clerk then concluded the reading of section 3.

Mr. SMITH of Michigan. Mr. Chairman, I desire to state further, in addition to what I have said about the cross-town line, that this new service down Florida avenue and down Eighth street is going to accommodate at least 100,000 people in the eastern part of the city who have no railroad facilities such as they desire at the present time. I will ask the Clerk now to please read section 4.

The Clerk read section 4.

Mr. SMITH of Michigan. Mr. Chairman, I will say that in this section the word "Second," in line 2, on page 11 of the bill, should be "Third." The Anacostia is to connect from Third street instead of from Second.

Mr. Chairman, these four sections provide for the extensions in the bill. Section 5 of the bill provides for the portions of railway that are to be removed after these lines are completed, and they are, as I will indicate here on the map, on C street and on D street NE., and the track south of the Public Printing Office, and also on First street and on Louisiana avenue. These are in substance the provisions of section 5 of the bill. Section 6 of the bill provides that these railways shall be permitted to lay duct lines down to and including the word "Columbia," in section 6, line 18, page 12, of the bill, and that is the same wording that is found in all the franchises, but the committee, as will be seen, has added some lines there for the protection of the District, as we compel the railroads to do all of this work at their own expense and to be liable for whatever damage may occur. Section 7 provides for construction, and that it shall be begun within thirty days after the passage of the bill, and that the work shall be completed on or before February 1, 1909. And at the further end of the section it provides also that the Commissioners, in their discretion, may give six months' additional time.

Section 8 is an important section in the bill, and I would like to have the Clerk please read section 8 once more, because I consider it one of the most important sections in the bill.

The Clerk read section 8.

Mr. SMITH of Michigan. Now, I would like to have the Clerk read section 9 of the bill, and I will point out on the map.

The Clerk read section 9.

Mr. SMITH of Michigan. The members of the committee will see that it is just that little portion there [pointing to map] of square 626 that we seek to get by this bill.

Mr. HEPBURN. I would like to ask the gentleman what portion of the reservation referred to in part of section 9 may be taken by these street-railway companies?

Mr. SMITH of Michigan. You mean reservation 77?

Mr. HEPBURN. Yes, sir.

Mr. SMITH of Michigan. By the provisions of section 9 it is—

> Such portion of reservation No. 77 as may in their judgment be necessary for sidewalks and roadways and for street railway use.

Mr. HEPBURN. Now, I want to know what portion of this reservation may be absorbed for railway use?

Mr. SMITH of Michigan. I can only say to the gentleman that the committee visited that reservation with the Engineer Commissioner of the District, and he explained to us if the railway was built down New Jersey avenue and on Massachusetts to the Union Station it would pass through the reservation, and that there would be quite a good portion of the reservation left on each side of the railway track.

Mr. HEPBURN. It is one of the circles.

Mr. SMITH of Michigan. It is one of the unnamed circles.

Mr. HEPBURN. And you propose to allow the road to run through it, instead of around it?

Mr. SMITH of Michigan. Yes, sir; there is a track around it now, and I regard that as one of the most dangerous points in the city. Section 10 is an ordinary provision in regard to street railroad construction; so is section 11. Section 12 provides that the arrangement of all the tracks shall be controlled, of course, by the Commissioners of the District; and I desire to call attention especially to section 13, "that existing transfer arrangements between the Washington Railway and Electric Company and the Metropolitan Coach Company," etc. While there is to-day no written agreement between those two companies, they have been conducting business and making transfers, as perhaps you all know, near the Shoreham Hotel, at the corner of H and Fifteenth streets. There has been an effort from time to time to have those people take off those old herdics and put on the streets more modern means of con-

veyance. This section provides what shall be done; and in looking over that section, lest there might be some question that this coach company might secure some rights in Sixteenth street, I propose at the proper time to add this proviso:

Provided, That nothing herein contained shall be held to give the Metropolitan Coach Company any franchise to use any streets and avenues in the District of Columbia.

Section 14 of the bill provides for temporary construction, and it provides that the temporary construction shall be from the Union Station to the junction of North Capitol and C streets, or from the Union Station down Delaware avenue to the junction of Delaware avenue and C street, leaving it in the discretion of the Commissioners of the District. Sections 16 and 17 of the bill are the sections in which universal transfers are provided, and section 18 of the bill gives to the Commissioners of the District control to some extent over the electric railways of the District——

Mr. PEARRE. Mr. Chairman, I would like to ask the gentleman a question. Does the provision for universal transfers interfere in any way with section 17, providing that the existing transfer arrangement between the Washington Railway and Electric Company and the Metropolitan Coach Company shall not be terminated, except by authority of Congress; do those two sections conflict in any way?

Mr. SMITH of Michigan. I do not understand that they do. No, sir. It is not the intention, at least, of the committee to have them conflict.

Mr. SABATH. Mr. Chairman, I would like to ask the gentleman a question. For how many years have these franchises to run?

Mr. SMITH of Michigan. At the will of Congress.

Mr. SABATH. And you do not put in any time?

Mr. SMITH of Michigan. There is no time limit to the franchises of the street railways in the city of Washington.

Mr. Chairman, if there are no further questions, I would like to inquire how much time I have consumed?

The CHAIRMAN. The gentleman has consumed twenty-five minutes.

Mr. NORRIS. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. SMITH of Michigan. Certainly.

Mr. NORRIS. I have forgotten what section it was, but there is one section in here where you give to the supreme court of the District of Columbia certain rights, or rather prescribe certain duties which they shall perform in reference to a possible dispute.

Mr. SMITH of Michigan. That is section 8.

Mr. NORRIS. I wanted to ask the gentleman if that is in case of disagreement?

Mr. SMITH of Michigan. Between the railways.

Mr. NORRIS. As to the way in which they shall use the tracks?

Mr. SMITH of Michigan. Yes, sir. In other words——

Mr. NORRIS. Where they are to be used in common?

Mr. SMITH of Michigan. In other words, if they can not agree about the trackage, the matter is to be submitted to the supreme court.

Mr. NORRIS. What I wanted to ask the gentleman was, why is it that in that particular section or provision you give this authority to the court and in other cases to the Commissioners? Would it not be better to give the Commissioners in the first instance the right to settle this difficulty, because the court might have to pass upon it in case there was any litigation?

Mr. SMITH of Michigan. I desire to say to the gentleman that that has been the practice here in the District for some years. Whenever there was a dispute between the railway companies it has been submitted to the supreme court.

Mr. NORRIS. It seemed to me that the duty of the court being clearly judicial, this is giving it authority that is beyond the ordinary authority usually given to a court.

Mr. SMITH of Michigan. This is in accordance with precedent.

Mr. NORRIS. In case there should be litigation, to what court could the parties apply for a settlement of the dispute? Would they have to apply to the supreme court, whose judges had been the arbitrators in that dispute?

Mr. SMITH of Michigan. Experience shows there has been no litigation.

Mr. CAULFIELD. Is there any limitation in this bill upon the life of these franchises?

Mr. SMITH of Michigan. No, sir. The franchises of the city are at the will of Congress. There is no time limit fixed, as in most of the cities of the Union.

Mr. CAULFIELD. That is covered, then, by the twentieth section?

Mr. SMITH of Michigan. Yes, sir.

Mr. HEPBURN. Mr. Chairman, I would like to ask the gentleman from Michigan a question with regard to the section requiring universal transfers.

Mr. SMITH of Michigan. Sections 16 and 17?

Mr. HEPBURN. Sixteen and seventeen. I would like to ask the gentleman if he has examined the legal proposition involved in those two sections; whether the Congress has the power to impose that obligation upon the railways?

Mr. SMITH of Michigan. No, sir. I do not think the committee——

Mr. HEPBURN. Was there any investigation by the committee of that question?

Mr. SMITH of Michigan. Except in so far as it developed in the hearing, I do not think there was any investigation of the authority.

Mr. HEPBURN. I would like to ask the gentleman, in view of his knowledge of the conditions, the indebtedness of these various roads, and the revenues that they receive, whether or not he believes that that provision would be sustained by the courts in case the revenues under that were not sufficient to give these corporations a reasonable return upon the large indebtedness that some of them have, without regard to whether that indebtedness has entered into the construction of the roads and whether the stock is watered stock or not?

Mr. SMITH of Michigan. Well, so far as the Capital Traction Company is concerned, I have never entertained any doubt but that they could adopt universal transfer and not suffer, but I am not so sure about the Washington Railway and Electric Company and its subsidiary companies. We were not able to get a completed statement from President Dunlop. We heard him but about fifteen minutes, and he frankly said to the committee, and to me personally, in private, that he was unable to give any information that was definite. General Harries appeared for the Washington Railway and Electric Company and said to us the same thing—that it was purely experimental; but they both took the same position that they thought it would be injurious to their companies to have the universal-transfer system adopted.

Mr. HEPBURN. I will ask the gentleman if his committee had the power to send for the books and officers and put them under oath and investigate that subject?

Mr. SMITH of Michigan. If the committee had that power we did not exercise it. Perhaps we ought to have, but we did not. The fact is, I do not think that their books, if we had them, would disclose the facts. We have first got to try the experiment and know what the results would be.

Mr. HEPBURN. What is the gentleman's opinion? Does he believe that this provision which is contained in sections 16 and 17 will stand the scrutiny of the courts? Does he believe that?

Mr. SMITH of Michigan. I believe it will so far as the Capital Traction Company is concerned; but I am in doubt as to the Washington Railway and Electric Company. I do not believe we will ever know until we try the experiment.

Mr. NORRIS. Is it not true that if it would fail as to one company it would, of course, fail as to both, because there are only two?

Mr. SMITH of Michigan. There are more than two companies that are to be affected by section 16. The Capital Traction Company and the Washington Railway and Electric Company, which is the parent company of seven other companies in the District.

Mr. NORRIS. You do not treat them as separate companies, do you; you take all the collateral companies?

Mr. SMITH of Michigan. Then there are three other companies. There is the road going down to Mount Vernon, another coming in from Arlington, and another road coming in from Virginia and making connection with the Capital Traction Company.

Mr. NORRIS. These are independent concerns?

Mr. SMITH of Michigan. Yes.

Mr. NORRIS. Not connected with the Capital Traction Company nor the Washington Railway and Electric Company?

Mr. SMITH of Michigan. The road in Virginia has made traffic arrangements with the Capital Traction Company, but I do not understand that the two companies are in any way connected.

Mr. NORRIS. I would like to ask the gentleman, in his opinion, would it be advisable—that is, would it be fair—for Congress to impose universal transfers upon part of the companies without including all of them?

Mr. SMITH of Michigan. We have not.

Mr. NORRIS. But suppose as to one of them it should be held to be invalid?

Mr. SMITH of Michigan. I should say that if we are going to have universal transfers at all, let it apply to all.

Mr. NORRIS. Or none.

Mr. SMITH of Michigan. That is right.

Mr. DRISCOLL. Now, these four companies that you have mentioned on which there are granted universal transfers are entirely independent of each other?

Mr. SMITH of Michigan. No, sir.

Mr. DRISCOLL. They are members of the same organization?

Mr. SMITH of Michigan. The Washington Railway and Electric Company, as I understand, controls the stock of the City and Suburban road and several others. In fact, I will read the different lines, if the gentleman desires. The first line is the City and Suburban; the second is the Anacostia and Potomac River Railroad Company; the third is the Washington and Glen Echo road.

Mr. DRISCOLL. These are subsidiary companies?

Mr. SMITH of Michigan. They are subsidiary lines to the Washington Railway and Electric Company; so when you come to consider what is embraced in the Washington Railway and Electric Company, the meaning of that is that there are seven different roads. The fourth is the Washington and Rockville Railway Company. The fifth is the Washington, Woodside and Forest Glen, and the sixth is the Georgetown and Tennallytown; the seventh is the Brightwood road. These are the seven subsidiary lines.

Mr. DRISCOLL. This bill provides that transfers must be given and received. And it provides for the punishment of any persons who violate this. Now, I want to know just what power there is to regulate the amount that each company shall receive. For instance, one company sells a ticket or a bunch of tickets, and the agent of that company gives a transfer. The other company must receive that transfer and carry the passengers?

Mr. SMITH of Michigan. Yes.

Mr. DRISCOLL. What power or jurisdiction is there anywhere to regulate the proportion between these various companies—if they do not agree among themselves—and to force them to do what is right among themselves so that they may all get their share of the receipts?

Mr. SMITH of Michigan. Does the gentleman mean how will the question of transfers be adjusted?

Mr. DRISCOLL. Among themselves; yes.

Mr. SMITH of Michigan. By agreement.

Mr. DRISCOLL. Have the Commissioners any power to adjust these several rights or interests?

Mr. SMITH of Michigan. They may have, under the terms of this bill.

Mr. DRISCOLL. Suppose they do not agree. Who is going to adjust the matter and force them to do what the bill requires them to do?

Mr. SMITH of Michigan. I think the District Commissioners can enforce it.

Mr. DRISCOLL. Have they any power to enforce it?

Mr. SMITH of Michigan. I think so; in the courts, under the provisions of sections 16 and 17.

Mr. DRISCOLL. Suppose a passenger tenders a transfer and one of the companies refuses to accept it or to give him a ride upon it?

Mr. SMITH of Michigan. I think the passenger himself has his rights in the courts under the provisions of this bill.

Mr. DRISCOLL. Against which company, the one that sold him the ticket, or the one that refused to accept the transfer?

Mr. SMITH of Michigan. He can take his choice. I know there are some inequalities. For instance, the Washington Railway and Electric Company own 146 miles of trackage in the District and the other company forty-odd miles; but the committee believed that the matter will adjust itself upon the law of averages.

Mr. PEARRE. What is the necessity for the provision of section 13, prohibiting the termination of an agreement between the two companies named in that section without authority of Congress? Does not the section which provides for universal transfers properly cover all that?

Mr. SMITH of Michigan. The herdic line has no franchise whatever. It simply operates under a police regulation.

Mr. PEARRE. What is the existing arrangement between that company and the railway company?

Mr. SMITH of Michigan. I understand it is a tacit arrangement between the coach company and the Washington Railway and Electric Company. They have simply entered into an agreement and it is carried along. I understand the agreement is not even in writing.

Mr. PEARRE. Would it not be well, in the section which provides for universal transfers, to name the coach company, so as to have them covered by it?

Mr. SMITH of Michigan. I think not. There never has been any trouble between the coach company and the Washington Railway and Electric Company about transfers.

Mr. PEARRE. I do not know that there has been, but there might be; and in generally covering this subject it seems to me it would be well in this act to provide for it—that the coach company should be controlled by the same regulations as the railway companies with reference to transfers.

Mr. SMITH of Michigan. As I said, the coach company has no franchise. It simply operates under a police regulation; is licensed just like automobiles, etc.

Mr. PEARRE. It exercises all the rights of a company that has a franchise, because it uses the streets and exchanges with the other companies.

Mr. SMITH of Michigan. It uses the streets, however, in a different way from the railway companies. It uses them the same as liverymen and other people do who drive teams.

Mr. HEPBURN. I understood the gentleman to say that under section 16, if the railway company refused to honor a transfer, the only remedy the holder would have would be a suit against the railway company, to be instituted by himself.

Mr. SIMS. By criminal prosecution. The other provision was stricken out by the committee. There is no provision authorizing a party to bring suit for a certain sum.

Mr. HEPBURN. But if a passenger should give away that transfer which the company refuses to honor, he would be subject to a fine of $25, would he not, under section 17?

Mr. SMITH of Michigan. Under section 17. Now, Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed forty minutes.

Mr. ESCH. As I understand it, under the Senate bill provision is made for tracks across the south end of the plaza.

Mr. SMITH of Michigan. Yes; and down Delaware avenue.

Mr. ESCH. But your bill does not so provide.

Mr. SMITH of Michigan. No.

Mr. ESCH. Was that because you did not wish to have the plaza disfigured by tracks?

Mr. SMITH of Michigan. Yes; that was one of the reasons.

Mr. ESCH. Was that reason at all influential in controlling the provision for tracks in front of the station on the surface?

Mr. SMITH of Michigan. The Senate bill provides for both, but the members of the committee as well as the Members of the House thought it would be unsafe to have so many tracks in front of the station.

Mr. ESCH. My query was whether the committee considered the possibility of a subway from the station?

Mr. SMITH of Michigan. Yes; but we found it impracticable. The engineer reported to us and appeared before the committee, saying that it was impracticable. If the gentleman will bear in mind the tunnel which goes in front of the Library, and that it goes as I have indicated here on the map, he will see that the tunnel proposition is not practicable.

Mr. ESCH. I can see how that would influence the tracks there, but whether it would influence the tracks coming from the other way I do not see.

Mr. SMITH of Michigan. We think the people from the northeast, the east, and the southeast would not like to go around to get to a subway on the southwest side, and that is the place where it probably would be.

Then, there is the further objection, we are told, that it would cost eight or ten times as much as it would to put in the surface tracks, and the city of Washington is not large enough yet to justify the expense.

Mr. SABATH. The gentleman from Michigan states that there are no terms specified as to the franchise in this bill, so it is really a perpetual franchise?

Mr. SMITH of Michigan. So long as the companies comply with the requirements of Congress.

Mr. SABATH. Would Congress have the right at any time to repeal the franchise?

Mr. SMITH of Michigan. Yes.

Mr. SABATH. The gentleman is sure of that?

Mr. SMITH of Michigan. I have no doubt about it.

Mr. SIMS. Mr. Chairman, I suppose the gentleman from Michigan [Mr. SMITH] has fully explained the trackage arrangement as proposed in this bill which we have reported as a substitute and pointed out the difference between what we think to be the best trackage arrangement as against the bill passed by the Senate. Therefore, I do not propose to take any time upon that feature of the bill.

I do want to refer to one thing in advance, because the gentleman from Iowa [Mr. HEPBURN] referred to it, and that is the

power of Congress to require these corporations to do what they are herein authorized to do. Two of the corporations referred to, the Anacostia and the City and Suburban roads, as shown by these hearings, are insolvent but are treated as separate corporations. The facts are that the Washington Railway and Electric Company, a solvent corporation, paying the interest on its bonds and funded debt and 5 per cent accumulative dividends on preferred stock of eight and one-half millions, practically owns these two roads as well as others in the District. The report of the City and Suburban Railroad, filed January 31, 1908, shows that the amount of the capital stock is $1,750,000, and that there are 35,000 shares of stock. Of that number the United States Mortgage and Trust Company, trustee, has 25,625 shares, and the United States Mortgage and Trust Company 4,950 shares, or, over 30,000 of the 35,000 shares that is owned by the Washington Railway and Electric Company. This company paid no dividends, and it is stated by General Harries that the stock is worthless.

The other is the Anacostia and Potomac Railroad Company. The total stock is two million. The total number of shares is 40,000. The United States Mortgage and Trust Company, trustee, owns 39,811 shares, just lacking a little of owning it all. That means that the Washington Railway and Electric Company owns it.

I believe, as a matter of precaution and as a matter of justice to these two companies, or at least, to the minority stockholders, that the expense of this new trackage should be paid by the Washington Railway and Electric Company.

I will give another reason for it. In 1900, as I remember, there was a bill brought before the District Committee authorizing the consolidation of eleven railroad companies in the District of Columbia, specifying them. Two of these are the roads here mentioned. There were others and one of them was the Metropolitan road, a very profitable road, paying about 10 per cent dividends. It was stated to the committee that if these eleven lines were consolidated into one company universal transfers would be given over all the lines; that they would be well equipped; that a service equal in every respect on each line would be had, and to that end the bill provided that the Washington Railway and Electric Company should have the power, if a stockholder in either corporation refused to sell his stock at such a price as was reasonable, virtually to condemn the stock through court proceedings to the end that it might acquire it all.

Mr. LITTLEFIELD. That was in favor of the competing corporations?

Mr. SIMS. It was in favor of the holding company, that they might get all of the old stock held by the stockholders, so that there would be only one company with good service and accommodation and universal transfers.

Mr. HEPBURN. Will the gentleman permit an inquiry as to what was done by the old Metropolitan Company in that behalf? Did they acquire all of that stock, or did they acquire only a controlling interest of the stock in seven of the more important lines?

Mr. SIMS. I was going to come to that. The object Congress had was to authorize and bring about a complete consolidation and unification.

Mr. LITTLEFIELD. Of all the lines?

Mr. SIMS. Of all those eleven lines, to the end that there might be an improvement on these companies that had no resources with which to make them. It was a very drastic proposition in favor of a holding company, to allow it to condemn the stock of a private stockholder and take it, but we thought, in view of the public benefits to be derived, that we were authorized to go that far, and we did it. Then what was done? I want to state here that it was represented to us at that time before that committee—while those hearings are not printed, nevertheless it is a fact—that Mrs. Leiter owned a block of that stock, about 1,000 shares, the stock of the Metropolitan Railway Company, the good, solvent, paying company, and that they could not buy that stock on any reasonable terms.

Mr. LITTLEFIELD. Could not buy it on any reasonable terms?

Mr. SIMS. On reasonable terms, privately; and one object of this law was to provide that this holding company should acquire the stock at what was reasonable, and after the law was passed they did purchase at a private sale Mrs. Leiter's stock. How much they gave for it I do not know, but I have always been told it was over two for one, and maybe three. Instead of carrying out the objects and purposes of that act, this company did acquire all the stock in certain roads and changed its name to the Washington Electric Company, and reports today as such, but it left out these two roads mentioned here and the Brightwood and the Tennallytown—every one of them insolvent corporations—and what else was done? These roads were suburban roads to a large extent and they could not afford free transfers, but as soon as this bill was passed the Washington Electric acquired the good, desirable, revenue-producing property and stopped right there, and although they practically own all the shares in the four companies above mentioned and are virtually one company to-day, yet they are operated separately.

Mr. LITTLEFIELD. To which companies does the gentleman now refer?

Mr. SIMS. I refer to the Tennallytown, the Brightwood, the City and Suburban, and to the Anacostia and Potomac. While the Washington and Electric owns practically all the stock, it has not done what it said to the committee it would do—acquire all the eleven companies—but it did acquire the stock of the good roads and consolidate them, and through that corporation and through that management it controls these other roads.

Mr. LITTLEFIELD. That is the Washington Street Railway Company?

Mr. SIMS. That is the Washington Railway and Electric Company.

Mr. LITTLEFIELD. That does not include the Traction Company?

Mr. SIMS. That is the traction company known as the Harries company, and operates a line up and down F street and out to Georgetown and on Columbia road to Mount Pleasant.

Mr. LITTLEFIELD. That is independent of the company the gentleman is speaking of?

Mr. SIMS. Those are a part of the Washington Railway and Electric Company lines. That is the good company.

Mr. SABATH. The Washington Railway and Electric Company owns a majority of the stock in the others, and virtually controls all the others?

Mr. SIMS. Owns practically all and not only virtually, but absolutely controls all the others. Yet they are reported as insolvent corporations, and they are insolvent, and insolvent because of this very ownership and operation. I think instead of requiring the Anacostia to make this improvement, the expense should come out of the real owners, the Washington Railway and Electric Company, which is paying 5 per cent dividends on eight and a half million dollars of preferred stock.

Mr. LITTLEFIELD. If they own a large majority of the stock in the Anacostia, why does it not come out of them? In substance they pay the whole of it, if you put it on the Anacostia.

Mr. SIMS. The gentleman from Wisconsin [Mr. MURPHY] is going to explain the matter in respect to that. There is a provision in the charter of the Anacostia Company which provides that fares must be reduced whenever the earnings amount to a certain sum, and if we load it down with these expenses it never will reach that amount.

Mr. LITTLEFIELD. Ah, that is another proposition.

Mr. SIMS. When I asked General Harries at the hearing, "Why does not your company acquire the old outstanding stock of these other companies and report only as one and operate only as one, like the Capital Traction?" he said, "We haven't got the money and we can not get it."

I am not trying to quote his language. Then the very next day in the same hearing he said the outstanding stock in these companies was not worth anything; that the stock was a hole in the ground. I asked him then, "Why, if the stock costs nothing, can not you get money enough to buy when it does not cost anything to buy them?" That is in the hearing and shows for itself. I charge that there can be but one reason for doing this thing as it is done, and that is the continual showing of a deficit in these lines, why they have not been unified, but run and operated as separate roads, although they have the same offices and control, and really the same management, because then it can be said to the people on these lines, "We can not give better service, because these roads are insolvent, and we can not do this, that, or the other, because the company is not paying anything."

Mr. HEPBURN. Did I understand the gentleman correctly to say that the Washington Electric Railroad Company was paying a 5 per cent dividend on eight and a half million dollars of stock?

Mr. SIMS. Preferred stock; yes, sir.

Mr. HEPBURN. I would like to ask the gentleman if any portion of that stock was used in any way in the construction of any of these roads?

Mr. SIMS. I do not know that I can say whether it was or not, but I can state to the gentleman what was stated in the hearing as to the present outstanding stock of the Washington

Electric Company. It is said that this company took the bonds of the preceding company on a basis of $550 bonds of the new company, and $550 in preferred stock, and $200 in common stock, making $1,300 for each $1,000 bond of the insolvent corporation they bought out. Then, being asked the market value of the stock at that time, which General Harries did not give, Mr. Ham, who was present, said that the bonds of the insolvent company were worth about 48 to 60 cents on the dollar. In other words, the old stockholders got in round numbers $600 for what was issued to the present stockholders—$550 in bonds, $550 in preferred stock, and $200 in common stock. Whether there was a dollar in money paid or not I do not know.

Mr. HEPBURN. And they paid $1,300 for $550 in value of the old bonds.

Mr. SIMS. That was the market value at the time. It was for $1,000 face value and, in fact, about $600 in market value. I can see no reason why they do not acquire the small amount of outstanding stock in these companies, because they are paying out in dividends 5 per cent on eight and a half million dollars of preferred stock. When I asked General Harries, "Why did not you do that?" because some of these minority stockholders came to me some years ago and asked me to do something to force that company to buy their minority shares because they were declining all the time and were worth nothing, because the railroad was being operated with that in view, the hearings show the only reasons given were, first, "We did not have the money," and the next was that the stock was not worth anything, and "We did not want to acquire valueless property." In this bill it is provided the insolvent companies shall build a lot of this new trackage.

Mr. GOULDEN. May I ask the gentleman how much common stock was there in the company and what dividends are being paid upon that, or have any dividends ever been paid upon the common stock?

Mr. SIMS. There were never any dividends paid on it. The common stock amounts to $6,500,000.

Mr. GOULDEN. They never paid any?

Mr. SIMS. No, sir. But there is about $13,000,000 of outstanding bonds of this company on which interest is paid.

Mr. LITTLEFIELD. What rate?

Mr. SIMS. Different rates; probably 6 per cent.

Mr. LITTLEFIELD. Different issues?

Mr. SIMS. Different issues.

Mr. LITTLEFIELD. You mean the average was 6 per cent?

Mr. SIMS. Well, I do not know whether it is or not.

Mr. GOULDEN. How much, in the gentleman's estimation, is water and how much is real value?

Mr. SIMS. I am going to come to that. I am going to do that in connection with the free-transfer proposition. I think it is a proper amendment to require the Washington Electric Company to build all extensions in this bill except that required by the Capital Traction. By so doing we place the burden and expense of this construction on a solvent company that has got the money and are the real owners of these so-called "insolvent companies."

I asked General Harries: "Suppose you acquired this little stock left outstanding, would you not be enabled to pay some dividends on the entire volume of your stock?" He said, "Yes." The contemplated consolidations have not been made, and no intelligent, reasonable excuse is given for not doing so. Therefore we are left to presume that the only reason was that it did not suit the purposes of the holding company to do so.

Mr. HARDY. Do those officers draw salaries from all the companies?

Mr. SIMS. I do not know. Nobody can take those reports and tell very much about them, because they lump the expenses. They do not come out in single items such as salary of superintendent, manager, or vice-president, or anything of that sort. Besides, this same company now owns the Electric Light and Power Company, every single share in it, and it is capitalized at a large amount.

But I want to go now to the next propositions upon which we will perhaps have trouble. One is the free transfer and the other is supervision. I have been advocating a free transfer for several years in this District, on one ticket or one fare. Eleven lines, known as the "Washington Traction or Harries lines," have it between themselves on all lines already. The Capital Traction has it on its own lines, in some instances giving as high as three transfers on transfers. Therefore, the two main companies that will be interested in transfers will be the Capital Traction Company and the Washington Electric. What we call the "Pennsylvania Avenue line" is one, and the "F Street line" is the other, or what was known as the "Dunlop road," because he was the president of it, and the "Harries road," because Mr. Harries is vice-president and active manager, and his name is associated with these other roads. I was not in favor and I am not now, of passing legislation that is unjust and unreasonable and unfair to these roads or to their stockholders. The facts are that none of these roads has ever paid the District of Columbia or the Government of the United States one cent for the privilege of building and operating roads upon the streets and avenues of this city. They pay less tax in proportion to value than any corporation in any city in the United States of which I have been able to get any information.

Mr. DRISCOLL. I understood the chairman of the committee to say that they paid 4 per cent on their gross receipts.

Mr. SIMS. That is correct.

Mr. DRISCOLL. What does that mean?

Mr. SIMS. I will show you in concrete figures.

Mr. LITTLEFIELD. Four per cent on the gross receipts?

Mr. SIMS. Four per cent on the gross receipts of the road. That is all the tax they pay. It is not a franchise tax at all.

Mr. LITTLEFIELD. It is an excise tax.

Mr. SIMS. Yes. It is all the tax they pay, except on the fixed real estate, their power house, and so forth.

Mr. LITTLEFIELD. Their rolling stock and tracks are not taxed independently, but the tax that is paid for that is an excise tax on the operation of the road and figured on the gross receipts?

Mr. SIMS. The tax upon the fixed real estate, like the power house——

Mr. DRISCOLL. The 4 per cent is for franchises and improvements?

Mr. SIMS. The 4 per cent is all the taxes paid, and you can apply it in any way you see proper.

Mr. DRISCOLL. Except the ordinary tax on their buildings, and so forth?

Mr. SIMS. Yes.

Mr. DRISCOLL. Does that include the track?

Mr. SIMS. No, sir. The Capital Traction Company's reports are so much clearer and so much easier understood that I can be better understood by discussing their reports than I can the other, on account of their involved condition. They own the Electric Light and Power Company as well as some of these other companies. That is, they do not report them as one company. Now, the Capital Traction Railway Company for the last year, which was the report of January 30, 1908, shows that their stock is $12,000,000. Their funded debt, which means bonds, is $2,520,000, or face value $14,520,000.

Now the bonds are selling at $1.10, and the stock—the lowest it has been selling for, I think, in several years—now is $1.17. The cash value, as shown by the sales of the bonds and stocks at this time, following a great panic and money stringency, makes the property worth in the neighborhood of $17,000,000.

Mr. ALEXANDER of New York. May I ask the gentleman a question?

Mr. SIMS. To be specific, $16,720,000.

Mr. ALEXANDER of New York. What railroad are you speaking of?

Mr. SIMS. Of the Capital Traction Company. Now, gentlemen, what would be the gross amount of tax to be paid in any State in this Union on a value, in round numbers, of $17,000,000, which is away below the actual value of the stock, because a year ago the stock was selling at $1.42 and above that? Now, at a time when stocks and bonds are at the bottom you can not buy them to-day for $17,000,000. All the tax they pay on seventeen millions of value is $78,110.71. That is all. That includes the 4 per cent in gross receipts as well as the tax on fixed property.

Mr. DRISCOLL. What are the other items of tax made up from?

Mr. SIMS. I have given you all the amounts. The report says "taxes" and includes all the taxes at $78,110. Now, that is all that ought to be considered as taxes, because the wages of the crossing policemen are both for the benefit of the public and the benefit of the railway companies, to prevent accidents for which they would be liable.

Mr. DRISCOLL. Is that on the gross income?

Mr. SIMS. Seventy-eight thousand dollars means the 4 per cent tax on gross receipts, on the real estate, and all other taxes. Now, that is less than 50 cents on the $100 in cash value of the property. Where is your farm that is taxed that little for State, county, highway, and school purposes? Where is the city where they are paying as low a tax as that? Now, furthermore, they do not have to pay one cent of tax in this city on intangible property. You can have $5,000,000, or any amount that you can mention of this stock, and you do not have to pay one cent of tax on it. Now, do you tell me that a

corporation worth $18,000,000 in round numbers, aye, twenty or twenty-five millions, and that is assessed at 50 cents or less than 50 cents on the hundred dollars in the way of tax liability is being heavily burdened and can not do something in the way of giving a free transfer to other railroads to the end that the public may get just a little advantage arising from the increased revenues coming from the growth of the population and increased use of street cars, without increased outlay or expense?

Mr. GOULDEN. I want to ask the gentleman how he accounts for the smallness of the tax paid by this company in the city of Washington?

Mr. SIMS. Because the good, humane, generous Congress has not required more than that. That is the only way to account for it. And yet we have the officers of this railroad talking about taking this case into the courts if we require them to give a transfer to an unrelated company without additional fare for it. Every charter of every railway in the city is a repealable charter; all the legislation reads that the right to alter, amend, or repeal the act granting the charter is reserved by Congress.

Mr. GAINES of West Virginia. What are the gross receipts of that company?

Mr. SIMS. I will give them to the gentleman.

Mr. HARDY. Does this provision in section 20 cover all the railroad charters for street railway companies in this city?

Mr. SIMS. Yes. Last year the receipts for passenger fares in the District of Columbia on the Capital Traction were $1,736,559.75; Maryland division, $33,649; freight, $1,253; miscellaneous, $2,882; rent of land and buildings, $7,420; advertising, $9,000; miscellaneous, $2,121; income from securities and insurance companies, $7,400; sale of tickets, $3,540; bills payable, borrowed from bond sales for operating, $1,000; renewal fund, $30,000; proceeds of sale of 5 per cent bonds, $2,520,000; or $4,360,000. Now, take the bond issue from that and you have the gross receipts.

Now, what does it cost? What is the mileage of this road? I want to say here that I think the Capital Traction road is well operated, upon the whole. I think they have had too much crowding of the cars on Fourteenth street. I think they have got a lot of little bobtailed cars on Pennsylvania avenue that they ought not to have, followed by trailers. It is true we have an affection for them, because they have been here so long.

When I came here eleven years ago they were following a cable up that line. Shortly after I came here the power house was burned. Then the electrifying of the railroad took place, but these same old cars are still coming up the hill every day. I should feel a little sentimental regret to part with these old specters on Pennsylvania avenue, the little green car in front, with one a little less behind. But outside of a failure to give as many cars on Fourteenth street at times as they should and outside of the fact that they do not seem to be willing to turn loose these old green cars, I have no criticism to make of the service. They pay 6 per cent dividends upon this $12,000,000 of stock and 5 per cent upon $2,500,000 in bonds. Is not that a splendid investment? How much did the stock go down in all these hard times? Let us see what 6 per cent stocks did on the good, dividend-paying railroads of the country that have an established character for value and earnings. Let us take up the Pennsylvania Railroad, which pays 7 per cent, is one of the best roads in the country, known all over the world, and whose securities are a desirable investment wherever a dollar can be raised. One year ago the stock of this 7 per cent road was selling at $132 maximum; this year at $111.50 maximum, or a 20 per cent decline in one of the best 7 per cent stocks in the world, which never defaults in dividends.

Now, take the Louisville and Nashville, one of the best railroad systems in the United States, one of the best operated of roads, in which there is not even the remote possibility of insolvency—a 6 per cent dividend payer. Louisville and Nashville one year ago was at a maximum of $136. At this time it is at a maximum of $95.5, a decline of more than 40 per cent in the 6 per cent stock of one of the best systems of the United States. Take the New York Central, a stock which pays 6 per cent, paid quarterly. A year ago its maximum was $130.5; it is now $95, or a decline of 35 cents on the dollar in five months.

Now, take the Capital Traction Company, which, as shown by the evidence of Mr. Dunlop one year ago, was 141 and 142. Since then they have added a million and a half of dollars to their bonded indebtedness, and those bonds are selling for $110 and are paying 5 per cent interest. That stock, in all these hard times, and with that additional bonded indebtedness, has only declined from 141 to around 120, 12 per cent of which is accounted for by an additional bond burden; and the facts are that the Capital Traction Company stock has fallen only about 12 per cent, has sustained itself better than any railway stock on the face of the earth, steam or electric, city or suburban, that I know anything about.

Mr. DRISCOLL. I wish to ask the gentleman about this question of transfers. Is the gentleman coming to that?

Mr. SIMS. I am coming to that. I am laying the foundation for the justness of that provision. Now, what does this railroad cost? I prefer to read from the illuminating testimony of the late lamented Mr. Dunlop, given a year ago. I read from the hearings of February 6 and 13, 1907, about one year ago, on page 83:

Mr. SIMS. Mr. Dunlop, how many miles of underground road do you have, and how many miles of overhead trolley?
Mr. DUNLOP. Five miles of overhead trolley.
Mr. SIMS. And the rest is underground?
Mr. DUNLOP. Yes, sir.
Mr. MADDEN. How much will the car barns cost?
Mr. DUNLOP. The contract price was about $200,000.
Mr. SIMS. How much did it cost per mile?
Mr. DUNLOP. About $60,000 a mile.
Mr. SIMS. Of single track?
Mr. DUNLOP. Yes, sir.
Mr. SIMS. Without equipment?
Mr. DUNLOP. Yes, sir.
Mr. SIMS. Just to lay the track?
Mr. DUNLOP. Yes, sir. A report will be made to Congress in regard to it in a few days.
Mr. SIMS. It would not cost at most what your capital stock is, would it?
Mr. DUNLOP. My recollection is that it was something over $6,000,000.
Mr. SIMS. Actually paid out?
Mr. DUNLOP. That it would cost something over $6,000,000 to reproduce the plant at the present time. But that would be under all of the scientific appliances of the present day. You must recollect that we have gone through forty-five years' experience. We have been ripped out two or three times, and are apt to be again from the Peace Monument to Fifteenth street, and it is all in the capitalization, the whole cost.

Mr. Dunlop a year ago, when prices were higher than they are now and all building material cost more, admitted that his entire railroad could be reproduced, equipment, power, and all, for $6,000,000, and then its cash market value was $18,000,000 and over at that time and paying 6 per cent on $12,000,000 in stock and $5,180,000 in bonds. Mr. Dunlop said that he received $15,000 a year as president of the road and said he thought he was worth it. I think so, too. I think he was worth it if any man was ever worth it. The fruits of his labor show that he was worth it. How the stockholders could refuse to pay that man $15,000 a year for the work he did for them is beyond my comprehension.

I am not blaming the stockholders of the road because their road cost so much less than they have it capitalized for, but in all justice, the public on this ever-increasing value franchise, that increases year in and year out by reason of the natural growth of the city—the public should have something, whereas they have nothing. Now, then, there is already a free transfer on all the lines of the Capital Traction and all lines of the Washington Railway, and, by the way, the Capital Traction gives free transfers on the Old Dominion, an unrelated company, and all we need is for the two companies to transfer between themselves and the line which comes in from Virginia, which the gentleman from Virginia [Mr. CARLIN] proposes to offer as an amendment to make it more certain.

Mr. DRISCOLL. Now, if the gentleman will pardon me, in relation to free transfers, did the companies consent to this provision in the bill for the universal transfer?

Mr. SIMS. By no means; they fought it with all the power they had and threatened to go to the courts if we did pass it.

Mr. DRISCOLL. Then this provision was put in the bill by the action of the committee?

Mr. SIMS. Yes, sir.

Mr. DRISCOLL. Is it the idea of the committee to finally force all of these corporations into one company?

Mr. SIMS. I can only speak for myself. I think it would be a glorious result if every one of these railroads were in one company and operated as one corporation and save so much unnecessary expense in the payment for unnecessary executive officers.

Mr. DRISCOLL. If this bill becomes a law and universal transfers are put into practice, and after a while trouble arises, does not the gentleman think the result would be a consolidation of all the companies?

Mr. SIMS. If there should be any trouble come of it, it might result in consolidation, but I think the result can be attained without it.

Mr. DRISCOLL. But the gentleman thinks that would be the result, does he not?

Mr. SIMS. If they do not willingly work together, one company or the other, some other company might buy out and unify them.

Mr. DRISCOLL. If the companies are controlling subsidiary companies, they will work together, but if their interests are conflicting they will not work together without friction.

Mr. SIMS. If only one company practically owns them, they can avoid it.

Mr. DRISCOLL. Unless there is some administrative officer or power somewhere to adjust the differences or regulate them, and it is not provided for here, will it not necessarily result in friction and thereafter in consolidation of all the companies?

Mr. SIMS. The object of one section in the bill making certain requirements as to service and placing the power to execute this in the hands of the Commissioners, I think will avoid all of the troubles the gentleman refers to and give the Commissioners, as an administrative board, power to adjust differences.

Mr. DRISCOLL. Have they such power now?

Mr. SIMS. No; because this bill has not become a law.

Mr. DRISCOLL. Nor it is in this bill.

Mr. SIMS. I do not know how far the gentleman might go in construing this provision, but I got the committee to go just as far as it would, and I think as far as it can be gotten through here. I have no objection to the House increasing the power of the Commissioners by a proper amendment if they can attain the object sought.

Now, I am not charging here that this vast capitalization is water, but it is not actual cash value. If there was only one share and it was worth $100, the company would be entitled to reasonable fares.

If they had one hundred millions they would not be entitled to more than reasonable fares, but with the stock issues so largely over actual value, even at the present high prices, or what it was a year ago, how can it be an injustice to these companies to require this service? Now, we have a right to repeal. If any of these corporations refuse to obey and carry out in letter and spirit these requirements, all we have to do is to repeal their charter. I do not think any of them want to invite anything of that sort. In the other company, General Harries says the stock and bonds amount to $31,600,000 and odd, as shown in the hearings. I want to read exactly what he says. I read from the hearings of one year ago, and nothing has happened since that I know of, and there General Harries says that they have—that is, his company, including all of these companies except the Capital Traction—that they have 60 miles of single tracks underground and 86.50 miles of single track overhead, a total of 146.25. The question was asked by Mr. Pou, "What would you put the average of mile of construction, including everything from the power house down to the last item underground?" and General Harries says, "Not less than $122,000 a single mile, including power stations, offices, real estate, feeders, conduits, and all the things that go to make up complete construction—cars and track." Further over he says that overhead trolley, except in New York, is universal, and the cost of the final construction, including trolley lines, tracks, equipment, and everything would be about $45,000 per single track mile.

Mr. HEPBURN. Will the gentleman allow me to ask him a question?

Mr. SIMS. Yes.

Mr. HEPBURN. Does that indebtedness of some $29,000,000 cover all of the indebtedness that this company has on all the roads outside of the District, or simply on the roads within the District?

Mr. SIMS. The roads within and without, as I understand it.

Mr. HEPBURN. And the mileage the gentleman has given is what?

Mr. SIMS. Is both within and without—all.

Mr. HEPBURN. But I understand the indebtedness relates only to roads within the District?

Mr. SIMS. No; the indebtedness relates to all of the roads.

Mr. HEPBURN. That would be the 146 miles?

Mr. SIMS. Yes.

Mr. HEPBURN. Does that indebtedness include the four roads that are not associated with the electric company?

Mr. SIMS. No.

Mr. HEPBURN. Does the gentleman know what the amount of indebtedness is there?

Mr. SIMS. The amount of that indebtedness, bonded and funded debt, is about $5,000,000, on the roads they have not acquired—that is, not acquired by proceedings in court or purchase of all the stock from the stockholders.

Mr. HEPBURN. But, as a matter of fact, they are operating them.

Mr. SIMS. They are operating them absolutely. They have in their treasury $5,700,000 in unsold bonds for the purpose of taking up that outstanding indebtedness of these other companies. Now, taking it as it is, and calculating this 60 miles of underground at $122,000 a single mile and the 86 miles of overhead trolley at $45,000 a single mile, for equipment, power cars, power houses, and everything, it amounts to $11,000,000 instead of $31,620,000, counting it at the high figures that he places it at. That is the Washington Electric Company, understand, so that in that company there is, according to his statement of the cost of reproduction, more than three to one in outstanding stocks and bonds; and yet they say we can not have free transfers without bankrupting and ruining these roads.

Mr. GAINES of West Virginia. Can the gentleman tell us how this overcapitalization came about?

Mr. SIMS. I can not give the details.

Mr. GAINES of West Virginia. What I want to know is whether it was a legitimate sale of stock at cheap prices at the beginning in order to build them, or was it water, pure and simple.

Mr. SIMS. I want to say this, that in the different reorganizations and changing of names of one company to the other, payments were made in stocks and bonds, and stocks and bonds reissued. I have never been able yet to find where a single dollar was applied to anything, so far as these reports go, since 1900.

Mr. GAINES of West Virginia. To explain my question, if the gentleman will permit me, I know a railroad, the bonds of which are now selling above par, which ten or twelve years ago was selling its bonds at 82. The result would be that that railroad would have to that extent a bonded indebtedness, which would be greater than the cost of reproduction, and yet the cheap selling of bonds was necessary to finance the road. Now, if the gentleman has any idea how much of this excess of valuation came about in that way and how much is mere reorganization, water, the House, I think, would like to have it.

Mr. SIMS. There were eleven different companies, each company being built up to the condition existing at the time of the bill to consolidate, and, as I said to the gentlemen of the House a while ago, the present company owns these lines, so far as stocks and bonds are concerned, by giving $1,300 of the new for $1,000 of the old, at that time worth $580 on the market. I do not know whether you call that water or not. Colonel Dunlop said when before the committee that the Capital Traction was the Rock Creek road with its name changed. I asked him what was the capital stock of the Rock Creek Company, and he said $200,000. I said, "Did you pay any money when you increased the stock to $12,000,000?" He said, "Not a dollar." It is here in the hearings; but Congress authorized that; they could not do anything without the authorization of Congress. But, Mr. Chairman, I do not think there is a particle of doubt that these railroad companies will accept this free-transfer provision and that it will work all right, and that instead of injuring it will help both companies. It will increase travel.

We know how it is about excursions. We spend more money on excursions than any other sort of travel because we are getting cheap rates of fare and go more on that account. Now, if eleven lines, which were not consolidated and did not give free transfers, did consolidate and give free transfers and improve and increase the growth and net income of eleven lines, and the others, about seven, did the same thing, why will it not be so now when we make universal transfers between these two companies?

Mr. DRISCOLL. I asked you a few moments ago about the power of the Commissioners to compel the various companies to grant universal transfers and accept them, and it was stated here that section 18 gave to the Commissioners power to compel them to do it. Now the eighteenth section goes on and gives the Commissioners certain powers, and in the sixteenth line of that page it says, the Commissioners are given power to compel obedience to all the provision of this section. Now, does that mean the "section," or the provisions of this act? It says, "provisions of this section."

Mr. SIMS. Well, I do not know, but I rather think it ought to be, "the provisions of this act."

Mr. DRISCOLL. If it means the provisions of the act it might go back and give the Commissioners power to enforce the granting and receiving of transfers, but if it means "section," I do not see that there is any power given them to accomplish this result.

Mr. SIMS. I was going to say it can not possibly hurt to strike out the word "section" and insert the word "act." I want to say we provide punishment for failing to give the free transfers. Mr. Chairman, I do not desire to use but a very few more minutes of the time of the committee, and that is in

regard to supervision. There is no supervision by any authority here over the street railways as to schedules, as to sanitation, as to overcrowding, overheating, or underheating; in other words, to-day they do just what they desire without any kind of supervision. There ought to be some supervision somewhere, some executive authority to carry out all the provisions of this or any other law affecting them. The Commissioners of the District of Columbia are the only officers we have now who can do it. When I asked General Harries at the hearing, "Do you object," he said, "Oh, we would not object to the present Commissioners, but we do not know who we will have." Well, that is a great compliment to the present Commissioners, but I believe the future Presidents of the United States will be equal to the task and will appoint Commissioners after these are gone who will be their equal in every respect, and who will do justice both to the companies and to the public; but without some supervision there will be an army of complainants and volumes of complaints every year, as there always is, to Congress.

I believe these or any future Commissioners will act only upon complaint. If the complaint is a just one the railways ought to heed it and remove the cause if the Commissioners so order; if it is an unjust one, I believe the Commissioners will refuse it and that there will be a harmonious service throughout the District by having a unified supervision. I do not see how anything but good over the present conditions can arise from this bill, but I do not object to any amendment that carries out the object of the bill.

Now, Mr. Chairman, I want to refer a moment to an amendment which is going to be offered——

Mr. ALEXANDER of Missouri. May I interrupt the gentleman? It was suggested that it would be well enough to strike out in line 16 of section 18 the word "section" and insert the word "act."

Mr. SIMS. Yes.

Mr. ALEXANDER of Missouri. I call attention to this fact: This section says that every street railroad company or corporation, etc., shall "supply and operate such number of cars, clean, sanitary, and in good repair, with proper and safe power, equipment, appliances and service, comfortable and convenient, and so operate the same as to give expeditious passage, not exceeding 15 miles per hour, to all persons desirous of the use of said cars, without crowding said cars, or the platforms thereof." The Commissioners are simply given the power to make necessary rules and regulations to carry out the provisions of this section. It does not relate to any general power, so it would be inapt to alter that section in that regard.

Mr. SIMS. Unless you say "this section" and "this act." Now, Mr. Chairman, my colleague on the committee [Mr. SHACKLEFORD] has given notice that he will offer a 3-cent fare amendment, or eight tickets for 25 cents, with the provisions of the bill all intact except that. I want to say, Mr. Chairman, to the members of this committee that I do not think that will be just to the companies. A 3-cent fare schedule has been operated successfully at Cleveland, Ohio, and perhaps in other places. I think it could be done here with an entire overhead construction. But with so large an amount of these roads with underground construction, which costs double as much, according to the expert evidence of these railroad men—more than double as much—it would not be fair and just to require a 3-cent fare with the high class of service that we seek to bring about in the District of Columbia. I know that the objects and purposes of my colleague are good. He is offering this amendment in the best of faith. I voted for it a year ago. Why? We had to have a bill passed, if possible, in some way, and it was passed under the suspension of the rules, and there was no way to get it through without meeting the views of two-thirds of the membership of the House, and we had no sufficient time to discuss it. But further investigation leads me to believe that such a provision will result in a suit to declare the act confiscatory and unconstitutional, and will be an injury to the service rather than a benefit. With free transfers and with the large area that is covered by the railroads of this District, 5 cents, or six tickets for 25 cents, is not a high fare with the character of service that we think will be given if this bill becomes a law, with supervision vested in the Commissioners.

Mr. Chairman, unless some one wants to ask another question, while I have not covered every phase of the bill, as I do not deem it necessary——

Mr. SABATH. Who is operating these cars that the gentleman spoke of—those old-time cars—that have been doing service here for about thirty or forty years? Which company is it?

Mr. SIMS. The Capital Traction.

Mr SABATH. They could easily afford to pension these cars by this time, could they not?

Mr. SIMS. They might put them in some museum somewhere.

Mr. GRONNA. I understand the gentleman from Tennesseee [Mr. SIMS] to say that Mr. Dunlop, the president of the Capital Traction Company, made a statement that it would cost $6,000,000 to construct all of these roads. Was that the statement?

Mr. SIMS. To reconstruct all the lines and equip them.

Mr. GRONNA. And the indebtedness of these roads amounts to some $29,000,000?

Mr. SIMS. Not his road. The stock of the Capital Traction Company amounts to $12,000,000, and now the bonds are $2,500,000.

Mr. GRONNA. Another question I would like to ask. It is this: I know that the gentleman is on the Committee on the District of Columbia and is well informed. I also imagine that it costs more to construct an underground railway than an overhead railway?

Mr. SIMS. It does—double as much.

Mr. GRONNA. What is the difference in the cost of maintaining these roads after construction?

Mr. SIMS. I do not know exactly the comparative cost of maintaining an underground and an overhead track, but it must be more to maintain an underground track, because they have to dig out below the surface and arrange underground trolley conduits.

Mr. GRONNA. Does the gentleman believe that the companies would be obliged to give the universal transfers if this bill is passed, under the wording of this particular bill?

Mr. SIMS. It is in the language of all the street-car legislation we have ever had—"authorized and directed."

Mr. HARDY. The gentleman concluded his remarks by discussing the question of supervision. Is there any section in this bill, except section 18, that gives supervision to any authority?

Mr. SIMS. Yes. There is a part of a section giving it to the Commissioners—we changed it so often I can not keep track of it—power to determine what is "general direction," and in another place where it says the "transfer shall be in one general direction."

Mr. HARDY. Now, I understand the gentleman personally to be in favor of giving the Commissioners power to enforce the object of section 18, and making that include the entire act.

Mr. SIMS. I do not object to it.

Mr. HARDY. That would give them the power to do so.

Mr. SIMS. I am not going to offer an amendment, because this is the best bill we could get out of the committee. If the amendment does not mean anything more than carrying out the object and purposes of this act, I do not object to it.

Mr. HARDY. I understand that would give to the Commissioners supervision of the entire system, would it not?

Mr. SIMS. I understand it would give them the supervisory power which is necessary to serve the public.

Mr. HARDY. And enforce this entire act?

Mr. SIMS. So far as the public is concerned.

Mr. DRISCOLL. Now, I have listened heretofore with much interest and information to the gentleman, and have discovered that he has a very accurate and comprehensive view of the whole proposition. If he can, in five minutes, I would like to have him tell this committee his plan for solving the difficulties we are now in with the various companies in the city of Washington. If he has a plan in his mind which he would put into effect. had he the power, and can state it in five minutes, I would be glad to have him do so.

Mr. SIMS. I can give it in less time than that. As an individual, my idea would be that you do not want competing roads and companies here, because they can not occupy the same streets, and we now are hearing complaints of this kind. People are making demands on the Washington Railway and Electric Company because they want better service.

Mr. DRISCOLL. You would have consolidation?

Mr. SIMS. The Washington Railway and Electric Company say that they have so much greater mileage than the Capital Traction Company have that they can not give as good service as it does, or as some would suggest they should do. They say also that the Capital Traction Company runs through a more congested part of the city and receives more fares per car and per mile, and therefore they can give better service than they do. There is a comparison between the service given by the two lines all the time.

Now, if all the lines were under one company, with one supervision, included in one management and operation, these troubles that grow out of these ideas of the people, even if they were true, would fade away. Then the cost of management

would be decreased to a great extent by removal of the cause for duplicating the general officers and having double expenses. Now, we can not do that by act of Congress. We can pass no bill by which we can say these two companies shall sell one to the other or both to some other company; but I believe that we can have legislation that will tend to such a result in the future, and I believe that the relief lies that way rather than otherwise. Congress always will retain the power to supervise and control the railroads in the District of Columbia. I believe that if we had one company to operate all the roads and complete supervision in the Commissioners or some other body, we would have a more satisfactory service.

Mr. DRISCOLL. Is the gentleman in favor of municipal ownership?

Mr. SIMS. Oh, no; if we can get just as good by private ownership.

Mr. DRISCOLL. Under regulation by Congress.

Mr. SIMS. Congress has full power, and there is no unexpired charter rights in the way.

Mr. DRISCOLL. And fix the price of tickets?

Mr. SIMS. Everything; so that it is not confiscatory.

Mr. DRISCOLL. So that they will make a fair income and the good roads will make up for the loss suffered on the poor ones?

Mr. SIMS. A reasonable income on all and a unified splendid service on every line. I am not in favor of governmental ownership here yet; but if in the District of Columbia, in Washington, with the President, the Army and the Navy, and the "big stick," we can not control a few little street car companies so as to do justice to all concerned, we ought to own them and be done with it. [Applause.]

Mr. Chairman, I want to make just one little remark on the question of 3-cent fares. The idea was suggested here that Congress wanted a 3-cent fare. I can state in a few words how that idea originated in the District of Columbia. A few years ago the Old Dominion Railway Company sought, by Congressional action, to build what was called a "cross-town railway" from the end of their line at the Aqueduct Bridge to the Union Station, and to build that identical cross-town railroad up there shown on that map. It was opposed by existing roads. Finally Mr. Cowherd, who had charge of the bill and who was a member of the District Committee, offered an amendment providing for eight tickets for 25 cents and universal transfers over their line, if permitted to build. The Old Dominion Company was owned, as it was represented to us and as shown by the reports to-day, by Senator STEPHEN B. ELKINS and Hon. John R. McLean, two men of great wealth; and the people had no doubt that they were able to do what they said they would do if this franchise was granted—that is, give a 3-cent fare with universal transfers over their line.

That started the 3-cent fare agitation in Congress. Afterward the Capital Traction Company made terms with the Old Dominion by giving transfers over their lines. I do not know what the agreement was, but the Old Dominion Company did not seek further legislation at that time. The two existing companies up to the time that that Congress adjourned were able to forestall the Old Dominion Company in its purposes here, even with great wealth and influence behind it. It was then stated in a conversational way, and admitted before the committee that these gentlemen might then, with their present facilities, construct and operate a line on a 3-cent fare, but that it would be unjust to existing lines that had to carry the capital representing expenditures and experiments of other days which had turned out to be failures.

I only want to state this because there seems to be an idea thrown out here that some Member of Congress is trying to make capital out of this at home; so I thought I would state to the House the origin of the 3-cent fare idea. As I say, the amendment was offered by Mr. Cowherd, of the District Committee, one of the ablest men who ever sat in this House, and who said he was authorized to offer it by the Old Dominion Company, owned and operated by two of the great capitalists of this country. [Applause.]

Mr. SMITH of Michigan. I yield thirty minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I want to congratulate the District Committee at the outset for the good work it has done in reporting this bill. I realize that it started out to make up the bill under great difficulties. The committee met with serious opposition in its work. It required a good deal of patriotism, courage, and patience to report a bill as broad in its provisions as the one now under consideration.

This bill gives to the people of the District of Columbia more comprehensive accommodations than they have ever before enjoyed. I believe this is the first time that a bill has been reported by any District Committee which has given special consideration to the needs of the people. But while this bill goes a long way in the right direction, it could with greater justice go considerably further. Still it will be hard to accomplish all the good in one inning. So we may reasonably hope that the good beginning made in the bill now before us is but the start of good things that are yet to come. I believe the committee should be encouraged to go on in the good work by receiving from the House a vote of confidence in the passage of this bill.

The universal-transfer provision in the bill is one which the people have long sought. It was said by the railroad representatives during the hearing that there was no demand for universal transfers. Hearings were had by the District Commissioners, at which many, if not all, of the organizations throughout the District were given an opportunity to present their demands for universal transfers. These demands were presented, and resulted in a recommendation from the District Commissioners that any bill passed granting additional rights to the street railway companies of Washington should contain a provision for universal transfers.

This bill places upon the District Commissioners the responsibility of regulating the manner in which the street railways shall be conducted within the District. I apprehend that under the power conferred in the bill the Commissioners would have the right to say how far apart the cars should run on every line. I assume that they would have the right to say how the cars should be ventilated and how they should be cleaned, the character of the cars that should be used, and, if they have that right, I would suggest that they say that no trailers be allowed to run on any street; that only one car shall be allowed to run in one train; that there shall be one conductor and one motorman on every car; that all cars shall be properly heated, cleaned, and ventilated; that no open cars shall be run when the thermometer is below zero [laughter]; that every necessary provision shall be made in order that the people may ride in comfort, and that no enforced condition productive of pneumonia shall be tolerated in the District.

The street car companies' representatives plead poverty. Representatives of great corporations usually do that when the people demand what they should receive at their hands. The people of the District have yielded up their rights to the streets in order that facilities may be furnished to carry them to and fro, and the street car companies are given the right of way on all the streets of the District where their tracks are laid. They have the right to drive the wagons that may be on the street out of their path in order that they may be able to carry the passengers on board their cars to their destination. Great privileges are accorded to these corporations and few concessions have been demanded of them. This is the first time that any concession whatever has been exacted from the street car corporations as a condition precedent to being allowed to carry passengers.

Now, let us see whether the burden which we seek to impose on the street railway companies of the District are onerous. First, it may well be stated how these companies are capitalized, how much railroad track they own. I may say in this connection that the Washington Railway and Electric Company's report shows that the company owns 60.41 miles of road within the District, and 23.72 miles in Maryland, or 84.13 miles altogether; that the length of the double track, including sidings, is only 49.47 miles in the District and 9.70 miles in Maryland. All told, it has 146.22 miles of single-track railway. I figure that 87.5 miles are single-track overhead trolley. The company has outstanding $18,000,000 in bonds, and it is capitalized for $15,000,000 in addition to the bonds. Eight million five hundred thousand dollars of this $15,000,000 is preferred stock. Five per cent dividends are paid on this preferred stock. The annual interest charges on the bonds amount to $749,947.11, and there are $425,000 paid in dividends, making a charge paid out of the earnings amounting to $1,275,000. One hundred and forty-six miles of single track bonded and capitalized for $33,000,000, or $226,000 a mile.

Mr. NORRIS. Will the gentleman allow me a question?

Mr. MADDEN. Certainly.

Mr. NORRIS. The income the gentleman has just given us does not include dividends on the common stock?

Mr. MADDEN. Not on the common stock.

Mr. NORRIS. That much dividends must be had before the common stock is reached, is that right?

Mr. MADDEN. Yes. Let us assume that the overhead trolley construction costs $30,000 a mile—and that is really what it does cost—and the underground construction costs about three times what the overhead construction costs, namely, $90,000 a mile. These figures include the equipment and land. It will

be seen that the roads are capitalized for at least two and one-half times what they could be built for, if we assume that these figures are correct. The annual statements, which are not at all clear, show that $1,275,000 per annum is paid in interest on the bonds outstanding and dividends on the stock, or $8,733 a mile of single track.

From the figures that I have been able to obtain from the report, I reach the conclusion that 87 miles of the 146 miles of track was overhead trolley. If my analysis of the figures made in the reports be correct, I would figure the cost of the road as follows, namely: Eighty-seven miles of overhead road at $30,000 would be $2,610,000, and 60 miles of underground at $90,000 amounts to $5,400,000, or $8,810,000, whereas these roads are bonded and capitalized for $33,000,000, making more than four times the cost. Now, of course it is hard and always will be hard for any institution to earn dividends on such a large amount of water—more than is needed to keep the institution moist. If you are going to run a railroad on land you do not need so much water. If you are going to do your propulsion in a boat, of course you need water. [Applause and laughter.]

It seems to me that every condition which will facilitate the carrying of passengers throughout the District in the most comfortable and expeditious way should be exacted from these companies, to whom the Congress grants such valuable concessions, and in addition to that, they ought not under any circumstances be allowed to pay more than a reasonable dividend on the actual money invested in the enterprise. The corporation, given life by the public and furnished facilities by the public, should be forced to so conduct its business that as the earnings increase by reason of the added travel the fares should be reduced. So that, if these companies were compelled to capitalize for just what they have invested and dividends were paid on that amount only, the cost of transportation to the people could be reduced almost every year until it finally reached 2 or 2½ cents a ride. But the street car companies in the District of Columbia are almost on a par with the Metropolitan Traction Company in New York, where it seems to make no difference what the earnings are. The company goes into bankruptcy, and this same condition will prevail here if these companies are allowed to go on issuing bonds and stocks without putting any money into the enterprise. Nothing unreasonable is being asked from them. In fact all that could be reasonably asked is not being demanded.

The annual report of the Capital Traction Company shows that it owns 22 miles of double track, or 44 miles of single track. The company has a bonded debt of $2,520,000 and it is stocked for $12,000,000, making $14,520,000. On the bonds it pays 5 per cent interest, or $126,000 a year, and on the stock it pays 6 per cent dividends, amounting to $720,000 a year, or a total of $846,000 per annum, and in addition to these payments the ordinary repairs of the road, the maintenance of the equipment, as well as the purchase of new equipment, and the necessary extensions of the lines are paid from the earnings. This company with 22 miles of double track, or 44 miles of single track, is capitalized and bonded, as I said, for $14,520,000, or $660,000 a double-track mile.

Mr. SABATH. And how much does it cost to build a mile?

Mr. MADDEN. One hundred and eighty thousand dollars to build a double-track mile of this kind of road, or $60,000 a mile of overhead road. Ninety thousand dollars a mile for single track is, as I said before, considered a reasonable cost for underground electric construction, and experts say that $90,000 a mile is all that it should cost. It will be seen that the capital and bonded debt of this company is four times what it should be, and that instead of earning 6 per cent on the investment, as the report shows, the company is really earning 24 per cent on its investment.

Gentlemen may say that this bill is exacting, but I submit that the rights granted are great and the value that is given to the stock of the company is largely due to the rights granted by the public. I submit that $660,000 a mile for double-track capitalization is outrageous—$330,000 for every mile of single track—and it is paying dividends on that capitalization. We are told that universal transfers can not be exacted from the companies, and that the companies may litigate the question of the right of Congress to legislate on the subject. What if they do? Our duty is clear. We are legislating for the people, and as the people's representatives we should see that the people's rights are protected. I say that this body should exact from these companies every proper facility demanded by the people of the District. I believe that if the companies are compelled to yield to the reasonable demands of the people, they will still have franchises that are invaluable. I believe that no unnecessary reduction of the fares should be made. I believe that we should be just to the companies, but we should demand for the people justice from the companies at the same time. This is a two-sided proposition, and we ought to see that the people's side is given consideration and the kind of consideration that will bring desired results.

The street railway companies' representatives come before committees of Congress with as much assurance as if they owned the nation. They tell the people's representatives what they will and will not accept. They deny the right to a Member of this House to originate legislation. They have become so inured to the belief that they control the situation that when a Representative dares to originate a thought, if that thought be expressed and is antagonistic to their own views, they take exception to it. This bill gives the first notice to these corporations that Congress has a right to originate legislation and having that right it will insist upon executing it by giving to the people through whom these corporations get their privileges the facilities to which they are justly entitled and for want of which they have suffered so long. [Applause.]

Mr. HARDY. Will the gentleman allow me one question?

Mr. MADDEN. Yes, sir.

Mr. HARDY. I would like to ask if, in your opinion, all these roads were consolidated would a universal 3-cent fare be sufficient for earning a fair dividend upon $90,000 per mile of single track, and $180,000 per mile of double-track construction?

Mr. MADDEN. I think there is no doubt but that a 3-cent fare would pay a handsome profit on a legitimate capitalization.

Mr. HARDY. To the extent I have named—$90,000 per mile single track, and $180,000 per mile double track?

Mr. MADDEN. But I think it is wise to try what is suggested in the bill at this time, get part of what we should have at first, and then insist on further concessions in the future.

Mr. HUGHES of New Jersey. Will the gentleman yield for another question?

Mr. MADDEN. Certainly.

Mr. HUGHES of New Jersey. I would like to ask the gentleman to state again what he considers is a fair capitalization?

Mr. MADDEN. I consider that $30,000 per mile for overhead trolley, a single-track line, is the right capitalization, or $90,000 for a single-track mile of underground construction.

Mr. HUGHES of New Jersey. Do you know whether or not in figuring the $90,000 per mile for underground trolley construction there is usually figured a certain amount allowed for the cost of the right of way?

Mr. MADDEN. No; that increases the cost of construction.

Mr. HUGHES of New Jersey. Your estimate is for construction purely?

Mr. MADDEN. Yes.

Mr. HUGHES of New Jersey. Do I undersand you to say you have figures showing it costs as much as that for underground trolley?

Mr. MADDEN. I know that is what it costs.

Mr. FOSTER of Vermont. The gentleman speaks of a fair capitalization. I suppose he means by that if a road were starting out de novo.

Mr. MADDEN. Yes; I mean the actual amount of money invested in the enterprise would be a fair capitalization. In other words, I believe that men entering upon an enterprise should invest their money in the enterprise. I do not believe that the sale of bonds from which money is raised with which to construct a street railway is a legitimate investment, but that the money required to construct the road should be furnished by the people who have an interest in the road and who expect to get the profits from its operation.

Mr. FOSTER of Vermont. Exactly. Now, some parts of these roads were formerly horse railways.

Mr. MADDEN. And the way capitalization became so high in this case I suppose is this: There were ten or eleven separate companies operating. Some of these companies were said to be unprofitable. A company was organized known as the "Washington Railway and Electric Company." This company is a holding company. It purchased the stock, or a majority of the stock, in each one of these ten or eleven roads. Whether it paid more than the value of the road for the stock I do not know, but it capitalized the Washington Electric Railway Company high enough to pay for the ten or eleven companies and to have something left for the promoters of the Washington Electric Railway Company, and there is no doubt but that more wind and water can be found in the capitalization of the Washington Electric Railway Company than should be legitimately there. [Applause.]

Mr. SMITH of Michigan. Does the gentleman from Tennessee [Mr. SIMS] desire to occupy any further time?

Mr. SIMS. I have no further requests.

Mr. SMITH of Michigan. Mr. Chairman, I yield twenty minutes to the gentleman from Iowa [Mr. HEPBURN].

The CHAIRMAN. The gentleman from Iowa is recognized for twenty minutes.

Mr. HEPBURN. Mr. Chairman, I think it is safe to say that the District of Columbia furnishes the most desirable field for the operation of street railways and suburban railways of any portion of the United States. I have before me a compilation by the Director of the Census showing the single-track cost of construction and equipment, and so forth, of street and electric railways in the States of the United States. The comparison that I propose to make is scarcely fair in this, that the District of Columbia, containing the city of Washington, is of small area, but it is approximately correct, for I have made inquiry with regard to one or two States, particularly Massachusetts, and I have been told by those who are capable of judging that fully 80 per cent of all the population of that State is within convenient distance of a street railway. I find from this table that the District of Columbia, treating it as a State, leads the entire column in the number of fare passengers per mile of single track. It stands at the head. A larger number of passengers per mile are carried in the District of Columbia than in any of the States of this Union. That great number is 403,485 paying passengers—that is, fare passengers—per mile of single track. It is also at the head of the column in the number——

Mr. NORRIS. Will the gentleman permit an interruption right there?

Mr. HEPBURN. Yes.

Mr. NORRIS. Is that per year?

Mr. HEPBURN. For a year—yes, sir; by States, for 1902. The State that next approaches is the State of New York, with 407,305; then the State of Massachusetts with 182,822; and the State of Illinois with 287,035. So that, with the exception of the State of New York—and you will remember the large number of populous cities in that State supplied with street railway facilities—the District of Columbia is far ahead of all the other States, more than 100,000 ahead of the one that nearest approaches it. The number of persons who ride, including old and young, in all of these States is, in the District of Columbia, 237. That is, the number of rides that each inhabitant, little and big, takes each year. The nearest approach to that is the State of Massachusetts, with 165, as against 237 in the District of Columbia. In the State of New York the number is 157; in the State of Illinois, with its numerous populous cities, only 96. So that the patronage that the roads are receiving per capita is far in excess of that in all of the other subdivisions of the United States. These figures show the value of a railway franchise in the District of Columbia as compared with any other locality in the United States. Another thing to be taken into account is the facility of movement that the railways have in this city as compared with any other that I know of. The streets here are wide. It is not a commercial city. There is but little interference with their movements. Compare Pennsylvania avenue, for instance, with Broadway, New York. There are no delays here. There is nothing in the way of added expense because of interruption to their business.

These franchises are given to the railways with a tax of 4 per cent upon their gross earnings, in connection with another system of taxation that is most favorable to them, as was shown by the gentleman from Tennessee [Mr. SIMS]. In other words, they pay here but a little over 4 mills on the dollar as tax for every form of taxation. And then again, the holders of their securities, who reside here, pay no tax whatever upon those securities, for personal property of that character is not taxed in the District. So that from every viewpoint of that character they are most favorably dealt with, and the franchises are, in comparative value, far greater than those anywhere else.

I want to call attention to the further fact that there has been an almost criminal negligence upon the part of Congress with regard to their organization. There are no limitations, or practically no limitations, upon the amount of stocks and bonds that they may issue. And under this favorable legislation they have been able to construct their roads so that not a dollar of investment, necessarily, is made by any man who built these ways, of his own money. They have been allowed to issue bonds vastly superior in amount to the cost of the road, and leaving all of their stock as a mere gratuity. These roads have not been built with the money of the men who hold them. They have been built through the agency of bonds, and the stock has been a gratuity that has been given as a bonus to those who furnished the money. So that these gentlemen are not here in the attitude of those who have been abused, or who have been great sufferers, or who have been charitable in a great degree to the people of the city, intent as they might claim upon doing beneficial things for their fellow-citizens. They have gone into these enterprises for the money that was in them, and surely we will not quarrel with that. They have been able to so finance them that they have cost them no money, and they are now reaping a reward where they have rendered but little service, so that they do not appeal particularly to my compassion.

Now, the bill that is under consideration, I want you gentlemen to remember, is a bill conferring still further gratuities upon them, giving them still further of the valuable franchises of this city. We are not asking them to do anything. They are here as suppliants for favor. It is true that they talk about additional burdens; but there will be no difficulty in finding corporations that will be glad to buy everything and pay for every franchise that we are now additionally conferring on them.

There is a feature in this bill that I do not take very kindly to. In the first place, a system of universal transfers is not, to my mind, the relief that should be given to the people. I believe that every man should pay for what he gets. Now, the average person who rides in this city rides a distance of less than a mile. That man who rides a mile ought to pay for a mile; that man who rides 10 miles ought to pay for 10 miles. Then you would be putting everybody on an equality with regard to the service that he receives or the benefit that is conferred upon him. The proposition of the bill is illogical; it is not a scientific way of disposing of this question. I have another objecton to it. I fear that this legislation will be entirely nugatory. I know that there are gentlemen who say there is no question, there is not a doubt but that this method of imposing an obligation upon the companies is entirely within the powers of Congress. I very much doubt it.

I do not believe that with the capitalization of the Washington Railway and Electric Company, for instance, this system will yield such a revenue as the courts will hold they are entitled to; and if it fails as to one it fails as to all, because it must be reciprocal in its application to all the roads if the people are to have benefit from any. Nobody knows yet. We do know that the courts have said that a public-service corporation is entitled to earn that sum which will pay all of the operating expenses and will yield a fair dividend upon the moneys involved. Now, what are the moneys involved? Are they evidenced by the obligations of the company and by the capitalization of the company, or simply those sums that were actually invested? In other words, will the court squeeze out the water? Nobody can say. Suppose they do not. Suppose they listen to the plea of a man who is an innocent holder, who has had no part or parcel in the wrongs of overcapitalization, who has paid full value for the securities that he holds. Who is able to say that that plea will not be listened to by the courts? Suppose that plea is listened to. Then, if they are entitled to a fair compensation upon the capital as measured in this way by the issues of the corporation—the very condition here—who will say that the present revenues, or the revenues that are probable within a reasonable time, will meet those requirements?

What benefit will the people get from that? I know that gentlemen say there is nothing in this theory. We have got the power to do whatever we choose with them, because of the reservation and power to amend their charters. Can we amend the charter so as to impose a hardship upon them—a destructive hardship, a hardship in the nature of a confiscation of their property? I think there will be some limitation placed upon that power when the courts come to construe. If so, then there is nothing in this bill that the people are interested in. No great advantage to the people here, except it be this provision that gets the passengers from C street down to the depot. Not a very great boon. There is but little in that. The distance is a short one. The inconvenience is inconsiderable. But there are provisions in the bill that, with slight amendments, it seems to me, may be effective of good, and that is the reason why I am willing to support the whole bill in order to get those provisions. The great demand of the people in this District and the demand of justice is that these companies should perform their duties. The gentleman from Tennessee has said with much of truth that one of the companies here does render reasonably fair service—not perfect service, because there are times when their cars are overcrowded to such a degree that no one who rides upon such a car can have a comfortable, expeditious passage, which he pays for and has a right to demand. But there are some other roads the service on which is simply intolerable, especially that line of the Washington Railway and

Electric Company that is known as the "F street line," which has been referred to, that leads out from the extreme eastern portion of the city to Georgetown.

The same thing is true of the Mount Pleasant line of the same company.

Now, Mr. Chairman, I have already in the presence of this House adverted to some of the palpable outrages that that company is daily, almost hourly, perpetrating upon the people of this District. [Applause.] The service is absolutely abominable. The man who authorizes it is guilty of a crime. All this winter they have been running open cars in this city. We read about the great number of people suffering from pneumonia and similar diseases. A great portion of the time their closed cars are not heated. The cars are old, dilapidated, and inadequate. I have not seen half a dozen cars on that line in the last three months that ought not to be condemned, and would be where there was a decent service. Now, there is no excuse for that. These people have an abundance of means, although they are constantly pleading poverty. They say they have not the money to buy new cars. Why, they have had money enough to pay 5 per cent dividends on eight and one-half million dollars of watered stock. [Applause.] They had the money to do that. They have the money to pay high salaries, although they starve many of their employees. Now, I think that matter ought to be righted, and when the opportunity comes I intend to offer a substitute for section 18, which I will ask the Clerk to read.

The CHAIRMAN. If there be no objection, the Clerk will read.

The Clerk read as follows:

SEC. 18. That every street railroad company operating one or more railroads within the District of Columbia shall on each and all of its railroads supply and operate such number of cars as will give comfortable, convenient, and expeditious passage to all persons desirous of the use of said cars. All such cars shall be clean, in good repair, and in good sanitary condition, and shall be supplied and operated with such frequency as to prevent crowding of either car or platform. It is hereby made the special duty of the Commissioners of the District of Columbia to require and compel obedience to all of the provisions of this section, and to this end said Commissioners shall have authority to make and enforce all needful rules and regulations to secure obedience to the requirements herein contained, and to make such changes in the time cards or time schedules adopted by any railroad company, or to make such orders relating to the character and condition of the cars operated, or the time, manner, or frequency of their operations, as to said Commissioners may seem proper; and such railroad companies, their officers and employees, are hereby required to obey all of the provisions of this section, and such regulations and orders as may be lawfully made under its provisions. Any railroad company herein referred to, or its officers or employees, violating any provision of this section, or any of the orders or regulations made by the Commissioners by authority of the same, or permitting such violation, shall be punished, in the case of a railroad company by a fine of not less than $100 nor more than $1,000, and in the case of an officer or employee of a railroad company by a fine not exceeding $100, or imprisonment not exceeding thirty days, or by both such fine and imprisonment. And each day of failure or neglect on the part of any railroad company, its officers or employees, to obey each and all of the provisions and requirements of this section, or the orders and regulations of the Commissioners issued thereunder, shall be regarded as a separate offense. Prosecutions under this section shall be in the supreme court of the District of Columbia, upon which jurisdiction is hereby conferred to try and determine the same. Such prosecutions shall be conducted by the corporation counsel or his assistant, who shall be entitled to a fee of not to exceed $25, to be fixed by the court, which fee shall be taxed as costs against the party failing in the suit.

[The time of Mr. HEPBURN having expired, by unanimous consent it was extended five minutes.]

Mr. HEPBURN. I believe that with a provision of that kind in the law the people of this District can have good service. I would vote for all the other provisions if we had that. I regard it as the most important of all, because that will secure efficient service. If these gentlemen, who are responsible for the wrongs and outrages perpetrated upon a helpless populace, felt that they might look through the bars of a prison they would be more mindful of their duties. As long as a mere fine is the limitation of the power of the court, they may be quite careless, because the corporation will pay their fine and put another and an additional burden upon the people, for they in the end will have to pay all the fines that are levied upon public-service corporations. But if there is danger of imprisonment, and if it might be the truth that their handsome faces could be seen through the network of bars, by which security is given to prisoners, they might look upon the matter differently. [Loud applause]

Mr. SMITH of Michigan. Mr. Chairman, I think general debate is exhausted.

The CHAIRMAN. If no other Member desires to take the floor, the Clerk will read. The Chair will suggest that there is a substitute offered by the committee, which is one amendment. Does the gentleman desire to have it read through before any amendments are offered, or have it read section by section?

Mr. SMITH of Michigan. I think it would be more satisfactory to have it read section by section.

The CHAIRMAN. Without objection, the amendments will be offered section by section, as though it were an original proposition.

There was no objection.

The Clerk read as follows:

SEC. 2. That the Washington Railway and Electric Company be, and it is hereby, authorized and required to construct and extend, by double tracks, the lines of its underground electric railroad from North Capitol and C streets northwardly along North Capitol street and the new street running northeast from North Capitol and D streets to the Union Station plaza; thence westwardly in said plaza and near to the southern curb thereof to Massachusetts avenue, there to connect with the tracks of the City and Suburban Railway of Washington, hereinbefore authorized, and with the two tracks provided for in section 8 of this act; also a double-track extension of its lines from First and B streets NE. northwardly on First street to the Union Station plaza; thence eastwardly in said plaza and near to the southern curb thereof to connect with the tracks of the City and Suburban Railway, hereinbefore authorized, and with the two tracks provided for in section 8 of this act.

Mr. HEPBURN. Mr. Chairman, I would like to ask the gentleman from Michigan if it is not practicable to secure all of the facilities that are now needed in reaching the new station by roads that would run from C street and North Capitol street in front of the building, and then reach B street at its intersection with First street? A single double-track road of that description would give all of the present needed facilities, would it not?

Mr. SMITH of Michigan. I would like to clearly understand the gentleman.

Mr. HEPBURN. I will have a map here in a moment to show what I mean. I ask that this section may be passed for the moment.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that section 2 may be passed without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 3. That the Capital Traction Company of the District of Columbia be, and it is hereby, authorized and required to construct and extend, by double tracks, the lines of its underground electric railroad from Florida avenue and Seventh street NW. southeastwardly along Florida avenue to its intersection with Eighth street east, thence southwardly along Eighth street to Pennsylvania avenue, there to connect with existing tracks of the Capital Traction Company; also a double-track extension from the tracks hereinbefore authorized on Florida avenue southeastwardly along New Jersey avenue to its intersection with Massachusetts avenue and First street west, thence along said Massachusetts avenue southeastwardly to the said plaza, and with such northerly deviation as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance of the Union Station, thence by such route as may be determined by the Commissioners of the District of Columbia to the corner of Second and F streets NE., thence east on F street north to Eighth street east to connect with the tracks of the Capital Traction Company hereinbefore authorized; also a double-track extension of its lines from Seventh and T streets NW. eastwardly along T street to Florida avenue to connect with the tracks of the Capital Traction Company hereinbefore authorized; also a double-track extension of its lines from North Capitol and C streets northwardly along North Capitol street and the new street running northeast from North Capitol and D streets to the Union Station plaza, thence westwardly in said plaza and near to the southern curb thereof to Massachusetts avenue to connect with the tracks of the Capital Traction Company hereinbefore authorized; also a double-track extension on North Capitol street from D street to Massachusetts avenue to connect the tracks of said company hereinbefore authorized; also a double-track extension of its tracks from First and C streets NE. northwardly on First street to the Union Station plaza, thence eastwardly in said plaza and near to the southern curb thereof to connect with the tracks of the Capital Traction Company hereinbefore authorized, and with the two tracks provided for in section 8 of this act.

Mr. HEPBURN. Mr. Chairman, this was the section I had in my mind instead of section 2, and I ask unanimous consent that this section may be passed for the time being.

The CHAIRMAN. The gentleman from Iowa asks that section 3 be passed without prejudice. Is there objection?

There was no objection.

The CHAIRMAN. Does the gentleman from Michigan desire to have section 2 considered now?

Mr. SMITH of Michigan. I think we might consider it now.

The CHAIRMAN. If there be no amendment to be offered to section 2, it will be considered as agreed to. [After a pause.] The Chair hears no objection, and the Clerk will continue the reading.

The Clerk read as follows:

SEC. 4. That the Anacostia and Potomac River Railroad Company be, and it is hereby, authorized and required to construct and extend by double tracks the lines of its underground electric railroad from the intersection of Second and E streets SE. northwardly along Third street to East Capitol street, there to connect with existing tracks of the Washington Railway and Electric Company.

Mr. SMITH of Michigan. Mr. Chairman, on page 11, line 2, I move that the word "Second" be stricken out and the word "Third" be inserted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 11, line 2, strike out the word "Second" and insert the word "Third."

The amendment was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 15, 1908:

H. R. 14766. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes.

On February 20, 1908:

H. R. 2756. An act for the relief of L. K. Scott;

H. R. 13430. An act to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind.;

H. R. 14040. An act to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew, at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties;

H. R. 14781. An act to authorize Campbell County, Tenn., to construct a bridge across Powells River; and

H. R. 16050. An act to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota.

EXTENSION OF STREET RAILWAY LINES TO THE UNION STATION.

The committee resumed its session.

The Clerk read as follows:

SEC. 8. That where the route or routes provided for in this act coincide with each other or with the route or routes of existing street railways or street railways hereafter authorized to be operated or constructed, one set of double tracks only shall be constructed and shall be used in common, upon terms mutually agreed upon, or, in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give notice and hearings to the interested parties and to fix and finally determine the terms of the joint trackage: *Provided*, That there shall be only one set of double tracks immediately in front of the main entrance to the Union Station, facing Massachusetts avenue, the most northerly rail being not less than 70 feet from the axis of the south portico of said station.

Mr. NORRIS. Mr. Chairman, I move to strike out the last word. I do this for the purpose of getting some information from the chairman of the committee in regard to an amendment to this section that seems to me ought to be adopted. I do not offer the amendment now because, in the first place, I have not had time to prepare it as I think it ought to be prepared, and in the next place it may be that after I have heard further from the chairman I will not desire to offer it.

My proposition, Mr. Chairman, is that we are providing in this section for the settlement of disputes that may occur between these different railroad companies by submitting it to a sort of arbitration. The arbitrators are the judges of the supreme court of the District of Columbia. The language is "the supreme court of the District of Columbia."

Now, it seems to me, Mr. Chairman, that we ought not to impose on the court this duty; that is out of the ordinary judicial procedure. It ought to be submitted, in the first instance, to some other board, and I suggest whether it would not be better to strike out the words "supreme court" and insert "Commissioners," and then allow an appeal from their decision to the supreme court, where it could be tried as all other lawsuits are tried. If we leave it as it is now, I submit to the chairman that either one or the other of these parties to the controversy will be practically without a remedy and without any means of appealing or getting into court for the purpose of giving them a judicial trial of the matter in dispute—something that all people and corporations ought to have under the law.

Mr. SMITH of Michigan. I can say that section 8 is in accordance with the practice that has been invoked for a good while, and there has been no trouble in leaving these matters to the supreme court.

Mr. NORRIS. There are other places in this bill where the District Commissioners are given authority to settle disputes. Why is it in this particular controversy that you submit it to the supreme court?

Mr. SMITH of Michigan. We are simply following precedents in this matter.

Mr. NORRIS. Would the gentleman see any objection to an amendment that strikes out, in line 18, the words "supreme court" and insert the words "District Commissioners," and then make the other necessary amendment to give it effect?

Mr. SMITH of Michigan. This has been the precedent for some time and no harm or injury has come from it. Nobody has complained of it so far.

Mr. NORRIS. It may be that no difficulty will come in the future, but I submit to the gentleman that it practically takes away from these parties the right to go into court and settle their differences in case they feel aggrieved on account of the decision of the arbitrators.

Mr. SMITH of Michigan. We have had the railroad companies before the committee and they have never raised any objection to having this adjusted by the supreme court.

Mr. NORRIS. Is not this procedure out of the ordinary? We do not in passing laws here ordinarily call in the courts, but we let parties get into court in the regular way.

Mr. SMITH of Michigan. Last year in Congress we let the supreme court name the school board for us.

Mr. NORRIS. I know we did; and I thought then, and have thought since, that we were unwise in doing it; that we ought to keep the court on the bench to try judicial proceedings in a judicial way, and not make of them arbitrators and clerks and various other things.

Mr. SMITH of Michigan. I confess if I had learned there had been any difficulty in the past by this precedent, I would consent to the amendment, but otherwise I do not feel like consenting to it.

Mr. NORRIS. Mr. Chairman, without making any further argument, I will move to amend section 8 by striking out the words "supreme court" and inserting in lieu thereof the word "Commissioners."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 18, strike out "supreme court" and insert "Commissioners," so that it will read "by the Commissioners of the District."

Mr. NORRIS. Mr. Chairman, if this amendment is adopted, it will be necessary to change one or two other words slightly, and then I want also to offer an amendment further along which will provide for an appeal.

Mr. UNDERWOOD. Mr. Chairman, I do not agree with what the gentleman has just said in reference to this amendment. I think it would be a very unwise change of existing law. There is no necessity for having a lawsuit about where these tracks shall run. We don't want in the District of Columbia more than two tracks on any one street, but in certain places we want to go over street car lines—the opportunity to run to the main points of interest, particularly the Union Station. We must provide that the railroad that has got the tracks down shall let another railroad run over its lines. Now, this provision in the bill as it stands is very simple. It says that that shall be done; that you shall not put more than two tracks on any street, which is proper. It says that the railroad that has got the track down shall let another competing line run over it in certain places, on such terms as they shall agree to—such trackage terms as they shall mutually agree to—but if they will not agree, if the company that has the line running wants to be the dog in the manger and keep the other fellow out, why that then an arbitrator shall be appointed. Now, it is in the interest of the public that such a question should not get into the courts and be tied up year after year to determine how and on what terms one railroad can run over the track of the other. There is no great question involved. The only question that can be involved in the case at all is the question as to what is the fair compensation for the new road going in to pay the old road for running over its lines. It is not a question that is necessary to litigate about. The law fixes what shall be done—that is, that the old line shall let the new line run over its tracks, and the only question is what compensation shall be paid. All we want is an arbitrator to determine that question if the roads can not determine it for themselves. It is for the interests of the people of the District that it should be determined speedily, and not after a long drawn out lawsuit, and I do not know any arbitrators that we can select who will stand in a more disinterested place, are more beyond the usual influence that these railroad companies can bring to bear in such matters, than the judges of the supreme court of the District of Columbia. I think the bill should remain as it is for that reason.

Mr. NORRIS. I am not finding fault, as one might suppose after listening to the argument of the gentleman from Alabama [Mr. UNDERWOOD], with the law itself, with the point involved, but only to the extent that we ought not to make arbitrators of our judges of the supreme court to settle the differences that may arise between individuals or between corporations.

The gentleman's argument is based to a great extent upon a road coming in after another has been built. This particular

case we have before us is a case where both roads are coming in at the same time as provided in this bill. Now, it is right that there should be some arbitrator to settle this difficulty if the roads can not settle it themselves, but it is not logical, it is not proper, but, on the other hand, in my judgment, it is absolutely wrong to say that we should make of our judges of the supreme court arbitrators to settle this particular difference. The gentleman says they are beyond the influences, as much as anybody could be, of political, railroad, or corporate domination. Admitting that, we do not want our judges to be used in that way. If we are going to make our judges upon the supreme bench arbitrators to settle every dispute that may arise between individuals and corporations, we will soon take away all dignity and all respect that the people generally have for the courts. If we are going to make them arbitrators to settle this difficulty, then it will be just as reasonable to say that they should settle every other class of legislation, and therefore, as a matter of fact, would be deprived from sitting as judges to try anything at any time or in any place in a judicial and logical way, as is contemplated and understood that all cases should be tried when they get into court.

Mr. SHACKLEFORD. Will the gentleman allow me to ask him a question?

Mr. NORRIS. Certainly.

Mr. SHACKLEFORD. Is it not purely a judicial function now that is conferred upon the supreme court in this section to which the gentleman refers?

Mr. NORRIS. Now, I am not going to argue whether it is judicial or otherwise. I think it has some other attributes than of a judicial function in it, and some of executive, perhaps.

Mr. SHACKLEFORD. If that be true, will the gentleman permit another question——

Mr. NORRIS. But, for argument's sake, admit that, even if that be true, it is the principle of the thing that I object to—that we ought not to take our courts and our judges and make arbitrators of them, and thus deprive them of the right and take away from them their judicial duties of hearing lawsuits and disputes in a legal way and in the way that is contemplated judges should hear and settle legal controversies.

Mr. SHACKLEFORD. Well, this in the last analysis must be based upon some judicial determination, and is it not better to provide here that it shall get in court at as early a date as possible without any intervening machinery, because in the last analysis it takes a judicial determination to settle it?

Mr. NORRIS. Even though you are going to say the findings of these arbitrators should be final and there should be no appeal from them, which is practically what you have in the bill, because you can not go into court, as you disqualify the judges from sitting on a case by selecting them as arbitrators; but even if that be the intent, it would be much better to let that decision be made by some one other than the judges. We ought not to use our judges for anything else except to hold court in a judicial way. They ought not to be permitted to be used in any other way. You lower the dignity of the court; you take away from it eventually the respect that all people ought to have for it.

Mr. SIMS. Is not this really a controversy between parties? Is not this a plan to let them go——

Mr. NORRIS. There never was a difficulty except a controversy between parties.

Mr. SIMS. And it takes a judicial determination to decide it.

Mr. NORRIS. If this is the gentleman's idea, why not do away with all other laws and let them provide how a man shall go into court, so we would have a system with the court acting as arbitrators?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I hope the amendment offered by the gentleman from Nebraska will not prevail. It seems to me that the language of the bill indicates clearly that this proceeding before the court is purely a judicial proceeding. It says:

> In case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give notice and hearings to the interested parties and to fix and finally determine the terms of the joint trackage.

It seems to me that under the provision suggested by the gentleman from Nebraska he would simply complicate matters. First, he would have a board of arbitration pass upon this matter, and generally there is considerable wrangling before a board of arbitrators can be agreed on. And then, after that board of arbitration have determined the matter and have filed their findings, if those findings are not satisfactory to the parties in interest, as a last resort those parties in interest shall go into court. Now, the provisions of the bill require that they shall go into court at once if they can not agree, and I submit that that is the fairest, the quickest, and the best method of arriving at the result.

Mr. NORRIS. Will the gentleman permit a question?

Mr. KAHN. Certainly.

Mr. NORRIS. I take it, therefore, from what the gentleman says that he would favor a law that would do away with the practice of law in the courts and compel everybody to submit their differences in the same way that we are going to compel these people to submit their differences?

Mr. KAHN. That is hardly a fair statement of the matter. However, in most of the States of the Union the laws provide that the parties in interest may go before a board of arbitrators, if they so elect.

Mr. NORRIS. Can the gentleman name one State where they make the judges of the courts those arbitrators?

Mr. KAHN. I can not.

Mr. NORRIS. I do not believe anybody else can.

Mr. KAHN. I will say for the benefit of the gentleman that it seems to be the custom here in the District of Columbia to confer extrajudicial duties upon the judges of the supreme court of the District. But I say to the gentleman that, in my judgment, when you come to analyze the language of the section that you are simply imposing upon the judges, under the provisions of this section, a purely judicial function.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska [Mr. NORRIS].

The question was taken, and the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAMPBELL of Kansas having taken the chair as Speaker pro tempore a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment joint resolution and bill of the following titles:

H. J. Res. 138. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in the northern prisons and were buried near the prisons where they died, and for other purposes.

H. R. 12401. An act to legalize a bridge across the Mississippi River at Rice, Minn.

The message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 20.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause such survey and examination to be made of the existing canal and locks at the Falls of the Willamette River at Oregon City, Oreg., as may be necessary to ascertain what sum of money, at present prices, of labor and material, should be appropriated by Congress in addition to the appropriation already made by the State of Oregon therefor, to enable the Government to acquire said canal and locks and properly repair the same.

Senate concurrent resolution 35.

Resolved by the Senate (the House of Representatives concurring) That the Secretary of War be, and he is hereby, authorized and directed to submit an estimate to Congress as to the cost of improvements and works necessary to restore the Missouri River to its proper channel at the city of Atchison, in the State of Kansas.

Senate concurrent resolution 37.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of Providence River and Harbor between Kettle Point, Rhode Island, and Gaspee Point, Rhode Island, with a view to widening and straightening the channel and dredging the same to a depth of 25 feet at mean low water, and to submit a plan and estimate for such improvements.

EXTENSION OF STREET RAILWAY LINES TO THE UNION STATION.

The committee resumed its session.

Mr. SHACKLEFORD. Mr. Chairman, I gave notice this morning that I would offer an amendment in the form of a new section at the end of section 6, on page 12. I ask unanimous consent that we may return to that section in order that I may offer the amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. SHACKLEFORD] asks unanimous consent to return to the end of section 6 for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Amend by adding on page 12 at end of line 24, as a new section, the following:

"SEC. 6. That all companies or corporations which now are or shall hereafter be engaged in the operation of street cars within the District of Columbia shall have equal rights and privileges in relation to the passage of street cars over the tracks herein authorized and directed to be constructed, upon payment of reasonable compensation for such use. In case of any disagreement between companies or corporations concerning the terms of such use or the sums to be paid therefor all matters at issue shall be determined by the supreme court of the District of Columbia. In determining what is a reasonable compensation for the use of such tracks no account shall be taken of the value of

the franchise of any company or corporation involved in the determination, but such compensation shall be based solely upon the actual value of the physical property used and the reasonable cost of its maintenance."

Mr. SHACKLEFORD. Mr. Chairman, naturally the streets belong to the public; and if any street shall be given to a particular railroad for use, it amounts to a monopoly unless other companies may be permitted to lay parallel tracks along the same street or to use the tracks already laid. Everybody who is familiar with the streets of this or any other city knows that it is wholly impracticable and out of the question to lay more than a double track in any street. Therefore, to prevent a street falling into the hands of any particular company, and to be used by it as a monopoly, I have offered the amendment which has been read.

We find a parallel for this in the franchises that are given to railroads to build bridges across navigable streams. For instance, it would be wholly impracticable to let every railroad that desires to enter a given city erect a separate bridge in order to get to that city. A multiplicity of bridges would be an impediment to navigation. Congress has universally, in granting these bridge charters, provided that all railroads desiring to use such bridges shall have equal rights and privileges in the use thereof. So I think it should be with reference to these streets.

Privileges can not be granted to a number of railroads to lay tracks upon a given street, and the only way remaining to prevent the granting of an absolute monopoly to the company that first gets the privilege of using a particular street is to provide that when a track is laid upon that street all street car companies desiring to use that track shall have equal rights and privileges in the use of it, paying therefor a reasonable compensation. And that compensation, I think, and as I have required in the amendment which I have drawn, should be based upon the value of the physical property and the necessary expense in maintaining it, and a reasonable return upon the amount of money actually invested. The tracks that are being allowed here to-day amount, in fact, to a belt line around the Union Station. The traction companies we now have may not choose to build all the lines the people of this city need. No other company can build to that station unless it shall use these tracks we are now authorizing. The streets belong to the public. They should forever belong to the public and be used for the benefit of the public, and they can not be so used if these companies named in this bill shall secure a monopoly of them.

The tracks should be treated precisely as a terminal station. They should belong not to the railroads, but to the people, to be used by the people, to be used by every company that chooses to serve the people. Otherwise we shall have a most hurtful monopoly in this as we have in many other cities. It would be no hardship upon one of the companies putting down these tracks. They are, under my amendment, to receive from another company using them a reasonable compensation, based upon the value of their property and the cost of its maintenance.

Mr. CAMPBELL. Is not the converse of that proposition also true; for under your amendment would not a company that had a couple of cars and a block of street railway then get the privilege of using all of the trackage within the city?

Mr. SHACKLEFORD. It is hardly so broad as that, but admitting for the sake of argument that it is, would they not have to pay for it a reasonable return if they used the tracks; a reasonable return for the money invested in them? And they are not entitled to more than a reasonable return.

Mr. CAMPBELL. Would that include pay for the passengers they had picked up on all the route of the railroad?

Mr. SHACKLEFORD. There is the point I make. The gentleman has brought that point out. What I contend is that they should have a reasonable compensation upon the amount of money they had invested for the tracks and the amount of money that is required to keep those tracks in repair and a reasonable interest or rent or income, as you choose to call it, on the money invested. Everything else is something they do not own, something that the people own. Do you want these companies to collect dividends on the franchises which we give them for nothing?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHACKLEFORD. I ask that I may have five minutes more.

Mr. CARLIN. I dislike very much to object to extending the time of the gentleman, but there are other sections here that we want to consider, and the gentleman should have been here when this section was under consideration.

Mr. SHACKLEFORD. Oh, Mr. Chairman——

Mr. CARLIN. Other gentlemen want to have an opportunity to be heard on other sections.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may proceed for five minutes more. Is there objection?

Mr. CARLIN. I withdraw my objection.

The CHAIRMAN. The Chair hears none.

Mr. SHACKLEFORD. Now, Mr. Chairman, the point I was making has been clearly placed before this House by the gentleman from Kansas [Mr. CAMPBELL], to wit, that these companies shall have in the future the right, as they have done in the past from time immemorial, to collect an income upon the amount of money they have invested, collect an income on the amount of money that they shall annually expend in keeping up their property, and collect in addition an income on the franchise that is given to them for nothing by act of Congress.

Mr. CAMPBELL. Will you yield to me?

Mr. SHACKLEFORD. I have hardly time; I would if I had more time.

The CHAIRMAN. The gentleman declines to yield.

Mr. SHACKLEFORD. Now, what I want is, that we shall grant no monopoly of streets. The company may have a monopoly in the money that it has invested; it may have a monopoly in the money it expends in keeping up its property, and it is entitled to an adequate income upon that investment; but this intangible, invisible thing, called a "franchise," that is given to it as a munificent bonus by Congress, is not to be put up as a barrier between the people and the better and cheaper facilities of transportation that they demand.

I ask unanimous consent that I may have permission to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Mr. Chairman, I approve of every word the gentleman from Missouri has stated. I want to say that when this matter was first suggested to the committee I heartily favored it. I had an idea at that time that we could make it binding, but upon inquiry I find there is no general law permitting railways outside of the District to enter the District of Columbia; consequently street railways, or any other kind of railroad, that comes into the District of Columbia must come in by special act of Congress. And that special act provides how it shall get in, and what tracks, if any, it shall use, and the terms upon which it may do so. If we had a general law of this kind we could not bind any future Congress, and any Congress following, or this one, could hereafter authorize any company to come in, and come to this Union Station upon such terms as might be fixed, thereby, in effect, repealing the provisions of any general law.

Mr. UNDERWOOD. Is it not a fact that there is a street railway company which has built an electric railroad between Baltimore and Washington which has come to the edge of the city limits and can not get into town?

Mr. SIMS. I do not know about that. I do not know whether that is so or not.

Mr. UNDERWOOD. And would it not have the privilege of coming in under this amendment?

Mr. SIMS. There has been no bill before our committee authorizing it, and they will have to have a bill in order to do it.

Mr. SHACKLEFORD. Did not that company get a charter at the last session of Congress?

Mr. SIMS. Not that I know of.

Mr. UNDERWOOD. Would not that company be authorized, upon reaching the city limits, to come in by paying a price to be agreed upon, or in the event of a failure to agree, to be fixed by the court?

Mr. SIMS. I should not think so, because every railway corporation operating in the District of Columbia does so by authority of a special act of Congress, and if it takes a special act, then that act can make any provision which Congress sees proper.

Mr. SHACKLEFORD. Would it not be well in granting this franchise now to reserve this, which they may say we have not the power to take away from them afterwards?

Mr. SIMS. We do reserve the right to alter, amend, or repeal.

Mr. SHACKLEFORD. That does not reach the point.

Mr. SIMS. I have no objection to the objects and purposes of the amendment, but it seems to me it will be futile, for other corporations can not operate in the District of Columbia without a special act of Congress, because the special act will fix the terms upon which the corporation may operate in the District of Columbia, in spite of any general law we pass now.

Mr. UNDERWOOD. I thought the provision of the gentleman from Missouri was a general law. I should like to hear that amendment read.

Mr. SIMS. It is a general law.

Mr. SHACKLEFORD. It would bind all the companies now operating railroads in the District of Columbia and in effect would be a general law.

Mr. SIMS. It is a general law so far as existing lines are concerned.

Mr. SHACKLEFORD. Limiting the franchise that we are now granting.

Mr. SIMS. But no road can get in without a Congressional franchise, and in enacting that franchise Congress can impose such conditions as it may see fit, which will in effect be a repeal of the general law.

Mr. SHACKLEFORD. One other question, please. Can another Congress give to another company that which we now give away to this?

Mr. SIMS. This is a mere privilege. We do not give them anything, only the right to do what they themselves are doing, not the right to keep somebody else from doing it.

Mr. SHACKLEFORD. They will argue that it does; and why give them the opportunity to make the argument?

Mr. SIMS. We have already an act providing for the use of tracks, upon making proper compensation. In this very bill we authorize the use of tracks by different companies, upon such compensation as shall be agreed upon, or, in case of disagreement, to be fixed by the court. I am not opposed to the gentleman's provision. The trouble is, I do not believe it will ever apply, because every new company coming in will have to come in by virtue of an act of Congress, and that act will make the terms upon which it shall come in, in spite of any law we may pass now. I have no objection to it, but it seems to me we can not bind future Congresses.

Mr. CAMPBELL. The gentleman from Tennessee [Mr. SIMS] has stated the objection to the amendment offered by the gentleman from Missouri [Mr. SHACKLEFORD]. The whole matter has been gone over thoroughly. This amendment is not new to the members of the Committee on the District of Columbia. We took the position in the committee that I take here, and that the gentleman from Tennessee has taken here. We have reserved in this bill, as is done in all franchise bills, the right to alter, amend, or repeal the law granting any privileges in the District of Columbia. My opposition to this amendment is that it would enact a general law here, giving any street railway company, or any trolley company applying for the privilege, the right to use the lines of any or all the street railways here in the District. The amendment does not confine its privileges to those already in existence, but refers also to those that may hereafter be built, Inasmuch as any street railway company that comes into the District of Columbia hereafter must come in as the result of an easement given over the streets of the city by act of Congress, we can provide for them in the light of the claims that are made by that particular company. Under the provisions of this amendment a suburban line a mile in length, or less, and with three or four cars, could have full use of all the tracks now built on the streets in this city, and could pick up passengers and get the revenues that rightfully belong to the companies that have built these street railways and which are more entitled to their use, I submit, than any company that builds a mile or two outside of the city and has but a few cars.

The gentleman from Tennessee [Mr. SIMS] well stated early in this debate this afternoon that a street railway has a natural monopoly on the street. One line of street railway upon a single street is a monopoly, but we have provided in section 8 of this bill that no one company shall have a monopoly in the use of the tracks approaching the Union Station. We have reserved the right to exercise the control which Congress always reserves in granting these franchises; we say that all companies to which we refer in this bill shall have the right to use all the tracks going to Union Station, and I have no doubt that any company that comes into the District of Columbia in the future by authority of Congress will have the same rights that we give to the companies that are here now under the provisions of this bill.

I object to the amendment because of its sweeping character and because we have a right at all times to give any company, when such a company makes application to come into the District of Columbia or into the Union Station, such privileges as under the other conditions it is entitled to. I hope the amendment of the gentleman from Missouri may not be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. SHACKLEFORD].

The question was considered, and the amendment was rejected.

Mr. SMITH of Michigan. Mr. Chairman, I move to return to section 3.

Mr. HEPBURN. I withdraw my request, Mr. Chairman, to return to section 3.

The CHAIRMAN. At the request of the gentleman from Iowa the committee passed section 3 without prejudice. The gentleman from Iowa now states that he does not desire to return to it. Without objection, section 3 will be considered as agreed to. [After a pause.] The Chair hears no objection. The Clerk will read.

The Clerk read as follows:

SEC. 13. That existing transfer arrangements between the Washington Railway and Electric Company and the Metropolitan Coach Company, a corporation of the District of Columbia, shall not be terminated, except by authority of Congress; and unless said Metropolitan Coach Company shall, within one year after the passage of this act, substitute motor vehicles to be approved by the Commissioners of the District of Columbia for the herdics now used by it, its right to operate its line shall cease and determine: *Provided further*, That all transfers issued by the Metropolitan Coach Company shall be properly dated and punched as to time limit as provided by rules and regulations to be made, altered, and amended from time to time by the Commissioners of the District of Columbia, and that unless said transfers are so dated and punched the Washington Railway and Electric Company shall not be required to receive them.

Mr. SMITH of Michigan. Mr. Chairman, at the end of line 5, page 17, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Insert at the end of line 5, page 17, the words "*Provided*, That nothing herein contained shall be held to give the said Metropolitan Coach Company any franchise to use any of the streets and avenues in the District of Columbia."

Mr. SIMS. What is the object of that? It was not considered by the committee?

Mr. SMITH of Michigan. A question has arisen that possibly under that section the herdic company may gain franchise rights in Sixteenth street, and therefore I offer the proviso.

Mr. SIMS. It looks to me like a case of imagination; there is nothing in the law indicating anything of that sort.

Mr. SMITH of Michigan. I quite agree with the gentleman.

Mr. SIMS. I would like to have the amendment voted down.

Mr. SMITH of Michigan. I am doing this at the suggestion of the corporation counsel of the District, so as to save any possible question in the future about the rights of the herdic company. It can do no harm and I hope the gentleman from Tennessee will let the proviso go in to save any question.

Mr. SIMS. I have not studied it. This bill has had a long, hard struggle to exist because of the lack of statutory requirement to make transfers. Now, if they fail to put in the electric herdics or cabs within twelve months, it shall cease. They have got to provide capital with which to do that; to make a mandatory provision for transfers, coupled with the provision that they must put on the equipment provided in the act, will enable them to get the capital to do this. This service is desirable. We do not want to have any more street cars in the District of Columbia than we can help, and then to say that it gives them no franchise looks like something of a shadow or something that might injure their ability to secure money with which to comply with the terms of the act.

Mr. SMITH of Michigan. It was the opinion of the corporation counsel that possibly at some future time, by reason of this section, the herdic company might claim they had some franchise rights in Sixteenth street.

Mr. SIMS. I can not for the life of me see how they can gain rights they have not got.

Mr. UNDERWOOD. Under the terms of the bill if any franchise rights are given we have a right to repeal them.

Mr. SMITH of Michigan. That is true.

Mr. UNDERWOOD. It does not seem to me the gentleman accomplishes anything by putting this proviso in, except to limit the opportunity of this motor company to compete with the street car company. You limit the opportunity of issuing the bonds or raising capital by reflecting on the company in this bill, and thereby may prevent them from inaugurating a motor line which will be a competitor of the street car companies and undoubtedly of great benefit to the residents of the District.

Mr. SMITH of Michigan. Well, I am not very strenuous about it.

Mr. DRISCOLL. All the gentlemen seem to agree that this herdic company or other company could obtain no franchise. Now, the provision is offered by the chairman of the committee putting that in writing, so that there will be no doubt about it. If it is voted down, won't it be fair to assume that some of the gentlemen on the floor of the House think that this company will obtain a franchise by user or prescription or in some way?

Mr. UNDERWOOD. I will say this——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. UNDERWOOD. I ask to be recognized. I think unquestionably we are giving under this bill to this company a franchise right, not to build a street-car line, but a franchise right to run a motor car on Sixteenth street, and I think it is wise to give it that right. To the people who live out Sixteenth street that line has been of great service. If they put on motor cars instead of horses and wagons it will be of greater service.

Mr. DRISCOLL. I understood from the gentleman from Tennessee [Mr. SIMS] that they assume that the company would not be given any franchise rights.

Mr. UNDERWOOD. If the gentleman reads the bill he will clearly see that they are given the franchise rights to run a motor car. Why should we reflect on that franchise in this way, when it may be of value to them in obtaining money to buy their motor cars?

Mr. DRISCOLL. Mr. Chairman, I will ask to have this amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. UNDERWOOD. The gentleman will see that this is an absolute limitation. Here you have a herdic company. We want them to put motor cars on instead of herdics. They have that right. You do not say in that amendment that they do not have any franchise as a street car company, but you say they shall have no franchise at all. The sections of the bill propose to give them a franchise—the right to run a motor car on Sixteenth street.

Mr. DRISCOLL. Can't they run their motor cars without any franchise?

Mr. UNDERWOOD. I don't know whether they can or not. They probably have to have a permit.

Mr. DRISCOLL. Is there not danger that they will assume that they have some sort of a franchise greater than the ordinary man has who drives a motor car or a team of horses?

Mr. SMITH of Michigan. Is it not true that all they have now is a license or a permit? They have no franchise.

Mr. UNDERWOOD. If they claim more than Congress wants to give them, Congress can repeal it.

Mr. SMITH of Michigan. I can not understand how it would do any harm to put this in, it would save any harm in the future.

Mr. SHERLEY. Would it not be wise to add to the amendment offered by the gentleman the words "not now possessed?" In other words, they have certain privileges now, and the effect of the amendment would be to bring into doubt the rights they now possess, whereas if you add to it that this shall give them no additional rights, then you safeguard without impairing what they ought to have and now properly have.

Mr. NORRIS. Will the gentleman permit a suggestion there? Just in addition to what the gentleman from Kentucky has said, I want to say it seems to me now they have absolutely no franchise——

Mr. SMITH of Michigan. Certainly not.

Mr. NORRIS. And if you strike out section 13 of the bill, they would not have a franchise, but if you leave it in you give them one, for the simple reason that you say in that section that the present arrangement shall not cease except upon permission of Congress. If that has any legal effect, and I doubt it greatly, it means what it says, of course.

Mr. SMITH of Michigan. That the transfer arrangement shall not cease. They have now a permit.

Mr. NORRIS. That the arrangement they now have with the electric-car company shall not cease without consent having been given by Congress. Now, you say in one breath they shall go on and do so and so and in the next breath you say they shall not have any franchise.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I ask to be recognized in my own right. I want to say this, Mr. Chairman and gentlemen of the committee, this amendment offered by the chairman is not a committee amendment. It has never been considered in the committee at all, and it is sprung on us so suddenly we have not had time to consider it, and I think it ought to be voted down. I do not think a cloud should be thrown on this herdic service; we simply give them the power to substitute a different vehicle from the one they have and provide that transfers shall cease unless they make the substitution.

Mr. HULL of Iowa. Will the gentleman yield? Is it not a fact that the gentleman's amendment absolutely makes it impossible for the motor company to make any arrangement whatever for transfers with the street car companies?

Mr. SIMS. That is exactly what I say, and I desire——

Mr. HULL of Iowa. Therefore it compels a passenger desiring to go on the motor company to pay two fares, when we are now trying to reduce them to one. I think the amendment is a bad one.

Mr. SHERLEY. Mr. Chairman, I desire to offer an amendment to the amendment offered by the gentleman from Michigan, and that is to add the words "not now possessed" at the end of said amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment which the Clerk will report.

The Clerk read as follows:

Add the words to the amendment "not now possessed," so as to read "any of the streets and avenues in the District of Columbia not now possessed."

Mr. SHERLEY. Mr. Chairman, I desire also, with the permission of the committee, to add the words "and hereby given."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read the amendment, as follows:

Add also the words "and hereby given."

Mr. NORRIS. Mr. Chairman, I make the point of order that the motion made by the gentleman from Kentucky is one degree too remote, since this bill itself is an amendment.

The CHAIRMAN. The gentleman is mistaken——

Mr. SHERLEY. The gentleman will recall the committee agreed by uanimous consent that this bill should have the same parliamentary status as a bill originally reported.

Mr. NORRIS. I did not understand we made that agreement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky to the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs to the amendment of the gentleman from Michigan as amended.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 14. That the Washington Railway and Electric Company and the Capital Traction Company be, and they are hereby, authorized and required, jointly, to construct, maintain, and operate, by overhead trolley, temporary railway tracks for passenger service from the Union Station to the intersection of either North Capitol street or Delaware avenue and C street north, as the Commissioners of the District of Columbia may direct, said tracks to be constructed within sixty days from the date of the approval of this act in accordance with plans approved by the Commissioners of the District of Columbia, said tracks to be maintained and operated by said companies to the satisfaction of said Commissioners, and to be removed by said companies after the construction of the permanent street railway tracks herein provided for within thirty days after notice from said Commissioners so to do.

Mr. MADDEN. Mr. Chairman, I want to call the attention of the committee to the language used in lines 18 and 20, commencing after the word "companies" in line 18, page 17, section 14, and ending with the word "for" in line 20. The thought has been suggested to me that although the bill provides that the road must be completed within twelve months, that the Commissioners may have the power to extend the time for the completion of the permanent work six months longer, that if the companies should not wish to build the permanent work at all, that the Commissioners would not have power under the wording of this section to order the removal of the temporary tracks, because this language, commencing in line 18, says:

After the construction of the permanent railway tracks herein provided for within thirty days after notice from said Commissioners so to do.

If the section were allowed to read "and to be removed by said companies within thirty days after notice from said Commissioners so to do," without the other language being in the section, it would be within the power then of the Commissioners to order the removal if the permanent structure was not completed at all by the company.

Mr. SHACKLEFORD. May I interrupt the gentleman?

Mr. MADDEN. Yes, sir.

Mr. SHACKLEFORD. That seems to be a wise proposition. Why does not the gentleman make a motion to that effect?

Mr. MADDEN. I am going to, but I wanted to explain, so that the committee would understand the purpose of it. Now, I move to strike out the words in line 18, commencing after the word "companies," down to and including the word "for" in line 20.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 17, line 18, after the word "companies,' strike out the words "after the construction of the permanent street railway tracks herein provided for."

Mr. SMITH of Michigan. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 16. That all street railway companies or lessees now operating or controlling, or hereafter operating or controlling, their systems or part of their systems in the District of Columbia are hereby authorized and required, and shall, in said District, make or cause to be made and given, at all times, free, reciprocal, continuous, universal transfers, interchangeable to, from, and over the line or lines of every other street railway company or companies in said District, good and receivable at all junction points, intersections, or connections of every said street railway company with the line or lines of every other said street railway company, for one continuous passage in one general direction for one cash or ticket fare. All said street railway companies are authorized and required to receive, accept, and honor all transfers made or given in accordance herewith, and to carry all passengers transferred without the payment of additional fare: *Provided*, That all said street railway companies shall sell six tickets for 25 cents.

Mr. SHACKLEFORD. Mr. Chairman, I have an amendment pending to that paragraph which I desire to have read.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 18, line 22, by striking out the word "six" and inserting in lieu thereof the word "eight."

Mr. SHACKLEFORD. Mr. Chairman, just a word. It has been stated by some of the gentlemen who were discussing this question to-day—the gentleman from Illinois [Mr. MADDEN] and the gentleman from Tennessee [Mr. SIMS]—that some of these railroads are paying a dividend on a capitalization of $650,000 to the mile. It has also been stated on this floor by gentlemen who are competent to pass judgment upon such matters that $100,000 per mile would be an extravagant sum for building and equipping these railroads. In other words, Mr. Chairman, it has been shown that we are paying a 6 per cent dividend to these railroads on six and one-half times the amount of capital required for building and equipping them. We are to-day in the midst of a panic brought on very largely by corporations watering their stock and floating that water out to absorb the money of the country. There is no better place on earth to commence the correction of overcapitalization than right here now. If a 5-cent fare pays a 6 per cent dividend on six and one-half times the actual value of the property engaged, this amendment will still furnish ample funds to pay a fair, honest dividend upon the real value of the property of these railroad companies. How much longer must the American public pay for the water that is fraudulently put into the stocks of the corporations?

Mr. Chairman, this is the capital of the Republic. We as the Congress of the United States ought to stand here as models of what legislators should do in behalf of the people. We ought not to wink at overcapitalization. We ought not to tolerate overcapitalization. Every man upon this floor knows that $650,000 per mile is overcapitalization. Every man upon this floor knows that in paying dividends upon $650,000 a mile these railroads are compelling the people to pay dividends upon water that has been forced into the capitalization of these roads. It is not worth while to wait until we go home and get upon the stump and talk about overcapitalization. It is up to every gentleman upon this floor to show his faith by his works. Vote as you talk! Here is a chance to say by your vote that you are opposed to overcapitalization. Do not wait until you get home among the glorious constituency that you represent.

Mr. DRISCOLL. I would like to ask the gentleman how many members of the Committee on the District of Columbia who examined this matter are in favor of this amendment?

Mr. SHACKLEFORD. Mr. Chairman, I trust the gentleman will excuse me from betraying the secrets of executive sessions of my committee. The rules do not allow it.

Mr. DRISCOLL. I would like to know if any of them really believed that the company could afford to do this.

Mr. SHACKLEFORD. Mr. Chairman, if a company is paying 6 per cent on $650,000 a mile, and probably not worth more than $100,000, on a 5-cent fare, can not it pay a fair dividend on the real value on a 3-cent fare? What Tom Johnson has done can not we do?

Mr. DRISCOLL. What are their running expenses?

Mr. SHACKLEFORD. Their running expenses are about 50 per cent of the gross income, and the other 50 per cent pays 6 per cent on $650,000 a mile, which is more than six and a half times its value. Now, that is all I have to say.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman what provision is there for limiting the issuance of bonds for the extension of these railroad lines as provided, as I understand they are compelled by the letter of this proposed enactment.

Mr. SHACKLEFORD. I am not informed just what the provisions are; but it does not make any difference on this question of the universal transfer and 3-cents fare.

Mr. SLAYDEN. Am I to understand that there is no provision limiting the amount of bonds and obligations that they may issue?

Mr. SHACKLEFORD. There is no provision to limit their bonds or stocks. That is one of the things that I have been trying to remedy. I have been trying to get a bill out of my committee authorizing the Secretary of Commerce and Labor to assess the value of the physical property of these roads, but I have not been able to do it.

Mr. SLAYDEN. Mr. Chairman, I am sorry that I was not able to get the information that I really wanted, as to what provision it was proposed to make in this law for the issuance of securities against the roads that the letter of this proposed act compels the companies to construct, because, as I understand it, we can not now legislate in such a way as to compel a reduction of the capitalization on lines already in existence and where the securities have been issued. But we can control future issues, and reasonably do so. We can with propriety say what shall be the revenue collected upon the mileage to be constructed.

Mr. Chairman, I do not know whether these roads can afford to carry passengers for 3 cents. I have not heard of any demand for 3-cent fare. I am much more interested in securing adequate transportation for what we do pay, and I believe that the public is. It rarely happens that a Member of Congress going home after a day's session can get a seat in a car. They are crowded to an unusual degree of discomfort. I would like primarily to see better accommodation for the traveling public; to have more cars, and for the passengers to have an opportunity now and then, at least, to get a seat. Then I belong to that rather numerous class that enjoys a cigar in the morning, and when I start to the Capitol I would like to have a seat in a car dedicated to the use of smokers. [Laughter.]

I wish for better accommodation for the fare we are now paying, 4 cents, which I do not believe excessive. Before undertaking to compel any further reduction, I first want to see the public accommodated. There is no complaint as to the amount charged, but there is daily, hourly, complaint about the accommodation. I had an experience a few days ago in company with one of my colleagues, Mr. REID, of Arkansas. It was late; we were both anxious to get home, and very unhappily had to stand on the platform, and I could barely get a footing at that. If it had not been for the big husky character of my colleague, I believe that the motorman or conductor would have licked me for getting on the platform. [Laughter.] I want to see better facilities and better accommodation, and I believe that the people of Washington would be willing to pay a 4-cent fare for better service. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. TAYLOR of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 18, amend section 16, in line 11, by inserting, after the word "over," the following: "its own line or lines and;" and in line 12 strike out the word "every" and insert the word "any;" in line 15, after the word "with," insert "its own line or lines and;" in line 15 strike out the word "said."

Mr. TAYLOR of Ohio. Mr. Chairman, this amendment was sent to the desk this morning by Mr. JOHNSON, a member of the District Committee from Kentucky. The object is simple. The provision is made because without it in one or two instances these companies would not transfer to any other track on their own lines with which they came in contact. That is the sole purpose effected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

Mr. CARLIN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

That section 16 of the pending bill be amended as follows:
After the words "twenty-five cents," at the end of line 22, section 16, page 18, add the following:
"The provisions of this section shall apply to all railroad or railway companies which operate cars by electricity within any portion of the District of Columbia, and which enter the same from the States of Virginia or Maryland, whether they physically connect or not with the other electric railways."

Mr. CARLIN. It is not intended by that amendment to enlarge this section, but, rather, intended to make certain the construction of the act. I do not understand that there is

any objection to the amendment on the part of the chairman of the committee, and for that reason I will not discuss it.

Mr. SMITH of Michigan. Does the gentleman understand that it permits a person to get six tickets for a quarter, and on one of those tickets go to Alexandria?

Mr. CARLIN. No, sir; it simply permits them to get six tickets for a quarter, for the purpose of riding on any such car line within the District of Columbia, and getting their transfer at the end of the car line in the District.

Mr. TAYLOR of Ohio. Will the Clerk read that amendment again?

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. FITZGERALD. I wish to inquire of the gentleman, would not this amendment permit a person getting on a car at the Capitol to get off at Twelfth street and take a car to Mount Vernon on a transfer?

Mr. CARLIN. No; because Congress only has authority to legislate concerning this road within the District of Columbia. Under the present act of Congress this road is now compelled to do a street car service within the District of Columbia.

Mr. FITZGERALD. Take the other part of it. A person leaving Mount Vernon, arriving at the terminal of that road in this city, would be entitled to receive a transfer, and to ride to any part of the District of Columbia. While I believe that the Members of the House wish to perfect a transfer system that will permit interchange from one system of roads to another, I doubt whether any such transfer system as proposed in this amendment would effect what is in the contemplation of anybody. Now, that railroad——

Mr. CARLIN. I thought the gentleman wanted to ask me a question.

Mr. FITZGERALD. I think I got the floor.

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from New York?

Mr. CARLIN. No, sir; I do not. I did yield for the purpose of a question.

Mr. FITZGERALD. I beg the gentleman's pardon.

Mr. CARLIN. I judge from the gentleman's remarks that he has not read the provision to which the amendment is intended to apply.

Mr. FITZGERALD. I have just heard it read.

Mr. CARLIN. You have heard the amendment.

Mr. FITZGERALD. The section has just been read, and if the gentleman was here he would know that it had been read.

Mr. CARLIN. I was here and I understand that, but I did not know the gentleman had heard it. The provision is as follows:

SEC. 16. That all street railway companies or lessees now operating or controlling, or hereafter operating or controlling, their systems or part of their systems in the District of Columbia are hereby authorized and required——

Now, the railroads to which this amendment is intended to apply do operate parts of their lines in the District of Columbia, and this provision is intended to apply to those railroads. The object of this amendment is simply to make the provision more certain.

A deeper reason is this: The railroads which come into the District of Columbia from the neighboring States, namely, Virginia and Maryland, haul passengers a shorter distance for five cents than any railroads which operate exclusively in the District. They are authorized and compelled to do a street car service, and they do a street car service within the District of Columbia, and a new union station is shortly to be constructed just north of the Long Bridge, under an act previously passed by this Congress, and all the people who come into the District of Columbia from the south must and will use that Union Station as a matter of convenience; and when they get off at that station and pay a street car fare over the Mount Vernon Railroad into the city of Washington, they will be as much entitled to transfer over the other roads as will anybody who gets on a Pennsylvania avenue car and rides to that point.

Mr. TAYLOR of Ohio. Does not the first part of this section cover the case that the gentleman is trying to bring into the bill?

Mr. CARLIN. I discussed that with the chairman of the committee.

Mr. TAYLOR of Ohio. Let me read the portion I refer to. It says that any street railway company operating its lines or a part of its system in the District of Columbia shall do all these things.

Mr. CARLIN. There would not be any question that you were correct if it were not for the fact that in the act you use the words "at all junction points." That would mean a physical connection, and the only object of my amendment is to avoid the question of a physical connection.

Mr. TAYLOR of Ohio. The gentleman wants that special line between the Capital Traction and the Alexandria track known as a junction?

Mr. CARLIN. That is the effect of my amendment.

Mr. WILLIAMS. Mr. Chairman, if the gentleman will allow me, it is true that this road from Mount Vernon makes no physical connection with the Pennsylvania avenue line, but it does not miss it by over 40 feet. It comes in down by the post-office, and this bill, which says that a transfer shall be had wherever there is an intersection or connection, would not, without this amendment, apply. Take the line that comes in from Maryland; it goes to the Treasury and it misses a physical connection with the car line there, the Fourteenth street car line, by about 4 feet, but it does not make the connection. There is no intersection, no connection.

Mr. CARLIN. The gentleman from Mississippi has very properly interpreted the effect of my amendment.

Mr. SIMS. If the gentleman from Virginia will modify his amendment to show that it only applies to tickets purchased for use within the District, it will avoid the objection of the gentleman from New York. As stated, it is unfair for a man to get on at Mount Vernon and buy a ticket through and then get a transfer to go anywhere he wishes in Washington, and if this amendment does not mean that, it ought to be made to say so.

Mr. WILLIAMS. Why is it any more unfair than if he gets on at Georgetown?

Mr. SIMS. This is not a city company. The Mount Vernon Company runs about 18 miles and charges 75 cents or $1.

Mr. CARLIN. I did not understand the gentleman from Tennessee [Mr. SIMS] to object to my amendment when I showed it to him and he read it.

Mr. SIMS. I do not object to it if the proper language is used to show the gentleman's intention, and I suggest that it will obviate the objection of the gentleman from New York [Mr. FITZGERALD].

Mr. CARLIN. In answer to the suggestion of the gentleman from Tennessee and also the gentleman from New York [Mr. FITZGERALD], I want to say that Congress has no power to regulate fares within the State of Virginia.

Mr. SIMS. Oh, yes; it is an interstate road, and we have full power.

Mr. CARLIN. Well, it may be true that the company is an interstate company, but there is no such intention as that indicated by the gentleman in my amendment. It is to meet the conditions made by the use of the word "junction" in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was considered, and on a division (demanded by Mr. CARLIN) there were—31 ayes and 46 noes.

So the amendment was rejected.

Mr. UNDERWOOD. Mr. Chairman, I desire to offer the following amendment:

The Clerk read as follows:

On page 18, lines 16 and 17, strike out the words "in one general direction," so that the clause will read, "for one continuous passage for one cash or ticket fare."

Mr. UNDERWOOD. Now, Mr. Chairman, I would like to ask the attention of the chairman of the committee until I explain this amendment, because I would like to have him accept it. These words "in one general direction," as I understand, are used in the present law for the transfer by each company. Under that system if you get on the street car at the Public Printing Office and ride toward the Treasury Department and want to come back to the Capitol, that company will not give you a transfer. If you get on at the Printing Office and ride toward the Treasury and want to go to Georgetown you can get a transfer; but, as I say, if you want to come to the Capitol you have to pay two fares, because it is not in the same general direction. Now, there is no cross-town road by which you can get to the Public Printing Office, and if you do not strike out these words you will require every citizen who lives along this section of the city, when he wants to come to the Capitol or to the Navy-Yard, to pay two fares, and it will not be a general transfer.

Mr. SMITH of Michigan. I want to say to the gentleman that if we do not leave those words in there we will find plenty of people riding around in a circle.

Mr. UNDERWOOD. I will say to the gentleman that he is mistaken about that, and I will tell him why. We have a universal system of transfers in my town. As a matter of fact

you can get on a car and ride in a circle if you want to—some of the street cars run in a circle—but I have never known of a man who gets on a street car for the fun of riding on a street car. He is usually going somewhere.

Mr. SMITH of Michigan. Oh, they frequently do it here in the summer time.

Mr. UNDERWOOD. But there is a limitation on that. Besides that, I will call the gentleman's attention to this fact: You could not ride in a circle under this proposition. You would get to the end of the line eventually, because it is not in the same general direction. If you keep the words in the bill that are in there now, "not in the same general direction," you are going to prohibit all the people that come down on a V-shaped proposition from having a transfer. There are a great many people that live out in the neighborhood of the New York avenue line who work at the navy-yard. There is no reason on earth why you should require those people to pay two fares when you are letting other people ride on one fare. There is no cross-town connection. If you want to go from the Public Printer's Office to the Capitol and ride on a street car, the only way you can do it is to go down to Fifteenth street and come back.

Mr. SMITH of Michigan. But I desire to remind the gentleman that if this bill is enacted into law it will cure the defects that he spoke of. We are going to have a cross-town connection.

Mr. UNDERWOOD. But there are other places where this same thing occurs where there is no cross-town connection.

Mr. SMITH of Michigan. If the gentleman's proposition is accepted, a man can get on a car at Pennsylvania avenue and ride over to Georgetown and out to Chevy Chase and back down to U street and down Florida avenue to Eighth and down Eighth to where he got on. He will transfer in a circle. The object of these words was to prevent anything of that kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, I admit that there may be some cases in which it might be abused if we strike out the words "in one general direction," but on the other hand I know that you are going to prevent a great many people from getting the benefit of the universal transfer if you leave those words in, where they come down the two sides of a V-shaped situation. Therefore I think it is better to eliminate those words. There will be very little loss on the part of the company, and you will put a great many people to a great cost in this town merely because of a few people who might, for the pleasure of it, make a continuous circuit. They have got to get off eventually. It is very seldom they will ride just for the fun of riding. I say for the benefit of these people who live along these lines we ought to strike out the words "in one general direction."

Mr. HARDY. Mr. Chairman, I would like to ask the chairman of the committee one question. We will suppose a man on a street car comes down Fourteenth street to the connection with the Avenue cars.

Mr. SMITH of Michigan. Does the gentleman refer to Pennsylvania avenue?

Mr. HARDY. Yes. Would not the language of this provision prevent him from taking a car over to Georgetown, because it is in an entirely different direction. At present, I understand, they give those transfers, but you come down Fourteenth street, coming in a southerly direction, and you reach the Avenue, and then you take a direction going northwest. Is that the same general direction? You are going northwest—nearly back the way you came.

Mr. SMITH of Michigan. I think some discretion in these matters is to be allowed the conductors in determining the matter.

Mr. HARDY. Under this provision could not the railway system in Washington refuse to grant transfers from the Fourteenth street car to the Georgetown line?

Mr. SMITH of Michigan. They do now.

Mr. HARDY. Oh, no; they give them always.

Mr. SMITH of Michigan. Does the gentleman mean between the Capital Traction Company and the Washington Railway and Electric Company? One is owned by the Capital Traction and the other is the property of the Washington Railway and Electric Company.

Mr. HARDY. I know they always call transfers to Georgetown before they get to the Treasury building. I don't know what the system is.

We have transfers now, but they can be refused under this law.

Mr. SMITH of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 902), the trackage bill, and had directed him to report that it had come to no resolution thereon.

EXTENSION OF TIME FOR BUILDING BRIDGE ACROSS RED RIVER AT SHREVEPORT, LA.

Mr. WATKINS. Mr. Speaker, I ask for the present consideration of the bill (H. R. 16955) to extend the time for building the bridge across Red River at Shreveport, La.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 5 of the act of Congress approved March 2, 1907, entitled "An act to authorize the construction of a bridge across Red River at Shreveport, La.," be, and is hereby, amended to read as follows:

"SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from February 3, 1908."

The amendments recommended by the committe were read, as follows:

In line 3 strike out the word "March" and insert the word "February" in lieu thereof.

In line 4 strike out the word "second" and insert the word "third" in lieu thereof.

In line 4 strike out the word "seven" and insert the word "five" in lieu thereof.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read the third time and passed.

On motion of Mr. WATKINS a motion to reconsider the last vote was laid on the table.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2, Rule XXIV, the bill (H. R. 586) granting an increase of pension to Squire J. Carlin, with Senate amendments, was taken from the Speaker's table and referred to the Committee on Invalid Pensions.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolutions:

H. J. Res. 130. Joint resolution providing for salaries of the Resident Commissioners from the Philippine Islands; and

H. J. Res. 139. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

SENATE CONCURRENT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, the following resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 29.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause such survey and examination to be made of the existing canal and locks at the falls of the Willamette River at Oregon City, Oreg., as may be necessary to ascertain what sum of money, at present prices of labor and material, should be appropriated by Congress in addition to the appropriation already made by the State of Oregon therefor, to enable the Government to acquire said canal and locks and properly repair the same—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 35.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to submit an estimate to Congress as to the cost of improvements and works necessary to restore the Missouri River to its proper channel at the city of Atchison, in the State of Kansas—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 37.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of Providence River and Harbor between Kettle Point, Rhode Island, and Gaspee Point, Rhode Island, with a view to widening and strengthening the channel and dredging the same to a depth of 25 feet at mean low water, and to submit a plan and estimate for such improvements—

to the Committee on Rivers and Harbors.

SUPERANNUATION OF CIVIL-SERVICE EMPLOYEES OF THE GOVERNMENT.

The Speaker laid before the House the following message from the President of the United States, which was read and, with the accompanying document, was referred to the Committee on Reform in the Civil Service and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a report by the committee on department methods on the subject of superannuation in the classified civil service; also a draft of a proposed bill which provides for the payment of annuities to employees upon retirement.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 21, 1908.*

CHANGE OF REFERENCE.

By unanimous consent the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 538), "authorizing the construction upon the military reservation at Fort Morgan, Ala., of a suitable building for use and accommodation of the customs service," and the same was referred to the Committee on Public Buildings and Grounds.

WITHDRAWAL OF PAPERS.

By unanimous consent Mr. MARSHALL was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Lucretia Williams, Fifty-ninth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BARTLETT of Georgia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3726) to authorize the Twin City Power Company to build, operate, and maintain three dams across the Savannah River, above the city of Augusta, in the State of Georgia, reported the same without amendment, accompanied by a report (No. 1044), which said bill and report were referred to the House Calendar.

Mr. POWERS, from the Committee on the Territories, to which was referred the resolution of the House (H. J. Res. 94) disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico, reported the same without amendment, accompanied by a report (No. 1045), which said resolution and report were referred to the House Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13077) to authorize the Secretary of War to furnish four condemned brass cannon and cannon balls to the Confederate Monument Association, at Franklin, Tenn., reported the same without amendment, accompanied by a report (No. 1046), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 14772) prescribing what shall constitute a legal cord of wood in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1047), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16746) to authorize T. H. Friel or assigns to construct a dam across Mulberry Fork of the Warrior River, reported the same with amendments, accompanied by a report (No. 1048), which said bill and report were referred to the House Calendar.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 17516) to increase the membership of the Philippine Commission by one member, reported the same with amendments, accompanied by a report (No. 1049), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 4064) to provide for a term of the United States circuit and district courts at Lander, Wyo., reported the same with amendment, accompanied by a report (No. 1050), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16874) to amend section 13 of an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902, reported the same without amendment, accompanied by a report (No. 1051), which said bill and report were referred to the House Calendar.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17524) to provide for circuit and district courts of the United States at Dothan, Ala., reported the same without amendment, accompanied by a report (No. 1052), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

The bill (H. R. 13359) granting a pension to Gertrude A. Huth—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 16179) for the relief of Wilson L. Lowery—Committee on Pensions discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 17700) providing for an enlarged homestead—to the Committee on the Public Lands.

By Mr. MOORE of Pennsylvania: A bill (H. R. 17701) authorizing and empowering the Secretary of the Treasury to sell at public or private sale the property belonging to the United States formerly used as a lazaretto and quarantine warehouse at Essington, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. HEFLIN: A bill (H. R. 17702) to regulate the matter of agricultural statistics—to the Committee on Agriculture.

By Mr. WASHBURN: A bill (H. R. 17703) to repeal section 4885 of the Revised Statutes and to substitute another section therefor—to the Committee on Patents.

By Mr. STURGISS: A bill (H. R. 17704) making additional annual appropriations for the more complete endowment of agricultural colleges now established, or which may hereafter be established, in accordance with the act of Congress approved July 2, 1862, and for the establishment and maintenance of schools of mines and mining, and to regulate the expenditure thereof, and for other purposes—to the Committee on Mines and Mining.

By Mr. CARLIN: A bill (H. R. 17705) for the relief of pensioners of the Metropolitan police fund—to the Committee on the District of Columbia.

By Mr. HALE: A bill (H. R. 17706) to provide for the appointment of an additional district judge in and for the middle and eastern districts of Tennessee—to the Committee on the Judiciary.

By Mr. RUSSELL of Missouri: A bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: A bill (H. R. 17708) to provide for the appointment of an additional district judge in and for the middle and eastern districts of Tennessee—to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: A bill (H. R. 17709) authorizing the extension of Otis place from Holmead place to Fourteenth street NW.—to the Committee on the District of Columbia.

By Mr. LOVERING: A bill (H. R. 17710) to increase the efficiency of the personnel of the Life-Saving Service of the United States—to the Committee on Expenditures in the Department of Commerce and Labor.

By Mr. THOMAS of North Carolina: A bill (H. R. 17711) to increase the salaries of light-house keepers—to the Committee on Expenditures in the Department of Commerce and Labor.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17712) to increase the limit of cost of public building at Lebanon, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. SOUTHWICK: A bill (H. R. 17713) revising and amending the statute relating to trade-marks—to the Committee on Patents.

By Mr. STANLEY: A bill (H. R. 17714) to prevent the improper divulging of agricultural statistics—to the Committee on Agriculture.

By Mr. SOUTHWICK: A bill (H. R. 17715) for an elastic national currency, special national bank deposit notes secured by United States bonds—to the Committee on Banking and Currency.

By Mr. CARY: A bill (H. R. 17716) to amend section 1 of an act granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico, passed February 6, 1907—to the Committee on Invalid Pensions.

By Mr. SAUNDERS: A bill (H. R. 17717) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted—to the Committee on Indian Affairs.

By Mr. RODENBERG: A bill (H. R. 17718) to acquire certain land in Hall and Elvan's subdivision of Meridian Hill, in the District of Columbia, for a public park—to the Committee on Public Buildings and Grounds.

By Mr. SHEPPARD: A bill (H. R. 17719) prescribing penalties for interference with official wireless messages—to the Committee on the Judiciary.

By Mr. RODENBERG: A bill (H. R. 17720) to establish a park at Fourteenth street and Columbia road—to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 17721) to amend an act entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes," approved June 29, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: A bill (H. R. 17722) to amend an act entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes," approved June 29, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Resolution (H. Res. 258) for the payment of a messenger to the Committee on Naval Affairs—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 17723) granting a pension to James R. Thornton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17724) granting a pension to Jeremiah R. Whitsell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17725) granting a pension to Elizabeth Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17726) granting an increase of pension to Levi P. Hyatt—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 17727) granting an increase of pension to William S. Merrill—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 17728) for the relief of John A. Henderson, assistant engineer, United States Navy, retired—to the Committee on Naval Affairs.

By Mr. BRADLEY: A bill (H. R. 17729) authorizing the settlement of certain outstanding liabilities of the Government by the issue of new drafts upon the return of drafts heretofore issued representing said liabilities—to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 17730) granting an increase of pension to James W. Fisk—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 17731) granting an increase of pension to Thomas A. Wirt—to the Committee on Pensions.

By Mr. DRAPER: A bill (H. R. 17732) granting an increase of pension to Charles R. Barron—to the Committee on Pensions.

Also, a bill (H. R. 17733) granting an increase of pension to Mary B. Kincaid—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 17734) to remove the charge of desertion from the record of Harry Huckman—to the Committee on Military Affairs.

By Mr. FOULKROD: A bill (H. R. 17735) granting an increase of pension to William W. Sechler—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 17736) granting a pension to Clarence F. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17737) granting a pension to John Fambrough—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 17738) authorizing the appointment of Maj. J. F. Munson, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 17739) authorizing the appointment of Lieut. Col. Frederick Fuger, United States Army, retired, on the retired list of the Army with the rank of brigadier-general—to the Committee on Military Affairs.

Also, a bill (H. R. 17740) authorizing the appointment of Lieut. Col. Ira Quinby, United States Army, retired, on the retired list of the Army with the rank of brigadier-general—to the Committee on Military Affairs.

Also, a bill (H. R. 17741) authorizing the appointment of Lieut. Col. E. A. Edwards, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 17742) for the relief of W. J. McGhee—to the Committee on War Claims.

Also, a bill (H. R. 17743) to correct the military record of William H. Shillings—to the Committee on Military Affairs.

Also, a bill (H. R. 17744) extending the benefits of the acts of June 27, 1890, May 9, 1900, February 6, 1907, and ——— to certain officers and enlisted men of the civil war and to their widows and minor children—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17745) granting an increase of pension to Julia E. Angel—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 17746) granting an increase of pension to G. W. Cover—to the Committee on Invalid Pensions.

By Mr. HARDWICK (by request): A bill (H. R. 17747) for the relief of E. J. O'Connor and J. B. Schweers—to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17748) granting a pension to Catherine Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17749) granting an increase of pension to James B. Lyon—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 17750) to provide relief for those whose property was damaged by the firing of heavy guns at Forts Heath and Banks, Boston Harbor, Massachusetts—to the Committee on Claims.

By Mr. LANDIS: A bill (H. R. 17751) granting a pension to William R. Pryor—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 17752) for the relief of Clary Fulkerson—to the Committee on War Claims.

Also, a bill (H. R. 17753) to correct the military record of Lewis Bellware—to the Committee on Military Affairs.

By Mr. LINDBERGH: A bill (H. R. 17754) granting an increase of pension to John E. Hussey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17755) granting an increase of pension to Ephriam Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17756) granting an increase of pension to David P. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17757) granting an increase of pension to George Schemerhorn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17758) granting an increase of pension to Calvin Boyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17759) granting an increase of pension to Herman Hyson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17760) granting an increase of pension to Caleb J. May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17761) granting an increase of pension to Ellen T. Mounts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17762) to correct the military record of John Brown—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 17763) granting an increase of pension to Charles Phorazyn—to the Committee on Pensions.

By Mr. LOWDEN: A bill (H. R. 17764) granting an increase of pension to John W. Sheaffer—to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 17765) granting an increase of pension to William H. Spanburgh—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 17766) granting an increase of pension to John Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17767) granting an increase of pension to Alfred Harper—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 17768) granting an increase of pension to Andrew J. Clark—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 17769) granting an increase of pension to Mary A. Jordan—to the Committee on Pensions.

By Mr. RAINEY: A bill (H. R. 17770) granting a pension to Lissa Leatson Burge—to the Committee on Pensions.

Also, a bill (H. R. 17771) granting an increase of pension to John Q. Dennis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17772) for the relief of Edward Gallagher—to the Committee on War Claims.

By Mr. RUSSELL of Missouri: A bill (H. R. 17773) granting an increase of pension to Walter L. Todd—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 17774) for the relief of the Catholic Church in Washington, N. C.—to the Committee on War Claims.

By Mr. SMITH of Missouri: A bill (H. R. 17775) granting a pension to L. B. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17776) granting a pension to Eli Lutes—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 17777) to correct the record of Harrison Clark—to the Committee on Military Affairs.

By Mr. SPIGHT: A bill (H. R. 17778) granting an increase of pension to Eleanor D. Cole—to the Committee on Pensions.

By Mr. STANLEY: A bill (H. R. 17779) granting an increase of pension to S. G. Ragsdale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17780) granting an increase of pension to Edmon H. Short—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17781) granting an increase of pension to Dewitt C. Yates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17782) granting an increase of pension to Kinchen L. Terry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17783) granting an increase of pension to William H. Kyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17784) granting an increase of pension to Wesley S. Witty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17785) granting an increase of pension to Curtis A. Brasher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17786) granting an increase of pension to John W. Balee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17787) granting an increase of pension to Susan V. Childress—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17788) granting an increase of pension to Benjamine H. Norman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17789) granting an increase of pension to Thomas Ware—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17790) granting an increase of pension to Abram N. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17791) granting a pension to Solomon Powell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17792) granting a pension to Zachary Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17793) granting a pension to Loren S. Tucker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17794) granting a pension to Francis C. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17795) granting a pension to Sarah A. Harl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17796) granting a pension to William Varner Dykes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17797) granting a pension to Ann J. Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17798) granting a pension to Caroline Carter—to the Committee on Pensions.

Also, a bill (H. R. 17799) for the relief of Wormley E. Wroe—to the Committee on Pensions.

Also, a bill (H. R. 17800) for the relief of John Anderson—to the Committee on War Claims.

Also, a bill (H. R. 17801) for the relief of A. T. Hayden—to the Committee on War Claims.

Also, a bill (H. R. 17802) for the relief of Nancy Gates—to the Committee on War Claims.

Also, a bill (H. R. 17803) for the relief of Frank L. Hall—to the Committee on War Claims.

Also, a bill (H. R. 17804) for the relief of Thomas Drake—to the Committee on War Claims.

Also, a bill (H. R. 17805) for the relief of H. Grant Artis—to the Committee on War Claims.

Also, a bill (H. R. 17806) for the relief of Robert S. Hill—to the Committee on Military Affairs.

Also, a bill (H. R. 17807) for the relief of Isaac J. Tucker—to the Committee on Military Affairs.

Also, a bill (H. R. 17808) for the relief of Walter Langley—to the Committee on Military Affairs.

Also, a bill (H. R. 17809) for the relief of the estate of W. C. Russell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17810) granting an honorable discharge to Nathaniel Cobb—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 17811) to restore to the Choctaw Indian rolls the names of Mary E. Robinson and Mary A. Braudrick—to the Committee on Indian Affairs.

By Mr. SULLOWAY: A bill (H. R. 17812) granting a pension to Eliza Clune—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17813) granting an increase of pension to Catharine Roach—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 17814) granting an increase of pension to Richard E. Welch—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 17815) for the relief of the heirs of George S. Simon—to the Committe on War Claims.

By Mr. WILLIAMS: A bill (H. R. 17816) for the relief of the estate of Benjamin Magruder, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Washington Board of Trade, against legislation to change system of administration of Washington public schools—to the Committee on the District of Columbia.

By Mr. ACHESON: Petition of Business Men's Exchange, of New Castle, Pa., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ADAIR: Paper to accompany bill for relief of George L. Shaw—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: Petition of United Trades and Labor Council in port of Buffalo, Erie County, N. Y., for H. R. 14941—to the Committee on the Merchant Marine and Fisheries.

By Mr. ASHBROOK: Paper to accompany bill for relief of Laura C. McFarland—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Orodine Drake—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of William E. Steel, of Corry, Pa., for national registration of automobiles—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. Andrew Ignasiak, of Erie, Pa., opposing restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce of Erie, Pa., for application of civil-service rules for employees in taking the Thirteenth Census—to the Committee on the Census.

Also, petitions of citizens of Crawford County, Erie, Conneautville, Cambridge Springs, and Erie County, all in the State of Pennsylvania, for additional protection for dairy interests—to the Committee on Agriculture.

Also, petition of Philadelphia Bourse, for retirement of superintendents, keepers, and crews of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Sims Company, of Erie; Jaricki Manufacturing Company, of Erie; Continental Rubber Company, of Erie; A. B. Felgemaker, of Erie Organ Company; Erie Manufacturing and Supply Company, of Erie; Erie Malleable Iron Works, of Erie; Erie Foundry Company; American Stoker Company; H. E. Dunn; Reed Manufacturing Company; Campbell Brass Works; Burke Electric Company; Hammersville Paper Company; Manufacturers' Association; citizens of Townville, and Erie City Iron Works, all in the State of Pennsylvania, against the Gardner eight-hour bill (H. R. 15651)—to the Committee on Labor.

By Mr. BURKE: Petition of the Chaplin-Fulton Manufacturing Company, against H. R. 15651—to the Committee on Labor.

Also, petition of Local No. 60, Pittsburg Musical Society, for H. R. 103, against competition of enlisted musicians—to the Committee on Labor.

Also, petition of Monongahela Tube Company, against the Gardner eight-hour bill (H. R. 15651)—to the Committee on Labor.

Also, petition of the R. & W. Jenkinson Company, for the Tawney antigift coupon bill—to the Committe on the Judiciary.

Also, petition of Mackintosh, Hemphill & Co., against the Gardner eight-hour bill—to the Committee on Labor.

By Mr. BURLEIGH: Petition of Ellsworth Board of Trade and others, for improvements in rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. CALDER: Petition of National German-American Alliance, for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of James Eads How and others, St. Louis, for appropriation of $150,000,000 for improvement of the waterways—to the Committee on Rivers and Harbors.

Also, petition of Peoples' Institute, against the Crumpacker bill—to the Committee on the Census.

Also, petition of Metropolitan Association of Retail Druggists, for S. 4700 (Rayner bill) and H. R. 14639 (Bennet bill)—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of the District of Columbia, for extension of the tracks of the Capital Traction Company—to the Committee on the District of Columbia.

Also, petition of Dr. George H. McKerhan, against the policy of rebating by railways—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Petition of Board of Trade of Providence, R. I., for improvement of the harbor of refuge, Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of Edmund Lyons and others, of Peacedale, R. I., for the copyright bill—to the Committee on Patents.

By Mr. CARY: Petition of Local Union No. 23, of Milwaukee, Wis., for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of Chicago Local, No. 1, Commercial Telegraphers' Union of America, for H. R. 15123 and S. 4395, to regulate telegraph companies—to the Committee on the Judiciary.

Also, petition of H. S. Klein, against amendment to copyright bill inimical to photographers—to the Committee on Patents.

Also, petition of Milwaukee Association of Credit Men, against repeal of the bankruptcy act—to the Committee on the Judiciary.

By Mr. CARLIN: Paper to accompany bill for relief of Charles Spaulding (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. CHANEY: Petition of citizens of Patricksburg, Ind., for H. R. 40 (prohibition in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of N. Carahool and others, of Patricksburg, Ind., against H. R. 4897 and 4929, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Thomas A. Wirt—to the Committee on Invalid Pensions.

By Mr. CURRIER: Petition of Charles Carley and others, for a national highway commission—to the Committee on Agriculture.

By Mr. DRAPER: Petition of National German-American Alliance, for restoration of Army canteen—to the Committee on Military Affairs.

By Mr. DUNWELL: Petition of National German-American Alliance, for restoration of Army canteen—to the Committee on Military Affairs.

Also, petition of Stationers' Board of Trade, against the Aldrich currency—to the Committee on Banking and Currency.

Also, petition of Metropolitan Association of Retail Druggists, for S. 4700 (Rayner bill) and H. R. 14639 (Bennet bill)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grand Street Board of Trade, for building one or more battle ships at Brooklyn Navy-yard—to the Committee on Naval Affairs.

Also, petition of James Eads How, of St. Louis, for appropriation of $150,000,000 for waterways—to the Committee on Rivers and Harbors.

Also, petition of American Live Stock Association and Cattle Raisers' Association of Texas, for the Culberson-Smith car and transportation service bill (H. R. 13841)—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of District of Columbia, for legislation to extend tracks of the Capital Traction Company—to the Committee on the District of Columbia.

By Mr. ESCH: Petition of Charles G. Bacon Post, Grand Army of the Republic, of Neillsville, against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of Western Fruit Jobbers' Association, for fixing of minimum as well as maximum freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chicago Federation of Labor, for legislation relative to operation of telegraph lines (H. R. 15123)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Wilson Colwell Post, No. 38, Grand Army of the Republic, of La Crosse, Wis., against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. FITZGERALD: Petition of Stationers' Board of Trade of New York, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. FOCHT: Paper to accompany bill for relief of Mrs. Margaret Eleanor McCoy—to the Committee on Pensions.

By Mr. FULLER: Petition of National German-American Alliance, for restoration of Army canteen—to the Committee on Military Affairs.

By Mr. FULTON: Paper to accompany bill for relief of Ira N. Terrill—to the Committee on the Judiciary.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Clarence F. Moore—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of heirs of J. T. Bell—to the Committee on War Claims.

Also, paper to accompany bill for relief of John Farnbrugh—to the Committee on Invalid Pensions.

By Mr. GARNER: Paper to accompany bill for relief of Wedderspoon Keiller (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. GOULDEN: Petition of National German-American Alliance of New York City for restoration of Army canteen—to the Committee on Military Affairs.

Also, petition of Lake Seamen's Union of Toledo, Ohio, for H. R. 14941—to the Committee on the Merchant Marine and Fisheries.

Also, petition of W. A. Phillips, of New York City, for protection to authors by amendment of copyright bill—to the Committee on Patents.

Also, petition of Metropolitan Association of Retail Druggists for S. 4700 (Rayner bill) and H. R. 14639 (Bennet bill)—to the Committee on the Post-Office and Post Roads.

By Mr. GRAHAM: Petition of the Chaplin-Fulton Manufacturing Company against H. R. 15651—to the Committee on Labor.

Also, paper to accompany bill for relief of Johanna Holsendorf—to the Committee on Claims.

Also, petition of the R. W. Jenkinson Company, for the Tawney antigift coupon bill—to the Committee on the Judiciary.

Also, petition of Local No. 60, Pittsburg Musical Society, against competition of enlisted musicians—to the Committee on Labor.

By Mr. GRIGGS: Paper to accompany bill for relief of Samuel N. Clary—to the Committee on Invalid Pensions.

By Mr. GRONNA: Petitions of citizens of Goodrich, Medina, Harvey, Bowdon, Casselton, and Newhome, all in the State of North Dakota, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HEPBURN: Petition of Chicago Federation of Labor, for legislation relative to operation of telegraph lines—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: Petition of Union No. 299, American Federation of Labor, for building battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of A. G. Glascow et al., favoring the passage of H. R. 11562 for the relief of Stevens Institute, Hoboken, N. J.—to the Committee on Claims.

By Mr. HULL of Iowa: Petition of Brotherhood of Railway Car Men of America, for building battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of Mrs. W. D. Rich et al., for the Beveridge-Parsons child labor bill—to the Committee on Labor.

Also, petition of Local Union No. 4, Stereotypers, for repeal of duty on white paper—to the Committee on Ways and Means.

By Mr. KNOWLAND: Petition of First Congregational Church of Berkeley, Cal., for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. LAW: Petition of Metropolitan Association of Retail Druggists, for S. 4700 (Rayner bill) and H. R. 14639 (Bennet bill)—to the Committee on the Post-Office and Post-Roads.

Also, petition of National German-American Alliance, for restoration of Army canteen—to the Committee on Military Affairs.

By Mr. LIVINGSTON: Papers to accompany bills for relief of Benjamin F. Swanton and James B. Morris—to the Committee on War Claims.

By Mr. LORIMER: Petition of Chicago Federation of Labor, for legislation relative to operation of telegraph lines (H. R. 15123)—to the Committee on Interstate and Foreign Commerce.

By Mr. LOWDEN: Petition of Chicago Federation of Labor, for H. R. 15123 and S. 4395, for regulation of affairs of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. MADISON: Petition of citizens of St. John, Kans., for prohibition of intoxicants in the District of Columbia—to the Committee on the District of Columbia.

By Mr. NORRIS: Petition of C. P. Stanley and others, of Holstein, Nebr., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET: Petition of International Brotherhood of Electrical Workers, for construction of battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of Beacon Light Club, of Goshen, Ind., for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Alvin P. Hovey Post, No. 559, Grand Army of the Republic, of Indianapolis, against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of Local Union No. 11, Indiana Photo-engravers' Union of North America, for repeal of duty on white paper—to the Committee on Ways and Means.

By Mr. PATTERSON: Paper to accompany bill for relief of Joseph G. Thorpe—to the Committee on War Claims.

By Mr. RAINEY: Petition of Chicago Federation of Labor, for H. R. 15123 and S. 4395, for legislation to control telegraph lines—to the Committee on Interstate and Foreign Commerce.

By Mr. REEDER: Petition of C. M. Heaton et al., soldiers of civil war, for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. REID: Paper to accompany bill for relief of Perry Cumpton (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. RIORDAN: Petition of National German-American Alliance, for restoration of Army canteen—to the Committee on Military Affairs.

By Mr. SHEPPARD: Petition of individuals and societies, for restoration of motto, "In God we trust"—to the Committee on Coinage, Weights, and Measures.

By Mr. SPERRY: Petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. SPIGHT: Paper to accompany bill for relief of Mrs. Eleanor D. Cole—to the Committee on Pensions.

By Mr. TALBOTT: Paper to accompany bill for relief of Alexander H. Sittler—to the Committee on Invalid Pensions.

By Mr. WOOD: Petition of Presbyterian Synod of New Jersey, against repeal of the anticanteen law and for the Littlefield original-package bill—to the Committee on the Judiciary.

SENATE.

SATURDAY, *February 22, 1908.*

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

Let us now praise famous men, and our fathers that begat us. The Lord hath wrought great glory by them through His great power from the beginning.

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Leaders of people by their counsels, and by their knowledge of learning meet for the people, wise and eloquent in their instructions.

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All these were honored in their generations, and were the glory of their times.

And some there be who have left no memorial.

But these were merciful men, whose righteousness hath not been forgotten.

The people will tell of their wisdom, and the congregation will show forth their praise.

Let us pray. Father, it is for this that we have come together. Bless the memory of those to whom we owe so much, to whom this nation owes so much, and to whom the world owes so much, lest their memory should pass from the mind of men.

In Thy service, Father, show us what it is to live and move in God, to have Thy strength for our weakness, Thy wisdom for our direction. In Thy service may we remember how our fathers sought Thee and found Thee, how Thou hadst no need to seek them, but to give them strength and life and light and courage; and as we bring up our children and they our children's children, may it be in the memory of these great men, who lived for us, and who were willing to die for us, and day by day brought the world nearer and nearer to their God.

Father, we ask Thy blessing in every change, in Thy Providence, in every sudden word of Thine to us. In the midst of life we are in death. Thou art pleased to call day by day one and another to the higher service. We ask Thy blessing upon those who mourn to-day. We ask that Thou wouldst speak to each and to all of us, and show us what life is and what death is, that we may enter with glory into that higher service which is perfect freedom, where we see as we are seen and know as we are known.

Bless us in to-day's service of thanksgiving, bless us in to-day's sorrows, as Thine own children. Amen.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power, and the glory forever. Amen.

THE JOURNAL.

On request of Mr. KEAN and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with, and the Journal was approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The Farewell Address of George Washington will be read, under the order of the Senate, by the junior Senator from North Dakota [Mr. MCCUMBER].

Mr. MCCUMBER (at the Secretary's desk) read the address, as follows:

An address of George Washington to the people of the United States September 19, 1797.

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country, and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any

circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated, and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvements of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionately greater security from external danger, a less frequent interruption of their peace by foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop to your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of a party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation

of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerts. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community, and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischief of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasion by others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duty of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish

public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursement to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from which equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her frendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my Administration I am unconscious of intentional error, I am, nevertheless, too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views it in the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, *September 19, 1796.*

OFFICERS OF THE NAVY ON DUTY IN WASHINGTON.

The VICE-PRESIDENT laid before the Senate a comunication from the Secretary of the Navy, transmitting, in further response to a resolution of the 21st ultimo, a list of officers on duty with the General Board, Board on Construction, and Joint Army and Navy Board, United States Navy, which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of N. C. McNeel, administrator of the personal estate of Paul McNeel, deceased, *v.* United States;

In the cause of the Methodist Episcopal Church South, of Harrodsburg, Ky., *v.* United States;

In the cause of G. B. Harper and J. D. Clearman, executors of William L. Clearman, deceased, *v.* United States;

In the cause of Alfred D. Bullock and 24 other claimants *v.* United States; and

In the cause of Robert B. Billings and 25 other claimants *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 9205. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., p. 796), applicable to the Territory of New Mexico;

H. R. 16955. An act to extend the time for building a bridge across Red River at Shreveport, La.; and

H. J. Res. 120. Joint resolution authorizing the Secretary of War to apply the unexpended balance of the donation made by the citizens of Dallas, Tex., under the provisions of the river and harbor act of March 3, 1905, to work in construction of Lock and Dam No. 2 in section 1 of Trinity River.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Board of Trade of Washington, D. C., remonstrating against any change being made in the law or in the administration of the public schools of the city of Washington, and also against the passage of the so-called "Dolliver education bill," which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Bohemian Free Thought Federation of America, of Chicago, Ill., remonstrating against the restoration of the motto "In God we trust" on all coins of the United States, which was referred to the Committee on Finance.

Mr. HOPKINS presented a petition of Local Union No. 171, International Typographical Union, of Elgin, Ill., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the board of directors of the Anna Fruit Growers' Association, of Anna, Ill., praying for the passage of the so-called "parcels-post bill," and also for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the national executive committee of the National German-American Alliance of Philadelphia, Pa., praying for the repeal of the present anticanteen law, which was referred to the Committee on Military Affairs.

Mr. TALIAFERRO presented a petition of sundry citizens of Jacksonville, Fla., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. BRANDEGEE presented a petition of members of the Department of Connecticut, United Spanish War Veterans, praying for the repeal of the present anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of the Lumber Dealers' Association of Connecticut, praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the volunteer retired list committee of the State of Connecticut, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. ALLISON. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 6515) for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased, to report it without amendment.

As the bill is local in its character, I give notice that I shall ask the Senate on Monday morning next to proceed to its consideration.

The VICE-PRESIDENT. The bill will be placed on the Calender.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, reported it with amendments and submitted a report thereon.

He also (for Mr. LA FOLLETTE), from the Committee on Indian Affairs, to whom was referred the bill (S. 4791) providing for the determination and payment of claims of certain Indian traders and others against the Menominee tribe of In-

dians in Wisconsin and against individual members of said tribe, reported it with amendments and submitted a report thereon.

BILLS INTRODUCED.

Mr. CLAPP introduced a bill (S. 5586) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. TALIAFERRO introduced a bill (S. 5587) granting an increase of pension to Hutchinson Smith, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 5588) granting a pension to Emma T. Reid, which was read twice by its title and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FOSTER submitted an amendment proposing to increase the salary of the chief clerk and cashier, office of assistant treasurer at New Orleans, La., from $2,250 to $2,500, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $125,000 for the construction of a light vessel for service on St. John's River bar, Florida, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PILES submitted an amendment relative to the assay office at Seattle, Wash., intended to be proposed by him to the legislative, etc., appropriation bill, which was refered to the Committee on Appropriations and ordered to be printed.

HOUSE BILLS REFERRED.

H. R. 9205. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., p. 796), applicable to the Territory of New Mexico, was read twice by its title and referred to the Committee on Public Lands.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 16955. An act to extend the time for building a bridge across Red River at Shreveport, La.; and

H. J. Res. 120. Joint resolution authorizing the Secretary of War to apply the unexpended balance of the donation made by the citizens of Dallas, Tex., under the provisions of the river and harbor act of March 3, 1905, to work in construction of Lock and Dam No. 2 in section 1 of Trinity River.

ADJOURNMENT.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to, and (at 1 o'clock p. m.) the Senate adjourned until Monday, February 24, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 22, 1908.*

The House was called to order at 12 o'clock m. by Hon. JOHN DALZELL, of Pennsylvania, who directed the reading of the following communication:

SPEAKER'S ROOM,
HOUSE OF REPRESENTATIVES.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, as Speaker pro tempore.

J. G. CANNON, *Speaker.*

FEBRUARY 22, 1908.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We lift up our hearts in gratitude to Thee, our Father in heaven, for this day, an anniversary which marks an epoch in the world's history and which is dear not only to the heart of the American, but to the liberty-loving, wherever he may be. For who does not know and revere our Washington, ours once, now the heritage of the world. Like the solitary mountain, which lifts its head sublimely above the clouds and looks serenely down upon the world, so he stands, solitary and alone, supremely great and glorious. Spotless in character, clear in judgment, pure in motive, unswerving in integrity, a patriot, a soldier, a statesman, a Christian, through whose achievements he builded for himself a monument more grand and imposing than the mind of man has yet conceived. We thank Thee for what he did, yet more, for what he was, and we pray that he may ever be an inspiration to the patriot, the warrior, the statesman, the Christian citizen, and glory and honor be Thine forever. Amen.

The Journal of yesterday's proceedings was read and approved.

SQUIRE J. CARLIN AND OTHERS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that the Committee on Invalid Pensions be discharged from further consideration of the bill H. R. 586, and that the House concur in the amendments of the Senate.

The SPEAKER. The gentleman from New Hampshire [Mr. SULLOWAY] asks unanimous consent that the Committee on Invalid Pensions be discharged from the consideration of the bill H. R. 586, and that the same be considered in the House at this time.

The amendments of the Senate were read.

Mr. MANN. Mr. Speaker, reserving the right to object, is this the bill where the Senate put together the House bills in one bill?

Mr. SULLOWAY. That is exactly it. These all passed the House on January 17.

Mr. MANN. They were simply put in one bill?

Mr. SULLOWAY. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the Senate amendments.

The question was taken, and the Senate amendments were agreed to.

DAMS ACROSS SAVANNAH RIVER.

Mr. HARDWICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill, S. 3726, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Twin City Power Company, a corporation organized under the laws of the State of South Carolina, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the Savannah River at or near where Dortons Creek, in the county of Edgefield, State of South Carolina, empties into the Savannah River, and also a dam across the said river at or near the southern end of Prices Island, in said river, and about 5 miles from the mouth of Dortons Creek, in the State of South Carolina, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906: *Provided*, That one of said dams shall be completed within three years and the other within five years from the passage of this act.

SEC. 2. That the said Twin City Power Company is authorized to construct, operate, and maintain a dam across the Savannah River at what is known as Crouchs Bluff, in Edgefield County, S. C.: *Provided*, That the said site at Crouchs Bluff can be obtained by contract from the owners thereof; *And provided further*, That said dam at Crouchs Bluff shall be constructed under the provisions of the said act of June 21, 1906: *Provided further*, That said dam if constructed at Crouchs Bluff shall be completed within three years.

SEC. 3. That the act entitled "An act authorizing the Twin City Power Company to build two dams across the Savannah River above the city of Augusta, in the State of Georgia," approved February 27, 1907, be, and the same is hereby, repealed.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was read a third time and passed.

On motion of Mr. HARDWICK, a motion to reconsider the vote by which the bill was passed was laid upon the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5133. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak;

S. 4351. An act for the relief of the Alaska Pacific Railway and Terminal Company;

S. 4248. An act to increase the limit of cost of the United States post-office building at Kearney, Nebr.;

S. 1702. An act to reimburse H. R. King;

S. 1617. An act to quiet title to certain land in Dona Ana County, N. Mex.;

S. 1392. An act for the relief of the heirs of Salvador Costa;

S. 486. An act to provide for the purchase of a site and the erection of apublic building thereon at Victoria, in the State of Texas;

S. 160. An act to aid in the erection of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774;

S. 5255. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

S. 5254. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors;

S. 5083. An act to amend section 1 of the passenger act of 1882;

S. R. 48. Joint resolution instructing the Attorney-General to institute certain suits, and so forth;

S. R. 49. Joint resolution authorizing the Secretary of War to permit not exceeding seven Filipinos to receive instruction at the United States Military Academy;

S. R. 51. Joint resolution providing for additional lands for Idaho under the provisions of the Carey Act;

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2420) granting an increase of pension to Margaret K. Hern, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 12401. An act to legalize a bridge across the Mississippi River at Rice, Minn.

H. J. Res. 138. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes."

POLICE FOR HOUSE OFFICE BUILDING.

Mr. CURRIER. Mr. Speaker, I call up the privileged report from the Committee on Accounts, which was presented yesterday and printed in the RECORD, and by unanimous consent comes up to-day.

The SPEAKER. The gentleman from New Hampshire [Mr. CURRIER] calls up a report from the Committee on Accounts. The Clerk will read.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House until otherwise provided by law the following sums as compensation for a police force for the House Office Building, to be appointed by the Sergeant-at-Arms of the House of Representatives: One captain at $1,600 per annum; two lieutenants at $1,200 per annum each; and twenty-one privates at $1,050 per annum each.

Mr. CURRIER. Mr. Speaker, this is a plan for policing the House Office Building, which will continue in force throughout this Congress unless otherwise provided for. The committee recommend that the resolution as introduced be amended so as to reduce the number of lieutenants from three to two, and the number of privates from thirty to twenty-one. We believe that if we have erred at all it is in trying to be too economical. We do not believe that the House Office Building can be adequately policed with a less force than this. This resolution was adopted and the report prepared something more than a week ago by the Committee on Accounts, and since that time conditions have developed which indicate that the plan suggested by the committee for stationing the officers ought to be modified; but that needs no action on the part of the committee or the House, because it was always within the control of the Sergeant-at-Arms.

The temporary steps will be almost immediately constructed to the middle door of the rotunda, but I am informed this morning that the permanent steps leading to all three doors of the rotunda will not be constructed until after this session of Congress. So for the present, at least, only one officer will be needed in the rotunda, instead of the two that the committee suggested in its report. But since we made the report it has become evident that an officer is needed in the basement. The plan suggested by the committee provided for no officer below the first floor, except that during eight hours out of the twenty-four there should be one officer stationed in the subway. We think now that there should be an officer in the basement, where teams are driving in and out, and people all the time are coming and going. As I say, I do not believe that we can get along with a less force, and I am certainly inclined to think that experience will lead us to conclude a little later on that there must be a slight increase in the force provided. The plan suggested in the report of the committee provides for an officer sixteen hours of the day on each of the upper floors—second, third, and fourth. One member of the Committee on Accounts did not concur, otherwise I think it was a unanimous report from the Committee on Accounts. One member thought that these officers were not needed. Of course Members of the House can judge about as well regarding that matter as a member of the committee, but the experience of the last few days, particularly on last Sunday, I think indicates that there should be an officer during sixteen hours of the day on each of the upper floors. I will be glad to answer any questions.

Mr. WILLIAMS. I do not want so much to interrupt the gentleman as I desire to be recognized to offer an amendment to the resolution and to be heard upon the amendment.

Mr. MANN. Well, Mr. Speaker——

Mr. WILLIAMS. If the gentleman will yield to me for that purpose——

Mr. CURRIER. A little later on.

Mr. MANN. As I understand, there is one captain of police for the Capitol building. Is that correct?

Mr. CURRIER. Yes.

Mr. MANN. And the committee think it is still necessary to have a captain of police for the Office Building?

Mr. CURRIER. Yes; I may say that the Office police force is necessarily entirely distinct from the Capitol police force. This police force is appointed by the Sergeant-at-Arms of the House, paid by the House, and entirely under the control of the House; while the Capitol police is a force which is controlled both by the House and the Senate, is paid for six months by the Senate and six months by the House; and the House has no exclusive control of the force at all. So that the force in the Office Building stands entirely different from the Capitol police.

Mr. MANN. Now, as I understand it, practically the House Sergeant-at-Arms has complete control of the police force on this side of the Capitol building—practically.

Mr. CURRIER. The officers of the Capitol police force, in their employment, alternate between the House and Senate ends of the Capitol. Now I yield to the gentleman from Washington.

Mr. JONES of Washington. How large is this force?

Mr. CURRIER. There are twenty-one privates and three officers.

Mr. JONES of Washington. What are the officers?

Mr. CURRIER. The officers are one captain and two lieutenants. The committee felt that on each watch there should be an officer. The resolution, as introduced originally, provided for a captain and three lieutenants. The committee felt that when the captain was on duty they could certainly dispense with having a lieutenant on watch, and so we offer an amendment which will reduce the number of lieutenants from three to two.

Mr. BOUTELL. What provision is made for the proper uniforming of this force?

Mr. CURRIER. These men are to be uniformed like the Capitol police. They are to be policemen and uniformed as policemen.

Mr. GARDNER of Michigan. Are these to be annual appointments?

Mr. CURRIER. These are to be annual appointments.

Mr. GARDNER of Michigan. Twenty-four men to be on duty all the year around?

Mr. CURRIER. Yes; all the year around.

Mr. GARDNER of Michigan. We are to have twenty-four men for nine months of the year watching an empty building. Is that the idea?

Mr. CURRIER. Not necessarily. The Capitol police force consists of sixty-nine men, and the Capitol policemen are appointed in the same way.

Mr. GARDNER of Michigan. But you do not answer the question. We are to have twenty-four men for nine months every other year watching an empty building?

Mr. CURRIER. Not necessarily.

Mr. GARDNER of Michigan. Why not?

Mr. CURRIER. You do not take into account that anybody may happen to be sick, and there may have to be a vacation given to these men during the summer months, when some of the doors can be locked. That will be a very busy building. The folding room will be there; the document room will be there; the post-office is going over there. That building will be open every day of the year, and the vacations must be worked out during the summer season—during the vacation season.

Mr. MANN. Will the gentleman yield?

Mr. CURRIER. Yes.

Mr. MANN. The gentleman says the vacation season must be worked out. The committee has formulated a scheme for the use of these twenty-one officers, which involves the taking care of so many doors. Does the gentleman apprehend that there will be any occasion during the recess of Congress to keep six doors open in the Office Building?

Mr. CURRIER. No; the gentleman does not; but the gentleman does apprehend that three or four doors will be kept open. This building will be visited all through the vacation by the public, just as the Capitol is. In this building will be stored an immense amount of valuable documents and everything of that kind.

Mr. MANN. The documents will be stored in the basement—folding-room documents?

Mr. CURRIER. If the Capitol needs police protection, the Office Building needs it just as much.

Mr. MANN. Well, the Capitol is the Mecca of people who come here from all over the country. The Office Building is a mere office building. There is no special interest in people visiting the Office Building during a recess of Congress.

Mr. CURRIER. If the gentleman has passed through the subway he would think that it was an object of interest, if he met the people passing back and forth.

Mr. MANN. I hope the gentleman will not intimate that I have not been in the Office Building.

Mr. CURRIER. I did not know whether the gentleman's room was in the Capitol or not.

Mr. MANN. While I have a room in the Capitol, I think I have been in the Office Building probably more frequently than any other Member of the House.

Mr. CURRIER. I realize that. I did not stop to think that the gentleman had entire charge of the assignment of rooms in the Office Building.

Mr. MANN. And I think I am perfectly familiar with the subway; but I do not see how that bears on the use of the Office Building during vacation, when I doubt whether any Member of Congress will maintain his office there.

Mr. CURRIER. However that may be, the building will be used and occupied all the time, and the public will be in the building.

Mr. MANN. To a limited extent undoubtedly, but there will be no occasion for keeping six entrances or six doors open.

Mr. CURRIER. I do not believe that this force is adequate, until some regulation is made in reference to the public using the subway. This resolution provides for police protection in the subway only eight hours out of the twenty-four. Last Sunday the Office Building was used as a skating rink. There are Members of this House who found their rooms full of a rough crowd of people. Away long after midnight, strangers, colored people, were found here in this Capitol, and when asked how they got here said they came over "through the cave." I doubt very much whether it can be adequately protected under the recommendations of the committee now, for I do believe that more police assistance will be needed in patrolling the subway, unless some regulation is made by Congress to exclude the public, or to exclude the public during certain hours.

Mr. MANN. The gentleman says that Members of the House found their office rooms over there filled with people of a rough character. I heard that statement made before and I made inquiry as to whether any locks had been broken or any doors had been broken open, and was informed that none had been. So I question whether anybody found any rough people in their rooms, because I do not believe any Member would invite them in.

Mr. CURRIER. I have not heard of any doors being broken in, but a Member told me that he found a crowd in his room, rough and impudent.

Mr. MANN. Nobody could get into the room without the doors being open, and the doors are all provided with good locks; and if there is any Member who through negligence does not lock his door when he leaves his office, then he ought to be given a course of instruction instead of a policeman.

Mr. CURRIER. I do not know how they got into the room, but I am inclined to accept the statement that a Member of Congress makes as being correct.

I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I desire to be recognized for the purpose of offering an amendment.

Mr. CURRIER. I will yield to the gentleman from Mississippi for an amendment.

Mr. WILLIAMS. Mr. Speaker, I do not believe any Member of this House has ever accused me of stingy "cheese paring." I do not believe I have ever been accused of being illiberal toward the majority as to their legitimate patronage. It does seem to me, however, that policing this Office Building with twenty-four police employees is beyond all measure a piece of extravagance. I desire to move to amend by striking out the words "twenty-one," and substituting the word "ten." There will be left then three officers and ten men to police a little office building. Office buildings in Chicago and New York and various other places containing a good many more people than this building, are policed by a less force than that would be. That will give two men on each floor of the building, and two men to spare, and three officers to spare over and above that; and these men by doing eight hours' work each, making sixteen hours' service for two sets of guards, will be sufficient. It seems to me that they will furnish an ample force for this building.

I do not desire to discuss it because the Members of the House understand the situation as well as I do. I do not desire to go into the reasons for making a large appropriation. Human nature is human nature, Mr. Speaker, and we all understand it. But I would not like to see the patronage of the majority side of the House extended beyond all measure of seeming necessity. It seems to me to put twenty-four men to guard this building is extending it to too large a degree.

Mr. CURRIER. Will the gentleman yield for a question?

Mr. WILLIAMS. Yes.

Mr. CURRIER. That would provide only five men on duty at any time?

Mr. WILLIAMS. Five men on duty at a time, heaven knows is amply sufficient. I believe that there is not an office building of that size and with that occupancy in any large city in this country that is as amply policed all the time as this would then be. It is not a building where lawlessness is apt to take root. It is a building occupied by Members of the House of Representatives, well behaved as they always are; where there is less need for police protection than in almost any other building in the United States.

Mr. CURRIER. I am told that a fight took place in the subway last Sunday night.

Mr. WILLIAMS. Well, if there had been one policeman he would have been sufficient for one fight.

Mr. SLAYDEN. That would depend upon who was doing the fighting. [Laughter.]

Mr. CURRIER. The policeman in the subway is only on from 9 to 5.

Mr. WILLIAMS. This will provide a force enough to keep a policeman or two in the subway all the time. I expect what took place last Sunday took place because things have not been organized yet, and there was no force of any sort in the building, and people were going in and out of the building freely without any sort of interruption.

Mr. CURRIER. The gentleman's amendment provides only for two watches, so that for eight hours during the twenty-four hours no man could get in or out of the Office Building. Does it not occur to the gentleman that a Member might want to get to his room during that eight hours?

Mr. WILLIAMS. I beg the gentleman's pardon; there would still be three officers and two privates to spare.

Mr. CURRIER. The gentleman's scheme gives five men, and there would be one on each floor, and that would leave one door that is unguarded. If he puts a man in the subway, there is not a single man on the force that he can station at a single door.

Mr. WILLIAMS. What other employees are there besides—janitors?

Mr. CURRIER. There are no janitors yet; there are charwomen.

Mr. WILLIAMS. There will be janitors.

Mr. CURRIER. Well, I don't know.

Mr. WILLIAMS. Of course there will be.

Mr. BARTLETT of Georgia. The only janitors there now are the janitors provided for the committee rooms that have been moved over there. Their services, so far as cleaning up the rooms, is done by charwomen or some one under the direction of the Superintendent of the Capitol. There is no provision there now for the preservation or the care of the rooms, and the only janitors are the janitors for the committee rooms.

Mr. WILLIAMS. Well, Mr. Speaker, I proposed the amendment I desired to propose, and I yield the floor.

Mr. BARTLETT of Georgia. I will say to the gentleman from Mississippi——

The SPEAKER. Does the gentleman from Mississippi offer an amendment?

Mr. WILLIAMS. Yes. My amendment is to strike out the word "twenty-one" where it occurs and substitute the word "ten" in lieu thereof.

Mr. BARTLETT of Georgia. The gentleman means to have ten men and no officers?

Mr. WILLIAMS. No; the officers are left undisturbed.

Mr. BARTLETT of Georgia. I will state to the gentleman that if he will make that fifteen men and three officers I think he will cover the situation.

Mr. WILLIAMS. If this fails I will try that.

The SPEAKER. The Clerk will report the amendment of the gentleman from Mississippi.

The Clerk read as follows:

Amend the amendment by striking out "twenty-one" and inserting in lieu thereof "ten."

Mr. CURRIER. Mr. Speaker, I wish to say in reference to that amendment that that will provide just five men on a watch in the Office Building, as it would cover two watches in the day. For eight hours in the day it would be left entirely without protection. If only five men are put in there on a watch and the arrangement made, as suggested by the gentleman from Mississippi, one to each floor, there is not one single door in that building that would have any protection whatever.

Mr. WILLIAMS. But we do not need a policeman at each door all the time.

Mr. CURRIER. The committee believes that on every door the public are coming through there should be a policeman, and that there will be trouble in that building unless there is one. We stand absolutely for that, except, I might say, that with the three doors entering the rotunda two officers certainly could take care of the three doors, and possibly one could. The arrangement we are suggesting now is for only one officer, but that rotunda will be a bureau of information for the public, and they should be fairly served, and I do not think they can be fairly served in that rotunda with its three doors with less than three men, although the arrangement we are trying to put in force now involves for the present only one man in the rotunda with its three doors.

Mr. WILLIAMS. Does the gentleman know of any office building in New York or Chicago that has a policeman at every door all the time?

Mr. CURRIER. The gentleman lives in a little country town in New Hampshire, and he is not familiar with the policing of office buildings in the great cities, but I will tell the gentleman how the buildings are taken care of in this city. The Department of Agriculture, not a large building——

Mr. WILLIAMS. Oh, I did not ask about public offices. I asked about commercial office buildings.

Mr. CURRIER. I want to call the attention of the committee to the method adopted in the buildings in this city.

Mr. WILLIAMS. I admit that all the public buildings have too many policemen.

Mr. CURRIER. They have a captain and lieutenant and 25 privates in the Department of Agriculture, 4 more privates than we are asking for here. In the Department of Commerce and Labor, they have 27 privates. In the Interior Department, 58 privates; that does not include the Pension Office, which has 20, and the Geological Survey, which has 1. The State, War and Navy building has 1 captain, 2 lieutenants, and 49 privates. The Post-Office building, 1 captain, 2 lieutenants, 29 privates; the Treasury, 2 captains, 4 lieutenants, and 120 privates; the Government Printing Office has 1 captain, 2 lieutenants, and 64 privates.

Mr. WILLIAMS. Now, if the gentleman will permit another question, does not just what he has read suggest that there ought to be a reform in the Government in the direction of greater economy?

Mr. CURRIER. Oh, the gentleman has no information that would lead him to think that the force could be reduced in those buildings.

Mr. WILLIAMS. Does not the gentleman think that this would be information, that office buildings for commercial purposes, with people coming in and going out all the time, are not, in any part of this country, as far as I know, unless the gentleman knows to the contrary, furnished with a policeman at each door, or with any sort of policing at all commensurate with this?

Mr. CURRIER. I want to say that these Departments are closed to the public except for seven hours in the day, and this building is open to the public absolutely for sixteen hours in the day.

Mr. TAWNEY. I will say the Departments are open from 9 until 2.

Mr. MANN. That is what the watchmen are for, to keep people out after those hours.

Mr. CURRIER. Yes.

Mr. MANN. And not over here. That is their principal occupation, to sit at the door and keep people out after 2 o'clock.

Mr. CURRIER. I do not believe that the Members of this House will be satisfied for one week to have every one of the doors in that building without any police protection, with drunken men, hoboes, and everybody else at perfect liberty to go in, with no one to question their right.

Now, gentlemen, this committee has no pride of opinion about this matter. We went to work to figure this down to the lowest possible number that we believed the Members could get along with. If the Members do not want the police force there it is easy enough to vote it out. We have no pride of opinion about this matter at all, but we believe we have brought in a recommendation here along lines just as economical as we could make it; that is all. I now yield to my colleague from New York [Mr. GOULDEN].

Mr. ADAIR rose.

Mr. GOULDEN. Does the gentleman from Indiana desire to ask a question?

Mr. ADAIR. Yes.

Mr. GOULDEN. I yield to him for that purpose.

Mr. ADAIR. I just want to ask a question of the gentleman from New Hampshire—that is, if he has seen any hobos or any drunkards lounging around the Office Building and going in and out of the doors, and does the gentleman believe it will be necessary to have men stationed at these doors to keep out those men in these prosperous times?

Mr. CURRIER. The gentleman from New Hampshire is informed that last Sunday afternoon just that sort of people were in there. I would like to ask the gentleman from Kansas [Mr. CAMPBELL] to relate his experience last Sunday afternoon.

Mr. CAMPBELL. Mr. Speaker, I confess to having violated one of the commandments on last Sunday afternoon by going to my office and working. I left my door open for just a moment. There were a number of children skating up and down in the hallway on roller skates. They came into the office, went around the table and took hold of and turned over the books and papers which lay on the table; a number of addressed slips on the table were turned over and mixed up. I followed them out into the hallway and saw the halls were then filled with people and no one to direct them where to go.

Now, I submit to the Members of the House that an office building of this character, being a public building, is a vastly different building from an office building in which you or I may have our office in our home city. The building is public, and the public is entitled to admittance to it. The people have the right to know what is there and what it is there for. They should be admitted under regulations, and I submit to the Members of the House that such regulations can not be provided for by four or five men—taking into account the size of the building and the number of doorways it has.

Mr. ADAIR. May I ask a question?

Mr. CAMPBELL. Yes.

Mr. ADAIR. Were you disturbed by anyone else except the children?

Mr. CAMPBELL. I was not.

Mr. ADAIR. Do you believe that any great number of police would be requested or required to keep out children from the Office Building; do you not believe one policeman could keep out of the Office Building those children and others on Sunday and——

Mr. CAMPBELL. I do not believe one policeman can guard the doorways of that Office Building on Sunday or any other day and give the public such attention as it is entitled to.

Mr. MADDEN. Do not you think the Office Building ought to be closed on Sunday?

Mr. CAMPBELL. I should have been sorry to have seen it closed on last Sunday, as I had to do some work which I could not have done at my home because my books and papers were in the Office Building, and I had to go there to do the work.

Mr. MANN. Does the gentleman know whether the visit which the gentleman enjoyed from these children has given rise to the rumor circulated over the House that last Sunday this building was filled with hobos and toughs and disreputables, and that they camped in the room of some Member of the House? Is that the bottom of that story?

Mr. CAMPBELL. I am not in position to advise the gentleman from Illinois.

Mr. MANN. Well, the gentleman has not heard of anyone else's room being invaded? The gentleman was called upon as a profert, as I understood, to prove the story?

Mr. CAMPBELL. I heard what the gentleman from New Hampshire [Mr. CURRIER] said. I had asked the gentleman when this resolution providing for these policemen was going to be reported, and spoke of the necessity for it to him and stated what I saw there on Sunday.

Mr. CURRIER. I yield to the gentleman from New York [Mr. GOULDEN] such time as he may desire.

Mr. GOULDEN. Mr. Speaker, I desire to say that I am a member of the Committee on Accounts as well as of the subcommittee of three who have investigated this matter in every detail. We have gone over it carefully, and find, after consulting the Sergeant-at-Arms, a reliable authority, and the Superintendent of Buildings and Grounds, examining into the matter carefully and closely, that it is impossible to properly guard this magnificent Office Building with a less force than that which we have recommended to this House. And I beg to call the attention of the gentlemen of this House to the fact that there are valuable documents and property stored there belonging to the Government, and there will be much more in the future. It is a well-known fact that large amounts of valuable property in and around the Capitol disappear. It is also a well-known fact, substantiated by the Sergeant-at-Arms, that much Government property is lost each year even with the large force guarding it at the present time. We think that the Office Building, with its valuable documents and property of the Government—that no man should be allowed to leave that building unless he is known to an officer at the door to be entitled to carry away property. We have gone over this matter carefully, and I beg to call the attention of the House to one of the recommendations made by the committee. If the resolution as amended be adopted, it is proposed to place twelve policemen at six doors on the first floor, covering two watches of eight hours each. There are eight doors on the first and second floors accessible to the public. We have cut off two of those doors in the rotunda and placed but one policeman on duty for the three doors. At each of the other doors, five in number, we have placed a watchman for the period of sixteen hours, making in all——

Mr. CURRIER. Will the gentleman yield to a question?

Mr. GOULDEN. Certainly.

Mr. CURRIER. And when the building is completed there will be still another door at the east of the rotunda on the first floor, will there not?

Mr. GOULDEN. There will be. That will make the eight doors. We have provided that these eight doors now in use shall be guarded by six watchmen for sixteen hours, namely, two watches of eight hours each.

During the remainder of the twenty-four hours—that is, from 12 at midnight until 8 in the morning—that two doors only shall be guarded, in order to give egress and ingress to anyone who has business in the house and a right to be there, making fourteen in all. Now, I believe this is as small a number as possible properly guard the ground floor of that building.

In the judgment of the committee, based upon the knowledge of officials in authority controlling the building, namely, the Sergeant-at-Arms and the Superintendent of the Capitol, we believe that there ought to be on the second, third, and fourth floors during sixteen hours of the day a policeman. They will do duty on the three floors from 8 o'clock in the morning until midnight. That will be six additional, making in all twenty men. There is also in the basement or subway a necessity for a policeman during the busy hours of the day, namely, from 9 to 5 o'clock—the hours in which excursionists and the public generally have access and believe they have a right to it—to guard against anything going wrong in the basement, and to protect life and property.

I visited the building last night at 10 o'clock and found people on each of the floors from the fourth down to the basement who apparently had no business there. I believe that we need these policemen for the safety of the property of the Government and the protection of this magnificent building upon which we have spent a large amount of money, as well as for convenience of visitors, who require adequate protection, and the committee have brought in this report asking for twenty-one policemen and three officers. Originally we had decided to recommend three lieutenants and one captain; now we make the captain, while a superior officer and in command of the whole force, perform his tour of duty—namely, eight hours. Now, at night, from 12 until 8 in the morning, one of these officers will be in charge and will be expected to have control of the whole building, with but two men to aid him. He will be required to patrol the second, third, and fourth floors and see that the basement and subway is properly looked after and cared for.

This building, I may say to my friend from Mississippi [Mr. WILLIAMS], differs very materially from city office buildings.

I believe that I am as familiar with the office building question in the city of New York as any man on the floor of this House. I want to say that this is an entirely different proposition from a city office building. I know it is so in the one that I am in. That building closes at 8 o'clock, and you can only obtain admission after that hour by ringing up the night janitor of the building. This Office Building of Congressmen is open to the public. It is a building that the public believe that they have a right to visit during day and night and therefore should be properly guarded and protected, and the public given an opportunity to see how well and fairly Congress has treated its Members. They also will want to visit friends and their Members. I have callers with business matters, at my office every day. They do not know where to go. There is no one at the doors to direct them. I believe in what the gentleman from Kansas who has so ably said, that there are hoodlums found there with boys and girls skating through the halls. I have seen five or six boys rambling about that building as if they owned it and had a right to be there in daytime. I believe that we have enough pride in the building to see that it must be properly protected. I have no personal interest whatever in the matter, and care not in the slightest about it, except as to the number of men to be engaged in this work as an individual Member. It is for you to say whether you will have the property properly protected and the interests of the Members and the public guarded. The property of the Government must be also considered, or do you wish to allow that property to be stolen and the building abused and disfigured?

Mr. DAVIS of Minnesota. I would like to ask the gentleman a question.

Mr. GOULDEN. Glad to have you do so.

Mr. DAVIS of Minnesota. Will you explain to the House, and thereby inform me as well as the House, what the duties of these three officers will be—a captain and two lieutenants to take charge of twenty-one men?

Mr. GOULDEN. In reply to the distinguished gentleman from Minnesota, it is very evident that he has never had much military service. [Laughter.] If he had he would not ask the question. [Renewed laughter.] Every man here knows, who knows anything of military matters, from a theoretical standpoint even, that we must have some one in command and who can be held responsible. The lieutenant must see that the men are properly placed and are doing their duty; he must visit each man upon his post of duty, and if there is any man sick or absent he must supply his place. In other words, he is in command for the time being of the force. The captain must supervise and superintend the lieutenants as well as the twenty-one privates in the service. He is responsible for the efficiency and discipline of the force.

Mr. DAVIS of Minnesota. I will state to the gentleman that for five years I was captain of a military company, if I remember correctly, of nearly 100 men. [Applause.] Now, can the gentleman state a military record better than that?

Mr. GOULDEN. I apologize to the gentleman for having made the mistake.

Mr. DAVIS of Minnesota. And I will say furthermore that these 100 men, or nearly 100 men, were as law-abiding and peaceable as, probably no more so than, you intend your 21 policemen to be.

Mr. GOULDEN. I apologized to the gentleman, because I supposed that he had had no military experience, but I take it from his statements that he has a good record as a soldier.

Mr. DAVIS of Minnesota. And furthermore I will state——

Mr. GOULDEN. I only yielded for a question, Captain. [Laughter.] The gentleman undoubtedly had two or three lieutenants under him who assisted in the discipline of that company. And what would the company have been without the captain or some one in authority to command it? In addition to that he had noncommissioned officers——

Mr. DAVIS of Minnesota. I will state to the gentleman that the two lieutenants under me would, at any time during my absence for one, two, or three days, have managed these 100 men almost as well, if not quite as well, as I did myself. And, in my opinion, one lieutenant here at this time can successfully manage twenty-one policemen, although I only hope there will be but ten under his command.

Mr. GOULDEN. Mr. Speaker, the gentleman qualified his remarks by saying "almost as well." Now, that "almost," I think, answers his own question. But in addition to the two lieutenants he had his noncommissioned officers, and he had a disciplined troop under him; and I have no doubt that, owing to the superior ability and discipline of the captain himself, he had such a company that they would have gone along without any officers, except the noncommissioned, at all, but we do not have the same discipline in this case. [Applause.]

Mr. DAVIS of Minnesota. No; but were ten of them, or ten similar ones here, they could, with one lieutenant, guard and properly care for this building at all times.

Mr. GOULDEN. I can not agree with the gentleman from Minnesota.

Mr. GARDNER of Michigan. The gentleman states that the building ought to be guarded to prevent the contents of the rooms being stolen.

Mr. GOULDEN. No; I said the property of the Government stored there all through the various rooms, particularly in the basement rooms.

Mr. GARDNER of Michigan. Is not that property under lock and key, or may it not be?

Mr. GOULDEN. I am afraid it is not under lock and key.

Mr. GARDNER of Michigan. Will it not be under lock and key?

Mr. GOULDEN. I am unable to answer the gentleman's question, because I can not see into the future. It should be, I am sure.

Mr. GARDNER of Michigan. The gentleman, to my certain knowledge, occupies a portion of a large business block on lower Broadway, in New York City, which we heard about a year or so ago. I should like to inquire whether the owners of that building keep a large force of policemen on duty day and night to keep the property of tenants from being stolen?

Mr. GOULDEN. Yes; certainly we do. We have a policeman at the door, there being but one entrance to the building. At night we have a watchman, who is in the building at all times during the time that the offices are closed.

Mr. GARDNER of Michigan. May I ask the gentleman another question?

Mr. GOULDEN. Certainly.

Mr. GARDNER of Michigan. Do they keep policemen on the twelfth, fourteenth, or fifteenth floor?

Mr. SHERMAN. But at night the front door is locked.

Mr. GOULDEN. Yes; that is correct. The building has but twelve floors, and the policeman at the entrance during the day and the elevator boys take the place of watchmen to see that no questionable characters are admitted or allowed to be in the building at any time.

Mr. GARDNER of Michigan. That is all we propose to do here, and it can be done effectively with ten men.

Mr. GOULDEN. In reply to the gentleman, if he will allow me, my own office building is a comparatively small one, being only 25 by 100 feet, and my friend from New York [Mr. PARSONS] informs me that in all the larger buildings they have officers specially employed by the owners to pass through the building every hour, to look after it. No, I would say in reply to my friend from Michigan, the case is entirely different—no comparison is possible between office buildings in large cities and the Congressional Office Building, erected to enable the Members to perform their duties in a proper and expeditious manner. Hitherto a Member had no place to receive his constitutents, no office in which to do his work, answer his voluminous correspondence, prepare his bills, study, and arrange for their passage, or to oppose those of an objectionable character. His papers and books were in half dozen places and not available when wanted. This building now in use is of great convenience to the Members and to the comfort of our constitutents. [Applause.]

Mr. ADAIR. I understood the gentleman from New York to state that at 10 o'clock at night he observed in the corridors of the Office Building over here a great many people who had no business there?

Mr. GOULDEN. Not a great many, but some people who apparently did not belong there.

Mr. ADAIR. A number of people?

Mr. GOULDEN. Yes.

Mr. ADAIR. He also said that this was a public building, and that it was thrown open to the public. Is it not true that many people walk through these corridors at night for the purpose of looking at the building, with no other purpose in view? And is it necessary that the public, who have a right to enter these doors and walk through these halls, shall be guarded by a policeman at each door and have their actions closely watched while they are in the building? Have they not the right to go there as citizens of Washington?

Mr. GOULDEN. In reply to the gentleman, I would say that these people ought to have a right there; but what is to prohibit questionable characters, thieves, hoodlums, and others equally bad and undesirable from entering the building at any hour, unless the building is guarded properly?

Mr. ADAIR. I should like to say that I do not believe there is any Member of this House who has been in this Office Building since it was opened as much as I have. I have been in my office in the building every night until after 10 o'clock, except four or five nights. I have been in the Office Building every Sunday except one, and I am sorry to confess that I have had to work on Sunday in order to keep my work up; and during that time I have never seen anyone in the building that needed to be guarded by police or interfered with by police or to be watched.

Mr. GOULDEN. Perhaps the gentleman is so innocent himself that he would not believe guilt in anyone else, and perhaps he would not for this reason know guilty or disreputable ones if he saw them. [Applause.]

Mr. ADAIR. The gentleman must not think for a moment that I do not know or recognize guilty people. But I must say that I have not seen a hobo or a drunken man in Washington since I came here the 1st of December.

Mr. GOULDEN. I want to congratulate the gentleman, because he is one of the few lucky men. The gentleman from Illinois [Mr. SABATH] says that he has the gentleman from Illinois beaten to a finish in the matter of being in his office much of the time, perhaps occasionally sleeping there. [Laughter.]

Mr. SABATH. The gentleman from New York is mistaken; the "gentleman from Illinois" does not sleep there, but he did take exception to the statement of the gentleman from Indiana [Mr. ADAIR] when he says that he devotes more time to his office than anybody else.

Mr. CLAYTON. Will the gentleman from New York yield to me?

Mr. GOULDEN. I shall be glad to yield to the gentleman from Alabama.

Mr. CLAYTON. I understand there may be a good deal of patriotism involved in this proposition offered by the Committee on Accounts to increase the police force of the great House Office Building. On account of the prevailing conditions in the country we know that there are thousands of idle men, and the Committee on Accounts evidently is trying to provide some employment for some of those idle men. It may be that it is a most worthy and patriotic motive that actuates them. I want to know of the gentleman from New York just how far the Committee on Accounts has been influenced, if at all, by the suggestion from the Philadelphia Inquirer, a leading Republican paper, in an editorial of this Saturday morning. I will read a part of it.

Mr. GOULDEN. I shall have to object to the gentleman's reading editorials in my time.

Mr. CLAYTON. It is not very long, and it is couched in such beautiful and pure English.

Mr. GOULDEN. I will withdraw the objection. The gentleman may read it.

Mr. CLAYTON (reading):

> So much for this feature of the industrial situation. There is another—the side which must appeal to everyone—the enforced idleness of the many thousands of employees in the manufacturing sections of the city. This idleness is more general than has been supposed by those not fully informed. It will be surprising news to a great many citizens of Philadelphia that something like 18,000 men who are dependent upon the textile industry of Kensington alone are out of work.
>
> Of course, this condition is the outcome of the panic of last fall. The dearth of money stopped development in all directions. Railroads felt it. All industrial enterprises felt it. There was a sudden halt throughout the country.
>
> What can be done, except to wait for the return of confidence and that demand for the products of the mills which prosperity brings, we do not know. But of one thing we are convinced, and that is that when such periods of depression come upon us it is the duty of the Government, both national and municipal, to throw as much employment in the way of laborers as is possible.
>
> We have no sympathy whatever with that narrow view that Congress seems to hold, that no more money should be expended at this time than is absolutely necessary. Suppose the income of the Government should fall short of current expenses for a brief time, what of that? We all know that it can be but temporary. We have a vast surplus. What is a surplus for if not to be used when it would do the most good?

Mr. GOULDEN. Mr. Speaker, that is one of the best speeches of the many good ones I have ever heard from this side of the House [Laughter.] The committee did not have in mind that article, I am confident. I had not read it, and I do not know that any other member of the committee had done so.

Mr. BARTLETT. It is an editorial from this morning's paper.

Mr. GOULDEN. Then it did not influence the committee in making this recommendation. We believe that what we have recommended is the best, the most economical, and for the interests of the Office Building, the Members, and their constituents, as well as for visitors seeing the sights of the capital. The whole matter is now in the hands of the Members of Congress, those directly interested, and their judgment, whatever it may be, will prove entirely satisfactory to the committee. [Applause.]

Mr. CURRIER. Mr. Speaker, I yield two minutes to the gentleman from Connecticut.

[Mr. LILLEY addressed the committee. See Appendix.]

Mr. CURRIER. Mr. Speaker, I wish to say that a point of order would lie against the gentleman's substitute. We have not any power to detail men from this Capitol police, the joint force of the Senate and House, to the House Office Building. That could not be done. It would take more than half of the employees at the House end. I wish to say in answer to the gentleman from Indiana [Mr. ADAIR], who says he has never seen a drunken man or a disorderly man in the House Office Building or in the city of Washington, that while he was talking a Member of Congress said to me that within a day or two a drunken man had gone into the rooms of one whole floor begging. In reference to the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS], if that is adopted and his suggestion prevails, not one single door in that building will have a police officer. There will be one officer on each floor and one in the subway. It provides for only ten men, and under the law they can work only eight hours, so that there will be only five on duty at a time, one on each floor and one in the subway, with every single doorway unprotected. If this House thinks that the number named by the committee is too large, it can far better dispense with the men on the four floors than to dispense with the men at the doors. If the House feels this ought to be reduced, then I suggest that we leave enough to take care of the doors and take them off the floors.

Mr. STANLEY. Will the gentleman yield for a question?

Mr. CURRIER. I yield.

Mr. STANLEY. Is there any necessity to have all those doors open at night?

Mr. CURRIER. During the night hours we have only two doors in the entire building open. We provide for only two officers during the night. Mr. Speaker, I now move the previous question on the resolution and the amendments thereto.

Mr. SHERMAN. Will the gentleman from New Hampshire yield me two minutes before he demands the previous question?

Mr. CURRIER. Yes.

Mr. SHERMAN. I want just time enough to read from this morning's Washington Post an article which has come to my attention, in answer to the article read from the Philadelphia Inquirer by the gentleman from Alabama [Mr. CLAYTON]. This is under date of yesterday, and it is as follows:

NEW YORK, *February 21, 1908.*

It is estimated by one of the managers of the Association for Improving the Condition of the Poor that there are approximately 30,000 homeless men in New York to-day. Of these probably 60 per cent are nonresidents, while it is the society's estimate that about 1 per cent would work if they were given employment.

Though the poverty of the deserving unemployed is real and their need of help constant, the society has reason to believe that conditions are improving, the number of men out of work growing smaller, and, finally, that the total of the deserving class of the unemployed has been overestimated. The great majority, a society manager said, belong to the vagrant class, and "work" the organization when they can get a chance to do so.

"These men go to the mission," he said, "and get all they can, then to ministers and get all they can there; next they fall into the bread line, and in a few days, when they think we have forgotten them, come back to us. We have tried to distinguish the deserving, but when the past of the run of applicants is sifted not more than 1 per cent are honest or sober or willing to work when they can."

Mr. CURRIER. Mr. Speaker, I now move the previous question on the resolution and the amendments thereto.

Mr. WILLIAMS. Before the gentleman does that will he yield me two minutes?

Mr. CURRIER. Yes.

Mr. WILLIAMS. Mr. Speaker, in reply to the remarks of the gentleman from New York [Mr. SHERMAN], and with equal relevancy to the question under consideration, I hold in my hand some resolutions from the National Convention of the Unemployed. [Laughter.] I remember that in 1893 we upon this side of the Chamber could not enter the Chamber and sit here five minutes without having somebody upon the other side of the Chamber refer to that great leader and general of the unemployed, Gen. Jacob S. Coxey, of Mount Vernon, Ohio. I have the honor, or the trepidation, rather, to announce now that Jacob S. Coxey, of Mount Vernon, has announced that the conditions have rearisen that require him to move upon Washington at the head of the army of the unemployed. [Laughter.] I request as a part of my remarks that his address to the American people be published in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The resolutions referred to are as follows:

NATIONAL CONVENTION OF THE UNEMPLOYED—RESOLUTIONS.

DRUIDS' HALL, *St. Louis, Mo., February 8, 1908.*

To the President, Congress, State legislatures, and people of the United States:

Whereas the United States Treasury advanced $25,000,000 to the banks for their relief in the late financial panic; and

Whereas there are millions of people out of employment in the towns, cities, and villages of our land; and

Whereas, in a Government established for the express purpose of allowing people to enjoy "life, liberty, and the pursuit of happiness," we have in certain places been denied the constitutional rights of assemblage, free speech, petition, and remonstrance, and have found it impossible thus far to secure municipal or State relief; and

Whereas on this account multitudes can barely exist, many are slowly dying for want of nourishment and proper shelter, and others are driven to desperation and crime, through no fault of their own; and

Whereas the working class, even when employed, do not receive the full product of their labor, but often only enough for the bare necessaries of life, and in an industrial panic are wholly unable to procure these things; and

Whereas, in brief, we believe you will recognize at once the existence of these conditions now that they are brought to your attention: Therefore,

The national committee of the unemployed, representing the cities in which the need is most acute, most urgently calls for suitable measures for the relief of the unemployed in this time of their distress.

We demand adequate measures whereby citizens of both sexes shall be insured against enforced idleness, and suggest that this may be done even in the same way as the soldiers are supported in periods of inactivity or upon being invalidated—that the soldiers of industry be treated at least as well as the soldiers of war. And, further, that in view of the fact that the fundamental cause of enforced unemployment lies in the inaccessibility of the machines, mills, and land to all the workers, we demand that sufficient of such land as remains in the public domain be now effectively put at the disposal of the unemployed for colonization or settlement, with such provision of implements and necessaries as shall enable them to harvest the first crop.

We suggest also that in towns and cities idle lands suitable for cultivation may be put at the disposal of the unemployed immediately, with similar provision; and

Whereas every year in the United States about 100,000 men are arrested under the present vagrancy laws for no other crime than being without work and without homes,

We demand of the State and local governments the modification of the vagrancy laws so that in all cases where vagrants shall be sentenced to labor in jails or other buildings used for penal purposes, or upon the public streets or highways, said vagrants shall be entitled to a credit of 50 cents each for every day's imprisonment, said sum to be paid to them in cash upon their release; and

Whereas from time to time there are industrial opportunities in one place and another, and these are inaccessible on account of the urgent need of transportation,

We demand that the Federal Government furnish transportation in such cases from one place to another, but in a way not to interfere with the workers anywhere in their efforts to better their condition.

As further measures of relief, we suggest any or all of the following as may be found adequate:

1. That Congress issue and appropriate $150,000,000, or as much as shall be necessary, to improve and deepen the waterways of the entire country, and especially those of the Ohio and Mississippi rivers, by means of which enterprises employment shall be furnished to the unemployed.

2. That Congress make ample provision and appropriation for a system of national highways and better rural free-delivery routes, and that these enterprises also be made to furnish employment to the unemployed.

3. The enactment into law of the so-called Coxey noninterest-bearing bond bill, an act to provide for public improvements and for the employment of the citizens of the United States whereby towns, counties, cities, or States desiring to make public improvements and give employment to those unemployed may deposit with the Secretary of the Treasury of the United States a noninterest-bearing twenty-five year bond, said bond to be retired at the rate of 4 per cent of the principal per annum; and that against this bond the Secretary of the Treasury of the United States shall cause to be engraved and printed Treasury notes in the denomination of one, two, five, ten, and fifty dollars each, which shall be a full legal tender for all debts, public and private, to the full face value of said bond, and deliver in return for it 99 per cent of said notes, retaining 1 per cent for the expense of taking care of this department.

And in order that in future the victims of enforced idleness, together with the whole people, may be able, by direct legislation, to enact such remedial or corrective measures as they may deem adequate, we call for the establishment of the system of initiative and referendum in municipality, State, and nation.

We further recommend that, in all towns and cities where the unemployed exist in numbers, they assemble in a body on the morning of Sunday, February 16 next, march to the most prominent church or churches, and attend the services, making request of the pastor that he read from his pulpit on that occasion a copy of these resolutions to the President, Congress, and people of the United States.

We call the attention of the President, Congress, legislatures, and people to the fact that the only complete, permanent and final solution of the problem of poverty and enforced unemployment is a cooperative commonwealth.

And, finally, we urge the immediate enactment into law, State and national, of the remedial measures herein set forth, to the end that they may restore industrial opportunity to all the people and prevent degradation and crime.

JAMES EADS HOW, *St. Louis,*
JACOB S. COXEY, *Mount Vernon, Ohio,*
WALTER J. MILLARD, *Cincinnati,*
BEN L. REITMAN, *Chicago,*
H. L. GAINES, *Kansas City,*
CORA D. HARVEY, *Guthrie, Okla.,*
JOHN EILLS, *Boston,*
National Committee of the Unemployed.

Mr. BARTLETT of Georgia. Mr. Speaker, before the gentleman moves the previous question, I desire him to yield to me for a moment.

Mr. CURRIER. Yes; I yield.

Mr. BARTLETT of Georgia. I desire to ask the gentleman from New Hampshire, if he moves the previous question now, is it not true that there will be no amendment excepting the one to reduce this force to ten.

Mr. CURRIER. That is true; but if anybody desires to present a further amendment, an amendment to the amend-

ment of the gentleman from Mississippi, I will withhold the request for the previous question until that can be done; and let me say that if this House thinks that the three upper floors should not have any police protection, an amendment making the number fifteen, instead of ten, would take care of the doors as they are at present, leaving the three upper floors without police protection.

Mr. BARTLETT of Georgia. That is what I want to do.

Mr. CURRIER. I yield if the gentleman desires to offer an amendment.

Mr. BARTLETT of Georgia. Then, Mr. Speaker, I move as an amendment to the amendment of the gentleman from Mississippi to strike out the word "ten" and substitute the word "fifteen."

Mr. MANN. Mr. Speaker, a parliamentary inquiry——

The SPEAKER pro tempore. The Chair desires to state to the gentleman from Georgia that that would be an amendment in the third degree, unless the gentleman from Mississippi withdraws his amendment and allows the amendment of the gentleman from Georgia to be made.

Mr. WILLIAMS. Mr. Speaker, I can not consent to withdraw the amendment, because I think the number ten is amply sufficient.

The SPEAKER pro tempore. The amendment to the amendment, offered by the gentleman from Mississippi, is as far as amendments can proceed.

Mr. BARTLETT of Georgia. Then, Mr. Speaker, I offer an amendment to the original proposition, to strike out "twenty-one" and insert "fifteen."

The SPEAKER pro tempore. The gentleman from Georgia moves as a substitute to the resolution an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "twenty-one" and insert "fifteen."

Mr. CURRIER. Now, on the resolution and the amendments thereto I move the previous question.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment offered by the committee.

The Clerk read as follows:

Line 6, strike out "three" and insert "two," so as to read "two lieutenants."

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the second committee amendment.

The Clerk read as follows:

Line 7, strike out "thirty" and insert "twenty-one."

The SPEAKER pro tempore. The amendment to the amendment offered by the gentleman from Mississippi will be next in order.

The Clerk read as follows:

Strike out "twenty-one" and insert "ten."

The SPEAKER pro tempore. The question is upon the amendment offered by the gentleman from Mississippi. The amendment of the gentleman from Georgia will come after that.

Mr. BARTLETT of Georgia. Mr. Speaker, does not the substitute come before the amendment?

The SPEAKER pro tempore. No. The question is upon the amendment to the amendment offered by the gentleman from Mississippi, as reported by the Clerk.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. WILLIAMS), there were—ayes 75, noes 90.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 99, nays 118, answering "present" 3, not voting 169, as follows:

YEAS—99.

Adair	Cooper, Tex.	Godwin	Jones, Wash.
Adamson	Cox, Ind.	Gordon	Kennedy, Iowa
Alexander, Mo.	Davenport	Gregg	Kimball
Ansberry	Davis, Minn.	Griggs	Leake
Anthony	De Armond	Hamilton, Iowa	Lewis
Ashbrook	Denver	Hammond	Lilley
Bartlett, Nev.	Edwards, Ga.	Hardy	Lindbergh
Beall, Tex.	Ellerbe	Harrison	Littlefield
Bede	Finley	Hayes	Lloyd
Birdsall	Fitzgerald	Heflin	McCreary
Brodhead	Flood	Helm	McLain
Brundidge	Floyd	Henry, Tex.	Madden
Burgess	Foster, Ill.	Hill, Miss.	Mann
Burleson	French	Hughes, N. J.	Moore, Tex.
Caldwell	Fulton	Humphrey, Wash.	Morse
Candler	Garner	Johnson, Ky.	Murphy
Carter	Garrett	Johnson, S. C.	Nicholls
Clayton	Gill	Jones, Va.	Norris
Padgett	Rauch	Sherley	Stephens, Tex.
Page	Reid	Sherwood	Thomas, N. C.
Perkins	Richardson	Slayden	Wallace
Peters	Russell, Mo.	Smith, Iowa	Wiley
Powers	Russell, Tex.	Smith, Mo.	Williams
Rainey	Sabath	Smith, Tex.	Wilson, Pa.
Randell, Tex.	Sheppard	Spight	

NAYS—118.

Allen	Driscoll	Kahn	Pollard
Andrus	Ellis, Oreg.	Keifer	Pujo
Bannon	Esch	Kinkaid	Rothermel
Barclay	Fairchild	Kipp	Scott
Bartholdt	Focht	Knowland	Sherman
Bartlett, Ga.	Fordney	Langley	Sims
Bates	Foss	Law	Slemp
Bennet, N. Y.	Foster, Ind.	Legare	Smith, Cal.
Bennett, Ky.	Fowler	Loud	Smith, Mich.
Bonynge	Fuller	Lowden	Snapp
Boutell	Gaines, W. Va.	McGavin	Southwick
Boyd	Gilhams	McKinlay, Cal.	Sparkman
Brownlow	Goulden	McKinney	Sperry
Campbell	Graham	McLachlan, Cal.	Stafford
Capron	Gronna	McMillan	Stanley
Caulfield	Hale	Madison	Sturgiss
Clark, Fla.	Hamilton, Mich.	Marshall	Sulloway
Cook, Colo.	Hardwick	Miller	Tawney
Cooper, Pa.	Hawley	Mondell	Taylor, Ohio
Cooper, Wis.	Hay	Mouser	Townsend
Coudrey	Henry, Conn.	Mudd	Volstead
Cousins	Hepburn	Murdock	Wanger
Currier	Higgins	Needham	Washburn
Dalzell	Holliday	Nelson	Watkins
Darragh	Houston	Nye	Weeks
Davidson	Howell, N. J.	Olcott	Wilson, Ill.
Dawes	Howell, Utah	Overstreet	Wood
Dawson	Howland	Parker, S. Dak.	Young
Dickema	Hubbard, Iowa	Parsons	
Draper	Hubbard, W. Va.	Payne	

ANSWERED "PRESENT"—3.

Ellis, Mo.	Hill, Conn.	James, Ollie M.

NOT VOTING,—169.

Acheson	Douglas	James, Addison D.	Patterson
Aiken	Dunwell	Jenkins	Pearre
Alexander, N. Y.	Durey	Kelliher	Porter
Ames	Dwight	Kennedy, Ohio	Pou
Barchfeld	Edwards, Ky.	Kitchin, Claude.	Pratt
Beale, Pa.	Englebright	Kitchin, Wm. W.	Pray
Bell, Ga.	Fassett	Knapp	Prince
Bingham	Favrot	Knopf	Ransdell, La.
Booher	Ferris	Küstermann	Reeder
Bowers	Fornes	Lafean	Reynolds
Bradley	Foster, Vt.	Lamar, Fla.	Rhinock
Brantley	Foulkrod	Lamar, Mo.	Riordan
Brick	Gaines, Tenn.	Lamb	Roberts
Broussard	Gardner, Mass.	Landis	Robinson
Brumm	Gardner, Mich.	Laning	Rodenberg
Burke	Gardner, N. J.	Lassiter	Rucker
Burleigh	Gillespie	Lawrence	Ryan
Burnett	Gillett	Lee	Saunders
Burton, Del.	Glass	Lenahan	Shackleford
Burton, Ohio	Goebel	Lever	Small
Butler	Goldfogle	Lindsay	Steenerson
Byrd	Graff	Livingston	Sterling
Calder	Granger	Longworth	Stevens, Minn.
Calderhead	Greene	Lorimer	Sulzer
Carlin	Hackett	Loudenslager	Talbott
Cary	Hackney	Lovering	Taylor, Ala.
Cassel	Haggott	McCall	Thomas, Ohio.
Chaney	Hall	McDermott	Tirrell
Chapman	Hamill	McGuire	Tou Velle
Clark, Mo.	Hamlin	McHenry	Underwood
Cockran	Harding	McKinley, Ill.	Vreeland
Cocks, N. Y.	Haskins	McLaughlin, Mich.	Waldo
Cole	Haugen	McMorran	Watson
Conner	Hinshaw	Macon	Webb
Cook, Pa.	Hitchcock	Malby	Weems
Craig	Hobson	Maynard	Weisse
Cravens	Howard	Meyer	Wheeler
Crawford	Huff	Moon, Pa.	Willett
Crumpacker	Hughes, W. Va.	Moon, Tenn.	Wolf
Cushman	Hull, Iowa	Moore, Pa.	Woodyard
Davey, La.	Hull, Tenn.	O'Connell	
Denby	Humphreys, Miss.	Olmsted	
Dixon	Jackson	Parker, N. J.	

So the amendment was rejected.

The following pairs were announced.

Until further notice:

Mr. CHANEY with Mr. DIXON.

Mr. DWIGHT with Mr. MEYER.

Mr. ELLIS of Missouri with Mr. RANSDELL of Louisiana.

Mr. HILL of Connecticut with Mr. HOWARD.

On this vote:

Mr. CRUMPACKER with Mr. DAVEY of Louisiana.

Mr. BRADLEY with Mr. GAINES of Tennessee.

Mr. JENKINS with Mr. HULL of Tennessee.

For the day:

Mr. FOULKROD with Mr. CRAWFORD.

Mr. COCKS of New York with Mr. CRAVENS.

Mr. CHAPMAN with Mr. CRAIG.

Mr. CARY with Mr. CARLIN.

Mr. BURTON of Ohio with Mr. CLARK of Missouri.

Mr. BURKE with Mr. BYRD.

Mr. BRICK with Mr. BURNETT.

Mr. BINGHAM with Mr. COCKRAN.
Mr. BEALE of Pennsylvania with Mr. BROUSSARD.
Mr. AMES with Mr. BOWERS.
Mr. ALEXANDER of New York with Mr. BOOHER.
Mr. ACHESON with Mr. AIKEN.
Mr. KÜSTERMANN with Mr. LAMAR of Florida.
Mr. LAFEAN with Mr. LAMAR of Missouri.
Mr. LANDIS with Mr. LAMB.
Mr. LANING with Mr. LASSITER.
Mr. LAWRENCE with Mr. LEE.
Mr. LONGWORTH with Mr. LINDSAY.
Mr. LORIMER with Mr. LEVER.
Mr. LOUDENSLAGER with Mr. LIVINGSTON.
Mr. LOVERING with Mr. MACON.
Mr. MCKINLEY of Illinois with Mr. TOU VELLE.
Mr. MCLAUGHLIN of Michigan with Mr. LENAHAN.
Mr. CUSHMAN with Mr. FAVROT.
Mr. DENBY with Mr. FERRIS.
Mr. DUNWELL with Mr. GILLESPIE.
Mr. DUREY with Mr. GLASS.
Mr. FASSETT with Mr. GRANGER.
Mr. FOSTER of Vermont with Mr. POU.
Mr. GARDNER of Massachusetts with Mr. GOLDFOGLE.
Mr. GILLETT with Mr. HITCHCOCK.
Mr. GARDNER of New Jersey with Mr. HACKETT.
Mr. GOEBEL with Mr. HACKNEY.
Mr. GREENE with Mr. HAMILL.
Mr. GRAFF with Mr. OLLIE M. JAMES.
Mr. HASKINS with Mr. HAMLIN.
Mr. HINSHAW with Mr. HOBSON.
Mr. HAUGEN with Mr. MAYNARD.
Mr. HUFF with Mr. MOON of Tennessee.
Mr. MALBY with Mr. PATTERSON.
Mr. MOORE of Pennsylvania with Mr. PRATT.
Mr. OLMSTED with Mr. RHINOCK.
Mr. PEARRE with Mr. ROBINSON.
Mr. PRINCE with Mr. RUCKER.
Mr. REYNOLDS with Mr. RYAN.
Mr. ROBERTS with Mr. SAUNDERS.
Mr. RODENBERG with Mr. SMALL.
Mr. STEENERSON with Mr. SHACKLEFORD.
Mr. THOMAS of Ohio with Mr. SULZER.
Mr. VREELAND with Mr. TALBOTT.
Mr. WALDO with Mr. TAYLOR of Alabama.
Mr. WATSON with Mr. UNDERWOOD.
Mr. WOODYARD with Mr. WILLETT.
Mr. HULL of Iowa with Mr. WOLF.
Mr. KENNEDY of Ohio with Mr. HUMPHREYS of Mississippi.
Mr. KNAPP with Mr. CLAUDE KITCHIN.
Mr. BARCHFELD with Mr. MCHENRY.
Mr. CALDER with Mr. O'CONNELL.
Mr. HUGHES of West Virginia with Mr. WEBB.
Mr. MCCALL with Mr. WILLIAM W. KITCHIN.
Mr. COLE with Mr. BRANTLEY.
Mr. BANNON with Mr. RIORDAN.
Mr. BURTON of Delaware with Mr. BELL of Georgia.
Mr. BUTLER with Mr. KELIHER.
Mr. MCMORRAN with Mr. MCDERMOTT.
Mr. STEVENS of Minnesota with Mr. FORNES.
For the session:
Mr. KNOPF with Mr. WEISSE.

Mr. BENNET of New York. Mr. Speaker, I am informed that if the gentleman from New York [Mr. FORNES] were present he would vote "no." I therefore vote "no."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Georgia [Mr. BARTLETT], in the nature of a substitute. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "twenty-one" and insert "fifteen."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the "noes" seemed to have it.

Mr. BARTLETT. Division! Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, to save the time of the House I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 132, nays 79, answered "present" 3, not voting 175, as follows:

YEAS—132.

Adair	Bartlett, Nev.	Brodhead	Carter
Adamson	Beall, Tex.	Brundidge	Chapman
Alexander, Mo.	Bede	Burgess	Clayton
Andrus	Birdsall	Burleson	Cooper, Tex.
Ansberry	Boyd	Caldwell	Cousins
Bartlett, Ga.	Brantley	Candler	Cox, Ind.
Crawford	Hale	Kimball	Powers
Crumpacker	Hamilton, Iowa	Kitchin, Claude	Rainey
Davenport	Hamilton, Mich.	Lamar, Fla.	Randell, Tex.
Davis	Hammond	Lassiter	Rauch
Dawson	Hardwick	Lawrence	Reid
De Armond	Hardy	Leake	Rothermel
Denver	Harrison	Lewis	Rucker
Diekema	Hay	Lindbergh	Russell, Mo.
Ellerbe	Hayes	Littlefield	Russell, Tex.
Ellis, Oreg.	Hedlin	Livingston	Sabath
Finley	Henry, Tex.	Lloyd	Sheppard
Fitzgerald	Hill, Conn.	McCreary	Sherwood
Flood	Hill, Miss.	McHenry	Sims
Floyd	Houston	McKinney	Slayden
Fordney	Howard	McLaughlin, Mich.	Smith, Iowa
Foster, Ill.	Hubbard, Iowa	Madden	Smith, Mo.
French	Hubbard, W. Va.	Mann	Stafford
Fulton	Hughes, N. J.	Moore, Tex.	Stanley
Garner	Hull, Tenn.	Morse	Taylor, Ala.
Gill	Humphreys, Miss.	Murphy	Thomas, N. C.
Gillespie	Jenkins	Nicholls	Townsend
Godwin	Johnson, Ky.	Norris	Wallace
Gordon	Johnson, S. C.	Nye	Washburn
Graham	Jones, Va.	Padgett	Wiley
Gregg	Jones, Wash.	Page	Williams
Griggs	Kahn	Perkins	Wilson, Pa.
Hackney	Kennedy, Iowa	Peters	Wood

NAYS—79.

Allen	Esch	Langley	Parsons
Barclay	Fairchild	Law	Payne
Bartholdt	Focht	Legare	Rodenberg
Bates	Foss	Loud	Sherman
Bennet, N. Y.	Foster, Ind.	Lowden	Slemp
Bennett, Ky.	Fuller	McDermott	Smith, Cal.
Bonynge	Gaines, W. Va.	McGavin	Smith, Mich.
Boutell	Goulden	McLachlan, Cal.	Snapp
Brownlow	Gronna	McMillan	Southwick
Capron	Haskins	Marshall	Sperry
Caulfield	Haugen	Maynard	Sulloway
Clark, Fla.	Hawley	Miller	Tawney
Cook, Colo.	Hepburn	Mondell	Taylor, Ohio
Cooper, Wis.	Higgins	Mouser	Vreeland
Coudrey	Howell, N. J.	Mudd	Wanger
Currier	Howell, Utah	Nelson	Watkins
Dalzell	Howland	Olcott	Weeks
Dawes	Kinkaid	Overstreet	Wilson, Ill.
Draper	Kipp	Parker, N. J.	Woodyard
Driscoll	Knowland	Parker, S. Dak.	

ANSWERED "PRESENT"—3.

Foster, Vt.	James, Ollie M.	Pou

NOT VOTING—175.

Acheson	Denby	Humphrey, Wash.	Porter
Aiken	Dixon	Jackson	Pratt
Alexander, N. Y.	Douglas	James, Addison D.	Pray
Ames	Dunwell	Keifer	Prince
Anthony	Durey	Kelliher	Pujo
Ashbrook	Dwight	Kennedy, Ohio	Ransdell, La.
Bannon	Edwards, Ga.	Kitchin, Wm. W.	Reeder
Barchfeld	Edwards, Ky.	Knapp	Reynolds
Beale, Pa.	Ellis, Mo.	Knopf	Rhinock
Bell, Ga.	Englebright	Küstermann	Richardson
Bingham	Fassett	Lafean	Riordan
Booher	Favrot	Lamar, Mo.	Roberts
Bowers	Ferris	Lamb	Robinson
Bradley	Fornes	Landis	Ryan
Brick	Foulkrod	Laning	Saunders
Broussard	Fowler	Lee	Scott
Brumm	Gaines, Tenn.	Lenahan	Shackleford
Burke	Gardner, Mass.	Lever	Sherley
Burleigh	Gardner, Mich.	Lilley	Small
Burnett	Gardner, N. J.	Lindsay	Smith, Tex.
Burton, Del.	Garrett	Longworth	Sparkman
Burton, Ohio	Gilhams	Lorimer	Spight
Butler	Gillett	Loudenslager	Steenerson
Byrd	Glass	Lovering	Stephens, Tex.
Calder	Goebel	McCall	Sterling
Calderhead	Goldfogle	McGuire	Stevens, Minn.
Campbell	Graff	McKinlay, Cal.	Sturgiss
Carlin	Granger	McKinley, Ill.	Sulzer
Cary	Greene	McLain	Talbott
Cassel	Hackett	McMorran	Thomas, Ohio
Chaney	Haggott	Macon	Tirrell
Clark, Mo.	Hall	Madison	Tou Velle
Cockran	Hamill	Malby	Underwood
Cocks, N. Y.	Hamlin	Meyer	Volstead
Cole	Harding	Moon, Pa.	Waldo
Conner	Helm	Moon, Tenn.	Watson
Cook, Pa.	Henry, Conn.	Moore, Pa.	Webb
Cooper, Pa.	Hinshaw	Murdock	Weems
Craig	Hitchcock	Needham	Weisse
Cravens	Hobson	O'Connell	Wheeler
Cushman	Holliday	Olmsted	Willett
Darragh	Huff	Patterson	Wolf
Davey, La.	Hughes, W. Va.	Pearre	Young
Davidson	Hull, Iowa	Pollard	

So the substitute was agreed to.

The following additional pairs were announced:

On this vote:

Mr. WHEELER with Mr. SPARKMAN.
Mr. WEEMS with Mr. SPIGHT.
Mr. STURGISS with Mr. MCLAIN.
Mr. VOLSTEAD with Mr. SMITH of Texas.
Mr. BRADLEY with Mr. GAINES of Tennessee.
Mr. CALDERHEAD with Mr. ASHBROOK.
Mr. CONNER with Mr. DAVEY of Louisiana.
Mr. COOPER of Pennsylvania with Mr. HULL of Tennessee.
Mr. FOWLER with Mr. EDWARDS of Georgia.
Mr. HENRY of Connecticut with Mr. HELM.

For the balance of the day:

Mr. DOUGLAS with Mr. STEPHENS of Texas.

Mr. GILHAMS with Mr. GARRETT.

The result of the vote was then announced, as recorded.

The SPEAKER. The question is on the committee amendment as amended.

The question was taken, and the committee amendment as amended was agreed to.

The resolution as amended was agreed to.

On motion of Mr. CURRIER, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

TRACKAGE BILL.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 902.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MANN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of Senate bill 902. There is pending before the committee, as the Chair remembers, an amendment offered by the gentleman from Alabama to section 16, which the Clerk will again report, without objection, for the information of the committee.

The Clerk read as follows:

On page 18, in line 16, after the word "passage," strike out the words "in one general direction."

Mr. SMITH of Michigan. Mr. Chairman, I desire to repeat what I said last night. I hope this amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

Mr. HARDY. Mr. Chairman, if it is in order, I would like to offer an amendment to the amendment.

The CHAIRMAN. It is in order, if the amendment is germane.

Mr. HARDY. I move, then, to amend the amendment of the gentleman from Alabama, by striking out the words "in one direction" and inserting in lieu thereof "provided the same point shall be passed but once." To make a plain statement of the matter, the criticism of the proposition of the gentleman from Alabama was that it would enable street car passengers to ride all over the town and all day long, continuously in a circuit, on one fare.

The CHAIRMAN. The gentleman from Texas will please state his amendment, so that it can be reported from the Clerk's desk.

Mr. HARDY. Strike out the words "in one general direction," and insert in lieu thereof "provided the same point shall be passed but once."

The Clerk read as follows:

Strike out the words "in one general direction" and insert "provided the same point shall be passed but once."

Mr. HARDY. That would enable passengers to go, as they do now, in different general directions, and to leave one track wherever it intersected another track, and to take the other track in order to reach the desired destination. I take it as this bill reads now, a citizen could not get on a car on Fourteenth street and go down to the Treasury Building and then turn back and go to the northwestern portion of the district; neither could he get on a car at Q street and go down Ninth street, then go west on the avenue to Georgetown. I understand the purpose to be to enable passengers to have transfers so as to take as many different connecting lines as desired. I believe that under the bill, as it is framed now, street car companies could refuse to issue transfers in many cases where they do now issue them. In other words, I think you might ride less for one fare under the law as it is provided here than you can do under the system now in operation.

The CHAIRMAN. The Chair will state to the gentleman from Texas that under the rules of the House his amendment at this time is not in order. An amendment to strike out is pending now. If the motion to strike out is defeated, then it will be in order to move to strike out and insert.

Mr. SMITH of Michigan. I would like to know what has become of the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

Mr. DRISCOLL. I would ask that the section be reported again with the proposed amendment.

The CHAIRMAN. Without objection, the Clerk will report the section and the amendment offered by the gentleman from Alabama.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from Texas now offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 18, lines 16 and 17, strike out the words, "in one general direction" and insert in lieu thereof "provided the same point shall be passed but once."

Mr. SMITH of Michigan. Mr. Chairman, I simply desire to say that while the committee does not think its bill is perfect, they have given this matter considerable consideration, and believe that this amendment ought not to prevail, and I hope it will not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken and the amendment was rejected.

The Clerk read as follows:

SEC. 18. That every street railroad company or corporation owning, controlling, leasing, or operating one or more street railroads within the District of Columbia shall on each and all of its railroads supply and operate such number of cars, clean, sanitary, in good repair, with proper and safe power, equipment, appliances, and service, comfortable and convenient, and so operate the same as to give expeditious passage, not to exceed 15 miles per hour, to all persons desirous of the use of said cars, without crowding said cars or the platforms thereof. The Commissioners of the District of Columbia are hereby given power to require and compel obedience to all of the provisions of this section, and to make, alter, amend, and enforce all needful rules and regulations to secure said obedience; and said Commissioners are given power to make all such orders and regulations necessary to the exercise of the powers herein granted to them as may be reasonable and proper; and such railroad companies or corporations, their officers and employees, are hereby required to obey all the provisions of this section and such regulations and orders as may be made by said Commissioners. Any such company or corporation, or its officers or employees, violating any provision of this section, or any of the said orders or regulations made by the Commissioners, or permitting such violation, shall be punished by a fine of not more than $1,000. And each day of failure or neglect on the part of such company or corporation, its officers or employees, to obey each and all of the provisions and requirements of this section, or the orders and regulations of the Commissioners made thereunder, shall be regarded as a separate offense.

Mr. HEFLIN. Mr. Chairman, I have an amendment which I desire to offer to that section.

Mr. HEPBURN. Mr. Chairman, I move to strike out section 18 and to insert in lieu thereof the section which the Clerk has at the desk.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

Mr. HEFLIN. Mr. Chairman, I have an amendment to that section.

The CHAIRMAN. The gentleman from Iowa gave notice yesterday that he would offer this amendment at this time. The Chair will recognize the gentleman from Alabama, and he will have an opportunity to offer his amendment. The Clerk will now report the amendment of the gentleman from Iowa.

The Clerk read as follows:

Strike out section 18 and insert in lieu thereof the following:

"SEC. 18. That every street railroad company operating one or more railroads within the District of Columbia shall on each and all of its railroads supply and operate such number of cars as will give comfortable, convenient, and expeditious passage to all persons desirous of the use of said cars. All such cars shall be clean, in good repair, and in good sanitary condition, and shall be supplied and operated with such frequency as to prevent crowding of either car or platform. It is hereby made the special duty of the Commissioners of the District of Columbia to require and compel obedience to all of the provisions of this section, and to this end said Commissioners shall have authority to make and enforce all needful rules and regulations to secure obedience to the requirements herein contained, and to make such changes in the time cards or time schedules adopted by any railroad company, or to make such orders relating to the character and condition of the cars operated, or the time, manner, or frequency of their operations, as to said Commissioners may seem proper; and such railroad companies, their officers and employees, are hereby required to obey all of the provisions of this section, and such regulations and orders as may be lawfully made under its provisions. Any railroad company herein referred to, or its officers or employees, violating any provision of this section, or any of the orders or regulations made by the Commissioners by authority of the same, or permitting such violation, shall be punished, in the case of a railroad company by a fine of not less than $100 nor more than $1,000, and in the case of an officer or employee of a railroad company by a fine not exceeding $100, or imprisonment not exceeding thirty days, or by both such fine and imprisonment. And each day of failure or neglect on the part of any railroad company, its officers or employees, to obey each and all of the provisions and requirements of this section, or the orders and regulations of the Commissioners issued thereunder, shall be regarded as a separate offense. Prosecutions under this section shall be in the supreme court of the District of Columbia, upon which jurisdiction is hereby conferred to try and determine the same. Such prosecutions shall be conducted by the corporation counsel or his assistant, who shall be entitled to a fee of not to exceed $25, to be fixed by the court, which fee shall be taxed as costs against the party failing in the suit."

The CHAIRMAN. The amendment offered by the gentleman from Iowa is a substitute for the section. The gentleman from Alabama has a right to offer an amendment to perfect the

original section first. The gentleman from Alabama [Mr. HEFLIN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting in line 14, page 20, after the word "thereof" the following:

"And shall provide equal but separate accommodations for the white and colored races by providing two or more cars, or by dividing their cars by a partition or adjustable screen, which may be made movable, so as to allow adjustment of the space in the car in the manner suited to the requirements of the traffic, so as to secure separate accommodations for the white and colored races. No person shall be permitted to occupy seats in cars or compartments other than the ones assigned to them on account of the race to which they belong."

Mr. HEFLIN. Mr. Chairman, the adoption of my amendment will redound to the good of both races in the District of Columbia. It will remove the unpleasant friction that you now observe every day on the street cars in this city. You read in the newspapers almost every day of high crimes and misdemeanors committed in Washington. There are frequent disturbances on the street cars of this city between white and negro passengers, and they have become so common that newspapers rarely ever refer to them now. These disturbances occur because you herd negroes and white passengers in the same car. You will see negro men occupying seats in the car and women of the white race standing in the aisle holding on to straps. A negro woman comes into the car and the negro man gives her his seat, but he does not offer to vacate for the white woman. Let us be frank and deal with this question fairly and honestly. No white man, I care not what, for policy's sake, his protestations to the contrary may be, is pleased to see the women of his own race forced to stand in the cars while negro men occupy the seats. This, however, is the offensive and irritating condition that confronts him every day in Washington.

If, under the present street car management, conditions exist that annoy and cause bad feeling between the races, is it not the part of wisdom for us by proper legislation to relieve the situation by removing the cause?

Provide separate cars or separate compartments, and you remove the cause of complaint.

This is not a political question or a question to be theorized about. It is a racial fact that we are dealing with, and why not have the courage to acknowledge it? The truthful white man will tell you that he prefers to ride in a car with his own race separate and distinct from the negro race. The white people are in the majority in the city of Washington, and it is safe to say that if they could vote on my amendment, its adoption would be an absolute certainty. [Applause on the Democratic side and in the galleries.]

If you believe in majority rule and in the principles of local self-government—why don't you let the majority of the people have what they want—separate street cars or compartments in the cars in Washington? If for the good of both races and in the interest of peace and harmony between the races, the law says to the street car companies you shall provide suitable cars with equal accommodations for white and negro passengers, one of these compartments or cars shall be kept and operated solely for the passengers of the white race, and the other solely for the passengers of the negro race, who could or would complain? And tell me wherein, if you please, the negro is discriminated against any more than the white man? Adopt my amendment, gentlemen, and all the white people of this District will indorse your action. The good women will rejoice and praise you for having the courage and the manhood to put an end to the disgusting and disgraceful conditions now observed in the crowded cars of this city, and the negroes themselves would soon see the wisdom and feel the good of this legislation, and they, too, those of them who care for peace and good feeling between the races, would be pleased with the plan.

Since I introduced a bill in this House providing for separate street cars I have received many letters from men and women indorsing the bill and expressing the hope that it would become a law. I have been told time and again about negroes crowding into the cars, forcing themselves up against ladies standing in the aisles, and of white and negro passengers coming to blows because the white man resented the indignity offered; and sometimes the trouble arose over what the negro claimed was an indignity offered women of his race. One man, a splendid citizen and a reputable physician in this city, told me that while he and his wife were on a car one night, the only passengers for some distance, that a crowd of negro men and women who had been drinking got on the car, and that the loud talking and laughing was very annoying—that one of the negro women deliberately came down to where his wife was sitting by him at the rear of the car and sat down in his wife's lap, to the great amusement of the other negroes. He said that he resented the insult by striking the negro woman, and that the negro men rushed on him, and but for the interference of the conductor and a pocket knife which he, the doctor, drew, he would have been brutally assaulted. Adopt my amendment and occurrences like this will be no more.

You have no right to permit a condition to exist on the cars in this city which irritates and annoys a very large per cent of the traveling public. You have no right to permit a condition to exist on the street cars which is distasteful and offensive to a large per cent of those who ride on the cars in this District. A white man, a citizen of Washington, said to me last summer: "I trust that your bill for separate cars will pass. The present plan of operating the cars here is awful. We want separate cars. Time was when the white people of Washington who could not afford carriages and automobiles would take car rides for pleasure. In the very hot weather whole families would go out for a ride at night to get a breath of air. We have practically abandoned these rides on account of having to ride in crowded cars with negroes. If you will give us separate cars, you will confer a great blessing on thousands of white workers in the District of Columbia."

Mr. FOSTER of Vermont. Mr. Chairman, the gentleman from Alabama [Mr. HEFLIN] says that he expects Members on this side of the House who have colored voters in their district to rise to oppose this amendment. But I rise to oppose it, not merely in behalf of the few colored voters in my district, but in behalf of all the people there, whatever their race or their party affiliations. I protest against it as un-American, as unworthy of our twentieth-century civilization. The gentleman from Alabama [Mr. HEFLIN] insists that he airs no prejudices in urging the amendment. No prejudice prompts me to oppose it. I recognize the problem that exists in many of the States of the Union. I concede the right to the people of each of these States to solve the problem for themselves. I may differ with them as to the wisdom of their solution—as to whether they select the best solution. But no State problem is involved here. This is the National Government legislating for the capital city of the nation. In this House we represent 80,000,000 of sovereign American people, and we are legislating for 300,000 sovereign American people. And I, for one, would consider myself recreant to my constituents if I did not oppose the enactment of a law which would divide the people of Washington when they go to take a street car into two classes.

This is Washington's Birthday, a holiday observed by State and nation in honor of the memory of the great father of his country. He founded the nation. To him more than to any other one man is due the adoption of the Constitution by the people of the United States. The first purpose of that Constitution, as appears from its preamble, was to secure a more perfect union of the American people. And to-day, after nearly a century and a quarter of national life under the Constitution, the gentleman from Alabama [Mr. HEFLIN] would have us observe this day by proclaiming to the world by solemn enactment that the American people residing in this city are composed of two classes who must be kept separate when they ride in street cars. We might at least choose some other day on which to confess that in order to secure harmony and contentment in the national capital of the great Republic it is necessary to enact a law that will enable the white people to ride in their car and compel the colored people to ride in theirs.

Mr. WILLIAMS. Will the gentleman yield?

Mr. FOSTER of Vermont. I yield willingly to the gentleman from Mississippi.

Mr. WILLIAMS. Why does not the gentleman word it the other way, and say permit them to ride in their cars and compel us to ride in ours? [Applause on the floor and in the galleries.]

The CHAIRMAN. The Chair will remind the galleries that they are not allowed to make demonstration by applause or otherwise. If it is repeated, the Chair will enforce the rule.

Mr. FOSTER of Vermont. No matter which expression you use the purpose of this proposed legislation is perfectly plain to all. Gentlemen may use soft phrases and declare that in urging the amendment they have no prejudices against the negro. The fact, however, remains that no colored citizen of Washington desires any such legislation as is here proposed.

Mr. GRIGGS. Will my friend from Vermont yield to me?

Mr. FOSTER of Vermont. I gladly yield to my friend, the gentleman from Georgia.

Mr. GRIGGS. My friend from Vermont has referred to the fact that this is Washington's Birthday. I want to ask him if he does not think that if Washington himself were here he would vote for this amendment?

Mr. FOSTER of Vermont. Mr. Chairman, most emphatically no. [Applause.] Washington was an American. [Applause.] No man ever lived who was more thoroughly imbued with the

spirit of our American union, with the spirit of our institutions, with the spirit of our American life. This is the message he would bring to us: "Legislate not for whites or blacks, not for Democrats or Republicans, not for Protestants or Catholics, but for Americans."

Mr. HEFLIN. Will the gentleman yield?

Mr. FOSTER of Vermont. I yield to my friend, the gentleman from Alabama.

Mr. HEFLIN. The gentleman from Vermont says he does not want to interfere with Alabama. If we have solved this part of the racial problem in Alabama, and it works well, does not the gentleman from Vermont think it would be wise to adopt that solution in the District of Columbia?

Mr. FOSTER of Vermont. I am not prepared to admit the premises of the gentleman from Alabama.

Mr. HEFLIN. I want to say to the gentleman that such is the case in Alabama on the cars, and we never have any friction between the races now.

Mr. FOSTER of Vermont. I am not here to discuss conditions in Alabama. As I indicated before, I concede to that State the right to solve its own problems. But so long as I remain a Member of this House I will not submit, without a protest, to the enactment of a law that recognizes the existence of classes among the people of our country. Liberty under law, law enlightened by liberty, has been the watchword of the American people. This means, on the one hand, liberty resting upon organized institutions through which the humblest as well as the mightiest may enjoy the fullest opportunity for growth and development. It means, on the other, the enactment of wise laws, laws embodying the enlightened sentiment of modern civilization, and then the enforcement of those laws alike against the mightiest and the humblest. Liberty under law, law enlightened by liberty, these twin principles lie at the foundation of our Government. They permeate all our institutions. Generation after generation, with its struggles, its achievements, its failures, returns to dust. But these remain, for they are as everlasting as the throne of God itself. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, the amendment offered by the gentleman from Alabama [Mr. HEFLIN] inserted in line 14, page 20, after the word "thereof," containing the following language:

> And shall provide equal but separate accommodations for the white and colored races by providing two or more cars or by dividing their cars by a partition or adjustable screen which may be made movable, so as to allow adjustment of the space in the car in the manner suited to the requirements of the traffic, so as to secure separate accommodations for the white and colored races. No person shall be permitted to occupy seats in cars or compartments other than the ones assigned to them on account of the race to which they belong—

impresses me with the belief that he mistakes this body for the State legislature of Alabama. The legislation which he proposes is purely of a character such as we might expect to be asked to enact by a gentleman coming from the part of the country the gentleman in part represents. It is evident that he forgets that this body represents the people of the United States. It does not represent the policy of the State from which the gentleman comes, nor the policy inaugurated by any other State in the Union. We are here to legislate for the people of the nation as a whole, and not for or against any section or inhabitant thereof.

The abhorrent, inhuman, and unjustifiable, as well as unconstitutional, Jim Crow law may meet with the approval of the gentleman's constituents who are allowed to vote, but it does not meet with either the approval or the sympathy of any fair-minded, thinking man of any class in sections of the country where absolute freedom of action is allowed to prevail, and I protest as the Representative of a district where no discrimination is allowed, a district in which every American, regardless of color, creed, race, or previous condition of servitude, is allowed to exercise his right of citizenship without any attempt at abridgment whatsoever. The people living in the State which I have the honor in part to represent believe that the Constitution means what it says when it guarantees to every citizen, without regard to his color or previous condition of servitude, the God-given right of life, liberty, and the pursuit of happiness. The people that I represent believe that the liberty guaranteed by the Constitution was intended for all the people and not for one class, and that it means just what it says; and when any class of people of any section of the country seek to arrogate to themselves the sole right to the exercise of that liberty, to the exclusion of all other classes, that the Government should then intervene and protect the one and restrain the other. And if there is no law under which the Government can intervene for that purpose, it is the sworn duty of the Congress of the United States to enact a law such as will give to the Government the power so to do.

The amendment offered by the gentleman to the pending bill is un-American. It is unjustifiable. It is unjust. It is discriminatory. It is indefensible. It is lamentable, and this House will not, I am sure, permit it to be enacted into law. This is the nation's capital. We would be derelict in the performance of our duty as representatives of a free people if we permitted the perpetration of such an outrage upon a liberty-loving and God-fearing people.

The State from which the gentleman comes has trampled on the rights of a race weakened by years of inhuman servitude—a race broken in spirit by the yoke of serfdom. Laws have been enacted by its legislature preventing these citizens from exercising the rights guaranteed to them by the Constitution, and doubtless methods of intimidation have been practiced which, added to the burdens of unjust laws, would, if exposed to public view, make a record of oppression which would bring a blush of shame to the face of every believer in law and justice the country over; and now the gentleman from Alabama, under the false cry of social equality, seeks to insert in this bill a provision which he, as a lawyer, knows to be unconstitutional, in order that he may receive the applause of a haughty, austere, and egotistical aristocracy, who are laboring under the false impression that they are the first and the foremost people on earth. That the amendment offered by the gentleman is discriminatory in its nature he can not truthfully deny—that the purpose of its introduction is to still further humiliate that class of our citizens who have been and are being prevented from the exercise of their rights in the section of the country from which the gentleman has the honor to come.

He continues to manifest a disposition to crush them beneath the iron heel of tyranny, and never misses an opportunity to express his views upon the question whenever he feels that he can add anything to their suffering and humiliation.

Mr. GRIGGS. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MADDEN. Not yet.

The CHAIRMAN. The gentleman declines to yield.

Mr. MADDEN. I protest against the amendment offered by the gentleman from Alabama [Mr. HEFLIN] because it discriminates as between American citizens.

Mr. GRIGGS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GRIGGS. I will ask the gentleman from Illinois if he remembers the shotgun quarantine established once in Illinois by one of its governors, a Republican governor, against this particular race. [Applause on the Democratic side.]

Mr. MADDEN. Whether I remember it or not, I have never conceded the right of any man, whether he was the governor of Illinois or of any other State, whether he was a Member of Congress from Alabama or from Georgia, to inaugurate any policy in violation of the law of the State or of the nation. [Applause on the Republican side.]

The gentleman who was governor of Illinois at the time referred to by the gentleman from Georgia has been dead for many years. He is lying peacefully in his grave in the capital of the State which gave him birth. He fought valiantly in defense of his country at the time when patriots shed their blood for the abolishment of the iniquitous system which kept human beings in bondage, and he was the only governor in the Union who mustered in a full regiment of colored men commanded by colored officers, which regiment performed heroic service on the battlefields of Cuba in our war with Spain. What he did or did not do on the occasion referred to by the gentleman is not a subject with which I am familiar. I believe now, as I have always believed, that every American citizen, whether he be black or white, has the unquestioned right to pass from one State to another, to seek employment, to exercise his rights of citizenship, to engage in any legitimate employment, and be protected in his right to work or not to work so long as he does not violate the law. [Applause on the Republican side.]

Mr. GRIGGS. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MADDEN. Yes.

Mr. GRIGGS. The gentleman does not deny the fact indicated by my question that Governor Tanner, a Republican governor, did establish a shotgun quarantine against the "nigger?"

Mr. MADDEN. I have no personal knowledge of what the governor of Illinois did except what I saw at the time in the public press.

If the governor established a shotgun quarantine he did that which the law did not give him the right to do, for, as I have

previously said, usurpation, by whomsoever exercised, should not be tolerated and will not be tolerated in this free land of ours.

In conversation with the governor, subsequent to the time referred to by the gentleman from Georgia, I remonstrated with him for the action which the public press attributed to him at the time in question.

I say now, as I have said before, that no governor of any State has the right to discriminate in favor of or against any class of American citizens. He is elected to execute the law impartially.

This is, let me repeat, the American Congress legislating for the American people, and we are bound under oath to so legislate for the people that every citizen, black and white, will be treated in strict accordance with the laws of the land. [Applause on the Republican side.]

Mr. GRIGGS. Mr. Chairman.

The CHAIRMAN. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GRIGGS. I would like to ask the gentleman if his remonstrance availed anything with the governor?

Mr. MADDEN. Whether the remonstrance amounted to anything or not or whether I remonstrated with the governor at all has nothing to do with the question before the House. I was in favor then, and I am in favor now, of protecting every citizen in his right to the exercise of the liberty granted him by the Constitution, and the gentleman from Georgia and the gentleman from Alabama may roar and vociferate to their hearts' content, but they can not get away from the undisputed fact that we are here to legislate for the people of the whole country, irrespective of race, color, or previous condition of servitude. [Applause on the Republican side.]

Mr. HUMPHREYS of Mississippi. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. HUMPHREYS of Mississippi. My friend says that he is opposed to any law that discriminates against either race. I would like to ask him, in his opinion, which race is discriminated against in this amendment. [Applause on the Democratic side.]

Mr. MADDEN. The question of the gentleman is a reflection upon my intelligence, because any man possessed with enough sense to charge the skull of a sandhill crane knows that the amendment does seek to discriminate against the colored race, whether it be couched in language which will stand the test of the supreme court of the State of Alabama to the contrary notwithstanding.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield for another question?

Mr. MADDEN. Yes.

Mr. HUMPHREYS of Mississippi. I will call the gentleman's attention to the fact that this amendment——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRIGGS. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection? There is no objection.

Mr. HUMPHREYS of Mississippi. I want to suggest to the gentleman that this amendment provides that there shall be equal and separate accommodation for the races. In other words, that the white race shall not ride with the negroes in the cars, and that the negroes shall not ride in the same compartment with the whites. I ask the gentleman, therefore, which race, in his opinion, is here discriminated against.

Mr. MADDEN. The gentleman from Mississippi knows from his experience in his own State that there is no attempt made to give equal accommodations to the races; that they are segregated by force of law, and they are compelled to use such accommodations as are afforded them, regardless of whether they are equal accommodations or not. They have no voice in the matter. The authorities in the States of Mississippi and Alabama and other like States dictate the terms upon which they shall ride and the character of the accommodations to be afforded them. They have no voice in electing the officials; they are disfranchised; they are prevented from participating in the affairs of their States; they occupy practically the same position of servitude that they were compelled to occupy prior to their liberation by force of arms.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield for just one other question? The membership of this House is very largely Republican. I will call the gentleman's attention to this fact, that parties are admitted to the galleries of this House by card and gentlemen on that side have a great many more cards to admit people to the galleries than on this side, and I will call his attention to the fact that in the card galleries to-day, which are full, they are all white and no negroes.

Mr. MADDEN. Each Member has equal rights to issue cards to the galleries. Democracy or Republicanism does not enter into the question of the right of Members to issue cards, and the gentleman from Mississippi knows it. He knows that he has equal power to issue cards with every other Member of Congress, whether he be a Democrat or a Republican. He knows that there is no limit placed on the right of Members of Congress to issue cards to the galleries, and that cards signed by him will be honored by the doorkeepers of the galleries just as promptly as the cards signed by the most prominent Republican Member on the floor. [Applause on the Republican side.]

Mr. GRIGGS. Will the gentleman permit a question?

Mr. MADDEN. Certainly.

Mr. GRIGGS. The gentleman recognizes he also has power to issue as many cards as the gentleman from Mississippi. Has he ever issued any in that gallery to a negro?

Mr. MADDEN. Yes [applause on the Republican side]; and he not only has done so, but he will be glad to do so again if one applies to him for admission.

Mr. CLAYTON. Mr. Chairman, I would like to ask the gentleman a question.

Mr. MADDEN. Oh, delighted.

Mr. CLAYTON. In regard to the question of discrimination. Does not the gentleman know that the courts, State and Federal, have uniformly upheld these separate-coach laws as being no discrimination against anybody? [Applause on the Democratic side.]

Mr. MADDEN. We are legislating for the nation, and the gentleman speaks of State laws enacted by legislatures of particular States.

Mr. CLAYTON. Well, this law falls in the same category as a State law. The gentleman, I am sure, has enough legal perception to admit that.

Mr. MADDEN. The gentleman has enough legal perception to know that legislation such as is proposed in the amendment offered by the gentleman from Alabama would not stand the test in the Supreme Court of the United States.

And now, Mr. Chairman, in the language of an honored ex-Speaker of this House, I plead for the sacredness of the Constitution and for the enforcement of all its provisions; for that first written charter of national freedom, born amid the throes of kingdoms and empires, to plant, preserve, and perpetuate civil and religious liberty in the world and designed as a shield for the oppressed and persecuted. It came only after the flames had died out in the crater of a war waged for the equality of man before the law; its price was the blood and treasure of the patriots of the Revolution. It is also the more sacred by reason of the blood spilled and treasure expended in more recent wars for humanity to save it; equality of rights was its central principle. It was made by and for the people. Its preamble reads:

> We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

A perfect union can not be formed nor justice established, domestic tranquillity insured, common defense provided for, general welfare promoted, and the blessings of liberty to ourselves and our posterity secured by establishing and maintaining an inequality in political power by allowing a few in one State, regardless of conditions or methods, to exercise the elective franchise given to the many in other States of the Union. [Prolonged applause.]

Mr. CAMPBELL. Mr. Chairman, the gentleman from Alabama would lead the House to believe that there is a riot on the street cars here in Washington every day in the year because the colored people and the white people of the District ride in the same cars. Now, I have been riding from time to time in the street cars here for five years, and I have yet to see the first disturbance of any character. I have yet to see the first offensive action on the part of any colored man toward a white man and I have yet to see the first offensive action on the part of a white man toward a colored man. It may be a friction and cause for riot, in the mind of the gentleman from Alabama, for colored men to come into his presence, but there are many of us who do not feel that way and do not take that attitude toward the negro.

The people of the District of Columbia are legislated for by the American Congress, and Congress ought to adhere to the Constitution of the United States in the enactment of every law that goes out of this body, and that great charter knows no distinction between the white man and the black man.

I should regard it as an evil day when the American Congress would create in this nation a class distinction by the

enactment of any law. The political rights of the American people are the same—white or black—and they should ever remain so. All men are and of right ought to be equal under the law, and this nation must never enact a law in violation of that fundamental right of every citizen of the Republic, and States that violate that right will some day suffer the penalty that is visited upon those who perpetrate wrong and do injustice.

The gentleman from Alabama [Mr. HEFLIN] says—and he was shaking his finger at this side of the House—that there are men here who will vote against this amendment because there are colored men in their districts who have a vote. It ought to be a matter of shame to the gentleman from Alabama and to his party that there are thousands of colored men in his State and in the whole South who have been denied the right to cast a vote. [Applause on the Republican side.] I glory in the fact that the State I have, in part, the honor to represent here guarantees to every citizen within its confines the right to exercise the franchise of a citizen under the Constitution of the United States and under the laws of that State. One man, under the Constitution, is as good as any other man while he behaves himself. The amendment offered by the gentleman from Alabama [Mr. HEFLIN] would, instead of allaying the friction of which he speaks in the District of Columbia and in the United States, inaugurate an era of friction here and elsewhere in the country. The people of this country do not all think upon the question of the races as the people of Alabama and the people of Georgia seem to think upon that question. A large majority believe in the equality of all men before the law.

Now, Mr. Chairman, I sincerely hope that the amendment offered by the gentleman from Alabama may not be agreed to.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BARTLETT of Georgia. Mr. Chairman, I move that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent that the gentleman from Kansas [Mr. CAMPBELL] may proceed for five minutes. Is there objection?

There was no objection.

Mr. BARTLETT of Georgia. The gentleman states that no distinction is made in Kansas between anybody, white or black, I have in my hand a dispatch from Wichita, Kans., which says:

> Wichita hotels refused admittance to Booker T. Washington, who lectured here to-night. When Washington's manager sought to engage quarters for him at the leading hotel of the city he was informed that colored people were not entertained there. Washington was compelled to accept the hospitality of a friend here.

[Applause on the Democratic side.]

Mr. CAMPBELL. That hotel proprietor acted without the authority of any ordinance of the city of Wichita or any law of the State of Kansas, and against the fundamental law of the State and nation.

Mr. BARTLETT of Georgia. But permit me to say——

Mr. CAMPBELL. He acted in fact in violation of the law, and in all probability, if Booker Washington had the time this hotel keeper would be the defendant in an action for damages. The probabilities are that the man was a Democrat from Georgia who was running the hotel. [Applause on the Republican side.]

Mr. BARTLETT of Georgia. A Democrat from Alabama or Georgia does not go to Kansas very often.

Mr. CAMPBELL. It would do them good to go there, and they would soon learn that all men are equal before the law.

Mr. BURLESON. I would like to ask the gentleman if it is not a fact that in some parts of Kansas the local authorities, under authority of the State law, provided separate schools for the races?

Mr. CAMPBELL. Yes, sir.

Mr. BURLESON. Is that discrimination?

Mr. CAMPBELL. It is. That is a discrimination that ought never to have been made.

Mr. GRIGGS. Will the gentleman permit a question?

Mr. CAMPBELL. Yes.

Mr. GRIGGS. Has this hotel proprietor who unlawfully refused accommodations to Booker Washington ever been punished or prosecuted or lost his license?

Mr. CAMPBELL. Not having any information on the question I could not answer the gentleman from Georgia.

Mr. GRIGGS. Is there only one hotel in Wichita?

Mr. CAMPBELL. Oh, there are many hotels there.

Mr. GRIGGS. And the gentleman says that the leading hotel is a Democratic hotel?

Mr. CAMPBELL. Indeed, I do not know. I did not say so.

Mr. HEFLIN. Does the gentleman believe in white children and negroes going to the same school?

Mr. CAMPBELL. My children go to the same school that the colored children in my ward go to in the city of Pittsburg, Kans.

Mr. HEFLIN. Does the gentleman believe in that?

Mr. CAMPBELL. I do, or I would not send my children there.

Mr. HEFLIN. Does the gentleman believe in their worshiping in the same church?

Mr. CAMPBELL. I was in the same church with colored people last Sunday morning, in this city, and in one of the most fashionable churches in Washington. Their presence did not detract from the service as a means of grace.

Mr. HEFLIN. Does the gentleman believe in marriage between the races?

Mr. CAMPBELL. No, sir; any more than the gentleman from Alabama; and there is a vast difference between social equality and political equality. [Applause on the Republican side.] I would not permit my daughter to marry some white men. [Applause.]

Mr. BEALL of Texas. Would you permit her to marry any colored man?

Mr. CAMPBELL. No, sir; I would not do that any more than you would do it. But I would permit the colored man to exercise political rights under the Constitution by my side. [Renewed applause.]

Mr. HARDY. Do you believe that the schools are political rights?

Mr. CAMPBELL. I believe the right to attend school and the right to ride upon street cars as a citizen is a political right.

The CHAIRMAN. The time of the gentleman from Kansas has expired. [Applause.]

[Mr. CLARK of Florida addressed the committee. See Appendix.]

Mr. SIMS. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. OLCOTT. Mr. Chairman, I can not say, as the gentleman from Vermont [Mr. FOSTER] said, that there are few colored voters in my district. It was interesting for me to hear that remark, because I know how exactly that was like the conditions in the State of Alabama, where also there are few colored voters. I heard from one of the gentleman's constituents a story of what happened when the State of Alabama had passed a law predicated, I think, on the educational test that existed in Massachusetts. The governor of Alabama had appointed commissioners to find out whether the voters in the different precincts were capable of passing the educational test and so were eligible to the franchise. There was one particular colored man in this part of the State of Alabama, a man of remarkable intelligence, a man of standing in the community, an owner of property, who unfortunately was especially influential with the other colored men less favored than he. Of course the examination in reading and writing went by without any trouble, but then the commissioners started to ask him questions upon the Constitution of the United States. They found he knew materially more about that than possibly his inquisitor. Finally, realizing that there must be some way in which they could eliminate the possibility of this man's influential vote being cast, they said:

> Sam, what do you know about the writ of habeas corpus?

Sam looked at his inquisitor and half smiled and half cried, and he said:

> The writ of habeas corpus means you don't want this nigger to vote.

[Laughter.]

Now, gentlemen, you may laugh at that, but it is a tragedy, and I know that the thing was true, because it was told to me by the Alabama Democrat who himself was the inquisitor.

Now, this "Jim Crow" car proposition—does it not seem rather ridiculous to get up and say that it is not a discrimination? I have been south of Mason and Dixon's line a great many times. I have seen the cars to which the colored people are sent. I have seen the cars in which the white people traveled, and there is not one of you who will get up and say that they are in the slightest degree equal. Suppose the Supreme Court did say this separation of passengers was not a discrimination. They are not carrying out the law as you have put it on the statute books.

Mr. CLARK of Florida. Will the gentleman permit a question?

Mr. OLCOTT. Certainly.

Mr. CLARK of Florida. I am pretty sure the gentleman has traveled in the State of Florida?

Mr. OLCOTT. I have on one occasion only, sir.

Mr. CLARK of Florida. Will the gentleman say that he has ever traveled upon a railroad train in the State of Florida where the passenger coach occupied by blacks was not of exactly the same character in its appointments and just as good as the coach occupied by white people?

Mr. OLCOTT. I can not answer specifically about the State of Florida, because I do not remember.

Mr. CLARK of Florida. Let me say to the gentleman that he will find in that State that the passenger coaches are just as good that are furnished to the black people as those that are furnished to the white people.

Mr. OLCOTT. I am very glad to hear it. I know and you all know it is not generally so.

Mr. BURLESON. Mr. Chairman——

Mr. OLCOTT. I will not yield now.

Mr. BURLESON. But the gentleman asked us to deny.

Mr. OLCOTT. I know and you all know that in most places in the South the accommodations, whether in waiting rooms or in cars, that are given to the negroes, are not equal to those given to the whites.

Mr. HARDY rose.

Mr. OLCOTT. I will not yield now, but I will yield in a moment.

Mr. HEFLIN. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HEFLIN. Or rather to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HEFLIN. The gentleman from New York is stating that which is not a fact——

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry.

Mr. HEFLIN. If the matter stated is something you deny in fact, have you not a right at that particular time to say so, whether the gentleman yields or not?

The CHAIRMAN. The committee will be in order. The parliamentary inquiry is so simple that it only requires the statement to show that it is not the case.

Mr. OLCOTT. Mr. Chairman, they seem to be so fearful on the other side when I say "you know," that I will make the statement "I know." I have been in the South and have traveled there, and I know it is true.

Mr. CLARK of Florida. I want to ask the gentleman——

Mr. OLCOTT. I will not yield now.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the gentleman from New York have five minutes more.

Mr. GRIGGS. I object.

The CHAIRMAN. The gentleman from Georgia objects and the Chair recognizes the gentleman from Tennessee [Mr. SIMS].

Mr. GRIGGS. Mr. Chairman, I withdraw the objection.

The CHAIRMAN. The Chair has recognized the gentleman from Tennessee.

Mr. WILLIAMS. Mr. Chairman, the objection to the unanimous consent has been withdrawn by the gentleman from Georgia.

Mr. OLCOTT. When the gentleman from Kansas [Mr. CAMPBELL] was talking he was interrupted by questions as to the social equality of the colored people with the white people. The question as to who shall ride in a public conveyance is certainly not a question as to social equality. If an individual is offensive to other people and creates a disturbance, the proper thing to do is not to allow him to ride in a public conveyance at all, but to hand him over to the police to be properly dealt with.

The suggestion to add to this bill for the approaches to the Union Station a provision prohibiting a certain race of people from riding in the cars of the District is an absurdity. Not until we are ready to declare the emancipation of the slaves a mistake, not until we are ready to abandon the fourteenth and fifteenth amendments to the Constitution, not until we are ready to go back to the conditions that existed before the war, should such a suggestion receive serious consideration in this body. There is no reason for separating the whites and the blacks in public conveyances or places. In the district which I represent in the city of New York there are many thousands of colored people who are as peace loving and law-abiding and industrious as any class or race. They have the same right to use the public conveyances as the white people have, and disturbances or troubles do not come on account of their color. In New York City they use the public conveyances of every kind—the street cars, the elevated railways, and the subway trains. They worship with us in the same churches without any objection from anyone. Why the city of Washington should be treated differently from the city of New York or any other place where equal rights with the whites are given to the blacks is inconceivable to me.

You gentleman of the South have in one way or another practically prevented the colored man from voting, and you urge that the capital of this nation shall pass regulations relative to the right of the colored man to ride in the cars as one more step to his redegradation, and to that end you are trying to urge Congress to pass legislation which would not be tolerated by any fair-minded people in any locality except yours. The colored man has been guaranteed equal rights with the white man, and if they commit breaches of the peace they should be treated individually as others are. The Federal Government can not completely control what you do in the Southern States in regard to the treatment of the colored people, but we are in a position to insist that here in the city of Washington, or in any other place under Federal jurisdiction, as long as the Republican party is in control, the colored people shall have what is given to them by the Constitution and its amendments. The Republican party has always been a party of progress and construction rather than of retrogression and destruction, and never will this body, while the Republican party is in the majority, consent to such a preposterous measure as is suggested by this proposed amendment. The trouble is that you gentlemen on the other side say: "There is a bad white man, but there are good white men; there is a bad Chinaman, but there are good Chinamen; there is a bad Turk, but there are good Turks; there is a bad Greek, but there are good Greeks." But, on the other hand, you say and act that because one colored man is a disturber of the peace, therefore, there are no good or industrious colored men. The "Jim Crow" car has been an abomination wherever it has been adopted. It is the most insulting thing that has ever been suggested. It has added to disturbances rather than allayed them. Nothing has been so entirely resented as this action in the several communities where it has been adopted. It is unwise, intolerable, and grossly vicious.

I most earnestly hope that the amendment suggested by the gentleman from Alabama will not be agreed to.

Mr. OLCOTT. Mr. Chairman, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WILLIAMS rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. I rise for the purpose of asking unanimous consent that the gentleman from New York [Mr. OLCOTT] may have five minutes more of the time of the House.

The CHAIRMAN. The gentleman can not make that request unless the gentleman from Tennessee yields.

Mr. SIMS. I am going to yield, if gentlemen will give me an opportunity. So many Members are yielding for me that I can not get the opportunity to do so myself. I am trying to say this, before I yield to the gentleman from New York, as I want him to have as much time as he wants: This committee has been at work day in and day out and night in and night out to try and get a bill passed in order that the construction to the new station might begin. Here it is 3 o'clock and 15 minutes in the afternoon and we have a question up that we may debate from now until the end of this session and not change the mind of a gentleman on this side of the Chamber nor the mind of a gentleman on that side. [Applause.] Why not let us go along and pass this bill? I am for the amendment offered by the gentleman from Alabama, but I know it is utterly impossible to get it incorporated in this bill. Let us get the bill through, and some time in the future, in general debate, let us thrash the negro question out, even if we thrash each other while doing it. [Laughter.] Mr. Chairman, I yield to the gentleman from New York [Mr. OLCOTT], but I want to give notice that I will move to close debate in fifteen minutes on this section and all amendments to same.

Mr. OLCOTT. Mr. Chairman, I want to ask whether this side of the House brought up this matter or the other side?

The CHAIRMAN. How much time does the gentleman from Tennessee yield to the gentleman from New York?

Mr. SIMS. I yield all of my time.

The CHAIRMAN. The gentleman can not yield his time.

Mr. HARDWICK. Mr. Chairman, I did not intend to say anything on this amendment to the bill, but it seems to me

there is a disposition on the other side of the aisle to try to play politics on this question. [Laughter on the Republican side.] You have not much else except the negro left, and you want to cling to him in spite of the Brownsville affair.

This discussion has been purposely broadened by the Republican Members of this House into a general discussion of the negro as a voter, with special reference to the policy of the South on that subject. It has been so broadened in the hope that the negro vote throughout the land, reported to be much dissatisfied with the conduct of the present Administration, will be not only mollified, but solidified under the Republican banner. It is also doubtless the hope, as it is surely the desire, of our opponents that some white voters in the North and West, principally theorists and uninformed but well-meaning enthusiasts on this subject, may be turned to the Republican candidate in the approaching election. That such a purpose should be entertained is, perhaps, only natural. That such an effort should be made is only usual.

Whenever the people of this country fully understand the hollowness of these Republican protestations and professions, the sincerity of that party will be entirely discredited. In its very last platform—that of 1904—the Republican party made this declaration:

> We favor such Congressional action as shall determine whether, by special discriminations, the elective franchise in any State has been unconstitutionally limited, and if such is the case we demand that representation in Congress and in the Electoral College shall be proportionally reduced, as directed by the Constitution of the United States.

An emptier, weaker, more inane pledge was never made in a party platform. If any State has "unconstitutionally limited the elective franchise," such action is invalid and void, and the unconstitutional statute must necessarily fall. Upon such a statute you could not successfully base a proposition to reduce representation in accordance with the provisions of the second section of the fourteenth amendment. Besides, if you were only to act in case "special discriminations" were made by "unconstitutional statutes," is not the determination of the constitutional question necessarily a judicial question and not a legislative one? What a ridiculous attitude Congress would assume if it should undertake to usurp the functions of the judicial branch of the Government and declare that the statutes of any State on any question were unconstitutional!

And yet this was the solemn, nay, farcical, declaration that your Chicago platform of 1904 made to the people. Recognizing, as I did, Mr. Chairman, that many of the brightest minds and keenest intellects in the country were at the Chicago convention and were guiding its proceedings, I entertained the suspicion then that has crystallized into certainty now—that the platform of the Republican party on this question was purposely obscure and was designedly muddy. I thought then, as I think now, that it was intended to please the negro delegates from the South, and, much more important, to solidify the negro vote in the doubtful States. It was the sirup to catch the flies with. Nothing more and nothing less.

Now, what happened after the convention? The election was won by the Republicans. That party elected its President and elected a large majority of both Houses of Congress.

Three and a half years have passed. During every single second of that time the Republican party has had complete power in every branch of the Government. What has it done to redeem this vague, uncertain, and indefinite pledge? Nothing; absolutely nothing. What "Congressional action" has it taken to determine "whether, by special discriminations, the elective franchise in any State has been unconstitutionally limited?" None; absolutely none.

What attention has it paid to the demand that "representation shall be reduced? None, absolutely none.

Mr. Chairman, why can not we be sincere with one another on this great question? Why do you continue to torment the South on this question? Do you wish to hold her in terrorism forever, simply to be able to shout, "Equal political rights for the negro" once every four years, so that you may rally a dusky host about your banners in every Presidential contest? Speaking for myself alone, but voicing, I believe, the sentiment of a vast majority of the white men and women of the South, I tell you frankly that if we could thereby secure the repeal of the fifteenth amendment, and settle the political phase of this negro question forever, I believe the South would be willing to part with a part of its representation on this floor and in the Electoral College. That the generous-minded people of the entire Union will ever demand such a pound of flesh, I do not for a moment believe. That they would have a right to do so, under the Federal Constitution, I emphatically deny. But if I am mistaken about the temper of the people, if I am mistaken about the constitutional question involved; if the sacrifice is to be demanded, and is to be sanctioned under forms of law, then, sir, I repeat, the South had far better make it than to continue forever with this sword of Damocles suspended over her head and chained to this body of death.

Let me say, further, that while the Republican party has enacted no legislation on this subject, as it never intended to, that the judicial door is open to any of the gentlemen, here or elsewhere, who complain so bitterly about these unconstitutional statutes. The States of the South contend, with full confidence in the merit of their contention, that under the suffrage laws of no one of them has "the elective franchise been unconstitutionally limited." So far as the courts have passed on these questions, in the cases of Williams *v.* Mississippi, of Giles *v.* Harris (Alabama), and of Jones *v.* Montague, Governor (Virginia), it has sustained our contention and upheld the State statutes. That the highest court in the land is bound to uphold the constitutionality of each of these statutes we firmly believe and confidently assert.

Why, then, because the gentleman from Alabama [Mr. HEFLIN] proposes an amendment that undertakes to deal with a social question, all this clamor about the election laws of the South? Why long inaction, in the face of an absurd platform declaration, until just before another Presidential election?

The purpose is patent. The motives that prompt it are neither fair nor just to a great section of our common country that already has trouble enough, sir, on this negro question, and whose troubles no gentleman on this floor ought to be willing to augment in an effort to seek a partisan advantage.

The United States of America is now and always has been and always will be a white man's country. In my judgment a vast majority of its citizens will never consent to equality, either social or political, with the black man or the yellow man, the African or the Asiatic.

Mr. DRISCOLL. Mr. Chairman, the gentleman from Georgia [Mr. HARDWICK] who has just taken his seat, intimates that we are trying to play politics. I suppose he never played politics.

Mr. HARDWICK. Never.

Mr. DRISCOLL. I was told that when he was running for Congress the first time he made a platform of his own——

The CHAIRMAN. The Chair will remind the gentleman from New York that he can refer to Members of the House only in the third person.

Mr. HARDWICK. As far as I am concerned I waive that.

Mr. DRISCOLL. The gentleman waives it. I ask unanimous consent then to say that I was told that he made a platform in his district to the effect that if he got to Congress he would repeal the fourteenth and fifteenth amendments to the Constitution.

Mr. HARDWICK. Will the gentleman allow an interruption?

Mr. DRISCOLL. Yes.

Mr. HARDWICK. I made no such platform. I said the fifteenth amendment and part of the fourteenth ought to be repealed, and they ought to be. I did not promise to do it, but if I had the power I would do it.

Mr. DRISCOLL. Oh, the gentleman is taking up my time.

Mr. HARDWICK. Will the gentleman allow me to make one further statement?

Mr. DRISCOLL. Will the gentleman get me more time?

Mr. HARDWICK. Yes. I want to say this to the gentleman from New York: I did promise to advocate the repeal of these amendments, and I have done my best on the subject, but I did not say that I could repeal the fifteenth amendment, but I wish to God I could. It was the mistake of the century, and you gentlemen have permitted it to become a dead letter. Your courts say the States of the South have not violated it, and you promise remedies you never seek to enforce for its alleged violation.

Mr. DRISCOLL. Oh, the gentleman can extend his remarks in the RECORD. [Laughter.] Mr. Chairman, I want to protest against this amendment, and I want to protest especially against the prejudice or the sentiment which prompted it, not only to-day, which is the anniversary of the birth of the father of our country, but every other day in the year.

Mr. HARDY. Will the gentleman allow me just one question?

Mr. DRISCOLL. I decline to yield. The gentleman from Alabama [Mr. HEFLIN], who proposes this amendment, says that this practice prevails in his part of the country, and that no friction occurs down there such as happens here in Washington. We read in the papers that friction does occur down there once in a while, such as hangings and burnings, and other sorts of executions, lynchings, and murders. Are they friction or are they not?

Mr. GRIGGS. Mr. Chairman——

Mr. DRISCOLL. I decline to yield for the present.

The CHAIRMAN. The gentleman declines to yield.

Mr. DRISCOLL. The gentleman who proposed this amendment and other gentlemen who come from the same section of the country have been for many years trying to do what the gentleman from Georgia says he would like to do. They have been trying to nullify the effect of the fourteenth and, especially, the fifteenth amendments. They have drafted constitutions for their several States and adopted them—some of them with "grandfathers' clauses"—and have made statutes regulating elections, and practically have disfranchised all of the colored people throughout that great part of the country.

Mr. HARDY. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HARDY. The gentleman is not discussing the amendment.

The CHAIRMAN. The point of order is overruled. The gentleman from New York will proceed.

Mr. DRISCOLL. Yes; the gentlemen are very strenuous at raising points of order when the truth is being told. On the record they claim they give the colored people the same chance that the whites have to vote, and they talk loud before the election committees and at other places that they make no discrimination; but they know and we know——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HARDWICK. I ask unanimous consent that the time be extended for five minutes.

Mr. DRISCOLL. I only want two minutes.

Mr. HARDWICK. Then two minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from New York be extended two minutes. Is there objection?

There was no objection.

Mr. DRISCOLL. You have succeeded in subduing them and quieting them by force, and the people from the rest of the country have tolerated this. You have been permitted to do it by sufferance, and now you have become so bold and defiant as to have the assurance to come into the Congress of the nation and offer this amendment right here on the floor of the House. I wish we could get a yea-and-nay vote on this question.

Mr. BURLESON. I wish we could get a secret ballot on it.

Mr. DRISCOLL. I wish you will move to recommit the bill with this amendment and we will have a yea-and-nay vote on it. I will be glad to see how many will stand up and vote for it.

Mr. BURLESON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield?

Mr. DRISCOLL. Yes.

Mr. BURLESON. We would be glad to give unanimous consent to a yea-and-nay vote for this side if it could be arranged to have a secret ballot upon this question on your side, and if this could be done, against this amendment there would not be five votes. [Applause on the Democratic side.]

Mr. DRISCOLL. We are not afraid to vote in the open upon this question.

Mr. RANDELL of Texas. Will the gentleman yield for a question?

Mr. DRISCOLL. Yes.

Mr. RANDELL of Texas. You say you want a yea-and-nay vote. You can get it by passing this amendment by the committee and voting upon it in the House.

Mr. DRISCOLL. If your people will stand by you, you can get it by moving to recommit. You can do it, and I want to put you on record. I want to put some of the gentlemen over there on record.

Mr. HARDY. We are ready to go on record.

Mr. DRISCOLL. Down in Texas there are Democrats who will not go on record.

Mr. HARDY. Yes; we will go on record.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. ANSBERRY. Mr. Chairman, a question. I come from the State of Ohio and my friend from the State of New York. My father fought four years to give these people freedom. He protests against the conduct of the President of the United States in denying them the privileges given to other soldiers of the United States. Now, with reference to the Brownsville affair, when three companies of colored troops were dishonorably discharged without trial or court-martial, are you willing to go on record on that?

Mr. DRISCOLL. What has that to do with this?

Mr. ANSBERRY. It is the same question.

Mr. DRISCOLL. I will go on record when it comes up regularly and in order.

Mr. Chairman, the change in the cars now owned by the railway companies operating in this city and the number of new ones required to comply with the terms and conditions of this proposed amendment would impose a very large and unnecessary burden on those companies. The money better be expended in other important and much-needed improvements.

But this is not my chief objection to it. "Jim Crow" cars are not necessary in order to avoid friction and irritation between blacks and whites, which is the main argument urged in its favor by the gentleman who proposed it. Many passengers are required to stand in the Washington cars, and there is much strap hanging. I have been here during four Congresses and always ride in the cars when I do not walk, and have never observed any indication of the friction here spoken of at length by the gentleman from Alabama. However, if there is any friction it is not the fault of our colored citizens. There is no law or ironclad rule of propriety requiring one passenger to surrender his seat to another. But it is the part of good manners for a man to yield his seat to a woman, and especially for a young and vigorous man to extend this courtesy to an elderly lady. This courtesy prevails more generally in this city than in other places where I have been in the country. The rule quite generally observed here is for white men to surrender their seats to white women who would otherwise be obliged to stand. In this regard they manifest much politeness. I have observed but very few instances where white men have given their seats to black women, while black men are quite prompt in extending this courtesy to white women. My notion is that this statement is borne out by the experience and observation of every man on the floor of this House—that in this particular bit of gallantry the advantage is decidedly in favor of the negroes.

I am persuaded that the friction of which the gentleman from Alabama complains consists in the fact that he must sit on the same seat or ride in the same compartment with negroes. That goes against the grain, and in that is the irritation.

Talk of friction. It strikes me there would be some real friction in the enforcement of this proposed law. In this city there are people of all shades of color, from pure-blooded Caucasians to pure-blooded Africans, and but very few of the latter class. There are mulattoes, quadroons, octoroons, and those of even lighter shades of African blood. There are people with blue eyes, light hair, and as white skinned as southern Europeans; and yet to the experienced ethnologist they may betray a strain of Ethiopian blood, and by an inexorable social law, established and enforced in the South, all people in whose veins flows the slightest strain of African blood are forced into the negro class. Those mixtures and amalgamations between the races bear witness of more intimate social relations between white men and black women than is possible by riding in the same cars or compartments through the streets of Washington, and that, too, when those women were slaves, the property of white owners, and had no alternative but to yield when their masters desired to possess them.

You say we do not and can not understand the race question as you do. We admit it. It is very difficult for us to appreciate your consistency in permitting such intimate social relations in some respects when you enforce ironclad social ostracism in others. Those mixed bloods are here. They are not to blame because their remote ancestors were brought to this country as slaves by your remote ancestors, nor are they responsible for their light coloring, produced by the unholy miscegenation by white planters.

This amendment was manifestly suggested by and is a modification of the Alabama statutes establishing "Jim Crow" cars in that State, and in the code of that State is the following definition of the term "negro:"

> The term "negro," within the meaning of this code, includes mulatto. The term "mulatto," or "person of color," within the meaning of this code is a person of mixed blood descended on the part of the father or mother from negro ancestors, to the third generation, inclusive, though one ancestor of each generation may have been a white person.

According to my construction of this definition, a man seven-eighths white may be a negro, and would be obliged to "herd" in the same compartment or car with blacks.

The gentlemen favoring this amendment, from observation and experience, may be able in all instances to detect racial differences, but conductors and motormen are not experts of the same experience and ability. This is a cosmopolitan city, where Hawaiians, Filipinos, East Indians, Cubans, Turks, and Armenians reside. Ambassadors, ministers, and consuls are here from South American and Asiatic nations with their retinues and servants. But few of them are as white as northern Europeans, who constitute the basis of our population. The rigid enforcement of this "Jim Crow" car amendment might lead to mistakes and international complications, and then there would be friction.

I make no pretensions as an expounder of the Federal Constitution, and yet I venture the opinion that this amendment is repugnant to that instrument. It provides that no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, and what States con not do certainly the National Government can not do. Negroes are citizens of the United States, and this proposed law would abridge their privileges and immunities.

Our street car companies were created by Congress and are governed and regulated by this body. They are public-service corporations and common carriers of passengers, and all people who pay the fare and behave themselves properly should be given equal consideration and the same kind of treatment, and there should be no discrimination against them. But the gentlemen who favor this amendment promptly inquire, Who can say that this is not discrimination against the whites and in favor of the blacks? Oh, Mr. Chairman, this is not open to argument. You make the same argument in defense of your constitutions, election laws, and regulations, and say that on their face they do not discriminate against negroes who are entitled to vote. But you know, and we know, and the whole country knows, that your constitutions and election laws and your social code and your "Jim Crow" cars are all designed and enforced for the purpose of discriminating against the blacks in order to make them feel at every turn that they are an inferior people and subject race, and that they must recognize this discrimination at every point where they meet with white people in the ordinary relations of life. There is only one interpretation which can be put upon this amendment, and that is that it discriminates against the colored people and humiliates and degrades them.

Have the colored people appealed or petitioned for this amendment? Have they demanded separate cars or separate compartments? No. Only white people from the South and their Representatives in Congress are urging the adoption of this amendment, and they demand it not because of any danger to be apprehended from the negroes, or because of irritation or friction, but because they do not want to ride side by side, or even in the same compartment, with their colored brethren. This amendment would mean another insult and reflection on the negroes by drawing the color line against them in the public cars in the city of Washington; and it is difficult to believe that the advocates of this measure have not that express purpose in mind.

Your States accepted and adopted the fourteenth and fifteenth amendments on their rehabilitation during the reconstruction period, and immediately their white people conspired to defy and nullify those articles, first by the agency of the Kuklux Klans and other organizations which terrorized the negroes, and killed them if necessary, to keep them from the polls. You prefer to accomplish these ends if possible under color of law and regularity, and your States adopted constitutions with grandfather clauses and other provisions for the disfranchisement of the negroes; and you have passed election laws and enforced them in such a manner as to practically disfranchise all the negroes in the Southern States. You have refined and elaborated those laws until the ingenuity of lawlessness is exhausted to evade the force and effect of those amendments and deprive the negroes of a fair vote and honest count, and you have succeeded.

You now count them for representation in this House and in the electoral college, but you will not permit them to vote. They are citizens for one purpose, but not for the other; and you are permitted to do this by the good nature and forbearance of the people throughout the balance of the country. Intrenched behind those bulwarks of fraud and violence, you have become so bold and defiant as to taunt the Republican party with not keeping its pledges to enforce the fifteenth amendment to the Constitution by compelling you to let the negroes vote, or by reducing your representation in the Congress and electoral college in accordance with the provisions of the fourteenth amendment. Common prudence would suggest that you remain quiet on this delicate question. You should be grateful for being let alone in the enjoyment of your ill-gotten advantages. But you are not. The old prejudice and determination to enforce your views on the rest of the country manifest themselves whenever occasion occurs.

Early in this session, when the revision of the penal statutes was under consideration, you tried to repeal or amend the sections which were enacted by Congress for the execution and enforcement of the fifteenth amendment, and you failed. Now you presume to cross the Potomac and introduce "Jim Crow" cars into the capital of the nation. Should you succeed in this you would not stop. You would endeavor to establish the same rule and the same discrimination against the colored people with reference to all railroads doing interstate commerce throughout the country. You are making a grievous mistake. If we do not understand you or your view point on the race question, you do not understand us or appreciate the sentiment and temper of the people throughout the North and West. You may be able to terrorize, intimidate, and subdue the negroes, but you can not cajole or intimidate the overwhelming mass of the white people in our country. They are patient and long-suffering and have much sympathy for you in your efforts to solve this race problem, but there are limitations to their patience.

You charge us with opposing this proposition for purely political reasons, and that we are grasping at it in order to make political capital; and you say that on a secret ballot there would be but very few votes in this House against it. Let me assure you that you are in error; that we oppose it in good faith, because it is unjust and unfair. We do not believe in caste or class distinctions of this kind. You assert that you are the negro's best friends. Then why do you wish to humiliate and degrade him? Why do you treat him in all political and social matters as an inferior, and keep constantly before his mind that he is practically without the pale of the law? Why do you close against him all avenues of development and advancement? His condition and status in society is hard enough at best. He is excluded from many labor unions, and from industrial and social organizations. He is not permitted to engage in high grade or responsible employments which tend to develop character and ability, and he is driven by necessity, if not from choice, into menial service. Do not deprive him of his rights before the law and under the Constitution. Give him some chance and encouragement that he may develop the best that is in him. Do not shock the conscience of the people by the adoption of this amendment. Do not sully the fair name and fame of the Republic by committing this unlawful, un-Republican, and un-American act.

Mr. DRISCOLL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. HARDWICK. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentlemen? [After a pause.] The Chair hears none.

Mr. SMITH of Michigan. Mr. Chairman, I move that debate on this amendment be closed in five minutes.

Mr. HEFLIN. I ask the chairman of the committee not to make that motion. I want to ask unanimous consent for ten minutes' time, as I am the author of the amendment and several references have been made to me and my section of the country.

Mr. SMITH of Michigan. Let me say to the gentleman that outside of the race question this amendment ought not to prevail. The Committee on the District of Columbia that reported this bill to the House feels that all the burdens have been placed upon the railroads of this city that should be placed upon them at this time. When they make the extensions that are required under this bill it will cost a million dollars, besides the proposition of universal transfers. Now, if the gentleman's amendment prevails, in my judgment it will drive the Washington Railway and Electric Company, and possibly other railroads in the District, into bankruptcy, and, it seems to me, if for no other consideration his amendment ought not to prevail.

Mr. Chairman, I move that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Michigan moves that all debate upon this amendment be closed in five minutes.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. HEFLIN. Division, Mr. Chairman. I hope the gentleman will withdraw his motion as I desire to reply to some assaults that have been made on me.

The committee divided, and there were—ayes 95, noes 64.

So the motion was agreed to.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HEFLIN. Mr. Chairman, a condition confronts us and let us be manly and meet it. If the white people object to riding in the same car with negroes, the law ought not to force them to do it.

The racial fact in this case is a stubborn thing and gentlemen had just as well recognize it. You can't legislate it out of men. In the great plan of things it has a great purpose to serve.

In your hopeless condition politically you are grasping at anything and everything with which to make political capital. Since the "prosperity" plank in the Republican platform broke

you seize eagerly upon any material available for campaign purposes; and now, when we call on you to provide better street car accommodations for the white and the black races in Washington—when we ask that the dominant race here be relieved from a condition sorely distasteful and aggravating, from a condition where white women suffer indignities and abuses at the hands of negroes on the cars—you try to evade the issue by going into a discussion of the negro's political rights. You take up the old cry—the one with which you have deceived the negro a thousand times. You have gone into office in some localities on that cry many times, and you take it up now on the theory that "it has landed many thousands and will land as many more, glory hallelujah!"

But I do not believe that your soft words and pleasing platitudes about the negroes' political rights will deceive the negro this year. The sensible negro knows that my position on this question is the position of the white race. And I want to say here and now that I believe that if we could have a secret vote on my amendment nearly all of you would vote for it, and those of you who would not vote for it would, deep down in your hearts, pray for its passage. You do not discuss the merits of my amendment. You dare not do it. It is sound and wholesome, and provides equal accommodations for both races, and is a guaranty against the troubles now occurring between the races. The white people want it and the negroes will be better off with its adoption. In those States, and mine is one of them, I am glad to say, where we have separate cars for white and negro passengers, it was found necessary for the peace and harmony between the races to provide separate cars. Prior to the time of separate cars there was no end to troubles and annoyances arising from negroes and white passengers huddled together in the same car, but since we have separate cars, with equal accommodations and the cars are of the same character, the statement of the gentleman from New York [Mr. OLCOTT] to the contrary notwithstanding, there is no trouble whatsoever between the races—the old cause for trouble on the cars having been removed.

The gentleman from New York [Mr. OLCOTT] and the gentleman from Kansas [Mr. CAMPBELL] have left my amendment and they have left the rotten street car service of this city and they have gone to Alabama and have undertaken to discuss the franchise clause in the constitution of my State. Both gentlemen have demonstrated very clearly that they occupy the same relation to the constitution of Alabama that the young man from Kansas did to the law, for when he was asked "What is law?" looked bewildered for a moment and said: "It's that that I know but durn little about." We have the best election law in the Union. We have the educational qualification, the property qualification, so the man who has $300 worth of real or personal property and who can not read and write, can vote, and we have the poll-tax plan. But what has this to do with the obnoxious street car situation in this city?

The gentleman from Illinois [Mr. MADDEN] mounts his campaign steed, charges up the mountain of the Federal Constitution, pauses on an elevation overlooking his district and proclaims that "the Federal Constitution guarantees to every citizen the God-given right of life, liberty, and the pursuit of happiness." If I can cause him to curb his campaign steed long enough for a question or two, I shall be very happy. I will ask him what part of that constitutional provision is affected by my amendment? Is it the "pursuit of happiness clause?" If so, I will ask him to explain to me and to this House if he wants the negro to "pursue happiness" in the same car with white passengers? Then I will ask him how he will reconcile this same guaranty to the case of the white man who wants to "pursue happiness" in a car to himself?

The gentleman from Vermont [Mr. FOSTER] deplores the fact that such an amendment as mine should be offered on Washington's birthday. Why, Mr. Chairman, my amendment will do more for the peace and happiness of both races in the District of Columbia than any other thing that we can do to-day for the city that bears the immortal Washington's name.

Pass my amendment, and discord and friction between the races will disappear and peace will be restored, and the Bible says, "Blessed is the peacemaker."

If George Washington were living to-day, he would certainly favor my amendment. My amendment deals with a condition that every intelligent man knows is a serious one, and one from which a great deal of bad feeling and racial difficulties have come and will continue to come unless separate cars are provided.

The gentleman from Illinois [Mr. MADDEN], referring to me, said:

> The legislation which he proposes is purely of a character such as we might expect to be asked to enact by a gentleman coming from the part of the country the gentleman in part represents.

Mr. Chairman, the gentleman from Illinois [Mr. MADDEN], in the language just used, has paid to me and to the good people that I have the honor to represent a splendid compliment. Yes; coming from a section where at one time we had no separate cars for white and negro passengers, and where this failure to provide separate accommodations was a source of much mischief, of much bitter feeling and difficulty between the races, and having seen the whole trouble settled and peace and harmony restored between the races by the separate-car system, when I see the same conditions here that we once had, and when I know that the remedy we applied will settle the question here and settle it to the best interest of both races, I would fail to do my duty if I did not offer the remedy that I know to be a sure cure.

The gentleman from Illinois [Mr. MADDEN], who failed utterly to discuss my amendment, said among other things, referring to Alabama:

> Laws have been enacted by its legislature preventing these citizens from exercising the rights guaranteed to them by the Constitution, and doubtless methods of intimidation have been practiced which, added to the burdens of unjust laws, would, if exposed to public view, make a record of oppression which would bring a blush of shame to the face of every believer in law and justice the country over.

Mr. Chairman, this statement of the gentleman from Illinois [Mr. MADDEN] is a gross misrepresentation of the facts. No such condition exists in Alabama or anywhere else save in the convenient and wild imagination of the gentleman from Illinois, who is making a very disgusting and cheap bid for negro votes in his district. I was not old enough to remember just how a carpetbagger looked, but I believe that I have seen one or the son of one to-day.

Continuing, the gentleman from Illinois [Mr. MADDEN] said:

> And now the gentleman from Alabama, under the false cry of social equality, seeks to insert in this bill a provision which he, as a lawyer, knows to be unconstitutional, in order that he may receive the applause of a haughty, austere, and egotistical aristocracy, who are laboring under the false impression that they are the first and the foremost people on earth.

Mr. Chairman, I deny that my amendment is unconstitutional. On the other hand, in my judgment, it would stand the test before the Supreme Court of the United States. This same gentleman from Illinois says that I have offered this amendment in order to receive the applause of a haughty, austere, and egotistical aristocracy who are laboring under the false impression that they are the first and foremost people on earth.

Mr. Chairman, I offered this amendment because I believe that it carries with it the right solution of a very obnoxious and disagreeable system now in force in the District of Columbia. I introduced that amendment because I believe in separate cars for the races. I did not introduce it in order to receive the applause of a "haughty, austere, and egotistical aristocracy."

The gentleman's want of information regarding my district and the proud and patriotic people that I represent is in itself appalling. My people are not "haughty, austere, and egotistical aristocrats." They are as intelligent, as brave, and patriotic a people as live on this earth.

The gentleman from Illinois [Mr. MADDEN] said, as the climax of his remarks, that my purpose in introducing the amendment was to humiliate the negro "and that I never lost an opportunity to express my views on the negro question when I could add anything to their suffering and humiliation."

Mr. Chairman, I bear no malice toward the negro race. On the contrary, I have the very kindliest feelings and good will for all law-abiding, industrious negroes. The old negroes who were the slaves of my father love him and love his children, and when the gentleman states that my purpose is to humiliate the negro he displays a glaring ignorance of my feelings and motives. The Southern white man is the best friend that the negro has on earth. He knows the negro as nobody else in America knows him. He will not permit anybody to impose on or mistreat a good negro. At the same time we have recognized a racial fact that you do not seem to understand, or if you do understand it you have not the courage to say so.

The gentleman from Illinois [Mr. MADDEN] may be deceiving himself, but he is not deceiving the negro. He is trying to make political capital of my amendment to regulate the street cars of Washington. He is trying to get up something with which to solidify the negro vote in his district and in the doubtful States, so he can say to the leaders, "It worked like a charm." You told about the treatment of the negro in the South. Let me remind you that there is no community in the South where negroes are not allowed to live, but there are several localities in the North where you absolutely forbid him living. In the South when he commits the unnamable crime he dies, and he deserves to die. Sometimes the mob gets him; but the difference in the mob in the South and the mob in the North is the mob in the South seeks and visits punishment only upon the

guilty party, but in the North you shoot them as you come to them and burn them out in communities. The gentleman from Illinois [Mr. MADDEN] harps on the negro's political rights. I want to remind the gentleman that some time ago his party put a negro on the ticket for judge in Chicago. He was put on to hold the negro vote to the Republican party. To the surprise of everybody, Republicans and all, he was elected—and then what became of this negro's political rights in the gentleman's own State of Illinois? White Republicans declared that it would not do for a negro to try and sentence white men, and what happened? This negro judge lost his job. The election was over and they got rid of him.

Republicans talk one way and act another. You talk about negroes being disfranchised in the South. You seem to forget that at one time the people of Washington voted, white men and negroes. The Republican party disfranchised the voters of this District and it is a notorious fact that you did it to get rid of the negro voter.

These long-distance champions of the negro's political rights grow pathetic and eloquent when speaking of the downtrodden brother in black, but when the negro wants to move up into their presence we sometimes hear of opposition to his coming.

Some months ago the Indianapolis News called on the negroes already residents there to use their influence to keep out their brethren from the South, saying that the impression is abroad to the effect that Indianapolis is a negro paradise. It warns them against the horrors that will come if these "ignorant, vicious blacks from the South continue swooping down upon the Hoosier capital city."

The Northwestern Christian Advocate, published in the home of the gentleman [Mr. MADDEN], some time ago, in speaking of crime and the frequent arrests of negroes, said: "It is not surprising that the number of arrests of negroes should be out of all proportion to the number of the race." "Race prejudice"—just listen to that, gentleman—"race prejudice, even in the North, forces them to live in districts notorious for crime."

The gentleman from Illinois [Mr. MADDEN] had better get the mote out of his own eye before he undertakes to get it out for others.

I would remind the gentleman from Illinois [Mr. MADDEN] of what a distinguished and able Republican once said about the races. At Charleston, Ill., in the gentleman's own State, September 18, 1858, Mr. Lincoln in a speech said:

I will say that I am not and never have been in favor of bringing about in any way the social and political equality of the white and black races; that I am not, nor ever have been, in favor of making voters or jurors of negroes, nor of qualifying them to hold office nor to intermarry with white people; and I will say, in addition to this, that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality; and inasmuch as they can not so live, while they remain together there must be the position of superior and inferior, and I, as much as any other man, am in favor of having the superior position assigned to the white race.

Was Lincoln right or is the gentleman from Kansas [Mr. CAMPBELL] right?

The gentleman from Kansas [Mr. CAMPBELL] made no argument against my amendment. He was content to inform the House and the country that his children and negro children went to the same school and that he and negroes attended the same church. Well, every man to his taste! I do not believe that the gentleman from Kansas [Mr. CAMPBELL] reflects the views of his white constituency on this subject. I am reminded of a politician who shaped his creed for his cravings and swallowed his convictions for a job.

I believe in separate cars for the races, and I believe in separate schools and churches, and I believe that I state the doctrine of the white race on these subjects in spite of the Kansas gentleman's extraordinary views.

In conclusion, I want to say that in spite of the effort of hard-pressed Republicans to make political capital out of my amendment, if you will adopt it, it will be for the very best interests of both races. [Applause on the Democratic side and in the galleries.]

Mr. WATKINS. Mr. Chairman, I trust that in the few minutes allotted to me I may be enabled to calmly and dispassionately discuss the merits of the proposition presented. It is unfortunate that a question of this kind can not be discussed without the Members on the opposite side of the House making an attack on the South and endeavoring to arouse a spirit of hostility between the races. There is no rancor in the breast of the white man in the South against the negro because of his color. We of the South have solved the race problem in our section and in a manner satisfactory to ourselves.

Our laws require a property or an educational qualification and the payment of a poll tax for the benefit of the public schools as a prerequisite for the exercise of the right of suffrage. These laws apply equally to the whites and the blacks. We have separate schools, separate churches, separate waiting rooms at the railroad stations, separate apartments in our street cars, and separate sleeping coach accommodations, as well as separate passenger coaches.

But our laws require that all these accommodations be equal for both races, and these laws are legally enforced.

Our laws forbid the intermarriage of the negroes with the whites.

Before these separate, but equal, accommodations were required for the whites and the negroes frequent conflicts occurred; but this requirement has reduced these conflicts to the minimum and it is rare that a race issue is raised. One of the gentlemen who has preceded me flaunts the fact in our face that negroes are mobbed in the South. When a man, *be he white or black*, overpowers a pure and helpless woman, and, prompted by his hellish lust, robs her of that which is prized above all else on earth by her, those who would not have her humiliated by detailing the horrible incidents of the fiendish outrage in the courts before the populace inflict summary punishment upon the offender. This is done whether the outrage happens in the North or in the South. It has been done since the fair and virtuous Lucretia plunged the dagger in her heart and caused the proud and haughty Tarquin to be summarily punished for the outrage which he had perpetrated. The fact that she submitted to him because he threatened to disgrace her by charging her with wrongful relations with one with whom it was considered then to be a disgrace for one of her station to be on terms of intimacy, emphasizes the fact that to this day a pure woman had rather suffer death even at her own hands than to be thought guilty of criminal conduct with one below her station in life. She would rather suffer death a thousand times than to be overpowered by a brute in human form, and be forced to submit to the heinous offense which all right-thinking people say should be punished with death.

But the gentleman says that it is the negro who is most frequently mobbed. If we concede his statement as true, we must concede that in a majority of cases it is the negro who commits the crime which brings about this character of punishment. Far be it from me to advocate mob violence. It has been my good fortune never to have been called upon to join in inflicting summary punishment on anyone, although I have lived in the South all my life. While the impulse to summarily punish the ravisher is almost irresistible, there are cases in the South where negroes are tried by the courts, convicted by the juries, and executed under the law. Last year in the city of Shreveport, La., a negro made a brutal assault upon a white schoolgirl on the streets of the city as she returned from school, and in the effort to accomplish his fiendish design shot her brains out in the plain open view of people of his color. He was indicted by the grand jury, tried by the court, convicted by a jury, and hanged by the sheriff. The voice of his victim had been hushed and she was saved from relating the horrible incidents which she would have been forced to relate if she had lived to attend the trial, if such had been had in case she had not died.

The gentleman from Kansas [Mr. CAMPBELL] says that he is in favor of the whites and the negroes being allowed to stop at the same hotels, to occupy the same cars, to attend the same schools and churches, and that it is with his approval that his children attend the same school with negroes; but he says that he is not willing for his children to marry negroes. Is there anything more natural than that a white girl should think it is all right for her to marry a negro man if her father sends her to the same school for her to associate with him there in her childhood? If her parents eat with him at the same table at the hotel; if her mother converses with him in the parlor of the hotel; if her father sleeps with him in the same room, or perhaps in the same bed at the hotel; if they occupy the same sleeping coach and wash in the same basin; if they are given cards of admission to the gallery reserved for the *Member's family*, why draw the line at marrying? But when the question is put to the gentleman from Kansas he cries "No." I say a thousand times, "No!" Does he not know that Fred Douglass, the negro who married a white woman and lived with her in the city of Washington, became acquainted with his wife while he was being entertained by her father at his home?

It is just such speeches as we have listened to here to-day which cause trouble between the races.

Let each race realize its respective sphere and there will be no trouble between them; but let an inferior race get the idea that the party in power is going to afford protection for them in everything which they do and we will continue to have recurrences of the Brownsville affair. But if, when the President asserts his prerogatives and the true manhood which is

in him and dispenses with the services of those who are called upon to preserve law and order (and instead of doing so trample the law under their feet) he is condemned by his party associates for political effect, then may we expect to see those who are told that they are being wronged become insolent and bold in their defiance of every principle of right and justice. What do we see right here in the city of Washington, the capital of the greatest nation on earth? Within less than six months twenty-one assaults have been made by negroes on white women and not one of them brought to justice. This week a negro is seen to follow a white man into his own home and there stab him to death, and is seen when he leaves the house with the deadly weapon dripping with the lifeblood of his victim. He may be punished. It is to be hoped that he will; for when the victim's daughter hears his voice at the police station she faints, because she recognizes that it is the voice of the same man who put her father to death.

How long is this state of affairs to continue at the capital of the nation? My prediction is that it will never cease so long as designing politicians pander to the prejudices of the ignorant and the vicious and lead them to believe that they will be protected in their wrongdoing.

A white gentleman will rise to give a lady his seat in the street cars, while strong, able-bodied negro men sit lazily upon the cushioned seats.

If they have not the sense of propriety which will prompt them to act properly, sufficient accommodations should be furnished them in separate cars.

Two cars are run together, anyway, and there is no reason why the white people should not occupy one of these cars and the negroes the other.

What I have said has been without any animosity toward the negroes as a race, but I have simply stated the facts as they are.

As evidence that the white people of the South are willing to do a fair part by the negroes, I cite the fact that while the white people pay the bulk of the taxes the negro children are provided with every facility for becoming educated by the money derived from the taxes which are paid into the treasuries. Three-fourths of the crimes in the South are committed by negroes, but the taxes paid mainly by the white people are used in providing trials for them and the expense of keeping them. They are even furnished with counsel to defend them free of cost when they are unable to employ counsel. I have never known a white lawyer to refuse to defend a negro, whether he was able to pay or not, and he always gets the very best defense that the lawyer can make for him.

I have never known a negro who was innocent to be convicted and punished for a crime which he did not commit; but I have known many guilty ones to be freed on a technicality of the law.

That the negroes are not increasing at the same rate as the white people is accounted for in two ways: There is a large white immigration into the South, but no negro immigration. Then, the negro has been led to believe that the northern man is his especial friend and many of them go to the North to help send the white man to Congress, where there are no negroes, and to place the white man in the other offices to be filled in the North.

Booker T. Washington could not even be nominated for Vice-President on the Republican ticket, much less for President.

I take the liberty of submitting a few figures which will convey some idea of the progress which is being made by the negroes:

Number of negroes over 10 years old in 1880, 4,601,207. Of these, 70 per cent, or 3,220,878, were illiterate.

In 1900 there were 6,415,581, of whom 2,853,194 were illiterate, making 44.5 per cent, showing a decrease of 36 per cent in illiteracy in twenty years. The negroes own approximately 24,000 churches, with a membership of about 3,000,000. The value of their church property is nearly $27,000,000. One million one hundred thousand negro children attend the public schools. Within twenty-five years over $100,000,000 have been spent for the support of negro schools. The negroes of the South own in their own right 173,000 farms, and, including tenants, negroes are in charge of 746,000 farms. The wealth of the negroes will aggregate about $300,000,000. Forty years age the negroes could not read and write; they owned no property; they were thrown out on their own resources to shift for themselves in the midst of their former masters; they were duped and beguiled by false and unscrupulous leaders; but, being treated honestly by the people of the South, they have prospered as no race of paupers ever prospered before. Many of them have become educated—lawyers, physicians, and ministers—and those of the race are respected who conduct themselves in a manner entitling them to respect.

The progress which the negro race has made under the adverse circumstances under which it labored has been one of the wonders of the world. It must be evident to any fair-minded person that if the negroes had been robbed, defrauded, and murdered, as some of our defamers of the North contend, they could not have acquired the property, enjoyed the religion, obtained the education, and have risen in the learned professions as they have.

Away with these taunts and this defamation; allay what friction there may be between the races; cease from the effort to force them to social intercourse, and banish forever the thought that the barrier which nature has placed between the races of mankind can ever be obliterated so long as a drop of noble Caucasian blood courses through our veins. [Loud applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the chairman announced that the noes appeared to have it.

Mr. HEFLIN. Division!

The committee divided, and there were—ayes 57, noes 104.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Iowa.

Mr. HEPBURN. Mr. Chairman, I only want a moment to explain this amendment. The purpose of it is the same, substantially, as is in the text. I think that the purpose of securing the control over these street railways is more perfectly and plainly expressed in the amendment than in the original text. I do not think that the purpose desired is accomplished by the use of the language in the text. At all events, it fails to furnish an adequate remedy; it fails to furnish proper punishment, and it fails to give jurisdiction to the proper tribunal. Its failures are corrected and supplied in the amendment that I have offered. There is no dissimilarity in the general scope of the two, I think, except as I have mentioned; but I do think there is a material difference in the clearness of the language used in the amendment, giving it superiority over the text. I think it is not objectionable to any member of the committee, so far as I know.

Mr. SMITH of Michigan. Mr. Chairman, the amendment or substitute proposed by the gentleman from Iowa, I think, is the amendment which he kindly submitted to the committee, and which, together with the amendment offered by the gentleman from Ohio [Mr. TAYLOR] and the gentleman from New York [Mr. MCMILLAN], were considered, and after the committee had very carefully considered them it decided to ask the corporation counsel to prepare a section covering this amendment and the amendments of Mr. MCMILLAN and Mr. TAYLOR, and as a result we secured the amendment we have in section 18, as named in the bill. It seems to me, Mr. Chairman, that the purpose sought will be accomplished by the passage of section 18 as named in the bill. In other words, it will give notice to the railroads of this city that the people will expect better service than they have been receiving in the past.

Mr. TAYLOR of Ohio. Mr. Chairman, as the gentleman from Iowa has already stated, much of his amendment is already written into the section which he now seeks to strike out of the bill. It is in the main good, but I do not believe that it is any better than that which is in the bill in the section which he seeks to take out. In the first place, the committee considered carefully the question of imprisonment for failure to comply with its regulations, and after careful deliberation on the part of the entire committee we could not find it proper that a man should be imprisoned. You can not imprison a corporation for its orders to its employees. We can only fine it. The gentleman from Iowa seeks to amend by imposing a prison sentence, and if it were permitted it will only involve some poor motorman or conductor acting under the orders of the company that employs him. You should not punish them by imprisonment or by fine and send them to jail for what, in a general sense, would be a trivial offense.

Mr. NORRIS. Will the gentleman allow me to ask him a question?

Mr. TAYLOR of Ohio. Certainly.

Mr. NORRIS. If I understand the amendment of the gentleman from Iowa, this imprisonment provision does not apply to the universal transfer project, but only applies where the company fails to put on a proper number of cars——

Mr. TAYLOR of Ohio. Exactly.

Mr. NORRIS (continuing). On the tracks, and to give the people proper accommodation.

Mr. TAYLOR of Ohio. True; now, then——

Mr. NORRIS. Then, some poor conductor or motorman, as the gentleman said, could not under any condition be prosecuted for such an offense.

Mr. TAYLOR of Ohio. He can be prosecuted under the act.

Mr. NORRIS (continuing). Where somebody or other might have refused to make a proper order.

Mr. TAYLOR of Ohio. You can not imprison a corporation. That is clear. If the conductor or motorman failed to carry out an order or regulation, the only person who could be punished would be the operatives who failed to carry out a regulation that had been published.

Mr. NORRIS. No; but the conductor and the motorman have nothing to do with fixing the number of the cars or the frequency of the cars.

Mr. TAYLOR of Ohio. Then will the gentleman tell us who will be arrested and imprisoned if the cars do not run with proper frequency?

Mr. NORRIS. That would depend on who was at fault. It might be the president of the company, it might be the secretary, it might be the board of directors. I do not know who would be to blame for it.

Mr. TAYLOR of Ohio. We provide for a very heavy fine for the violation of regulations to be made by the Commissioners of the District, and we think that is sufficient.

Now, another point. This section in the bill is an outcome of careful study on the part of the corporation counsel of the District of Columbia, who is directed in this bill to enforce the law, and it is a compilation taken from the amendment offered by the gentleman from Iowa and other papers submitted to the corporation counsel for his consideration. We believe, he being the agent of the District of Columbia who will enforce this law, that his views along these lines should be respected, and his language ought to be left in the bill, because he will be called upon to enforce the provisions of this section.

Mr. WILLIAMS. There was a good deal of confusion in the House, and I did not catch the gentleman's amendment. Will he kindly state what it is?

Mr. TAYLOR of Ohio. The pending amendment is the one offered by the gentleman from Iowa [Mr. HEPBURN]. It is a complete section in lieu of the present section 18.

Mr. WILLIAMS. It is the one that was printed in the RECORD this morning?

Mr. TAYLOR of Ohio. Yes.

Mr. WILLIAMS. Oh, very well.

Mr. TAYLOR of Ohio. Now, only one other point that I wish to call attention to. We have provided that prosecutions shall be had in the police court of the District of Columbia by the corporation counsel. The gentleman from Iowa seeks to amend that by bringing the prosecution into the supreme court of the District. I personally can see no reason for any such change, and I so stated to the gentleman.

The last feature that I do object to is this: It is provided in the amendment that a fee of $25 shall be paid to the corporation counsel or his assistant by the party losing in one of these prosecutions. Personally I do not believe in putting any reward in the hands of the prosecuting officer, because in the past, in many cases, under laws in my State, where such a reward was given, it has resulted in making prosecuting officers forget their real duties, and sometimes where men were not exactly straight it has brought on prosecutions which were unjust and simply begun for the purpose of collecting the reward for the service of the prosecutor, and under certain laws, as we all know, has resulted in prosecutions brought for what might be termed the purposes of blackmail. I hope this amendment will not prevail and that the original section in the bill will be retained.

Mr. KAHN. Mr. Chairman, when the committee framed section 18 of the bill which is now under discussion they gave the entire subject-matter very careful consideration.

The city of Washington is a very difficult city to legislate for in regard to the number of cars that should be run. We have a peculiar condition here. Once every four years there is an immense crowd of people who come to Washington. Probably half a million come here at inauguration time. To my mind, it would be an exceedingly great hardship on the officers of one of these street railroad companies to put them in jail because at that time they did not have cars enough to meet the requirements of this section. Therefore the committee decided to give the Commissioners of the District of Columbia discretionary power to regulate that matter. I am satisfied that the Commissioners of this District will make such regulations as will meet the existing conditions. It is complained here that there are not enough cars to meet the demands of the traveling public. It is believed by the members of the Committee on the District of Columbia that the section reported to this House in this bill will meet the conditions entirely and will prevent the overcrowding which is now such a source of complaint.

There is another innovation in the section as reported here. Under existing law the cars can only run twelve miles an hour in the District, and it is contended that whenever there is a blockade it is practically impossible for the cars to catch up with their schedule time. Therefore the committee has deemed it wise to change the law in that respect and to allow them to run fifteen miles an hour.

Then there is another regulation in the District which is in force and which sometimes makes it difficult for the car companies to operate. Under existing law their cars must run at least 200 feet apart. The companies admit that they are compelled to violate that regulation constantly. We believe that with the section in the bill as reported by the committee the Commissioners of the District of Columbia will have ample power to regulate this entire matter, and that with the enactment of this bill into law the service hereafter will be thoroughly efficient.

Mr. HEPBURN. Mr. Chairman, this House did not hesitate a little while ago in the passage of the rate bill to provide the punishment of imprisonment for the officers of a corporation who refused to discharge their duties in compliance with the law. There was none of that special tenderness then, and penalties as high as $25,000 fine and five years' imprisonment were imposed upon those who might be delinquent under the law.

Why is it that there is such excessive tenderness here? The outrages perpetrated daily by these corporations are as great and affect a larger proportion of the people than those that we sought to remedy in the legislation I have referred to. Why is it these gentlemen were so ready on that occasion to vote for all the severity I have suggested and are now so tender and solicitous for fear some miscreant may have to look out through the barred windows of a jail? I can see no reason why the man that refuses obedience to this law should not be punished as other malefactors are. He is a criminal and ought to be punished as a criminal. The gentleman is perfectly willing, he says, that the corporation shall be fined. That is an illogical way of effecting punishment, because it is the people that are wronged that contribute to the revenues of the corporation, and, in the last analysis, the punishment falls upon the people. Railroad corporations do not pay the penalties that are imposed; they disobey until they get the funds that gives them the ability to pay the extra penalties.

I want to see a punishment which they will feel and one which will deter them. What does a manager of one of these roads care for a fine of $15 or $20 or $100 against his corporation? It is nothing to him; he will simply laugh in his sleeve; but if he is going to jail for one or ten or twenty or thirty days he will scan the proposition, and he will be very solicitous as to his line of conduct. I want this legislation to mean something. I simply invite you to look at the loose, disjointed, jumbled sentences there are in the text of the bill. The gentleman says it was written by the corporation counsel. From the little I know of that gentleman and his performance, or want of performance, I assure you, gentlemen, that that is not a commendation, and I think no more of the proposition than if it had come from some other source. I know that this proposition of the amendment means something.

Mr. OLCOTT. Will the gentleman yield for a question?

Mr. HEPBURN. Yes.

Mr. OLCOTT. Does not the gentleman think that the result of his amendment would be that some very junior employee of the road would be embraced in the punishment instead of some higher officer?

Mr. HEPBURN. I would think not; I believe there is no peril on that account. The language of the amendment relating to this subject is this: "Any railroad company herein referred to, or its officers or employees, violating any provision of this section, or any of the orders or regulations made by the Commissioners by authority of the same, or permitting such violations, shall be punished." etc.

I do not presume that if there is an insufficiency of cars, if persons crowded onto those cars, that the man who brings the prosecution—this indorsed corporation attorney—I do not presume he will look for the insignificant motorman who stops the car, or the conductor who refuses to expel a person; but I would go to this officer who permits it, the responsible party, the man who ought to be held responsible and the man who ought to be punished. He has his selection. He might, it is true, elect to punish the motorman or the conductor, but would he, would you, when there was a responsible agent at the head of the corporation who was the real author of the wrong, who permitted it to be done, who made the schedule, who made it a necessity—would he be allowed to go scot-free?

Mr. OLCOTT. Does not the gentleman think it would be necessary to obtain a conviction under his amendment to prove that each particular isolated case was permitted by some higher official?

Mr. HEPBURN. I think that if there is a schedule of car operations that does not furnish proper facilities, that man would be indicted for that offense.

I do not suppose that under the amendment, as I offer it, a single case where there may be something of overcrowding would be made the basis of a prosecution, but it would be the continued, the frequent, the outrageous violation of the obligation of the carrier that would be regarded as obnoxious.

Mr. OLCOTT. Does the gentleman not think that in what we call the rush hours, when all of the cars are out that can be accommodated, if we are to give people seats and have no overcrowding, it would make it necessary for some of the people to wait for half an hour?

Mr. HEPBURN. I know it would not. I have investigated that question, and I know that even with a six-mile-an-hour schedule, the roads of this city, if cars were operated at a proper distance apart, could do this, and practically everybody could be accommodated and everybody could have a seat; but if that were done, Mr. Chairman, there would not be a fund out of which to pay 5 per cent dividends on eight and one-half millions of watered stock. The gentleman's contention is in the interest of paying these dividends upon watered stock.

Mr. OLCOTT. Now, I would like to ask the gentleman whether he really means I have asked these questions with any such idea as that?

Mr. HEPBURN. Oh, no; the gentleman is not conscious of it, of course not. [Laughter.] And I accuse him of no such offense as that. It is the enthusiasm that men have to get upon the floor that has prompted him. [Laughter.] Mr. Chairman, I hope this amendment will be adopted. It will make an effective section, and we can through it compel obedience to those duties that are imposed by law upon the corporation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

Mr. HUGHES of New Jersey. I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, before the question is taken I want to ask for information of the gentleman from Iowa. As I heard the amendment read, that provided simply for the enforcement of the orders of the Commissioners made in pursuance of section 18, and this section 18 provides for the enforcement of the orders of the Commissioners not only made in accordance with section 18, but with any other section of the bill.

Mr. HEPBURN. I think not.

Mr. COOPER of Wisconsin. I think it does, if I heard it correctly. That is a very important matter—made in accordance therewith or thereunder—something of that kind; that relates to the section.

Mr. HEPBURN. That is what I desire to limit the operation of this section to.

Mr. COOPER of Wisconsin. Then where is there any provision which will punish them if they do not obey the orders provided for by the other sections?

Mr. HEPBURN. There is another provision, I suppose, in regard to that.

Mr. OLCOTT. Section 19 provides for that.

Mr. COOPER of Wisconsin. I will call the gentleman's attention to this language of section 18. I read from the report of the committee.

Mr. HEPBURN. Oh, well, the gentleman will find the amendment that I offer is in the RECORD of this morning.

Mr. COOPER of Wisconsin. I am reading the original section 18, which it is proposed to strike out by this amendment. The language of section 18 is as follows:

> Any such company or corporation or its officers or employees violating any provision of this section, or any of the said orders or regulations made by the Commissioner, etc.

It does not say "in accordance with this section," but relates to any orders made by the Commissioners.

Mr. HEPBURN. This is the language of my amendment:

> Any railroad company herein referred to, or its officers or employees, violating any provision of this section, or any of the orders or regulations made by the Commissioners by authority of the same——

Mr. COOPER of Wisconsin. By authority of that section.

Mr. HEPBURN. Of that section. It is all in this section. All the legislation that I desire is in this section.

Mr. COOPER of Wisconsin. Does that leave anything in the bill to punish the railway if it does not obey the orders of all the sections?

Mr. HEPBURN. Yes.

Mr. COOPER of Wisconsin. I do not know where that is.

Mr. HEPBURN. The gentleman will find that in each of the sections and then the general provision in section 19.

Mr. PAYNE. I would like to ask the gentleman from Iowa a question. If I understand his amendment right, it requires the railway companies at all times to furnish accommodation for all their passengers, and if they do not do it the officers or motormen or conductors are liable to this fine and imprisonment. Is that the general scope of the amendment?

Mr. HEPBURN. Well, the language imposes a penalty upon the corporation, its officers or agents or employees who violate the provisions of the section. Now, if it is not the duty of the motorman to put on a sufficient number of cars to give convenient passage to persons who may want to ride, he can not be harmed under this section.

Mr. KAHN. Does not the section read, "failure to provide?"

Mr. HEPBURN. The provisions of this section are those that require the corporation to perform its duties in the furnishing of a sufficient number of proper cars to give expeditious and comfortable travel to all people who want to ride.

Mr. PAYNE. At all times?

Mr. HEPBURN. At all times.

Mr. PAYNE. Mr. Chairman, if the gentleman yields the floor, I want to say a word or two. I can not vote for an amendment of this kind. I do not think it is reasonable or just to require a railroad company to furnish sufficient accommodations for all the passengers at all times. No man or set of men can do that. They can not make a schedule to do it. It is beyond human ken and possibility that officers of a railroad can do this. I am willing to vote for any proposition that will require them, within reason, to furnish accommodations for their passengers. We all know, for instance, that during inauguration times——

Mr. HEPBURN. If the gentleman will read the first four lines of the section, he will find what is required.

Mr. PAYNE. I listened to the reading of his amendment, and I got an interpretation from the gentleman.

Mr. HEPBURN. This is the language:

> That every street railway company operating one or more railroads within the District of Columbia shall, on each and all of its railroads, supply and operate such a number of cars as will give comfortable, convenient, and expeditious passage to all persons desirous of the use of said cars.

Mr. PAYNE. Well, that, I think, bears out my interpretation of it.

Mr. HEPBURN. Ought not they to do that?

Mr. PAYNE. No; I do not think it is possible for human wisdom and foresight to provide that. Take it in inauguration time, it is a physical impossibility for these railroads to carry all the passengers who apply for passage without crowding the cars and crowding the platforms, and still if they fail to do it on any one car or any half dozen cars, the officers of the road, and possibly the conductors and motormen, would be liable to fine or imprisonment, or both. I do not think that we ought to pass laws that are so impossible of performance as that.

Mr. HEPBURN. May I ask the gentleman a question? Do not you suppose that the court would interpret this law in a reasonable way, and that on these extraordinary occasions it would recognize the fact that they were then existing?

Mr. PAYNE. I do not know but what they would to the extent of declaring it unconstitutional; I am not quite sure about that; but if the power to enforce the law should be upon the statute books, and if constitutional, I do not see how they could help punishing all persons who violated this section.

Mr. KAHN. Will the gentleman yield for a moment? Under the provisions of the substitute offered by the gentleman from Iowa, if the corporation counsel went into court to commence action he would get $25 for every time he brought suit——

Mr. PAYNE. That would be an encouragement to him.

Mr. KAHN. And he would probably find a good many during inauguration time.

Mr. PAYNE. I was going to say I had seen it stated in the papers, I do not know whether there is any truth in it, that the Committee on the District of Columbia was considering the matter of bringing in a bill for a public utilities commission, which should have charge of public utilities and franchises in the District of Columbia, and I hope that they will see their way clear to report such a measure. We have a couple of those commissions in the State of New York; they have not been in operation for a great length of time, and they have not accomplished a great deal yet, but in the up-State, in my part of the State, that commission has done a great deal of good in helping to solve this question whether the public-service corporations were not doing their duty to the public, and very often they find them in that way, and they have done a great

deal by negotiation and conference. They are now about to enter upon the trial of some cases in my own vicinity where complaint is made that a certain railroad does not furnish sufficient passenger trains for the accommodation of the public.

The Commission have taken the matter up. They have power to take evidence. They have the power under the law—at least by the terms of the law—and I hope they will ultimately find out that they have the constitutional power, after the matter has been tried, as it is being tried, in the courts to order additional accommodations where such accommodations appear to be reasonable and necessary and required from the conditions of the travel and for the benefit of the public.

Now, if this amendment related to the orders of this Commission and one was appointed, I would not object to fine and imprisonment if the officers failed to obey the orders of the Commission. But when you put upon a man the duty of guarding against circumstances which he can not foresee, which no one of us would foresee if we had full charge of the running of these railroads, and say, "If you fail to guard against those contingencies, you are liable to fine and imprisonment," I think you are going too far. I like the proposition very well that the committee have presented here, although very drastic. They have given a good deal of care to it. They say that they have taken the language of the amendments offered heretofore by my friend from Iowa [Mr. HEPBURN] on this subject and the ideas that were expressed in his former amendments, and it seems to me they have done pretty well with this question. They have gone a long ways toward solving it. But you can not make a railroad perfect in its operation unless you make perfect men, and of course you can not find them in the railroad service or in any other service. I am sorry to differ with my friend from Iowa [Mr. HEPBURN], but I must vote against this amendment.

Mr. ALEXANDER of New York. Mr. Chairman——

Mr. FITZGERALD. Mr. Chairman——

The CHAIRMAN. The gentleman from New York [Mr. ALEXANDER] is recognized.

Mr. ALEXANDER of New York. If I understand correctly the amendment of the gentleman from Iowa [Mr. HEPBURN] it would subject the conductor to arrest, subject to imprisonment, provided he stopped his car to take on a passenger if the seats were at that time filled. Or, putting it in another form, the conductor of a car would have it in his power to say when he should stop for a passenger, for the law would protect him in not stopping the moment the seats in his car were filled. Such an amendment would be in the interest of the hack driver and of the cab driver. If in a hurry to reach my destination and a car comes along with every seat filled, I should be willing and glad to stand. But the conductor could say, if this amendment passes, "Oh, no. If I stop for you I shall be liable to arrest and imprisonment." I am sure the gentleman from Iowa does not want to put every Member of Congress or every traveler who is waiting for a car to the inconvenience of losing a train because the seats in a street car happen to be filled. Yet this is what his amendment might do. Everybody is familiar with the annoyances of travel in London and Paris, where drivers of wagons and omnibuses are compelled to refuse passengers as soon as all seats are taken. No one is allowed to stand. It is comfortable for those who happen to have seats, but for the waiting passenger, especially if it rains or he be in a hurry, it is very exasperating.

Mr. FITZGERALD. The point made by my colleague from New York [Mr. ALEXANDER] I think is important. This is the first proposed provision of this character that attempts to fasten upon the employees of railroad companies the responsibility for the management of railroads, or for the failure to provide adequate accommodations to the traveling public. There has been some effort at different places to attempt to compel those responsible for the management of common carriers to provide adequate facilities for the traveling public, but this is a long step in advance, namely, to hold the subordinate employees, motormen, or conductors, or those occupying a little higher place, responsible for the things they can not control, and for some things which they must do in order to retain their positions. I doubt the advisability of adopting a provision so sweeping as the pending substitute, that may imperil the liberty or the comfort or the happiness of the men employed upon the street railways in this District.

There is another provision of the amendment which I have examined hastily to which I have great objection, and that is the provision giving a premium to the corporation counsel for conducting these prosecutions. I doubt, Mr. Chairman, if the effect of the provision would be to incite many attempts to have this law enforced. Under it where the prosecution is successful the railway company will be mulcted to an amount not exceeding $25; but there is a deterrent in the provision, since any citizen making a complaint, if the complainant be unsuccessful, can have assessed against him costs for the benefit of the prosecuting attorney, not exceeding $25. I doubt if there is a statute in any State of such peculiar character. I am inclined to believe it would result in nullifying any beneficial effect that the section might otherwise have. I am inclined to believe that this section has not been framed with any more care than the one reported by the Committee on the District of Columbia.

I have had the honor of the acquaintance of the gentleman who is now corporation counsel of the District. In my work upon the Committee on Appropriations it has been necessary to confer with that gentleman. I believe he is a well-equipped, splendid lawyer. I believe he is a man of high integrity. I know that he has drafted some provisions intended for the purpose of making effective laws that the committee desired to have made effective against the steam railroads in this city. They accomplished the purpose intended. I doubt very much if the gentleman from Iowa, from what he has stated about the gentleman who drew this provision, has a very intimate acquaintance either with him or his powers and qualifications. It seems to me, Mr. Chairman, that whether the provision reported by the Committee on the District of Columbia be sufficiently broad or not that it would be the utmost folly for this House to adopt the substitute of the gentleman from Iowa without having a very adequate opportunity to examine it and without having it considered by one of the committees of this House.

I can not say that I have always had the utmost confidence in the result of the work of the Committee on the District of Columbia; but in the examination that I have been able to make of the two provisions, I doubt if the one proposed by the gentleman from Iowa, if substituted, would be such as would commend itself to men who desire to affect certain well-known evils, not to punish the poorly paid $2-a-day employees of the railroad because inadequate facilities are furnished, but who desire, if punishment is to be inflicted, that it be inflicted upon the responsible heads of the various corporations. I trust that as long as the substitute is in the shape it is that this committee will not adopt it in place of the provision of the bill.

[Cries of "Vote!"]

Mr. HEPBURN. Mr. Chairman, those of us who have been in this House for some time have always noticed that when a proposition is made to punish a railroad corporation or the servant, the general manager of that corporation, there is always some well-fed, good-looking gentleman ready to defend them, always solicitous for fear that, in the clauses of the statute that might punish him, some unfortunate, some poor, obscure individual probably might be punished. [Applause.] I suggest to the gentleman that the legislation we have had in regard to the 220,000 miles of road is not dissimilar to this. Did the gentleman then insist that the brakemen would be the object of the penalty of the law?

The objection that my friend has to this amendment results from his belief in the impossibility of the observance of this law. That objection might be made against the committee's bill as well as the amendment. They do not differ essentially at all except the one is in terse English and the other is a labyrinth of words. Let me read the eighteenth section of the bill as reported.

That every street railway company or corporation owning, controlling, leasing, or operating one or more roads—

There are roads here owned by one class of persons who do not operate them. Under the provision in this bill, is not the gentleman fearful that some of these parties that are owning the roads, but not operating them, might perchance be punished? Why are you not solicitous about that? And the supposition that was made in regard to the conductor and motorman is quite as farfetched as the suggestion that I make to him—

Controlling, leasing, or operating one or more street railroads within the District of Columbia shall on each and all of its railroads supply and operate such number of cars, clean, sanitary, in good repair, with proper and safe power, equipments, appliances, and service, comfortable and convenient, and so operate the same as to give expeditious passage, not to exceed 15 miles per hour, to all persons desirous of the use of said cars, without crowding said cars or the platforms thereof.

Why has not the gentleman the same criticism for that? Does he find anything in the amendment that I have offered requiring more than that? The language is mixed so that it forms a mere jumble of words. There is not one essential difference between my amendment and that of the proposition of the committee. I read that sentence, and I read it correctly, showing that there is a jumble of unnecessary words in improper places. It is a shame to put on the statute book language of that kind. It is not good English——

Mr. McMILLAN. I will say to the gentleman that language is the language to-day that exists in the State of New York, that created a committee whereby this has been tested in court, and I am responsible for that language, whereby not one can escape; and the parties that were controlling—that means who had bought the stock controlling—and had left the rest of the stock on the books, and claimed that they were not responsible, the same parties would be held for any damage that was created either to life or to limb by nonperformance of duty.

Mr. HEPBURN. I yielded for a question. Now let us read further:

Shall on each and all of its railroads supply and operate such number of cars, clean, sanitary, in good repair, with proper and safe power, equipment, appliances, and service, comfortable and convenient, and so operate the same as to give expeditious passage, etc.

Does anybody say that is language fit to go into a statute? Again, the gentleman is very solicitous for fear that the brakeman shall be punished. He has not read the law that he was advocating. He does not know what its provisions are. He did not know the similarity between it and the amendment in the part that I read. Now, listen to another part:

And such railroad companies or corporations, their officers and employees, are hereby required to obey all the provisions of this section, and such regulations and orders as may be made by said Commissioners. Any such company or corporation, or its officers or employees, violating any provision of this section, or any of the said orders or regulations made by the Commissioners, or permitting such violation, shall be punished by a fine of not more than $1,000.

Are you going to fine the motorman a thousand dollars? You may, for he is an employee. There is no such severity of punishment for the employees in the section that I have proposed, and I have only called attention to this for the purpose of showing how learnedly some gentlemen may discuss a proposition, while they are profoundly ignorant with regard to all that the provision contains. [Laughter.]

SEVERAL MEMBERS. "Vote!"

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. HEPBURN].

The question being taken, on a division [demanded by Mr. HEPBURN] there were—ayes 55, noes 63.

Accordingly the amendment was rejected.

The Clerk resumed and completed the reading of the bill.

Mr. PARKER of New Jersey. Mr. Chairman, in view of the fact that this is the 22d of February, I desire to submit a few remarks upon the subject of Washington's Farewell Address:

To understand Washington's Farewell Address we must go back to his time. We see Washington and his Cabinet of two or three chosen advisers often appearing personally before a joint meeting of the Senate and House—a small meeting, too, for there were only twenty-six Senators in all and sixty Representatives. We see a scattered people in a new country, and the father of his country comes to that people, to his friends and fellow-citizens, the first man of the new nation, bidding farewell to public life at the early age of 64 years. He speaks to them as a parent to the children whom he loves, and whose approval he therefore desires, not for the sake of fame or display, but because he loves them and wants their good will. He is thinking of them and the new nation. The absorption in that thought is princely. Yet it was a self-made prince. For forty-five years he had given his services to his country. The surveyor of the infant colonies amid Indian wilds; the aid-de-camp who saved the wreck of Braddock's army; the general whose skill and fortitude alone made the Revolution possible; the father of our present Constitution; twice President of the new State; though he was young, he felt that his work was done.

He had seen hard times, virulent criticism, and violent passions,

> And then he saw the hisses changed to cheers,
> The taunts to tribute, the abuse to praise,
> And took both in the same unwavering mood.

The Farewell Address says nothing of the agony of Valley Forge or the triumph of Yorktown. His thought and prayer are for the future of the new nation, over which he yearns as a mother that remembereth not the anguish for joy that a man is born into the world. He finds the completion of his work in the new birth, that the love of liberty is but the beginning and that the end is the Union, the State, the Constitution that their own hands had framed, giving to the people a Government that mere alliance could never give, realizing the name of American which he says belongs to them, and embodying their common struggles and sufferings, their common hopes and aspirations. He tells them that sentiment and interest alike bind us together—North, South, East, and West—and that Union alone can support liberty. He exhorts us look to that Union as our palladium of safety and prosperity, to speak and think of it with constant affection, to discourage amendment lest that should breed the spirit of change, to let the Constitution grow as all government must grow—from within; and so to work out the destiny of one nation, whose Constitution, once adopted by the people, is sacredly obligatory upon all and can be changed only by the explicit and authentic act of the whole people.

His courage calls it a crime to doubt the continuance of the nation. He tells us that amid such prospects and such dangers as surround us the Union is worth the trial. He earnestly warns us against party spirit and animosities, and against any encroachment by one department upon the other. He urges the support of religion and of morality as the pillars of human happiness and the props of all government. He tells us to promote education as of primary importance, to cherish the public credit, and yet be prepared for war, to deal fairly with all other nations, but to avoid hatred or fondness for any, and especially to guard against any passionate attachment to any one nation, and to steer clear of permanent alliances, or even a permanent commercial policy with any nation of the world.

In the earnestness of the retiring chief we read an anxiety which only history can explain. Only two years after the Constitution had been adopted he had seen the French Revolution, its constitutions of a day or of a year, the carmagnole of party strife, and the sudden destruction of the property, credit, and institutions of that nation. That revolution was then in the height of its power. Our chief says nothing of all this, but it is plainly in his thought, and he urges on his children reverence for law, union, peace, a fear of party spirit, economy, religion, a hatred of change, and strict maintenance of the public credit. Clearly he was thinking of the wild doctrine of the rights of man as an individual and of the downfall of the rights of society, which characterized the French Revolution, and are still a potent force even in the modern world.

At the end of a hundred years we know how much he saw with prophetic eye, and how much this sympathy with France, which he dreaded, had to do with drawing us into a disastrous war with England. The growth of the Union has surpassed the greatest hopes of this greatest heart that America has ever seen. He feared that the border colonies might attempt to ally themselves with the owners of the Mississippi, but now the Mississippi is ours. The handful of people along the shore is now a great nation bound together by avenues of communication, railroads, telegraph, and the press, of which he never dreamed. The Union that he loved has become dear to the people and has been sealed with the blood of a million men.

He did not see the chief dangers that beset us from within. He could not foresee that slavery (then a matter of farm and family service) would by the growth of the production of cotton and rice become a great engine of oppression and so change the character of the States wherein it prevailed as to make it necessary to destroy slavery to preserve the Union. He could not foresee the tremendous inflow to this country from all nations of Europe, bringing with it on the one hand new energies, activities, arts, and sciences, and a new breadth of thought and feeling, but, on the other hand, imposing problems, and especially a task of education, which are like the labors of Hercules. He could not foresee that communities of fishermen and farmers would become in a hundred years an aggregation of enormous cities, whose toiling millions seldom or never see the open fields, the open sky, or the open sea, and feel themselves oppressed by factory walls.

Yet, at the end of a century, in the face of these problems, we turn to his words: "Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal." Free government is worth the trial. A nation which loves not only liberty, but law and order, religion and morality, honesty and truth, peace and fair dealing, a nation which maintains and promotes, "as an object of primary importance, institutions for the general diffusion of knowledge," and remembers that "in proportion as the structure of a government gives force to public opinion it is essential that public opinion should be enlightened;" such a nation need not fear that "the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it."

Mr. SMITH of Michigan. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, and with the recommendation that as amended it do pass.

The motion was agreed to.

The committee accordingly rose, and Mr. DALZELL having resumed the chair as Speaker pro tempore, Mr. MANN, chairman of the Committee of the Whole House on the state of the

Union, reported that that committee had had under consideration the bill (S. 902) authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

Mr. SMITH of Michigan. I move the previous question on the bill and amendments to the final passage.

The motion was agreed to.

The SPEAKER pro tempore. Is a separate vote demanded on any of the amendments? If not, the amendments will be voted upon in gross.

The amendments were agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. SMITH of Michigan, a motion to reconsider the last vote was laid on the table.

LIFE-SAVING SERVICE AND LIGHT-HOUSE KEEPERS.

By unanimous consent, the Committee on Expenditures in the Department of Commerce and Labor was discharged from the further consideration of the bills—

H. R. 17710, to increase the efficiency of the personnel of the life-saving service of the United States; and

H. R. 17711, to increase the salaries of light-house keepers.

And the same were referred to the Committee on Interstate and Foreign Commerce.

SENATE JOINT RESOLUTIONS AND BILLS REFERRED.

Under clause 2, Rule XXIV, Senate joint resolutions and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 48. Joint resolution instructing the Attorney-General to institute certain suits, etc.—to the Committee on the Public Lands.

S. R. 49. Joint resolution authorizing the Secretary of War to permit not exceeding seven Filipinos to receive instruction at the United States Military Academy—to the Committee on Military Affairs.

S. R. 51. Joint resolution providing for additional lands for Idaho under the provisions of the Carey Act—to the Committee on the Public Lands.

S. 5133. An act to amend an act entitled "An act authorizing the Winnepeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.—to the Committee on Interstate and Foreign Commerce.

S. 4248. An act to increase the limit of cost of the United States post-office building at Kearney, Nebr.—to the Committee on Public Buildings and Grounds.

S. 1702. An act to reimburse H. R. King—to the Committee on Claims.

S. 1617. An act to quiet title to certain land in Dona Ana County, N. Mex.—to the Committee on Private Land Claims.

S. 1302. An act for the relief of the heirs of Salvador Costa—to the Committee on War Claims.

S. 486. An act to provide for the purchase of a site and the erection of a public building thereon at Victoria, in the State of Texas—to the Committee on Public Buildings and Grounds.

S. 160. An act to aid in the erection of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774—to the Committee on the Library.

S. 5255. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Committee on Pensions.

S. 5254. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 5083. An act to amend section 1 of the passenger act of 1882—to the Committee on Immigration and Naturalization.

MARGARET K. HERN.

The Speaker pro tempore laid before the House the bill (S. 2420) granting an increase of pension to Margaret K. Hern, with House amendments disagreed to by the Senate.

Mr. HOLLIDAY. Mr. Speaker, I move that the House insist upon its amendments to the bill and agree to the conference asked by the Senate.

The motion was agreed to, and the Speaker pro tempore appointed Mr. HOLLIDAY, Mr. CHANEY, and Mr. ANSBERRY as conferees on the part of the House.

PRINTING FOR COMMITTEE ON INDUSTRIAL ARTS AND EXPOSITIONS.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent that the Committee on Industrial Arts and Expositions be authorized to have such printing done as is requisite in the transaction of its business.

Mr. WILLIAMS. What committee is that?

Mr. GARDNER of Massachusetts. The Committee on Industrial Arts and Expositions. They desire to have a hearing printed.

Mr. MANN. Mr. Speaker, has the gentleman written a resolution on the subject? It is customary to have a written resolution. The gentleman can easily prepare one, and nobody will object to it.

The SPEAKER pro tempore. Will the gentleman from Massachusetts send up his written resolution?

The Clerk read as follows:

Resolved, That the Committee on Industrial Arts and Expositions have leave to have such printing and binding done as is necessary in the transaction of its business.

The resolution was agreed to.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I give notice that on Monday morning, after the reading of the Journal, I shall move to go into Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill.

ADJOURNMENT.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until Monday, February 24, 1908, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting a reply to the inquiry of the House in relation to the reduction of the force of skilled labor in the Washington Navy-Yard, was taken from the Speaker's table, referred to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HAMMOND, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15725) to relinquish, release, and confirm the title of certain lands in California to the Western Power Company, reported the same with amendment, accompanied by a report (No. 1053), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 17514) to provide additional station grounds for the Arizona and California Railway Company in the Colorado River Indian Reservation, Ariz., reported the same without amendment, accompanied by a report (No. 1054), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 13659) to establish a biological and fish-cultural station in the Second Congressional District of the State of Iowa, reported the same with amendments, accompanied by a report (No. 1055), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 11733) punishing conspiracy to injure or intimidate any person in the exercise of a right under the Constitution or laws of the United States, reported the same with an amendment, accompanied by a report (No. 1056), which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 24) to increase the efficiency of the personnel of the Revenue-Cutter Service, reported the same with amendments, accompanied by a report (No. 1057), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 14361) to reimburse the Eastern Salt Company, of Boston, Mass., for certain excess duty, reported the same with an amendment, accompanied by a report (No. 1058), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 3829) granting a pension to Ada Richards—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12108) granting a pension to Flemon Boles—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17199) for the relief of the estate of John W. McKissock, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 17200) for the relief of the estate of David H. Hays, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHERMAN: A bill (H. R. 17817) providing for the sale of timber on the segregated coal and asphalt lands of the Choctaw and Chickasaw nations for use in coal and asphalt mining operations, and for other purposes—to the Committee on Indian Affairs.

By Mr. HALE: A bill (H. R. 17818) to extend to the port of Knoxville, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement—to the Committee on Ways and Means.

By Mr. KAHN: A bill (H. R. 17819) for the extension of Chillum place NE. from Sligo Mills road to Riggs road, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 17820) for the extension of First street NW. from Shepherd road to Nicholson street NW., and for other purposes—to the Committee on the District of Columbia.

By Mr. HEFLIN: A bill (H. R. 17821) to provide for the pensioning of descendants of certain soldiers—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 17822) to amend an act of Congress approved August 13, 1888, entitled "An act to amend an act of Congress approved March 3, 1875, entitled 'An act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from the State courts, and for other purposes, and to further regulate the jurisdiction of the circuit courts of the United States, and for other purposes'"—to the Committee on the Judiciary.

By Mr. COX of Indiana: A bill (H. R. 17823) making appropriations for a public building at Jeffersonville, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. MARSHALL: A bill (H. R. 17824) for preventing the manufacture, sale, or transportation of adulterated or unlabeled paint, turpentine, or linseed oil—to the Committee on the District of Columbia.

Also, a bill (H. R. 17825) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of North and South Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. CRUMPACKER (by request): A bill (H. R. 17826) making appropriation for the establishment of the National Training and Industrial Institute—to the Committee on Agriculture.

By Mr. SMITH of California: A bill (H. R. 17827) to provide for the disposal of lands chiefly valuable for oil and asphaltum—to the Committee on the Public Lands.

By Mr. MORSE: A bill (H. R. 17828) for the establishment of a light-house and fog-signal station at or near the easterly end of Michigan Island, Apostle Group, westerly end of Lake Superior, Wisconsin—to the Committee on Interstate and Foreign Commerce.

By Mr. BARCLAY: A bill (H. R. 17829) for the erection of a public building at Bradford, Pa.—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 17830) granting an increase of pension to Stephen Corwin—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 17831) granting an increase of pension to Juan Baca y Sais, alias Juan Baca No. 2—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 17832) granting an increase of pension to Adaline Scott—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 17833) granting an increase of pension to Wallace W. Chaffee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17834) for the relief of Phebe W. Buno—to the Committee on Claims.

By Mr. BRANTLEY: A bill (H. R. 17835) granting a pension to L. R. Clayton—to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 17836) for the relief of the heirs of Silas Crump, deceased—to the Committee on War Claims.

By Mr. BURTON of Ohio: A bill (H. R. 17837) granting a pension to Charles Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17838) granting an increase of pension to John W. Forrest—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 17839) to permit the President to reinstate certain dismissed midshipmen to the Navy—to the Committee on Naval Affairs.

By Mr. DE ARMOND: A bill (H. R. 17840) granting an increase of pension to Joshua J. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17841) for the relief of the heirs of William Friar—to the Committee on War Claims.

By Mr. FLOYD: A bill (H. R. 17842) granting a pension to Sarah L. Whitten—to the Committee on Pensions.

By Mr. HAMILL: A bill (H. R. 17843) granting a pension to Charles O'Sullivan—to the Committee on Pensions.

Also, a bill (H. R. 17844) granting an increase of pension to John Lanning—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 17845) granting a pension to Evaline Aubrey—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 17846) granting an increase of pension to John W. Armour—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17847) granting a pension to C. W. Brown—to the Committee on Pensions.

Also, a bill (H. R. 17848) granting a pension to Thomas J. Wright—to the Committee on Pensions.

Also, a bill (H. R. 17849) to correct the military record of Alexander Nugent—to the Committee on Military Affairs.

By Mr. CLAUDE KITCHIN: A bill (H. R. 17850) for the relief of the State of North Carolina—to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 17851) granting a pension to William R. Brewer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17852) granting a pension to Rufus F. Diamond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17853) granting an increase of pension to Solomon Cassell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17854) granting an increase of pension to Spencer Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17855) granting an increase of pension to Reuben Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17856) to correct the military record of Jarvey Burks—to the Committee on Military Affairs.

Also, a bill (H. R. 17857) to correct the military record of W. R. Adkins—to the Committee on Military Affairs.

Also, a bill (H. R. 17858) to correct the military record of Levi Carpenter—to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 17859) to compensate William P. Williams for losses sustained by him while assistant treasurer of the United States at Chicago, Ill.—to the Committee on Claims.

By Mr. MARSHALL: A bill (H. R. 17860) granting an increase of pension to Thomas Lovell—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 17861) granting an increase of pension to John P. Penry—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 17862) for the relief of J. W. Deming—to the Committee on War Claims.

By Mr. SPIGHT: A bill (H. R. 17863) granting a pension to Lizzie McKee Duncan—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 17864) granting a pension to the adopted minor children of Jennie Bowles—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 17865) granting an increase of pension to Charles E. Chapel—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 17866) granting an increase of pension to Michael Conniff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17867) granting a pension to Henry Prickett—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 17868) granting an increase of pension to Hiram Pray—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Helvetia Maennerchor Society, of Columbus, Ohio; Thornhill Lodge, No. 149, O. D. H. S., of Texas, and 375 similar organizations, against legislation restricting interstate commerce in beer, wine, etc.—to the Committee on the Judiciary.

By Mr. ACHESON: Paper to accompany bill for relief of Abia Butler—to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 16877, for survey of Indian Creek, Ohio—to the Committee on Rivers and Harbors.

By Mr. ALEXANDER of New York: Petition of drug-trade section of New York Board of Trade and Transportation, against S. 42 and 3043 and H. R. 6089, 12675, and 13460—to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Paper to accompany bill for relief of Zachary T. Pentz—to the Committee on Invalid Pensions.

Also, petition of Bishop Potter and others, against enlargement of the Navy—to the Committee on Naval Affairs.

Also, paper to accompany bill for relief of David H. Scott—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Petition of clergymen of New York City, against increase of battle ships—to the Committee on Naval Affairs.

By Mr. BINGHAM: Petition of Grand Army of the Republic Association of Philadelphia, against abolition of pension agencies (previously referred to Committee on Invalid Pensions)—to the Committee on Appropriations.

By Mr. BRICK: Petition of Elder B. Hagle, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURKE: Petition of Pittsburg Musical Society, for amendment to copyright bill to benefit musicians—to the Committee on Patents.

Also, petition of George B. Williams, for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of Chamber of Commerce of Pittsburg, against educational test, etc., in the Gardner immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Bishop Potter and other clergymen of New York City, against increase of Navy—to the Committee on Naval Affairs.

Also, petition of Pittsburg Supply Company, against the Gardner eight-hour law—to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of Polish organizations and Polish press, relative to unjust treatment by larger foreign powers—to the Committee on Foreign Affairs.

Also, petition of Trades League of Philadelphia, relative to currency legislation—to the Committee on Banking and Currency.

Also, petition of J. M. Schoenheit, against liquor prohibition legislation—to the Committee on the Judiciary.

Also, petition of American Free Art League, for removal of duty on works of art—to the Committee on Ways and Means.

By Mr. CARY: Petition of Milwaukee Association of Credit Men, favoring the bankruptcy law—to the Committee on the Judiciary.

By Mr. COUDREY: Paper to accompany bill for relief of Margaret C. Storts (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. CRUMPACKER: Petition of citizens of La Porte County, Ind., for parcels post and postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. DE ARMOND: Paper to accompany bill for relief of A. J. Friar, heir of William Friar—to the Committee on War Claims.

By Mr. McDERMOTT: Petition asking for legislation to regulate telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of American Paper and Pulp Association, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of American Paper and Pulp Association, for currency legislation—to the Committee on Banking and Currency.

Also, petition of Grand Army of the Republic Association, of Philadelphia, against abolition of the pension agencies (previously referred to Committee on Invalid Pensions)—to the Committee on Appropriations.

Also, memorial of Pittsburg Musical Society, in favor of House resolution 103, to prevent competition of civilian musicians and enlisted musicians—to the Committee on Labor.

By Mr. DAWSON: Petition of Tri-City Typographical Union, No. 107, for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Polish organizations and Polish press, relative to unjust treatment by larger foreign powers—to the Committee on Foreign Affairs.

Also, petition of Henry C. Potter and others, of New York City, against further armament—to the Committee on Naval Affairs.

By Mr. DUREY: Paper to accompany bill for relief of Darius S. Orton—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of board of directors of the Merchants and Manufacturers' Association, for H. R. 9230, relative to engineering experiment stations at land-grant colleges—to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of National German-American Alliance, for restoration of Army canteen—to the Committee on Military Affairs.

Also, petition of People's Institute, against appointment of clerks for census outside civil service—to the Committee on the Census.

Also, petition of drug-trade section of the New York Board of Trade, for amendments to pure food and drug act—to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD: Petition of A. J. James and others, for relief of soldiers who served in Capt. John W. Biren's company of Arkansas volunteers—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of McDonald Meade—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Sarah L. Whitten—to the Committee on Pensions.

By Mr. FOSTER of Illinois: Paper to accompany bill for relief of Richard Robinson—to the Committee on Pensions.

Also, paper to accompany bill for relief of Isaac Kibler—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Grand Army of the Republic Association of Philadelphia, against abolition of pension agencies (previously referred to Committee on Invalid Pensions)—to the Committee on Appropriations.

By Mr. GRAHAM: Petition of American Free Art League, for removal of duty on art works—to the Committee on Ways and Means.

Also, petition of Bishop Potter and other clergymen of New York City, against increase of the Navy—to the Committee on Naval Affairs.

Also, petition of R. & W. Jenkinson Company, for the Tawney anticoupon bill—to the Committee on the Judiciary.

Also, petition of George D. Wetherill & Co., against legislation detrimental to the paint industry—to the Committee on Interstate and Foreign Commerce.

Also, petition of Henry Oursler, for H. R. 5489 (relief of estate of George Washington)—to the Committee on Claims.

Also, petition of Humphries & Glasgow, for relief of the Stevens Institute—to the Committee on Claims.

Also, petition of Chamber of Commerce of Pittsburg, Pa., against Gardner eight-hour bill—to the Committee on Immigration and Naturalization.

By Mr. HAYES: Petition of Grand Army of the Republic Association of Philadelphia, Pa., against abolition of pension agencies (previously referred to Committee on Invalid Pensions)—to the Committee on Appropriations.

By Mr. HUMPHREY of Washington: Petition of Madison Street Methodist Episcopal Church, of Seattle, Wash., against opening the Alaska-Yukon-Pacific Exposition gates on Sunday—to the Select Committee on Industrial Arts and Expositions.

By Mr. LEVER: Paper to accompany bill for relief of Mary Hutchinson—to the Committee on Pensions.

By Mr. LITTLEFIELD: Petition of A. H. Jones and 311 other citizens of Maine, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. KÜSTERMANN: Petition of H. S. Schuyler Post and Harrison Post, No. 99, Grand Army of the Republic, of De Pere, Wis., against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of Merchants and Manufacturers' Association of Milwaukee, for H. R. 9230, to establish engineering experiment colleges at land-grant stations—to the Committee on Agriculture.

Also, petition of voters of Ninth District, Wisconsin, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINNEY: Petition of Arsenal Lodge, No. 8, International Association of Mechanics, for battle ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. MOORE of Pennsylvania: Petition of Grand Army of the Republic Association of Philadelphia, against abolition of pension agencies (previously referred to the Committee on Invalid Pensions)—to the Committee on Appropriations.

By Mr. NORRIS: Petition of voters of Fifth Congressional District, of Oak Park, State of Nebraska, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of thousands of citizens of Nebraska, for prohibition of intoxicants in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ———: Petition of Grand Army of the Republic Association of Philadelphia, against abolition of pension agencies (previously referred to the Committee on Invalid Pensions)—to the Committee on Appropriations.

By Mr. SPERRY: Petition of Yale Automobile Club, of Yale University, New Haven, for national regulation of automobiles—to the Committee on the Judiciary.

By Mr. SPIGHT: Paper to accompany bill for relief of Lizzie McKee Duncan—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of Local Union No. 99, of the International Typographical Union, of Jackson, Mich., for removal of duty on wood pulp and white paper—to the Committee on Ways and Means.

Also, petition of Chicago Federation of Labor, indorsing H. R. 15123, 15267, and 15929, and joint resolution 126, relative to telegraph management—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Belleville, Mich., for the Littlefield original-package bill (H. R. 4776)—to the Committee on the Judiciary.

Also, petition of International Brotherhood of Electrical Workers of Detroit, Mich., for battle ship construction in navy-yards—to the Committee on Naval Affairs.

By Mr. WOOD: Petition of D. S. Jacobus, for the passage of H. R. 11562, relief of Stevens Institute, Hoboken, N. J.—to the Committee on Claims.

By Mr. WANGER: Petition of Chicago Federation of Labor, to investigate telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Pennsylvania, for passage of S. 3152, additional protection to dairy interests—to the Committee on Agriculture.

SENATE.

MONDAY, *February 24, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DEATH OF THE KING AND THE CROWN PRINCE OF PORTUGAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a dispatch from the American minister at Lisbon stating that he had transmitted to the Portuguese minister of foreign affairs the resolution adopted by the Senate on the 3d instant deploring the assassination of the King and Crown Prince of Portugal, which, with the accompanying paper, was referred to the Committee on Foreign Relations and ordered to be printed.

SHAWNEE TRAINING SCHOOL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in accordance with the direction of the President and in response to the resolution of the 21st ultimo, certain information relative to the Shawnee Training School at Shawnee, Okla., which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3726) to authorize the Twin City Power Company to build, operate, and maintain three dams across the Savannah River, above the city of Augusta, in the State of Georgia.

The message also announced that the House had passed the bill (S. 902) authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Surburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 586) granting an increase of pension to Squire J. Carlin.

The message also announced that the House insists upon its amendments to the bill (S. 2420) granting an increase of pension to Margaret K. Hern; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLLIDAY, Mr. CHANEY, and Mr. ANSBERRY managers at the conference on the part of the House.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 586. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors;

H. R. 12401. An act to legalize a bridge across the Mississippi River at Rice, Minn.; and

H. J. Res. 138. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes."

PETITIONS AND MEMORALS.

The VICE-PRESIDENT presented resolutions adopted by the National Polish Alliance and other Polish societies of South Bend, Ind., expressing sympathy toward the Poles in Prussia in their efforts to maintain their property rights in that kingdom, which were referred to the Committee on Foreign Relations.

He also presented the petition of Dr. Henry N. Dodge, of Morristown, N. J., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GALLINGER presented petitions of sundry citizens of Washington, D. C., Madisonville, Ky., Galena, Ind., and of the congregation of the Second Street Methodist Episcopal Church, of Grand Rapids, Mich., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. PERKINS presented a petition of the chamber of commerce of Sacramento, Cal., praying that an appropriation be made to continue the irrigation and drainage investigations in that State, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Eureka, Cal., and a petition of sundry citizens of Berkeley, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the First Congregational Church of Berkeley, Cal., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Berkeley, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds, which was referred to the Committee on Public Buildings and Grounds.

Mr. PLATT presented a memorial of the board of trustees of the Chamber of Commerce of Buffalo, N. Y., remonstrating

against the passage of the so-called "Crumpacker bill," providing for the employment of additional clerks for taking the Thirteenth Census, which was referred to the Committee on the Census.

He also presented a petition of the National German-American Alliance of Philadelphia, Pa., praying for the repeal of the present anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of the American Free-Art League, of Boston, Mass., praying for the repeal of the duty on works of art, which was referred to the Committee on Finance.

He also presented a memorial of sundry clergymen of New York City, N. Y., remonstrating against any appropriation being made for the construction of additional battle ships, cruisers, etc., which was referred to the Committee on Naval Affairs.

He also presented a memorial of the New York Board of Trade and Transportation of New York City, N. Y., remonstrating against the adoption of certain amendments to the present pure food and drug law relating to the standards for foods and drugs, which was referred to the Committee on Manufactures.

Mr. DICK presented a petition of members of the German Turnverein of Steubenville, Ohio, remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of J. C. McCoy Post, Grand Army of the Republic, Department of Ohio, of Columbus, Ohio, remonstrating against the enactment of legislation proposing to consolidate the pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a memorial of the board of directors of the Merchants' Association of New York, remonstrating against the passage of the so-called "Aldrich currency bill," which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 24, American Federation of Musicians, of Akron, Ohio, praying for the enactment of legislation to prohibit Army and Navy bands from entering into competition with civilian bands, which was referred to the Committee on Military Affairs.

He also presented petitions of the Pattern Makers' Association of Cincinnati, of the Trades and Labor Assembly of Massillon, and of the International Association of Machinists of Delaware, all in the State of Ohio, praying for the enactment of legislation providing for the construction of the proposed new battle ships in Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented memorials of Charles A. P. Barrett Company, of Dayton; of the Paint Manufacturers' Association of Dayton, and of the Retail Grocers and Butchers' Association of Dayton, all in the State of Ohio, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Stereotypers' Union of Toledo, of the International Typographical Union of Toledo, of the International Printing Pressmen and Assistants' Union of Youngstown, and of Local Union No. 29, International Pressmen's Union, of Springfield, all in the State of Ohio, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. KEAN presented the petition of Dr. Henry N. Dodge, of Morristown, N. J., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the memorial of John Hood, of Kearny, N. J., remonstrating against the passage of the so-called "Kittredge-Currier copyright bill," which was referred to the Committee on Patents.

He also presented a memorial of the Cumberland Glass Manufacturing Company, of Bridgeton, N. J., remonstrating against the passage of the so-called "Gardner eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of the Ministerial Association of Bridgeton, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry organizations of Elizabeth, Newark, Trenton, Passaic, Hoboken, Jersey City, Orange, Camden, Paterson, New Brunswick, and Atlantic County, all in the State of New Jersey, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. WARNER presented petitions of sundry officers of the civil war of Sumner, Mo., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented the petition of Henry L. Thomas, of Mount Vernon, Ill., praying for the enactment of legislation for the relief of the depositors of the Freedman's Savings and Trust Company, which was referred to the Committee on Claims.

He also presented petitions of sundry citizens of Salem, Mo., praying for the enactment of legislation to extend the provisions of the pension act of June 27, 1890, to all State militia, etc., which were referred to the Committee on Pensions.

He also presented the petition of Daniel M. Spencer, of Greentop, Mo., praying for the enactment of legislation setting aside the judgment of the court-martial against him, and that he be granted the pay and bounty due him at that time, which was referred to the Committee on Military Affairs.

He also presented sundry affidavits to accompany the bill (S. 2748) granting an increase of pension to David F. Johnson, which were referred to the Committee on Pensions.

He also presented the petition of David B. Wood, of Springfield, Mo., praying for the enactment of legislation granting a pensionable status to widows of soldiers of the civil war, which was referred to the Committee on Pensions.

He also presented a memorial of the Keystone View Company, of St. Louis, Mo., remonstrating against the adoption of certain amendments to the present copyright law relating to photographic reproductions, which was referred to the Committee on Patents.

Mr. du PONT presented a petition of the National Board of Trade of Washington, D. C., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. WETMORE presented a petition of the Central Labor Union of Woonsocket, R. I., praying for the enactment of legislation providing for the construction of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 295, International Typographical Union, of Newport, R. I., and a petition of Local Union No. 212, International Typographical Union, of Pawtucket, R. I., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. HOPKINS presented a petition of the German-American Republican Club of Will County, Ill., praying for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Illinois Farmers' Institute, praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ANKENY presented a petition of Reynolds Post, No. 32, Grand Army of the Republic, Department of Washington and Alaska, of Blaine, Wash., praying for the enactment of legislation granting increased pensions to all soldiers who served at least ninety days in the civil war and were honorably discharged, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 26, Pressmen's Union, of Seattle, Wash., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. BULKELEY presented the memorial of Gilbert L. Smith and 22 other citizens of Sharon, Conn., remonstrating against the enactment of legislation providing for the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on the Census.

He also presented a petition of sundry members of the Spanish War Veterans' Association, Department of Connecticut, of Hartford, Conn., praying for the repeal of the present anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of West Hartford, Conn., praying for the enactment of legislation regulating the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Lumber Dealers' Association, of New Haven, Conn., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GAMBLE presented a petition of the Trades and Labor Assembly of Sioux Falls, S. Dak., praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of members of the Woman's Relief Corps of Alexandria, S. Dak., praying for the passage of the so-called "Lafean pension bill," which was referred to the Committee on Pensions.

He also presented the petition of W. B. Nash and 24 other citizens of Broadland, S. Dak., and the petition of L. Franklin and 4 other citizens of Parker, S. Dak., praying for the enactment of legislation to limit the effect of the regulation of commerce between the several States and Territories in certain cases, and remonstrating against the repeal of the present anti-canteen law, which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of Kennebec County Pomona Grange, No. 5, Patrons of Husbandry, of Augusta, Me., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Casco Harbor, No. 73, American Association of Masters, Mates, and Pilots, of Casco, Me., remonstrating against the enactment of legislation to remove discriminations against American sailing vessels in the coasting trade, which was referred to the Committee on Commerce.

Mr. CARTER presented sundry petitions of settlers on the Crow Indian Reservation, in the State of Montana, praying for the enactment of legislation to reduce the purchase price of lands in that reservation from $4 per acre to $1.25 per acre, which were referred to the Committee on Indian Affairs.

Mr. LODGE presented sundry papers to accompany the bill (S. 881) granting an increase of pension to Thomas H. Dunham, which were referred to the Committee on Pensions.

Mr. DOLLIVER presented a petition of sundry citizens of Village Creek, Iowa, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Village Creek, Iowa, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, and also against Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry officers of the Fifty-fifth Infantry, Iowa National Guard, of Des Moines, Iowa, praying for the enactment of legislation to promote the efficiency of the militia, which was referred to the Committee on Military Affairs.

He also presented a petition of the North Mississippi Conference of the Methodist Episcopal Church South, of Greenville, Miss., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented petitions of Local Union No. 40, International Stereotypers and Electrotypers' Union, of Des Moines; of Local Union No. 107, Tri-City Typographical Union, of Davenport, and of Local Union No. 20, German-American Typographical Union, of Davenport, all in the State of Iowa, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the Hyperion Circle, of Rockford, Iowa, praying for the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on Education and Labor.

He also presented a petition of the Federation of Labor of Chicago, Ill., praying for the enactment of legislation requiring telegraph companies to show on each telegram the time it was filed for transmission, and also that an investigation be made into the telegraphic conditions of the country, which was referred to the Committee on Education and Labor.

Mr. CARTER presented petitions of Local Union No. 126, International Typographical Union, of Montana; of Local Union No. 60, International Stereotypers and Electrotypers' Union, of Butte, and of Local Union No. 95, International Typographical Union, of Helena, all in the State of Montana, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Yellowstone County, Mont., and a petition of sundry citizens of Silverbow County, Mont., praying for the enactment of legislation providing for the allotment of lands in severalty to the Crow Indians, in that State, and that such portion of the Crow Indian Reservation as remains after allotment be thrown open to entry under the public-land laws, which were referred to the Committee on Indian Affairs.

Mr. PROCTOR presented a memorial of the Vermont Slate Operators' Association, of Fair Haven, Vermont, remonstrating against the passage of the so-called "Gardner eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. McLAURIN presented sundry papers to accompany the bill (S. 293) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Charles Baker, deceased, which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 297) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of S. N. Clark, deceased, which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 296) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Sarah G. Clark, deceased, which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 305) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of William O. Moseley, deceased, which were referred to the Committee on Claims.

Mr. HALE presented a petition of Kennebec County Pomona Grange, No. 5, Patrons of Husbandry, of Augusta, Me., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Casco Harbor, No. 75, American Association of Masters, Mates, and Pilots, of Maine, remonstrating against the enactment of legislation to remove discriminations against American sailing vessels in the coasting trade, which was referred to the Committee on Commerce.

He also presented the petition of A. H. Jones and 311 other volunteer soldiers of the civil war in Maine, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

THE UNITED STATES NAVY.

Mr. HALE. Mr. President, I present a petition which I ask may be read and printed in the RECORD, with the names appended to it.

There being no objection, the petition was read, referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD, with the names appended, as follows:

To the Representatives and Senators in Congress:

We, the undersigned clergymen of New York City, voicing, as we believe, the sentiments of many thousands of American citizens, earnestly protest against the extravagant demand for an addition of over $60,000,000 in the form of four new battle ships, cruisers, etc., to the naval budget of last year, inasmuch as no danger threatens the country not known last April when President Roosevelt told the world: "We are no longer enlarging our Navy. We are simply keeping up its strength. The addition of one battle ship a year barely enables us to make good the units which become obsolete."

Sixty-five per cent of the national income is now expended on war past and present. The increase of our naval budget has recently been used in the French Assembly as a reason for increasing its own, is largely responsible for the increase of armaments among Asiatic nations, and is well-nigh certain to retard that reduction in the armaments of the world for which we have so long been waiting.

The growing discontent throughout the world at the appalling increase of waste of national resources must be heeded. We feel that this protest is the more necessary inasmuch as there are various new and effective methods now available for promoting international friendship and rationally settling difficulties, which these new demands seem to ignore.

Henry C. Potter, Bishop of New York.
David H. Greer, Bishop Coadjutor of New York.
Charles H. Parkhurst, Madison Square Presbyterian Church.
Newell Dwight Hillis, Plymouth Church.
S. Parkes Cadman, Central Church, Brooklyn.
Charles E. Jefferson, Broadway Tabernacle Church.
Stephen S. Wise, the Free Synagogue.
Thomas R. Slicer, All Souls' Church.
Wallace McMullen, Madison Avenue Methodist Episcopal Church.
Frederick Lynch, Pilgrim Church.
William R. Huntington, Grace Church.
Charles Cuthbert Hall, Presbyterian Union Theological Seminary.
Albert J. Lyman, South Congregational Church, Brooklyn.
Charles F. Fagnani, Union Theological Seminary.
William Adams Brown, Union Theological Seminary.
C. Armand Miller, Holy Trinity Church.
Leighton Parks, St. Bartholomew's Church.
Henry Sloan Coffin, Madison Avenue Presbyterian Church.
G. E. Strobridge, Washington Square Methodist Episcopal Church.
William M. Brundage, Unity Church, Brooklyn.
R. S. MacArthur, Calvary Baptist Church.
J. Herman Randall, Mount Morris Baptist Church.
Richard Hartley, Hope Baptist Church.
Henry A. Stimson, Manhattan Congregational Church.
Maurice H. Harris, Temple Israel.

George U. Wenner, Christ Church.
Henry Mottet, Church of the Holy Communion.
William Hayes Ward, editor of the Independent.
Ballington Booth, president of the Volunteers of America.
George P. Eckman, St. Paul's Methodist Episcopal Church.
A. C. McGiffert, Union Theological Seminary.
Duncan J. McMillan, New York Presbyterian Church.
Isaac S. Moses, Ahawath Chesed Synagogue.
James B. Remensynder, St. James Church.
Frank Oliver Hall, Church of the Divine Paternity.
J. Ross Stevenson, Fifth Avenue Presbyterian Church.
William Walker Rockwell, Fifth Avenue Presbyterian Church.
Leighton Williams, Amity Church.
Charles J. Young, Church of the Puritans.
H. G. Mendenhall, Westminster Presbyterian Church.
Peter Farrell, St. Joseph's Church.
K. F. Ohlson, Swedish Evangelical Bethesda Church.
Charles Pittman, Pilgrim Baptist Church, West Farms.
A. B. Howard, St. John the Evangelist's Church.
Charles W. Flint, St. James Methodist Episcopal Church.
Isaac W. Goodhue, Ascension Baptist Church.
William J. Noble, Sixteenth Baptist Church.
A. J. Brucklacher, Lefferts Park Presbyterian Church.
Leon A. Harvey, Fourth Unitarian Church, Brooklyn.
Anthony H. Evans, West Presbyterian Church.
Lewis T. Reed, Flatbush Congregational Church, Brooklyn.
Edward H. Van Winkle, St. Clement's Church.
Louis Wolferz, German Presbyterian Church.
Lindsay B. Longacre, Morris Heights Methodist Episcopal Church.
C. G. Ritter, Immaculate Conception Church.
H. Blesi, German Methodist Episcopal Church.
Frederick H. Carpenter, Twenty-fourth Street Methodist Episcopal Church.
H. C. Bishop, St. Philip's Church.
Newell Woolsey Wells, South Third Street Presbyterian Church.
S. Raymond, Beth Elohim Synagogue, Brooklyn.
Frederick Gunton, Methodist Episcopal Church, Glendale, L. I.
George Douglas, First Baptist Church, Flushing.
Drew T. Wyman, Pilgrim Baptist Church, Brooklyn.
David Bains-Griffiths, Edgehill Church, Spuyten Duyvel.
M. A. Bradley, African Methodist Episcopal Zion Church.
Joel B. Slocum, Greenwood Baptist Church, Brooklyn.
Forsten M. Hohenthal, Finnish Seamen's Mission.
Gurdon H. Eggleston, Greene Avenue Presbyterian Church, Brooklyn.
J. Renher, Salem Evangelical Church, Brooklyn.
John H. Wyburn, McAuley Mission.
Bishop Falkner, Christ Church, Brooklyn.
Raymond J. Davis, Emmanuel Baptist Church.
I. Goldfarb, Baith Israel Synagogue, Brooklyn.
John Rippere, Olin Methodist Episcopal Church.
Percy B. Wightman, University Heights Presbyterian Church.
William Schoenfeld, Emmanuel Lutheran Church.
Charles P. MacGregor, Calvary Baptist Church.
Arthur H. Judge, St. Matthew Episcopal Church.
Frank M. Goodchild, Central Baptist Church.
R. R. Wilson, Timothy Baptist Church.
C. L. Gomph, St. John's Chapel.
George S. Payson, Mount Washington Church.
August Koesher, Grace Lutheran Church.
William H. Lawall, German Congregational Church.
Charles Elmore Barth, Willis Avenue Methodist Episcopal Church.
Edward Blews, Free Methodist Church, Brooklyn.
Albert S. Evans, John Hall Memorial Church.
William Bishop Gates, Wells Memorial Presbyterian Church, Brooklyn.
William Denman, Duryea Presbyterian Church, Brooklyn.
Henry C. Dyer, Chaplain of Bellevue Hospital.
Elias L. Solomon, Kehilath Israel Synagogue.
R. M. Sommerville, Second Reformed Presbyterian Church.
H. R. Hulse, St. Mary's Protestant Episcopal Church.
James W. Fowler, All Saints Church.
Benjamin E. Dickhaut, First Harlem Collegiate Church.
James H. Hoadley, Thirteenth Street Presbyterian Church.
J. Lyon Caughey, Harlem Presbyterian Church.
E. E. Jackson, St. Paul's Baptist Church.
Elbert C. Hoog, Thirty-seventh Street Methodist Episcopal Church.
Frederick J. Shackleton, Rose Hill Methodist Episcopal Church.
William C. Stinson, Bloomingdale Reformed Church.
J. D. Williams, Meserole Avenue Church.
William A. Layton, De Kalb Avenue Methodist Episcopal Church, Brooklyn.
John G. Bacchus, Church of the Incarnation, Brooklyn.
L. A. Engler, Holy Trinity Lutheran Church.
Nicholas J. Hughes, St. Mary's Church.
E. D. Bailey, First Reformed Church.
R. G. Quennell, Church of the Ascension.
Thomas W. Smith, St. Nicholas Avenue Presbyterian Church.
John Chamberlain, St. Anne's Church for Deaf Mutes.
Harry L. Everett, St. Paul's Congregational Church, Brooklyn.
William S. Jackson, Prospect Avenue Methodist Episcopal Church, Brooklyn.
John Manning, Church of the Holy Comforter, Brooklyn.
Charles A. Brown, St. Timothy's Protestant Episcopal Church, Brooklyn.
William T. Dixon, Concord Baptist Church of Christ.
C. F. J. Wrighley, Grace Church, Brooklyn.
Fred C. Erhardt, German Reformed Church, New Brooklyn.
John J. Lockett, Primitive Methodist Church, Brooklyn.
F. B. Clausen, Epiphany Lutheran Church.
George A. Linder, Harrison Avenue Evangelical Church.
Charles Herald, Grace Gospel Church, Brooklyn.
John D. Long, Parkside Presbyterian Church, Brooklyn.
William T. Sabine, Reformed Episcopal Church.
John T. Prout, St. John's Church.
Jacob W. Loch, German Evangelical Church, Brooklyn.
Sydney Herbert Cox, Brooklyn.
Martin A. Meyer, Temple Israel, Brooklyn.
William Milton Hess, Trinity Congregational Church.
Spencer J. Ford, Central Park Baptist Church.
J. I. Frederick, Open Church United Presbyterian.
William T. Manning, St. Agnes Chapel, Trinity Parish.
Joseph D. Spear, Temple Ez Chaim of Yorkville.
Henry H. Heck, First German Methodist Episcopal Church.
Henry F. Kastendieck, Floral Park Church.
Horace G. Miller, Mount Tabor Presbyterian Church.
A. W. H. Hodder, the Baptist Church of the Redeemer.
John C. Ager, Church of the New Jerusalem, Brooklyn.
Milton S. Littlefield, Bay Ridge Presbyterian Church, Brooklyn.
Jonathan Bastow, Second Avenue Baptist Church.
Daniel W. Hill, Mount Lebanon Baptist Church.
Alexander McLean, Maspeth Methodist Episcopal Church.
William T. Pray, Methodist Episcopal Church, Sheepshead Bay.
John H. Willey, St. Mark's Methodist Episcopal Church, Brooklyn.
John H. Henry, Seventh Street Methodist Episcopal Church.
William L. Darby, Astoria Presbyterian Church.
Aaron Eiseman, Seventy-second Street and Lexington Avenue Temple.
Edwin Whittier Caswell, Methodist Episcopal Church, Beekman Hill.
F. A. Knubel, Church of the Atonement, Evangelical Lutheran.
Edward Lissman, Hebrew Tabernacle.
Frederick W. Boese, St. Paul's German Methodist Episcopal Church.
Aappo Salminen, the Finnish Evangelical Lutheran Church.
Frederick Niebuhr, First German Baptist Church.
William J. Thompson, Simpson Methodist Episcopal Church, Brooklyn.
James Boyd Hunter, Anderson Memorial Reformed Church.
James A. O'Connor, Reformed Catholic Church.
R. J. Brown, Day Star Church.
S. W. Timms, Holy Trinity Baptist Church.
Floyd Decker, Church of the Comforter.
Jesse F. Forbes, Adams Memorial Presbyterian Church.
H. J. Mertins, Church of Our Lady of Sorrows, Brooklyn.
J. Lewis Hartrock, Union Methodist Episcopal Church.
John F. Steer, Ascension Memorial Church.
Ira S. Dodd, Riverdale Presbyterian Church.
George W. Osmun, Fenimore Street Methodist Episcopal Church.
James Henry Speer, First Union Presbyterian Church.
Frederick Campbell, Westminster Presbyterian Church, Brooklyn.
E. A. Osborn, St. John's Church, Brooklyn.
Wellesley W. Bowdish, Sixth Avenue Methodist Episcopal Church.
William H. Vibbert, Trinity Chapel.
Edgar Tilton, jr., Lenox Avenue Collegiate Reformed Church.
Dudley Oliver Osterheld, First Methodist Episcopal Church, Ozone Park.
George C. Peck, St. Andrew's Methodist Episcopal Church.
Baldwin Roberts, Borough Park Presbyterian Church.
G. H. McClelland, First United Presbyterian Church, Brooklyn.
John J. Snavely, Westchester Methodist Episcopal Church.
Otto Rappolt, St. Peter's German Lutheran Church.
Robert E. Pretlow, Lafayette Avenue Friends' Church, Brooklyn.
Walter D. Johnson, Christ Church, Brooklyn.
Stefans L. Testa, Franklin Avenue Presbyterian Church, Brooklyn.
W. J. MacDonald, South Reformed Church.
I. S. Sands, St. John's African Methodist Episcopal Church.
James S. Chadwick, Methodist Episcopal Church.
John C. Slater, Church of the Covenanters.
M. Hollis, Christ's Church.
Joseph Kewil, Second Church of the Disciples, Brooklyn.
R. S. Povey, Herkimer Street Methodist Episcopal Church, Brooklyn.
L. J. Brown, Berean Baptist Church.
W. S. Woolworth, Atlantic Avenue Chapel.
J. Kurtz Miller, German Baptist Brethren.
James Cromie, Woodstock Presbyterian Church.
W. Steinbicker, Evangelical Lutheran Church of the Incarnation.
A. Steitz, Ridgewood Heights Methodist Episcopal Church.
James Palmer, Manor Chapel.
E. Cunningham, York Street Methodist Episcopal Church, Brooklyn.
W. D. Buchanan, Fourth Avenue Presbyterian Church.
D. B. Thompson, Park Avenue Methodist Episcopal Church.
Harry Spencer Baker, South Brooklyn Unitarian Church.
Alfred Duane Fell, Church of the Resurrection.
Victor G. Flinn, Third Moravian Church.
C. D. Case, Hanson Place Baptist Church, Brooklyn.
S. T. Willis, One hundred and sixty-ninth Street Church of the Disciples.
Percival McIntire, St. Stephen's Church.
Emil Roth, Emanuel Lutheran Church.
John H. Oerter, Fourth German Reformed Church in America.
Thomas A. Hyde, St. Matthias Protestant Episcopal Church, Sheepshead Bay.
C. LeRoy Butler, St. James Presbyterian Church.
W. T. Southerton, Baptist Temple, Brooklyn.
H. P. Mendes, Shearith Israel Synagogue.
C. F. Intemann, Grace English Evangelical Lutheran Church, Brooklyn.
J. C. Westlund, Swedish Evangelical Lutheran Zion Church, Brooklyn.
Adolf Schmidt, German Evangelical Zion Church.
B. Kevenhoerster, St. Anselm Roman Catholic Church.
S. Rosati, St. Clare's Roman Catholic Church.
C. M. Tollefsen, Norwegian Bethlehem Lutheran Church, Brooklyn.
Walter Koenig, Emanuel Lutheran Church, Whitestone.
William Walker Rockwell, Union Theological Seminary.
George Adams, Grace Methodist Episcopal Church, Brooklyn.
Albert T. Tamblyn, Bedford Park Congregational Church.
J. H. Hobbs, First Presbyterian Church, Jamaica.
E. E. Shaver, Park Presbyterian Church.
R. S. Retney, Gravesend Methodist Episcopal Church, Brooklyn.
E. M. H. Knapp, Church of San Salvatore.
James A. Reed, Charles Street United Presbyterian Church.
C. S. S. Dutton, Montague Street Church, Brooklyn.
John C. Fernanders, Union American Methodist Episcopal Church.
Francis G. Howell, Andrews Methodist Episcopal Church.
H. A. Barton, Lefferts Park Baptist Church.
E. Wiesle, First German Baptist Church, South Brooklyn.
Heim Rexroth, St. Paul's Evangelical Church.
Ralph J. Walker, St. Simeon's Church.
W. W. Ludwig, Borough Park Baptist Church, Brooklyn.
A. Forbes, Grace Church, City Island.
F. M. Jacobs, Fleet Street Memorial First African Methodist Episcopal, Brooklyn.
John Francis Dobbs, Mott Haven Reformed.
Fields Hennance, Jane Street Methodist Episcopal Church.
William T. Crocker, Epiphany Protestant Episcopal Church.
Charles C. Jaeger, Ebenezer Presbyterian Church, Brooklyn.
William N. Dunnell, All Saints Church.
Charles H. Grubb, Trinity Methodist Episcopal Church.
H. Arthur Booker, St. Paul's Baptist Church.
J. E. Price, Bedford Street Methodist Episcopal Church.
John Campbell, Church of the Mediator.
Charles F. Knott, Seventh Day Advent Church.
G. Bauer, First German Presbyterian Church, Jamaica.
George R. Coverdale, African Methodist Episcopal Bethel Church.
David Davidson, Agudath Jeshorian Synagogue.

Louis Goebel, Second Reformed Church, Flatbush.
John James Macdonald, Church of Our Father, Presbyterian.
G. Nelsemin, Swedish Lutheran Church.
Henry J. Herge, Dutch Evangelical Reformed Church, Brooklyn.
Hezekiah L. Pyle, Parkville Congregational Church, Brooklyn.
Edgar Whitaker Work, Fourth Presbyterian Church.
Oscar W. Johnson, Battery Swedish Methodist Episcopal Church.
Walter S. Rounds, Third Church of Christ.
John H. Palmer, Grace Methodist Episcopal Church, Wakefield.
Max Fried, Temple Odereth El.
Adolph Spiegel, Sharre Zedek Synagogue.
Joseph Rankin Duryee, Grace Reformed Church.
James V. Chalmers, Church of the Holy Trinity.
Horace R. Pell, St. Alban's Episcopal Church.
Henry M. Barbour, Church of the Beloved Disciple.
John L. Bedford, Church of the Nativity, Brooklyn.
John Howard Melish, Holy Trinity Church, Brooklyn.
T. H. Baragwnanath, Grace Methodist Episcopal Church.
H. W. Hillier, Armatage Chapel.
Thomas Henry Sill, St. Chrysostom's Church.
Echhard Umbach, Second German Baptist Church.
Raephael Hawaweeny, St. Nicola's Syrian Orthodox Church, Brooklyn.
I. H. Polhemus, Thompkins Avenue Congregational Church.
James M. Farr, Christ Presbyterian.
Henry M. Brown, Christ Congregational Church.
Fred P. Fisher, Knickerbocker Avenue Methodist Episcopal Church, Brooklyn.
J. O. Wilson, Methodist Episcopal Church, Brooklyn.
Rivington D. Lord, First Free Baptist Church, Brooklyn.
Floyd Appleton, St. Clement's Church, Brooklyn.
John S. Gardner, Flatlands Reformed Church, Brooklyn.
E. Brennecke, Trinity Lutheran Church.
Joe Bienstock, Anshesi Zitomer und Volin Synagogue.
William S. Harper, Trinity Methodist Episcopal Church.
J. P. Lichtenberger, Lenox Avenue Union Church.
Thomas Williams, Pilgrim Congregational Church, Brooklyn.
R. T. Peck, Union Church.
Miner L. Bates, First Church of the Disciples.
George S. Pratt, All Souls' Protestant Episcopal Church.
Walter W. Winans, Methodist Episcopal Church, Flushing.
Richard H. Bosworth, First Congregational Church, Woodlawn.
Henry L. Scudder, St. Stephen's Church, Brooklyn.
R. Bertrand Talbert, Congregational Church.
W. W. Davis, Church of the Redeemer.
Morris Wechsler.
George Alexander, University Place Church.
Henry E. Cobb, West End Collegiate Church.
N. P. Boyd, St. Philip's Protestant Episcopal Church, Brooklyn.
Arthur L. Flandreau, Bayside Methodist Episcopal Church.

REPORTS OF COMMITTEES.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 2429) granting an increase of pension to Elizabeth H. Olcott, reported it with an amendment in the nature of a substitute and submitted a report thereon, the amended bill being a substitute for the following House bills heretofore referred to that committee:

H. R. 2429. Elizabeth H. Olcott;
H. R. 2685. Martha F. Allen;
H. R. 2922. Jane Spears;
H. R. 2923. Sarah A. Bradley;
H. R. 2925. Amelia D. Robertson;
H. R. 3217. Zylpha Raymond;
H. R. 3657. Henry Parish;
H. R. 3661. Mary A. Tyer;
H. R. 3663. Robert A. McAulay;
H. R. 3667. Louis R. Thomas;
H. R. 3814. Nancy Harmon;
H. R. 4130. Mary Cox;
H. R. 4969. Jane Bain;
H. R. 6868. Maria E. Menges;
H. R. 7070. John C. Hall;
H. R. 8453. Stephen R. Clark;
H. R. 8834. Eliza Leedy;
H. R. 9582. Nancy B. Hacker;
H. R. 9586. Mary Jane Pack;
H. R. 9791. Leon D. Conover;
H. R. 9951. Andrew J. Pence;
H. R. 10366. George F. Hays;
H. R. 10612. Alfred H. Johnston;
H. R. 10613. Narsis Burns;
H. R. 10946. Mary A. Tannehill;
H. R. 11188. Mary Ann Thompson;
H. R. 11690. Charles W. Geddes;
H. R. 11694. William Pritchard;
H. R. 11956. Sarah Luria Scannell;
H. R. 12045. Ellen L. Fitzgerald;
H. R. 12100. Martha Alexander;
H. R. 12264. Sarah Smith;
H. R. 12325. Mary E. Benson;
H. R. 12451. Harriet Hickey;
H. R. 12529. Lucretia A. Evans;
H. R. 12596. Hulda Flinn;
H. R. 13138. Epsy M. Mellett;
H. R. 13550. Ibby M. J. Hay;
H. R. 13874. Martha E. McKnight;
H. R. 14342. Mary A. Crawford;
H. R. 14619. Louisa Porter; and
H. R. 14827. Harriet Ann Long.

Mr. SMOOT, from the Committee on Patents, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 3972) to amend section 4885 of the Revised Statutes; and

A bill (S. 3970) to revise and amend the statutes relating to patents.

He also, from the Committee on Patents, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 3973) to amend the laws of the United States relating to registration of trade-marks;

A bill (S. 3971) to amend section 4896 of the Revised Statutes; and

A bill (S. 3969) to amend the laws of the United States relating to the registration of trade-marks.

Mr. BOURNE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 212) to reimburse S. R. Green, postmaster of Oregon City, Oreg., for moneys lost by burglary, reported it without amendment and submitted a report thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (H. R. 16051) to authorize the Centerville Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala., reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 16955) to extend the time for building a bridge across Red River at Shreveport, La., reported it without amendment.

Mr. McCREARY, from the Committee on Military Affairs, to whom was referred the bill (S. 1895) removing the charge of desertion from the name of Frank A. Land, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (S. 4855) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes, reported it with amendments and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 4786) to parole United States prisoners, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary, which was agreed to.

He also, from the same committee, to whom was referred the joint resolution (H. J. Res. 102) authorizing the Secretary of War to furnish three condemned cannons to the mayor of the city of Detroit, Mich., to be placed on the base of a statue of the late Maj. Gen. Alexander Macomb, United States Army, reported it without amendment and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report, accompanied by a bill (S. 5589) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 16. Mary L. Chase;
S. 145. Mary C. Nason;
S. 395. Orrin V. S. Van Denburg;
S. 400. Robert T. Sedam;
S. 516. William S. Peabody;
S. 579. William Russell;
S. 618. Hezekiah Coe;
S. 619. Winfield S. Delenger;
S. 630. Joseph C. Bell;
S. 634. Arthur H. Parsons;
S. 778. Samuel M. Graham;
S. 824. Millie Lepard;
S. 880. Charles A. Hunter;
S. 882. James R. Carpenter;
S. 917. Charles Snyder;
S. 924. Owen Jones;
S. 1063. Emanuel Schamp, alias Emanuel Benton;
S. 1089. Samuel S. Dotson;
S. 1111. Gilalmous McCarty;
S. 1132. Charles H. Sargent;
S. 1254. George G. Sargent;
S. 1503. R. M. Musser;
S. 1534. Tristrim Glidden;

S. 1662. John Cooper;
S. 1671. William A. Gile;
S. 1940. Benjamin Dye;
S. 2045. Cordelia A. Young;
S. 2195. William H. Robinson;
S. 2351. Gabriel Sams;
S. 2356. Charles Gunter;
S. 2357. John H. Johnson;
S. 2411. Edwin L. Hartley;
S. 2649. John W. Watkins;
S. 2650. Sarah P. Brannigan;
S. 2947. Edmund W. Flynn;
S. 3076. Lucius A. Lovelace;
S. 3104. Wellington K. Moore;
S. 3118. Isaac V. Du Bois;
S. 3133. George Hemminger;
S. 3166. John F. Detwiler;
S. 3197. Patrick Hughes;
S. 3224. Samuel W. Brown;
S. 3278. Daniel H. Fairchild;
S. 3437. Alexander L. Morton;
S. 3450. William H. Warner;
S. 3476. John Powell;
S. 3494. James H. Atwood;
S. 3540. Christian Schwendener;
S. 3617. Enoch S. Eastman;
S. 3636. George L. Freeman;
S. 3637. Elizabeth S. Hensley;
S. 3653. Samuel A. Kimball;
S. 3676. Frank N. Burdick;
S. 3775. Laura E. Pritchard;
S. 4079. William Cody;
S. 4080. Irvin Allen;
S. 4091. Joseph N. Foster;
S. 4188. Harrison Lyons;
S. 4190. Henry A. Eastman;
S. 4191. Martha W. Hatch;
S. 4249. Daniel Snell;
S. 4394. John E. Lewis;
S. 4424. Timothy Bresnahan;
S. 4428. Leonard Davis;
S. 4479. Nathaniel Davis;
S. 4495. Alice J. Hackney;
S. 4513. George H. Eastman;
S. 4715. John A. Wood;
S. 5016. Maggie Greenly;
S. 5112. Daniel Manning;
S. 5127. Maria A. Edie;
S. 5144. Jincy Powell; and
S. 5145. Mary B. Worley.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 598) granting an increase of pension to William Poor, reported it with an amendment in the nature of a substitute, and submitted a report thereon, the amended bill being a substitute for the following House bills heretofore referred to that committee:

H. R. 598. William Poor;
H. R. 854. Noah E. Thornburgh;
H. R. 1033. Stephen H. Sanborn;
H. R. 1080. David Stidd;
H. R. 1468. Sarah K. Adams;
H. R. 1485. Hiram L. Russell;
H. R. 1503. Andrew J. Fillmore;
H. R. 1504. Andrew C. Gibson;
H. R. 1591. Richard F. Williams;
H. R. 1607. Daniel Carter;
H. R. 1608. William H. H. Craver;
H. R. 1716. Lee P. Garrett;
H. R. 2217. James Adams;
H. R. 2218. Lewis L. Bingham;
H. R. 2344. James B. Paige;
H. R. 2349. Leander M. Clark;
H. R. 2423. Cyrus Chapin;
H. R. 2424. David D. Reese;
H. R. 2649. Amos B. Batchelder;
H. R. 2658. James Bates;
H. R. 2662. Patrick Fitzgerald;
H. R. 2709. George Collins;
H. R. 2710. William Lambert;
H. R. 2777. Thomas J. Spencer;
H. R. 2827. Frederick J. Meyer;
H. R. 2862. Theodore F. Ray;
H. R. 2893. James Henderson;
H. R. 2927. William J. Mull;
H. R. 2930. Arnold Mattingly;
H. R. 2931. Charles W. Pavey;
H. R. 2933. Mott V. Eames;
H. R. 2936. Milton M. Orton;
H. R. 2962. Mary E. Becking;
H. R. 2972. Henry Julius;
H. R. 2988. William H. Andrews;
H. R. 3070. Anna E. Lucas;
H. R. 3109. Elkanah A. Richards;
H. R. 3137. Willet Shottenkirk;
H. R. 3223. Marcus A. Stephenson;
H. R. 3224. William C. Greenlee;
H. R. 3230. Sarah Miller;
H. R. 3231. Thomas Casey;
H. R. 3265. Matilda C. Carruth;
H. R. 3323. Swen Dahlberg;
H. R. 3342. Charles Belville;
H. R. 3353. David W. Conrath;
H. R. 3452. Peter Leonard;
H. R. 3495. Benjamin F. Clark;
H. R. 3514. Edward A. Tomlin;
H. R. 3515. James Daly;
H. R. 3615. William F. Carter;
H. R. 3617. William E. Cox;
H. R. 3630. Jennings Branham;
H. R. 3651. Mary H. Christian;
H. R. 3653. Walter C. Knight;
H. R. 3685. John V. Larrimer;
H. R. 3836. Jeremiah Haley;
H. R. 4073. Sarah J. Jones;
H. R. 4089. Thomas B. Aber;
H. R. 4104. Henry C. Martin;
H. R. 4127. Maria Green;
H. R. 4129. Sophia Conlon;
H. R. 4212. Francis O. Vandersluis;
H. R. 4233. Nicodemus D. Henry;
H. R. 4234. William W. Tannery;
H. R. 4250. Austin Green;
H. R. 4370. Bridget D. Farrell;
H. R. 4414. Patrick H. Fern;
H. R. 4418. Winslow H. Furrows;
H. R. 4489. Benjamin B. Brininger;
H. R. 4492. William H. Clark;
H. R. 4506. Theresa M. Randall;
H. R. 4507. Eliza J. McPherson;
H. R. 4515. William S. Aukerman;
H. R. 4518. James W. Eastman;
H. R. 4519. William Minick;
H. R. 4533. Charles C. Gage;
H. R. 4534. Charles W. Lewis;
H. R. 4542. William H. Teeling;
H. R. 4653. Jose M. Jaramillo;
H. R. 4667. Mary A. Clendenin;
H. R. 4670. Elisha H. Colburn, alias William H. Lowry;
H. R. 4672. Henry D. Lewis;
H. R. 4696. Henry R. Darst;
H. R. 4697. Joseph W. King;
H. R. 4753. Richard W. Jones;
H. R. 4754. Jane E. Chapel;
H. R. 4759. George H. Williams;
H. R. 4935. Clark Kelly;
H. R. 4946. Charles S. Baker;
H. R. 4947. William W. Leabo;
H. R. 4948. Henry A. Lamountain;
H. R. 5295. Julia Burns;
H. R. 5571. Lodema Cooley;
H. R. 5611. William A. Barnes;
H. R. 5617. Andrew Balbach;
H. R. 5621. Mary A. Ricketts;
H. R. 5705. Nellie P. Coyle;
H. R. 6013. James Brown;
H. R. 6033. Fred B. Bowman;
H. R. 6036. Gustavus A. Dwelly;
H. R. 6043. Samuel H. Chambers;
H. R. 6044. Truman H. Baldwin;
H. R. 6083. Stephen Loranger;
H. R. 6084. Patrick McGrain;
H. R. 6300. Benjamin L. Haynes;
H. R. 6305. Isaiah Smith;
H. R. 6313. Charles Helper;
H. R. 6318. Michael Sennet;
H. R. 6321. Rufus Lucore;
H. R. 6350. Benjamin F. Bean;
H. R. 6353. Charles P. Jeannin;
H. R. 6365. Albert W. Parker;
H. R. 6410. Thomas P. Clark;

H. R. 6493. Charles M. Curtess;
H. R. 6498. Zelotus J. Stewart;
H. R. 6557. Hiram A. McDonald;
H. R. 6628. Joseph W. Peirce;
H. R. 6645. Henry C. Myers;
H. R. 6646. John Marshall;
H. R. 6659. Thomas D. Scott;
H. R. 6690. John A. Bering;
H. R. 6761. Calvin A. Eason;
H. R. 6762. Ely E. Baker;
H. R. 6805. Michael Doyle;
H. R. 6806. Baldwin Cann;
H. R. 6870. Day Wheeler;
H. R. 6881. Jane M. Buchanan;
H. R. 6896. George Aschemoor;
H. R. 7014. Samuel W. Tobey;
H. R. 7030. Harvey D. McCormick;
H. R. 7034. Aaron T. Dooley;
H. R. 7073. Abram G Spellman;
H. R. 7076. George W. Fletcher;
H. R. 7207. Armand Dufloo;
H. R. 7214. Isabel Seaman;
H. R. 7225. Samuel N. Dickerman;
H. R. 7306. Mary J. Preuitt;
H. R. 7309. Luthis B. Delman, alias Lawson R. Lane;
H. R. 7369. Adam Emge;
H. R. 7373. Andrew H. Hazlett;
H. R. 7374. Charles M. Hobbs;
H. R. 7443. Eli S. Dunklee;
H. R. 7481. Mary E. Cook;
H. R. 7519. Jacob Mercer;
H. R. 7871. George Pratt;
H. R. 7878. John Redeker;
H. R. 7887. Michael Kresge;
H. R. 8020. James E. Hoisington;
H. R. 8095. Charles B. Love;
H. R. 8101. Morris Hayes;
H. R. 8107. Rosamond Ensley;
H. R. 8109. William S. Kidder;
H. R. 8243. Horace E. Adams;
H. R. 8477. William H. Mathis;
H. R. 8547. James T. Thrasher;
H. R. 8607. John R. Bevilheimer;
H. R. 8638. Berry May;
H. R. 8677. Thomas W Quine;
H. R. 8730. George Lytle;
H. R. 8761. Henry A. Walker;
H. R. 8763. William M. Kenyon,
H. R. 8767. Theodore Schaeffer;
H. R. 8946. John A. Hollander;
H. R. 8980. Matthias Dye;
H. R. 9252. Samuel Fetters;
H. R. 9292. James McDowell;
H. R. 9321. John F. Rupert;
H. R. 9370. Earl Henry Cooper;
H. R. 9552. Burton Walters;
H. R. 9557. James W. King;
H. R. 9658. John A. Mayes;
H. R. 9705. George C. Gutelius;
H. R. 9707. George W. Isett;
H. R. 9790. Peter Weatherby;
H. R. 9807. William R. Hicks;
H. R. 9838. Harriet B. Nichols;
H. R. 10128. Thomas H. Addison;
H. R. 10152. Robert S. Clark;
H. R. 10204. Catharine E. Koontz;
H. R. 10283. John S. Barr;
H. R. 10346. James C. Vorhes;
H. R. 10418. Robert A. Hodges;
H. R. 10761. George Berry;
H. R. 10857. Caroline H. G. Dralle;
H. R. 10964. Patrick J. O'Brien;
H. R. 11011. Milton Kinder;
H. R. 11047. George B. Follett;
H. R. 11101. Levi B. Gaylord;
H. R. 11121. Maria Johnson;
H. R. 11182. John Bear;
H. R. 11214. George W. Horder;
H. R. 11223. George F. Cowing;
H. R. 11572. William H. Smyser;
H. R. 11861. Anestatia C. Seiss;
H. R. 11938. Stephen Glanden;
H. R. 12107. William Guthrie;
H. R. 12111. Wesley M. Niblock;
H. R. 12160. Julia A. Wilcoxon;
H. R. 12208. Robert B. Thomas;
H. R. 12236. James W. George;
H. R. 12509. Mary Williams;
H. R. 12521. Henry Cash;
H. R. 12561. Aurelia E. Willard;
H. R. 12604. John N. Moeller;
H. R. 12736. Lydia E. Paterson;
H. R. 12782. Rolan M. Clark;
H. R. 12801. Thomas Fauciei;
H. R. 12837. Daniel J. Duffy;
H. R. 12955. Joseph S. Pratt;
H. R. 12969. Edward Hadfield;
H. R. 12982. William C. Schofield;
H. R. 13029. Elizabeth Gritzner;
H. R. 13041. Samuel A. Gettys;
H. R. 13120. William G. McConnell;
H. R. 13171. Barney Stone;
H. R. 13177. Abram H. Brown;
H. R. 13234. Jacob Glass;
H. R. 13396. Corydon S. Hickman;
H. R. 13771. Henry Stulen;
H. R. 13781. George H. Smith;
H. R. 13814. Simeon S. Goodrich;
H. R. 13815. Levi M. Briddell;
H. R. 13817. Philip Lutz;
H. R. 13877. Seneca R. Randall;
H. R. 14149. David Mitchell;
H. R. 14283. Smith H. Simpson;
H. R. 14344. Peter Penord;
H. R. 14601. James W. Madison; and
H. R. 14758. Eri B. Sabin.

Mr. CLAPP, from the Committee on Claims, submitted a supplemental report to accompany the bill (S. 450) for the relief of the State of North Carolina, heretofore reported by him from that committee.

Mr. CLARKE of Arkansas, from the Committee on the Judiciary, to whom was referred the bill (H. R. 4777) restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings, reported it without amendment.

INLAND WATERWAY FROM MOBILE BAY.

Mr. CLARKE of Arkansas, from the Committee on Commerce, to whom was referred the following concurrent resolution submitted by Mr. JOHNSTON on the 17th instant, reported it without amendment:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of an inland waterway from Mobile Bay to Perdido Bay, in the State of Alabama, and from said Perdido Bay to Escambia Bay, in the State of Florida, for the purpose of estimating the probable cost of the construction of a canal 300 feet wide by 9 feet deep, or of such width and depth as will be sufficient to permit of the navigation of such vessels as ordinarily navigate said bays, and for other purposes.

SALARY OF DISTRICT JUDGE FOR PORTO RICO.

Mr. FORAKER. I report back from the Committee on the Judiciary, with amendments, the bill (S. 2210) to increase the salary of the United States district judge for Porto Rico, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 5, after the words "hundred and," to strike out "seven" and insert "eight," so as to read "nineteen hundred and eight;" and in the same line, before the word "thousand," to strike out "seven" and insert "six," so as to read "$6,000 per annum," making the bill read as follows:

Be it enacted, etc., That the salary of the United States district judge for Porto Rico shall, from and after the 1st day of July, 1908, be $6,000 per annum.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MARTIN introduced a bill (S. 5590) for the promotion of Joseph A. O'Connor, carpenter in the United States Navy, to the rank of chief carpenter and place him on the retired list, which was read twice by its title and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 5591) authorizing the Secretary of War to have constructed a direct road leading from the southern end of the new highway bridge across the Potomac

to the national cemetery at Arlington and Fort Myer, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. GALLINGER (by request) introduced a bill (S. 5592) for the establishment of an inebriate asylum in the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5593) authorizing certain extensions to be made in the lines of the Capital Railway Company in the District of Columbia, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. SMITH introduced a bill (S. 5594) for the establishment of a light-house and fog signal at the easterly end of Michigan Island, Apostle Group, westerly end of Lake Superior, Wisconsin, which was read twice by its title and referred to the Committee on Cemmerce.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5595) granting a pension to Emeline C. Seger;

A bill (S. 5596) granting an increase of pension to Stephen R. Hunt;

A bill (S. 5597) granting an increase of pension to Benjamin Wiggins;

A bill (S. 5598) granting a pension to Mary A. Dawes;

A bill (S. 5599) granting a pension to Rose Ann Griffith; and

A bill (S. 5600) granting a pension to Martha M. Allen.

Mr. CLAPP introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, which were ordered to be printed, referred to the Committee on Indian Affairs:

A bill (S. 5601) to provide for the sale of timber on the segregated coal and asphalt lands of the Choctaw and Chickasaw nations for use in coal and asphalt mining operations, and for other purposes;

A bill (S. 5602) to authorize the Secretary of the Interior to make allotments in severalty to the Indians of the Western Navajo and San Carlos reservations, Arizona, and the Mescalero Reservation, in New Mexico;

A bill (S. 5603) to amend sections 1 and 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes;" and

A bill (S. 5604) authorizing the Secretary of the Interior to reserve lands on Indian reservations for power and reservoir sites, and for other purposes.

Mr. du PONT introduced a bill (S. 5605) granting an increase of pension to Harriet E. Noble, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 5606) to place the name of Lorenzo Thomas on the retired list of the Army, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. RICHARDSON introduced a bill (S. 5607) granting a pension to William Riley, which was read twice by its title and referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 5608) for the relief of the heirs of Edmund J. Terwilliger, which was read twice by its title and referred to the Committee on Claims.

Mr. ALDRICH introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5609) granting an increase of pension to George H. Pettis (with the accompanying papers);

A bill (S. 5610) granting a pension to Cynthia L. Allen;

A bill (S. 5611) granting an increase of pension to John McLaughlin (with the accompanying papers); and

A bill (S. 5612) granting an increase of pension to Constantine G. W. Bischoff (with the accompanying papers).

He also introduced a bill (S. 5613) granting an honorable discharge to Matthew Logan, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5614) for the relief of Ida Russell Bartlett and Eleanor Bartlett, children of the late Rear-Admiral John Russell Bartlett, United States Navy, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. PILES introduced a bill (S. 5615) granting an increase of pension to Joseph R. Thomas, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Naval Affairs:

A bill (S. 5616) to amend section 3744 of the Revised Statutes; and

A bill (S. 5617) authorizing the Secretary of the Navy to accept and care for gifts presented to vessels of the Navy of the United States.

He also introduced a bill (S. 5618) for the relief of Edwin O. Sargent, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. GAMBLE introduced a bill (S. 5619) granting an increase of pension to Edgar M. Quick, which was read twice by its title and referred to the Committee on Pensions.

Mr. JOHNSTON introduced a bill (S. 5620) to authorize the issuance of a patent to the assignee of Warner Bailey, for land located in Choctaw County, State of Alabama, which was read twice by its title and referred to the Committee on Public Lands.

Mr. McCREARY introduced a bill (S. 5621) granting a pension to William H. Finley, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5622) for the relief of John R. Martin, which was read twice by its title and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 5623) to approve the verdict of the second jury summoned to condemn land for the extension of Nineteenth street from Belmont road to Biltmore street, in the District of Columbia, with a uniform width of 50 feet, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. CLAY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5624) for the relief of heirs of Gunther Peters, deceased;

A bill (S. 5625) for the relief of W. T. Strickland, administrator of John M. Strickland;

A bill (S. 5626) for the relief of W. T. Godwin;

A bill (S. 5627) for the relief of the legal representatives of Henry S. Castellaw;

A bill (S. 5628) for the relief of the legal representatives of E. H. Abercrombie;

A bill (S. 5629) for the relief of the heirs of S. H. Hill, deceased;

A bill (S. 5630) for the relief of Sidney T. Dupuy and George R. Dupuy;

A bill (S. 5631) for the relief of the legal representatives of Anderson Abercrombie, deceased;

A bill (S. 5632) for the relief of Jesse J. Bull;

A bill (S. 5633) for the relief of the legal representatives of T. L. Walker, deceased;

A bill (S. 5634) for the relief of the legal representatives of W. L. Gordon, deceased;

A bill (S. 5635) for the relief of the legal representatives of F. M. T. Brannan;

A bill (S. 5636) for the relief of the legal representatives of Edward Haile, deceased;

A bill (S. 5637) for the relief of H. T. Cunningham; and

A bill (S. 5638) for the relief of the estate of Elijah Lumpkin, deceased.

Mr. WARNER introduced a bill (S. 5639) to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at a point to be selected within five miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route," approved December 17, 1902, which was read twice by its title and referred to the Committee on Commerce.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5640) granting an increase of pension to Marion Vest;

A bill (S. 5641) granting an increase of pension to Harrison Ferguson;

A bill (S. 5642) granting an increase of pension to Christopher S. Alvord; and

A bill (S. 5643) granting an increase of pension to Phœbe A. Kent (with accompanying papers).

Mr. McCUMBER introduced a bill (S. 5644) granting an in-

crease of pension to Seymour Camp, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 5645) granting an increase of pension to James Gorman, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 5646) granting an increase of pension to William Smith, which was read twice by its title and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 5647) for the relief of Andrew B. Cook, assignee, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5648) to establish the Glacier National Park west of the summit of the Rocky Mountains and south of the international boundary line in Montana, and for other purposes, which was read twice by its title and referred to the Committee on Public Lands.

Mr. TILLMAN introduced a bill (S. 5649) for the relief of George W. Newman, which was read twice by its title and referred to the Committee on Claims.

Mr. HEMENWAY introduced a bill (S. 5650) making appropriation to pay to the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein, which was read twice by its title and referred to the Committee on Claims.

Mr. McLAURIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5651) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Sarah G. Clark, deceased;

A bill (S. 5652) for the relief of the estate of Samuel D. Kelley; and

A bill (S. 5653) for the relief of the estate of R. A. Myrick.

Mr. SMITH introduced a joint resolution (S. R. 59) directing an examination of Pigeon River at Port Sheldon, Mich., which was read twice by its title and referred to the Committee on Commerce.

AMENDMENTS TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. LODGE submitted an amendment providing for the appointment of an administrative assistant in the Department of Justice, to be appointed by the Attorney-General, at a salary of $4,500, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TELLER submitted an amendment proposing to increase the salary of the chief law clerk, General Land Office, from $2,500 to $3,000, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. SMOOT submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and be printed.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. JOHNSTON submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

COTTON-SEED PRODUCTS IN FOREIGN COUNTRIES.

Mr. BACON. Mr. President, on the 14th instant, on my motion, the Senate adopted a resolution ordering the printing of 3,000 copies of a pamphlet entitled "Cotton-seed Products of Foreign Countries." Since the resolution was adopted it has developed that there should be added to it some other publications, and for that reason the order of the Senate has not been carried out and the printing has not been done. At the instance of the Department of Commerce and Labor, and also of parties who are interested in cotton-seed products, it is desired that there should be added reports of special agents and consular officers relative to the subject received since the pamphlet was originally issued.

I send to the desk a resolution which I ask may be considered and adopted, not with a view of authorizing an additional number, but that it shall take the place of the resolution already adopted, the number being the same, the simple difference being in the addition of the other publications.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Senate, and be delivered to the Senate document room, 3,000 copies of a pamphlet issued by the Department of Commerce and Labor and entitled "Cotton-seed Products in Foreign Countries," and that the Secretary of Commerce and Labor be instructed to assemble and include in the publication reports from special agents and consular officers received since the said pamphlet was issued.

ESTATE OF JOSEPH H. GALLAHER.

Mr. ALLISON. I ask unanimous consent that the Senate consider at this time the bill (H. R. 6515) for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased. It is a bill I reported on Saturday from the Committee on Finance.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to redeem, in favor of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased, United States coupon 5–20 bonds, act of March 3, 1865, consols of 1865, Nos. 22421, 22422, 61411, 61412, 61413, 61414, 61415, 61416, 61417, 137836, 137837, 137838, 209608, each of the denomination of $1,000, with interest from January 1, 1872, to date of maturity of the respective calls in which the bonds were included, the bonds and interest coupons alleged to have been lost or destroyed. But J. A. Gallaher, administrator, shall first file in the Treasury a bond in the penal sum of double the amount of the principal of the bonds and accrued interest thereon to the date of their maturity, with good and sufficient sureties to be approved by the Secretary of the Treasury, with conditions to indemnify and save harmless the United States from any claim because of the lost or destroyed bonds hereinbefore described and the interest thereon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVISON CHEMICAL COMPANY, OF BALTIMORE, MD.

Mr. GALLINGER obtained the floor.

Mr. RAYNER. I rose to ask unanimous consent for the passage of Senate bill 4632, a bill similar to one which was favorably reported in the House at the last Congress.

Mr. GALLINGER. I ask the Senator from Maryland if the bill will give rise to any debate?

Mr. RAYNER. None at all.

Mr. GALLINGER. With the understanding that the bill will not give rise to any debate and with a notice that I shall object to any further agreement to consider bills this morning, I yield to the Senator with pleasure.

Mr. RAYNER. When the bill was reached on the Calendar it was passed over on the ground that there was no report filed. I desire to file the report of the committee. The Department has decided in favor of it. I also desire an amendment made to the bill. There is an error on the face of the bill that I want to have corrected.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill (S. 4632) for the relief of the Davison Chemical Company, of Baltimore, Md., and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The VICE-PRESIDENT. The Senator from Maryland proposes an amendment, which will be stated.

The Secretary read the amendment, which was, in line 6, before the word "thousand," to strike out "twenty" and insert "thirteen," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Davison Chemical Company, of Baltimore, Md., the sum of $13,460, in payment for damages sustained to the sulphuric-acid plant owned by said company and located at Hawkins Point, Maryland, by reason of the firing of high-power guns at Fort Armistead, Md., in April, 1903, said amount having been found due the said company by two boards of Army officers convened by the Secretary of War, as set forth in House Document No. 659, second session Fifty-eighth Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. RAYNER. On behalf of the Senator from Minnesota [Mr. CLAPP] I desire to file an additional report. It ought to have been presented in the first instance.

Mr. KEAN. Let the reports be printed in the RECORD.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

February 11, 1908, Mr. CLAPP, from the Committee on Claims, submitted the following report (to accompany S. 4632):

The Committee on Claims, to whom Senate bill 4632 was referred for consideration, having examined the same, report the same favorably and recommend its passage without amendment.

The committee, in support of the foregoing report, beg leave to refer to the report of Mr. Wellborn, from the Committee on Claims, made to the Fifty-ninth Congress, first session, being report 4177 of that session.

February 24, 1908, Mr. RAYNER (for Mr. CLAPP), from the Committee on Claims, submitted the following additional report (to accompany S. 4632):

The Committee on Claims, to which was referred the bill (H. R. 8670) for the relief of the Davison Chemical Company, of Baltimore, Md., have had the same under consideration, and recommend its passage.

This bill directs the payment of claims for damages aggregating $13,460, made by the Davison Chemical Company, of Baltimore, Md., on account of injury done to its sulphuric acid plant at Hawkins Point, Maryland, by the firing of the high-power guns located at Fort Armistead, Md., in April, 1903.

On July 13, 1903, upon representations being made to the War Department that the artillery practice at Fort Armistead would destroy much property belonging to the Davison Chemical Company, General Chaffee, commanding the Department of the East, was directed to postpone firing until the matter could be investigated, whereupon Col. D. H. Kinzie, Artillery Corps, commanding the district of Baltimore, made an examination of the works of the Davison Chemical Company, and reported as follows:

HEADQUARTERS ARTILLERY DISTRICT OF BALTIMORE, MD.,
Fort McHenry, Md., July 21, 1903.

Respectfully returned to the adjutant-general, Department of the East, with the information that, accompanied by Mr. James McNab, superintendent, I went over the works of the Davison Chemical Company, near Fort Armistead, on the 20th instant.

The damage which the company maintains was caused by firing of the 8-inch B. L. R. last April consists in the cracking and weakening of the brick flues, kilns, the disarranging of the packing of the Glover towers, and the weakening of the headwork of the acid towers. That recent damage to these parts of the works had been done was evident from their appearance; it was also evident from their construction that it would be necessary to stop the works and rebuild the towers and kilns in order to repair them; but I believe it to be impossible for anyone not an expert to determine whether or not these damages were the result of the firing at Fort Armistead. None of the parts injured have been built more than three years, and Mr. McNab assures me that the average life of a tower is twelve years.

The factory is one of the largest in the country and has a daily output of 150 tons of acid. To free the towers from acid so that men could work in them would take a week; to repair them would take two weeks, and a week longer would be necessary to start the works. It is evident that a month's shut down to a company doing as large a business as this one, aside from the direct cost of repairs, would be a matter of great expense; and if continued target practice is to do damage of this nature, the cost to the Government would be far greater than is proportionate to the value of target practice.

I believe that expert testimony is needed to obtain an accurate report on the matter.

A rough description of the works, and a pencil plan furnished by Mr. McNab, is inclosed.

D. H. KINZIE,
Colonel, Artillery Corps, Commanding District.

On August 7, 1903, the Davison Chemical Company presented a claim to the War Department for $6,260, accompanied by the following letter from its superintendent:

BALTIMORE, *August 7, 1903.*

DEAR SIR: In compliance with your request of yesterday for a report from me in writing as to the damage done the sulphuric-acid plant of this company at Hawkins Point by the firing of the 8 and 10 inch guns at Fort Armistead last spring, with my estimate of the cost of restoring the same, I have to submit the following:

Our works at Hawkins Point are adjacent to the fort, the most southeasterly gun being about 200 feet distant from our towers, which are in direct line with the guns. I submit herewith a couple of sketches intended to show the ground plan of the chambers, towers, and kilns, and the interior construction of said towers as they are used at our factory. On each of these towers there are lead curtains a quarter of an inch thick, necessary for the inclosure of the acid and gases. The same kind of curtains, though of lighter lead, are used in the chambers for the same purposes.

The concussion of the guns causes the lead on curtains of chambers to collapse, and they are torn at the sides and roof. In the same way, with much more damage, however, the curtains in the towers are torn, and the packing of said towers is disarranged, with the result that the hot gases thereby attack the lead and cut it out. This damage is not apparent at once. It may take weeks, or even months, for this to show itself. Such is the character of the damages that have resulted from the firing in April. Our A Glover tower and chamber in A set we will have to shut down by October next, so that the same may be rebuilt. I am in hopes that by repairing the other towers we can keep them going for some time yet, but I have already had to repair a slit 20 feet high on C Glover tower, and am afraid the interior packing of this is also damaged.

The Gay-Lussac towers, being packed with coke and brick, are not likely to show the damage for some time. It becomes apparent in bad draft.

The A, B, and C set of chambers and towers which are nearest to the fort have all been rebuilt and renewed within the last two or three years, and should do their work with little trouble or expense for repairs or rebuilding during the period of ten or fifteen years.

There is considerable damage done to the double arches of our pyrites kilns. There are 100 of them, but I can not estimate the extent of this damage until we shut down, cool off, and examine them. This we can not do at present, because with our seven large sets of chambers, with a total capacity of over 1,000,000 cubic feet, worked to its full capacity, we are much behind in our orders. If we are compelled to stop manufacturing to repair and rebuild, it will be a very heavy loss to us, and will reduce our output largely. I am preparing for this now by accumulating material at the works. I will not attempt at present to estimate damage due to lessened production, nor to any other repairs than those mentioned on accompanying statements.

In reply to your question as to my experience with sulphuric-acid plants, I would say that I have been engaged as manager for such plants for from thirty-five to forty years in England, Scotland, and the United States.

Respectfully, JAMES MCNAB,
Superintendent Davison Chemical Company.

JOHN H. WIGHT, Esq.,
Vice-President Davison Chemical Company, Baltimore.

1.—To rebuild A Glover tower, 1903.

Lead for tower and connections, 40,000 pounds, at 5.05 cents	$2,020
Labor on lead works	250
Acid-proof chemical brick, 25,000, at $28 per M	700
Acid-proof slabs and special	300
Lumber and labor	350
Bricks and labor, foundations, etc	800
Sundry expenses, unpacking and repacking, etc	180
Gross cost	4,600
Deduct for old lead, 30,000 pounds, at 4.3 cents	1,290
	3,310

2.—To rebuild A chamber No. 3.

Lead for chamber, 6 pounds, 45,000 pounds, at 5.05 cents	$2,360
Lumber, 12,000 feet, at $25	300
Labor, plumber, carpenter, and helpers	340
Gross cost	3,000
Deduct for old lead, 30,000 pounds, at 4.3 cents	1,300
Net cost	1,700

3.—Sundry damages and repairs.

Repairs to B and C Glovers	$200
Repairs to A, B, and C Gay-Lussac towers	450
Repairs to flues and kilns, A, B, and C	800
Windows, glass, and sashes	100
	1,250

4.—Total damages to acid plant at Hawkins Point, Anne Arundel County, as far as we are able to estimate at present time.

To Glover tower A	$3,310
To No. 3 chamber A	1,700
To sundry damages	1,250
Total	6,260

Loss in produce, 1,000 tons acid.

Following the practice, the Acting Secretary of War convened a board of Army officers to investigate the claim of the Davison Chemical Company, inviting the attention of the board to the statements of Col. D. H. Kinzie in his report heretofore set forth as follows:

"I believe it to be impossible for anyone not an expert to determine whether or not these damages were the result of the firing at Fort Armistead. * * * I believe that expert testimony is needed to obtain an accurate report on the matter."

And stating that—

"such expert services as may be necessary to determine whether or not the damage was caused by heavy firing—and if so, the extent and cost of such damage—should be employed to cooperate with the board in its investigation."

Accordingly a board was convened on September 29, 1903, consisting of Maj. John G. D. Knight, Corps of Engineers, General Staff; Maj. Medorem Crawford, Artillery Corps, and Capt. Hugh La F. Applewhite, Artillery Corps. The proceedings of the board are as follows:

"Proceedings of a board of officers convened at Fort McHenry, Md., pursuant to Special Orders No. 228, Headquarters Department of the East, current series, hereto attached:

FORT MCHENRY, MD., *October 2, 1903.*

The board met at Fort Armistead, Md., pursuant to telegraphic call of the senior member, at 11 a. m.

Present, all the members.

The board proceeded to the works of the Davison Chemical Company, adjoining the military reservation on the southwest. At the office it was joined by the president and superintendent of the works, the former having been notified of the intended meeting of the board.

The papers previously submitted by these gentlemen in support of the claim of the company were then reviewed in detail; after which the gentlemen and the board went through the works of the company, carefully inspected the same, and particularly inspected those parts claimed to have been damaged by the April firing of the 8-inch guns at Fort Armistead. There are no 10-inch guns at this post.

The board also observed from the upper stagings of the chemical works the relative position of the guns, the target, and the alleged damaged structures.

The board then returned to the office of the company, where it had further consultation with the officials; at the conclusion of which the president of the company, having been asked, stated that he had nothing further to lay before the board.

The board then proceeded to Fort McHenry, Md., for deliberation.

The line of direction of the fire at target practice in April last made an angle of about 25° to 30° with the longitudinal axes of the buildings.

In the sketch (inclosure 491789, A. G. O.—A), the towers marked GL, (Glover) should be lettered C, B, A from the fort outward, thereby enabling a better understanding of inclosure A.

A and C towers and chambers were reported to the board as being about three years old. B tower and chambers were bought by the company in about 1895, and the tower rebuilt in 1901.

There are two additional sets of towers and chambers, D and E, completed this year. All five are about of the same capacity, but the combined output of D and E was stated to be 60 per cent of the combined output of A, B, and C.

The superintendent claimed to have seen the lead walls of the gas chambers of series A actually open and close during the firing. The crowns of all the chambers are supported by rods from the roof trusses, and that of chamber 3, series A, is declared to have been loosened from its supports. Other damages specified in Inclosure A were explained.

The board deems it reasonable to attribute these to the firing, with the exception of the alleged damage to the foundations of the A Glover tower. This foundation is of solid brick masonry of about 11 by 11 feet on a side and 8 feet high. The superintendent claimed that its damage was due to acid leaking from the damaged tower which it supported. But this theory does not explain the several cracks which constitute the damage, and the solidity of the masonry will not justify the opinion that the cracks are due to jars of the guns.

The board is of the opinion that, omitting the item relating to "rebuilding A, Glover tower, bricks and labor, foundation, etc., $800," the items are reasonable both as to quantities and prices. The total amount of that claim thus approved by the board is $5,460, and to this extent the board is of the opinion that the Davison Chemical Company, of Baltimore, Md., has a valid claim for alleged damage to their property at Hawkins Point, Md., by the firing of 8-inch guns at Fort Armistead, Md., in April, 1903.

The board then, at 4 p. m., adjourned sine die.

JOHN G. D. KNIGHT,
Major, Corps of Engineers, General Staff.
M. CRAWFORD,
Major, Artillery Corps, Member.
H. LA F. APPLEWHITE,
Captain, Artillery Corps, Recorder.

HEADQUARTERS DEPARTMENT OF THE EAST,
Governors Island, N. Y., October 6, 1903.

Approved.
By command of Major-General Chaffee:
JOHN G. D. KNIGHT,
Major, Corps of Engineers, General Staff, Acting Adjutant-General.

On February 4, 1904, the Davison Chemical Company, by its attorney, submitted to the War Department an additional claim of $8,000 on account of additional injuries to its sulphuric-acid plant by the firing of high-power guns at Fort Armistead in April, 1903, stating that the company, in rebuilding its works, found that the cost thereof was greater than had been estimated, and that other damage than that already reported had been done, and that further rebuilding than that already done would be necessary.

The company also protested against future firing of guns at Fort Armistead.

The following is the statement of the superintendent of the Davison Chemical Company regarding the company's second claim:

BALTIMORE, MD., *December 14, 1903.*

GENTLEMEN: In my report of August 7, 1903, as to the damages done to our sulphuric acid plant at Hawkins Point, due to the firing of the big guns at Fort Armistead in April, 1903, you will note the following on page 2 of said report:

"In the same way, with much more damage, however, the curtains in the towers are torn and the packing of said towers is disarranged, with the result that the hot gases thereby attack the lead and cut it out. This damage is not apparent at once. It may take weeks or even months for this to show itself. Such is the character of the damage that has resulted from the firing in April. Our A Glover tower and chambers in A set we will have to shut down by October next so that the same may be rebuilt. I am in hopes that by repairing the other towers (viz, B and C) we can keep them going for some time yet; but I have already had to repair a slit 20 feet high on C Glover tower, and am afraid the interior packing of this is also damaged."

What I feared as to B and C towers at that time has proved to be correct within the past month. The draft on C Glover tower got very bad, and the lead collar at inlet of tower is nearly all gone; when we tried to repair it, found the brick lining was gone, shaken out by concussion of guns; also found the interior packing must be displaced, as the gases are retarded, and in trying to find an exit between lead and brick lining has eaten away the lead, that is very thin, and when it broke loose gas came out in great volume with pressure, showing the displacement is near bottom, as when open at top of towers. Gas comes out freely, also god draft at chambers, proving that the conditions are almost identical with that found at A Glover tower when we went to rebuild same. We have patched C tower as well as we can, but it must be rebuilt at as early a date as possible. The same conditions exist at B tower, though it has not showed up so bad yet; but the repairs we have had to make and are making prove that the firing damaged the three towers equally, and that we must prepare to rebuild B and C towers early in 1904, as they are liable to give way and shut us down unexpectedly at any time. In view of the contracts for all the acid we can possibly make in 1904, running 365 days and nights, you will readily see the serious position we are placed in.

The time shut down to rebuild A Glover tower and get plant into working order again was exactly six weeks, a loss of 1,400 tons of acid less made and a cost to rebuild tower alone, $5,212, being about $1,900 more than I claimed it would cost. This was due to more labor and increased cost of material than I estimated in claim. We ought to have made out claim for damages to the three towers, A, B, and C, but did not do so, as the damages were not so apparent at that time in B and C, and only made claim for that which we were able to prove at that time.

I therefore respectfully suggest that we make an additional claim for damages to B and C towers, due to the firing of guns at Fort Armistead, April, 1903, as follows:

Rebuild B and C Glover towers at Davison Chemical Company's works A, Hawkins Point, Anne Arundel County, Md., 1904.

ESTIMATE.

Lead, 84,000 pounds, at 5¼ cents per pound	$4,410
Chemical bricks, slabs, etc	1,300
Iron rods	100
Bricks, and lime and cement foundation	800
Lumber	400
Quartz, one-half can be used again, then 70 tons	350
Lead work, $600; brickwork, $700; carpenters, $300; laborers, $1,300	2,900
	10,260
Deduct for old lead, about 50,000 pounds, at 4½ cents	2,260
Cost to rebuild B and C Glover towers	8,000

Loss in acid manufacture while rebuilding, 2,800 tons.

The above figures are based upon actual figures in rebuilding A Glover tower.

Now, even if this claim for actual damages and loss to us should be allowed in addition to our claim on A tower, it is a serious question that confronts us at our Hawkins Point works, for, owing to the position of the guns at Fort Armistead, every time these guns are fired with usual charges in target practice our towers, being in direct range of these guns, will be damaged, as they were in April, 1903.

In view of these facts, and also that it is reported they are preparing for general target practice, with full war charges, next April (1904) at the forts, and, according to the Sun, are preparing to build an observation tower at Fort Armistead for this practice in April, I would respectfully suggest that this additional claim be presented to the War Department as early as possible, and a full statement of the exact facts, relating to our works and the continuous damages, whenever these guns are fired, be presented in a clear manner by some one thoroughly familiar with the facts, to the proper authority at the War Department at an early date, with a view to having some positive action taken by the War Department to prevent this damage and putting us to so much loss and delay to our business, as the damages we claim do not cover our actual loss by any means, even if we should get all we claim promptly, as no allowance is made for legal expenses and loss of interest on moneys paid out for rebuilding, besides loss to our customers by our inability to live up to our contracts, owing to these accidents.

I remain, yours, respectfully, JAMES MCNAB,
Superintendent Davison Chemical Works.

PRESIDENT AND BOARD OF DIRECTORS OF
DAVISON CHEMICAL WORKS,
Baltimore, Md.

Summary of damages done to Davison Chemical Company's plant, Hawkins Point, Anne Arundel County, Md., A, B, and C Glover towers—No. 3 acid chambers and kilns.

Actual shortage on A Glover tower, etc., estimate	$1,902
Actual loss in production of acid during A repairs, estimated 1,000 tons, actual 1,400 tons of acid; actual cost to rebuild B and C towers based upon actual cost of A repairs, see estimate made December, 1903	8,000

Actual loss in production of acid during rebuilding of B and C towers, 2,800 tons.

NOTE.—It will be noted that I estimate cost of rebuilding B and C as slightly less than actually found in A tower.

Slightly less lead required per tower.
Slightly less bricks; foundation on one tower good.
Slightly less lumber; side lumber good on one tower.
Slightly less labor for lead burners, carpenters, bricklayers, and laborers.

Actual cost to rebuild A Glover tower, Hawkins Point, November, 1903.

Lead for tower and connections, 45,000 pounds, at 5.50 per pound	$2,475
Labor on lead work, had to hire extra man 42 days, at $7	600
Remmey acid-proof chemical bricks and slabs	640
Dietrich new iron rods	34
Lumber, $226; carpenters, $200	426
Bricks, 37,000, at $7	259
Bricklayers, foundations, packing tower, and kiln repairs	540
Baltimore Retort Company, fire bricks and fire clay	56
Maryland Lime and Cement Company, 50 barrels of cement	163
Hoyt Metal Company, metal, etc., for dampers	104
Quartz for towers to replace that broken in unloading	135
Laborers unloading and loading tower, helping lead workers, carpenters, and bricklayers	912
Gross cost	6,344
Deduct for old lead, 25,166 pounds, at 4½ cents	1,132
Net cost	5,212
Less estimated cost	3,310
Excess of cost over estimate	1,902

NOTE.—Price of lead increased after estimate made, also quantity; amount of labor much higher than estimated; amount of old lead received much less than estimated.

MARCH 4, 1904.

Notes on B and C Glover towers at Hawkins Point, damaged by firing of guns at Fort Armistead, April, 1903.

The A Glover tower was damaged so badly that it had to be entirely rebuilt in October, 1903.

The B and C Glovers have developed so many bad leaks and lead is getting so thin in places, owing to the displacement of the interior packing, allowing the hot gases to reach the lead, that we shall have to stop these towers some time this year and rebuild. We are trying to make them run as long as possible by patching lead work, as it will interfere very much with our contracts for acid to stop at this time; but they are liable to collapse at any time. Hence we are preparing to shut down by getting all materials needed at the works.

Inclosed find list of breaks and patches put on these towers since last April, and are repairing them every week.

Very respectfully, JAMES MCNAB,
Superintendent.

Repairs, B and C Glover towers, 1903–4.

C GLOVER.

The head collar where gas enters is gone, and has been patched several times. The brick lining of this collar was all jarred out of place.

Northeast corner: The upright seam split about 10 feet.
Northwest corner: Brick lining bulged out and lead destroyed.
Southeast corner: Brick lining bulged out and lead destroyed.
Southwest corner: Brick lining bulged out and lead destroyed.

On line of arch in interior packing and between the first and second timber cross brace, bad leaks. These leaks and the bad draft prove that packing has collapsed, and the gas not going its regular course is getting between the lead and brick casing. In this case it soon cuts and destroys the lead, the heat of the sulphurous gases being much greater than the melting point of the lead.

B GLOVER.

The head collar where gas enters is gone and has been patched several times, but it is now gone on the under side, where it is impossible to patch. The brick lining of this cellar has collapsed.

On the north, east, and south sides, between the first and second cross timbers brace, the brick packing bulged out and bad leaks, and lead has got very thin. This arch packing has collapsed, and draft is bad. We are repairing this tower every week.

C GAY-LUSSAC TOWER.

The head seams on this tower on northwest corner and northwest side were split for about 20 feet in length; also the corner of every chamber on top at crown plate, owing to the concussion and swing of the lead curtains.

JAS. MCNAB, *Superintendent.*

This claim also was referred to a board of Army officers, as had been the first claim, said board consisting of Col. Frank Thorp, Artillery Corps; Capt. Otho W. B. Farr, Artillery Corps, and Capt. Hugh La F. Applewhite, Artillery Corps.

This board's report is as follows:

Proceedings of a board of officers, convened at Fort Howard, Md., pursuant to the following order:

No. 11. } HEADQUARTERS ATLANTIC DIVISION,
GOVERNORS ISLAND,
SPECIAL ORDERS, } *New York City, February 15, 1904.*

[Extract.]

1. Under instructions from the War Department, dated February 13, 1904, a board of officers to consist of Col. Frank Thorp, Artillery Corps; Capt. Otho W. B. Farr, Artillery Corps; Capt. Hugh La F. Applewhite, Artillery Corps, is appointed to meet at Fort Howard, Md., as soon as practicable, at the call of the senior member, to examine into and report upon the validity of an additional claim of the Davison Chemical Company, of Baltimore, Md., for alleged damage to their property at Hawkins Point, Maryland, by the firing of 8-inch and 10-inch guns at Fort Armistead, Md., in April, 1903.

Upon completion of this duty the officers composing the board will return to their proper stations.

The travel enjoined is necessary for the public service.

* * * * * * *

By order of Major-General Corbin:

JOHN G. D. KNIGHT,
Major, General Staff, Chief of Staff.

FORT HOWARD, MD., *February 20, 1904.*

The board met at the call of the senior member at 2 p. m.

Present, all the members.

The board then carefully considered the additional claim of the Davison Chemical Company, as made in the letter of the superintendent herewith inclosed and marked "Encl. 1 to 491789, A. G. O." The claim was compared with the previous claim submitted by this company, and it was found that no part of the first claim is duplicated in the second.

In order to examine the alleged damage to the property by the firing of the 8-inch guns at Fort Armistead (there are no 10-inch guns at this post), the board adjourned to meet at the works of the Davison Chemical Company, Hawkins Point, Maryland, at 10, February 22, 1904. The president of the company was informed of this action and requested to be present, or designate some one to represent the company at the meeting of the board.

H. LA F. APPLEWHITE,
Captain, Artillery Corps, Recorder.

FORT HOWARD, MD., *February 27, 1904.*

The board met at the call of the senior member at 9 a. m.

Present, all the members.

The board was unable to meet on the 22d instant, owing to the fact that the Government boat (upon which the members were dependent for transportation) was unable to run on account of the ice and fog prevailing on the river. After that date, a meeting could not be held sooner, owing to the absence of the senior member on duty as a member of a general court-martial at Fort Monroe, Va.

The board then proceeded to Hawkins Point, Maryland, to the works of the Davison Chemical Company. Upon arriving at that place it was found that there was no representative of the company present to appear before the board. A letter had been addressed to the company, informing it of the intention of the board to visit the works of the company, but owing to delay in delivery of the letter no representative of the company was able to reach the works within a reasonable time to appear before the board.

The board therefore adjourned to meet at the call of the senior member.

H. LA F. APPLEWHITE,
Captain, Artillery Corps, Recorder.

FORT ARMISTEAD, MD., *March 3, 1904.*

The board met at the call of the senior member at 10.30 a. m.

Present, all the members.

The board then proceeded to the works of the Davison Chemical Company, which adjoins the reservation of Fort Armistead, Md. The president of the company had been previously informed of the intended meeting of the board, and upon the arrival of the board at the works it was joined by the president and superintendent of the company.

These gentlemen explained in detail to the board the construction of the Glover towers, the effect of the firing upon the towers, the repairs which it had been necessary to make—explaining the paper which had been submitted in support of the additional claim. The drawing hereto appended and marked "A" shows the construction of the towers, and the notes of the superintendent, appended thereto, show the repairs that have been made and the extent of the damage. The superintendent explained, in connection with their claim, the condition in which A Glover tower—which was examined by a previous board—had been found when torn down in October, 1903, the condition of the lead lining and the foundation—explaining in this connection that the acid which had escaped had leaked down through the foundation, thereby rendering many of the bricks of the foundation unfit for use and so weakening the foundation as to render it necessary to rebuild it.

Accompanied by the superintendent, the board then made a careful examination of the towers to which the alleged damage had been done, special attention being paid to the parts where the gas had eaten its way through the lead. It was found that the lead collar around the pipe leading from the furnace into the towers (both B and C) had given way and had been repeatedly patched. The condition of B collar appeared to be the worse. There were numerous other patches on the lead towers, most of them a short distance above the first purline, nearly all of which had been made within the past two or three months.

The board then returned to the office, and the president and superintendent stated that they had nothing further to submit to the board.

The board then at 11.45 a. m. proceeded to Fort Howard, Md., for deliberation.

The location of the chemical works with reference to the guns at Fort Armistead, Md., and the line of fire at the target practice in April, 1903, have been explained in the report of the board of officers which acted upon the first claim of this company.

In the opinion of the board damage was done to both B and C Glover towers by the firing of the 8-inch guns at Fort Armistead, Md., in April, 1903. The exact extent of this damage can not be determined until the towers are torn down, but the nature of the damage is such that it is only a question of time when the towers must be torn down and rebuilt. As shown by the visible results, the damage done is evidently as claimed by the company; and in the opinion of the board the claim of the company is reasonable both as to quantities and to prices. The board approves the entire claim for damages ($8,000), and to this extent it is of the opinion that the Davison Chemical Company has a valid additional claim for alleged damage done their property at Hawkins Point, Maryland, by the firing of the 8-inch guns at Fort Armistead, Md., in April, 1903.

There being no further business before it, the board, at 1 p. m., adjourned sine die.

FRANK THORP,
Lieutenant-Colonel, Artillery Corps, Senior Member.
OTHO W. B. FARR,
Captain, Artillery Corps, Member.
H. LA F. APPLEWHITE,
Captain, Artillery Corps, Recorder.

An estimate for the payment of the two claims of the Davison Chemical Company, aggregating $13,460, as found due by the two boards of Army officers referred to, was transmitted to Congress by the Secretary of War April 6, 1904, of which the following is a copy:

"Estimates of appropriations required for the service of the fiscal year ending June 30, 1905, by the Secretary of War.

"WAR DEPARTMENT.

"MISCELLANEOUS.

"Payment of damages to private property by gun firing, etc.—
For payment to the Davison Chemical Company, of Baltimore, Md., for damages to their sulphuric acid plant, located at Hawkins Point, Maryland, by reason of the firing of high-power guns at Fort Armistead, Md., in April, 1903 (submitted)..... $13,460

"NOTE.—The above amount constitutes the sum total of two claims presented to the Department by the Davison Chemical Company for damages to their sulphuric acid plant, as stated above.

"On August 7, 1903, this company claimed the sum of $6,260 as total damages to their plant, as far as could be ascertained at that time, this amount being itemized as follows: To rebuild Glover tower A, $3,310; to rebuild No. 3 chamber A, $1,700; and to sundry damages and repairs, $1,250, each of these three features of the claim being itemized in detail.

"In accordance with departmental usage, a board of officers was convened to personally examine into and report upon the claim. The board found that, omitting an item amounting to $800 for damages to foundation of Glover tower A, the balance of the claim, amounting to $5,460, was well founded, and that 'to this extent the board is of the opinion that the Davison Chemical Company, of Baltimore Md., has a valid claim for alleged damage to their property at Hawkins Point, Maryland, by the firing of 8-inch guns at Fort Armistead, Md., in April, 1903.' The finding this board was approved by the commanding general, Department of the East, October 6, 1903.

"On February 4, 1904, the company presented an additional claim for $8,000 with the statement that its prior claim was made as explicit as it was possible to make it at that time, the superintendent of the company suggesting that the injuries complained of were difficult of detection at once and until the fires could be drawn and the towers examined the extent of the damage would not be fully known. The company therefore claimed an additional amount of $8,000 for rebuilding Glover towers B and C.

"Another board of officers was convened to consider this claim, careful instructions being given that the fullest comparison should be made with the prior claim to prevent any duplication in the award of damages. This board found that damage was done both to B and C Glover towers by the firing of 8-inch guns at Fort Armistead, Md., in April, 1903; that 'The exact extent of this damage can not be determined until the towers are torn down, but the nature of the damage is such that it is only a question of time when the towers must be torn down and rebuilt. As shown by the visible results, the damage done is evidently as claimed by the company, and in the opinion of the board the claim of the company is reasonable both as to quantities and to prices. The board approves the entire claim for damages ($8,000), and to this extent it is of the opinion that the Davison Chemical Company has a valid additional claim for damage done their property at Hawkins Point, Maryland, by the firing of the 8-inch guns at Fort Armistead, Md., in April, 1903.'

"In view of the painstaking investigation made of the two claims by these boards of officers, the total amount, $13,460, found by them as the aggregate damages sustained by this company is recommended by the Department to the favorable consideration of Congress."

Your committee append hereto an itemized sworn statement of Mr. John Luntz, secretary and treasurer of the Davison Chemical Company, showing the total cost of reconstruction of the towers and kilns at said company's plant, and also a sworn statement of Mr. George R. Tyrrell, the contractor who reconstructed said towers and kilns.

The evidence in this case, herein set forth, is conclusive to the minds of your committee that in April, 1903, by reason of the firing of high-power guns upon the Government reservation known as Fort Armistead, in Anne Arundel County, Md., three towers known as Glover towers A, B, and C, also eight kilns, were injured by the concussion of said guns to such an extent as to render the said towers and kilns unfit for the manufacture of sulphuric acid, and that said towers and kilns had to be rebuilt and were rebuilt at the expense of the Davison Chemical Company, in amount $15,456.82, a sum in excess of the total claims of said company.

Similar claims have been reported from time to time by the Secretary of War, a number of which were paid under the provisions of an act of Congress approved February 24, 1905, public act 99, third session

Fifty-eighth Congress, page 68, but for some reason, without prejudice to the claim of the Davison Chemical Company, its claim was not included among those for which appropriation was made at that time.

We therefore think it just that this claim should be paid, as recommended by two boards of Army officers, and the passage of the bill is recommended.

BALTIMORE, MD., *February 16, 1906.*

I, John Luntz, secretary and treasurer of the Davison Chemical Company, make oath that the following statement is correct, and that the sum total of said statement, $15,456.82, has been paid by me to this date for reconstruction of towers and kilns at the Hawkins Point plant which were damaged by the firing of high-pressure guns at Fort Armistead in April, 1903:

Bricks	$860.45
Chemical bricks	2,268.97
Lead	2,137.26
Lumber	54.95
Cement	228.70
Sundries	79.97
Labor	9,826.52
	15,456.82

Respectfully submitted.

[L. S.] JOHN LUNTZ,
Secretary and Treasurer.

STATE OF MARYLAND, *City of Baltimore, to wit:*

On this 16th day of February, 1906, before me came John Luntz, to me well known, and known to me to be the secretary and treasurer of the Davison Chemical Company, of Baltimore city, Md., and made oath in due form of law that he is the secretary and treasurer of said Davison Chemical Company; and that the aforegoing statement by him signed as such officer is just, true, and correct.

Witness my hand and notarial seal.

[L. S.] FELIX R. SULLIVAN,
Notary Public and United States Customs Notary.

My commission expires in May, 1906.

I, George R. Tyrrell, being duly sworn, depose and say that I am a resident of the city of Baltimore, Md.; that I make a specialty of the construction of chemical plants for the manufacture of sulphuric acid; that I was engaged by the Davison Chemical Company, of Baltimore city, Md., and did contract with said company for the construction of three towers at said company's plant, located at Hawkins Point, Anne Arundel County, Md., said towers being designated as A, B, and C Glover towers, which were damaged by reason of the firing of high-pressure guns at Fort Armistead, in close vicinity to said plant; that between the dates of October 26, 1903, and December 1, 1903, I reconstructed A tower, aforesaid; that between the dates of September 17, 1904, and November 12, 1904, I reconstructed B tower, aforesaid; that between the dates of October 7, 1904, and December 6, 1904, I reconstructed C tower, aforesaid.

I further depose and say that of my own personal knowledge and experience the life of a Glover tower, properly cared for, is twenty years; and that I originally constructed the A and B towers in 1895 and the C tower in 1898.

GEORGE R. TYRRELL.

Subscribed and sworn before me, Benjamin Vail, a notary public for the District of Columbia, in and for the District of Columbia, this 2d day of April, A. D. 1906.

[L. S.] BENJ. VAIL, *Notary Public.*

PUBLIC EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. The Senator from Nebraska [Mr. BURKETT] desires to make a request, and I yield to him for that purpose.

Mr. BURKETT. I ask unanimous consent that the bill (S. 4032) to establish the direction and control of public education in the District of Columbia be set down for consideration on Wednesday morning, immediately after the routine business.

Mr. KEAN. I trust that will not be done. I object.

Mr. BURKETT. Then I should like to give notice that on Wednesday morning, after the routine business, I am going to move to take up the bill.

OCEAN MAIL SERVICE.

Mr. GALLINGER. Mr. President, I ask that Senate bill No. 28 be laid before the Senate.

The VICE-PRESIDENT. The Chair lays the bill before the Senate.

The SECRETARY. A bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GALLINGER. Mr. President, when the shipping bill was before the Senate during the last session I presented and had printed a large number of resolutions adopted by various trade and commercial organizations in the country in favor of that bill. I have recently had handed me resolutions adopted by the Cincinnati Chamber of Commerce, the Spokane Chamber of Commerce, the Louisville Board of Trade, the Commercial Club of Topeka, Kans., the New York Chamber of Commerce, and the Indianapolis Board of Trade, in support of the bill which is now under consideration. I ask that these resolutions be printed, without reading, as a part of my remarks.

The VICE-PRESIDENT. Without objection, it is so ordered.

The resolutions are as follows:

Resolutions adopted by Cincinnati Chamber of Commerce, November 5, 1907.

Whereas the industrial interests of Cincinnati, as well as other localities, are largely affected by transportation and mail facilities with foreign countries incident to the great extent of export business in lines of manufactures and otherwise; and

Whereas the feature of time and of frequency in the transmission of communications upon which business interests are dependent is one of especial importance, so that whatever may serve to lessen the period of time necessary to consummate such communication by mail facilities has a direct bearing upon the industrial interests of our locality and of the country: Therefore be it

Resolved, That to the end of securing facility for more frequent mail communication between the United States and South American ports the rate of pay for ocean mail service now provided for ships of the first class, under the act of March 3, 1891, not to exceed $4 a mile, shall be applicable to ships of the second class, now allowed a rate of $2 a mile, which rate for ships of the second class has failed to induce the needful mail service from them: Therefore

Resolved by the Cincinnati Chamber of Commerce, That Congress be urged to authorize the Postmaster-General, at his discretion, to apply to ships of the second class the same rate of mail pay provided for ships of the first class when such allowance to second-class ships will secure extension of mail facilities with South American and oriental ports.

Resolved, That copies of this resolution be sent to the Secretary of Commerce and Labor, to the Postmaster-General, to the Secretary of State, and to each Congressman from Ohio, and that said Members of Congress be, and are hereby, earnestly requested to use their best endeavors to secure the legislation suggested in these resolutions.

Resolutions adopted by Spokane Chamber of Commerce December 10, 1907.

Resolved by the board of trustees and members assembled of the Spokane Chamber of Commerce, That we most heartily indorse the sentiments expressed by the Merchant Marine League of the United States relative to the vital need of national legislation to encourage the building of merchant ships by American capital and the manning of same by American seamen.

The lack of American owned and manned freight-carrying ocean vessels, if allowed to continue, would be a menace to our naval efficiency in time of war. We believe that Government aid, properly safeguarded, is imperative if the commercial life of the nation is to reach its fullest development.

Resolutions adopted by Louisville Board of Trade December 11, 1907.

Resolved by the board of directors of the Louisville Board of Trade, That Congress be urged to pass the amendment to the ocean-mail act of 1891, recommended by the President, authorizing the Postmaster-General, within the restriction and obligations of the act, to contract with steamers with a speed of 16 knots or over, for transportation of mails to South America and oriental ports, at a rate not to exceed $4 per mile.

Resolved further, That copies of the resolution be forwarded to the Secretary of Commerce and Labor, to the Secretary of State, to the Postmaster-General, and to the Senators and Representatives from Kentucky, asking them to use their best efforts to secure the legislation desired.

Resolution adopted by Commercial Club of Topeka, Kans., December 17, 1907.

Resolved by the Commercial Club of Topeka, Kans., That we are in favor of national legislation for the upbuilding of our shipping communication with foreign countries, as advocated by the Merchant Marine League of the United States, and that we specially favor swift and regular American ocean mail lines to South America and the Orient, and that the rates of compensation for ships of speed suitable for South American and Orient service be so increased that American merchants can ship American-made goods on vessels as good as those now run from Europe under the mail pay of European Governments.

Resolutions adopted by New York Chamber of Commerce January 2, 1908.

Whereas the Chamber of Commerce of the State of New York on December 6, 1906, expressed itself in favor of the payment of a liberal postal subsidy for the establishment of quick, frequent, and direct mail communication with the countries of South America as one of the elements of importance in the promotion of commercial intercourse with these countries: Now therefore be it

Resolved, That the Chamber approve of the bills S. 28, introduced by Mr. GALLINGER, and H. R. 4068, introduced by Mr. HUMPHREY, authorizing the Postmaster-General to pay for ocean mail service, under the act of March 3, 1891, in vessels of the second class on routes across the Pacific Ocean, or to ports of the South Atlantic, 4,000 miles or more in length, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class, as provided in said act.

Resolutions adopted by Indianapolis Board of Trade November 21, 1907.

Whereas the industrial interests of Indianapolis, as well as other localities, are largely affected by transportation and mail facilities with foreign countries incident to the great extent of export manufactures and otherwise; and

Whereas the feature of time and frequency in the transmission of communications upon which business interests are dependent is one of especial importance, so that whatever may serve to lessen the period of time necessary to consummate such communications by mail facilities has a direct bearing upon the industrial interests of our locality and of the country: Therefore be it

Resolved, That to the end of securing facility for more frequent mail communication between the United States, South American, and oriental ports the rate of pay for ocean mail service now provided for ships of the first class, under the act of March 3, 1891, not to exceed $4 a mile, shall be applicable to ships of the second class, now allowed a rate of $2 per mile, which rate for ships of the second class has failed to induce the needful mail service for them: Therefore

Resolved by the Indianapolis Board of Trade, That Congress be urged to authorize the Postmaster-General, at his discretion, to apply to ships of the second class the same rate of mail pay provided for ships of the first class when such allowance to second-class ships will secure extension of mail facilities with South American and oriental ports.

Resolved, That copies of these resolutions be sent to the Secretary of Commerce and Labor, to the Postmaster-General, to the Secretary of State, and to each Congressman from Indiana, and that said Members of Congress be, and are hereby, earnestly requested to use their best endeavors to secure legislation suggested in these resolutions.

Mr. GALLINGER. Mr. President, when the shipping bill of the last Congress was defeated by a filibuster I closed the debate in these words:

I want here and now to give notice to my associates in this Chamber that so long as I am privileged to remain in public life I shall not be quiescent while this condition of things exists, but in the future I will exert myself to the utmost to secure legislation on this most important subject. I am gratified to have assurances from certain Senators on the other side of the Chamber that they will cooperate with those of us on this side who desire legislation in bringing about the passage of a bill on substantially the same lines upon which the bill under consideration is framed. I have hopes of a satisfactory result in the next Congress, and I know that I shall have the cooperation of some distinguished Senators who have heretofore been in opposition in securing the passage of wise and just legislation for the purpose of rehabilitating the American merchant marine.

When those words were spoken we were considering a bill that had passed the Senate and had been amended by the House of Representatives, the amendments making it substantially an ocean mail bill. The bill fell far short of meeting my views, but it seemed to be all that could possibly then be secured, and I am persuaded that nothing further can be hoped for at present. Believing that to be so I presented a bill early in this session providing a change in the ocean mail act of 1891 which, in my judgment, will establish satisfactory steamship communication between this country and South America, and also across the Pacific Ocean to the Philippines, China, Japan, and Australasia. The bill, as amended by the Committee on Commerce, reads as follows:

That the Postmaster-General is hereby authorized to pay for ocean mail service under the act of March 3, 1891, in vessels of the second class on routes to South America, to the Philippines, to Japan, to China, and to Australasia, 4,000 miles or more in length, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class as provided in said act.

The present compensation to mail vessels of the first class (20-knot steamships) is $4 per mile for the outward voyage, and to second-class steamships (16 knots and less than 20) $2 per mile. Under this law it has been impossible to maintain lines of steamships across the Pacific Ocean and to South America, which condition will be remedied by the proposed change in the law. When the bill of 1891 passed the Senate a more liberal compensation was provided for second-class steamships, but it was amended by the other House to the rates now allowed, which have proved, as was predicted at the time, inadequate for the purpose.

In his annual message to the two Houses of Congress at the beginning of the present session the President warmly advocated legislation along the lines now contemplated, and the Postmaster-General and the Secretary of the Department of Commerce and Labor strongly approve of the bill now under consideration. Secretary of State Root has also convincingly pointed out the inadequacy of our mail service to South American countries. (See report of Senate Committee on Commerce, made February 3, 1908.)

The bill raises no new issue, introduces no new principle. It leaves existing and prosperous steamship services exactly as they are now, and without changing one iota the tried and approved methods of the present law increases the compensation on routes which seventeen years of experience have conclusively proved to be inadequate—the long, costly, and important routes to South America and the Orient, the routes where our lack of steamship service is severest, and our need of such service most imperative.

A DEPLORABLE CONDITION.

Not one American steamship of any kind now runs to Brazil or Argentina or Chile or Peru. An American mail service to those southern countries is absolutely nonexistent. Not one American steamship now runs from either our Atlantic or our Pacific coast to Australasia. The mail service to both of these continents must be created from the very beginning. Five American steamers of the Pacific Mail now run across the Pacific to Japan and China, but only one of these goes regularly to the Philippines. One American steamer of the Great Northern Company, and two of the Boston Steamship Company run from Puget Sound to Japan, China, and occasionally to the Philippines, but it is understood that two, if not three, of these vessels are for sale, and that at any time, unless relief is given to them, the service may be totally abandoned. The general manager of the Pacific Mail Company stated before the Society of Naval Architects and Marine Engineers a few weeks ago that the fifty-year-old charter of his company, soon to expire, might be surrendered, and the line withdrawn within a twelvemonth.

Last March there were fifteen American steamships plying across the Pacific Ocean. Now only eight are left. Since the shipping bill of the last Congress was defeated almost one-half of our feeble American Pacific naval reserve has disappeared, and when Admiral Evans steers up through the Golden Gate from the Straits of Magellan we shall have the grotesque disproportion in the Pacific of two battle ships to every commercial vessel engaged in foreign trade—a sight which has never yet been seen beneath the sun.

And unless the new shipping bill is speedily passed, we shall see an even more grotesque disproportion than that—sixteen battle ships and not one commercial steamer in the Pacific away from the ports of the United States—for the remnant of our merchant marine in that mighty ocean is now facing the absolute extinction which long since overtook our commercial fleet on the routes to South America.

I am confident, however, that there will be a strong, patriotic majority in both Houses of Congress to sustain the new legislation which is proposed, and which the business interests of the entire country so eagerly and unitedly support. This bill, so brief and yet so potent, will save and strengthen our Pacific lines of communication, and create new lines to the Southern Hemisphere. I predict that if it becomes a law it will promptly establish a line from the Atlantic coast to Brazil, another line to Argentina, a line from the South Atlantic or Gulf coast to South America, and similar communication in the Pacific Ocean. It can do substantially all this for an expenditure not exceeding three or four million dollars a year, about half of what England and France now pay for their steamship service, less than what Japan pays, and no more than the present annual net profit derived by the Treasury from the now meager and unsatisfactory ocean mail service of the United States. The British postmaster-general puts the British loss on the foreign transportation of British mails at about $2,000,000 annually, while in the last fiscal year we made a profit of $3,600,000 on the carriage of our foreign mails. Why should not at least this amount be expended in a way to encourage the building of American ships for the foreign trade? And while we would thus be building up our commercial facilities, we would at the same time be adding to the naval strength of the Republic.

THE LOST AUSTRALIAN LINE.

Let us see what has happened since the defeat of the shipping bill last March.

In the first place, on March 9, five days after the adjournment of Congress, the Oceanic Steamship Company of San Francisco notified the Post-Office Department that it should withdraw its line to Australasia. This line had been operating under the ocean mail law of 1891, and after five years of trial had found the rate of compensation for 16-knot steamers utterly inadequate on the long and costly route of 8,329 statute miles from the Golden Gate via Hawaii far down across the South Pacific to Samoa, New Zealand, and Australia. The requirements of the mail contracts were such that the Oceanic steamers were forced to attempt to make a speed beyond their capacity over such a vast distance, a speed higher than that exacted over so long a route anywhere else in the world. And for this difficult and expensive service, this American company, employing well-paid American officers and crews, was given a compensation by the United States of only $16,659 a voyage, as compared with $41,604 given by Germany to the Australian liners of the North German Lloyd, $47,814 given by France to the French liners, $21,917 given by Japan to her Yokohama ships, and $23,077 by Great Britain to the Orient liners—all manned at half the cost, or less, of the American vessels, and allowed to proceed at lower speed.

In pursuance of the notification, the three Oceanic liners were taken off the route, their officers and crews dismissed, and the three ships dismantled and laid up in the Bay of San Francisco, where they now are. One of the three American steamship lines crossing the Pacific Ocean has thus absolutely disappeared since Congress adjourned last spring, our flag has vanished from the commercial routes of the South Pacific, our only communication with our naval station and garrison in Samoa is cut off, and three of the best passenger, mail, and freight ships are eliminated from the traffic between American Hawaii and the mainland of the United States. At a time when the thoughts of the American people and their Government are turning as never before to the Pacific Ocean and its commercial and political mastery, these things are happening, and three of the swiftest of our auxiliary cruisers in that ocean—ships built on especial designs approved by the Navy Department—are hauled up to rust at their anchors, while their brave officers and sailors, of whom there may at any time be imperative need, are sent over the side and told that there is no employment, no livelihood, for them under the flag of their country.

Meanwhile the business men of the United States wishing to communicate by mail with the energetic and prosperous merchants of Auckland and Sydney and the other commercial centers of the South Seas, have got to send their letters by a round-

about route in some British or Canadian steamer, subsidized with the direct understanding that its owners shall discriminate in every way possible against American trade and in favor of the trade of Great Britain and Canada. You can imagine what, under such circumstances, is likely to become of the export commerce of the United States to Australasia, built up in a few years from $12,000,000 to $29,000,000 a year, very largely by the direct communication afforded by this Oceanic Line, now abandoned by its government and driven from the seas.

TO SOUTH AMERICA VIA EUROPE.

One thing more has happened which ought to open the eyes of the American people. Soon after the bill of last winter was defeated the Post-Office Department was compelled to notify American business men that hereafter the United States mails for South Brazil and Argentina would have to be dispatched by way of Europe. There are fast ships running across the North Atlantic. There are fast foreign lines, all subsidized or aided in some other way, from Great Britain and the Continent direct to South America. The Post-Office Department has actually found that a more regular and efficient mail service may be secured by sending letters 3,000 miles across the Atlantic to Europe, and then across the Atlantic again to Rio de Janeiro and Buenos Ayres, than by way of the slow, irregular, uncertain foreign "tramps" that occasionally sail from New York for South America.

Now, the North Atlantic ports of the United States are as near to Brazil and Argentina as are Liverpool, or Southampton, or London, or Hamburg, or Cherbourg. A fast American steamship service would enable American business men to have their letters and goods delivered in South American ports as quickly and regularly as are now the letters and goods of their European competitors—indeed, more quickly, for the ocean mail bill before Congress last spring and the bill before Congress now provides for American steamships faster on the average than those which Europe now sends out to South America.

But under this present arrangement—the direct result of the defeat of the shipping bill last March—American business men are 3,000 miles farther off from South American markets than their rivals of England, France, and Germany. American mails or American goods destined for the chief markets of South America, and sent via Europe, have to be sent a week or ten days ahead of European mail or European goods to secure equally prompt delivery—and this is true whether they are sent via Europe twice across the Atlantic, or from our ports direct in such poor apologies for steamships as the European shipping combinations may see fit to put upon the route from New York to South America.

With our commercial mails going out via Europe, there must also go in the same way, in subsidized auxiliary cruisers of foreign governments, the confidential dispatches of our Department of State to its representatives in the South American Republics, and the confidential instructions of the Navy Department to our admirals and captains on the South American coasts. Such a thing as this, as the Postmaster-General pointed out a year ago in his annual report, is contrary to the public interest—and it is a great deal worse than that. The great battleship fleet of the United States, now on its way toward San Francisco, will find the Stars and Stripes almost unrecognized and unknown in the great ports of our sister nations of the southern hemisphere. Our consul-general at Rio de Janeiro, in a report of March 18, 1907, declares that out of a thousand steamers of a total of 2,468,000 tons that entered the chief port and capital of Brazil last year, not one flew the American colors, and our consul-general at Buenos Ayres in a report of May 20, 1907, states that two thousand steamers of a total of 4,227,000 tons entered the chief port of Argentina last year, and that "The American flag is not mentioned in the returns!" And what a commentary it is on our present condition on the seas, and what a reproach it is to the American nation, that Secretary of State Root, on his recent visit to South America, found it necessary to go in a battle ship instead of a commercial steamship.

A prominent American, who recently had occasion to go to Valparaiso on important business, a gentleman well known to many members of this body, in a letter thus describes the poor service furnished by foreign vessels to South America:

> The first steamer sailed from New York on September 7, and I reached Colon on September 16. The first steamer leaving Panama sailed on the 21st. You may understand the annoyance to which I was subjected when I state that I was from September 21 until October 17, twenty-seven days, in going to Valparaiso, a distance in round numbers of 3,000 miles. I was forty-one days from New York to Valparaiso. The accommodations are wretchedly inferior for passenger and mail service on the Pacific coast between Panama and Valparaiso. There are two steamship companies that control the traffic, the South American Steamship Company (Chilean) and The Pacific Steam Navigation Company (British). The companies have formed a combination, and they offer the poorest kind of service. In 1889, when I first came to this coast, the trip from Panama to Callao was made regularly in nine days, and now it takes from fourteen to sixteen. Many of the same steamers are still in commission, and naturally they are old, dirty, and inconvenient, besides overburdened with traffic. Freight and passenger business on the line has doubled, I am told, in the last five years, and rates have also increased. It now costs $210 American money for a ticket from Panama to Valparaiso, whereas the price fifteen years ago was $150. Both companies have so much trade that they can not handle it and seem to be incapable of improving the service. Both are getting enormous profits, and yet do not offer to the public as good accommodations as they did fifteen years ago. When I went to the United States last May, I took an English ship, the *Oransa*, that went south to the Straits of Magellan, through the Straits to the Atlantic, and thence to Liverpool. Afterwards I sailed from Southampton for New York, and I made the entire trip, a distance of 13,000 miles, in exactly forty-one days. By a strange coincidence, it took me exactly the same time, forty-one days, to come from New York to Valparaiso, a distance of 5,000 miles. The route via Europe was in clean, up-to-date steamers that wasted no time. The west-coast trip was in very inferior steamers that made more than twenty stops, sometimes for three days at a time, for the purpose of picking up cargo. I can not too strongly urge the necessity of some movement that will result in better steamship facilities on the coast. Improvement in American trade in these countries is practically impossible under present circumstances. If a good line of American steamers can be put on this route it will revolutionize conditions and bear rich fruit for American interests.

In view of these facts, need we wonder that in spite of the Monroe doctrine we are being quietly shouldered out of the South American republics by other peoples whose governments understand the intimate relations between ships and trade? Great Britain, France, Germany, Italy, Spain, have long had their own steamship lines to South American markets. Japan had no sooner closed her victorious war with Russia than she subsidized into existence a steamship line across the Pacific to Peru and Chile, and our consuls note that this is about to be extended to Argentina and Brazil. What a mockery of fate it is that the people of a hermit nation, which the United States sixty years ago first opened and introduced to the modern world, should now be able to boast better, more regular, and more direct shipping facilities of their own to South America than are provided for the manufacturers and merchants of the United States.

Nor is Japan alone in a new reaching out for the markets of South America. Portugal, since last spring, has taken steps to subsidize a new trans-Atlantic line. France has started a new line into the Caribbean. Canada now gives subsidies to her own lines down both the Atlantic and Pacific coasts of Mexico, one condition being that they shall take no goods from American ports. Even little Norway and Sweden are starting their own Latin-American steamship services by national aid, and on October 11 last the Lower House of the Dutch States-General passed a bill providing for a subvention for a Dutch steamship line to Brazil and Argentina.

Meanwhile the Government of the United States, with more natural right to dominant trade and influence in South America than all these little nations and all the great nations of Europe combined, signalizes its impotence by throwing up its hands and ordering that its commercial and Government mails be sent out to South America via Europe!

FOREIGNERS COALING THE BATTLE FLEET.

And this is not the worst. The most smarting and humiliating episode of the entire year is the revelation which the Pacific cruise of the great battle-ship fleet is affording, that our merchant marine is now shrunk to such a skeleton that it does not contain enough ocean-going steam colliers to provide the indispensable fuel for our battle ships on their voyage from the American port of Hampton Roads to the American port of San Francisco. We have barges and coasters, hundreds of them, but almost no deep-water freight ships of the kind requisite to accompany and supply a battle-ship fleet. So the Navy Department has reluctantly chartered foreign steamers to perform this national service, and to the humiliation of the absence of our own commercial flag from the ports of South America which the battle-ship fleet will visit is added the humiliation of the presence there of these attendant colliers, flying the flags and manned by the subjects of European governments.

But it should be said in all justice to the Navy Department and the National Administration that for this humiliation they can not be blamed. The President in his messages and other public declarations has set forth clearly and forcibly the imperative need of a merchant marine as a naval reserve, and so in his annual report has every Secretary of the Navy for a long term of years. It is not the Executive nor the Navy Department, but Congress, that is responsible for this deplorable condition.

Moreover, this significant fact should be borne well in mind, that though we can use foreign colliers to supply our fighting Navy in time of peace, we could not do so in actual war. The laws of neutrality would forbid the borrowing of foreign ships and foreign crews, and even if secured, these foreign ships and crews could not be trusted to perform loyal and efficient service.

We discovered this fact in the war with Spain, when foreign ships which we had managed to secure at a tremendous price before the outbreak of hostilities were promptly deserted by their officers and men, and the ships could not be employed to carry coal or anything else until they were turned over to Americans. If there were war now instead of peace, our lack of colliers manned by our own people under our own flag might fatally delay or absolutely prevent the transfer of the battleship fleet from the Atlantic to meet an enemy sweeping down upon the Philippines, Hawaii, Puget Sound, and San Francisco. If we were once face to face with this calamity, the record of the votes in Congress upon successive bills to protect the merchant marine and create a naval reserve would tell an illuminating story to the whole American people.

PRESENT CONTRACT LINES.

Besides the payment of $1,481,915.86 to American steamships under contract, the Post-Office Department paid to noncontract American steamships the sum of $247,834.47, at the rate prescribed by law, which is $1.60 a pound for letters. These noncontract American steamships run principally to Caribbean ports and across the Pacific Ocean.

The American contract lines operating under the law of 1891 received compensation in the fiscal year ended June 30, 1906, as follows:

American Line to Europe	$762,638.40
Oceanic Line to Australasia	249,885.00
Oceanic Line to Tahiti and Marquesas Islands	42,180.00
Ward Line to Cuba and Mexico	203,282.00
Red D Line to Venezuela	109,155.80
American Mail Line to Jamaica	114,774.66
Total	1,481,915.86

The American Line to Europe operates 20-knot steamers of the first class, and receives a compensation of $4 a statute mile for each outward voyage.

The Oceanic Line to Australasia, which has suspended its service because of inadequate compensation, operated 16-knot steamers of the second class, and received $2 a mile outward. The Oceanic company operates third-class steamers of 14 knots on the route to Tahiti and the Marquesas Islands, and receives $1 a mile.

The Ward Line to Cuba and Mexico operates 17 and 18 knot steamers of the second class, but receives only the third-class mail pay of $1 a mile.

The Red D Line to Venezuela operates 14-knot steamers of the third class and 12-knot steamers of the fourth class, and receives $1 a mile for its 14-knot steamers and 66⅔ cents a mile for its 12-knot steamers.

The American Mail Line to Jamaica operates 15-knot steamers of the third class, but receives only pay for the fourth class, or 66⅔ cents a mile.

WHAT WOULD BE SAVED.

The Post-Office Department, in the fiscal year ended June 30, 1906, paid the sum of $28,671.03 to foreign steamers, most of them slow and unfit for mail service, and run on irregular schedules from ports of the United States to Brazil, Argentina and other South American countries. This is payment for a slow, uncertain, wretchedly inefficient and unsatisfactory service in foreign vessels, mostly of the "tramp" type, which would not be allowed to carry the mails of their own European governments, a service seriously hampering our trade and discrediting our Government in South America. Besides this sum a considerable amount, not now separately stated in the post-office returns, is paid for the carrying of our mails to Europe, and their dispatch thence by subsidized European lines to Brazil and Argentina, thus crossing the ocean twice to reach their destination.

On the Pacific Ocean the Post-Office Department in the fiscal year ended June 30, 1906, paid to a few noncontract American steamships for carrying the mails to the Orient the sum of $114,250.72. To foreign steamers on the Pacific, for carrying our mails to the Orient, the Post-Office Department paid in the same year the sum of $40,932.95—most of these foreign steamships being, in addition, generously subsidized by their own governments. Thus the Japanese line to Seattle receives a subsidy of $327,015 a year, and the Japanese line to San Francisco, $506,940. Besides, the Post-Office Department is now paying a considerable amount, not separately specified, to the Canadian-Pacific line, under the British flag from Vancouver to the Orient, which receives a subsidy of $300,000 a year, and to the Union Steamship Company of New Zealand (British) from Vancouver to Australasia, which receives a subsidy of $321,189.

Most of the sums of money now expended for carrying the mails in foreign steamships to South America and in noncontract American and foreign steamships across the Pacific Ocean would be saved by the passage of this bill and the establishment of superior American mail lines to those countries. We should get a great deal better service for the money. For example, 16-knot American steamships to South America from our Atlantic or Gulf coast should deliver our mails in 15 days at Rio Janeiro and 18 days at Buenos Ayres, while the slow foreign "tramps" now employed take 25 or 30 days or even more for the same voyages. Some of the ships of foreign registry now carrying our mail on the Pacific are of 14 knots or even 12 knots.

Moreover, all experience shows that an improved mail service soon brings increased returns in an expanded commerce and growing postal receipts. Thus, our long-established 20-knot American contract line to Europe, in the fiscal year 1906, received, under its contract, a compensation of $762,638.40, at the rate of $4 an outward mile. But these ships carried so much mail that if they had been paid at the regular weight rate they would have received $910,542.48. In other words, this 20-knot line of weekly mail steamers actually returned a profit to the Government of $147,904.08, this being the excess of the sea and inland postage over the cost of the contract service.

In the fiscal year ended June 30, 1902, the postage received by the Government on the mails carried under contract by the Oceanic Line to Australasia amounted to $71,341.12. In the fiscal year ended June 30, 1905, the postage on the mails carried by these same steamers amounted to $93,065.84. Better facilities for communication naturally and inevitably increase the volume of communication, and the actual net cost of the new mail lines that would be established under this bill would be constantly decreasing with the increase in trade with South America, Australasia, and the Orient. Besides the increased receipts from postage, due to an increased commerce, the United States, under this bill, would receive the further advantage of having constantly at hand a fleet of auxiliary cruisers, American built and American manned, ready to reenforce our fighting navy and to transport our troops in time of war. The ocean-mail law of 1891 requires that all the ships of the first three classes carrying the mails under these contracts shall be designed and constructed with especial reference to this auxiliary service. The foreign ships now carrying our mails would be available in war for use not for us, but against us.

PROVISIONS OF THE LAW OF 1891.

The ocean-mail law of 1891, of which this proposed bill is an amendment, applies to the new ocean-mail routes which may be established under this bill if enacted. This law of 1891 requires—

1. That the contracts under it shall be awarded only to American citizens for steamships of American registry, for a term of not less than five nor more than ten years, these contracts being given, after due public advertisement, to the lowest responsible bidder, and the mail service "to be equitably distributed among the Atlantic, Mexican Gulf, and Pacific ports."

2. The steamships shall be American-built, owned and officered by American citizens and manned during the first two years of a contract by crews at least one-fourth of whom are Americans, during the next three years one-third Americans, and thereafter at least one-half Americans.

3. The steamships of the first, second, and third classes—that is, of at least 20, 16, and 14 knots, respectively—employed under these contracts "shall be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, and according to plans and specifications to be agreed on by and between the owners and the Secretary of the Navy, and they shall be of sufficient strength and stability to carry and sustain the working and operation of at least four effective rifled cannon of a caliber of not less than six inches, and shall be of the highest rating known to maritime commerce." The latest ships built under this law of 1891, four 18-knot Ward liners for service to Cuba and Mexico, are especially constructed to carry batteries each of eleven powerful rapid-fire guns.

4. The compensation for mail service shall not exceed $4 a mile outward for ships of the first class of at least 20 knots speed and 8,000 tons gross register; $2 a mile for ships of the second class of at least 16 knots speed and 5,000 tons gross register; $1 a mile for third-class ships of at least 14 knots speed and 2,500 tons gross register; and 66⅔ cents a mile for ships of the fourth class of at least 12 knots speed and 1,500 tons gross register. The present bill increases the compensation only of second-class ships on routes more than 4,000 miles in length to South America, Japan, China, the Philippines, and Australasia.

5. Payment is deducted for voyages omitted and penalties imposed for delays or irregularities, and no steamship performing a contract shall receive any other subsidy or bounty from the United States.

6. These contract steamships must take as cadets or appren-

tices one American-born boy for each 1,000 tons gross register and one for each majority fraction thereof—these boys to be educated in seamanship and rank as petty officers.

7. These contract steamers may be taken and used by the United States as transports or cruisers upon payment to the owners of the fair, actual value of the ships, any disagreement as to price to be settled by arbitration. Ships were actually taken without trouble under this provision in the Spanish war.

WHAT THE UNITED STATES GAINS.

All of these requirements of the law of 1891 represent substantial advantages which the United States gains when it makes contracts with American ships, instead of giving mail pay on a basis of weight to noncontract American and to foreign vessels. Contract mail liners perform a distinct service for the Government beyond anything given by ordinary commercial ships when they employ crews a certain increasing proportion of whom are American citizens. Another distinct service is gained when these contract ships are designed and built in a way to fit them for auxiliary naval use in war. The officering and manning of the merchant marine and the auxiliary navy are provided for in the requirement, made of these contract mail ships alone, that they shall carry American boys to be instructed in seamanship. And these contract mail steamships only are under obligation to be taken by the Government at a price to be fixed by arbitration, in war.

These are considerations, besides the very great improvement in the postal service, that deserve to be taken into account in estimating the increased cost of such a service. The United States pays more, but it receives more. Moreover, it should be remembered that the estimates of the cost of the new lines to be established under this bill are statements of the maximum expenditure that can not possibly be exceeded on any given route. As the Committee on Commerce stated, in ordering a favorable report upon this bill:

> The actual bids of steamship companies might be for smaller amounts, and would be sure to be for smaller amounts, if there were several bidders. Moreover, the Postmaster-General, in his discretion, might decline to pay more than $3 per mile if he believed that this rate was sufficient compensation to secure a service; thus, the present contract mail line to Cuba and Mexico is paid only $1 a mile, though it operates 17 and 18 knot steamers of the second class, which would be entitled to $2 under the law as it now exists. This is a short route, and the American postal line has become firmly established and prosperous.

As an illustration of that, Mr. President, the Ward Line from New York to Mexico and Cuba, which is entitled to $2 a mile under the law of 1891, actually receives only $1 a mile, it being willing to perform the service for that amount.

So, also, on the contract line to Jamaica, though the Postmaster-General is authorized by law to pay $1 a mile for 14-knot steamers, he actually secures the services of 15-knot steamers for 66⅔ cents a mile. These short routes to the West Indies are easier and less expensive to operate. American shipping has retained a firmer hold there. Coal is much cheaper than it is in distant foreign ports, and the ships required for the postal service do not need to be so large, capacious, and powerful. The experience of seventeen years has abundantly proved that the maximum present rate of $2 a mile outward for 16-knot ships will not procure the establishment of American postal service to South America, Australasia, and the Orient.

WHAT OTHER NATIONS PAY.

The total cost of the existing contract ocean mail lines of the United States in the fiscal year ended June 30, 1906, was $1,481,915.86. Since then the Oceanic Line to Australasia, whose mail pay was about $283,000 a year, has been suspended. This leaves the present actual expenditure of the United States on its contract and ocean mail lines about $1,200,000 a year. This is actually less than the sum ($1,330,000) the German Government gives in mail pay to a single steamship company, the North German Lloyd, for a service in 15-knot ships to Japan, China, and Australasia. It is less than the $1,650,000 which the British Government pays to a single British company, the Peninsular and Oriental, covering much the same routes. Yet it will not seriously be denied that the United States has even more at stake than Germany or Great Britain in the commerce of the great countries bordering the Pacific Ocean.

Altogether, the present British and colonial expenditure for postal and admiralty purposes, exclusively to British steamers, is now close to $6,000,000 a year. In the last sixty years Great Britain has expended from $250,000,000 to $300,000,000 in payments to her great ocean mail lines, now numbering about thirty and encircling the entire world.

France is paying about $5,000,000 a year on her ocean mail lines to her colonial and foreign markets. Japan is now expending about $4,000,000 a year for these same purposes.

If all the new ocean mail lines suggested in the report of the Committee on Commerce were established by the United States, the maximum expenditure on these services would be $3,630,370 a year, which, added to our present expenditure of about $1,200,000, would be about $4,800,000 a year, or less than either Great Britain or France is now devoting to her ocean postal service, and but little more than is now paid by Japan. It would be but about 5 per cent of the present annual expenditure upon our fighting navy, and less than one-sixth of 1 per cent of the annual value of the foreign commerce of the United States. And it must be kept in mind that the amount will be considerably reduced by the withdrawal of pay from foreign steamships and the increased postal revenue that will necessarily result from the establishment of American steamship lines to the countries with which we desire to increase our trade.

NUMBER OF SHIPS REQUIRED.

To equip fully the postal lines that would most probably be established under the terms of this bill to South America and across the Pacific Ocean, would require from twenty-five to thirty 16-knot steamships of the auxiliary-cruiser class, as follows:

	Number of ships.
Atlantic or Gulf coast to Rio de Janeiro (5,000 nautical miles)	5
Atlantic or Gulf coast to Buenos Ayres (6,000 nautical miles)	6
Pacific coast via Hawaii to Japan, China, and the Philippines (7,800 nautical miles)	6
Pacific coast direct to Japan, China, and the Philippines (6,500 nautical miles)	6
Pacific coast via Hawaii to Australasia (7,300 nautical miles)	4
Total	27

This estimate is on the basis of fortnightly sailings on the first four lines, or twenty-six outward voyages a year, and of sailings once in three weeks, or eighteen voyages a year, on the line to Australasia. It is possible that the line via Hawaii to the Orient would require seven ships instead of six, unless a speed of more than 16 knots was attained or very quick dispatch given at all ports of call.

In the Atlantic Ocean not one steamship of the requisite power and speed is now available, so far as is known, to operate a 16-knot mail service to South America. There are some 16-knot steamers, of 5,000 tons and upward, owned at Atlantic ports, but they are regularly engaged in the passenger and freight trade of the coastwise lines or are under contract to carry the mails to Cuba and Mexico, or are owned by the United States Government. It is practically certain that every one of the eleven steamships required for Atlantic-Gulf lines to South America would have to be designed and built before the lines could be established.

On the Pacific there are now five steamships of the Pacific Mail, of 16 knots speed, in service. One of these is small and old and likely soon to be discarded. There are also three 16-knot steamships of the former Oceanic Line to Australasia, laid up in San Francisco Bay. It is stated, however, that if this bill were passed, and the Oceanic Company resumed the Australasian route, it would sell these three steamships just as soon as larger and more powerful ships could be constructed. The three American steamers now running from Puget Sound to the Orient—one owned by the Great Northern Steamship Company and two by the Boston Steamship Company—are classified as 14-knot ships, and are apparently ineligible under the proposed bill.

More than twenty new and powerful steamships, built on designs approved by the Navy Department for auxiliary use in war, would, therefore, be added to the fleet of the United States by the legislation now proposed in the five routes indicated. The British port of Hongkong is now the terminus of most of the noncontract American steamers crossing the Pacific Ocean. The Post-Office Department would undoubtedly require contract ships to prolong their voyage to the American port of Manila.

THE SOUTH AMERICAN STEAMSHIP TRUST.

And now I beg to call the attention of the Senate to another phase of this subject. The trust question has been uppermost in the minds of the American people during the past few years. An American trust can be dealt with through the instrumentality of American laws, but a foreign trust is beyond our reach. That the commerce of South America is dominated by a foreign steamship trust is well known—a trust that can give rebates at pleasure, and that can and does lower and increase prices according to circumstances. I recall the fact, Mr. President, that last year when this subject was under debate the distinguished Senator from Massachusetts [Mr. LODGE] called attention in a very emphatic way to this foreign steamship trust. This trust is so powerful that not one American steamship and only fourteen American sail vessels took cargoes from our whole Atlantic coast for Brazil and Argentina in the first six months of 1906, and matters have not improved since. So far as steam-

ships are concerned this important American trade is now, and for several years has been, monopolized by a foreign shipping trust or combination, whose weapons are rebates, discriminations, and boycotting, and whose policies are dictated from Liverpool and Hamburg.

The following special cable appeared in the New York Herald of the 16th instant, only a few days ago:

HAMBURG, *Saturday*.—The conference held during the last three days in London by representatives of all the German and English steamship companies engaged in the trade between North America and Brazil, during which Herr Ballin, director general of the Hamburg-American company, acted as chairman, is reported to have resulted in an agreement by which the rate war, which has now lasted more than one year, is terminated. It is added that a community of interests in which all the companies participate has been created.

Some months ago Brazilian merchants, exasperated by the greed and inefficiency of the European steamship trust, whose meeting is described above, started a steamship line of their own in rather small, slow steamers, running once a month from Rio de Janeiro to New York. The European ship trust, that has long monopolized our carrying trade with South America, instantly declared a rate war on this Brazilian line, and sought to destroy it. It is this rate war, which temporarily on the days just before the sailing of the Brazilian steamers has brought freight rates down to a low figure, that is now ended at the meeting of the trust described above. It is, therefore, apparent that the trust rates of freight between the United States and Brazil will go back to their former high figure, a figure repeatedly complained of by American consuls and merchants as extortionate.

This meeting of the European steamship trust, just when this ocean-mail bill was coming up in Congress, brings out vividly the fact that English and German merchants, controlling entirely the steamship communication between this country and South America, are able to sit down in conference and dictate the terms at which the flour and provisions of Wisconsin, Minnesota and Nebraska and the agricultural machinery of Illinois are to be sold in the chief markets of South America.

Herr Ballin, described in the New York Herald dispatch as presiding at this meeting of the European ship trust, is the head of the great Hamburg-American Steamship Company of Germany, the greatest ship corporation in the world, which is said to be unsubsidized, but which has the powerful backing of the Imperial Government. Through Herr Ballin the Imperial Government at Berlin is able to say how much the manufacturers and farmers of America shall pay in freight rates to foreign steamships, in order to sell in the markets of Brazil and Argentina American products, competing with the products of Germany. It was this same Herr Ballin who, in our war with Spain, took several fast steamships out of his New York service—ships built for the American service and supported by the patronage of the American people—and sold them to the Spanish Government, to "burn, sink, and destroy" the commerce of the United States. One or two of these ships formed a part of the fleet which Spain fitted out at Cadiz, under Admiral Camara, to attack the squadron of Admiral Dewey, after the victory of Manila Bay.

It is the same Herr Ballin, head of this great shipping trust, who, whenever any measure for the upbuilding of an independent American shipping to compete with his trust appears before Congress, always issues a manifesto against it, sometimes coming to this country to distribute his arguments more widely among the American press. At the same time he takes advantage of the fact that there are almost no American ocean ships, and none at all in our trade with the great countries of South America, to operate a trust or combination of foreign shipowners.

The Hamburg-American Company, of which Herr Ballin is the head, is at this very time being accused before the Interstate Commerce Commission of maintaining a trust or combination "in restraint of trade" in our commerce with the northern ports of Europe. To this complaint of American merchants, Herr Ballin, through distinguished counsel, has made reply that the Interstate Commerce Commission has no jurisdiction over his company, or, in other words, that the United States Government is unable to protect its citizens and its trade against the oppressive acts of these European steamship trusts and combinations. It is directly at this South American trust or combination that this present bill is aimed. If it passes it will break this foreign ship monopoly by creating a line of American steamships, far superior in speed, regularity, and efficiency to the ships of the foreign trust, between the United States and South America. And these American ships, built, owned, and run by American citizens in American interests, and with their officers domiciled in this country, will be responsible to American law, and will have everything to gain by "fair play" with the American people and working to increase American commerce.

The issue is clear-cut between this European steamship trust on the one hand and the provisions of this bill for the upbuilding of an independent American steamship service to the great ports of the southern hemisphere on the other hand, and it is for Congress to decide the issue.

Consul-General Seeger, at Rio de Janeiro, spoke thus of this foreign steamship combination in a report in 1903, and the same conditions remain unchanged:

The united steamship companies which control the carrying trade between the United States and Brazil—the Lamport & Holt Line, the Prince Line, the Robert M. Sloman Line, and the Chargeurs Reunis—have agreed to raise their rates on coffee from Santos and Rio de Janeiro from 30 cents and 5 per cent primage per bag of 133 pounds to 35 cents and 5 per cent.

In an earlier report Consul-General Seeger had stated:

Since last August the freights have been raised and lowered and lowered and raised again to suit the purpose of the trust till they have reached their present level. * * * The trust has an agreement with coffee shippers here to pay them a rebate of 5 per cent at the end of every six months from the date of the agreement on all freights collected: *Provided, however*, That this rebate is forfeited in case the shippers give freight to any vessel not belonging to the trust during the period stipulated. Through this arrangement the trust controls the shippers, and American vessels go home in ballast.

A writer and traveler, Julian Haugwitz, in American Trade, has thus described the situation:

Our commerce with Brazil and the River Plata countries is at the mercy of such a shipping combine. Ostensibly four lines are competing in "serving" the route between New York and Pernambuco southward, viz, the Lamport & Holt Line, Prince Line, Norton Line, all British, and the R. M. Sloman Line, which is German. In reality, however, the management of these services is centralized in Liverpool, the freights are pooled, and the spoils divided.

At the head of this syndicate stands Lamport & Holt, of Liverpool, a powerful firm, owning and managing over a hundred vessels. The ships engaged in the New York-South American service are mostly slow and obsolete, steaming 8 to 10 knots an hour, and yet the rates of freight levied on American cargo are nearly double those charged by the speedy, modern, elegant ships plying between Europe and the east coast of South America. Not a case of kerosene or a bag of coffee can escape paying toll to this freight ring, and there was more truth than comedy in the facetious request sent by a Rio shipper to the syndicate's agents at that port asking for a permit to ship some coffee on an outside vessel over their ocean. Numerous tramps or outsiders have been willing in Brazilian ports to take coffee to New York for 20 cents a bag instead of 40 cents, as now exacted. But whenever such a vessel has been placed on the berth the syndicate has promptly lowered its freight to 10 cents, besides boycotting the shippers patronizing the intruder.

A POLICY OF EXCLUSION.

Another way by which the syndicate tightens its grip on its victims is to offer them a graduated return on the freights paid at the end of the year, provided no case of infidelity has occurred. An example illustrative of the combine's methods of persuasion and the shippers' liberty of trade happened last fall, when a large coffee firm in Santos received an order for 20,000 bags of coffee from New York. The syndicate's freight charge was 40 cents a bag plus 5 per cent, but several outsiders were anxious to carry this cargo at 20 cents, which meant a saving of $4,000 to the exporter on this lot alone, and in the same proportion an economy of $1,000,000 to American coffee drinkers on the 5,000,000 bags imported from Brazil last crop year. The firm in question, having the freight room on hand at 20 cents, asked the syndicate to take the coffee at the same rate, and on the latter's refusal advanced its offer to 30 cents. The combine insisted on its full pound of flesh, and when the exporter accepted the tramp's charter the former dropped its rates to 15 cents and later to 10 cents for all other shippers, debarring this firm and one or two other strikers from shipping on the combined boats except at the full old rates.

The enormous advantages enjoyed by their less independent competitors, thanks to the combine's bounty, and worth thousands of dollars a day in a business worked on close margins and daily cable offers, soon brought the insurgents to terms, capitulation followed and the former rates were restored. One overconscientious agent at Santos demurred to boycotting his neighbor, and his scruples cost him the loss of the Sloman Line agency.

A New York merchant, familiar with the Brazilian trade, wrote thus on August 19, 1905, in the New York Journal of Commerce:

I beg leave to call your attention to the very important fact, evidently overlooked by Special Agent Hutchinson and Consul Furniss, that merchants dealing with Brazil have valid and just causes for complaint, owing to the fact that all the steam transportation companies carrying freight between United States ports and Brazil formed a combination some years ago, and as they monopolized the trade their rates of freight are so high as to be prejudicial to the business interests of those who are unfortunately obliged to patronize these companies.

Any independent merchant in this city (New York) or in Brazil—whether importer or exporter—knows that the Lamport & Holt, Prince, and Sloman lines, plying between this and Brazilian ports, from Pernambuco southward, exact exorbitantly high rates of freight on merchandise carried either way. In the coffee trade it is a well-known fact that these monopolists, notably Lamport & Holt, discriminate in favor of some of the large importers of coffee by making them substantial concessions in freight, which, of course, is detrimental to the smaller importers. This disgraceful state of affairs certainly calls for a drastic remedy. As a merchant and shipper long connected with Brazil, I most heartily and unqualifiedly indorse Consul Furniss's recommendation concerning the need for an American steamship line between the United States and Brazil. Practically the entire trade between the United States and Amazon ports and Maranham and Ceara is monopolized by the Booth Steamship Company of Liverpool, which, owing to arrangements concluded with other steamship companies, dictates rates, conditions, etc., to suit itself, but always at the expense of the interests of this country. I hope the consul's appeal will result in the establish-

ment of a new line of steamers, which I am positive would speedily secure a very large share of the business between this country and Brazil.

Consul Furniss, at Bahia, alluded to above, said in his annual report for 1904:

I have to reiterate my oft-repeated report of the need for an American steamship line. The mail service between the United States and this section of Brazil during the year just past has become much worse than heretofore, due to the withdrawal of one or two monthly boats. As a result of the cargo offering here for the United States and the frequent call of vessels to get it, coupled with the fact that Brazil requires all steamers to take mail, there have been frequent calls of vessels to get mails from here, but there is only one regular boat bringing mails from New York. Between times letters are sent hither from New York by various roundabout ways. This has virtually paralyzed the mail service. For this reason it is frequently the case that mail sent from New York in the middle of a month arrives here days after the mail leaving New York on the first of the ensuing month. This causes great prejudice to business, as the mails arriving last often have bills of lading and custom-house documents for goods arriving by the prior steamer, necessitating extra expense, vexatious delays, and great trouble to withdraw from the custom-house here, which seriously hurts our trade.

It is impossible to maintain trade without frequent and rapid mail service. With the lack of this to contend with and the high freight charges out of New York, it is not to be wondered at that year by year our trade with this section is growing less, while the balance of trade in favor of Brazil is increasing. The present lines from New York seem to prefer high freight and little business, and make up by sending their vessels on a triangular course, viz, from Brazil to the United States, from the United States to Europe, and then from Europe, with European goods, to Brazil, with only a few vessels going and coming between Brazil and the United States direct. The German steamship lines are making preparations for an increased service with Brazil. With the aid given by these lines German trade has increased even more rapidly than ours is decreasing, and with the contemplated further increase in its fleet the outlook for German trade is even brighter than heretofore.

The manner in which the trade interests of the United States are made to suffer by reason of the inadequacy of the transportation service between this country and South American ports is nothing short of a crime which must be laid at the doors of Congress. Religiously protecting our interests in every other way, fostering and encouraging our manufacturers and developing home industries for domestic consumption, it makes no provisions for markets for surplus products, and thus paves the way for future industrial stagnation. In the meantime other countries reap the benefits of the trade demands of these nations by establishing steamship lines and commercial agencies in every important city. Is it any wonder that Mr. Lincoln Hutchinson, who is now in Brazil making a study of the conditions there, exclaims: "The mass of the people scarcely know that such a country as the United States exists!"

In 1904 Hon. John Barrett, then minister to Argentina, said in an address on our South American trade before the Merchant Marine Commission:

I wish to explain a little in regard to this point. The question arises, If the business is there why do not men go into it? Let me remind you that Europe has become established in this trade in the first place, and that she controls it at the present time. All the steamship lines that undertake this business are European steamship lines, and wishing to build up the trade with Europe rather than with America they form combinations and use their influence against the establishment of American lines. You see that in the agreement of the Lamport & Holt Line, which runs a line of passenger to Rio, but does not go on to Buenos Ayres. Because of an agreement with the Royal Mail Steamship Company of England they agree that they will not run their passenger steamers farther than Rio, and yet I was informed in New York and Philadelphia that an American company was already organized that would be willing to undertake to put on a line of steamers between New York and Buenos Ayres, provided they could receive enough money for carrying the mails to insure them against loss while they were establishing a regular trade and traffic.

Mr. Anderson, the present consul-general at Rio de Janeiro, speaks of the foreign steamship combination in the Daily Consular and Trade Reports of September 29, 1906:

Merchants complain that the high freight rates obtaining on goods from the United States to Brazil generally continue to act as a deterrent to trade in general. The conference rates (the conference is the European steamship trust) on goods from the United States to this part of South America are nearly twice as high as freight rates from Asiatic ports to the United States.

Ambassador Griscom, at Rio de Janeiro, in a report to the State Department, published in the Daily Consular and Trade Reports of October 1, 1906, says:

The English company of Lamport & Holt have been running a monthly service (between Rio and New York) with a practical monopoly, and without competition the freights have been prohibitive. It is hoped that we are entering upon a new era, more favorable to merchants who may desire to reach out for trade with Brazil. The crying need of our relations with Brazil is better steamship communication. Inquiry among our leading financiers and merchants indicates that encouragement by our National Government in the form of a small postal or other subvention would quickly bring about the establishment of a good line of American steamers between New York and Rio. Given a few facilities our trade with Brazil must inevitably go ahead with leaps and bounds.

Consul-General Anderson has this to say on the subject:

Freights between the United States and Brazil are much higher than those obtaining in the rest of the world, the rate from New York to Rio de Janeiro being about twice what the rate is from Hongkong to New York. American exporters are vitally interested in this matter, for even assuming that the rates from Europe to Brazil and from the United States to Brazil are practically the same—a fact which is not yet established—it is yet to be noted that the high freight rates shut American exporters out of markets which otherwise they might have. Low freight rates, for instance, would enable American millers to ship American flour to ports in Brazil far south of their present limit. Freight rates from New York to Brazil similar to those obtaining between New York and the Far East would mean largely increased sales of American flour. What is true of flour is true of other things. The rebate system adopted by the shipping combine also works directly and materially against small shippers, among the latter being most American exporters selling to the Brazilian trade.

One or more strong American steamship lines, sufficiently compensated by the Government for the carriage of our mails, will effectually thwart the schemes of this now all-powerful foreign steamship trust, and secure competition in the trade with South America.

EARLY OCEAN MAIL LEGISLATION.

Mr. President, national aid to ocean mail lines is not a new policy in America. It was first adopted in 1845, more than sixty years ago, and it is a significant fact that the public men who took the initiative in that legislation were vigorous, able, and patriotic southern men. President Polk urged the policy, and under the legislation then enacted three steamship lines were established to Europe—one to Great Britain, one to France, and one to Germany. Lines were also established from New York and southern ports to the West Indies and the Isthmus of Panama, and also in the Pacific from the Isthmus northward to California and Oregon. About $2,000,000 a year in mail subsidies was paid to these lines when they were established. Their competition reduced freight rates enormously. The question was not a partisan one, southern men in Congress, as before suggested, being the most earnest supporters of the legislation. Unfortunately the matter was drawn into the sectional controversy of the period preceding the civil war. In 1856 the system was broken down, and in 1858 the repeal of the laws was entirely effective. Commodore Vanderbilt then tried to run trans-Atlantic steamers without postal subsidies, but even his genius was not sufficient to enable him to compete with the annual subsidy of nearly $900,000 paid by Great Britain to the Cunard Line. Thus the American flag practically disappeared from the steam routes of the South Atlantic before the breaking out of the civil war.

I beg to append the utterances of leading statesmen, most of them from the South, in advocacy of the legislation of 1845, similar to that which is now proposed.

President Tyler, in a message to Congress, in December, 1844, said:

I can not too strongly urge the policy of authorizing the establishment of a line of steamships regularly to ply between this country and foreign ports, and upon our own waters, for the transportation of the mail. The example of the British Government is well worthy of imitation in this respect. The belief is strongly entertained that the emoluments arising from the transportation of mail matter to foreign countries would operate of itself as an inducement to cause individual enterprise to undertake that branch of the task, and the remuneration to the Government would consist in the addition readily made to our steam Navy in case of emergency by the ships so employed. Should this suggestion meet your approval, the propriety of placing such ships under the command of experienced officers of the Navy will not escape your observation. The application of steam to the purpose of naval warfare cogently recommends an extensive steam marine as important in estimating the defenses of the country. Fortunately this may be attained by us to a great extent without incurring any large amount of expenditure. Steam vessels, to be engaged in the transportation of the mails on our principal water courses, lakes, and parts of our coast, can also be so constructed as to be efficient as war vessels when needed, and would of themselves constitute a formidable force in order to repel attacks from abroad.

We can not be blind to the fact that other nations have already added large numbers of steamships to their naval armaments and that this new and powerful agent is destined to revolutionize the condition of the world. It becomes the United States, therefore, looking to their security, to adopt a similar policy, and the plan suggested will enable them to do so at a small comparative cost.

President Polk said in a message to Congress:

The enlightened policy by which a rapid communication with the various distant parts of the world is established by means of American-built steamers would find an ample reward in the increase of our commerce and in making our country and its resources more favorably known abroad; but the national advantage is still greater of having our naval officers made familiar with steam navigation, and of having the privilege of taking the ships already equipped for immediate service at a moment's notice, and will be cheaply purchased by the compensation to be paid for the transportation of mails over and above the postage received. A just national pride, no less than our commercial interests, would seem to favor the policy of augmenting the number of this description of vessels.

Hon. Thomas Butler King, of Georgia, in 1848, presented a full statement of the British policy of mail subsidies from 1839 to 1848, and showed how the American plan of keeping ships of war on the stocks at naval stations in readiness for service had proved a failure. He then went on to say:

The plan for increasing the Navy which I propose to substitute for the one which we have so long and so unprofitably pursued is, first, to encourage the establishment by private enterprise, under the auspices of the Government, of as many lines of steam mail packets as our commercial intercourse will warrant and sustain. I have no doubt that we may employ in this way from 25 to 30 steamers of the largest class, which will be kept in repair by the contractors and be at all times liable to be taken into the service of the Government at a fair valuation. It will be to the interest of the contractors to adopt, from time to time, all the improvements which may be made in machinery and the means of propulsion. We shall avoid the expense of mistakes

in construction and machinery. These vessels will contribute largely to the extension and increase of our commerce, and will be infinitely more efficient in protecting our coast in the event of war than all the fortifications we have constructed or may construct at twenty times their cost. * * *

In the discussions which have been occasioned by the appropriation asked to meet the contracts for this mail service, it has been argued that it is quite unnecessary for the Government to contribute in any degree to sustain it; that private enterprise, if left untrammeled "by Government schemes and legal enactments," would sustain itself against all foreign competition. To show the fallacy of this reasoning it is only necessary to state a few facts connected with the recent voyage of the steamer *United States* to Liverpool. The price of freight from Liverpool to New York, as established by the Cunard Line, is £7 per ton, and the price of passage £30 per head. While the *United States* was in dock at Liverpool the agents of the Cunard Line, to prevent freight and passengers going on her, reduced the price of freight by the *Hibernia* to £4 per ton and to £2 10s. by the *Niagara*, and they offered to take passengers as low as £12 each. It was announced at the same time, in Harden's Liverpool Circular, that the old rates would be resumed immediately after the departure of the American ship. The British line, sustained by the Government, was enabled to adopt this course with impunity in competition with a ship sustained by individual enterprise alone.

And it must, I suppose, be admitted that our own citizens, if not aided in undertakings of this sort by their own Government, would be quite incapable of competing for any considerable time with so powerful an opposition. This being the case, it must be apparent to anyone who will investigate the subject that in a very short time the most valuable portion of our carrying trade would pass into the bottoms of these British mail packets. The steamer *United States* is strictly a private enterprise. She has proved herself the fastest ocean steamer in the world, and has a greater capacity for the accommodation of passengers and for carrying freight than any commercial steamer hitherto constructed; yet, unaided by the Government, and having such powerful rivals to contend against, she must prove a ruinous undertaking to the owners. It was in view of this state of facts that I offered my second resolution.

In 1849 Mr. King further said:

Great Britain is thus enabled, by combining commercial enterprise with her naval armament, to keep afloat a steam force more than equal to one-half of our ships in commission and to maintain twenty of these powerful steamers in constant and active service at a cost of $1,000,000 annually. By the Cunard and "West India" lines of mail steamers Great Britain maintains rapid and certain communication with her colonies on this side of the Atlantic, the United States, Mexico, and her fleets in the Pacific Ocean.

In the event of war she could readily command this force and concentrate it at any point upon our Atlantic or Gulf coast, and our vast commerce, valued at some $200,000,000, would, without suitable preparation on our part, fall a prey to her arms. It is mortifying to reflect that this force, which may become so formidable against us, is in a great degree supported by the intercourse growing out of our own commercial enterprise. While our commercial marine is unrivaled and our sails whiten every ocean and our steam marine at home is superior to that of all other nations, we have been left in the distance and outmaneuvered by our great commercial rival in the employment of steam upon the ocean.

If it be asked why Great Britain has thus taken the lead of us in ocean steam navigation while we are so greatly superior in domestic steamers and sailing ships, the answer is that she has anticipated us through the extension of her mail system to foreign countries in combination with her naval arrangements, thus rendering it almost impossible for mere private enterprise to enter into competition with her.

France also has become alive to the importance of this great system, and her minister of finance has been authorized to treat with companies for the establishment of lines of steamers to Brazil, Habana, New York, La Plata, La Guaira, and such ports in the Gulf of Mexico and the Antilles as may be designated by royal ordinance.

Mr. King had been advocating the expenditure of a million dollars a year for ocean mail service—two lines, one from a northern and one from a southern port to Europe, and two lines to the West Indies and the Isthmus of Panama—the steamers carrying the mails to be built on designs approved by the Navy Department, and held at the disposal of the Government in war.

Hon. Lewis Cass, of Michigan, in the United States Senate, May 7, 1852:

If the line we have established between this country and England should be now abandoned, I take it for granted that the business would be done by the British line. In that event the postal treaty would probably be terminated by notice, which each government has the right to give, and the postage would be raised at least as high as it was before the reduction occasioned by the results of competition. The same freights of valuable goods would be carried as now, but at enhanced rates of transportation. Therefore in a financial point of view it seems to me that there are many considerations that weigh against the abandonment of this line.

Hon. George E. Badger, of North Carolina, in the United States Senate, May 6, 1852, in the debate on the Collins and Cunard steamship services:

Mr. President, the question submitted for the consideration of the Senate is, we all admit, a question of high and controlling importance. It has been said in the course of this discussion that the contest between these two lines is now becoming a national contest between this country and Great Britain. I desire to amend that statement. From the very moment of the institution of the Collins Line it was a national contest. It has not recently assumed that character. It has always borne it. The enterprise was very far indeed from being in fact, or from being regarded by the country, as a mere contest between two rival companies of shipowners. It was one great active contest in that mighty drama for the mastery of the seas—for superiority in everything that belongs to strength, speed, effective power, and success for war and for commercial purposes, which long has been, and ever must be, the mightiest contest between this country and Great Britain. After having entered upon this peaceful and at the same time most important contest, the question presented to the American Congress now is, whether we shall dishonorably retrace our steps, whether, when the hand is stretched out to seize the crown of victory, we shall voluntarily forget our advantages, retire from the high and eminent position we now occupy in the eyes of all the civilized world, and voluntarily surrender that which to obtain and perpetuate Great Britain would without any hesitation sacrifice a hundred times the amount of money which is involved in the question now before the Senate.

Hon. Thomas J. Rusk, of Texas, in the United States Senate, March 3, 1853:

I know that this granting of an increased compensation to these vessels has been a fruitful theme for stump speeches all over the United States, but the system has made an advertisement throughout every sea, that the Americans are the best shipbuilders in the world, and have distanced their rivals. More than that, it has given you twenty-eight or thirty steamships, fit for war purposes, without additional expense to your Navy, for one-tenth of the sum for which you could build and maintain them in your Navy proper. We owe it to American industry and enterprise, to the hardy citizens of our country, to maintain the system. And we owe it to our national defenses, in my opinion, to maintain it.

Hon. James Shields, of Illinois, United States Senate, May 6, 1852:

While the competition was between the American people and the English people the American people were successful; but when the English Government and the English people, united with the immense capital of their country, have devoted the whole energies of that nation to the building up and monopolizing of the steam power of the world it is idle to talk about American citizens entering into competition with them. It is out of the question. You will have to bring home your lines and confine yourselves to your own inland trade and to your interior commerce. But never again, in my humble opinion, if you abandon this line, can you enter into competition with Great Britain on the ocean, so far as steam navigation is concerned. Her government and her people and her capital all unite in sustaining her lines.

Hon. Volney B. Howard, of Texas, House of Representatives, July 6, 1852:

The support of the Collins Line, therefore, is not a mere local question. It is of direct interest to every man who grows a bale of cotton or consumes a pound of foreign goods or produce. The subject of cheap freights is also one of vital importance to the great Southwest and Northwest. It is to determine whether corn, flour, and other provisions can be exported to Europe to any great extent for a series of years when the crops are not short on the other side of the Atlantic. It involves the question of cheap bread to the toiling and starving millions of the Old World in exchange for clothing for the men of the New. It is a question of no ordinary moment to both, and especially to the exporters and producers of provisions in the Western States. Let their Representatives look to it. As soon as the Collins Line is withdrawn the Cunarders will raise freights to the price they bore previous to the competition created by the American steamers.

Not only is the South especially interested in this subject as a question of freight, but in the continuance of the system, as it affects her own commerce and navigation. There is no doubt that the great eastern cities, if the British Government did not interpose to support English competition, might establish and maintain a line of steamers to Liverpool. But the southern cities have not at present sufficient commerce to enable them to sustain any line of steamers to a foreign port without the mail pay of the Government. Two or three southern lines have been projected, all of great importance to the country if they can be sustained. I allude especially to the one from New Orleans to Vera Cruz, and from some southern port to the mouth of the Amazon.

Hon. James A. Bayard, of Delaware, used the following significant language in a speech in the United States Senate, May 10, 1852:

Mr. President, free trade, even by those who advocate it to the utmost extent, must be founded upon the doctrine of reciprocity. Reciprocity is the doctrine of our Government. It is true that foreign governments may force you, by their action, into a course of policy, which, if they abstained from action, would be unwise on our part. I am willing to trust American skill and American industry in competition with any people on the globe, when they stand nation opposed to nation, without governmental interference. But if the treasury of a foreign nation is pouring into the laps of individuals for the purpose of destroying either the iron interest of my country or for the purpose of building up the commercial marine at the expense of the commerce and prosperity of the United States, I for one will count no cost in countervailing such governmental action on the part of Great Britain or any other foreign power. * * *

The necessary result, if you refuse this appropriation, will be the abandonment of the line. Its abandonment yields to Great Britain the entire postal service between England and America certainly, and between a great part of the continent of Europe and America; for if this line goes down your other lines of ocean steamers must follow it. Its abandonment yields to her the entire transportation of passengers, except emigrants. It yields to her a tax upon American industry and upon American property in the shape of freight upon light and costly goods. With success just achieved I am not willing to surrender this prize to the English Government, to which they attach so much importance, and which, if not unprotected in the contest, we are just on the eve of dividing with them. I bear no hostility toward England particularly, but whenever I find that the honor, the reputation, the pride, and character of my country is concerned, or her interests, I would assert them without regard to cost, and the more certainly against a haughty and overbearing power like England than against a feebler state. Sir, withdraw this appropriation, let this line be abandoned, and can you tell me that it will not pass into the hands of a foreign government—that it will not pass into the hands of your commercial rivals?

What would be the feelings of Senators who now oppose this appropriation if, at a future day, in the contingency of war, these derided vessels should make their appearance on your coast with the British flag flying at their foremast and aid in the devastation of your country and the destruction of your commerce? Such a thing is entirely within the range, not of imagination, but I may say within the range of probability. If you determine that you will abandon this line, you compel the sale of these magnificent steamers, which have been built at so much cost, in pursuance of the policy indicated in your act of 1847, and you know not to whom that sale will be made. It is from these feelings, and because the deliberate result of my own judgment on this

appropriation is that it is a national matter, in which the national interests, national honor, national pride, and national reputation are deeply concerned, I am unwilling, for the sake of $300,000 or $500,000, or for any cost even, though it reach millions, to sacrifice them and give the ascendency in this contest to Great Britain. Admitting the amount to be requisite and the principle of relief in accordance with a wise policy, I shall vote for the amendment as reported by the committee.

Mr. President, I can not refrain from emphasizing what Mr. Bayard said in 1852, as quoted above, on the subject that is engaging our attention to-day. Listen to the testimony of an old-time Democrat:

Free trade, said Mr. Bayard, even by those who advocate it to the utmost extent, must be founded upon the doctrine of reciprocity. Reciprocity is the doctrine of our Government. It is true that foreign governments may force you, by their action, into a course of policy which, if they abstained from action, would be unwise on our part. I am willing to trust American skill and American industry in competition with any people on the globe, when they stand nation opposed to nation, without governmental interference. But if the treasury of a foreign nation is pouring into the laps of individuals for the purpose of destroying either the iron interest of my country or for the purpose of building up the commercial marine at the expense of the commerce and prosperity of the United States, I for one will count no cost in countervailing such governmental action on the part of Great Britain or any other foreign power.

That was good doctrine for the year 1852. It is equally good doctrine for the year 1908. Apply it and the bill now being considered will pass without opposition on either side of the Chamber.

Mr. President, New Hampshire has but 12 miles of seacoast, and the ancient harbor of Portsmouth, immortalized by John Paul Jones and the *Ranger*, will probably never again become an important commercial port. My State has no selfish stake in this matter. My appeal is for the country and the country alone. I can not see a nation that leads all the countries of the world in wealth, in manufactures, in mining, and in agriculture lagging behind every other maritime nation in the matter of her merchant marine without exerting myself to restore the American flag to the oceans of the world. I have unbounded faith that the bill now before the Senate will become a law, and I believe that under its provisions the first great step toward the complete rehabilitation of the American merchant marine will be taken.

Mr. President, I have hastened in the remarks I have made so that the eloquent Senator from New York [Mr. DEPEW] might have abundant time in which to address the Senate on the bill.

Mr. BACON. Before the Senator from New Hampshire takes his seat I should like to ask him a question.

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. GALLINGER. With pleasure.

Mr. BACON. I was called out of the Chamber for a moment while the Senator was addressing the Senate, and he may have given the information which I now seek. I desire to ask the Senator to point out the difference between this bill and the bill which was before the Senate in the last Congress, or, if he will permit me, I will ask him briefly if the difference which I now state is the difference.

If I recollect correctly, the bill in the last Congress was one which had two features in it. One of them was similar to the one in this bill. In addition to that, however, there was the feature which gave a subsidy to ships according to the tonnage of the ships and without reference to the particular country to which they might go, or the country between which and this country they might do business. In other words, ships were classified according to tonnage, and from whatever port in the United States they sailed or to whatever port in any other country they sailed they were paid according to tonnage, and possibly the number of voyages. I have forgotten whether the number of voyages was put in. I do not think the number of voyages was in, but they were paid by the year, according to tonnage.

Mr. GALLINGER. Yes.

Mr. BACON. This bill, as I understand, has no such feature in it.

Mr. GALLINGER. Not at all. I will say to the Senator that the bill originally passed by the Senate not only provided means for establishing ocean mail lines, but it also had the cargo feature——

Mr. BACON. Yes.

Mr. GALLINGER. Which the Senator alludes to; and the Senator states it correctly.

Mr. BACON. My recollection is somewhat indistinct, but that is my general recollection.

Mr. GALLINGER. This bill is simply designed to put these steamship lines under the general mail law of 1891, being an enlargement of the provisions of that law so far as compensation to second-class vessels is concerned.

Mr. BACON. The particular point to which I wish to direct the Senator's attention, so that he may answer it now, is this: The purpose is to pay for the running of mail steamers between this country and certain designated countries?

Mr. GALLINGER. That is the purpose.

Mr. BACON. Is it not a general bill which would be available to ships that were already running between this country and those to which the new ships might be directed?

Mr. GALLINGER. Not at all. The routes are stated in the bill.

Mr. BACON. South America?

Mr. GALLINGER. South America; that is, we expect lines to Brazil and Argentina, possibly to Uruguay, and across the Pacific to China, Japan, the Philippines, and Australasia.

Mr. BACON. I simply want to say this to the Senator, and it was really with a view to that suggestion that I made the inquiry: The bill provides that the contracts shall be equitably distributed between the Atlantic and Gulf and Pacific coasts. I do not know whether that language means that along the Atlantic coast, for instance, they shall be distributed equitably, or whether, even though all were concentrated at one point on the Atlantic coast, it would simply be charged up to the Atlantic coast in general, when the distribution is to be made equitably between the Atlantic, the Gulf, and the Pacific. I think the bill is somewhat indefinite in that particular.

I would suggest to the Senator, as the Atlantic coast is a very long one and a very important one, that the bill should be so amended that along the Atlantic coast the contracts should be equitably distributed. That is not so important on the Gulf coast, because it is comparatively small in mileage, and the places from which the ships could go are comparatively few. Galveston, Tex., and New Orleans and Mobile would probably be the three ports to which contracts would be limited. Whereas on the Atlantic coast, extending from Maine to Florida, there is a stretch of probably 1,500 miles and a large number of ports, and yet under the language of this bill, as it now stands, all of the contracts might be made for ships running from one particular port.

While I do not now venture to offer any amendment, I hope the Senator will take into consideration the importance of so changing the phraseology as to make the distribution along the Atlantic coast equitable.

The same thing might be said with reference to the Pacific coast. Of course the ports there are comparatively few, and it is not so important that the phraseology should be made explicit in that regard, although, of course, if Senators representing those particular sections, either the Gulf or the Pacific coast, desire that, I should think it entirely appropriate.

Mr. GALLINGER. Mr. President, I will say in response to the distinguished Senator from Georgia that I shall be pleased to confer with him on the point he has raised. The matter, however, is in the discretion of the Post-Office Department absolutely, and I feel sure that there will be no massing of lines at any one given point. In fact, we do not expect to establish very many, I will say to the Senator.

Mr. BACON. Our experience has been that when it is left to the discretion of some governmental officer as to the distribution of the various favors of the Government not many of them come down our way. For that reason I should like to have something a little more explicit, something which will be directory rather than discretionary.

Mr. GALLINGER. I am very sorry indeed if there has been any discrimination against the Senator's section of the country.

Mr. BACON. I am not referring to the Post-Office Department in that regard particularly; in fact, I should disclaim that.

Mr. GALLINGER. I think the point raised by the Senator can easily be overcome by a slight amendment, and we will look it over.

Mr. TALIAFERRO. I wish to ask the Senator from New Hampshire a question.

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Florida?

Mr. GALLINGER. Certainly.

Mr. TALIAFERRO. Did I correctly understand the Senator to state that the ships provided under this bill would be required very largely to be built and that the existing lines, as a rule, would not come under the bill as he proposes it?

Mr. GALLINGER. I will say to the Senator that there may be some steamships that would be available—from two to four in the Pacific Ocean; but those are all that I can think of now.

Mr. TALIAFERRO. As a rule it would be necessary to build new ships?

Mr. GALLINGER. Yes, we would have to build new ships.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. GALLINGER. With pleasure.

Mr. NEWLANDS. I should like to inquire of the Senator from New Hampshire whether I am correct in my assumption that the cost of this service would be approximately $3,800,000 a year?

Mr. GALLINGER. Mr. President, I think that with the present subvention that is being paid for ocean mail carriage it would be a little over $4,000,000, but it would be reduced by the withdrawal from certain noncontract steamship companies and foreign steamship companies of money now paid to them. The exact amount of the reduction I would not like to say, but I should think about $4,000,000, including what we are now paying, would be the amount.

Mr. NEWLANDS. Did I understand the Senator to say that about twenty-seven ships would be required for this service?

Mr. GALLINGER. That is the best calculation I can make. Possibly it might require thirty.

Mr. NEWLANDS. Am I correct in my understanding that each one of those ships will cost about $1,000,000?

Mr. GALLINGER. I should say that the Senator's figures are about right for the smaller ships, but the larger ships will cost more.

Mr. NEWLANDS. I wish to ask the Senator whether, as supplementary to this legislation and in addition to it, for of course I would not expect the Senator to abandon this bill, he would not favor a provision of law that the United States should in the shipyards of the country contract for the construction of twenty or thirty such ships, costing a million dollars each, with a view to further extending the ocean mail service of the country, and with a view to furnishing a part of the auxiliary system of ships now urgently needed by the Navy?

Let me say here that I understand that the General Staff of Army, called upon some time since to state what auxiliary ships would be necessary in case the United States were called upon to defend its insular possessions against a strong force, made a report to the effect that 228 ships of about 6,500 tons capacity, costing a million dollars each, would be required for cruisers, transports, scouts, and other service in case of actual war.

Mr. GALLINGER. Mr. President——

Mr. NEWLANDS. I have not yet got through with my statement, if the Senator will permit me.

Mr. GALLINGER. I beg pardon.

Mr. NEWLANDS. So it seems absolutely essential that we should have this force to properly support the fighting ships of the Navy and make them efficient in case of war. But the Navy is just as destitute now of such auxiliary ships and would be as helpless in war as an army would be without the quartermaster or commissary department.

I ask the Senator, in addition, whether it would not be wise to commence building such ships as a part of our Navy—thirty of them would cost say $30,000,000, as against the $40,000,000 which the Senator's project will cost in a period of ten years—and in time of peace turn over those ships at a moderate rental to private corporations for the purpose of conducting these expeditions into commerce and establishing lines not now established; and whether in connection with such ships we could not establish a naval reserve which would be a training school for our Navy?

I believe the Senator realizes that one of the difficulties our Navy has now is in getting the men to man the ships because of the decline of our merchant marine.

Mr. GALLINGER. Mr. President, if it were not for the fact that the distinguished Senator from New York [Mr. DEPEW] is to address the Senate on this question, and we are anxious to hear him, I would answer the Senator from Nevada at greater length than I will do at the present time.

I will say to the Senator that if he will help us pass this bill, which is the first step toward rehabilitating the merchant marine, we will consider something else later on. I do not believe the Government of the United States is going into the renting business; that it is going to build ships and rent them out to private citizens. It is very possible that private citizens would not want to rent them. Then we would have the Senator's ships rusting at their anchors at the docks in New York, San Francisco, Puget Sound, Boston, and elsewhere. I think the Senator will want to look over that matter very carefully before he seriously urges it upon the Senate. It is to my mind a form of Government ownership without the merit that the subject in its larger aspects possesses.

Mr. NEWLANDS. Mr. President, I do not intend to reply to the Senator at length, but I wish to call his attention simply to one thing. He has stated that he does not believe the Government of the United States will be prepared to enter into the renting business, but I assume that the Senator does recognize the fact that the United States Government ought to be controlled by business considerations in entering into a matter of this kind. I should like to call his attention to the fact that the thirty ships called for by this service will cost $30,000,000 only, and that in ten years this service, at the rate of $4,000,000 annually, will cost the nation $40,000,000, and that in the one case, by the expenditure of the lesser amount, we would have the ships as a national asset, while in the other case, after expending a larger amount, we would have nothing. It is hardly fair, it seems to me, to assume that if a private steamship company can rent those ships for a moderate rent it will not enter upon this work, and meanwhile we will have the ships ready in the emergency of war, with trained men upon them to meet such emergency.

Mr. GALLINGER. Mr. President, I shall simply add that I do not at the present moment see merit in the Senator's suggestion, but I will be pleased to talk it over with him some time.

Mr. DEPEW. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] has made such a complete, exhaustive, and able presentation of the case that it seems superfluous to attempt to add anything to his argument, nor can it be done. But I am so earnest in my belief in this policy that I am anxious to be on record in support of it, not only to the extent advocated by the Senator from New Hampshire, but to the largest and fullest extent which will make a subsidized policy for the United States, and have auxiliary cruisers and a merchant marine as good as that of any other country in the world.

It is a singular fact that this question has been before Congress now for more than half a century, and while it has at times received temporary attention and some support, nevertheless of late years every effort which would practically put an American merchant marine upon the ocean has failed.

Every endeavor to encourage the building and maintenance of an American merchant marine by Government subsidies has been defeated for years. The word "subsidy" has become an epithet of political reproach. To secure any consideration for this system, so vital to our future commercial relations with the world, we have to adopt other and more euphonious terms for the same thing. "The carriage of the mails" has not yet become unpopular. "To increase the efficiency of the postal service" is still permissible in political discussions. That our position upon the ocean, both the Atlantic and Pacific, is lamentable everybody admits. The effort to remedy it by the methods practiced by both free-trade and protective nations is defeated year after year. We have been trying now for a quarter of a century other schemes than subsidies until our flag has almost disappeared from the ports of the world, until our commerce is carried under foreign flags, and until we take out of the pockets of American workingmen $200,000,000 a year to pay to aliens. This bill reduces the proposition to its simplest terms and meets only the most acute situation in our foreign commerce. In 1891 a bill was passed granting $4 a mile outward bound for the carriage of mails to 20-knot ships and $2 a mile to 16-knot ships. Under that we managed to get four steamships on the Atlantic Ocean and good lines to the West Indies. American enterprise, always ready to enter upon any field in competition with any people, tried the Pacific Ocean. The opportunities were great, and so was the competition. There was the whole Pacific coast of South America, and there were also Hawaii, the Philippine Islands, Australasia, and the Orient. Sixteen-knot ships were practicable for this traffic. Fifteen American steamers were built and entered into this trade under the law of 1891 of $2 a mile for carrying the mails. They had to compete, first, with the subsidized ships of Great Britain and Germany, and, lastly, those of Japan. But they were struggling against something quite as serious as foreign subsidies. The $2 a mile carried with it the requirement that the ships should be American built and manned by Americans and run according to American laws. We have rightly and properly taken good care legislatively of our sailors, and prescribed a bill of fare upon which they shall be fed. The labor unions have rightly and properly taken care of their wages. The result is that the cost in wages and food to run American ships under American conditions across the Pacific is double that of European or Japanese steamers. Our people kept up this unequal contest until they had practically exhausted their capital and were compelled to retire from the South American, the Australasian, the Chinese, and the Japanese trade. Of the fifteen ships seven are laid off or have been sold to foreigners, their American crews have been discharged, and Malays and Lascars have taken their place. It is humiliating and injurious to our commerce that our mails, instead of going directly from our ports to the ports of South America, should travel around the world in ships

of foreign nations; that our diplomatic correspondence, the secrets of which might be of the utmost importance, should be subject to the supervision of the postal laws and postal authorities of our rivals, and, possibly, of our enemies; that our communications in this roundabout service should take twice as long as they would if sent direct.

The law of 1891, as originally drafted by the distinguished Senator from Maine [Mr. FRYE], provided for $6 a mile mail pay for 20-knot steamers and $4 for those of 16-knots. This schedule was changed in the House by the doctrinaires to its present rate of $4 and $2, which has proved such a tragic failure. Had the wise purpose of the Maine Senator [Mr. FRYE] and the Senate Committee on Commerce been adopted we would now have a merchant marine worthy of our country and an auxiliary fleet equal to the needs of our ships of war.

Under the broad, enlightened, and patriotic inspiration of the southern statesmen who at that time controlled the Government we began, as far back as 1845, an enlightened system under which was the promise of an American merchant marine. During the Administration of President Polk it was so far perfected that American capital felt safe in embarking upon the competition of the ocean, and the steamships called the Collins Line were built. They soon gained the record for speed, and increased the name and fame of American steamships. Our position in the Atlantic trade between our country and Europe was such that we were carrying one-half the tonnage and competition had reduced the rates from $35 to $20 a ton, thereby giving our manufacturers a chance in the European markets. But in the early fifties there grew up a hostile feeling against Government encouragement to a mercantile marine on this side of the ocean, while sentiment increased on the other side among all maritime nations in favor of government assistance. We withdrew our subsidies; England increased hers. The American line went into bankruptcy, the British bought our ships for a song, and raised the rates of freight, and we became, so far as commercial mastery of the ocean was concerned, the laughing stock of the world.

After Government aid was withdrawn Commodore Vanderbilt made a characteristically gallant effort to compete for the Atlantic traffic. He captured and held the speed record, but found that no individual, no matter how great his resources or his talents, could successfully fight for his flag against foreign rivals who had, in subsidies, the treasuries of their governments behind them, while he could hope for no aid from his own to so equalize conditions as to give him a fair field and a fighting chance.

Now, why this change of policy? The same arguments then prevailed which we have heard every year since down to to-day—that a few firms or a few corporations would be supported out of the Treasury of the United States. Building and running ocean steamers is not within the capital or capacity of individuals, nor can it be done by many corporations. The number of ships necessary to carry on this commerce must be limited. The important point is this: Shall the Government create conditions where American capital can live, can dot the ocean with American steamers, can put the American flag as it was once, in every port of the world; can carry American products in American ships, and can make the captain and the officers of every American vessel active agents for the promotion and sale of the products of American labor in the competitive ports of South America, Australasia, China, and other eastern countries? Shall our communications with the islands we have acquired—Hawaii and the Philippines—be maintained under our own flag, or subject to our friendly or hostile relations with other powers? Because the American farmer is protected in his wool against Australian and South American competition and in the other products of his fields and of his labor, we do not say that that legislation is for the people of a class. Because the iron worker, steel worker, coppersmith, silversmith, goldsmith, and artificer in wool, cotton, wood, and other fabrics are protected by tariff against pauper competition, we do not say that this legislation is for the benefit of capital and labor engaged in these industries. We say, wisely and patriotically, that such legislation is to enable Americans to be fed and clothed by Americans, to enable American labor to live under conditions different from and better than those which prevail in other countries. It is to make our country self-sustaining in every necessity and almost every luxury; it is to promote and encourage the skill of our artisans and the active employment of our capital that we may successfully compete with industrial rivals in other countries. Now, having subsidized Pacific railroads to go over the mountains to connect the Pacific and Atlantic coasts, having spent hundreds of millions to improve rivers and waterways for our internal trade, and harbors for our foreign commerce, we balk at the same policy that we may reach under equal conditions competitive markets outside of our own country.

The VICE-PRESIDENT. The Senator from New York will kindly suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from New York will proceed.

Mr. DEPEW. Mr. President, one would think to hear the frantic appeals for economy, based upon the alleged frightful cost of this encouragement to an American merchant marine, that we were depleting the Treasury by the appropriation of sums of unequaled magnitude. The profit to the Government on our ocean mail service is $3,600,000 a year. The cost under this bill at the maximum would not exceed that sum. For that sum it would give us American lines to South American ports, Australasia, and the Orient. If we should have a general bill which would place us on equal terms with Great Britain, Germany, France, and Japan on both the Atlantic and Pacific, the outside cost per annum would not equal the cost of a single battle ship.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from New Hampshire?

Mr. DEPEW. Certainly.

Mr. GALLINGER. The Senator always speaks entertainingly and instructively. I should like to ask him if he has stopped to think about the spectacle we will present when the Panama Canal is completed, an undertaking that is going to cost somewhere from $200,000,000 to $500,000,000? It impresses itself upon the minds of some of us that it will be the greatest humiliation that we have ever suffered when foreign steamships pass through that canal flying foreign flags and scarcely an American merchant marine vessel will be seen. Doubtless battle ships and American yachts will pass through, and now and then a merchant ship. The canal will be built practically for the benefit of other nations than our own.

Mr. DEPEW. Mr. President, I am glad of the suggestion of the Senator from New Hampshire. The greatest industrial accomplishment of modern times is to be this union of the Atlantic and the Pacific. It is to revolutionize the commerce of the world; it is to change the ocean routes; it is to build up new commercial centers and to cause others to decay. It is to accomplish infinitely more than did the Suez Canal, because of the infinitely greater opportunities there are upon our Pacific coast, in South America, hardly yet developed, and in the Orient, where we hope to have the open door.

It will be built, so the engineer says, in six years. It will cost us, the engineer says, about $400,000,000, and then it will be the United States' contribution to the world.

Its benefits are recognized by all the world. The commerce of the nations will follow this new route which will reduce so greatly time and cost in the carriage of interchanges between the Atlantic and Pacific. We will have the glory of this marvel of the liberality of a great nation and the genius of its engineers, but if we have no merchant marine other countries will reap the larger portion of its advantages. Our Atlantic and Pacific coasts will be the more easily defended by our fleet, but except on a man-of-war the canal will rarely see our flag and our people will not reap the rich harvest of the commerce which will flow through its waters.

We are now the second naval power in the world. The Government asks for four new battle ships, and to complete the programme we should have them, and we should complete the programme. A large war fleet promotes peace and prevents war, but it has other uses in time of war, as harbors and coasts are fairly well protected by long-range guns, torpedoes, and submarines. The primary object of a great fleet is to protect the commerce of the country, but we have no commerce under our own flag to protect. We are without vessels or merchant marine which can become auxiliaries to the fleet by which the battle ships themselves can be protected. The policy of Great Britain, Germany, France, and Japan has built up a merchant marine which is virtually part of their navy. They can call upon these ships, as Great Britain did during the Boer war, as we did upon the four ships which we had during the Spanish war. During the Boer war Great Britain took her best ships, because the navy had a right to claim them, out of the American trade, and we suffered millions of dollars by it—I think about $80,000,000.

They took them out to carry troops and munitions of war to South Africa. Admiral Dewey has estimated the number of vessels which ordinarily in times of peace would be in the merchant marine that are necessary in time of war to accompany a fleet of battle ships, cruisers, scouts, torpedo-boat destroyers, and torpedo boats. There should be in every maritime nation a merchant marine large enough to carry on commerce after the navy has been supplied with its requirements. If I reckon correctly, there are to-day in the whole merchant marine of the United States, including the coastwise service, hardly enough boats to meet a war emergency, and our coastwise service would have to be fatally crippled.

The glad news came to us on Saturday that our fleet of battle ships had passed safely through the dangerous Straits of Magellan and were upon the broad Pacific. The morning papers are full of the joy and enthusiasm with which our South American brethren on the Pacific are emulating the hospitality of those on the Atlantic in the reception of the fleet. But there is a fly in the amber, a crack in the diamond, and a cloud in the ruby of our national pride. Many of the colliers and supply ships are chartered from foreign nations because our merchant marine could not furnish them. This could not happen with any other maritime naval power. There are thirty-seven colliers accompanying the battle-ship fleet to the Pacific. Only nine of these are American, while twenty-eight are chartered from foreigners. In time of war the difficulty of securing two-thirds of our auxiliary steamers from foreign powers would prove an almost fatal handicap. It is a serious question if neutrals, from whom alone we could hire ships, would be permitted to grant us this assistance. Our gallant sailors would be compelled to fight with a crippled arm.

One of the most significant journeys ever made was that of our Secretary of State, Mr. Root, to the South American republics. It was far more important than the fabled voyages of Ulysses and quite as picturesque. He removed prejudices of the statesmen and people of the countries south of us who had theretofore thought our interference in their behalf was to conquer or dominate them. At all the ports and capitals this most level-headed, capable, and tactful American cemented North and South American friendship.

But what do we or they gain? War is very remote. The Monroe doctrine is too firmly established for European aggression. The whole sum and substance of closer relations between North and South America is reciprocal trade. It was mortifying to the Secretary of State to have to report, as he did in his great speech at Kansas City on his return, that as the war ship on which he was sailed through the crowded shipping of every port the flags of Great Britain, Germany, France, Sweden, Norway, and Japan were dipped in salute, and only once in all those fleets was seen at the masthead the American flag. Why? Because while we spend a hundred millions a year on the Navy, a hundred millions a year on the Army, forty millions a year in dredging harbors, and one hundred and forty millions a year for pensions and other millions in forestry and reclamation, yet we are driven off the ocean by the clamor that $3,600,000 for a pacific fleet would smash the Treasury. One of our consuls reports that in the harbor of Chile last year were about 18,000,000 tons of shipping, of which, including sailing vessels and everything that could float, the United States had 135,000 tons.

The Japanese are the wonders of the past half century. I received at my law office in Peekskill forty-odd years ago most unexpectedly a commission as minister to Japan. I had been appointed and confirmed without my knowledge owing to the friendly offices of Mr. Secretary Seward. At that time Japan had but few ports open to the world, her navy was composed of junks, her army equipped with bows, arrows, and spears, and her government a feudal system like that of Europe in the eleventh century. The Japanese, though living under the oldest of monarchies, are the most progressive of peoples. They are willing to adopt anything from any country if it can be proven to be better than their own. These Orientals differ from all other Orientals in not being bound by traditions or prejudices. In forty-two years they have advanced as far as western Europe has in six hundred. They sent out a commission of their ablest men to study other civilizations and governments. Their reverence for their Emperor, which is their religion, was such that while they retained him they made him a constitutional monarch restrained by a representative parliament. They established a free press on American lines. They also, after investigation, built up an educational system on American lines of common schools, high schools, colleges and universities.

They adopted from England, the greatest of maritime powers, their navy and justified their judgment when they swept the Russian fleet from the ocean. They chose the German system for their army, and Port Arthur and Manchuria are the trophies of their broad-mindedness. They even sent a commission to find if other religions were better than their own. The commission, unhappily, visited only the great cities, and did not come in touch with what Christianity has really done for civilization, humanity, and the uplifting of peoples, but seeing the amount of drunkenness, immorality and crime there was in the cities of Europe they went back and reported against any change in religion. We believe ourselves to be the most progressive people in the world, and yet we are bound by prejudices at which the Japanese would laugh.

In 1812 Andrew Jackson defeated Wellington's veterans from behind the cotton bales at New Orleans, and in 1837 he smashed the United States Bank from the White House at Washington. He became and is one of the heroes of our history. These two achievements are linked together in the American mind. The result of the latter is that we refuse to study the systems of Germany, France and Great Britain, which prevent panics, and stand by General Jackson. Free-trade doctrinaires have captured the outpost of the American merchant marine and the trade of the ocean, and because of our reverence for the men who did it we talk of the policy of free ships, which has been tried and failed, we talk of tonnage duties which, under our treaties, are impossible, and decline to adopt the system which makes Great Britain the master of the seas and which has built up the German mercantile marine in the last twenty years to the second place in the commerce of the world.

Japan ten years ago made up her mind that if she was to take her place among commercial nations she must have a merchant marine. She tried free ships and the other devices advanced by doctrinaires for our guidance and then discovered she must build her own ships at her own dockyards, and her merchant marine must be Japanese from start to finish. So she commenced to subsidize with no prejudice, no fears, but accepted the wise, modern doctrine that "the best is good enough for us no matter who invented it." So to-day her merchant marine is three times as great as it was nine years ago. She is gradually dominating the Pacific. She has bankrupted our Pacific fleet, and is forcing England to take new and additional steps to protect her trade between China and India.

We are now about one hundred millions of people. The genius of our inventors, the skill of our mechanics, and our exhaustless supply of raw material are constantly creating a larger and larger surplus which must be sold abroad. Congestion imperils capital, wages, and production at home. Fifty years from now the question of population and its profitable employment will become very acute. If our across-ocean commerce is to be held in the grip of these exploded prejudices the condition will be more than acute. It will be perilous. I am old enough to remember when our clipper ships were first in speed, and with speed foremost in tonnage, and we were equal to every maritime nation on the ocean and in the ports of the world. I am old enough to remember when, with the supremacy of steam, the subsidized Collins Line maintained and increased our favorable position and secured 50 per cent of the tonnage across the Atlantic, and young enough to know that while the tonnage has enormously increased, only 9 per cent of it is carried under the American flag. I am old enough to remember when our flag disappeared from the ocean upon our merchant marine, and the free trade exultation for this triumph of its theories. I am young enough to remember, and not with pride, that when the whole world applauded the gaining of the ocean record on the Atlantic, it was for the *Deutschland*, a German ship under the German flag. I am young enough to remember that the *Lusitania* and the *Mauretania* were cheered for their marvels of architecture, of comfort, of capacity and of speed on both sides of the ocean, but they were British ships under the British flag, supported by a subsidy of $750,000 a year, with a postal payment of three hundred and fifty thousand a year beside.

Mr. President, I look upon this bill as purely a tentative effort to place us in our proper position commercially with our rivals. I believe it should be followed by a broad and comprehensive policy. We have the genius for invention; we have the architectural talent; we have the mechanical skill; we have the products, raw and manufactured, to compete successfully everywhere around this earth. Our necessity is the disposal of our surplus, the opportunity is the open market, and to win it we must have American ships, built by American labor in American shipyards, officered by American officers and manned by American sailors and bearing the American flag. [Applause on the floor and in the galleries.]

Mr. GALLINGER. Mr. President, I ask unanimous consent that on Thursday next, immediately after the routine morning business, the bill now under consideration be further considered.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that on Thursday next, at the close of the routine morning business, the pending bill be further considered. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENTS OF NATIONAL BANKING LAWS.

Mr. ALDRICH. I ask unanimous consent that the bill (S. 3023) to amend the national banking laws be now laid before the Senate. The Senator from North Carolina [Mr. SIMMONS] desires to address the Senate on the bill.

There being no objection, the Senate, as in Committee of the Whole, resumed consideration of the bill (S. 3023) to amend the national banking laws.

Mr. SIMMONS. Mr. President, in the report of the Comptroller of the Currency for 1907, on page 16, under the head of "Profit on circulation," the statement is made that approximately 97 per cent of the bonds on deposit as security for national-bank circulation on October 31, 1907, were 2 per cent consols of 1930 and 2 per cent Panama Canal bonds; that notes secured by these two classes of bonds are subject to a semi-annual tax of one-fourth of 1 per cent, and that the average price of 2 per cent consols in October, 1907, was about 105.

The bill under consideration authorizes national banks to issue notes upon State, municipal, and railroad bonds, but imposes rigid restrictions as to the character of these bonds, and notes secured by this class of bonds are made subject to a monthly tax of one-half of 1 per cent.

The Senator from Rhode Island [Mr. ALDRICH], in his speech delivered in the Senate a few days ago, stated that there were only about $2,000,000,000 worth of railroad bonds available as a basis of bank-note circulation under this act. I have before me a pamphlet issued by the Interstate Commerce Commission entitled "Statistics of Railroads in the United States for the Year Ending June 30, 1906." On page 61 of this pamphlet the statement is made that the total amount of railroad bonds of various descriptions outstanding on the 30th day of June, 1906, was $6,266,770,962, being an increase of $515,960,315 for the year 1906. Allowing the same increase for the year 1907 the present outstanding bonded indebtedness of the railroads should be about $7,000,000,000.

In other words, the standard fixed in the bill is so high that only a little over one-fourth of the railroad bonds outstanding are available to the banks as security for these notes. Railroad bonds of this select, high-class, gilt-edge character do not bear a rate of interest exceeding 4 or 4½ per cent, and command, under ordinary conditions, a good premium.

I have not been able to ascertain the total amount of State and municipal bonds at present outstanding, but it is safe to assume, that on account of the rigid requirements of this bill with reference to them, not more than two-thirds of those outstanding will be available as a basis of circulation under it. Of the entire issue of State, county, and municipal bonds outstanding in 1902, that being the last census report of this indebtedness, about two-thirds are from 3 to 4 per cent long-term bonds. These generally sell, in normal times, at a small premium.

The Comptroller of the Currency, in the report to which I have just referred, makes a calculation of the profits on bank circulation issued upon 2 per cent United States bonds, subject to a tax of one-half of 1 per cent per annum, and allowing 6 per cent for the use of the money invested in the purchase of these bonds, reaches the conclusion that there is a profit of 1 per cent on these notes.

In a speech made in the House of Representatives on the 4th day of February, of this year, Representative HILL, of Connecticut, who, I believe, is regarded in that body as an authority on banking and finance, employing the same method of calculation as the Comptroller, makes a calculation of the cost of bank notes based on 4 per cent municipal and railroad bonds subject to a tax of 6 per cent per annum and reaches the conclusion that instead of a profit, as in the case of notes issued on 2 per cent United States bonds, there will be an actual loss of about 3⅜ per cent.

A couple of weeks ago I addressed a communication to about twelve or fifteen leading bankers in North Carolina, inclosing a copy of this bill, and asking their opinion with regard to it. In their replies most of them lay great stress upon the cost of issue under such a law. Several of them, allowing 4 per cent income from bonds deposited with the Treasurer and 6 per cent interest on the money invested in their purchase, and adopting the Comptroller's method of calculation, estimate the cost of bank notes issued against this class of bonds at from 8½ to 9 per cent.

Mr. President, there is one important fact which will add greatly to the cost of bank notes issued upon railroad and municipal bonds which both Mr. HILL and the bankers to whom I have just referred did not take into consideration in their calculations. I refer to the fact that while Government bonds are nontaxable, municipal and railroad bonds are taxable, not only by the State, but by the county and the city in which the bank owning them is located. I do not know what is the general average of these combined taxes, taking the country as a whole, but I am confident it is not less than 1½ per cent. In many States I know it is in excess of that amount. In North Carolina it will average at least 2 per cent, and in the larger cities of that State, where the banks are chiefly located, it will average over 2 per cent. Allowing for these local taxes, the net income of a 4 per cent, or even a 4½ per cent, railroad or municipal bond is not materially, if any, greater than a 2 per cent nontaxble Government bond.

If this bill should become a law the great commercial banks of the East and North, especially those which at all times carry these select, high-class railroad and municipal bonds as a part of their permanent assets, or control them through their trust and insurance company affiliations or connections, may be able to issue notes on them without any material cost except the tax of 6 per cent per annum and the expense incident to their issue and redemption, estimated to be from one-half to two-thirds of 1 per cent. But, Mr. President, the commercial banks of the agricultural South and, perhaps, West do not carry these bonds as part of their permanent assets, because they can not afford to do it, and they have no trust or insurance company affiliations.

Bonds of this class may be attractive for investment in sections where the supply of money is usually in excess of the demand for money, but that is not the case in the South. While there is a greater demand in the South, as in the North, for money during the crop-moving season than during the crop planting and growing seasons, the crops of the South are expensive crops and their cultivation calls for vast sums of ready cash. Cotton is an expensive crop. Cane is an expensive crop. Tobacco is a still more expensive crop. And truck cropping is more expensive than either cane, tobacco, or cotton. This demand of the farmer in the spring and summer for planting and cultivating and in the fall and winter for harvesting and marketing his crops, together with the all-year-round demand of the merchant, the manufacturer, and the town builder strains to the utmost the limited resources of the banks of that section at all seasons of the year. The emergency is greatest in the fall and winter, but to a degree it continues throughout the year, there being practically no time when the supply of money, to any appreciable degree, exceeds the demand for money. With a steady and constant demand for practically all of their loanable funds at 6 per cent, it is obvious that these banks can not afford to invest in and carry as a part of their permanent assets high-class, low-interest-yielding securities.

Mr. President, we have in recent years issued a great many municipal bonds in the South, and our local banks sometimes buy these bonds, but almost invariably, except when they are bought by depository banks to be used as security for Government deposits, they buy them for the purpose of selling them again at a profit. They do not carry them, as I said before, as a permanent investment. It is a fact, which is a matter of common knowledge, that the great bulk of these bonds, especially the select class required by this bill, are purchased and held as investments by the great trust and insurance companies and savings banks of the East and North, and to some extent of the Middle West.

There are two ways in which the commercial banks of the agricultural sections can secure these bonds for use in increasing their bank-note circulation in times of emergency. One is to borrow them, as many of them did during the recent panic, for use as security for Government deposits, and pay for their use the usual rate of 2 per cent. The other is to buy them with money taken from their vaults.

There are two reasons why increased bank circulation secured in this way will not be profitable or beneficial either to the banks in these agricultural sections or the communities in which they are located. First, because it would add from 2 to 4 per cent to the cost of bank notes; and secondly, because while the general stock of money in the country at large would be increased, the amount in the particular section where the bank is located would not only not be increased, but, on the contrary, would be decreased precisely to the extent of the difference between the cost of these bonds and the amount of new notes allowed to be issued against them.

Mr. President, I have undertaken to show, and I think I have shown, taking the situation of the country at large and the conditions which surround the commercial banks, except possibly those in the great financial centers, where the supply of money

is usually in excess of the demand, that bank notes issued against municipal and railroad bonds under the conditions imposed in this bill will cost ordinarily between 9 and 9½ per cent, and therefore could not be loaned at a reasonable profit at less than, say, 10 or 10½ per cent.

Now, if the municipal and railroad bonds required in this bill could be bought at par, if they carried full 6 per cent interest, and if they were not subject to taxation by the State and its subdivisions, on account of the tax imposed and the expense incident to their issue and redemption, the cost of bank notes secured by these bonds would still be between 6⅞ and 7 per cent, and they could not be loaned at the usual commercial rate of 6 per cent except at a loss of from two-thirds to 1 per cent, nor be loaned at a profit of 1 per cent, as in the case of notes secured by United States bonds, for less than 7⅞ per cent.

I have before me a letter from one of the leading bankers of North Carolina, in which, after declaring that circulation under this act will cost the banks of the South and West at least 8½ per cent, he asks the pertinent question: "If the banks have to pay these rates for this circulation, what will their borrowing customers have to pay, and what will a law-abiding banker do in a State like North Carolina, where the rate of interest is 6 per cent?" Mr. President, the laws of North Carolina not only fix the legal rate of interest at 6 per cent, but they impose heavy penalties and forfeitures if a greater rate is reserved for the use of money. The same is true of most of the Southern States, and perhaps of many other States of other sections of the country. So that the banks of North Carolina, and other States with like interest laws, could not, without violating these laws against usury, and incurring the risk of the penalties and forfeitures they prescribe, lend these notes without a certain loss of at least 1 per cent and a probable loss of from 3 to 4 per cent.

Mr. ALDRICH rose.

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. SIMMONS. I would prefer to present my argument consecutively, and if it will suit the Senator from Rhode Island just as well, I will ask him to withhold his interruption for the present.

Mr. President, I was glad to have the views I have been expressing confirmed by the resolutions recently adopted by the committee on commercial law of the Merchants' Association of New York and which were called to my attention by an editorial which appeared in the Observer, a newspaper of Charlotte, N. C., in its issue of Saturday last. The part of the resolutions to which I wish to call attention reads as follows:

Resolved, That this committee on bankruptcy and commercial law disapproves Senate bill No. 3023, entitled "A bill to amend the national banking laws," introduced by Senator ALDRICH, for the following reasons: * * * Second. The high tax which this bill proposes to levy upon the issue of emergency currency, and which in the last analysis would be paid by the borrower to the banks, when increased as it would be in practice at least one-third by reserve requirements, is not only unnecessary, but oppressive, and in this and other States would provoke an immediate disregard of the statutes against usury. It is not becoming that a great nation should fill its coffers from the necessities of borrowers; and it is manifestly improper to pass one law which offers inducements to the violation of another.

Undoubtedly, Mr. President, as the resolutions of this committee of the Merchants' Association of New York which I have just read declare, in the first instance this high charge will be against the banks, but in the last analysis the borrower, who in the case I have been discussing is the farmer, will have to pay it.

Because of its pertinent bearing upon this phase of this question, with the indulgence of the Senate, I wish to read a short extract from a letter received by me on the 11th of this month from Mr. Joseph G. Brown, president of the Citizens' National Bank, of Raleigh, N. C. Mr. Brown is not only one of the leading bankers of my State, but he is an able man and a great student of finance. He is known in banking circles throughout the country, having delivered several notable speeches at meetings of the National Bankers' Association. In this letter Mr. Brown says:

What we need to provide for is the handling of the crops at harvest time without the fearful advance in interest rates to which we have been subjected. The farmers are entitled to as low rates as are the bond dealers. At present, in the crop season the country banks call on their New York correspondents, the rate of interest is forced upward by the demand, and although the charge is against the banks, yet in the final analysis, the farmer has to pay it. A well-devised scheme would furnish needed currency at such a time at minimum cost and without delay, nor would the issue of this currency be regarded as an indication of weakness on the part of the bank. Whatever plan may be adopted ought to prevent the banks of one section being any longer placed entirely at the mercy of another, as heretofore—not only uncertain as to whether they can borrow the necessary funds, but uncertain as to whether their actual balances will be paid in cash if wanted.

Mr. President, the demand for an emergency currency is not of recent origin. The panic through which we have just passed did not create it, it merely emphasized it. This panic, though leaving widespread depression in its wake, has passed, and another will not be due in the ordinary course of events for many years to come. The present demand for an emergency currency is not to provide for conditions created by the late panic, but to supply the extraordinary demand which recurs during each autumn and winter for from two hundred to three hundred million dollars in spot cash to enable the farmers of the country to harvest and market their crops. To supply this demand of the farmer we need more money, but not a different kind of money, not a high-price money. Already we have several kinds of money in this country—gold and silver, gold certificates and silver certificates, United States notes, Treasury notes, and national-bank notes, all of it issued directly or indirectly by the Government, but there is not a single dollar of this money that can not, so far as the cost of its issue and flotation is concerned, be loaned at a profit at 6 per cent. This is the money with which the banks supply the daily demands of the merchant and the manufacturer, the mines and the railroads. This is the money with which the ordinary business of the country is done and there is enough to supply this demand in ordinary times.

It is now proposed by this bill to make another kind of money—a heavily taxed, high-priced money. A money which can not be issued upon a 6 per cent bond except at a cost of not less than from 6⅞ to 7 per cent, which can not be issued by the average bank upon a 4 per cent bond except at a cost of from 9 to 9½ per cent; a money which can not be issued and loaned at a profit by the banks of the agricultural sections for less than 8 or 10 per cent. If this bill is passed, this is the money which will be supplied to the farmer to meet the expenses incident to the picking and bailing of his cotton, to cutting and curing his tobacco, to gathering and housing his corn, and to harvesting and warehousing his wheat.

Mr. President, when the financial sky is overcast with clouds, when Wall street is filled with a surging mob, when the wires are burdened with demands for increased margins, and stocks are thrown upon the market in blocks, and the call for money is leaping from 10 to 20 per cent or more, the banks whose greed for profits, whose disregard of their duty to their depositors and to the public have made possible the speculative ventures and reckless gambles of which these unhealthy conditions of the market are but marked symptoms can afford to pay almost any price for money to stay the tempest which their departure from the principles of sound and safe banking has raised. The remedy for conditions like these does not lie in legislation, but in a return to sound and honest business methods and practices, and a situation thus created and fostered calls not so much for remedial as for punitive legislation—for legislation to remove the cause rather than to cure the disease.

The emergency to which we are addressing ourselves, or to which, in my judgment, we should address ourselves, is not an emergency caused by unhealthy business conditions, but is, as I have tried to show, a demand created by the wonderful productiveness of the American farmer, and the comparatively small profits of his occupation make high interest charges on the advances he requires to market his products burdensome and oppressive.

This bill is the response of the majority in Congress to the demand for more money to meet emergencies growing out of the great business activity during the crop-moving season. If it becomes the law in its present shape it will be a confession on the part of the Government that it can not supply this demand with a bond-secured currency except at an exorbitant and usurious rate of interest. Mr. President, there is no greater handicap on the business of a people than high-priced money. It is a burden upon thrift and industry. It is a tax upon every transaction of the people where money is used as an agency of exchange. If this usurious charge is the result of individual greed, it is odious; if it is the result of economic conditions, it is deplorable; if it is the result of burdens imposed by the Government on the money of the people, whether in the form of taxes or otherwise, it is indefensible. If this bill becomes law currency issued under it will be high-priced money, not because of individual greed or economic conditions, but because of burdens imposed by law upon its issue. Every cent which the farmer or business man may have to pay for this money in excess of 6 per cent would be an exaction by way, not of interest, but of tax.

The power of taxation, Mr. President, is the greatest power conferred by the people upon the Government, and it is also in its misuse the most dangerous. I have no sympathy with the modern-day fad that every abuse can be remedied, every evil

cured, and every needed reform obtained by resort to the taxing power. It is a power which ought, under all circumstances, to be grudgingly used, and never used where the object in view can be attained in any other practicable way.

Mr. President, the high tax imposed by this bill upon the currency it authorizes is not only objectionable because it will make high-priced money, but it is objectionable because it is not necessary to accomplish the object and purposes for which it is imposed. If this bill allowed notes secured by municipal and railroad bonds to be issued in the discretion of the banks, both as to time and amount of issue, as in the case of notes issued on United States bonds, a high tax would be necessary to prevent their issue when not needed to meet an emergency and to force their retirement when the emergency which called them forth had passed. But that is not the case here. This bill expressly confers upon the Secretary of the Treasury the power to determine when these notes may be issued. Not a dollar can be issued by any bank until it has been officially determined by the financial head of the Government that they are necessary to meet an urgent business demand. This bill also expressly provides not only that the amount of these notes outstanding shall never exceed $500,000,000, but it provides that the Secretary of the Treasury shall fix the amount within this limitation that may at any given time be issued. Not one dollar can be issued in excess of the amount the Secretary officially finds to be needed. There is, therefore, no necessity for a high tax so far as the amount of issue and time of issue are concerned, and every consideration of wisdom, expediency, and justice is against an unnecessary tax on them while the emergency exists and while they are honestly at work relieving the situation and keeping down the rate of interest by making money plentiful. The only need for a high tax is to force their retirement when the emergency is over, and we know from experience that the stress is generally over in three or four months, though in cases of stringency, culminating in panic, the incident depression may continue long afterwards. Why, then, would not a small tax during the first three or four months of the life of these notes, with a tax of 6 per cent ever thereafter until redeemed, accomplish the object in view, without saddling the business of the country while the emergency is on with an unnecessary and burdensome rate of interest?

In this country the right to make money rests with the Government. It is a sovereign function. The people have divested themselves of this function and vested it in the Government to be exercised for their benefit. Not a dollar of money can be issued except by the Government or its authorized agents. Our people will not tolerate an unsound currency, but they demand as cheap money, as respects the interest rate, as any commercial nation enjoys. They are entitled to a 6 per cent rate for all purposes. If it is impracticable to supply the people with low-rate emergency money through a bond-secured currency, guaranteed by the Government, sooner or later recourse will have to be had to the alternative system of asset currency. I do not advocate in present conditions an asset currency, although such a currency, properly safeguarded, is not a bugbear to me. I do not regard it as undemocratic, as some do. If it is undemocratic to advocate such a system of currency, then there are a great many undemocratic Democrats in this country to-day. But I do believe that an asset emergency currency, limited in amount, covered by a reserve, the same as is required for deposits, secured by a lien, the same as given to depositors, and reenforced by a guaranty fund raised by a tax on the issue of all the banks sufficiently large to force its withdrawal when not needed in response to the demands of business would be an infinitely better currency system than the one provided in this bill, and that in addition to giving the people a safe, cheap, and elastic currency it would bring about a degree of cooperation and supervision by and between the banks of issue which would do ten times more than Government supervision now does toward the protection of depositors and the establishment and enforcement of conservative and safe banking.

Mr. President, recognizing that the majority party in Congress have made up their mind to work out this problem of emergency money through the medium of a bond-secured currency along the lines of the bill now under discussion, and that all the minority can do, if anything, must be done by way of amendment and suggestion, I have largely confined myself in what I have said to an effort to point out the objections which occur to my mind to its main provisions. These objections may be minimized or partly overcome by amendments, but I do not believe they can be entirely removed from any possible emergency system based on a bond-secured currency. The objections which I have made to the excessive cost of circulation may be overcome in part, as I have endeavored to show, by a reduction of the tax imposed, or by substituting for a level tax of 6 per cent for the whole time the notes are outstanding a comparatively small tax for the first three or four months and a heavy one thereafter. At the proper time I shall propose an amendment to this effect. The objections on the ground that the so-called "country banks" do not invest in the class of securities specified and would have to buy them in remote sections and that the net result would be contraction instead of expansion of local currency could, in part, be eliminated by reducing the reserve allowed to be deposited in reserve cities to the minimum required for purposes of exchange and requiring the remainder of their legal reserve to be kept in their own vaults and permitting them to use bonds of the class denominated in the bill for one-half of the latter amount. This would give these banks interest on one-half the reserve in their vaults and supply them with securities to the extent of 5 per cent of their deposits as a basis of note issue in cases of emergency. Both of these objections might be largely, if not altogether, overcome by extending the list of securities against which these notes may be issued to high-class commercial paper, as is done in Germany and in some other progressive nations, but I do not advocate this suggestion as a part of a system such as this bill proposes, and if I did I would not discuss it now, because there is no possibility of its adoption at this time. I am utterly opposed to the use of railroad bonds as a basis of bank circulation, and while I shall not enter upon any discussion of this question now, I wish to say at the proper time if no one else does so I shall offer an amendment to strike these bonds out of the bill.

Mr. President, I am glad to be able to give my approval to one provision of this bill, which I regard as being of great importance, and which it seems to me may be of great benefit in solving this emergency currency problem. I refer to the provision which removes all limitation from the retirement of national-bank circulation. If this provision had been adopted years ago, I believe our bank currency would have played a more beneficial part in our monetary system, both as respects volume and elasticity. Our national-bank circulation has never at any time made the slightest response to the business demands of the country except under Government pressure and inducement. During the last thirty years, except under the galvanizing influence of what was tantamount to Government subsidy, our bank circulation has dwindled until it has become at times almost a negligible quantity in our monetary system.

In 1882 there were only $23,000,000 more of these notes outstanding than in 1866, only about two years after the inauguration of our national banking system. In 1891 there were $150,000,000 less outstanding than in 1882, and in 1900 the number of these notes were only about the same as in 1866. It is true that since 1903 over $270,000,000 have been added to our national-bank circulation, but this increase has not been a voluntary increase. It has not been in response to the business demands of the country, exigent as they have been at times during this period, but in response to great governmental solicitation, pressure, and inducement. To secure this increase the Government had to loan to the banks by way of deposits practically dollar for dollar. In order to induce them to increase their circulation it sold to the banks the recent issue of Panama Canal bonds and 3 per cent certificates at sums less in many instances than were offered by individuals, and in effect loaned them the money, without interest, with which to pay for them. And yet, Mr. President, during all these years there has probably been no time when these banks could not, during most of the year, especially during the fall and winter months, when the demand for currency is always great and the rate of interest higher, have used these notes at a profit of at least from 1 to 2 per cent.

I may be mistaken, Mr. President, but I am strongly inclined to believe that the reason our national banks have not to a larger degree taken advantage of the privileges of issue conferred by the act of their creation and more readily responded to the needs of business has been largely due to the fact that the three and then the nine million dollars per month limitation imposed by law on the retirement of their circulation made it impossible to adequately retire these notes when they were no longer profitable or needed.

I do not profess to know enough about practical finance to have an opinion on this subject entirely satisfactory to myself, but I do not believe the removal of this limitation will invite undue contraction, and I have a hope which is but little removed from belief that it will impart a life and elasticity to our Government bond-secured circulation which would give to the people a cheaper currency than that authorized by the bill under consideration and which, by a readier response to the emergency demands of trade and commerce, will contribute to the solution of the problem which now confronts us.

Mr. President, we have at this time an abundance of money

to do the ordinary business of the country. We have a larger per capita circulation than any other commercial nation in the world except France. France has more than we have and has to have, because in that country business is done largely upon bank notes instead of upon bank credits, as in this country. We have twice as much money per capita as Great Britain, we have seven times as much as Japan, four times as much as Russia, and $10 per capita more than Germany. On the 1st day of February, 1908, we had a per capita of $35.61. Eliminating every one of our national-bank notes, our stock of money per capita would still be larger than any other commercial nation except France.

But, Mr. President, for this great blessing, and it is a great blessing, we owe little thanks to our statutory monetary system. The output of our mines and the international balances of trade in our favor have been our financial salvation. They have done for us everything except to supply us with an emergency currency. That can only be supplied by legislation. Trade balances are uncertain. The output of gold is uncertain. Good fortune, which in the recent years of our abounding prosperity has smiled upon us and saved us, may at any time desert us. Our recent experience should admonish us that it is the part of wisdom to put our financial house in order against a possible adverse turn of the uncertain wheel of fate. We can not with common prudence much longer delay a general remodeling of our amazingly incongruous monetary system.

The paramount question which will confront us in remodeling our monetary system will be whether the Government or the banks shall furnish the money of the people. It is folly to talk about the Government not going into the banking business. The Government is already in the banking business up to its armpits. Besides its collections for current expenses, it has on deposit in the Treasury over $900,000,000 in gold and more than half this amount in silver. It has outstanding $1,525,000,000 in paper notes, for which it is solely responsible, and it has nearly $250,000,000 of loanable funds. The Government is already in the banking business, and I believe will remain in the banking business, but it ought to do this business on sound banking principles.

Mr. President, the experience of commercial nations shows that $1 in gold will amply support $3 of paper currency. Our gold reserve of $150,000,000 is now supporting more than that amount, but we have about $750,000,000 worth of gold in the Treasury which is supporting only a like number of paper dollars. The $150,000,000 in gold is overburdened, but the seven hundred and fifty millions is carrying only about one-third of the burden it is capable of carrying and should be made to carry, if necessary to supply an adequate amount of currency.

In my opinion, this vast hoard of gold, now approximating ten hundred million dollars, should be converted into a redemption fund and with notes drawn against it we should pay off the several kinds of paper currency which we have now outstanding and for which the Government is solely responsible. Upon the basis of three, or even two and one-half, dollars of paper to one of gold, there would be an ample margin left for an additional issue of $500,000,000, as provided in the substitute of the Senator from Texas [Mr. BAILEY], which could be loaned to the banks as emergency required in amounts and at a rate of interest within fixed limits, to be determined by the Secretary of the Treasury. In this way the Government could, through the rate of interest fixed from time to time, largely control movements tending to undue expansion or contraction of the currency. Such a system would give the country an ample supply of money to do the ordinary business of the country, covered by gold, backed by the aggregate wealth of the nation, with an elasticity which would respond to the requirements of business and afford ample protection against undue inflation or contraction.

Mr. WHYTE. As I do not intend, Mr. President, to vote for any of the financial measures now under debate before the Senate, I feel it is due to my position that I should state with laudable brevity the reason which impels me to pursue the course I have indicated. I am a firm believer in the theory that there is a periodicity in commercial crises, as there is in crimes and epidemics affecting the physical body. They come at stated periods, but not with the regularity and exactness of the chronometer in the measuration of time in point of days or years, but with a certainty as indisputable as that of death. If I may use a vulgar expression, the country, at periods, intoxicated with the exuberance of its prosperity, gets on a monumental "jag" and runs riot for a time in the wildest speculation—gigantic stock gambling; investing enormous sums in the most impracticable enterprises which promise fabulous profits; living in the most profligate extravagance; building castles in the air to-day with no thought of the morrow until the bubble bursts; money has vanished; credit has become top-heavy and overturns, then it wakes up to a realization that it has been on a financial debauch, and there comes the tedious work of restoring, in sackcloth and ashes, the shattered constitution, the strengthening of the muscles, the purifying of the blood, the quieting of the nerves, and by a steady, yet sure process financial health is eventually restored and the people once more move on a new road to commercial prosperity. You may talk of the lack of elastic currency in such times, but I defy you to find in any country on the face of the globe such an elasticity as dominates the American character in bearing the ills they have on such occasions, yet rising superior to them all, regenerated and resolved to build anew the fortunes which they have lost in commercial disaster. The year 1907 has been simply the reproduction of the "moving pictures" of 1837, 1857, 1873, and 1893, through all of which I have passed in my long and busy life. The panic of 1837 followed the withdrawal of the Federal deposits from the Bank of the United States and opened the door for the creation of a multitude of State banks, which issued enormous amounts of paper money, giving impulse to unbridled speculation, of which the South Sea bubble was a fair prototype, and the danger of the situation was so apparent that there followed, as a natural consequence, a financial collapse.

Congress met in special session in September, 1837, and $10,000,000 of Treasury notes were authorized to be issued, and merchants were not to be pressed on their revenue bonds. Emergency relief had this extent; no more. The period from 1837 down to 1846 was one of crucial trial and economy to all classes of citizens in the reduction of their expenses and payment of their previously contracted debts. Maryland, my native State, which had been free from taxation, was debtor for long-term bonds, enormous in volume, issued for the promotion of internal improvements, and in 1841 the State found itself the victim of a wreck of nearly all the works to which it had contributed its financial credit. Notwithstanding the fact that it had received from the Federal Government its quota of the surplus revenue of the Treasury distributed among the States, amounting to nearly $1,000,000, yet it found itself, in 1841, unable to meet the interest due on its internal-improvement bonds. The debt for that purpose was in the neighborhood of $15,000,000. Every expedient had been resorted to short of taxation, and this or repudiation was the alternative now presented to its citizens. Repudiation was not to be thought of by that honest, God-fearing people, and they bowed their necks to the yoke and vowed that the State debt, principal and interest, should be paid to the last penny. They knew they were to be educated by a hard taskmaster—a great and unprofitable public debt. But they were reared in a school of the highest financial rectitude. Facing the disaster with manly fortitude, they turned to its payment with indomitable courage, and by the imposition of taxes on real estate, on judgment debts, on incomes, ground rents, collateral inheritances, commissions of executors and trustees, licenses and stamp taxes, and every other conceivable form of grinding taxation, the State resumed the payment of the interest on its public debt, and to-day it can pay every dollar of its outstanding obligations. This was the "emergency relief" to which "My Maryland" resorted in the dark hour of its financial adversity, and by which it earned for itself the name for financial honor, unsurpassed by any of its sister States.

The panic of 1857 was far more disastrous in its breadth than that of 1837. The whole fabric of social life was changed, and the reconstruction period lasted far beyond public expectation. But the masses of the people worked out their own financial salvation.

The panic of 1873 had its rise in the intoxicated condition of the money center of the country. For years before the extravagance and recklessness of the American people was simply colossal. Jim Fisk and his associates in Wall street were "plungers" who have had no parallel in financial history, ancient or modern, and the looting of the Erie Railroad was but the precursor of the reckless insurance spoliation by the men holding high rank in the financial world in these later days.

In that year of 1873 the Treasury Department reissued twenty-six million of the retired notes, without authority of law, which had been retired under the provisions of the act of 1865, that was enacted in the interest of the resumption of specie payments. In February, 1868, Congress repealed the act of 1865, $44,000,000 having been retired and were then in the Public Treasury. In October, 1873, Wall street became a pandemonium. Brokers like Henry Clews and others suspended payments; banks refused help in many quarters, and on one Sunday morning President Grant and the Secretary of the Treasury were

almost mobbed by the madding crowd of stock gamblers and others at the Fifth Avenue Hotel. And then the most influential members of the Stock Exchange, headed by one of the ablest lawyers of that day, begged the President to loosen the purse strings of the Treasury and reissue the forty-four millions then retired and in the Treasury. The lawyer being asked by the President where was the legal authority to make such reissue was answered:

There was none, but it was an "emergency" in the financial world, and law should be ignored.

Then came Grant's memorable answer:

You can violate the law; the banks may violate the law, and will be sustained in doing so; but the President of the United States can not violate the law.

A cartoon by Thomas Nast in Harper's Weekly of the time pictorially illustrated that memorable scene. Subsequently to this noble stand of the President Congress, in 1874, passed a bill authorizing the reissue of the entire forty-four millions, but President Grant (brave soldier that he was) vetoed it, and it was not passed over his veto. Notwithstanding all this, the people of the United States soon rallied from their misfortune and began the sure work of again building up the fabric of prosperity.

Financial experts have found the causes of the panic of 1893 to have arisen in the apparent deficiency in the public revenue, threatening an inroad on the gold reserve for the ordinary expenditures of the Government, and in a more deep-seated fear of a distinct and disastrous change in the standard of value. Capital, ever quick to take alarm, began its withdrawal of money from daily circulation, and the process of hoarding was resorted to. That panic was the finest teacher of economy and living within one's means the country ever had, and the people, high and low, merchant and daily toiler, took in sail and became money savers for many years thereafter. Stringency in money matters is not comfortable, but it is a tutor that teaches.

The panic of 1907 is attributed to want of confidence in the community as to the trustworthiness of those who direct the affairs of the great corporations of the country. Many of them have been weighed in the balance and found wanting; they had used the moneys of widows and orphans to fill their own pockets with dishonest gains and to corrupt the suffrages of a free and liberty-loving people. Trust companies had failed; banks had gone to the wall; corporations had been formed to cover up shameful practices by directors and trustees; the criminal courts had been invoked to punish grand larceny and perjury and every criminal subterfuge, which the inventive genius of financial sharks had devised for personal profit, and of course credit failed, confidence was destroyed, money was, in self-defense, put in hiding, and financial disaster was the natural result. What but calamity could issue from this Pandora's box of iniquities? The country has borne the heat and burden of the day, the financial world has been winnowed of the chaff, and the wheat is being gathered in the barns. The fires of the furnaces are being lighted, the busy hum of the workshop once again gladdens our hearts, the channels of commerce are being filled with exchanges of merchandise, and the wonderful recuperative power of this people is being manifested on all sides. The emergency is passed; we want no schemes to inflate the currency and to call the gamblers from their dens to begin again their destructive work of wild-cat speculation. "Let us have peace"—after the turmoil and rancor of a Presidential contest shall have died away, let the wiseacres of the financial world put their heads together and devise a scheme of the whole banking and currency system which will provide a safe circulating medium for ordinary times and, as far as practicable, meet the exigencies of sudden commercial crises.

ADDITIONAL MEMBER OF THE PHILIPPINE COMMISSION

Mr. LODGE. Mr. President, if there is to be now no further debate on the financial bill, I should like to call up Senate bill 5507.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. The Senator from Massachusetts asks for the present consideration of the bill referred to by him, the title of which will be stated.

Mr. HEYBURN. I ask the Senator if there is any objection to its passage?

Mr. LODGE. I do not think so. It is a very short bill.

Mr. HEYBURN. It was my intention to call up the regular order; but as the Senator from Massachusetts desires to call up a measure that will not involve any debate, I shall not object.

Mr. LODGE. There is a unanimous report of the committee in favor of the bill for which I ask consideration.

The VICE-PRESIDENT. The title of the bill for which the Senator from Massachusetts asks consideration will be stated.

The SECRETARY. A bill (S. 5507) to increase the membership of the Philippine Commission.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Philippines with an amendment, to insert as an additional section the following:

SEC. 2. That the President is hereby authorized in his discretion to create, by Executive order, and name a new executive department in the Philippine government, and to embrace therein such existing bureaus as he may designate in the order; and in his appointment of any Commission member he shall specify in his message to the Senate the department, if any, of which the appointee shall be the secretary.

So as to make the bill read:

Be it enacted, etc., That the number of Commissioners constituting the Philippine Commission is hereby increased by one additional member, making the Commission consist of nine members; said additional member shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive the same salary and emoluments as are now or may hereafter be prescribed by law.

SEC. 2. That the President is hereby authorized in his discretion to create, by Executive order, and name a new executive department in the Philippine government, and to embrace therein such existing bureaus as he may designate in the order; and in his appointment of any Commission member he shall specify in his message to the Senate the department, if any, of which the appointee shall be the secretary.

Mr. CULBERSON. Mr. President, I hope the Senator from Massachusetts will state the necessity for the passage of this bill. I understand, of course, that it comes from the Committee on the Philippines with a unanimous report; but while I am a member of the committee, I was not present when the bill was considered.

Mr. LODGE. Mr. President, I can state the reasons for the passage of the bill in a very few words. I do not think there can be any objection to it.

The Philippine Commission constitutes the upper house of the assembly, which went into operation this year. It now consists of eight members. As members of the Commission are obliged to travel in different parts of the islands, it is extremely difficult to always maintain a quorum in Manila when the assembly is in session. A quorum of eight is five, and a quorum of nine is five; and this additional member will make it much easier to secure a quorum, which is very necessary.

Another reason is that the Commission is now greatly overworked and needs an additional member. For instance, the departments of finance and justice are combined in one Commissioner, and the work is more than any one Commissioner can properly manage. An additional member is therefore much needed.

I understand the intention also is to give the Filipinos a further representation on the Commission. Of course Senators are aware that the Commission is paid from the revenues of the island; that it makes no charge on the Treasury.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF STREET RAILWAY LINES TO UNION STATION.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 902) authorizing certain extensions to be made in the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes.

Mr. GALLINGER. I move that the Senate disagree to the amendment made by the House of Representatives, ask for a conference with the House on the bill and amendment, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed as the conferees on the part of the Senate Mr. GALLINGER, Mr. LONG, and Mr. MARTIN.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. I call for the regular order, Mr. President.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Yes.

Mr. CLAPP. I have a very short bill here, consisting of less than a page, but I will not ask the Senator to yield provided the Senate will go on for a while on his bill. Every afternoon when we are at about this point we take up the Senator's bill and then adjourn.

Mr. HEYBURN. I will state in response to the Senator's suggestion that it is by taking up this bill every afternoon and making a little headway sometimes and much at other times that we have at last succeeded in passing upon all the provisions of the bill. We are now engaged in considering a section to which we recurred upon the suggestion of the Senator from Georgia [Mr. BACON], and I do hope and believe that, with a few minutes of the time of the Senate this afternoon, we shall be able to dispose of the bill as in Committee of the Whole and have it printed, so that when it is taken up in the Senate it will be printed with all the changes that have been made as in Committee of the Whole.

Mr. CLAPP. It is perfectly agreeable to me to take up the bill provided we go on with it, but every afternoon when the Senate is about to get ready to pass bills, this bill is taken up, and then we adjourn.

Mr. HEYBURN. I hope the Senate will proceed with the bill.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Yes.

Mr. BACON. I want to say to the Senator from Idaho that I understood from him that he would not ask to take up the bill this afternoon. I suppose there will be no trouble about taking it up to-morrow. There is nothing on the programme that I know of that would interfere. I did not expect that the bill would be taken up this afternoon, and I hope the Senator will not urge it. We are weary.

Mr. CULBERSON. I call the attention of the Senator from Georgia to the fact that the Senator from Oklahoma [Mr. OWEN] gave notice that he would address the Senate on the banking bill at 2 o'clock to-morrow.

Mr. HEYBURN. Mr. President, we were proceeding to consider section 20 of the bill when it was laid aside. I desire to call the attention of the Senator from Georgia [Mr. BACON] to some decisions that have been rendered by the courts in passing upon this section. I do this in support of the statement which I made upon the occasion of the last consideration of this section, that, while it might have been, and doubtless was, passed for a certain purpose—that is to say, Congress had in mind the accomplishment of a certain purpose—yet this provision has been found to be useful and necessary in enforcing the law in regard to other conditions than those before the minds of Congress at the time of the enactment of the bill. In the case of Davis *v.* The United States, in 107 Federal Reporter, at page 753, decided in 1901, it was found necessary to invoke the provisions of this section upon the trial of a party for the killing of revenue officers. The court, Judge Severens, stated in rendering the opinion in that case:

> These contentions—

That is, that the indictment charged in effect two separate offenses—

> These contentions are based upon a misconception of the effect of sections 5508 and 5509. They do not contemplate two distinct offenses against the United States. Only the conspiracy is of Federal cognizance, and it is that offense which is made punishable.

That is, the conspiracy—

> If, in the prosecution of it, a thing is done which is a crime by the laws of the State, the conspiracy is punishable by a measure of punishment equal to that prescribed by the law of the State for such other crime.

That goes only to the question of the measure of punishment—

> But it is an aggravation merely of the substantive offense of conspiracy. If the latter is not proven, there can be no conviction for the offense which constitutes the aggravating circumstance, and the proceeding falls to the ground. It is plainly indicated in Motes *v.* United States (178 U. S., 358) that this is the view taken of these sections by the Supreme Court. It can not be doubted that it was within the power of Congress to deal with such a conspiracy and impose such punishment therefor as it should deem proper, and, having such authority, it was competent to take notice of such incidents of violence and wrong as were likely to happen in the prosecution of such combinations, and to measure the punishment by that which is prescribed by the local law for such acts when made, of themselves, the subject of punishment. Though measured by those laws, the penalty is imposed by the law of the United States.

I think that goes very far toward meeting the objection urged by the Senator from Georgia that this section invested the United States court with jurisdiction over an offender for an offense against the State laws. Both the United States Supreme Court and the United States circuit court hold that the offense for which the party can be tried and punished in the United States court is limited to conspiracy, but if the parties are found guilty of the conspiracy they may be punished upon that verdict to the extent that they might be punished for the conspiracy and the crime committed pursuant of it combined. There is nothing unreasonable about that, because it must be that power will be vested somewhere for the punishment of a conspiracy that results in murder. That is one decision upon the question.

There are a great many of these cases coming before the courts even up to the present time—cases entirely different in character from those in contemplation at the time the statute was enacted. It has continually occurred in the jurisprudence of this country that a law enacted to meet an existing condition has been found useful and necessary to meet conditions not even contemplated at the time of the enactment of the law. Therefore, when the question of the continuance of this section in force is up for consideration we must consider not only whether the conditions that called for the enactment of the law exist, but whether other conditions exist that have arisen since. I desire to note in the RECORD in connection with this matter the case In re Lancaster (137 U. S., 393), Logan *v.* United States (144 U. S., 263), In re Quarles and Butler (158 U. S., 532), Motes *v.* United States (178 U. S., 458), and United States *v.* Davis (107 Fed. Rep., 753), all of which are recent cases.

I have here a list of cases that were tried under conditions that were not contemplated by the legislators at the time of the enactment of the law; but this law has proven to be useful and necessary to meet entirely new conditions of a different class from those then contemplated. Now to repeal it would leave no law upon the statute books under which these offenses of more recent origin and practice could be punished.

Mr. BACON. I should like to inquire of the Senator if he has read the cases the list of which he has cited to us?

Mr. HEYBURN. Yes; and I have a syllabus of them here.

Mr. BACON. I simply want to say, as to one of them, that I happen to know something about it. The case of In re Lancaster never was heard on the merits in any appellate court. It was before the Supreme Court once upon a very slight preliminary question before there was even an arraignment.

Mr. HEYBURN. I would ask if the Senator refers to the Lancaster case?

Mr. BACON. Yes.

Mr. HEYBURN. That was on a motion for leave to file a petition for a writ of habeas corpus.

Mr. BACON. That certainly can not be considered by the Senator in support of any argument he has made to-day, because that case never did get before any appellate court.

Mr. HEYBURN. The case grew out of an attempt to eject certain squatters on lands the title to which had been quieted in the Federal courts. The question first arose in 44 Federal Reporter, page 885. It goes to make up this statement as to the necessity or usefulness of this statute at this time. Of course the case in the 44 Federal Reporter is quite an ancient case. Then there is a case in 110 U. S., decided, of course, quite a long time ago, but I read it merely in stating the sequence of decisions. But when I call the attention of the Senator to cases as late as 158 and 178 United States Supreme Court Reports and 107 Federal Reporter, it will be evident that we are not compelled to rely upon the Lancaster case. It is only one case.

Mr. BACON. I thought if the Senator was referring——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. BACON. I thought if the Senator was referring to the Lancaster case as an authority, and he had no other cases which were any more authority than the Lancaster case, that his brief was not very valuable, because I happen to know something about the Lancaster case. It never was before an appellate court upon any question which involved the merits of the case.

Mr. HEYBURN. Mr. President, I think the Senator will find, when the record of what I said is printed, that I called the attention of the Senate to these cases in order that they might have, should they desire to review what I had said on this question, a statement of cases in which this section had been considered and adjudicated. I do not attempt in thus stating it to go into the merits of each case. I have before me, as I have said, a statement which I have made up from an inspection of these cases. I am prepared to go into each one of them should it be deemed necessary or profitable to do so; but I think, in discussing the question with the Senator from Georgia, it will not be necessary to go further than to show that the courts find this section of the criminal law of the United States

useful and necessary in order to punish other offenses than those in contemplation at the time of the enactment of the section. That being shown, it seems to me that it would appeal to the legal mind that we ought not to repeal a statute merely because the conditions that called for or resulted in its enactment had passed away, if it is shown that other conditions require the presence of such a law upon the statute books.

Mr. BACON. Mr. President, I do not know whether it is very profitable for us to discuss this question, because, as the Senator well knows, if we come to a final issue there is no way by which it can be determined. It may very seriously affect the question as to whether or not the bill will ultimately pass; but I do not know that we can determine the question as to whether or not the Senator shall prevail in his contention or whether I shall prevail in mine, because the necessary machinery for that determination is not at hand; but I want to say, in order that the RECORD may be complete, that the Senator misapprehends altogether the point of my objection to the section.

This is not a section which I claim was adapted or designed for a condition of affairs different from that which now exists. I say it is a section which was never a proper section upon the books, and that it is simply a cloak, a device, under which offenses purely against the State law are taken cognizance of by the Federal courts, and under which parties are tried and convicted in the Federal courts when the offense committed is an offense simply against the State. I am going to state this very briefly, because I do not feel any disposition to go into any long argument this afternoon. I did not expect this matter to come up at this time, and I was quite content with the suggestion the Senator himself had made to me that the resumption of the consideration of this bill should not be had until to-morrow. But in order that my point may be made clear, I will read the section preceding this section and then that section in connection with it, to show how utterly useless it is for the purpose of affecting the punishment of anyone who violates the Federal law and how adapted it is to the usurpation of jurisdiction by the Federal courts of an offense against the State which is not an offense against the Federal authority.

Section 5508 is the one in which there is an offense against the Federal Government set out, and it is in these words:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

There is the offense set out, complete in itself. Here comes the penalty:

They shall be fined not more than $5,000 and imprisoned not more than ten years; and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States.

I think anyone will agree, whether he be lawyer or layman, that the offense is set out there and the penalty is attached, making in itself a complete statute, and nothing more is needed to punish for the offense committed against the Federal authority. If there were no other section there would be no trouble in the administration of the law. If nothing followed it nothing more would be required. A party who violated the terms of the statute, as I have read it, could be indicted and tried, and if found guilty could be punished, and no slight punishment either. It will be noted that the offense is the conspiring for the purpose of preventing anyone from exercising, or intimidating anyone in the attempt to exercise, his rights under the Constitution and laws of the United States, or because of having so exercised those rights, or conspiring to prevent his enjoyment of right or privilege under the laws or the Constitution of the United States. If he does either of those things, which is the extent of the statute, he can be punished by a fine not exceeding $5,000 and imprisonment for not more than ten years, and in addition to that he is thereafter ineligible to any office or place of honor, trust, or profit created by the Constitution or laws of the United States. That is complete in itself. The offense is complete and the penalty no one will say is inadequate.

Now, what is the next section? Mr. President, bear in mind my criticism is that the next section is an entirely independent section, in nowise necessary to support the first section, and that it relates entirely to an offense committed against the State and not to an offense committed against the United States. I will read it and see:

If in the act of violating any provision in either of the two preceding sections—

I did not read the first of the two preceding sections, but it is of the same nature, with an offense set out and a penalty attached, complete in itself. Here is this independent section 5509 to which I am objecting:

If in the act of violating any provision in either of the two preceding sections any other felony—

Not anything that is a part of that felony, but "any other felony"—

or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the State in which the offense is committed.

How possibly can it be contended that that section relates to anything except some felony perpetrated in the State, not a part of the original felony? It might have been done in connection with, but it has no office as a part of the original offense.

The law is not ambiguous. It does not leave us in doubt as to whether or not it is an offense which may be properly said to constitute a part of either of the offenses specified in either of the two preceding sections. It says specifically "any other," not a part of the same, but any other offense. Here are offenses set out against the Government of the United States, and they are complete in themselves. If at any time another felony is committed, can it be a part of the offense against the United States? The felony specified in each of the two sections is complete in itself and not left in doubt as to what it is, and the section then makes provision for a case where, when they are doing that, they commit some other felony. Of course it can only be a felony against the State. If the section had gone on to say if they commit some other felony they should be punished by imprisonment for a certain specified term of years or by the payment of a certain specified fine, there might be some contention. But the section not only specifies a felony which can be none other than a felony against the State, but absolutely goes forward and specifies the same penalty as that prescribed by the State, the plain purpose being to invest the Federal court, after it has once taken jurisdiction of an offense against the United States Government, with the further jurisdiction to take cognizance of an offense against the State and to punish with the penalty of the State. In other words, it constitutes the Federal court the court in which an offender against the State law can be tried for the offense against the State law and punished for the offense against the State law with the penalty prescribed by the State law. How is there any possible escape from such a conclusion?

Mr. President, what is the evil of this thing? The evil of it is that parties who commit offenses against the State are, after the offense has been committed, as an afterthought by some one who wishes to drag them before the United States court, charged with a conspiracy, one of those intangible offenses where somebody can testify to something that he heard somebody else say, and if the necessity is put upon one it is one of the most difficult things in the world to prove that a man did not say something, with a design to carry a case into the Federal court. After there has been an assault, possibly, a difficulty between two people, one of whom wants to have a trial in the Federal court, he goes and makes any sort of an allegation about a conspiracy, an afterthought, and a man is dragged a hundred miles from his home, away from his witnesses, put to great expense and inconvenience, and in a position where it is almost impossible for him properly to defend himself, and carried before a Federal court and tried for an offense which can only properly be tried in a State court.

It is not a slight matter, Mr. President, and I was not speaking lightly when I said in opening my remarks that we might not be able this afternoon, for the lack of proper machinery here, to determine whether this section shall go out or whether it shall remain in the bill. It is a matter of such grave importance that it is one which may put in jeopardy the whole question whether this bill shall receive the sanction of the Senate. I regard it as one of the most important things in this body of laws. I say one of the most important—one of the gravest and most serious, one absolutely unnecessary to the proper administration of the Federal law, and one of the most serious, which is found in practical operation to give opportunity to usurpation by the Federal courts of jurisdiction in the trial of cases where the offense has been committed against the State and not against the General Government.

Mr. President, I have no desire to delay the Senate with a further argument. I think I have presented it in a way that Senators present can understand the enormity of this thing, and I want to say to the Senator from Idaho that the thing which has impressed this case upon me more seriously than anything else is the very case of Lancaster from which he read. I was of counsel in that case, and I know all about it. It was a plain

case of murder. The question who committed the murder was a very serious question in the case. But whoever committed it, it was a plain case of murder, and a very atrocious case of murder. Parties were dragged a hundred miles from their homes, tried away from their families and their friends, where it was difficult for them to procure witnesses, and where, before any witness could be summoned before the court, there had to be reduced to writing a statement of everything it was expected to be proved by that witness, which had to be handed to the prosecuting attorney for him to be ready with a witness to rebut the evidence before it was brought into court. After a trial which lasted for more than thirty days some of the parties were sent to the penitentiary for life and others for terms of years, and after some of them had died in prison and but one remained, President McKinley pardoned that man Lancaster upon the statement of Attorney-General Griggs in writing that upon the record in that case he ought never to have been convicted. The Senator wants illustrations. There is a concrete case which he himself has brought before the Senate; and it is not the only instance in which I have had a practical illustration of the enormity of this law.

Mr. President, if there is anything that is important under our system of Government, it is that parties should be tried in their States for offenses against the State, and that by no warping or twisting, with the General Government organized as it was for altogether other purposes, should plain offenses against the State be taken jurisdiction of by the Federal courts. The Federal courts sit at long distances from one another. It is the right of the party to be tried, except in very extraordinary circumstances, by a jury of the vicinage, and he should be tried near the scene of the alleged crime, where he can have the attendance of his witnesses, and it is a hardship and an enormity and an iniquity that a statute so absolutely unnecessary for the maintenance of any Federal interest as this is should remain upon the statute book by which men can be dragged a hundred miles from their homes to be tried for an ordinary case of violation of the State law.

Mr. President, I move to strike out the section.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be stated.

The SECRETARY. It is proposed to strike out all of section 20, on page 12.

Mr. HEYBURN. Mr. President, because there has been a miscarriage of justice in the enforcement of a law is not conclusive proof that the law is bad. Without undertaking to review the proceedings in the Lancaster case or to consider the question whether or not in that particular case the parties should have been held under the provisions of this law, it certainly is proper, when we are considering the question of a law so wide in its scope and so necessary in its purpose and effect to maintain rights of individuals under the law made by this body, to overlook the question whether or not in some instances the law has been so administered as to work a hardship.

Mr. President, I will leave the Lancaster case twenty years behind. I guess twenty years is about the period which has elapsed since that case first came before the courts in 34 Federal Reporter.

Mr. BACON. Not quite.

Mr. HEYBURN. The Senator from Georgia will know better than I as to whether or not that period is too long.

Mr. BACON. It is a little too long.

Mr. HEYBURN. It was before the United States Supreme Court in the one hundred and thirty-seventh volume of the reports of that court, and we are now beyond the two hundredth volume.

Mr. BACON. Long enough for a man to stay in the penitentiary ten years, when the Attorney-General himself, after an examination of the record, said he ought never to have gone there at all.

Mr. HEYBURN. There are, unfortunately, in the history of jurisprudence in this country a number of cases where parties have been punished unjustly and where it required many years to develop that fact, but it would not do to repeal the statute under which they were tried and convicted because, forsooth, they were unfortunate in that regard. I do not believe that any lawyer in this body would hold that a sufficient reason for repealing the law.

In the case of Logan *v.* The United States, which was some years after the Lancaster case, Logan and others were indicted under sections 5508 and 5509. Section 5509 is section 20 of this bill, to which the motion to strike out, made by the Senator from Georgia, is directed. Logan was indicted for conspiracy and for murder committed in pursuance of a conspiracy. Section 5508 does not provide a punishment for the violation of any law of the State. It provides a punishment for a violation of the rights of the citizen secured to him by the Constitution or the laws of the United States, or because of his having so exercised his rights thereunder.

It is a rule of universal application that a violation of the laws of the United States is punishable always, presumably, in the courts of the United States, and the section 5508 is directed only to the violation of the laws of the United States. Section 5509 merely provides a rule for punishment for those who are convicted under 5508; nothing more. Section 20, to which the Senator's motion is directed, does not in itself prescribe a crime. It provides a rule for the punishment of the crime that is prescribed in the preceding section. That is all.

Now, I think that in itself might rest as a complete answer to the argument of the Senator from Georgia against the provisions of section 20, because I repeat it does not provide any additional crime to that which is provided for in section 19 of the bill under consideration. Section 19 of the bill, I take it, would not be attacked on the ground stated by the Senator from Georgia, because it in terms confines its application to a violation of the laws of the United States, and you could not punish a person under the provisions of section 19 for the violation of the law of the State, because the statute leaves no margin for such a construction, and the murder that is committed in the process of violating the provisions of section 19 is merely made the basis, not of a trial, not of an indictment, but the basis of determining the measure of the punishment. That is all; nothing more.

Mr. President, to consider the Logan case a little further, certain persons were in the custody of a deputy United States marshal, under an indictment charging them with larceny. While so in custody Logan and others, in pursuance of a conspiracy, in the nighttime went upon the highway in disguise, waylaid the deputy and his prisoners, and shot and killed one of the prisoners. Logan and others were found guilty of conspiracy. Conspiracy to do what? Conspiracy to take these prisoners from a United States marshal. They were in the custody of a United States marshal by virtue of his authority under section 19. They were in custody for the violation of the provisions of section 19 of this bill as it was written at that time in the Revised Statutes. They went upon the highway masked, at nighttime, and, pursuant to the conspiracy that they had entered into, which was not to kill anybody, not to commit murder, which would be a crime under the laws of the State, but a conspiracy to release prisoners from the custody of the United States marshal. But in the carrying into effect of that conspiracy they killed the prisoner. The court in sentencing them took into consideration the fact that they had killed the prisoner for the purpose of determining the measure of punishment under the provisions of section 20, now under consideration. That is the Logan case.

Would it appeal to the Senator from Georgia that a punishment merely for rescuing the prisoner, where murder had been committed, would have been a sufficient punishment? Ought not the conspiracy that resulted in the commission of this murder be taken into consideration by the court in punishing the parties? Should there be two trials—one in the United States court for a part of a crime, and another in the State court for another part of the same crime, they all being the same act, growing out of the same intent or the same conspiracy? Should there be two trials? Would there be anything gained to the administration of the law of the land by dividing it? Then, which court should have jurisdiction? The crime was originally initiated in violation of the laws of the United States which are peculiarly within the consideration of the courts of the United States. The indictment was found in the courts of the United States. Should they have disregarded the fact that this party, whose only crime originally under the laws of the United States was the entering into a conspiracy to liberate a prisoner, had committed a graver offense pursuant to the same conspiracy.

Now, that is as far as the court went, and the United States Supreme Court held that, having entered into a conspiracy to do an unlawful act under the laws of the United States, they might be held responsible to the full extent for the act which they committed. Many murders are committed in the carrying out of a conspiracy that were not contemplated when the conspiracy was entered into. The law can not disregard these graver acts because they were not within the contemplation of the conspirators at the time of the conspiracy or when it was formed. But the conspiracy is against the laws of the United States. I desire that to be emphasized and that language to be incorporated into my statement. I read the section to which the offense is initiative, section 5508:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United

States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

That is, secured to him under the Constitution or laws of the United States. How would the courts of a State have jurisdiction of such an offense? The courts of the State may punish only for a violation of the laws of the State. The courts of the United States punish only for a violation of the laws of the United States.

Will it be maintained that the parties should go free because they did not succeed in committing an offense that the laws of the State might take notice of? May they not be punished for conspiring together for the purpose of defeating the rights of a party under the Constitution or the laws, which are equally sacred, enacted by Congress? The United States Supreme Court, in the Logan case, recited this fact:

Logan and others were found guilty of the conspiracy.

That is what they were found guilty of. They were not found guilty of the murder; they were found guilty of the conspiracy; and as a part of the proof establishing their guilt of the conspiracy were the facts of the murder. The court did not undertake to try the party for murder, but did try the party for the conspiracy, and took into consideration all of the facts which surrounded the conspiracy in determining the punishment that was appropriate under the act of Congress.

Mr. CLAPP. Will the Senator pardon a question?

Mr. HEYBURN. Certainly.

Mr. CLAPP. Under any state of facts that would warrant the court in punishing a party in a proceeding for conspiracy, taking into account in imposing that penalty the fact of the homicide, would there not have been sufficient facts established to have prosecuted for the homicide under the State law?

Mr. HEYBURN. There would have been sufficient facts, but the United States court having already taken jurisdiction of what you might call the primary offense out of which the graver offense grew, as I have before suggested, it would seem to be neither in keeping with the ordinary methods of administering the law, nor would it be required under the statute that the United States should release its hold upon the prisoner for the punishment of the offense against its laws because, forsooth, the party had been guilty of an offense against the laws of the State. Had the State taken possession of the defendant for the crime of murder, it having first acquired jurisdiction, it might take into consideration, if it were necessary, but it would not generally be necessary, the question of the conspiracy out of which the murder grew.

Mr. CLAPP. If I may be permitted to offer a suggestion, it appears to me that while the conspiracy may have been primary in point of time the graver offense was the homicide, and, waiving any question which the court could try, the homicide should be tried and punished in the trial of the homicide, instead of taking the homicide into account in a general indefinite way in imposing a penalty for conspiracy in a Federal court.

Mr. HEYBURN. That goes to the question of the wisdom of the lawmakers who enacted this law.

Mr. CLAPP. That is what we are discussing now, and that was in view in reserving this provision.

Mr. HEYBURN. Mr. President, I am admonished that it is getting late, so I will not elaborate unnecessarily. It will be profitable to consider some of the other cases that have carried forward this doctrine. In the case of Quarles and Butler, which was a more recent case, the petitioners were indicted under these two sections for having, in pursuance of a conspiracy, gone in the nighttime to the house of a person who had informed a deputy United States marshal that certain persons were engaged in the illicit distilling of liquors and beaten and illtreated him and shot at him with intent to kill him because of his having given such information. A writ of habeas corpus was denied by the United States Supreme Court in this case, the court holding that such acts came within the inhibition of the statutes.

That, of course, is a clear adjudication of the principle involved in these two sections. There they shot and wounded and beat this man in carrying into effect a conspiracy that they had entered into in violation of the laws of the United States regulating the distilling of liquor. They assaulted a person who gave information to one of the officers of the United States. That is a clear determination of the legal question as to the manner of proceeding and the extent and purpose of this law.

I call attention to the Motes case. It is in 178 United States, at page 568. That case is entitled "Motes *v.* The United States." Motes and others entered into a conspiracy to injure and oppress one Thompson for having given information to a United States commissioner that certain persons were engaged in the unlawful distilling of liquor. In furtherance of the conspiracy they shot and killed Thompson. For this they were indicted under sections 5508 and 5509, tried, and convicted. The court sustained the conviction of Motes, but reversed the judgments against the other conspirators for errors upon the trial and remanded the cases for new trial. They, however, held that the conviction of Motes would not be disturbed, because he committed this murder in the execution of a conspiracy against the laws of the United States.

In United States *v.* Davis the circuit court of appeals for the sixth circuit points out that in the prosecutions under sections 5508 and 5509 it is the conspiracy that is punished, and that if any other offense be committed in carrying out the conspiracy such other offense is not punished, but the commission of such other offense aggravates or increases the punishment which may be imposed for the conspiracy. Upon this point, respecting the claim made that there were two distinct offenses in the same case, the court says what I have already read from the decision of Judge Severens in that case. He simply elaborates the idea that the party is not convicted for the murder or for the assault; he is convicted for the conspiracy; but the punishment for conspiracy under that section is graduated according to the result of the execution of the conspiracy. If the conspiracy resulted in no great harm to any individual, the punishment would doubtless be commensurate with the offense. If the conspiracy resulted in the destruction of property or life or a serious assault, the court is authorized by section 20 to take that into consideration in fixing the punishment, not for the murder, not for the burning, not for the assault, but in considering the punishment for the conspiracy.

Does it not appeal to the legal mind that the court should be authorized by law to take into consideration in determining the punishment the gravity of the offense that is committed pursuant to the carrying out of the conspiracy? Because it may have worked a hardship in one or in many cases the wisdom of the law can not be attacked on that point.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. PILES. Although on the committee, I was not present, as I now recall, when this section was considered by the committee. I should like to ask the Senator if all the cases he has been citing were not prosecutions under section 19?

Mr. HEYBURN. No, Mr. President; every one of them recited both sections. I have only selected those cases where the carrying out of the conspiracy involved the commission of the larger offenses. There are a line of cases in which that element does not occur, but I have only brought here for consideration those particular cases in which both sections 19 and 20 are mentioned and both considered by the court.

Mr. PILES. I do not think the Senator catches my point. My question is this: Has there been any man prosecuted according to the decisions which the Senator has cited here under section 20 for an offense named in section 20; that is to say, if in the act violating any provisions of the preceding section any other felony or misdemeanor has been committed? For instance, will the Senator contend if a murder had been committed in execution of the conspiracy that it could be prosecuted in the courts of the United States.

Mr. HEYBURN. Not at all as murder; no.

Mr. PILES. Then what is the necessity for section 20?

Mr. HEYBURN. In order to give the court a scope in administering the punishment that is commensurate with the offense or, rather, with the result of the conspiracy. That was the purpose of enacting section 20, which——

Mr. PILES. Is there any necessity for the court having such evidence before it in order to fix the punishment under section 19?

Mr. HEYBURN. Yes; because under section 19 the maximum punishment is a fine of not more than $5,000 and imprisonment for not more than ten years. It will not be maintained for a moment that that would be an adequate punishment for parties guilty of conspiracy which resulted in the more serious consequences that have been shown to have existed in the cases which I have cited.

Mr. PILES. Is not the court bound to know, in trying a conspiracy case, that murder was committed? Will not the court know that fact? Is not that fact bound to be developed in the trial of the conspiracy case, and can not the court therefore determine the punishment just as well without section 20 as with it?

Mr. HEYBURN. No; it would be limited to the number of years and the amount of fine prescribed in section 19, and there is a limit there that is not commensurate with so grave an offense as that which was under consideration in the cases that have been cited.

Mr. PILES. I confess I am unable, sir, to see the necessity of section 20. I do not think that in the cases the Senator has cited there is any necessity for the existence of that section. If that section had been considered in my presence in the committee I should have voted against it.

Mr. HEYBURN. It was probably considered when the Senator was not present. Every section in this bill received the most careful consideration at the hands of the committee. Nothing was taken for granted. Every line and letter of every section of the bill was considered at length, and upon some single sections the committee spent several days and reviewed every decision that had ever been rendered by any court affecting the operation of those sections. So it may be safely said that there is nothing in the bill as the result of inadvertence on the part of the committee.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. BACON].

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I think we can get ready in a minute to print the bill, and I think all Senators will agree with me that it is desirable to do so.

Mr. BACON. Mr. President, I wish to make one remark before the measure is put to a vote as in Committee of the Whole. There are a good many things in this body of criminal law to which I have very serious objection. I do not think it is practicable to get them out. I make this statement because I do not wish to be considered in voting for the passage of the bill, which I expect to do, that I give my assent to those objectionable features. If there was any possibility of getting them out, of course, I would avail myself of it, but I think there is none. I feel it due to myself to make this statement. I think, however, I should have voted against the bill if section 20 had been retained.

Mr. HEYBURN. It is my intention at an early day to ask that a time be fixed by unanimous consent to vote upon the bill after it is considered in the Senate. I should like to get it out of Committee of the Whole and have it reprinted, so that in the Senate we may consider the bill in better form than it can possibly be considered as in Committee of the Whole, with the amendments that have been made.

Mr. MCLAURIN. There is one little amendment that I believe the committee agrees is a proper amendment. In section 95, after the words "sufficient evidence," in line 19, I move to add the words "prima facie."

Mr. HEYBURN. I have no objection to that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 48, line 19, following the word "evidence," insert the words "prima facie."

The amendment was agreed to.

Mr. HEYBURN. There are some amendments I have to offer to which I think no one will object. The Post-Office Department has found that the inventive genius of a certain class of people has encompassed the present law to such an extent that it is necessary to insert certain words in section 212, which pertains to contraband publications in the mail.

On page 109, line 18, after the word "lascivious," I move to insert "or vile, or filthy, or disgusting." The courts have held that certain matters do not come within the meaning of "lascivious."

Mr. BAILEY. Mr. President, I do not think we ought to go so far as to include the word "disgusting." That is a matter about which there might be some latitude or difference of opinion. As to the other two, I think everybody will agree that what is vile and filthy ought not to go through the mail. I hardly think the other ought to be included. To disgust a man is not necessarily a serious offense.

Mr. HEYBURN. If the Senator will permit me, it is rather a difficult question to consider anywhere, but if he or any other Senator will go down to the room of the Joint Committee on the Revision of the Laws he will see there ample reason for the insertion of this one particular word "disgusting." The courts have interpreted the other words, the words "lascivious" and "vile," and "filthy," and yet in one place in Chicago we captured several tons of postal cards and mail matter that did not come within the definitions of lascivious or vile or filthy, but they are of such a character as would leave no occasion for any argument if they could be inspected for a moment. They may be seen. They were sent over from the Post-Office Department in support of their request that these words be inserted in the bill. While I was not in favor of enlarging this or any other statute without a reason, upon seeing the class of matter which was captured recently I withdraw any possible objection to it.

Mr. BAILEY. The trouble about it is that you could easily imagine something that would not be as extreme as the exhibits which have convinced the judgment of the Senator from Idaho, and there might be a very reasonable difference of opinion. It might disgust one man of a very sensitive nature and a more robust nature might not be very seriously offended. The man who sent it might be one of the robust kind, who was not disgusted so easily, and thus commit a crime without any thought of doing it.

I think we have gone far enough with the postal authorities in yielding to them at their solicitations and increasing their power. I certainly have no disposition to permit the improper use of the mails. I think the Government ought to severely punish a man who uses one of its instrumentalities for an improper purpose. Yet it seems to me that when we get to the point that we punish American citizens because they might disgust somebody, we have gone beyond wholesome lawmaking and we have engaged in a kind of a dilettanteism that is not in harmony with our best traditions. I hope the Senator from Idaho will agree to omit that word.

Mr. HEYBURN. I will say candidly these words were sent by the Post-Office Department, and our attention has been called to the decisions defining the meaning of the other words. Personally, I did not have it called to my attention until it was called to the attention of the committee for the purpose of making the law so secure against the transmission of this class of matter that there could be no doubt about it.

Mr. BAILEY. Does this section merely exclude it from the mail or does it make it a crime for a man to put such matter in the mail?

Mr. SUTHERLAND. If the Senator from Idaho will permit me, I will state that it makes it a penal offense for any person knowingly to deposit any of these things in the mail.

Mr. HEYBURN. The language, if amended as I propose, will read this way:

Every obscene, lewd, or lascivious, or vile, or filthy, or disgusting book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article—

Enumerating them, are excluded from the mail, and—

Whoever shall knowingly deposit, or cause to be deposited, for mailing or delivery—

Then insert the words "any," etc.—

declared by this section to be nonmailable, or shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, etc.

That is the character of the provision.

Mr. BAILEY. Mr. President, I am clear that that is going altogether too far. It is perfectly proper for the Government to make it a crime for a man to use its mails for the transmission of vile, lascivious, or obscene literature, but when you come to the point that is disgusting I think that is going too far. I have seen some publications that did not have a strain of immorality in them that were disgusting to me. Occasionally I see a man attempt to make a speech which exhibits all through it that he did not know what he was talking about. That disgusts me. I suppose if the Senator from Idaho were administering the law he would not consider that kind of a document within the prohibition of the law, but it only illustrates the great latitude which we are conferring upon the court.

Then I resent the idea that we have reached a point where we have to make it a crime in this country for one man to disgust another in any way. That is a kind of personal privilege that everybody ought to enjoy. I do not think it is a matter calling for a penalty and to be declared as a crime. Of course I am not going to interfere any further than to vote against it. I would vote against the whole amendment with that word in it.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. I agree with what the Senator from Texas has said about this matter. I think the statute goes quite far enough as it is. I am not only opposed to putting the word "disgusting" in the statute, but the word "vile." There are three words the Senator mentioned.

Mr. BAILEY. "Vile" and "filthy."

Mr. HEYBURN. "Vile" or "filthy" or "disgusting."

Mr. SUTHERLAND. I am opposed to putting in the words "vile" or "filthy" or "disgusting." The statute as it reads is that every obscene, lewd, or lascivious book, pamphlet, picture, and so forth, is to be excluded from the mails. If we add to that the term "disgusting," perhaps it would include books which ought to be sent through the mails—for instance, medical books. They would be disgusting to some people and yet be perfectly legitimate publications. It would exclude books that ought not to be forbidden the mails. Articles in newspapers—editorials—may be disgusting, and they may sometimes be vile in the esti-

mation of a good many people, yet I think we would be going altogether too far to forbid those things from going through the mail.

Mr. HEYBURN. I merely ask that the question be submitted to a vote.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho?

Mr. CLAPP. I move to amend the amendment by striking out the word "disgusting." Then, I think, we could probably vote for the amendment as amended.

Mr. HEYBURN. Very well; I am glad to have that question presented.

Mr. BACON. I suggest to omit the words designated by the Senator from Utah [Mr. SUTHERLAND], which I think are equally objectionable.

Mr. HEYBURN. That is all there is of the amendment.

Mr. BACON. Of course.

Mr. HEYBURN. The Senator from Utah has objected to the three words "vile" or "filthy" or "disgusting."

Mr. BACON. I think the law as it stands is adequate.

Mr. HEYBURN. Very well; let us take a vote on it.

Mr. BACON. I will say nothing further if the Senator from Idaho who makes the suggestion does not press it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. CLAPP] to the amendment proposed by the Senator from Idaho.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now is on agreeing to the amendment of the Senator from Idaho [Mr. HEYBURN] as amended.

The amendment as amended was rejected.

Mr. HEYBURN. Now, Mr. President, that is a fair expression, and I will not offer the other amendments, which were for the same purposes in other parts of the section. The amendment that I have offered has been at the request of the Post-Office Department, as I have already explained.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. HEYBURN. I now ask that the bill be printed as reported to the Senate from the Committee of the Whole.

The VICE-PRESIDENT. All in roman type?

Mr. HEYBURN. No. I probably should have been more explicit in my statement. I ask that the bill be printed as reported to the Senate, the amendments to be in italics and the brackets to be omitted.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the bill as reported to the Senate be printed with the amendments in italics and the brackets omitted. Is there objection? The Chair hears none, and it is so ordered.

MILLE LAC BAND OF CHIPPEWA INDIANS.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill (S. 5330) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to give to the Court of Claims jurisdiction to hear and determine a suit or suits to be brought by and on behalf of the Mille Lac band of Chippewa Indians in the State of Minnesota against the United States on account of losses sustained by them or the Chippewas of Minnesota by reason of the opening of the Mille Lac Reservation in the State of Minnesota, embracing about 61,000 acres of land, to public settlement under the general land laws of the United States; provides that from any final judgment or decree of the Court of Claims either party shall have the right to appeal to the Supreme Court of the United States, and the cause shall be advanced on the docket of the Court of Claims and the Supreme Court of the United States if the same shall be appealed; and upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys employed by the Mille Lac band of Indians, and the same shall be paid out of any sum or sums found due that band or to the Chippewa Indians of Minnesota.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time and passed.

RECIPROCAL PRIVILEGES TO FOREIGN YACHTS.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (S. 5333) relating to yachts. The bill has been heretofore read.

The VICE-PRESIDENT. The Senator from Washington asks unanimous consent for the present consideration of the bill named by him, which has been heretofore read. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that whenever it shall be made to appear to the satisfaction of the President of the United States that yachts belonging to any regularly organized yacht club of the United States are allowed to arrive at and depart from any foreign port and to cruise in the waters of such port without entering or clearing at the custom-house thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes or charges for cruising licenses, the Secretary of Commerce and Labor may authorize and direct the customs authorities at the various ports and subports of entry of the United States to allow yachts from such foreign port belonging to any regularly organized yacht club thereof to arrive at and depart from any port or subport of the United States and to cruise in waters of the United States without the payment of any charges for entering or clearing, dues, duty per ton, or tonnage taxes, but the Secretary of Commerce and Labor may, in his discretion, direct that such foreign yachts shall be required to obtain licenses to cruise, in a form prescribed by him, before they shall be allowed under the provisions of this act to cruise in waters of the United States. Such licenses shall be issued without cost to such yachts and shall prescribe such limitations as to length of time, direction, and place of cruising and action, and such other particulars as the Secretary of Commerce and Labor may deem proper.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. TALIAFERRO. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 25, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1908.

COLLECTOR OF INTERNAL REVENUE.

Ross L. Hammond, of Nebraska, to be collector of internal revenue for the district of Nebraska, in place of Elmer B. Stephenson, resigned.

POSTMASTERS.

ARKANSAS.

William Sheridan to be postmaster at Beebe, White County, Ark. Office became Presidential January 1, 1908.

CALIFORNIA.

Charles S. Graham to be postmaster at Pleasanton, Alameda County, Cal., in place of Charles S. Graham. Incumbent's commission expired January 4, 1908.

COLORADO.

Benjamin F. Niesz to be postmaster at Steamboat Springs, Routt County, Colo., in place of Benjamin F. Niesz. Incumbent's commission expired November 19, 1907.

IOWA.

Aaron M. Loomis to be postmaster at Wyoming, Jones County, Iowa, in place of Aaron M. Loomis. Incumbent's commission expires March 7, 1908.

MAINE.

Fred H. Atwood to be postmaster at Rumford Falls, Oxford County, Me., in place of Fred H. Atwood. Incumbent's commission expires March 24, 1908.

MASSACHUSETTS.

Fred A. Hanaford to be postmaster at South Lancaster, Worcester County, Mass., in place of Fred A. Hanaford. Incumbent's commission expired November 17, 1907.

MICHIGAN.

Frank A. Peavey to be postmaster at Upton Works, St. Clair County, Mich., in place of Frank A. Peavey. Incumbent's commission expired January 27, 1908.

MISSISSIPPI.

Henrietta Welch to be postmaster at Carrollton, Carroll County, Miss. Office became Presidential January 1, 1908.

NEW JERSEY.

Philip H. Focer to be postmaster at Pitman (late Pitman Grove), Gloucester County, N. J. Office became Presidential July 1, 1907.

George B. Jacobus to be postmaster at Caldwell, Essex County, N. J., in place of George B. Jacobus. Incumbent's commission expires March 24, 1908.

Charles S. Simonson to be postmaster at Verona, Essex County, N. J. Office became Presidential January 1, 1908.

PENNSYLVANIA.

Fred S. Trowbridge to be postmaster at Great Bend, Susquehanna County, Pa. Office became Presidential January 1, 1908.

SOUTH CAROLINA.

James W. Johnson to be postmaster at Marion, Marion County, S. C., in place of James W. Johnson. Incumbent's commission expires April 27, 1908.

TEXAS.

Louis W. Durrell to be postmaster at Alpine, Brewster County, Tex. Office became Presidential January 1, 1907.

John M. Hill to be postmaster at Cooledge, Limestone County, Tex. Office became Presidential January 1, 1908.

John G. Ross to be postmaster at Garrison, Nacogdoches County, Tex. Office became Presidential January 1, 1908.

WASHINGTON.

William O. Gregory to be postmaster at Burlington, Skagit County, Wash. Office became Presidential January 1, 1908.

James Lane to be postmaster at Roslyn, Kittitas County, Wash., in place of James Lane. Incumbent's commission expires March 2, 1908.

Tilton S. Phillips to be postmaster at Mabton, Yakima County, Wash. Office became Presidential January 1, 1908.

WISCONSIN.

Walter C. Crocker to be postmaster at Spooner, Washburn County, Wis., in place of Walter C. Crocker. Incumbent's commission expired February 3, 1908.

Robert A. McDonald to be postmaster at Grand Rapids, Wood County, Wis., in place of Albert L. Fontaine. Incumbent's commission expired January 21, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1908.

POSTMASTERS.

MASSACHUSETTS.

John F. Mitchell to be postmaster at North Grafton, Worcester County, Mass.

MISSISSIPPI.

George K. Smith, jr., to be postmaster at Indianola, Sunflower County, Miss.

NEW YORK.

Austin Hicks to be postmaster at Great Neck, Nassau County, N. Y.

Wesley Mulford to be postmaster at Unadilla, Otsego County, N. Y.

Winfield S. Spencer to be postmaster at New Rochelle, Westchester County, N. Y.

TEXAS.

Dallas Harbert to be postmaster at Commerce, in the county of Hunt and State of Texas.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 24, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

UNITED STATES COURTS AT DOTHAN, ALA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17524) to provide for circuit and district courts of the United States at Dothan, Ala., which I send to the desk and ask to have read.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I want to say this: There have been two bills passed through this Congress increasing the number of places in which to hold court. The first was in the State of Texas, presented by a gentleman from that side of the Chamber. Although I was somewhat doubtful about it, I did not object at that time.

The next one came from the State of Kentucky, and was presented by a gentleman on this side of the House. I then stated I would not object to that, because the other had been allowed, but I did give notice that I should object to these bills hereafter until I had an opportunity to examine them to see whether there was any necessity. After I made that statement I received a letter from one of the judges of one of the Southern States, in which he took notice of what I had said in the House and protested most vigorously against the establishment of so many courts and divisions where there was so little business. Now, Mr. Speaker, in view of that, for the present I shall object to the consideration of this bill, which, I understand, establishes places for holding court.

Mr. CLAYTON. Mr. Speaker, I could explain the matter to the gentleman now perhaps——

Mr. PAYNE. It is hardly worth while taking the time of the House. I will be very glad to talk with the gentleman in regard to it at his convenience.

Mr. CLAYTON. It is hard to draw the line on me; I should prefer he should draw the line on somebody else. He stood in his place and has not objected to others, and here is a bill to which there is no objection from any quarter except the gentleman from New York.

Mr. PAYNE. Well, the gentleman from New York has the right to be the only Member of the House to object to any bill.

Mr. CLAYTON. I understand, but he has not objected to bills of this kind before.

Mr. PAYNE. I thought I explained it to the gentleman when I said the first bill coming in was from the State of Texas, and while I had my doubts about it I refrained from objecting. The next came from the State of Kentucky, presenting a better case and offered by a gentleman on this side of the House. I announced then I should object to the consideration of any more of these bills in the House until I had had an opportunity to examine each individual bill. Mr. Speaker, I therefore object.

The SPEAKER. Objection is heard.

CHANGE OF REFERENCE.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that the Committee on the Public Lands be discharged from the further consideration of the bill S. 3409, and that the bill be referred to the Committee on Indian Affairs. This bill, Mr. Speaker, is identical with the House bill which heretofore was erroneously referred to the Committee on the Public Lands, and thereafter by unanimous consent referred to the Committee on Indian Affairs. Now, a Senate bill identical comes over and by a like error is again referred to the Committee on the Public Lands, and I ask that it be referred to the Committee on Indian Affairs.

The SPEAKER. Is there objection?

Mr. MANN. What is the bill?

Mr. SHERMAN. It is a bill to extend the time for the payment of settlers in the Kiowa Reservation.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 3409) to extend the time of payments on certain homestead entries in Oklahoma.

The SPEAKER. And the request is for a change of reference from the Committee on the Public Lands to the Committee on Indian Affairs.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object; this is land in Oklahoma, is it?

Mr. SHERMAN. Yes; it is a part of an Indian reservation.

Mr. WILLIAMS. An Indian reservation in Oklahoma?

Mr. SHERMAN. Certainly.

Mr. WILLIAMS. Well, the request is proper.

Mr. MONDELL. Mr. Speaker, I think there is some question whether this bill belongs to the Committee on Indian Affairs. These lands when they were opened to settlement became public lands, and under the rule I think the bill was properly in the first instance sent to the Committee on the Public Lands. The Committee on the Public Lands very carefully examined the matter and later, I understand, though I had no knowledge of that fact until this morning, the House bill was rereferred, I am told, to the Committee on Indian Affairs. The Senate bill was likewise referred to the Committee on the Public Lands when it came to the House very properly. I think, Mr. Speaker, that was the proper reference. I still believe this bill belongs under the rules to the Committee on the Public Lands, but personally I have no desire to interpose an objection in view of the fact that the gentlemen interested in the legislation are favorable to this re-reference. Therefore, I withhold that objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none and the re-reference is made.

IMMIGRATION COMMISSION INVESTIGATION.

Mr. DALZELL. Mr. Speaker, I desire to submit the following privileged report from the Committee on Rules.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolutions of the House numbered 115 and 209, have had the same under con-

sideration and report herewith a resolution in lieu thereof, with the recommendation that the House agree to the same:

Resolved, That the Immigration Commission be requested to make an investigation into the treatment and conditions of work of immigrants on the cotton plantations of the Mississippi Delta, in the States of Mississippi and Arkansas, and upon the turpentine farms, lumber camps, and railway camps in the States of Florida, Mississippi, Louisiana, and other Southern States; and to report thereon at as early a date as possible.

Mr. DALZELL. On that I ask the previous question.

Mr. MANN. Mr. Speaker, I raise a point of order. That is not a privileged report.

Mr. DALZELL. It is from the Committee on Rules.

Mr. MANN. That may all be. It may come from the Committee on Rules, but the Committee on Rules can not make everything a privileged report.

Mr. DALZELL. All reports from the Committee on Rules are privileged.

Mr. MANN. They are not unless they have jurisdiction of the subject-matter. This resolution has nothing to do with the organization of the House, but directs an outside Commission to make an investigation. I want to say——

The SPEAKER. The Chair will call the attention of the gentleman from Pennsylvania [Mr. DALZELL] to the rules.

The following-named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Rules, on rules, joint rules, and order of business.

That seems to cover the limits of the Committee on Rules.

Mr. MANN. Mr. Chairman, I have no objection if the gentleman from Pennsylvania will ask unanimous consent.

Mr. DALZELL. Mr. Speaker, I do not ask unanimous consent.

The SPEAKER. The Chair will hear the gentleman from Pennsylvania on the question as to whether this is a privileged report or not under the rules.

Mr. DALZELL. I understand that all reports are privileged when they come from a committee that is entitled to report at any time.

The SPEAKER. The Chair will again call the attention of the gentleman to the rules. The Chair was under the same impression as that expressed by the gentleman from Pennsylvania until his attention was called to the rule. The Clerk will read Rule LXI, on page 273 of the Manual.

The Clerk read as follows:

The following-named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Rules, on rules, joint rules, and order of business; the Committee on Elections, on the right of a Member to his seat, etc.

Mr. DALZELL. Mr. Speaker, I call attention, however, to the next paragraph of the rule, which says:

It shall always be in order to call up for consideration a report from the Committee on Rules, and, pending the consideration thereof, the Speaker may entertain one motion, that the House adjourn.

Mr. FITZGERALD. But the gentleman has not got his report into the House yet.

Mr. SHERMAN. Just reporting it.

Mr. FITZGERALD. The gentleman has no right to present his report in this way unless it is privileged. If it is not before the House, he can not call it up.

Mr. DALZELL. The gentleman has presented the report of the Committee on Rules, and the question is now whether it is privileged, and therefore entitled to consideration.

Mr. FITZGERALD. The gentleman can not present any report except a privileged report in this way. He must present his report by dropping it in the basket, like any other committee would do.

Mr. DALZELL. The gentleman is begging the question.

Mr. FITZGERALD. Not at all.

Mr. MANN. Mr. Speaker, the Committee on Rules has no jurisdiction of these resolutions. The rules provide that there shall be referred to the Committee on Rules all proposed actions touching the rules, joint rules, and order of business. Anything else that is referred to the Committee on Rules is not properly referred to that committee, and is certainly not referred under the rules, and certainly can not be privileged matter. Now, giving to the Committee on Rules only jurisdiction over the rules, the rules then provide the report from that committee shall be privileged; but here is a resolution to give to an outside Commission, entirely foreign to the House—created by an act of Congress and not by the House—jurisdiction over matters that the House has nothing to do with. There might as well have come from the Committee on Rules a resolution directing the Secretary of War to make certain investigations or creating an outside commission or committee to make certain investigations. I take it that is not within the province of the Committee on Rules.

Mr. COCKRAN. Will the gentleman allow me a question? There is no doubt, I suppose, that the Committee on Rules have the right to report the resolution.

Mr. MANN. I should say myself that the Committee on Rules has no jurisdiction over the matter. That is the question I raised; that they have not the right to report the resolution.

Mr. COCKRAN. I take it that even if the point of order be well taken against considering the report now, all the committee need do would be to walk out and report a resolution for its immediate consideration.

Mr. MANN. That is the very point of order that I make, that the committee can make no such report.

Mr. COCKRAN. They could report an order of business at any time. Would there be any practical difference between considering this report now and waiting long enough to allow of their walking right out and reporting a resolution that this question be considered at once?

Mr. MANN. They can.

Mr. COCKRAN. Then it is a question of the difference between tweedledum and tweedledee.

Mr. MANN. Well, let us see whether it is or not.

Mr. DALZELL. The gentleman from Illinois concedes that the Committee on Rules has jurisdiction over the business of the House. This is a question relating to immigration, upon which the House has been legislating. It would be entirely competent for the Committee on Rules to refer this investigation to the Committee on Naturalization and Immigration of the House; it would be equally competent for the Committee on Rules to refer it to a special committee. Now, the proposition to refer is simply a proposition to refer it to a special committee, namely, the special commission, and is fairly, therefore, within the power of the Committee on Rules, as it relates to the business of the House.

Mr. MANN. The distinction, which is clearly drawn, the gentleman seems not to have caught. He says that I concede that the Committee on Rules has jurisdiction of the business of the House. Not at all. The Committee on Rules has jurisdiction over the order of the business of the House. That is a very clear distinction. They can bring in a rule relating to the order of business of the House, but they have no jurisdiction to report upon the actual business of the House. They can not report an appropriation bill; they can not report upon any bills that come before the House except as to the order of business. Now, here is a proposition reported from the Committee on Rules to confer jurisdiction, not upon a regular committee of the House, nor upon a select committee, but upon an outside committee entirely, with which the House has nothing to do.

Mr. DALZELL. It is composed partly of membership of the House itself—a committee raised by the House in the first instance.

Mr. MANN. It was by an act of Congress, and not by the House.

Mr. DALZELL. It was raised in the first place by an amendment to a bill put on in the House of Representatives, agreed to in the Senate, and which thereafter became law.

Mr. MANN. An act of Congress.

Mr. DALZELL (continuing). And it is constituted of Members of both Houses. It is just as competent for the House to appoint a committee from outside members on any matter as to which it has jurisdiction as to appoint a committee from its own Members upon any such questions.

Mr. MANN. By act of Congress, not by the action of the House.

Mr. WILLIAMS. Will the gentleman from Pennsylvania yield to me?

Mr. DALZELL. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, there is no doubt about the fact that the Committee on Rules has jurisdiction over the question of referring matters of business to committees, whether those committees be standing committees of the House or special committees to be selected by the Speaker. There is no doubt about the fact that it would have jurisdiction in a proper case to refer this matter to a committee consisting not altogether, or indeed at all, of Members of the House. Now, if that be the case, then it follows that if this resolution had named the men who constitute this commission as a committee to whom this matter should be referred, then it would be in order. Now then, what is the difference between naming the men and using the designation "members of the Immigration Commission?" The Committee on Rules has absolute jurisdiction over the order of business, and the reference of business to committees and to special committees, as well as standing committees.

Mr. FITZGERALD. I think the gentleman overlooks this fact, that in the practice of the House the question of consideration can not be raised on a report from the Committee on Rules, while if the Committee on Rules reported a resolution providing a time when this resolution should be taken up the question of consideration could be raised if it were attempted

to take up that business in the way it is reported by the committee. There is considerable difference between a committee reporting matters which it is privileged to report at any time, and attempting to go outside of its jurisdiction and report on a question over which it has no jurisdiction. If the contention of the gentleman be correct, it would be possible to refer to a commission anything that comes before this House by having this committee to report it. It is in order for the committee to bring in an order setting a time for the consideration of an order referring the question to the Commission, and then a Member could exercise his own right under the rules and have the question of consideration passed upon.

Mr. WILLIAMS. The gentleman seems to think that this resolution involves the enactment of legislation upon the subject-matter of immigration. It does not. It only refers certain matters to a committee for a fair and impartial investigation and report.

Mr. FITZGERALD. I think it does.

Mr. WILLIAMS. It does not. It merely refers a matter to be investigated to a certain body, appointed by the resolution, as a committee for the purpose of investigating it.

Mr. FITZGERALD. But it does confer power upon a statutory commission which it does not have at present.

Mr. HUMPHREYS of Mississippi. No; it simply requests the Immigration Commission to make the investigation.

The SPEAKER. The Chair is prepared to rule.

Clause 61 of Rule XI provides that—

The following named committees shall have leave to report at any time on the matters herein stated:

The Committee on Rules—on rules, joint rules, and order of business.

The Chair recollects, and has confirmed his recollection, referring to page 279 of the Manual, that in the Fifty-first Congress, in paragraph 10 to Rule XVI, was to be found the following:

No dilatory motion shall be entertained by the Speaker.

In the Fifty-second or Fifty-third Congress, Speaker Crisp being in the chair, clause 10 to Rule XVI was omitted when the rules were adopted. In the Fifty-fourth Congress clause 10 to Rule XVI was reinserted, again providing that—

No dilatory motion shall be entertained by the Speaker.

But in the Fifty-second or Fifty-third Congress these words were added:

It shall always be in order to call up for consideration a report from the Committee on Rules; and pending the consideration thereof the Speaker may entertain one motion that the House may adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of.

The object of that amendment to Rule XI was to prevent dilatory motions on reports made from the Committee on Rules. What are those reports? Reports on rules, joint rules, and order of business.

In the Fifty-fourth Congress, Mr. Reed again becoming Speaker, the clause referred to a moment ago came into the rule again, and the clause the Chair has just read remained in the rule as adopted under Mr. Speaker Crisp. So the Chair is of the opinion that privileged reports from the Committee on Rules are reports on rules, joint rules, and order of business.

Now, undoubtedly, if this report had covered the creation of a special committee of the House, or had designated any committee of the House to perform this investigation, in the opinion of the Chair it would have been privileged; or, perchance, even if it had designated a joint committee of the two Houses. But the Commission referred to is one created by law, and consists of three Members of the last House of the Fifty-ninth Congress, three members of the Senate of the Fifty-ninth Congress, and three others, not members of Congress, but appointed by the President. This is a continuing Commission. It has passed beyond the jurisdiction of the House or the jurisdiction of the Senate as such.

The Chair is of the opinion, on examination, that the point of order taken by the gentleman from Illinois is well taken.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. I was going to ask unanimous consent that the resolution be so changed as to read that this matter be referred to a special committee of seven, to be appointed by the Speaker of the House.

The SPEAKER. Well, but there would have to be unanimous consent to consider the resolution.

Mr. WILLIAMS. I ask unanimous consent.

The SPEAKER. And the gentleman now asks unanimous consent to consider the resolution which has just been reported at this time.

Mr. DALZELL. I hope the gentleman will withhold that request. I think this matter ought to go back again for further consideration by the Committee on Rules, and we can determine then what is the proper thing to be done.

Mr. WILLIAMS. Well, I am perfectly willing to do that.

The SPEAKER. Does the gentleman move to recommit the resolution? The Chair supposes it will go to the Calendar unless some disposition is made of it.

Mr. DALZELL. I move to recommit it to the Committee on Rules.

The motion was agreed to.

DAM ACROSS SAVANNAH RIVER.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16621) permitting the building of a dam across the Savannah River at Cherokee Shoals. The author of this bill is the gentleman from South Carolina, Mr. AIKEN, and in his absence, at his request, I wish to call the bill up.

The Clerk read as follows:

Be it enacted, etc., That the Hugh MacRae Company, a corporation organized under the laws of South Carolina, its successors and assigns, is hereby authorized to construct and maintain a dam across the Savannah River extending from a point in Elbert County, Ga., to a point in Abbeville County, S. C., upon or in the vicinity of Cherokee Shoals, and all works incident thereto in the utilization of the power thereby developed, in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to amend or repeal this act is hereby expressly reserved.

With the following committee amendments:

Amend the bill as follows: Strike out all after the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the dam authorized by the act of Congress approved March 2, 1907, entitled 'An act permitting the building of a dam across the Savannah River at Cherokee Shoals,' is hereby extended to one year and three years, respectively, from March 2, 1908."

Amend the title so as to read as follows: "To extend the time for the construction of a dam across Savannah River at Cherokee Shoals."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

CONDEMNED BRASS CANNON FOR MONUMENT ASSOCIATION, FRANKLIN, TENN.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13077) to authorize the Secretary of War to furnish four condemned brass cannon and cannon balls to the Confederate Monument Association at Franklin, Tenn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized in his discretion to furnish to the Confederate Monument Association, of Franklin, Williamson County, Tenn., four brass or bronze condemned field pieces or cannon with a suitable outfit of cannon balls which may not be needed in the service, the same to be used in the park surrounding the monument on the public square of the town of Franklin, Tenn., and to be subject at all times to the order of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I supposed there was a general law that provided for furnishing condemned cannon.

Mr. PADGETT. The law only authorizes the furnishing of cast-iron, and does not authorize the furnishing of brass cannon.

Mr. HULL of Iowa. I will say to the gentleman from New York that there is no law covering this. Brass cannon are valuable, being worth several cents a pound, and the law with reference to the donating of cannon does not apply to brass cannon; and even if it did, the law does not apply to donating cannon to Confederate monuments; it applies to municipalities and the Grand Army. So it would require a special act for this purpose in any event.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PADGETT, a motion to reconsider the last vote was laid on the table.

A LEGAL CORD OF WOOD IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 14772) prescribing what shall constitute a legal cord of wood in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter a legal cord of wood in the District of Columbia shall consist of and contain 128 cubic feet.

SEC. 2. That all acts or parts of acts in conflict with or inconsistent with this act are hereby repealed in so far and only in so far as they conflict or are inconsistent herewith.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENSION OF OAK STREET NW.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 4060) authorizing the extension of Oak street NW.

The Clerk read the bill, as follows:

Be it enacted, etc., That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Oak street NW. from its present terminus east of Center street to Fourteenth street NW., with a width of 50 feet.

SEC. 2. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the District of Columbia to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

With the following committee amendments:

Page 1 strike out in lines 3, 4, and 5, commencing with the word "of" in line 3, down to and including the comma after the word "inclusive" in line 5.

Page 1, line 6, strike out the word "thirty" and insert in lieu thereof the word "ninety."

Strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the cost and expenses of said proceeding, shall be assessed by the jury as benefits: *Provided*, That nothing in said subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceedings hereunder.

"SEC. 3. That there is hereby appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time and passed.

DISTRICT BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of District bills.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MANN in the chair.

EXTENSION OF KENYON STREET.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 11767) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes.

The CHAIRMAN. The Chair will call the attention of the gentleman from Michigan to the fact that the bill appears to be on the House Calendar.

Mr. SMITH of Michigan. I think the Clerk will find that it has been transferred by order of the Speaker to the Union Calendar.

The CHAIRMAN. The gentleman from Michigan is correct and the Clerk will read the bill.

The Clerk read the bill, as follows:

A bill (H. R. 11767) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes.

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to extend Kenyon street from Seventeenth street to Mount Pleasant street with a width of 80 feet, and to extend Seventeenth street from Kenyon street to Irving street with a width of 90 feet: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

SEC. 2. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

SEC. 3. That Public Act No. 25 entitled "An act authorizing the extension of Seventeenth street NW.," approved January 22, 1907, and Public Act No. 28 entitled "An act authorizing the extension of Kenyon street NW.," approved January 22, 1907, be, and the same are hereby, repealed.

With the following committee amendments:

Page 2, line 10, strike out the comma and the word "one-half."

Page 2, line 11, strike out the word "from" and insert in lieu thereof the words "out of."

Page 2, line 11, strike out the words "and one-half.'

Page 2, strike out all of line 12.

Page 2, line 18, strike out all after the word "Columbia" and insert a period in lieu thereof.

Mr. STAFFORD. Will the gentleman explain wherein this measure differs from the usual bill providing for the opening of streets in the District of Columbia?

Mr. SMITH of Michigan. I would be glad to, but I will yield to the gentleman from Tennessee [Mr. SIMS] who reported the bill.

Mr. SIMS. I did not quite catch the question of the gentleman from Wisconsin.

Mr. STAFFORD. I asked why a special act of legislation is necessary other than general legislation that provides for opening streets in the District of Columbia.

Mr. SIMS. In the last Congress there were separate acts passed, one as to Kenyon street, and one as to Seventeenth street; and upon investigation it was found that the land in each bill to some extent overlapped. The Commissioners therefore thought best to have both condemnation proceedings tried together, and began the proceedings, but ascertained that by oversight the time for commencing the proceedings as to one of the streets had expired, so that to get out of the difficulty and to have the trouble of the overlapping avoided they have prepared and sent this bill here repealing the two other acts and providing for this one condemnation for both streets.

Mr. STAFFORD. The general law is not applicable to this case, and this bill seeks to amend certain special acts passed in the last Congress?

Mr. SIMS. The general law will not accomplish everything, because we can not repeal the former acts in the general law, and therefore this special act is necessary.

Mr. STAFFORD. This special act providing for these streets, as I understand, was passed prior to the enactment of the general law?

Mr. SIMS. I think not. They were both passed under the general law at the last session of Congress, but it was found that the two pieces of land to be condemned to some extent lapped.

Mr. STAFFORD. And there were conditions to which the general law did not apply and this is to meet those conditions.

Mr. SIMS. Yes; that is the fact. I move, Mr. Chairman, that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on the committee amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WIDENING TWENTIETH STREET NW.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 12678) for the widening of Twentieth street NW., District of Columbia, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, for the purpose of widening Twentieth street NW., to institute proceedings to condemn all that part of lot 15 of Richard E. Pairo's subdivision of "Rosemount Park," as recorded in book, county, six, page 78, surveyor's office, District of Columbia, lying within the lines of Twentieth street NW., north of Park road and lying west of the radial line of lot No. 30, block No. 4, Ingleside subdivision: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land condemned and the costs and expenses of the proceedings hereunder.

SEC. 2. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

With the following amendments:

Page 2, line 12, strike out the comma, and the words "one-half" after the word "appropriated."
Page 2, line 13, strike out the word "from" and insert in lieu thereof the words "out of," and at the end of said line strike out the words "and one-half."
Page 2, strike out all of line 14.
Page 2, lines 20 and 21, strike out all after the word "Columbia" in line 20.

The CHAIRMAN. The question is on agreeing to the committee amendments.

Mr. STAFFORD. Mr. Chairman, I will ask the chairman of the committee to explain the reason why there should be a special legislation in this case that makes it necessary to take it out of the general law.

Mr. SMITH of Michigan. Mr. Chairman, this follows the law as passed by the last Congress.

Mr. STAFFORD. Then, as I understand the gentleman, the bill is in conformity to the general law?

Mr. SMITH of Michigan. Yes.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OPENING OF JEFFERSON AND FIFTH STREETS NW.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 11776) for the opening of Jefferson and Fifth streets NW., District of Columbia, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., that within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, under and in accordance with the terms and provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, a proceeding in rem to condemn the land that may be necessary for the extension of Jefferson street NW., in the subdivision of Brightwood Park, from its present eastern terminus east of Sixth street to the proposed east line of Fifth street west, with a width of 90 feet, and for the extension of Fifth street NW., in the subdivision of Brightwood Park, from its present southern terminus south of Kennedy street to the proposed north line of Jefferson street, with a width of 90 feet, according to the permanent system of highway plans adopted in and for the District of Columbia.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491 g of said subchapter 1 of chapter 15 of said Code: *Provided*, That the total amount found to be due and awarded as damages, plus the costs and expenses of the proceedings taken pursuant hereto, shall be assessed by the jury as benefits: *Provided, however*, That nothing in said subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the total amount found to be due and awarded as damages for and in respect to the land condemned and the costs and expenses of the proceedings hereunder.

SEC. 3. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

With the following amendments:

Page 2, line 12, strike out the comma, and the words "one-half" after the word "appropriated."
Page 2, line 13, strike out the word "from" and insert in lieu thereof the words "out of," and at the end of said line strike out the words "and one-half."
Page 2, strike out all of line 14.
Page 2, lines 20 and 21, strike out all after the word "Columbia" in line 20.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

METROPOLITAN POLICE, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (S. 2872) to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,'" is hereby amended by extending its provisions in behalf of the chief engineer of the fire department, and all other officers of said department of and above the rank of captain, to any chief engineer of the fire department and all other officers of said department of and above the rank of foreman, who were retired and pensioned in pursuance of law prior to the approval of said act.

With the following amendment:

Page 2, strike out the period after word "act," in line 3, and insert a colon, and add the following:
"*Provided*, That when retired the present chief engineer of the fire department of the District of Columbia shall receive as retired pay a sum equal to one-half of the salary allowed by law at the date of retirement."

The CHAIRMAN. The question is on the committee amendments.

Mr. STAFFORD. Mr. Chairman, I will ask the gentleman to yield for a question.

Mr. SMITH of Michigan. I yield to the gentleman from Ohio [Mr. TAYLOR], who made the report.

Mr. STAFFORD. As I understand the bill under consideration, it seeks merely to raise the pensions of certain officers of the fire department in the District?

Mr. TAYLOR of Ohio. Four men only, who have retired.

Mr. STAFFORD. Is it a general law raising the pensions under the law passed at the last Congress a certain percentage, so as to apply not only to these designated officials, but to all in the future?

Mr. TAYLOR of Ohio. No; it simply takes care of four men. It can not apply to anybody in the future; it provides for four men who, by reason of their rank, would be under the present law entitled to an increase of pension, but who retired shortly before its passage. I will state more fully, if the gentleman will allow me for a moment. There are four men. The fire marshal, Mr. Drew, who is a man 73 years of age, now under the old law receiving $50 a month. He would get under this amendment $75. The next man is Mr. Sorrell, assistant chief of the department, retired, who would receive $75 instead of $50 under the old law. The next are two foremen who were injured in the performance of their duty and who receive $50, and by this legislation would receive $65 a month.

Mr. STAFFORD. What is the need of making a special exception of these four District officials? Why not make the law general, so as to apply to all who hold these positions in the future——

Mr. TAYLOR of Ohio. These are men who were retired prior to the enactment of the present law, and this brings them in the provisions of the present law.

Mr. STAFFORD. This refers to men in the service prior to the enactment of that law?

Mr. TAYLOR of Ohio. Yes, sir.

Mr. SIMS. This is not the case providing for retirement upon half pay of the chief of the fire department?

Mr. TAYLOR of Ohio. Yes; that is an amendment added to this bill.

Mr. SIMS. That amendment is not yet being considered?

Mr. TAYLOR of Ohio. Yes; it is being considered.

Mr. SIMS. I want to say, Mr. Chairman, in so far as that part relating to the four men I agree, but in so far as the retirement of the chief on half pay instead of a pension, I understand that to be establishing a new precedent.

Mr. TAYLOR of Ohio. No; if the gentleman will permit an explanation of that. The present fire chief receives a salary of $3,500 a year that has recently been given him, two years ago, I think. He is a man who has been in the Washington fire department for forty-five years' continuous service, starting in as a boy under the old volunteer fire department and working up to every grade until he has been made chief of the department. He has never during this time had one charge of misconduct or any blot upon his reputation. Several members of the committee, believing that such a remarkable record in such a hazardous employment should receive some recognition, introduced an amendment, which the committee has adopted, providing that instead of receiving $100 a month, which he would receive upon retirement, he will receive $145.83⅓, or one-half of his present pay. Now, this is largely sentimental. It is the intention to reward a man who has had a remarkable career in the public service, who has the regard of every man in the department and of every citizen of Washington. He and the department have the regard of the people of Baltimore after their work in that great catastrophe, and the committee feel it would be good for the department to know that a fire chief with such a record should have this additional compensation. I will state further, for the gentleman's information, that the amendment specifically states that it shall apply only to the present fire chief when he is retired.

Mr. STAFFORD. How about the other four officials? Is this law retroactive giving them an increased pension from the time the old law went into effect?

Mr. TAYLOR of Ohio. No, sir; it goes into effect when the law is passed only.

Mr. SIMS. Mr. Chairman, a word further. Does this amendment put Chief Belt on the pension roll at $145 on retirement?

Mr. TAYLOR of Ohio. It comes from the pension fund. I will say, as probably all know, it comes from the pension fund. They retire at a certain time and under certain conditions get a pension of a stipulated amount. All the men in the department receive this. This money, as gentlemen know, is raised by the payment of a dollar a month by each fireman and policeman, and the deficiency is made up from the police-court fines, which are largely in excess of the amount needed, and dog licenses, and, therefore, there is no money appropriated out of any fund. All the money is there, more than enough to take care of this.

Mr. SIMS. It is not a charge upon any fund produced by taxation, which the Government of the United States pays any part——

Mr. TAYLOR of Ohio. No part whatever.

Mr. SIMS. And the District of Columbia pays no part.

Mr. TAYLOR of Ohio. No part whatever.

Mr. SIMS. It does give to the chief, if this act is passed, additional to what he would otherwise get, as stated by the gentleman.

Mr. TAYLOR of Ohio. That is exactly it.

Mr. SIMS. What would the chief get on retirement if this law was not passed?

Mr. TAYLOR of Ohio. A hundred dollars a month.

Mr. SIMS. And this gives him $145 a month?

Mr. TAYLOR of Ohio. One hundred and forty-five dollars and eighty-three and a third cents.

Mr. SIMS. I understand that will not reduce the fund so as to prevent any other party entitled to participation therein from receiving from the fund all he now receives if the bill does pass?

Mr. TAYLOR of Ohio. Absolutely none. There is an abundance of money from the police court fines, which are turned over every year to the District for its use, in excess of that which is turned into the pension fund.

Mr. SIMS. I want to say, Mr. Chairman, not being from a large city and not acquainted with these matters as well as gentlemen who are from large cities, I do not feel willing to establish a precedent which will have to be followed. I stated to the committee that I would not agree to support it, and that I did not think I would oppose it; but there are gentlemen who are Members of the House who, I think, ought to be consulted, at least, about establishing new precedents, and the gentleman from Illinois [Mr. MADDEN] and the gentleman from Texas [Mr. BURLESON], two of the members of the Appropriation Committee, told me they wanted to be present when this matter was considered, and the gentleman from New York [Mr. FITZGERALD] tells me he has just sent for them and they will be here in a moment. And I would be glad if this bill could be——

Mr. TAYLOR of Ohio. All gentlemen on the floor have the opportunity to be here. There is no secrecy about this bill. It has been on the Calendar for the past three weeks. We have no objection to the matter being discussed.

Mr. SIMS. I see that the gentleman from Illinois [Mr. MADDEN] is present.

Mr. TAYLOR of Ohio. If the gentleman from Illinois [Mr. MADDEN] desires to ask me any question or make any statement, he is at liberty to do so.

Mr. SIMS. As I said, I do not want to consent to make a precedent.

Mr. TAYLOR of Ohio. I decline to wait for gentlemen to come on the floor of the House.

Mr. SIMS. I only made the request out of courtesy to the gentleman from Illinois [Mr. MADDEN], and, of course, I can not in any way shape the course of the gentleman from Ohio, in charge of the bill.

Mr. STAFFORD. If the gentleman will permit, I believe that the recommendations of the committee, as embodied in this bill, are in consonance with the practice of some large cities in the country, and conform in that particular to the pensions paid in those cities.

Mr. TAYLOR of Ohio. It does; yes, sir.

Mr. STAFFORD. I notice in the report it is in line with the practice of some of the leading cities of the country, including Chicago, Baltimore, Boston, Philadelphia, New York, Milwaukee, and Pittsburg.

Mr. TAYLOR of Ohio. And I will say further, for the gentleman's information, that it absolutely establishes no precedent, as these are the only persons whom it can possibly benefit. There are no further persons of that rank who could possibly come within the law.

Mr. STAFFORD. Will the gentleman explain, in view of that statement and the report, whether the provisions of this bill are the same in amount as in the other cities?

Mr. TAYLOR of Ohio. That I can not give in detail, because they do vary some; but I think the pension funds in other cities are at least as large and in some they are larger. The salaries of the officers I know are larger in most of the cities mentioned.

Mr. MADDEN. What was the old law on this?

Mr. TAYLOR of Ohio. These men are drawing under the old law $50 a month. The present law allows them anything up to $100 a month. The Commissioners have informed us that the amount in the report will be allowed if this bill goes through. The present law allows $100 a month to officers up to the chief. The chief would receive $100 a month if he retired under the present law.

Mr. MADDEN. And under this he would receive $1,750?

Mr. TAYLOR of Ohio. Or $145 and a fraction per month. It is not a radical increase. It is simply an attempt to give recognition to a man who has had a most remarkable record in a hazardous service without a mark against his name.

Mr. MADDEN. How many men does this affect?

Mr. TAYLOR of Ohio. Four men and the chief. It can affect no more, we assure you.

Mr. MADDEN. If this bill is passed and a policy is inaugurated, is it not likely that a new bill will be brought in that would affect everybody in the Department?

Mr. TAYLOR of Ohio. There can be no such thing. The House in the last year passed a liberal pension bill. We are only seeking to reach four men who, by reason of retiring a short time before its passage, are barred from this pension.

Mr. MADDEN. There was a time when all the great cities in the country allowed officers one-half the salary at retirement after they had served a certain number of years, but that policy has been changed in some of the cities. It may not have been changed in all of them, but in some of them it has, and the tendency to allow one-half the pay at retirement drew so heavily upon the firemen's pension fund that it was impossible to maintain a fund sufficient to meet it.

Mr. TAYLOR of Ohio. I will state to the gentleman that this measure specifically applies to the present chief only. And then I will state further that there is a large excess of money which can be turned over into the pension fund if necessary; some police court funds, which have never been called upon as yet.

The fund has never reached anything like the limit of being exhausted, and the sum of money involved is not over $150.

Mr. MADDEN. It is not much; but the question is as to the policy, whether it is wise to adopt the policy.

Mr. TAYLOR of Ohio. The committee feel that it is always wise to recognize cases of such peculiar significance. We have carefully investigated the matter, and I will say that there are no other men employed in this peculiar line of employment with a record that surpasses that of Fire Chief Belt, of the District of Columbia, and for that reason we want to give him this recognition of his service while he lives to enjoy it.

Mr. MADDEN. He is going out of the fire department?

Mr. TAYLOR of Ohio. I hope not; but he is an old man; he may go out at any time the fire bell rings, because he has met with many severe injuries during his career.

Mr. MADDEN. The gentleman from Ohio speaks altogether of the chief of the fire department and his meritorious service, but still the bill provides additional compensation for other firemen.

Mr. TAYLOR of Ohio. For other men who have had remarkably good records, as set out in the report of the committee, and very old men, two of them. The same thing that applies to the chief of the fire department applies to each of them.

Mr. MADDEN. It does not give the same in proportion to others.

Mr. TAYLOR of Ohio. Two of these had long, continuous service, while not quite of the same special merit as the case of the chief of the fire department, but we have extended the same provision to them. These men are on the retired list, and they are barred by reason of that fact.

Mr. MADDEN. They are out of the service?

Mr. TAYLOR of Ohio. They are on the retired list, at $50 a month. That is the limit; we give them the limit up to $100.

Mr. MADDEN. Will the gentleman be kind enough to state who they are?

Mr. TAYLOR of Ohio. They are W. O. Drew, the retired fire marshal, who is 79 years of age; W. T. Sorrell, retired assistant chief, 73 years of age when he was retired, and now 79 years of age; C. S. Boss, foreman, now 56 years of age, and the other, W. E. Robertson, now 44 years of age. He was retired at the age of 36, being injured very early in his career. As to the first two, they will get very little out of it, and the other two are very worthy cases.

Mr. MADDEN. The committee has given very careful consideration to the subject, I suppose?

Mr. TAYLOR of Ohio. I will state to the gentleman I am chairman of the committee on ways and means of the committee, and we have gone very carefully over the subject, and if the gentleman will read the report of the committee, he will find that it is much fuller than that of the Senate, and that it is nothing but simple justice to these men.

Mr. MADDEN. I have no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. SMITH of Michigan. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2872 and various House bills and had directed him to report some with and some without amendment, with the recommendation that the amendments be agreed to and that the bills do pass.

Mr. SMITH of Michigan. Mr. Speaker, I move the previous question on the various bills and amendments.

The SPEAKER. Without objection, the previous question is ordered upon the various bills to the final passage.

HOUSE BILLS WITH AMENDMENTS PASSED.

In the following House bills, reported from the Committee of the Whole House on the state of the Union, with amendments, the amendments recommended by the Committee of the Whole were agreed to; the bills as amended were ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time and passed:

A bill (H. R. 11767) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes;

A bill (H. R. 12678) for the widening of Twentieth street NW., District of Columbia; and

A bill (H. R. 11776) for the opening of Jefferson and Fifth streets NW., District of Columbia.

SENATE BILL PASSED.

In the bill (S. 2872) to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, reported from the Committee of the Whole with an amendment, the amendment was agreed to, the bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. SMITH of Michigan, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17288, a bill making appropriation for the support of the Army for the fiscal year ending June 30, 1909. Pending that, I would like to ask the gentleman from Texas, representing the minority, how much general debate we can agree on now?

Mr. SLAYDEN. Mr. Speaker, I am unable to say definitely how much will be required. I do not know. There is quite a demand for time for debate on this side of the House, but several of the Members who desired time are not present. They did not expect the bill to be called up so soon. I think they will be here later in the afternoon, and I ask that you let debate go on for the time.

Mr. HULL of Iowa. I ask unanimous consent that general debate may run to-day and that half of the time may be controlled by myself and the other by the gentleman from Texas [Mr. SLAYDEN].

The SPEAKER. The gentleman from Iowa [Mr. HULL] asks unanimous consent that the general debate to-day be controlled by himself and the gentleman from Texas [Mr. SLAYDEN], the time to be equally divided. Is there objection?

Mr. HULL of Iowa. That does not limit the debate, but only arranges for to-day's debate.

The SPEAKER. Is there objection?

There was no objection.

The motion of Mr. HULL was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, with Mr. SHERMAN in the chair.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Chairman, this bill has been reported and on the Calendar for several days, so that I assume the Members of the House are reasonably familiar with its provisions. In its total amount it carries, in round numbers, about $7,000,000 more than the bill for the current fiscal year, and yet the committee eliminated from the estimates submitted by the Department something over $9,000,000, leaving it, as I say, some $7,000,000 more than the bill for the current year. If we had given the full amount asked for, this measure would carry about $16,000,000 in excess of present law.

The demand for increases in all lines has been made in such a way that it was almost impossible to avoid a larger increase than we have given. It seems to me that I should now call attention to the items entirely eliminated from the bill by the committee, so that the Members of the House interested in these items can give consideration to the reasons which influenced the committee in their entire elimination from the bill.

The first two items eliminated were in regard to a telephone system at interior posts and artillery posts. There was an estimate of something over $105,000 for these items, practically new items, and yet, in the judgment of the committee, if the situation were so that we could reasonably allow them, items that would probably be of benefit in the administration of the different posts of the country. But we have gotten along up to this period of our history without this service, and in view of the large increases made in other lines, which were necessary to be made, it seemed to the committee that here was one point at least where something might be saved and allow the matter to go over for another year.

Another item of $1,000,000 eliminated was for maneuvers. This $1,000,000 does not represent all that was cut out of the bill on account of maneuvers, because this applies only to the militia, while, if we should have the maneuvers this year, we would be required to have a larger appropriation for the regular establishment than we have given.

The committee, I think without exception, feels that, in reason, the maneuvers by which the regular force and the State militia are brought together are of great benefit. There is no disposition to decry the benefits that have come through the closer association of the National Guard, so called, and the regular establishment. But, Mr. Chairman, these maneuvers have only been of recent years. When started they were to be only about every third year. They have grown up until they are practically now every year. They only benefit a small portion of the guard each year. If the maneuvers were on a different scale, where all the guards of the different States were assembled in their State encampments for their ten days' or two weeks' drilling and representatives of the regular establishment were sent there, so that all arms of the service would be represented, all of the militia of all the States would have the benefit of this close contact with the regular organization every year. Only one regiment at a time from a State can be taken into the annual grand encampment recommended by the Department. That gives but small advantage to the guard as a whole, while if the Regulars were brought to the States, all the guard would have all the benefit each year. Then the Congress once in three years could appropriate for the grand maneuvers, whereby all the guards and all the Regulars could be brought into camps of concentration, and you would have the training that comes more to the officers than men in these grand maneuvers. In fact, Mr. Chairman, I think that a very large part of the demand for the maneuvers on a grand scale each year for the militia comes from the adjutants-general of the States more than from the guard proper. We must not forget that, no matter how we may legislate, the National Guard is primarily a State organization. It is not intended to be and can not be primarily a Federal organization.

Great good is coming to the country, in my judgment, in its thorough equipment and being well disciplined. It makes a reserve force which in case of need can be brought into line with the Regulars and help to hold what we call the first line of defense until the volunteers proper can be whipped into shape. They have a bill now before the Committee on Militia going a long way toward making it more of a Federal than a State organization. What the Committee on Militia may do with

that bill of course no one can yet tell. But I hope they may get it in such shape as to insure its adoption by this Congress.

We had a million dollars last year and a million dollars the year before for these grand maneuvers. I think the year before last was the best maneuvers we ever had, but I do insist that at this time, with our expenses running away with us on other lines, with a budget for the support of the Army increased by seven millions now, and an increase certainly of five millions more if a provision incorporated in the bill increasing the pay of the enlisted force shall prevail, and an increase of $2,200,00 more if another provision shall be incorporated increasing the pay of the officers, all of which I will come to later—I insist, I say, that this year's maneuvers may well be dropped out. In my judgment, the elimination of this million dollars, with the decrease of some $500,000 in appropriations for the regular establishment as a result of not providing for maneuvers, is not doing any injury to the service and is in the line of good legislation, under present conditions.

We eliminated entirely $200,000 for the purchase of special apparatus in the Surgeon-General's Department. That came to us in a supplementary estimate too late to give it the consideration it should have, and, as we had increased the appropriation for the Surgeon-General's medical supplies so that he could accumulate a reserve supply and be ready for an increased Army, we believed that the special apparatus could go over without any injury to the service.

Another estimate submitted to us was $100,000 to teach rifle practice to children in the public schools. It did seem to the committee that a proposition to take charge of the education of the children in the public schools and teach them rifle practice was going further than was legitimate for this Government to do. I think the committee was unanimously opposed to that; if any were in favor of it I do not now recall. These are the items that we eliminated from the bill.

We have incorporated new legislation, some of it very important. The main if not the only one of general interest and importance is found on page 6 of the bill, after the provision for paying the enlisted men. We have put in a full revision of the pay of the entire enlisted force of the Army. We increased the privates $2 a month on the first enlistment, and we make a large increase in the pay of the noncommissioned officers. We provide a three-months' practical bounty for each reenlistment so that we can keep in those who have received training. The largest individual increase in the noncommissioned officers is for the first sergeant. He has been the poorest-paid noncommissioned officer of the regiment up to this time. We give him the same pay that we give to the regimental sergeant, the sergeant-major, the quartermaster-sergeant, the commissary-sergeant, and all other noncommissioned staff of the regiment. I want to say that I voice the impression of all the Members of this House who served in the Army at any time in its history, on either side in any conflict, when I say that the orderly sergeant is the most important noncommissioned officer in the regiment. I have had letters from old retired officers since we reported the measure, congratulating the committee on at last doing justice to the first sergeant, as they call them now. We called them while I was in the civil war orderly sergeants. They congratulated me and the committee in doing justice to the first sergeant, and stating that a good first sergeant of a company is worth more than two raw lieutenants who have just graduated from West Point.

They have reached their position by high character and faithful service. Under the law as it stands to-day the Army is and has been losing the best of its noncommissioned officers. Under the law as we have provided it here now, in my judgment, the noncommissioned force of the Army, after they reach the better grades, will make the Army a profession and remain in the Army all their active lives.

I do not believe that the privates will remain in for any great length of time as privates. They may come in for two and possibly three enlistments, but after the third enlistment the man who has not secured some noncommissioned rank, from corporal up, is not considered a very good man to make a good soldier out of—at least that is the evidence before us. This increase of pay will cost us at least $4,900,000 to meet this increased cost so far as the enlisted force is concerned.

Mr. COOPER of Wisconsin. What are the noncommissioned officers in the regiment?

Mr. HULL of Iowa. Quartermaster-sergeant, sergeant-major of the regiment, commissary-sergeant, all the sergeants of the companies—and I have not given all the others, there are so many of them—and then the corporals. I would have to read from the Army Register to be sure of naming all.

Mr. COOPER of Wisconsin. Everything below a lieutenant?

Mr. HULL of Iowa. Everything below a lieutenant and above a private; they are grouped in classes in this bill. But I want to call the attention of the committee to the fact that the statement that this will only cost about $5,000,000 more than now provided may mislead, for this reason: That under the pay of to-day the Army is about twenty to twenty-two thousand short in its enlisted force. I believe that this increased pay, with the increased ration that has been provided by the President—and we appropriate nearly $500,000 extra to pay for this increase of cost of rations in this bill—will induce enlistments enough to fill the ranks of the Army up to the number now authorized by law.

Mr. ELLIS of Oregon. Can the gentleman tell us what proportion of this increase goes to the private soldier and what proportion goes to the officers?

Mr. HULL of Iowa. Not a dollar goes to the officers. Every dollar of this increase goes to the enlisted force in the Army, but I say it would be misleading for me to say to the House that the total extra expense on account of adopting this amendment will be $5,000,000, because if this increased pay induces enlistment to the maximum fixed by the President to-day, which is the minimum authorized under the law, and we will have an increase of at least eight or nine million in the pay of the Army—seven million, anyway. We have heretofore cut off part of the pay of the enlisted force in making appropriations for the Army, because we could safely allow for a certain shortage in the enlisted force, but I submit to this committee that what we want in this country is an army filled to the number fixed by the President, which would be about 62,000 men. In a nation of 80,000,000 people, covering the vast extent of territory reaching from the China Sea across the Pacific Ocean, across the continent and over to Porto Rico, with the great Territory of Alaska taking at least 1,000 of our men, with the Hawaiian group taking about 2,000, and certain, I believe, to be increased largely beyond that number in the coast defenses for the protection of that island and our Pacific coast, with the number that we must keep in the Philippine Islands and the number that we must keep here to recuperate, so that we can send them back to the Philippines, saying nothing at all about what we have in Cuba, which I hope will not bother us much longer, we can not afford to have less than 62,000 men in the regular establishment.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. HULL of Iowa. Yes.

Mr. TAWNEY. Does the 62,000 include those who are enlisted in the Coast Artillery?

Mr. HULL of Iowa. Yes; but not in the Hospital Corps.

Mr. TAWNEY. That includes both branches of the service?

Mr. HULL of Iowa. It includes all branches, but not the Hospital Corps. There are 3,500 in that corps that will not be included in the total given.

Mr. TAWNEY. How many are included in the militia, national or State?

Mr. HULL of Iowa. They have increased their National Guard during the last year. They have now about 120,000.

Mr. TAWNEY. And under the Dick law the President of the United States has the power of calling upon the State troops for any service within continental United States.

Mr. HULL of Iowa. In time of war or rebellion.

Mr. TAWNEY. At any time.

Mr. HULL of Iowa. They are proposing an amendment to this militia bill now, so that he can call them at any time, I think, but that has not been as yet reported from the Committee on Militia.

Mr. TAWNEY. I understood from one of the officers of the State militia in my State that under the Dick law—I have not personally examined it—the President has the power to direct the State militia of the State of Minnesota to go anywhere or in any service if it was confined to continental United States.

Mr. HULL of Iowa. The President, if he can not enforce the law with the regular establishment of the United States, can order out the militia, and this being organized, would have to go first, but whenever there is a riot in the United States, or a rebellion against the constituted authority gets to the point where the regular establishment can not control it, then the limit of the power of the President over the militia is simply the limit fixed by the Constitution, which gives him the absolute control of all the able-bodied forces of the United States to preserve order and to protect property and uphold law any time that in his judgment it is absolutely necessary.

Mr. TAWNEY. That was my understanding, I will say to the gentleman. In view of that, and in view of the expenditures the Federal Government is now making for the maintenance of the National Guard, we have in effect a standing army of almost 200,000 men, or would have if the Regular Army was enlisted up to its maximum under the existing limitation.

Mr. HULL of Iowa. The gentleman is mistaken in that, for this reason, that the line of cleavage between the National Guard and the Regular Army is clean cut from start to finish. You can not send your militia to Porto Rico, you can not send it to Cuba, you can not send it to the Philippine Islands, you can not send it to Alaska, you can not garrison the Hawaiian Islands with it. You have an army in service in the Tropics that can not remain there very long without its being utterly destructive to the health of the men, without destroying the organizations, without making it impossible for us to have an army if it is understood it is to serve in the Tropics continuously, and, as it is to-day, with the number of men we have in the Army to-day, two years is about as long as they can stay at home, and you are paying large sums for transportation every year because you have to be making exchanges so very often with those abroad. The men who come back this year have no certainty they will remain here more than two years before they go back again. That is not fair. If the Army be recruited to its full strength as fixed by the President, there is not any doubt but they will have at least one year longer at home than they now have. Another thing; while I believe that we can organize the militia on a basis of very great help to the Coast Artillery, yet to-day we have not enough regulars to man the guns that are now emplaced to defend our coasts. We authorized enough additional force in the artillery bill of last year to make one shift to the gun at the principal fortifications, but on account of the low pay, on account of the discrimination that has existed against the Army in favor of the Navy in the pay of its enlisted force—and I am not criticising the pay of the Navy—but if a man wanted to go into our service, and it was a question whether to enlist in the Navy or in the Army, if he once understood the great advantages that come from enlistment in the Navy, he would go into the Navy at once. If he came to investigate what was offered him in the Army, he would find nothing to attract him except the enthusiasm that some young men have for wearing the uniform of their country. Now, I believe this bill will give enough increase in our Army in the Coast Artillery to enable us to have one shift——

Mr. TAWNEY rose.

Mr. HULL of Iowa. Now, if the gentleman will hear me one minute on this: I am in favor of going further in the aid of the militia to be trained for reserves for the Coast Artillery than I am in aiding the militia in any other line. I would be willing for the Federal Government to have entire control of Coast Artillery reserves in California, in Washington, and in Oregon, if the people there would furnish the recruits, because it would not be a large expense and would give to our Pacific coast at once a trained body of men who, in time of war, could step into the ranks and serve these great engines of war effectively from the very beginning.

Mr. TAWNEY. Will the gentleman permit me?

Mr. HULL of Iowa. Certainly.

Mr. TAWNEY. I did not interrupt the gentleman or ask him the questions I have for the purpose of laying any foundation for criticising the proposed increase of the enlisted men of the Army; in fact, we ought to grant some increase to that branch of the service. The fact I wanted to bring out was that for all practical purposes in times of war within continental United States itself we have to-day in effect a standing army of about 200,000 men, and that includes the National Guard.

Mr. HULL of Iowa. In time of war, yes, I think that is true. That is assuming every one of the guard would be able to enter.

Mr. TAWNEY. I mean an organized army of practically 200,000 men. That is what I wanted to bring out.

Mr. HULL of Iowa. Yes; so organized with the idea they could march right in, that there will be no delay in taking their place by the side of the regular establishment, and in time of war I want to say we are better fixed than that because we have a Regular Army that can be expanded immediately to 100,000, with trained officers, trained noncommissioned officers, enough trained privates to insure an effective army. A great many men object to our having so large a force of officers for so small an army, but I want to say to you that a well-trained body of officers is one of the best investments this Government can make, for when the time of stress comes these officers can practically lick into shape in a short time much more than 100,000 of regular force, and can look after the raw recruits and help us out on that. There has been, of course, a very large detail of these officers to schools and for other purposes, so that to-day the line of the Army is not properly officered. But I do not care to discuss that at this time.

There is one feature of this proposed new legislation that I want to call the attention of the House to, and that is found at the bottom of page 9, and relates to the military regimental bands. There has been for years a very widespread discontent because of the fact that the United States at every place where it had a post large enough for a regimental band was furnishing opposition to men in civil life who made a livelihood for themselves and their families as musicians. It was advertised to musicians as a means of inducing their enlistment into the Army that they could secure profitable employment for private purposes, and the Government paid them such a small stipend that the Government could not have received the enlistment of any musicians unless they permitted competition with outside civilian bands. But, gentlemen, I believe, and the committee, so far as I am able to judge, believe, that when the Government pays practically the living expenses of the man and gives him his $13 or $15 a month, his clothing, his house rent, his rations, his medical attendance, that it is unfair to the man in civil life to say that this man can go out and take the bread from the civilians by underbidding him on all these public occasions. And they would not even have to underbid them. If they proposed the same compensation nine times out of ten the glory of a military band would cause the citizens to employ it in place of the other. So we have provided in this bill a substantial increase in the pay of the musicians composing the band. We have made that increase substantially what it is to-day with a reasonable allowance for what they could make in their private contracts, and then make the further proviso that they shall not be permitted under any circumstances to compete with members of bands making their livelihood by their musical performances. In other words, we have divorced army bands from competition with the musicians of this country.

Mr. KEIFER. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. HULL of Iowa. Yes, sir.

Mr. KEIFER. I want to know whether the provisions of the bill relating to musicians are such that a band could not go and attend a parade voluntarily, without pay, and thereby take the place of men who are not enlisted musicians?

Mr. HULL of Iowa. I will read the proviso to the gentleman. It says:

Provided, That army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

Now, I should say it would prohibit their going if it cut an outside band out of employment, unless the army band should play free.

Mr. KEIFER. If it is employment that is prohibited, as it would seem by this clause, what would be the objection if the military commander at a post permitted a band to go and play on some parade day, or on some great occasion at some place, some city, or some town for nothing? What is there in the bill that would prohibit that?

Mr. HULL of Iowa. I do not think anything in this bill would prohibit that. That would not be in competition.

Mr. KEIFER. That would be in competition if by their going without pay the other musicians who are not enlisted in any way were not employed.

Mr. HULL of Iowa. Well, it would be a remote danger, and I think the proviso would not prohibit. Take, for instance, the Fourth of July; they always play then for nothing. Take Decoration Day, and wherever there is a post the band always plays for nothing. On occasions of that character this provision, in my judgment, would not interfere with it, but it would interfere with one feature of the matter that I think is a good one. Take, for instance, any Member of the House that represents a large city where there is a military post, and you will find at some of the county fairs they will plead with the Members to get the band sent there. They ought not to be sent to county fairs. They ought not to come in competition where bands play for money. They ought not to come in competition with a man that has to make a living for himself and family without any help from the Government, but by his own individual exertions. I do not believe that it would ever be construed that a band that would, for instance, if they should want to serenade my distinguished friend from Ohio, if he lived near the military post, or was visiting at a hotel near a military post, would not be prohibited. I do not understand that any of the courtesies that are extended would be prohibited, but competition with these bands is prohibited and, in my judgment, ought to be prohibited.

Mr. KEIFER. I agree with the gentleman.

Mr. HULL of Iowa. Now, what I referred to a little while ago was to the fact that we have had a very hard time in securing recruits during the last year, and that in spite of the fact that we authorized a substantial increase in the Coast Ar-

tillery we have been unable to secure enlistments equal to the discharges, so that the Army is to-day smaller than it was one year ago, before we increased one branch of the service. I do not know that all of the fault of this can be laid to the small pay, but I think the larger part of it can. The Army, with the large posts which we are now establishing, with the fewer men to do the work, is a life of comparative drudgery. In the older posts, when they were scattered over the frontier, a little police duty was all that had to be done, and in my judgment the Department did put an additional burden upon the Army during the last year, so that it has made the enlisted men anxious to get out and keep out of the Army. They have introduced the practice march, which in itself is a good thing, and have loaded him with 40 pounds, to see how far he could go and how well he could carry it; and if his luggage did not make that amount, they put in foreign matter to raise it to the 40 pounds. The soldier does not like that kind of business. He did not have to do it, General [General KEIFER], when you were commanding him in the civil war. He had a wagon to carry his load, and if he did not have a wagon he got a contraband to do it, so that it was not loaded on him. If it becomes absolutely necessary to do this thing, why the American soldier will do it with as good grace as anybody else, but if he thinks it is not, he will escape from it as soon as he can, and he is going to keep out of the service, and going to make straight for his home as soon as his time of enlistment is completed.

Mr. GRAFF. Will the gentleman allow me to ask him a question?

Mr. HULL of Iowa. Oh, certainly.

Mr. GRAFF. I notice that the gentleman from Iowa stated in a general way that there has been a decrease instead of an increase of the men in the Coast Artillery during the past year.

Mr. HULL of Iowa. In the Army, I stated, as a whole. I do not remember whether the Coast Artillery has been able to keep its men.

Mr. KEIFER. It has not.

Mr. HULL of Iowa. I understand it has not. You will find in the report of the Secretary of War that there is a shortage of about 22,000 men. Instead of being able to keep up, it has run the other way. Now, I think another reason for some of the dissatisfaction is the fact that we have changed our staff system in the Army. We have got now a number of the most active young men in the world in our General Staff; and as we have not a very large amount of actual work to do outside of figuring over how to invade other countries, they are continually hunting up something more for the soldier to do. I am not one of those who believe in so large a General Staff. I believe we have too many of them. I think we would be better off if we had fewer staff officers and more officers with their companies. We have too large a number of schools. I understand we have to-day the best educated army in the world, but sometimes I wonder if we are not in danger of having a little overeducation. I do not think the man ought to be kept in post-graduate schools until he is 40 or 45 years of age before he has had much service in the field, for after that if we should have war I fear he would play the schoolmaster and argue out of going into the field where the fighting is to be done. We have done better with the old organization when we were engaged in war with other countries under the old staff system, better than the German system, so say the experts, who compared the two systems. The German system is largely the one upon which ours is now modeled.

I feel I want to say a word for the old system of the staff. I do not believe in your detailing from top to bottom. I believe in detailing for the lower grade up to lieutenant-colonel and major, and when the officer gets up to that let the detail become permanent. In time of war every officer that is worth a penny wants to be in the field, and they will leave your staff like rats running from a sinking ship, so as to go in the field where they may earn glory, and turn your staff over to young men who have no talent for it, and your staff system will break down at the very time you most need an experienced staff. Make your higher officers of the staff corps permanent and then make them ineligible to appointment in the line, and, in my judgment, this would do more to aid the military organization than almost anything proposed.

But you know we had a war with Spain. We expanded from 25,000 men to 250,000 men in two or three months. There was confusion, there was loss, there was distress, and there will be again if you expand from 60,000 to 250,000 men. But in place of the detailed staff at that time we had the old staff system. Some men say that was the reason we had this distress. It was not the cause of the distress, because the staff corps did their work admirably and well. There was not a man who could be reached by the trains who was not fed every day. They talk about the distress of bad beef, but you will have it under any system in hot weather where you are shipping it to the Tropics, where you are rushing everything to the front, and your railroads get congested, and the cars stand on the tracks with the ice all out of the refrigerator compartments.

We went to the Philippines. Our troops were cared for there. Fresh beef was distributed to every point where our boats could run every week, even in the Tropics. We went to China under the old-staff system, and when we struck China we came in contact with all the armies of Europe. The German army has been held up as the great organization that is perfect in all its parts. They have their general staff, but what did they do in China? They took their troops to China without clothing suitable to the climate. They took them without food suitable to the climate, or even sufficient in quantity to keep them in comfort, and the officers themselves had to purchase what they wanted to eat through the American commissary, thus administered by an old-staff officer of this country. The Quartermaster's Department of our Army was under the control of a permanent staff corps, the old staff. I think I could take up a great deal of time on this if I wanted to; but I have here a little statement that is made at my request by one of the officers of the Army, who was with the troops in China, and it tells exactly what happened there, and I will ask the Clerk to read it as a part of my remarks. It expresses the facts better than I can.

The CHAIRMAN. If there be no objection, the Clerk will read.

The Clerk read as follows:

In the year 1900 disturbances arose in China which resulted in what has passed into history as the Boxer rebellion. The legations of foreign powers were besieged in Peking by armed forces composed of imperial troops augmented by agitators and others. The German minister and the secretary of the Japanese legation were murdered, and the other members of the diplomatic corps were in serious danger of their lives. To relieve them and reestablish order, the troops of eight Governments—America, France, Germany, Great Britain, Italy, Japan, Russia, and Austria—gathered in China for a combined movement against the Chinese. The occasion afforded especial opportunities for comparison and contrast as to the military methods of these Governments and the result of their application.

Particularly interesting was the study of the Germans, who since their successful war with France, nearly forty years ago, have enjoyed the proud distinction of maintaining the most perfect and efficient military organization in the world. All governments to a greater or less extent have patterned after it and sought inspiration from the German general staff in the belief that superiority could be achieved in no way so well as by imitating them and following their methods. If their methods are as good under European conditions as they are reputed to be, they did not stand the test of a campaign a long distance from their base and in a country not provided with useful adjuncts to military operations which an old and thickly settled commercial, manufacturing, and agricultural country like Europe affords.

After the fall of Peking (in which the Germans took no part, as they were unable to arrive in time) the American forces were reduced. When orders were received for the withdrawal of a portion of the force, the rumor soon spread through Tientsin, then the German headquarters, that the Americans had received orders to withdraw. Almost immediately General von Gayl, the German officer corresponding to our chief quartermaster, came to the American military officers in Tientsin, accompanied by a young aid-de-camp, who spoke English perfectly and through whom the conversation was conducted, and said in substance, if not verbatim:

"We understand the Americans have orders to withdraw. I come to say that we (the Germans) will be glad to purchase from you any means of transportation, tentage, forage, subsistence stores, or any munitions or supplies suitable to our use. The price is not a matter of consideration. Our staff has apparently completely broken down, and we are destitute."

The disposition of stores was taken under advisement, and finally it was determined that while the American forces were being largely reduced the situation was such that it was impossible to fix the period of occupation, and practically all the stores were retained in China for the use of American troops, and the matter was not even presented to the Department in Washington.

As visual evidence of the conditions that existed in the German forces at that time, it was noted that German soldiers were walking about Tientsin in uniforms of thinnest khaki of a particularly unsuitable pattern and wearing straw hats until the temperature was so low that icicles were freezing on the eaves of the houses. In this garb these same German soldiers were daily harnessed to carts and Chinese wheelbarrows, drawing water for the consumption of their commands through the streets in discarded American tin cracker boxes and kerosene-oil cans. At the same time the American soldiers, if not in houses, were in tents warmed with stoves, dressed in good heavy woolen clothing and furs, with distilled water delivered to them in Studebaker water wagons!

When the German headquarters finally concluded to move to Peking, the field marshal made the journey from Tientsin to Peking in transportation furnished by the American army, and when he established his headquarters at Peking, it was in houses warmed by American stoves and lighted by American lamps filled with American kerosene, all of which was procured from the American Quartermaster's Department.

After the railroad had been restored and running a short while there was a wreck, which covered the track with freight cars. Chinese methods to clear it away failed. At last the Chinaman had found something that he couldn't lift on his back. No one knew what was to be done. There was too little transportation to burn the cars and sweep away the ashes. Some one said, "Get some jackscrews." None could be found. Finally it occurred to the railway manager to ask the Americans if they had any. There were on hand fifty or sixty that had been sent out not for any particular purpose, but simply because the American Quartermaster's Department knew that situations

arise in campaigns where jackscrews might be very convenient, and they had provided them. So it was with almost everything during the entire winter. The American Quartermaster's Department and the American Subsistence Department, the two great supply departments of the Army, were the object of wonder on the part of all foreign officers who visited them, and without the splendid supplies there to be had the foreign armies would have lacked many dainties and a good many of the essentials which the Americans, in their kindness and abundance, permitted them to share.

This was occurring just about the time of agitation against the American army staff system, which resulted in the change to the present detailed system. Had the conditions above described been known and understood, it is doubtful if any change in a system which showed such superiority ever would have been abandoned.

Mr. HULL of Iowa. Now, Mr. Chairman, I submit that that is a pretty fair illustration of what trained officers, who have spent the larger part of their official lives in studying the needs of the particular department they are administering, can do. It does not make a bad showing for the American staff under the old régime in comparison with a European staff under the modern organization.

Of course, nobody wants to go back to the old cast-iron staff business, but I want to make this prophecy here to-day, that inside of the next few years this Government will have a modified detailed staff, that will train the younger officers in the line for the staff service; and when a man shows exceptional ability as a quartermaster, as a commissary, or any special staff duty, he will be made a permanent fixture in the staff when he reaches a grade not higher than that of lieutenant-colonel; in Quartermaster and Commissary departments not higher than grade of major. I think that is bound to come. We have an anomaly in our staff corps to-day in another thing. The President is not limited in selecting the head of a staff corps to any particular rank. He can take a first lieutenant and put him at the head of any staff corps, and I do not know that it would be proper to try to limit that power; but you have this anomaly. He is detailed there for four years. Suppose that at the end of four years another President comes in, and he does not want him. The officer who has been serving is a captain. There are several of them who are captains.

The President does not want this captain to continue, and he details a colonel at the head of that particular staff corps. What is going to become of that captain? The law provides that when he retires he shall retire with the grade of a brigadier-general, but he can not retire short of thirty years of service, unless a board is convened and declares that he is not physically or mentally capable of continuing in the service. He can not be arbitrarily retired until he is at least 62 years of age. He is compelled to retire at 64, of course; but suppose that at 40 years of age he goes out of one of the staff corps as chief of the corps, and the incoming President will not redetail him. What are you going to do with him? You have got to change your law for his retirement, or else he is suspended in the air for the Lord knows how many months or years, before he reaches the age when he could be retired. There is no place for him to go. He might be a supernumerary captain, for it was not the intention of Congress to provide for his promotion except on the lineal list, and he would hold his place on the lineal list; but his place as captain was filled when appointed chief of his corps, under the theory of the Department that they would detail an officer of same rank for the head of the corps to fill his place, and then he would get his rank back again, in lineal list, when his time as chief expired. But it does not work out that way. This provision was put in in another branch of Congress at the earnest solicitation of the War Department, and was finally agreed to by the House committee in conference. I think we made a mistake that we frequently do, by yielding so much in these controversies. It is better to stand by what you believe even if the bill fail.

Now, I have taken more time than I intended to. Debate under the five-minute rule will allow me to call attention to other measures embodied in the bill. Now, I want to say that there is a constant criticism of the enormous cost of the military establishment, and there has been a disposition at times to compare the cost of the military establishment now to what it was before the Spanish war. There is an enormous increase in the cost of the military establishment, a larger increase than the mere increase of men, because it is a larger increase of munitions of war. It is a larger increase in the transportation and the cost of training than it ever was before. It has been the same pay so far as the enlisted force is concerned, but the increase has come because of the larger field of the operations the Government has entered upon. Simply the increased pay of officers and enlisted men will not account for the large increase of the military establishment.

The Spanish war has been referred to often as being so enormously expensive, and they say that the nation can never be repaid for the treasure it has poured out as a result of that war. It freed Cuba, and has added enormously to the domain of the United States, whether we want it to remain ours permanently or not. I want to say to the gentlemen of this committee that no matter what has been our expense as a result of that war, all has been more than repaid to the country in the increased good feeling that has come over every section of our land. [Applause.] We are at last a united people. Up to the time the war broke out it was a question whether there was the same loyalty in one section as in the other; but when the flag was raised, and the President called for troops, boys whose fathers served under the stars and bars enlisted with the same enthusiasm as boys whose fathers served under the Starry Banner of the Republic. [Applause.]

And when that great and good President, Mr. McKinley [applause], anxious to see wiped out the last vestige of sectionalism, sent the names of four men to the Senate of the United States to become major-generals, two of them were men who wore the gray and two were men who wore the blue, and the last line of demarcation in this country was wiped out, and I hope and trust in God it will remain wiped out forever. [Applause.]

We are one nation to-day, North, South, East, and West, and the richest and strongest nation in the world. I have no fears of any people on earth trying to humiliate us upon any field of battle, and if they will give us a little more time I am not afraid of any people on earth trying to humiliate us on any ocean in any part of the world. [Applause.]

This country of eighty millions of freemen, who have given demonstration of heroic valor in fighting each other, will not be called upon, in my judgment, to demonstrate its valor in fighting any foreign foe. But if it should come the Spanish war demonstrated that the young men of to-day are as patriotic and as brave and as loyal to the flag as were their fathers. In all wars that may come we can look forward to the future of the Republic with the certainty that, no matter what may come to this country as a menace or danger, the patriotism and loyalty of its people will see that not a star is erased nor a stripe polluted of the glorious banner of our country. [Applause.]

Mr. PARSONS. Will the gentleman from Iowa yield for a question?

Mr. HULL of Iowa. Certainly.

Mr. PARSONS. In striking out the million dollars for maneuvers, do you still leave in anything that will allow general instruction in coast defense?

Mr. HULL of Iowa. I should say not, unless it can be paid out of the regular appropriations. The whole sum was used last year for coast defense. The argument this year was that it was for the entire camps for five or six points of the militia national guard. I would say that if there is a small appropriation necessary in order to enable the coast defense to be carried on, I would give it every year if necessary.

Mr. PARSONS. How much would it need?

Mr. HULL of Iowa. I have no data on that. If the million was intended to cover maneuvers and the coast defense, it would not cost much. They have arranged for five great camps of concentration in different parts of the country, and they have notified each State that it can send one regiment. They may not have notified all of the States.

My State, I think, has been notified that it can send one. I have had letters from the gentleman from Connecticut and from other gentlemen from the East saying that one regiment of each State could go. At the hearing the question was asked of General Oliver:

How many camps will there be?

He answered:

Six or seven. It is proposed to have two on the Pacific, one on the northeastern coast, one in the south, one at Indianapolis, one at Fort Riley, one at Fort Sam Houston.

There is nothing said in this about a single cent for coast defenses or for the reserve militia for Coast Artillery.

Mr. PARSONS. Does the committee intend that there shall be no maneuver of any kind, either in the interior or as to the coast defenses?

Mr. HULL of Iowa. No grand maneuvers. The committee considered the question. Let us take, for instance, the gentleman's own State. All of your militia come together, do they not, each year?

Mr. PARSONS. They do not all come in one year. Part of them do.

Mr. HULL of Iowa. How many regiments come this year?

Mr. PARSONS. I think half.

Mr. HULL of Iowa. How many are there?

Mr. PARSONS. I think we have fifteen.

Mr. HULL of Iowa. Seven regiments, then, come together—

two brigades, practically. I would like to submit to the gentleman this proposition, that when those two brigades get together the Government can, out of this appropriation, order infantry and cavalry and artillery, and a detachment of the Signal Corps, to go to the State encampment and cooperate in these maneuvers, so that this will bring the Regulars and all the regiments of the militia together without costing the Government much, if anything, certainly nothing except the transportation of the Regulars, and does the gentleman not think that his militia will have infinitely more benefit than if one or two regiments only could be sent to a great camp of concentration, where a large part of the time is expended in traveling to the camp and returning to their homes?

Mr. PARSONS. I understand that under this bill that could be done?

Mr. HULL of Iowa. Oh, yes; that could be done, so far as the Regulars are concerned; and I will say to the gentleman that last year that is exactly what was done in my own State. We had all of our militia out for two weeks. We had sent from the Regulars cavalry, infantry, artillery, and a company of the Signal Corps, and all went into the operations, divided into two brigades, two opposing armies. The regular officers were there to umpire the game, to instruct in the maneuvers, where they required it, and our entire militia received the benefit of two weeks of active drill, mock battle, and campaign, where, if we had had a grand maneuver, only one regiment would have had that benefit.

Mr. PARSONS. Can we have joint instruction in coast defense this year without any additional appropriation?

Mr. HULL of Iowa. The gentleman means for the interior defense?

Mr. PARSONS. No; for the coast defense.

Mr. HULL of Iowa. No; I should say that if it was intended to assemble the militia for coast defense, or the militia reserve for coast defense, it would be necessary to have some amendment providing specifically for that.

Mr. FITZGERALD. On that point, in the State of New York there have been organized, or changed, some infantry regiments into heavy artillery regiments. Last year one at least of these regiments was taken into the coast-defense batteries. I am informed that the Regulars acted as instructors of the militia. May not that be done under any appropriation carried in this bill?

Mr. HULL of Iowa. I do not see how the militia could be paid out of this bill. The Regulars could give the instructions and all expenses of the Regulars; but, as I said to the gentleman's colleague, the gentleman from New York [Mr. PARSONS], if it is desired, I certainly would not in any way hamper the fullest instruction of the coast artillery reserves.

I think it is the most important phase of our reserve defense, and while I am not fearful of immediate invasion on the Atlantic coast or on the Pacific coast, yet I believe that because of the fact that it requires special training to know how to handle these great engines of war, we ought to keep our militia in that line well trained. But as to the general grand maneuvers, I regard that the militia are benefited more by their camps of instruction where they are all regiments together in the State, having the Regulars combine with them, and then once in three years have a grand maneuver of all the militia and all the Regulars that are in the country, not so much to give instruction to the men as to give instruction to the officers, and nine-tenths of this instruction they talk about is simply for the general officers.

Mr. BENNET of New York. Is there enough existing law, so that if United States troops came to Peekskill, in our State, and joined with our State militia, the United States troops, for instance, could take orders from a State officer or our State troops could take orders from the United States officer?

Mr. HULL of Iowa. I think where the militia is brought in contact with the Regulars the Regulars have command; but I am not absolutely positive in this.

Mr. BENNET of New York. Is that a matter of statute or practice?

Mr. HULL of Iowa. I think it is statute. In regard to volunteers in the Army the highest in rank commands.

Mr. BENNET of New York. I understood the gentleman to say specifically, under the appropriations as they are reported in the bill, in our State if we got our 14,000 militia together and invited a United States Army man to come there to that encampment there is no money provided under this bill, and properly provided, so those expenses could be paid?

Mr. HULL of Iowa. For the regular force, yes; but I will say to the gentleman further than that, that the United States Government, on the request of your State to do so, would send officers to advise and supervise maneuvers and give the benefit of their instruction in the field, but the problems would be worked out by the militia officers themselves. And it is better for all that this should be so.

Mr. BENNET of New York. But this item for the encampment of the militia does not embrace anything but an appropriation of $1,000,000; it embraces no change in the law in that regard.

Mr. HULL of Iowa. It is a general appropriation only. I will now yield to the gentleman from New York.

Mr. PARSONS. I will ask the gentleman if that carries out the recommendations made by General Bell and the Assistant Secretary of War in their testimony before the committee in regard to maneuvers and joint instructions in coast defense?

Mr. HULL of Iowa. No; we do not, and we did not carry out their recommendations in several other matters. I want to say to my friend, I wish he would serve on the Committee on Military Affairs some time and see how many suggestions it is possible for a fertile mind to make that is hardly feasible for Congress to adopt. Now, Mr. Chairman, before closing, I have here an opinion from the Judge-Advocate-General that I secured last fall when an immense amount of discussion was going on as to the power of the President to retire officers on account of these so-called staff rides. I asked for the information and it was graciously sent me. It was considered personal at first, but by permission of the Judge-Advocate-General I ask unanimous consent that it may be inserted in the RECORD as a part of my remarks so that we may all have the benefit of it. I regard it as an exceedingly valuable publication.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, November 22, 1907.

Before entering upon a discussion of the question suggested by the Acting Secretary of War, it will be proper to make a brief reference to the existing laws upon the subject of retirement.

History of retirement laws.—Prior to 1861 there was no requirement of statute which enabled the President, save by dismissal from the military service, to divest an officer of the functions of an office which he was physically unable to execute. He may have been disabled for performing his duty by age, wounds, or sickness, and this disability may have reached such a stage as to completely incapacitate him for the performance of any military duty, but, as the law stood, no relief could be afforded by Executive action.

In the summer of 1861 the matter was made the subject of legislative regulation as an enactment which received Executive approval on August 3 of that year, and which authorized the retirement from active service of officers of the Army and the Marine Corps. In a subsequent section of the same statute the retirement of officers of the Navy was provided for.

The act of 1861 provided that—

"If any commissioned officer of the Army or of the Marine Corps shall have become or shall hereafter become incapable of performing the duties of his office, he shall be placed upon the retired list and withdrawn from active service and command and from the line of promotion, with the following pay and emoluments." (Sec. 16, act of August 3, 1861; 12 Stat. L., 289.)

The act further provided that the extent and character of the disability should be determined by a retiring board, convened for that purpose by the Secretary of War, with the approval of the President, and it was made the duty of the board to "determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office." (Sec. 17, ibid.) If the board found an officer incapacitated for active service it was required to report "Whether in its judgment the said incapacity result from long and faithful service, from wounds or injuries received in the line of duty, from sickness or exposure therein, or from any other incident of service." (Ibid.)

If the conclusion was reached that the disability of the officer was due to any one of the causes above cited, the law provided that—

"If the President approves such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act. If otherwise, and if the President concur in opinion with the board, the officer shall be retired as above, either with his pay proper alone, or with his service rations alone, at the discretion of the President, or he shall be wholly retired from the service, with one year's pay and allowances; and in this last case his name shall be thenceforward omitted from the Army Register, or Navy Register, as the case may be." (Sec. 17, ibid.)

The foregoing requirements were embodied, with some slight modifications, in the revision of the laws in 1878, as sections 1243 to 1258 of the Revised Statutes.

It is proper to observe that, although the retirement of officers of the Army and Navy was provided for in the same enactment, the nature of the disabling cause is not the same in both cases. It has been repeatedly held by the Secretary of War that the "cause" of the "incapacity" contemplated in the act of August 3, 1861, and section 1249 of the Revised Statutes, must be a *physical* one; that moral obliquity was not had in view, and that an inquiry into an officer's general efficiency would be pertinent only in so far as it could be regarded as going to show that his inefficiency, if found, was the result of an impairment of health. (Paragraphs 2203, 2204, Digest Opinion, Judge-Advocate-General.)

The language used in the clause descriptive of incapacity in the Navy is considerably broader and provides that—

"Whenever any officer of the Navy, on being ordered to perform the duties proper to his commission, shall report himself unable to comply with such order, or whenever in the judgment of the President of the United States an officer of the Navy shall be *in any way* incapacitated for performing the duties of his office, the President at his discretion shall direct the Secretary of the Navy to refer the case of such officer to a board," etc.

Elsewhere it is provided that, "If such disability or incompetency proceeded *from other cause*, and the President concur in the opinion of the board, the officer may be retired," etc.

In the legislation above referred to no mention is made as to the manner in which the attention of the Secretary of War may be drawn to the case of an officer as to whose capacity for active service a doubt has arisen. It may be discovered in the ordinary performance of the officer's duty; it may result from the report of an inspector, or may be made the subject of representation by a department commander who is required to—

"assure himself by personal examination and observation that all officers and men under his control are efficient in the performance of duty; that the troops are thoroughly drilled and instructed in their field duties and tactical exercises; that supplies are properly distributed; that proper care is exercised in the purchase and preservation of public property, and that strict economy is exercised in all public expenditures. In his annual report the results of these inspections will be summarized. From time to time he will report, for the information of the War Department, the names of any and all officers belonging to his command who are believed to be permanently incapable, from any cause, of performing the duties of their several grades, both in garrison and in active service. He will also report any errors, irregularities, or abuses requiring the action of higher authority." (Army Regulations of 1904, par. 191.)

Meaning of the term "active service."—In the cases which have recently been ordered before retiring boards, the fact that the officers have been excused from riding, upon the reports of medical officers, or have been found unable to take or complete the test in that regard prescribed by the President, has rendered it necessary, in the opinion of the Department, that their physical condition should be made the subject of examination by a legally constituted tribunal. As a result of such examination the boards are required by law to ascertain the nature, extent, and cause of any disability which may be found to exist, and to determine whether it is sufficient in amount to incapacitate the officer for "active service." In that view of the case it becomes important to determine what is meant by the term "active service" as used in the statutes regulating the retirement of commissioned officers.

Prior to August 3, 1861, the date of the original retirement law, the term "military officers" was applied to the incumbents of military office, and a person who had been duly appointed to office in the Army was such an incumbent; to distinguish them from officers in the *naval* or *civil service* officers of the Army were said to be the *military service*, and no other status was recognized in the military establishment save that which attached, as above indicated, to the incumbency of military office. So long as there was but a single status which an officer of the Army could occupy such an incumbent could be described indifferently as being in the *military service* or in *active service*, and both terms had precisely the same meaning.

With the enactment of the retirement legislation of 1861, however, a new status was created, and it became possible for an officer to occupy a status differing materially from that theretofore occupied by him; so that since August 3, 1861, all officers who, in the operation of that enactment, have been found incapacitated for the performance of military duty by reason of age, wounds, or disability have been designated as "retired officers," or as "officers on the retired list," or as "officers retired from active service." But officers of the Army generally underwent no change of status in consequence of the enactment of the retirement law, but remained in the position which they occupied prior to its passage. To distinguish their cases from those of officers who by retirement had been divested of their former offices in the Army they were thereafter described as being in "active service" or on the "active list."

It would thus appear that, in the operation of the legislation above cited, officers at retirement undergo an important change of status, in that they are divested of the offices formerly held by them in the military establishment. Officers not retired, however, continue in the exercise of the functions of military office and, to distinguish the two classes, are said to be in "active service," or on the "active list."

The term "active service" is thus seen to be a legal one, and, as used in the statutes governing the procedure of retiring boards, merely relates to the efficient performance of the duties with which an officer is charged by law, regulations, or the custom of service in the branch of the line or department of the staff in which he holds military office. It has no relation to service in war or peace, or to physical or mental activity, unless such activity is so impaired by wounds, injury, or disease as to have reached a disabling stage. The term simply relates to that period in the career of an officer which intervenes between his appointment to military office and his vacation of such office due to death, resignation, dismissal, or retirement. During this period all officers are presumed to be physically and mentally capable of performing the duties of the offices into which they have been lawfully inducted. If the contrary appears, the law vests authority in the Secretary of War to convene a retiring board and to charge it with an inquiry into the nature and extent of the disability, with a view to ascertain whether the officer is incapacitated for performing the duties of his office.

The active service which an officer is expected and required to perform at all times is determined in part by the legal incidents of his office, in part by the nature and character of the duties performed in the branch of the establishment in which he exercises the functions of military office, and in part by his rank, ability, and experience in the military service. It will thus appear that the various employments upon which officers may be engaged and which constitute "active service" within the meaning of the retirement laws, differ materially in the case of officers in the several branches of the line and departments of the staff. The duties required by law of a colonel of cavalry or of light artillery, for example, are very different from those required of a colonel in the Judge-Advocate-General's Department or a colonel of engineers or ordnance. The duties of a colonel of infantry differ in some essential respects from those assigned to a colonel of Coast Artillery, and quite materially from those which are expected to be performed by a professor at the Military Academy having the assimilated rank of colonel.

The duties of a colonel of cavalry or light artillery, for example, require that the officer charged with their performance shall be able at all times, up to the date of his retirement, to appear mounted while engaged in the duty of drilling and instructing his command, or while exercising the functions of commanding officer of a mounted organization. The duties of an officer of the Judge-Advocate-General's or Medical Department, on the other hand, are largely sedentary and administrative in character, consisting for the most part in office work, in the supervision of hospitals, etc. While such an officer must always hold himself in readiness for a change to field work, riding is not an essential ingredient of the duties which officers of those departments are habitually expected to perform.

In the event of war the law provides that the representatives of the several departments on the staff of a corps commander shall have the rank of lieutenant-colonel, but there is no statute which prescribes the rank of the principal staff officers of a separate army; so that it is only in the event of an extraordinary emergency that officers of the grade of colonel in the departments named would be required to take the field or to do duty which required them to execute marches or perform other forms of mounted duty.

That staff officers above the grade of lieutenant-colonel will receive assignments as the principal staff officers at the headquarters of separate armies in the field in time of war is, in view of the experience gained in that regard during the civil war, extremely improbable. The adjutant-general of the armies operating against Richmond, under the immediate command of Lieutenant-General Grant, was Seth Williams, a lieutenant-colonel; the chief quartermaster and chief commissary were Ingalls and Clark, who were majors. The adjutant-general of the Army of the Potomac was Ruggles, a major; the chief quartermaster was Batchelder, a lieutenant-colonel of volunteers; the chief commissary was Wilson, a captain; the chiefs of engineers were Barnard, a lieutenant-colonel, and Duane, a major; the chiefs of artillery were Barry and Hunt, both lieutenant-colonels. The adjutant-general of the Army of the Cumberland was Whipple, a major; the chief engineers were Michler and Merrill, who were captains.

The colonels, and for the most part the lieutenant-colonels, of the supply departments were employed during that period in the War Department, or at the great arsenals and depots where the supplies were procured or manufactured, and from which they were distributed to the armies in the field. These officers are similarly employed in time of peace, or are serving on the General Staff, as assistants to the heads of Bureaus in the War Department, or as the chiefs of their respective branches of the staff at the headquarters of Territorial divisions and departments.

In some staff departments certain duties of a professional or technical character are vested by law, to which in the ordinary course of administration the higher grades of officers are habitually assigned. Colonels of engineers, for example, are subject to employment as members of certain commissions which are established by law, or they are charged with the preparation and execution of projects of river and harbor improvement, which are of great importance and require in their execution large sums of public money. The senior officers of ordnance are habitually employed as commanding officers of armories and arsenals; and officers of both classes would, from the nature of the services in which they are engaged, continue to be so employed in time of war. Indeed, save on the happening of an emergency which has not yet occurred in the military service, it would be essential to the best administration of the military establishment that the officers in charge of certain public works and of certain armories and arsenals and depots of supply should continue in those posts of duty during the existence of the emergency, and their separation from their posts would seriously hamper the heads of bureaus in the administration of the department under their control.

But the considerations which are to be given weight in this regard are not entirely historical. In 1889 Capt. Oscar Elting, of the Third Cavalry, was brought before a retiring board with a view to determine his liability to retirement. The investigation was directed to three causes of disability:

1. Hemorrhoids.
2. Age.
3. General inefficiency.

The acting Judge-Advocate-General, in his report, says as to the investigation respecting Captain Elting's inefficiency:

"Upon this point I would remark that the investigation into this officer's general efficiency seems to be pertinent only in so far as it can be regarded as going to show that his inefficiency, if there be any, is the result of an impairment of health incident to the service—thus connecting effect with cause. The evidence upon the question of his efficiency is contradictory, but assuming that it does show that he has not been an efficient officer, it does not, in my opinion, connect his inefficiency with an existing physical disability."

As to Captain Elting's age, with its attendant impairment of vigor, Doctor Bailey, a medical member of the board, testified as follows:

"Q. (By the Board.) Do you think he could stand a cavalry campaign?—A. I don't think he could, as I understand a cavalry campaign. Not many men of his age could.

"Q. (By the Board.) Could he stand a cavalry campaign as well as most men of his age?—A. I do not think so; I think he is below the average in physique and capacity to perform duty.

"Q. (By Captain Elting.) Is he physically able to perform the duties of a cavalry officer in the present requirements of the service?—A. Yes: in the everyday requirements of the service at this time. But in the emergencies of the service, which are liable to arise at any moment, he could not."

Now, were this the only evidence of disability it could not, I think, be held to exist, so as to take the case out of the operation of the law regulating retirement for age.

As to hemorrhoids, the report goes on to say:

"In April and May of this year Captain Elting was under the treatment (for hemorrhoids) of Doctor Pope (p. 10 et seq.). Doctor Pope performed certain surgical operations, after which (p. 13) he considered Captain Elting fit for all duty which could be required of a cavalry officer. He knew of no reason why he should not be, his health in other respects being excellent, taking into consideration his age.

"The medical officers of the retiring board reported under date of July 13, 1899 (Exhibit H), that they found Captain Elting suffering from slight external hemorrhoids, and that there were evidences of recent operations performed to extirpate others, the remains of which were still visible, and that he also had hypermetropia in a moderate degree.

"Doctor Pope further testified (p. 75):

"'Q. (By recorder.) Is it not a fact in your experience that when an officer of Captain Elting's age and physical condition has had ulcerated hemorrhoids for a number of years, that they are liable to return on his being subjected to a long and hard campaign in inclement weather?—A. I have not had sufficient experience in observing old cases of hemorrhoids that have been apparently cured to answer the question definitely, but I would expect a return of the disease in a person of the Captain's years if he were exposed to prolonged and severe hardship—field service.'

"So that the evidence of disability may be regarded as reduced to this: The existence on the 13th of July of 'slight external hemorrhoids,' and the liability of a return of ulcerated hemorrhoids when a person of Captain Elting's age having had them for a number of years is exposed to 'prolonged and severe hardship—field service.'"

It appears that the board erred in failing to report whether the causes of disability which it found to exist in Captain Elting's case

were or were not an incident of service; but this was immaterial, and the acting judge-advocate concluded that:

"Independently of this, I am of opinion that the law contemplates an existing and not a purely prospective and contingent incapacity, and I am further of opinion that the evidence fails to establish the incapacity which the law has in view."

Having regard to the slow and gradual change in respect to standards of physical efficiency which have marked the findings of retiring boards since 1889, it may well be doubted whether an officer in Captain Elting's physical condition would not be permitted to remain on the active list. But this is not material, as the substance of the opinion was that the incapacity upon which the board based its findings must be existing, not prospective or contingent in character.

Having regard to what has been said, the following résumé is submitted as to the functions with which the President is charged by law as the reviewing officer of the proceedings of retiring boards.

1. The duty vested in the retiring board and the President is judicial in character; the board examines the officer, investigates his military record, receives testimony, hears arguments, and, upon a full showing of the facts, reaches a finding as to the nature, extent, and cause of the disability in a particular case. The written record of its proceedings is laid before the Secretary of War, who thus has before him the case that was submitted to the board. If, upon a full examination of all the evidence, he concurs in the conclusions reached, he approves the action of the board and converts what was in the nature of a mere recommendation into a legal and valid finding.

"The finding of a retiring board, approved by the President, is conclusive as to the facts. The board finds the facts and the President approves or disapproves the finding, but the law does not empower him to modify the finding or to substitute a different one. There is here a judicial power, vested in the two, and not in the President acting singly, and when the power has been once fully exercised it is exhausted as to the case." (Dig. Opins. J. A. G., par. 2206.)

In Burchard's case it was held by the Supreme Court that—

"The law requires a record of the proceedings and decision of the retiring board to be made and transmitted to the Secretary of the Navy and by him laid before the President for his approval or disapproval or orders in the case. At first the findings in this case were approved and orders made thereon, but afterwards the Department became satisfied on reexamination that the findings were wrong and that the incapacity was actually the result of causes incident to the service. Neither the Department nor the President could then change the findings, as they had already been approved and were no longer open to review. The action of the President was equivalent to the judgment of an appropriate tribunal upon the facts as found." (Burchard *v.* United States, 125 U. S., 176–179.)

If the President dissents from the action of the board in any particular—that is, if he regards the investigation as incomplete or defective in any material respect, or if the conclusions or findings of fact reached by the board are erroneous or not warranted by the testimony, or if there is no specific finding that the cause of disability is or is not an "incident of service," he disapproves the proceedings or findings, or both, and thus terminates the investigation.

If the work of the board is defective or incomplete, the analogy in procedure to that of a court-martial would justify, and in some cases suggest, a return of the record to the board for the purpose of having the defect corrected, at the same time furnishing it with the grounds of his opinion. The board may err, as did that in Captain Elting's case, and base its conclusion upon some prospective and contingent incapacity, rather than upon the ability of the officer to render the specific active service which is required of an officer of his grade by law, regulations, or the custom of service. The medical examination may not have been so thorough as to convince the President that the disability which is found to exist constitutes in fact a permanent incapacity. A reasonable prospect of recovery, especially where the disability is due to diseases incurred in tropical service, should never be omitted from consideration in any finding as to the "permanent incapacity" of an officer of the Army.

2. In determining incapacity due to age, the fact should not be lost sight of that age, as a disabling cause, has been made the subject of legislative regulation. Unless there be some active physical infirmity in a particular case, in the operation of which one officer is as much incapacitated at 54 as the average officer is at 64, decisive weight should be attached to the determination in that regard which has been reached by Congress upon full consideration of the facts.

3. It is proper to note that the operation of the original retirement law was substantially automatic, and provided that when a proper and sufficient finding of incapacity had been reached, the officer "shall be retired from active service and placed on the list of retired officers." (Sec. 1251, Rev. Stats.) Since the creation of the limited retired list all officers who reach the statutory age, together with those who fail to pass the physical examination for promotion and those who voluntarily apply for retirement after forty years' service, pass directly to the unlimited list as do those who, having been retired on their own application after thirty years' service or in the discretion of the President after reaching 62 years of age, reach the age of 64 years. It would thus be possible, but hardly probable, that an officer whose incapacity has been established by the findings of a retiring board might find no vacancy awaiting him on the limited list when the findings of the board in his case had received the approval of the President. But as the state of the limited list is known to the Department at all times, the case could hardly occur in which a board would be convened for the examination of an officer without a vacancy existing to which, in the event of his retirement, he could be assigned. For this reason it is believed that the sections of the Revised Statutes which govern in matters of retirement have not lost their automatic quality in the operation of the amendatory legislation of the past twenty-five years.

Very respectfully.

GEO. B. DAVIS,
Judge-Advocate-General.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PARSONS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2210. An act to increase the salary of the United States district judge for Porto Rico.

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 6515. An act for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 902) authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. LONG, and Mr. MARTIN as the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HAY. Mr. Chairman, I yield such time as he may desire to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I listened with a great deal of interest to the beautiful tribute paid to the country and to all sections of it by my distinguished friend from Iowa in the closing part of his remarks. I have heard these beautiful tributes to what some people unexpectedly found to be the loyal condition of the minds and hearts of the people of the South in 1898. I have heard them around the festive board, as orators say, when noble and generous sentiments were more or less inspired by the rich wines of France and Spain, and bursting forth on Monday morning, as this does, and without any special provocation I was able to discover, makes me suspect that my friend had still lingering with him the memory of a good dinner on Saturday night and its generous sentiments. I could not believe, of course, that he would have done such a thing as to commit a violent assault upon the Sabbath by indulging in a dinner of that sort on Sunday.

Mr. Chairman, speaking seriously, I want to protest in the name of every citizen of my section against the suggestion that the South was not loyal to the Union prior to this little episode known to history as the Spanish-American war. There has been no time since 1870 when, if we were not being treated as stepchildren, the people of the South were not prepared to rally to the flag and defend its honor and, if necessary, to lay down their lives in the defense of the integrity of the country. And I think that before I get through with you I will be able to prove by some figures I shall submit that we have even gone a step further in the process of reconstruction—that we are not only now absolutely loyal and ready to defend the country, but that, like a great many others of our fellow-countrymen, we have our eyes fixed on the pay rolls and the pension lists. But before doing so, Mr. Chairman, I want to invite the attention of the committee for just a moment to the statement of the United States Treasurer, issued on the 21st day of February of this year, the last of these statements that has reached me.

It shows that upon that date, or up to and including that date, the expenditures had exceeded the receipts for the current fiscal year by $25,119,756.09, and that upon that day the expenses were in excess of the receipts by $953,347.49. Now, this statement of the 21st of February is very like many others that have reached Members within the last three months. It has shown an unfavorable daily balance. It has shown a state of affairs that if it prevailed in any business house on earth would indicate that that commercial establishment was going at a breakneck pace toward the bankruptcy court.

Mr. BOUTELL. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. BOUTELL. Would the gentleman from Texas also place right in that connection the figures at the bottom of the first page of that daily report, showing the available cash balance on that date?

Mr. SLAYDEN. Yes, Mr. Chairman. I have no doubt that we had a large cash balance upon that day, and that we have also got an enormous reserve capital in the resources of the people, but I am speaking now of the current business of the country. I am endeavoring to show, and I can establish it, I think, by the documents issued by the Government itself, that the receipts are far behind the expenditures for the current fiscal year.

Mr. BOUTELL. Mr. Chairman, will the gentleman yield again right there?

Mr. SLAYDEN. Certainly.

Mr. BOUTELL. I would like to call attention to the vast difference, right at this point, that there is between national and private financiering, and to ask the gentleman whether, with an available cash balance subject to draft of over $260,000,000, there is anything serious in a monthly deficit?

Mr. SLAYDEN. Mr. Chairman, I do not anticipate the bankruptcy of the Government unless we go on indefinitely making expenditures exceed receipts, but it is as certainly true of the Government as it is of an individual, that if you keep on taking out of your money chest and fail to replace as much as you take out, you will ultimately find yourself with an empty chest. That is true.

Of course, Mr. Chairman, there is no proper parallel between a private business house and the great Government of the United States, which has all the vast wealth of the people to draw from for its necessities, which has systems of taxation that not only enrich thousands of private individuals, but also pile up an enormous surplus out of the people's savings in the Treasury. It is there. Everybody knows it.

Mr. BOUTELL. Right on that point, the distinction between private and public financiering, is there any way in which this $260,000,000 available cash balance can be reduced to a normal point, which, in my opinion, should not be over $50,000,000, except by allowing the expenditures to exceed the revenues? Or, in other words, by refraining from raising additional revenues until we have reached that point?

Mr. SLAYDEN. Mr. Chairman, I think the gentleman may dismiss his apprehension. We are likely to reduce it to the normal point very soon, to his $50,000,000, let us say.

Mr. FITZGERALD. Will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. FITZGERALD. Will the gentleman read the excess of revenues over receipts for the corresponding day last year, for the information of the committee, where instead of being a deficit of $25,000,000 there was a surplus of about $36,000,000 or $37,000,000?

Mr. SLAYDEN. Does the gentleman mean the fiscal receipts for that day or for the month?

Mr. FITZGERALD. The gentleman said that up to that time we had this year a deficit of $25,000,000. Will he now read the surplus of last year up to that day, which in my judgment was about $36,000,000 or $37,000,000.

Mr. SLAYDEN. On the corresponding date last year the receipts were $2,911,000, the expenditures $2,540,000, the difference being an excess of receipts over expenditures of $371,938.40. Is that what the gentleman wants?

Mr. FITZGERALD. I mean for the entire year.

Mr. SLAYDEN. And for the year, to the corresponding date, the receipts were $424,684,143.08, and the expenditures $387,787,450.22, being a difference in favor of the Government of $36,896,692.86.

Mr. BOUTELL. Mr. Chairman, with the permission of the gentleman, the surplus for the entire fiscal year last year was about $85,000,000. That, of course, does not show on that statement. The only point, Mr. Chairman, with the gentleman's permission, I was trying to make, was that the use of that word "deficit" sometimes creates a misapprehension when discussing public finance. In other words, we could now run behind $50,000,000 a year for four years before there would be any of that misapprehension which would occur to a private business house.

Mr. SLAYDEN. Mr. Chairman, beyond all doubt a country so swollen as the United States can live on its own fat for several years.

Mr. FITZGERALD. They could not do that and apply the amount to the sinking fund under the law.

Mr. SLAYDEN. Now, Mr. Chairman, what I was about to ask is, Is there any particular law of business that will protect the Government and hold it harmless in practices that would mean disaster to the citizen? I have never heard of one, and despite the suggestions that have been made, I do not believe that one exists. The path of wisdom for the individual is undoubtedly in the matter of income and expenses, the same that should be pursued by the Government, and that is to live within your income.

In this connection I want to submit some figures to the Members of this House. They are so large and so important that I feel that they should command their attention and that of the country.

I do so because only a limited number of the Members of this body appear to realize the stupendous total of appropriations that have been asked of Congress by the heads of the various administrative Departments. Plus the extravagant demands of these Bureaus that we are in duty bound to examine are also certain private and special interests that are vociferous in their demands for large appropriations. If we were to yield to all these pretensions we would soon be forced to double all rates of taxation and in the end would bankrupt the Government and the people. We are now almost, if not quite, a $2,000,000,000 Congress, and permanently so, I fear. At the rate we are traveling we will soon have $2,000,000,000 sessions, or a $4,000,000,000 Congress. How long such a scale of extravagance can continue without bringing disaster to the country is more than I can tell.

There is only one way to correct this gross outrage, and that is to reduce expenses. It is plainly and urgently our duty as the representatives of the people and the guardians of their treasure to let none of these measures become law without the most critical inspection and the clearest warrant in justice, and for that reason I earnestly beg your attention to the facts I shall submit.

PENSIONS.

We have on the Calendar now and ready for consideration by the House of Representatives the annual pension appropriation bill. If enacted as reported from the committee, it will take out of the Treasury $150,869,000.

In the judgment of the Commissioner of Pensions, Mr. Warner, the widows' bill that lately passed this House and is now pending in the Senate, and sure to be enacted, will require an additional appropriation of about $15,000,000 a year.

Add these items and you will find that we have an annual pension charge of $165,869,000, a remarkable total that may well make the richest nation in the world "sit up and take notice."

We have the most liberal pension laws of any nation on earth. I think I am safe in saying that we have the most liberal pension laws that any nation on earth ever had. We prodigally provide for every class in the country that can by any interpretation of history or stretch of the imagination be thought entitled to the gratitude of the Federal Government. Yet all of you know that both Pension Committees are fairly overflowing with private bills that provide for original pensions and for liberal increases for pensioners already on the rolls. You also know that the Calendar is choked with this personal legislation favorably reported from the committee, and that on certain Fridays in each month, under the presidency of our most expert, rapid-fire pension speaker, my highly esteemed friend from Rhode Island, these bills, being duly considered and perfectly understood by the Committee of the Whole, are reported to the House with the recommendation that they do pass, and they invariably do at the rate of two a minute. Under the parliamentary fiction we indulge in, they are read, considered, read a third time, voted on, and laid aside with a favorable recommendation at the rate of thirty seconds per bill.

That is not all. From Congress to Congress, in a continuous and everswelling chorus, we are urged to provide old-age pensions for civil employees in Washington who have been too improvident to look out for themselves. With each succeeding Congress it is harder to resist their appeal, and I do not doubt that in the end it will be yielded to. Then like the rings made by a stone dropped into a pool this civil-pension system will gradually spread until it will cover the entire country, for what is fair to the servants of the Government in Washington can not be decently denied to those in other places. And just think where it will land us. After a while, when we shall have Government ownership of railways, telegraphs, coal mines, waterworks, and bake shops, all among the necessities of modern life, and all vehemently urged by certain earnest men who have not thought out the consequences, we will have a condition that will make government of, for, and by pensioners not only possible but probable, for all these civil employees will finally have to go on the pension rolls.

Where, in God's name, it is all to end I can not even guess. Let us hope that if this madness can not be arrested it will soon complete the circle and develop to a stage where everybody will be on the rolls at the same liberal rate and the plane of equality reestablished.

ARMY PAY BILL.

The bill for the pay of the Army as reported carries an appropriation of $85,007,566.56.

The text of the bill provides that the pay of enlisted men shall be increased by about 35 per cent, but does not appropriate the money to meet the increase. It is estimated with approximate accuracy that the increased pay of the enlisted men will amount to $5,000,000. Thus, as you see, the total of this bill should be $90,007,566.56 instead of the sum that it appears to appropriate.

The Committee on Military Affairs of the House did not report an increase for the commissioned officers, for whose particular benefit the agitation for more pay was really started, and which, as things go, I am not prepared to say is an unreasonable demand. However, it is sure to be added somewhere under this roof, and that will mean at least $2,000,000 more.

What other increases will be made I am not prepared to say, but you may put it down as a fact that the Army bill will take as much as $92,000,000 out of the Treasury.

THE NAVAL BILL.

Although the naval appropriation bill has not yet been printed and so made available for the Members of the House, it is said to carry $103,967,518.43.

It provides for the construction of two battle ships that will cost $20,000,000, but fails to appropriate for them. It authorizes the purchase of eight submarine boats that will cost some millions, if they are not meantime sunk in a sea of scandal.

Mr. MANN. They ought to rise from that.

Mr. SLAYDEN. With additions to be made, it is quite certain that the naval budget this year will not be less than $125,000,000.

VOLUNTEER RETIRED LIST.

Pending, but not yet submitted, pressed by a lobby that appears to be resistless, and certain to emerge from the committee some day with a draft on the Treasury that will startle the country, is the volunteer officers' retirement bill.

That bill originally proposed to place certain volunteer officers of the civil war who reached the rank of general on the retired list of the Army, with the pay and emoluments of the rank they held at the time of discharge from the service.

It was suggested by officers of lower rank that they also, while not so distinguished, did creditable service to the Union and should not be discriminated against. They even hinted that there were more of them than there are of the officers of the higher rank, and you may be sure that their protest was heard and that they were taken into camp.

But there is another class, even more numerous, that had not been reckoned with. They were the enlisted men, who found ready champions in my friends, General SHERWOOD, of Ohio, Colonel BRADLEY, of New York, and others who reached high rank in that great war. These enlisted men, in person and through their friends, protested that on them had fallen the brunt of battle, the marches through mud, coarser fare, and greater hazard.

They insisted that they had fought as hard, were in as great danger, and served for less pay, and they even appeared to have the foolish notion that they could suffer the same pangs that officers do. They seemed to say with Shylock:

> Hath not a private eyes? Hath not a private hands, organs, dimensions, senses, affections, passions; fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer as a general is?

Arguments like that backed by such numbers are irresistible. As one Member significantly said in my presence, "There are more privates in my district than there are officers."

After working over the bill for months the committee found that it could not tell whether the cost of such legislation would be $25,000,000 a year, as put by one conservative man, or $65,000,000, as estimated by another.

It was generally thought by the committee that it would cost about $35,000,000 a year for men who had served in the field for eighteen months. Later, beyond all doubt, the men who served one year or six months, or even ninety days, would surely demand a similar benefaction, and who is there that can doubt that an organized pressure would fail to get it. This $35,000,000 is, I believe, the figure that the late President Garfield, while a Member of this House, fixed as the ultimate maximum annual cost of all probable pension legislation.

Now, it is worth while noticing, Mr. Chairman, in this connection—and some gentlemen near me say that I have the figures above those stated by Mr. Garfield—it is worth while noting that we are now appropriating in the pension bill a sum nearly five times as great as Mr. Garfield thought would ever be necessary to meet the maximum demands on account of pensions, and the end is not in sight.

Mr. BURKE. Mr. Chairman, will the gentleman from Texas yield for a question?

Mr. SLAYDEN. Certainly.

Mr. BURKE. As I understand the tenor of the gentleman's remarks, which have been very instructive to me, at least, his complaint is that these increases in the expenditures through the channels of pensions are a general evil; that is, that he regards the increase as an evil.

Mr. SLAYDEN. I do not think the gentleman could so understand me, for I did not say it. I have simply stated certain facts and leave the House to draw its own conclusions.

Mr. BURKE. Well, the gentleman's remarks would seem to discourage that.

Mr. SLAYDEN. If a mere statement of the truth discourages them, perhaps so.

Mr. BURKE. My purpose was to inquire of the gentleman regarding the increases.

Mr. SLAYDEN. I am stating the facts, letting the gentleman and the House draw their own conclusions from those facts. At the beginning of my remarks I observed that I would, without comment or expression of opinion, state certain facts. I do not object to saying to the gentleman, if he wants my personal opinion, that I do regard national extravagance as an evil and a great evil.

Mr. BURKE. The gentleman indicated that these increases that are now going on were intensified by the possibility of Government ownership of water and railroads.

Mr. SLAYDEN. I did not quite catch the gentleman's question.

Mr. BURKE. The gentleman has further indicated that these evils would be intensified when we come to acquiring title as a Government to the waterworks and the railroads of the country, which would to that extent increase and possibly make necessary a civil pension list. If that be so, I want to ask the gentleman what is his attitude toward the only gentleman in this country who has advocated the public ownership of railroads?

Mr. SLAYDEN. Mr. Chairman, out of courtesy to the gentleman nominated the other day on the floor of the House I take it that the nominations are closed. [Laughter.] I thought that the gentleman from Illinois had settled that matter, and I shall not discuss the matter my friend has in mind.

Mr. BOUTELL. It was unanimous in this House.

Mr. SLAYDEN. Mr. Chairman, these figures seem to disturb my friend from Pennsylvania so much that he would like to switch the discussion off to personalities and reopen the Presidential convention. I am not going to permit it to be done, but I am going to conclude my remarks by giving a brief summary of the figures I have submitted.

First, let me say that I am also informed that the Committee on Militia will bring in an increased appropriation bill. As to what amount I am not informed.

Mr. MANN. Not an appropriation bill?

Mr. SLAYDEN. Yes.

Mr. MANN. The Committee on Militia does not make an appropriation bill.

Mr. SLAYDEN. I am also informed that this Committee on Militia had a proposition—formulated by the National Guard, for the purpose of being offered by the committee—which is intended to set up a bureau in the War Department, officered and directed by members of the National Guard, which would have been the entering wedge that would ultimately have led to an appropriation that no doubt would have gone up into scores of millions each year. And think what a plea the friends of the measure could make. How plausible would the argument be that the real defense of this country rested upon the National Guard—the volunteer soldiers!

How reasonable would the argument be, in view of the importance of the National Guard, that a paltry million or two appropriated for them, in comparison with the hundred or more millions appropriated for the Regular Army, was illogical and inadequate, and how effective would be an appeal to the friends of the militia? It would bring to the support of their measure the local influences from your district and from mine and from every district in this country. Once started upon that line of legislation, there is no telling where it would end or how much money it would take out of the Treasury. Now, let me give you—and I invite the particular attention of my friend from Pennsylvania [Mr. BURKE] to these figures—a summary, and I beg him to take it home with him and consider overnight and see if he does not agree with me that these are rather big sums of money to be taken from the taxpayers. There is the pension bill, $150,869,000; the widows' pension, estimated, $15,000,000; the Army pay bill, with an estimate of increases, $92,007,566.56, and naval bill, $103,967,518.43, with battle ships authorized in the bill, but not provided for by appropriation, $20,000,000; making a sum total of $381,844,084.49.

Now, let us add the volunteer retired officers' bill, and taking a low estimate of $25,000,000, which I think my friends who served with me on that committee will admit is rather below than above the mark, and we have a grand total of $406,844,084.49. Divide the first of these sums by the number of days in the year and you will find that the taxpayers of this country are now paying more than a million dollars a day for military purposes and for the consequences of war. No government on earth, not even the great military kingdoms of Europe, expend anything like as much for this purpose as we do. Then take this grand total of $406,844,084.49 and divide it in the same way, and you will find that it will cost over $1,100,000 a day to pay the military expenses of the Government. I ask my friends

from the rural districts to consider what these figures mean. It will take 22,000 bales of cotton at 10 cents a pound to pay the daily military expenses of the country; it will take 8,000,000 bales a year at the same rate to pay them; and it will take 400,000,000 bushels of wheat at $1 a bushel to pay the annual military charges of the nation. Whether $1 is above or below the average value I am unable to say, but I have dimly floating in my mind an idea that it is a fair market price. I need not suggest to Members of this House that if they want their rivers and harbors improved, if they want their commerce developed, if they want public buildings in their districts, they should call a halt to this military extravagance. One will benefit your constituency, the other is a burden to them. One spells construction, the other destruction. One will add to the sum of human happiness, the other to its miseries. It is your opportunity and it is your duty to make a choice. [Applause.]

Mr. HAY. Mr. Chairman, I now yield forty-five minutes to the gentleman from Iowa [Mr. HAMILTON].

Mr. HAMILTON of Iowa. Mr. Chairman, it is with some little temerity that I rise to address the House at this time. Perhaps, being a new Member, it may be an assumption on my part to undertake to tell the older Members what sort of legislation we ought to enact, but when I consider the interests that the constituency which I represent have in the legislation that is being and ought to be considered by this House, I will certainly be excused for inflicting myself upon you for a brief time. We have during the general debate at this session heard considerable discussion with reference to the President's message, some criticising and some eulogizing. I may, perhaps, during the course of my remarks either criticise or eulogize the President of the United States. I shall agree with him where, in my judgment, he agrees with me. Some of the doctrines which he promulgates in his message, and especially the second message, are the doctrines that I have been taught from my boyhood, and understand to be the doctrines of genuine Democracy. There is no question but that at this time our country is in sore distress for some cause or other. Out in my part of this great country along last fall when the people were exceedingly prosperous, when the granaries were full and prices were good and the bank deposits were exceedingly large, they went to bed on Saturday night feeling happy and awakened Monday morning with the banks of my State, in many places, practically closed, and they were unable to withdraw their own money that they had deposited in them.

They at once asked the question, and the people of this country are asking the question to-day, What is wrong? Many remedies are suggested to relieve this condition of affairs. Among others we have been told upon the floor of this House, we have been told throughout the length and breadth of this country, that we are much in need of an elastic currency, of more currency, but when we contemplate the conditions that, in my judgment, brought about the panic which is now upon this country, we need less elasticity in the consciences of the high financiers of the country rather than elasticity in our currency. [Applause on the Democratic side.] Whether I am agreeing with the President or he with me, I contend that one of the first remedies that ought to be applied is that, so far as the National Government has the power, it ought to prevent stock gambling, watering of stock, and the illegitimate conditions which exist in the great money centers of this country that are withdrawing from the legitimate business of the country the money that ought to be engaged in taking care of the products of the land. I contend that if this sort of legislation were placed upon our statute books, so far as we have the power to place it there, and the doors of these institutions that are but little less than gambling houses were closed, the capital which seeks investment there would seek investment in the honest business enterprises of the country, and it is a question whether under such conditions we have not a sufficient amount of currency to carry on the legitimate business of the country. You can not prevent capital from seeking legitimate investment if you will close the doors of the houses of gambling and speculation.

Capital is greedy, and if there is an opportunity presented whereby it thinks it may obtain 100 per cent profit, it will pass by the legitimate enterprise where there is only a promise of 5 or 10 per cent profit and take its chances in the speculative or gambling institutions. But if you will close them, if it is possible for it to be done by national legislation, that capital which seeks investment in those institutions will at once seek investment in the legitimate enterprises of the country. I hope that the prophecy made by my colleague from Iowa [Mr. HEPBURN] upon the floor of the House a few days ago will come true and that before this session closes there will be measures brought upon the floor and passed by this House proceeding as far as possible to the protection of the people from the gambling and speculative institutions of the country. I contend that it is not paternalistic legislation; it is only legislation that throws a protection around the party who by his labor and his intelligence produces the wealth of the country. The industrious citizenship of the United States is not asking for any paternal legislation. The people are not asking for legislation that will put a dollar in their pocket that is not placed there by the production of their hands, because they know, as all of us know, that there is only one way of legislating a dollar in any man's pocket, and that is by legislating it out of another man's pocket. [Applause on the Democratic side.]

They are not asking for such legislation. They are only asking for such legislation as will protect the wealth of this country in the hands of the industrious and intelligent individual who produces it and prevents its being diverted from its legitimate channels by the so-called "captains of industry" of this country. [Applause on the Democratic side.] I stand here as measure, whether it comes from that side of the Chamber or a Democrat, but it makes no difference to me who proposes the from this, I, as a Representative of my constituents, will heartily support measures that I believe will bring about this result. We have heard considerable upon the floor of this House, and all over the country, with reference to the power of the corporations, trusts, and combinations, and how they have imposed upon the rights of the people. Legislation has been proposed by the introduction of bills by Members on both sides of this Chamber looking toward the protection of the people from the impositions of these great trusts and combinations. The President of the United States has sent two messages to this Congress concerning some of these questions, and I desire now to read from the first message delivered to this House upon the question of tariff legislation. I read from his message as follows, speaking of the revision of the tariff:

> The question should be approached purely from a business standpoint, both the time and the manner of the change being such as to arouse the minimum of agitation and disturbance in the business world, and to give the least play for selfish and factional motives. The sole consideration should be that the sum total of changes represents the public good. This means that the subject can not with wisdom be dealt with in the year preceding a Presidential election, because, as a matter of fact, experience has conclusively shown that at such a time it is impossible to get men to treat it from the standpoint of the public good. In my judgment the wise time to deal with the matter is immediately after such election.

That is the statement from this message, and it is conceded by gentlemen upon the other side of this Chamber that tariff reform is needed at this time. It is advised that we must revise the tariff, yet we are told that it is unwise to do so preceding a Presidential election. I call attention again to the second message of the President of the United States, which was sent to this House at a time when the financial conditions in this country were in a turmoil; sent to this House at a time, if there ever was a time, when men should be conservative and not attack the financial interests of the country, when these great financial institutions were trembling to the very foundation—the President of the United States sends a message to this House impressing upon us the importance of some legislation that he considers it necessary in order to prevent the "malefactors," as he terms them, from robbing the people.

I say here, whether it be a eulogy upon the President or not, when he wrote this last message to this House I believe he did right in calling our attention to the financial conditions of the country and in calling our attention to the dishonesty in some of the places of high finance. But the reason I have called your attention at this time to the two messages is to now say to you that if the President was right and logical when he wrote the last message, attacking some of the great business interests, and I contend he was, then it is utterly impossible for him to have been logical when he wrote the first message to Congress and said that we should not revise the tariff at this session. [Applause on the Democratic side.]

There was much more reason for not sending the last message, upon the logic that he gives for putting off the revision of the tariff until after election in the first message. The tariff ought to be revised, and I believe we all publicly concede that it ought to be revised. I do not think there is any Member of this House upon either side of the Chamber who contends publicly that the tariff ought not to be revised. Even the gentleman from New York [Mr. PAYNE] a few days ago said to us upon the floor of this House that the next Republican platform would declare for a revision of the tariff. Why revise it? Revise it because under and by reason of the present schedules of the Dingley tariff law the corporations and trusts of this country are permitted to extort from the people more than they should of the production of honesty, industry, and intelligence, and, as long as it is only attacking them, why not revise it at

this time? What business will it interfere with? No other business in the world except the business of robbing the people. [Applause on the Democratic side.] Then why put it off until after the Presidential election? Not only we upon this side of the Chamber are contending that by reason of the present schedules the people are being robbed annually, but I have here and will read to you from a newspaper clipping what a gentleman said who was in the city of Washington a few days ago trying to get a measure through this House for the appointment of a tariff commission, and I give you his figures. This gentleman was Mr. Van Cleave, president of the National Association of Manufacturers. He says:

From one-half to two-thirds of the stuff made under this tariff bears to the consumer an unjust and unreasonable price because of the tariff. It is estimated by competent authorities that the graft overcharge and wrong done the American public because of the present tariff reaches $3,000,000 a working day. We have the facts, schedule by schedule, and are prepared to make the details public should we receive opposition to our demand for a permanent tariff commission, through the appointment of which a proper adjustment of the tariff can be procured.

We are not agitators or reformers. We are mostly Republicans, and all protectionists.

If the statement made by this eminent gentleman is true, then by reason of the present duties of the Dingley tariff law the people of this country, the consumers, if you please—the common people who use the articles that are manufactured by these trusts and combinations and sold to them under trust and combination prices—are annually paying $900,000,000 more than they ought to pay. Why not revise that now? Why permit these trusts and corporations to have this $900,000,000 a year of the people's money until after the next Presidential election? [Applause on the Democratic side.]

Yes, they tell us that there will be a plank in the Republican party platform for a revision of the tariff. It is not stated whether that revision will be up or whether it will be down. We do not know anything about it. There have been measures introduced upon the Republican side of this House at this session of Congress placing certain articles upon the free list, among them petroleum, wire, lumber, and so forth. We do not anticipate a report of any bills by the Ways and Means Committee that were introduced by Democrats, but if you will report out of the committee the bill introduced by the gentleman from Wisconsin [Mr. KÜSTERMANN], putting petroleum on the free list, we will all vote for it. It is right. Why not do it?

The President, in his second message, refers to the Standard Oil Company as one of the great malefactors. We find that a fine of $29,000,000 was assessed against the Standard Oil Company, which has not been paid. But there is an opportunity for us, the representatives of the people, the servants of 80,000,000 people, to inflict a fine upon the Standard Oil Company which will amount to something and one which the manipulators of the Standard Oil trust can not by a simple twist of the wrist compel the people of the country to pay, and which we may do by placing petroleum upon the free list, as called for in the bill of the gentleman from Wisconsin. Why not do it? If we are after the Standard Oil Company, let us not content ourselves by fining them for violation of the laws of the land, but let us say to them, "You have violated the laws of this country; you have imposed upon the people, and we will take away from you the protection afforded you under the Dingley tariff law." Let us not be content with compelling them to pay a fine, but compel them to leave millions of dollars of money in the hands of the poor people who have to use their products. [Applause on the Democratic side.] Other measures have been introduced at this session looking toward tariff revision. No Member will arise upon the floor of this House and proclaim that some of the measures introduced by gentlemen upon that side of the Chamber are not just, the only contention being that they should be postponed until after the next election.

I ask that *this* House *this* session of *this* Congress pass some of these measures that will in some way show the good faith of the powers who control this House. I want some Members who think, as has been stated, that the convention which meets at Chicago is going to place in its platform a tariff-revision plank to do something to show the good faith of that plank. I want some earnest money. Pass some of these bills introduced by gentlemen on the other side of the Chamber in order that we may have something by which we can avoid the statute of fraud after the next Presidential election. [Applause.]

Let me say to my friends on the other side of the Chamber that you can not go before the people of this country at another election and rely upon the fact that you have introduced measures in this House tending to tariff revision under the conditions that now exist. It is true that you have introduced bills to place petroleum and other articles on the free list, and you can go back to your constituents and say to them: "Why, I introduced this measure. That shows we are in favor of tariff revision. The bill died in the committee; consequently we could not get it passed." But let me say to you, and say it in all candor, before a single one of these measures was introduced you had voluntarily and of your own will placed it absolutely beyond your power to have them considered. You tied your hands securely by the adoption of the present rules of the House and in selecting your Speaker. Under the conditions that exist you have done, to illustrate, the same as the man who went out to fight his adversary and before entering the ring had his hands tied behind him. He voluntarily and of his own will secured a referee to referee the fight who he knew did not want his adversary touched.

That is the condition that prevailed when you introduced these measures. Therefore I contend that now is the time, because of the necessity, that these schedules ought to be revised; and we ought now, and we have the time at this session, to take up these matters, look into them, and do something to protect the people from the enormous amount of money that is annually being paid, as the figures have been shown to you that we are paying, in excess of what we should to these corporations.

These great corporations may submit to legislation that will only trim off the rough edges. But when you come to lay the ax at the root of the tree, when you come to strike at the evil, to strike at the thing that enables them to control the markets of this country, you will find them all standing together. Therefore, I contend, as a representative of my constituents, that the thing we ought first to do is to strike at the very root of the power of the trusts of this country and take away the power to drive out competition.

I have heard it asserted upon the floor of the House that the duty upon a certain article was too insignificant to afford the trust or combination power to raise the price to the place where they are maintaining it. I desire to give you my idea of how they do this with this sort of a tariff.

To illustrate: I live in the State of Iowa; my friend here [Mr. HAMMOND] lives in the State of Minnesota, just across the line. He is manufacturing an article that he can sell in the State of Iowa for $10. I am manufacturing the same article in the State of Iowa. I secure an act of the legislature of my State, conceding they have the power to pass such a law, placing a duty of $2 upon that article. I place it upon the market at $11.50. My friend from Minnesota has to leave the State of Iowa, because he can no longer compete with me. After he has gone back home and sought other markets, I raise the price of my article to $15, $18, or $20. Why, you say, it is not the tariff that permitted that rise in price. Why? Because the price has gone up so much higher than the original price of the article and the duty added. The reason is, my competitor knows that the minute he comes back to the State of Iowa, if he knows enough to transact business, I can put it down again to where he can not compete with me. That settles it. I, by combination and trust methods, control the market within my State limits, and I can sell the article at any price consumption will stand. [Applause.] That is the way the tariff works for the trusts and combinations of this country; that is why it ought to be reduced and save the people annually, according to the figures I have given you from the statement of Mr. Van Cleave, $900,000,000, an amount sufficient to pay all the expenses of the Government for one year. The people are not opposed to paying any tax that may be necessary for the support of the Government economically administered.

Their patriotism will lead them to make any sacrifice that is necessary to support the Government. The only thing they complain of is that, under the guise of supporting the Government, you have made the schedules so high that these corporations are permitted to take from them more for the domestic article than they should by rights receive.

Therefore, I repeat it again. Let some of these measures come out of the Committee on Ways and Means, let them be passed, and show to the people of this country our good faith.

And I want to say to my friends upon the Republican side of the House that with all of the abuse that you are heaping daily upon the head of John D. Rockefeller you have fooled the people for a long time in making them believe that there is no duty upon petroleum; but when the intelligent people of this country thoroughly understand the condition of this matter I say that you will be held responsible for not passing the bill introduced by the gentleman from Wisconsin [Mr. KÜSTERMANN] or some other measure of that kind. [Applause on the Democratic side.] And you can not avoid it. You can not take consolation from the old maxim, "We must all hang together or we will hang separately." [Laughter.] But I want to say to you

that the American people are aroused, not like a mob, not like a rabble, but an intelligent people moving steadily forward, and they are not going to be disappointed any more. You will have to suffer the consequences of the new maxim, "Either separate or you will all hang together." [Applause on the Democratic side.]

I desire again to call attention to the last message of the President of the United States, and I do hope that some of the things he has advocated in that message may become a law at this session. I should like to have an opportunity of sitting in my seat in this House and voting for them. And again, if the facts are true, as stated by the President in his last message, it is the most scathing indictment that was ever written against the statesmanship of this country for the last twenty-five years. If conditions exist as is there claimed, and I admit they do, who is responsible? Why is it that the malefactors and the high financiers of this country have been permitted to impose on the innocent citizenship of the nation? Who has had charge and control of every branch of the Government—legislative, judicial, and executive—practically for the last forty years? It is that statesmanship, I care not of what political party, that is responsible for the conditions of which the President of the United States speaks. I say that if it is not true, it is the duty of every man who is a Member of this House to rise in his place and declare it to be untrue, and to oppose the President of the United States upon these propositions. The indictment is written, and you must either plead guilty to it or you must fight back. There is no defense except to show that the allegations of this message are untrue. We ask you today, What are you going to do about it? Are you going to admit that the party that has had control of this Government for the last twenty-five years has been derelict in its duty and has failed properly to care for the interests of the people? You can not plead ignorance, because from one end of this land to the other the Democratic party has been telling you for these many years that just such a condition as now exists would come to pass unless there was some legislation to prevent it.

While this corruption that is now complained of was attaining the stage that it has reached, while it was springing from the fertile soil of industry and prosperity in this country, you were told that unless certain legislation was placed upon the statute books it would finally become so powerful and grow to such wonderful stature and would extend its branches and ramify to every part of the Government and business interests of the country until it controlled them. You did not listen, but you sat beneath its protecting shade and told the people of the country simply to have confidence in you and you would protect them. It seems to me that when this second message was read, which so thoroughly attacked the tree of corruption that has grown up and sheltered many statesmen of this country for the last twenty-five years, some one certainly would have the gratitude to rise up and say:

Woodman, spare that tree!
Touch not a single bough!
In youth it sheltered me,
And I'll protect it now.

[Laughter and applause on the Democratic side.]

The people of this country are intelligent. The patriotic American citizen has come to the condition where he thinks, where he reasons, and there is no other logical conclusion to be arrived at, except to hold responsible for the conditions that now exist the party that has been in control of the affairs of the nation and to demand that that party surrender control. You contend that some legislation has been enacted which is beneficial to the people of the country. You cite us to the rate bill and several other measures. We concede that some measures have been passed which are beneficial to the people and that perhaps others may be passed at this session of Congress; but remember there has not been a measure along the line of reform passed by this House or the last House, and there will not be a measure passed by *this* House that has not been wrung from you by compulsion from the White House; and you had as well say to me that you can conduct a religious crusade with men who have been compelled to confess their Christ at the muzzle of a gun as to conduct a political reform by the men who are compelled to pass legislation because they are afraid of losing their office. [Applause on the Democratic side.]

There are a host of statesmen in this country who for twenty-five years have been preaching the doctrine of the President's message. They are honest. They are not spasmodic. They have preached it because they believe it is right. They are determined to carry this measure to the line of absolute justice, and the people are not going to longer trust it in the hands of those who have either been incompetent or negligent as to the interests of the people. They are determined to have men without entangling alliances or former condition of servitude. [Applause.]

No one can logically maintain that if the conditions exist which the President in his message says do exist, they could exist without incompetent statesmanship or negligent statesmanship which permitted them to reach the point they now occupy. These are facts which you must meet. These are facts upon which the people want clear declarations. They are not longer content with the proposition that after the next Presidential election we will revise the tariff. Some one is going to be fooled about that plank in the platform. I do not know who that fellow is. They are going to say, "We are in favor of revising the tariff, but we do not know whether it is the fellow who wants it revised up or the one who wants it revised down that is going to be satisfied when the revision comes;" and I say with all candor that I do not believe that the profession in that platform that they intend to revise the tariff is an honest profession. I believe they want to deceive somebody, or else they would revise it before election.

They want to say to some fellow over here who wants the schedules raised, "Why, we have not said which way we will go; we will probably put your commodity up." And then in the State of Iowa, where the people want a revision, they will say, "We are going to revise the tariff as soon as the Presidential election is over." The people can not, the President claims in his message, be cool and deliberate just before Presidential elections. He claims they can be cool and be deliberate enough to enact legislation affecting the most critical financial condition that ever existed in the country, but not to revise the tariff. I maintain that he is right in the first instance, and therefore, as a matter of fact, wrong in the last.

But the people are going to demand something to show them that they may be satisfied, that they may know that when the tariff is revised it is going to be revised in the interest of the consumers of this country once at least, and that is what we desire. [Applause.]

It does not make much difference what you place in the platform, either at Chicago or at Denver. The people have awakened; they have not lost confidence. No; it is not the lack of confidence on the part of the people, but the people have come into an actual knowledge of conditions. [Applause.] They are determined to remedy them. Their platform is made and they are going to stand upon that platform, and it is sufficient by which to measure every principle or every problem for solution in this country to-day. It is the Democracy of Jefferson, "Equal justice to all men and special privileges to none" [applause]; the Republicanism of Lincoln, "A government of the people, by the people, and for the people." [Applause.]

Mr. HULL of Iowa. I now yield fifteen minutes to the gentleman from Indiana [Mr. HOLLIDAY.]

Mr. HOLLIDAY. Mr. Chairman, I propose to devote a few moments to the consideration of that portion of the Army bill which deals with the pay of the enlisted men of the Army. I realize that I am breaking all precedents when I get up and talk about an appropriation bill and address myself to a feature of that bill, but I will take that risk, and I want to call your attention briefly to that measure herein proposed.

The Committee on Military Affairs recognize the fact that something must be done to keep the ranks of the Army complete and full. It is necessary that better inducements should be held out to men to enlist. We must realize that men in going into the ranks of the Army and binding themselves to serve three years are entitled to something more than the wages they can earn at home. If a man is working at a job and he does not like his job, he can quit it and hunt another. If an officer of the Army gets tired of his employment, he can resign and go home, but when an enlisted man gets tired and goes home before his time is out he gets into serious difficulty.

That matter ought to be considered in fixing the pay of the private soldiers, and therefore the committee, after giving the matter careful consideration, was of the unanimous opinion that something should be done and unanimously agreed upon what that should be. Mr. Chairman, the world has been made up of hero worshippers ever since it existed. We hear through all ages and all times the praises of the great leaders of men in military campaigns, but we hear comparatively little or nothing of the men who actually win the battles. The great war heroes of history—Alexander, Cæsar, Charlemagne, Napoleon, Frederick the Great, Von Moltke, Oyama—won their victories, not because of their transcendant military genius, but because of the magnificent quality of the fighting men who were in the ranks of their respective armies at that time. [Applause.] I believe that when the future history of our country is written the historian will not find that in the late Spanish

war any great amount of military strategy was displayed. We will search the pages of future history to see where any one man particularly distinguished himself, but the historian of the future will say to the world that the fact was demonstrated that the American Regular Army, for its size, was and is the best fighting machine in the world. And I think that these matters should be considered, and I think here and now in this great forum of the people somebody should pay a tribute to the men behind the guns.

Mr. Chairman, I sometimes visit the great graveyard over the river, that Valhalla of America, and I like to gaze upon those magnificent monuments erected there. I like to read and contemplate the great historic names inscribed there, but my profoundest reverence is moved when I come to the monument inscribed to the unknown dead, the monument erected to the memory of men of whom the world knows nothing except that they gave the free full measure of their lives that the country they loved so well might live. No artist, no sculptor, has made marble effigies of these men. The poets have not sung their praises, nor have writers sounded their virtues, but they did their duty, silently, unobtrusively, gallantly, they gave up their lives that the country might applaud whom? Simply the men who led them! And so, Mr. Chairman, while I would not remove one laurel from the wreaths that encircle the brows of the great heroes of our own country or any other country, I think the time has come when at some place and in some manner—and no other place could be more fitting than this great forum of the people—somebody should pay some tribute to the gallant men behind the guns and in the trenches. [Applause.] The inquiry may be made why we did not in this bill provide for an increase in pay of the army officers. I recognized, and I think every member of the committee recognized, that the junior officers of our Army are underpaid, that their pay ought to be increased, but there is not the same present demand for it, and the explanation of that is very simple. We can not get the men that we want, and we can get every officer that we want without any trouble at all; and so while we believe there is an emergency requiring the increase of pay for the officers, we do not believe that that emergency is so great that it will justify us in increasing it on an appropriation bill.

I would like to see this House at this time pay the usual tribute to the gallant enlisted men of our nation by passing this bill without a single dissenting voice, without a single question being raised as to our right to put it here. It would be a splendid tribute to these men, and they have had little enough of it. We have listened for days and hours and almost weeks in the committee to the troubles of the men who wear swords, as to whether some man should be a quartermaster, as to how this man should be assigned, and how the situation should be arranged, and how many more or less of officers should be here in Washington, but it is very rarely that our attention has been called to the men who will have to win our battles in the last analysis, if we ever have any battles. So, I say to you, my friends, without regard to politics, without regard to feeling in this matter, let us pay this tribute to the men. Let it be said that when the question was raised of doing tardy justice to the gallant men who fill our ranks, every man in the American Congress stood as a unit in his behalf. [Applause.] I do not believe you can do it on any other bill. I am generally opposed to legislating upon an appropriation bill, but I believe that this should be made an exception, and I hope it will be made an exception and I hope that no man will arise in his place and prevent us from doing now and at once what we ought to have done a good many years ago.

Just now there is a great deal of public sentiment aroused in regard to these matters. The people are getting clearer light about it; we are getting clearer light about the men, the enlisted men, the world all over. In other words, the time has come when the great leaders of men, the Napoleons of finance and others, must be laid aside for a few minutes while we consider the plain, common American with whom we have to deal. As Lincoln once said: "God must have loved them or he would not have made so many of them." I desire here to state in my place in the House and everywhere else, whenever the question comes up of lifting up the whole mass of humanity in the United States, I lend my voice and my vote and my influence to it, and whenever the question comes of doing something for these modest, quiet, uncomplaining men, who serve their country day and night and who have practically parted with their liberty in order to help the country, then I am glad to have an opportunity of saying and doing something in their behalf. [Applause.] I think few men realize, who have never passed through it, just what it is for a man to say by a little stroke of the pen, "for three years I am not my own master. I go where I am ordered, I eat what I can get, I wear the clothes prescribed for me; in war or in peace, in cold or in heat, by night or by day, I hold myself ready and pledged to obey orders given me whether I like them or not." We ought to consider that, and I hope we will do it. There is no question of politics embraced in this, there is no question of antagonism to the higher officers embraced in it. If anybody imagines from what I have said here on this occasion that I feel any resentment toward the men who command our Army, I want to disclaim it here and now. The only point I want to urge is that they have plenty of men to look after them at both ends of this Capitol; especially at the other end they are competent to take care of those gentlemen day and night, but it is seldom we hear of a proposition to take care of the men who have no representatives or lobbyists here and who could not get here and talk to us unless they left their posts of duty, for which they would be sent to jail or made to wear a ball and chain. Let us remember them, gentlemen, let us do them substantial justice, and let us do it now and do it quickly. [Applause.]

Mr. SLAYDEN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. ASHBROOK].

Mr. ASHBROOK. Mr. Chairman, I desire to read a copy of certain resolutions adopted by the executive committee of the National Editorial Association of the United States at its recent meeting held in this city on January 27. I respectfully invite the attention and consideration of this committee while these resolutions are being read, assuring you that this memorial voices not only the sentiments, but the will and the wish of the entire fraternity of newspaper publishers of this country, if I am correctly advised, and I believe I am. The publishers of 10,000 newspapers, both large and small, of this great nation most justly ask and demand, Mr. Chairman, that the tariff on wood pulp be removed; for by the operation of this tariff not only are our forests being devastated, but competition has been stifled and the cost of print paper has been practically doubled within a very short time. The tariff on wood pulp is not therefore a protection to our rapidly disappearing forests; it is not a protection to the people or to labor. Can anyone tell why or what the tariff on wood pulp does protect except the trusts? And I might add this is also true in very many of the protected articles. I do not care to enter into any discussion of the tariff question at this time, for many of the publishers, no doubt a majority of them, who make up this great editorial association are of political faith opposite to mine, and for sundry reasons would not care or desire to have so humble an instrument chop at the rotten roots of our protective system. The fact remains true, nevertheless, that both the Republican and Democrat publisher alike is dead against this wood-pulp duty and the promise to remove the tariff at some future time does not sound good in his ears.

We talk of the power of the press; we tell the editor when we are running for office of the great influence he wields for good and civic righteousness, and what wonders the printing press has accomplished. We tell him how it has made opssible our present high standard of civilization; but whether you are sincere or not, my fellow-colleagues, when you give utterance to such sentiments you tell the truth, and the exact truth, too. Without the press the Bible to-day would be found only on high spots, in sacred sanctuary, a roll of parchment here and there. Where only a small per cent of our 80,000,000 of people are to-day unable to read, without the newspapers and the press only a small per cent could read. All of these facts you well know. What, then, is the duty of Congress? Is it right to make this powerful agency for good—and the pulpit and the press go hand in hand to lift up humanity and to elevate and better the condition of all mankind—pay tribute to a greedy few? Must we wait until a few in control of this House conclude, in their great wisdom, the conditions are ripe? Do you say to the newspaper publishers, "When we get ready we will attend to this wood-pulp business?" No; in words you do not; you would not dare to say this, but by act you do. A good Republican colleague has introduced a bill to place oil on the free list. He is a friend of the people. He means well, but he is a new Member, like myself, and has not learned that this is neither the time nor the place to do anything for the people. He does not know that this can only be done in the presence and by the consent of John D., king of petroleum; Harriman, king of the rails, and the party leaders. But listen, at least, to the petition sent to you by the newspapers from every Congressional district and from every State in the Union:

MEMORIAL.

To the honorable Senate and House of Representatives of the United States of America:

Whereas it has been established beyond controversy that the forests of the United States that afford pulp for the manufacture of print paper are being rapidly exhausted and are under control of a combination that prevents fair business competition; and

Whereas the labor in paper mills of the country amounts to only $4,200,000 per annum, and the condition of manufacture of paper is such as to make successful competition possible with the markets of the world without protection; and

Whereas the labor employed by newspapers effected by the existing combinations and the tariff is forty times as great as that employed in the paper mills, and is entitled to consideration and protection against the results arising from the demolishing of our forests, and against a movement that has taken advantage of tariff legislation to oppress and tax a purely American industry; and

Whereas a tax upon news print, or the material entering into the manufacture of the same, is a tax upon knowledge and upon the education of the people: Therefore be it

Resolved, That the executive committee of the National Editorial Association of the United States, representing 10,000 daily and weekly newspapers of this country, respectfully memorialize the honorable Senate and House of Representatives of the Congress of the United States to remove all duties on printing paper, wood pulp, and all materials entering into the manufacture of printing paper.

The people are impatient for a revision of the tariff, but the newspaper publishers are even more impatient that this wall of protection be removed; that all materials used in the manufacture of printing paper be permitted to enter this country free of duty. They ask this, Mr. Chairman, not some time, not at some convenient season, but at this session of this Congress. I therefore earnestly entreat you that their demands may have your speedy and favorable consideration, and permit me to add that it strikes me that this distinguished body has time to burn, time to kill, that ought to be employed for the betterment of all the people and cease to be what it appears to a new Member to be—a stand-pat, do-little bunch. [Loud applause.]

Mr. PARKER of New Jersey. Mr. Chairman, on behalf of the chairman of the committee, I yield forty-five minutes, or such time thereof as he may desire, to the gentleman from Massachusetts [Mr. WASHBURN].

The CHAIRMAN. The gentleman from Massachusetts [Mr. WASHBURN] is recognized for forty-five minutes.

Mr. WASHBURN. Mr. Chairman, I send to the Clerk's desk and ask to have read a communication, which, in common with the Senators and other Representatives from New England, I have received from the Boston Wholesale Grocers' Association.

BOSTON WHOLESALE GROCERS' ASSOCIATION,
Boston, January 29, 1908.

To the honarble Senators and Representatives of Massachusetts and the New England States:

The following resolutions with regard to the Sherman antitrust law were unanimously passed at a meeting of this association held January 9, 1908, and by the Executive Association of the Wholesale Grocers of New England, January 14, 1908:

"Whereas the wholesale grocers as well as merchants in other lines of business throughout the country are confronted with serious obstacles as to trade agreements; and

"Whereas his excellency the President has declared that there are good agreements as well as bad agreements, but unfortunately the Sherman antitrust law makes no distinction between them; and

"Whereas the Sherman antitrust law prohibits all agreements and such as we believe are beneficial to society and necessary to the success of all business; and

"Whereas there is a difference between an agreement that amounts to a conspiracy to extort exorbitant prices, and an agreement which only seeks to secure the existence of the dealer, customary forms and terms, uniform prices, and a reasonable margin for service rendered the manufacturer in the distribution of his product in detail; and

"Whereas what we should have is a law that will enable us to protect ourselves from dishonest, deceptive methods in business, graft, discrimination, and criminal competition, by having reasonable agreements between ourselves and the manufacturer, in no way injurious to the public and beneficial to all, and with the power and right to enforce them; such agreements not to be operative until indorsed by the Interstate Commerce Commission:

"*Resolved*, That the Sherman antitrust law, in so far as it prevents agreements not injurious to the public, is detrimental to the interests of merchants, and tends to stifle and prevent organization and cooperation among trade associations, which seek only to preserve their commercial existence in the face of the efforts of powerful and selfish monopolies to gradually eliminate the individual dealer.

"*Resolved*, That if a proper legal construction of antitrust laws embodies a prohibition of cooperation among merchants, said laws are fundamentally wrong in their conception, enactment, and operative effect and require amendment.

"*Resolved*, That we earnestly request the Senators and Representatives of Massachusetts and New England to use their best efforts to have the Sherman antitrust law amended so as to be agreeable and consistent with the sentiments and suggestions of the preamble and resolutions contained herein, or its supersedure by a new law which shall make a distinction between good agreements and bad agreements.

"*Resolved*, That the law should give a clearer, more definite definition of what shall constitute illegality in trade agreements and the conduct of associated effort. It should contain provision that the Interstate Commerce Commission shall give hearings to such business interests as desire to make trade agreements not inimical to the public good, and said Commission shall decide whether such agreements are legal or illegal."

WM. J. SEAVER, *Secretary.*

Mr. WASHBURN. In his first message to Congress, in December, 1901, the President of the United States, in speaking of trusts, said:

There is a widespread conviction in the minds of the American people that the great corporations known as "trusts" are, in certain of their features and tendencies, hurtful to the general welfare—it is based upon sincere conviction that combination and concentration should be not prohibited, but supervised.

In speaking of the same subject in his message of December, 1905, he said:

It is generally useless to try to prohibit all restraint on competition, whether this restraint be reasonable or unreasonable; and where it is not useless it is generally hurtful.

And again, in the message of December, 1906:

The actual working of our laws has shown that the effort to prohibit all combinations, good or bad, is noxious where it is not ineffective.

And finally, in his recent message to Congress, the President said:

The antitrust law should not be repealed, but it should be made more efficient and more in harmony with actual conditions. It should be so amended as to forbid only the kind of combination which does harm to the general public, such amendment to be accompanied by or to be an incident of a grant of supervisory power to the Government over these big concerns engaged in interstate business.

The present construction of the Sherman antitrust law works a hardship in that it prohibits reasonable as well as unreasonable agreements in restraint of trade, and its amendment is urgently demanded. The history of this piece of legislation is most instructive, illustrating as it does the difficulty in always reaching by legislation the evil which it is sought to remedy. It may fairly be said of the Sherman Act, which became a law in 1890, that at first it entirely failed of its purpose; that it was successfully invoked against combinations of labor which it was never intended by its framers to affect, and that when so construed by the Supreme Court as to become completely effective it almost compelled the formation of the modern trust as we have known it for the last ten years, and worked a great hardship upon the business community in forbidding all agreements in restraint of trade, whether reasonable or unreasonable.

The objection to combination is, in general terms, this:

That the great aggregations of capital which now exist in various branches of business are harmful to the people in that they make possible a monopoly of many articles necessary to our comfort and well being and leave in the hands of the few the regulating of prices at which such articles shall be sold, and that by the stifling of competition thus effected prices are unduly enhanced and that the few profit at the expense of the many.

This question has been agitated for hundreds of years. The freedom of the labor contract was not recognized during some centuries, and as long ago as 1349 and 1350 the famous "Statutes of Laborers" was passed in England, by reason of a scarcity of laborers caused by the great plague, which provided substantially both that laborers might be compelled to work and that the rate of wages should be legally limited. This statute was passed to prevent laborers from combining against their employers. In the reign of George I an act, known as the "Bubble act," made it a crime punishable with death and confiscation of goods to form voluntary associations and to issue transferable shares, and the courts declared that the clubbing together of numbers of persons with transferable shares for the purpose of carrying on trade is calculated to put down individual industry and competition. In the reign of George III two statutes were enacted—one to prevent combinations by partnership or otherwise in the purchase or sale of bricks, and another declaring it unlawful for five or more persons to unite in covenant or partnership to purchase coals for sale.

These three statutes, it will be noticed, are intended to prevent combinations to govern prices for certain commodities. In England in the seventeenth century four-fifths of the common people were employed in agricultural pursuits; their wages averaged from 4s. to 6s. a week, and every laborer who received more and every employer who gave more than the authorized sum was liable to punishment. Manufacturers complained that English mechanics exacted a shilling a day, and the cry of labor against capital was as bitter as it has ever been in our day.

Some of our own early legislation is of the same character. In 1633 a statute enacted by the general court in Massachusetts Bay limited the wages of carpenters, masons, and other mechanics to 2s. a day, and several instances occurred where men were fined for receiving 2s. 6d. a day.

The authorities fined merchants for too high prices for their wares, and in 1634 the general court limited the rate of profit at 4d. in the shilling.

One of the colonial acts entitled "An act against oppression" punished by fine and imprisonment such indisposed persons as may take the liberty to oppress and wrong their neighbors by taking excessive wages for their work or unreasonable prices for merchandise or other necessary commodities as may pass from man to man. Another act required artificers or handicraftsmen meet to labor to work by the day for their neighbors in mowing, reaping of corn, and in the inning thereof.

Some of our town records show that under the power to make

by-laws, the towns fixed the price of labor, provisions, and several articles of merchandise as late as the time of the Revolutionary war. Experience and increasing intelligence led in time to the removal of all such restrictions and to the establishment of freedom in all branches of labor and business.

A monopoly has been defined as a grant by the sovereign power of the exclusive right to make or deal in anything, and, of course, strictly speaking there is no such thing as a monopoly in this country; but they did exist in the early history of England, and so great did this abuse become that, upon his accession, in 1623 James I voluntarily rescinded all the exclusive privileges by which his predecessor had attempted to restrict domestic commerce. The foreign trade, however, still remained under the control of the great merchant companies, comprising in all about 200 citizens of London, who, by combining among themselves, raised or lowered prices at their pleasure. By the "statute against monopolies," passed in 1623, all past monopolies were abolished and the power of the Crown to grant them in the future was explicitly denied, excepting in the case of patents for inventions. Inventors of new manufactures were to have conferred upon them the exclusive privilege of practicing such inventions for a limited period of time.

I have stated that the English statute of monopolies, so-called, was confined to domestic commerce, while the foreign trade remained under the control of the great merchant companies, a conspicuous example of which was that incorporated by Queen Elizabeth in 1599 under the name, "Governor and Company of Merchants of London, Trading in the East Indies." The East India Company was in the hands of a few merchants who through it became enormously wealthy, and was a sort of monopoly which would not be tolerated at the present day.

Everyone understands that at common law monopolies and contracts in restraint of trade, although not misdemeanors or indictable offenses, have always been held to be void, but in addition to this many statutes have been passed of a restrictive nature, and probably the members of our State legislatures, who have been passing bills in such profusion in recent years against combinations of various sorts, would be surprised to know that as long ago as 1844 the English Parliament repealed almost as many laws against badgering, ingrossing, forestalling, and regrating as have been passed in this country in the last twenty years. This act of 1844 abolished eighteen English, ten Scotch, and eight restrictive Irish statutes.

The only point that I would make here is that this evil of combinations had long been recognized, and had long been legislated against, but that such legislation was found to be of little avail. I referred a moment ago to the fact that at common law monopolies and contracts in restraint of trade were void. The common law, so-called, of England, that is to say, to adopt the definition of Chancellor Kent: "Those rules of action which do not rest for their authority upon any positive declaration of the will of the legislature," was early adopted and is the basis of jurisprudence in America in all the States, excepting Louisiana, so that without regard to any statutes it has always been the law in this country that monopolies and contracts in restraint of trade are void. As all lawyers and most laymen know, there are two grounds for the doctrine that such contracts, as applied for example to the individual, are against public policy; one is the injury to the public by being deprived of the restricted party's industry, and the other the injury to the party himself by being precluded from following his occupation and thus prevented from supporting himself and his family. Take a very simple example: If a shoemaker were to agree that he would never again prosecute his business, this would be a contract in restraint of trade which would be void for the reasons which I have given, but there is the important limitation which governs such contracts, and it is that a contract which is only in partial restraint of trade is good if not unreasonable and supported by a consideration.

It is not always true that competition is the life of trade, for it often may be the ruin of business, and this fact has been recognized by the courts.

This, then, was the law in this country from the earliest times, and it may be briefly stated as follows:

That the validity of contracts restricting competition was to be determined by the reasonableness of the restriction. If the main purpose or nature and inevitable effect of the contract was to suppress competition or create a monopoly, it was illegal; if a contract imposed a restriction that was unreasonably injurious to the public interest or a restriction that was greater than the interest of the party in whose favor it was imposed demanded, it was illegal; but contracts made for a legal purpose which were not unreasonably injurious to the public welfare and which imposed no heavier restraint on trade than the interest of the favored party required had been uniformly sustained, notwithstanding their tendency to some extent to check competition. Under this construction of the law there had grown up a habit, particularly among manufacturers and merchants, of forming associations, the rules of which fixed the prices of the products, which all the members of the association were supposed to adhere to, and these associations were commonly spoken of as combinations, and as time went on the prices of a large variety of products were regulated in this way. To be sure they were not strictly adhered to, but the general results were thought to be advantageous to the producers. These so-called "combinations" were popularly considered to be inimical to the public interests, and since 1888 a large number of States, at least thirty-seven, have passed "antitrust laws," designed to prevent combinations of this sort. Some of these statutes were very drastic.

As a rule, legislation of this sort was not effective, either because it did not go far enough or went so far as to be unconstitutional. Furthermore, as practically all our large business operations are interstate in their character some national legislation was clamored for.

This led to the passage of the so-called Sherman Act of July 2, 1890, which was passed with a view, as it was then stated, to extend the provisions of the common law to interstate commerce, over which Congress has control, and to enforce that principle by a suitable penalty. Consequently the act recites that every contract of combination in restraint of trade or commerce among the several States or foreign nations is illegal, and that every person engaged in such combination or a party to such a contract shall be punishable by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or both. This act was thought to be in the interests of the people in that it would prevent combinations which might unduly enhance the prices of articles. That this was the intention of the framers of the law is very clear from an examination of the debates in Congress, in the course of which Senator Hoar said:

> We have affirmed the old doctrine of the common law in regard to all interstate and international commercial transactions.

Senator Sherman said:

> It does not announce a new principle of law, but applies old and well-recognized principles of the common law to the complicated jurisdiction of our State and Federal Government. Similar contracts in any State in the Union are now by common or statute law null and void.

It is clear enough from the debates in Congress that all that this act was intended to do was to extend the provisions of the common law to interstate commerce.

Labor organizations were evidently not thought of, and indeed this legislation, if it were passed in the interests of any class, must be presumed to have been passed in the interest of wage-earners. It is instructive, therefore, to examine the cases which arose under this act and to observe how uniformly the act failed to prevent the alleged abuses which it was supposed to remedy—how almost invariably it was held to apply to combinations of labor which it was not framed to reach and, finally, how its construction by the Supreme Court has led directly and of necessity to the formation of the great trusts of the present day. One of the early cases that arose under this act was in 1892. It appeared that a distilling and cattle-feeding company, organized under the laws of Illinois, obtained control of seventy other distilleries by purchase, renting, or lease, and controlled 75 per cent of the entire product in the United States, and were thus able to control the price at which they would sell to dealers and at which dealers should sell. The company also promised that, if purchasers would buy all their supplies from the company's agents and would not sell below the list price, they would receive a rebate.

Now, this would appear upon its face a contract of the nature intended to be reached by the Sherman Act, but this was not the opinion of the court, which held (52 Fed. Rep., 104; 1892) that this was not a monopoly, because there was no exclusive right to engage in the business of distilling and others were not prevented from engaging in the business and was not of the general character necessary to constitute an unlawful contract in restraint of trade.

The same reasoning was applied by another court in a case which arose in the same year, in which it appeared that the dealers in lumber had combined and raised the price 50 cents a thousand. The court said (52 Fed. Rep., 646; 1892) that this contract was not in contravention of the Sherman antitrust act, because it did not involve absorption of the entire traffic in lumber and was not entered into for the purpose of obtaining the entire control of that traffic, so that—and it is unnecessary to mulitply the examples—the act, so far as it affected the trade combinations, was almost entirely futile, but, curious to relate, this act was successfully invoked against combinations of labor.

We all well remember that in 1894 there was a strike at the

works of the Pullman Palace Car Company, the operatives having been refused an advance in wages, whereupon Debs and his associates, members of an organization known as the "American Railway Union," endeavored to compel the Pullman Company to yield by preventing the railroads from using Pullman cars, and strikes for this purpose were incited among the employees of some of the railroads. The plan of the boycott, as shown by the evidence, was this: The members of the American Railway Union, whose duty it was to handle Pullman cars, were to refuse to do so, with the hope that the railway companies, fearing a strike, would decline further to haul them in their trains and inflict a great pecuniary injury upon the Pullman Company. In case the railway companies failed to yield to the demand, every effort was to be made to tie up and cripple the doing of any business whatever by them, and particular attention was to be directed to the freight traffic, which was known to be their chief source of revenue.

As the lodges of the American Railway Union extended from the Allegheny Mountains to the Pacific coast, it will be seen that it was contemplated by those engaged in carrying out this plan that in case of a refusal of the railway companies to join the union in its attack upon the Pullman Company there should be a paralysis of the railway traffic of every kind throughout that vast territory traversed by lines using Pullman cars. It was to be accomplished, not only by the then members of the union, but also by procuring through persuasion and appeal all employees not members, either to join the union or to strike without joining, by guaranteeing that if they would strike the union would not allow one of its members to return to work until they also were restored.

The court held (62 Fed. Rep., 801; 1894) that such a combination, with the purpose of paralyzing the interstate commerce of the country, was an unlawful conspiracy, and was within the act of July 2, 1890. An injunction was issued against Debs and his associates, and this and other kindred cases aroused much discussion of the subject of "government by injunction."

As one judge put it:

> The primary object of the Sherman Act was undoubtedly to prevent the destruction of legitimate and healthy competition in interstate commerce by individuals, corporations, and trusts grasping, engrossing, and monopolizing the markets for commodities, but its provisions are broad enough to reach a combination or conspiracy that would interrupt the transportation of such commodities from one State to another.

But by the judgment rendered by the Supreme Court March 22, 1897 (17 S. C. R., 540), the Sherman Act received a construction very different from any that had been given to it in the lower courts. It appeared that some eighteen railroad companies had formed an association known as the "Trans-Missouri Freight Association," and were engaged in transporting freight among the several States and had certain agreements touching the rate of freight, etc., such as are common in similar associations, and a bill was brought against the association for the purpose of dissolving it, the contention being that the association was in direct contravention of the provisions of the Sherman Act, but the lower courts held that the agreement on which this association was based could not be held to be a contract or conspiracy in restraint of trade under the antitrust act, that the contract was reasonable, and that the tendency had been to diminish rather than to enhance rates. (58 Fed. Rep., 58.)

When this case got up to the Supreme Court, however, not only was this opinion reversed, but the whole law on this subject was changed, and it was held that contracts declared by the Sherman Act to be illegal included all combinations in restraint of trade, whether they were such as were held legal or illegal at common law and whether the restraint proposed was reasonable or unreasonable. The court referred to the fact that it was claimed that Congress had passed this act merely to restrain such trusts as the beef trust, Standard Oil trust, steel trust, barb fence-wire trust, sugar trust, cordage trust, cottonseed oil trust, whisky trust, and others, but said that the results of combinations of all kinds have an essential similarity and have been induced by motives of individual or corporate aggrandizement, as against the public interest; that such combinations, by dictating the price at which the article shall be sold, have a tendency to drive out of business all the small dealers; that it is in the power of such combinations to deprive the country of the services of a large number of small but independent dealers, and that such a transference of the independent business man into a mere servant or agent was not for the interests of the country, and that the Sherman Act applied to all contracts in restraint of trade, whether they be reasonable or unreasonable.

It followed from this decision that all contracts affecting interstate commerce which in any way restrained trade, whether reasonable or unreasonable, were invalid.

This decision in the Trans-Missouri case had a powerful influence in hastening the formation of the great consolidations or trusts with which we are familiar.

The decision of the Supreme Court has, as a matter of course, been followed by the lower courts. The trade combinations, which before that decision had been held to be legal, were by it made illegal. It became impossible, therefore, for manufacturers and others safely to enter into any agreement, however reasonable, for the maintenance of prices, and hence they were driven to the conclusion that if they could not combine they must unite; in other words, it being illegal for A, B, and C to agree together to maintain reasonable prices for their products, they were compelled to consolidate their interests to get the protection they needed.

The packing-house consolidation was the direct result of the interpretation of the law by the Supreme Court, to which I have called your attention. The packing houses, prevented by the law from agreeing upon a scale of prices, consolidated the competing industries into one great corporation.

Mr. Knapp, chairman of the Interstate Commerce Commission, has said:

> I believe the most mischievious piece of legislation in the history of the country is the Sherman antitrust law, as interpreted by the United States Supreme Court. It is intolerable and strikes a blow at development and progress.

The Sherman antitrust act should be amended so that contracts not illegal at the common law—that is, contracts made for a legal purpose, not unreasonably injurious to the public welfare, and which impose no heavier restraint on trade than the interests of the favored party require—should not be forbidden by the Sherman antitrust act. [Loud applause.]

Mr. HULL of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17288) and had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 406. An act granting a pension to Calesta Clark—to the Committee on Pensions.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 586. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 586. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

H. R. 12401. An act to legalize a bridge across the Mississippi River at Rice, Minn.

H. J. Res. 138. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes."

CHANGES OF REFERENCE.

By unanimous consent, change of reference of the following bills was made from the Committee on Mines and Mining to the Committee on Public Lands:

A bill (S. 206) to extend the provisions of the mining laws of the United States to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo fork of the Bitter Root River.

A bill (S. 129) to validate the location of mineral claims heretofore made by deputy mineral surveyors during their incumbency in office.

A bill (H. R. 15443) to authorize the exploration and purchase of mines within the boundaries of private land claims.

By unanimous consent, reference of the bill (H. R. 17824) for preventing the manufacture, sale, or transportation of adul-

terated or unlabeled paint, turpentine, or linseed oil, was changed from the Committee on the District of Columbia to the Committee on Interstate and Foreign Commerce.

CHANGE OF CALENDAR.

By order of the Speaker, under the rules, reference of the bill (H. R. 15725) to relinquish, release, and confirm the title of certain lands in California to the Western Power Company, was changed from the Union Calendar to the Private Calendar.

ADJOURNMENT.

Mr. HULL of Iowa. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting report as to cost of lighting certain public buildings in Washington and recommendations in regard thereto, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KIMBALL, from the Committee on the Territories, to which was referred the bill of the House (H. R. 16643) to ratify an act of the legislature of the Territory of Hawaii authorizing the manufacture, distribution, and supply of electric light and power in the district of Lahaina, county of Maui, Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 1059), which said bill and report were referred to the House Calendar.

Mr. CAPRON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 16644) to ratify and confirm an act of the legislature of the Territory of Hawaii authorizing the manufacture and distribution of electric light and power in the district of Wailuku, on the island of Maui, Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 1060), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15444) extending the time for the construction of a dam across Rainy River, reported the same with amendment, accompanied by a report (No. 1061), which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17227) to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth, reported the same without amendment, accompanied by a report (No. 1062), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17311) to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala., reported the same without amendment, accompanied by a report (No. 1063), which said bill and report were referred to the House Calendar.

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16078) providing for second desert-land entries, reported the same with amendment, accompanied by a report (No. 1065), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEENERSON, from the Committee on Militia, to which was referred the bill of the House (H. R. 14783) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, reported the same with amendments, accompanied by a report (No. 1067), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 7545) for the organization of the militia in the District of Columbia, reported the same with amendments, accompanied by a report (No. 1068), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16770) granting land to Anna Johnson, reported the same with amendments, accompanied by a report (No. 1064), which said bill and report were referred to the Private Calendar.

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 4521) to reorganize and enlist the members of the United States Naval Academy Band, reported the same without amendment, accompanied by a report (No. 1066), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 17795) granting a pension to Sarah A. Harl—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1274) granting an increase of pension to Luther Lively—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURRIER: A bill (H. R. 17869) to amend section 4886 of the Revised Statutes, relating to patents—to the Committee on Patents.

By Mr. BENNET of New York: A bill (H. R. 17870) providing for the payment of salaries or wages to all Government employees who may be injured in the line of duty or may be required to absent themselves from duty as the result of quarantine measures—to the Committee on Reform in the Civil Service.

By Mr. GODWIN: A bill (H. R. 17871) to improve and protect Fort Johnson, in the town of Southport, N. C.—to the Committee on Appropriations.

By Mr. GARDNER of New Jersey: A bill (H. R. 17872) to provide for the purchase of a site and the erection of a public building thereon at Millville, in the State of New Jersey—to the Committee on Public Buildings and Grounds.

By Mr. BROWNLOW: A bill (H. R. 17873) to provide for the appointment of an additional district judge in and for the middle and eastern districts of Tennessee—to the Committee on the Judiciary.

By Mr. SULLOWAY: A bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 17875) to provide for the free importation of wire fencing, and for other purposes—to the Committee on Ways and Means.

By Mr. DAVENPORT: A bill (H. R. 17876) for the removal of restrictions on the alienation of lands of certain Indians of the Quapaw Agency, Okla., and the sale of all unallotted tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of the said Quapaw Agency, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 17877) appropriating money for the maintenance and establishment of public schools for all children of scholastic age in the Quapaw Agency, Ottawa County, Okla.—to the Committee on Indian Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 17878) appropriating $50,000, or so much thereof as may be necessary, for the improvement of the Kanawha River, in West Virginia—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 17879) making appropriation for an elevator in the post-office and court-house at Huntington, W. Va.—to the Committee on Public Buildings and Grounds.

By Mr. SAUNDERS: A bill (H. R. 17880) for the relief of tobacco growers—to the Committee on Ways and Means.

By Mr. ANDRUS: A bill (H. R. 17881) to provide for the erection of a public building at Peekskill, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 17782) to authorize the enlargement, improvement, and equipment of the light-house depot at Yerba Buena Island, California—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: A bill (H. R. 17883) requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. HALL: A bill (H. R. 17884) to authorize the sale and disposition of the surplus and unallotted lands in the Cheyenne River Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. GILL: A bill (H. R. 17885) empowering the Secretary of War to dispose of the transport *Ingalls* by sale to the Baltimore and Carolina Steamship Company, of Baltimore, Md.—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 17886) authorizing and directing the Adjutant-General of the United States Army to furnish to the adjutant-general of the State of Florida copies of the muster rolls of certain military organizations filed or deposited in the War Department or other Departments of the Government—to the Committee on Military Affairs.

Also, a bill (H. R. 17887) authorizing the State of Florida to make an efficient survey of all unsurveyed lands patented by the United States to the State of Florida—to the Committee on the Public Lands.

By Mr. GAINES of Tennessee: A bill (H. R. 17888) to aid the Ladies Hermitage Association to care for the "Hermitage," the home of Gen. Andrew Jackson, former President of the United States, and collect and purchase the remainder of the Andrew Jackson relics—to the Committee on the Library.

By Mr. CLAYTON: A bill (H. R. 17889) to provide for the further regulation of interstate commerce—to the Committee on the Judiciary.

By Mr. ACHESON: Joint resolution (H. J. Res. 143) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. DALZELL: Resolution (H. Res. 266) requesting the Immigration Commission to make investigation of the work of immigrants in the Mississippi Delta, etc.—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17890) to refund customs taxes illegally assessed and collected of John B. Keating, of Portland, Me.—to the Committee on Claims.

By Mr. ANDREWS: A bill (H. R. 17891) for the relief of Nathan Bibo, sr.—to the Committee on Claims.

By Mr. ANSBERRY: A bill (H. R. 17892) granting an increase of pension to George Wait—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17893) granting an increase of pension to Peter Mansfield—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 17894) granting a pension to Mrs. Charles O. Murray—to the Committee on Pensions.

By Mr. BRICK: A bill (H. R. 17895) for the relief of William H. Richart—to the Committee on War Claims.

By Mr. BROUSSARD: A bill (H. R. 17896) granting an increase of pension to Henry Bauman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17897) to remove the charge of desertion from the military record of Celestin Truehill, alias Celestin Troide—to the Committee on Military Affairs.

Also, a bill (H. R. 17898) for the relief of the heirs at law of Etienne Chappuis, deceased—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 17899) granting a pension to Ann Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17900) granting a pension to William Estes—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 17901) granting an increase of pension to Sarah J. Paynter—to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 17902) granting an increase of pension to Martin Hart—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 17903) granting an increase of pension to Martin B. Pope—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17904) granting an increase of pension to Jacob Weaver—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 17905) granting an increase of pension to Edward W. Fitch—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 17906) granting an increase of pension to Francis Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17907) granting an increase of pension to Hugh Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17908) granting a pension to Margaret F. Bell—to the Committee on Pensions.

By Mr. DENVER: A bill (H. R. 17909) to pay Charles L. Gallaher the sum of $215—to the Committee on War Claims.

By Mr. FASSETT: A bill (H. R. 17910) granting an increase of pension to Nathan W. Yoder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17911) granting an increase of pension to James R. Fluent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17912) granting an increase of pension to Philip Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17913) granting an increase of pension to Josiah Thomas—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 17914) to reimburse Thomas P. Tobin for excess postage paid on the Indiahoma Union Signal—to the Committee on Claims.

By Mr. FLOOD: A bill (H. R. 17915) for the relief of J. D. Rodgers, deputy United States marshal for the western district of Virginia—to the Committee on Claims.

By Mr. GAINES of Tennessee: A bill (H. R. 17916) granting arrears of pension to William H. Willett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17917) for the relief of the estate of J. H. Frith, deceased—to the Committee on War Claims.

By Mr. GARDNER of Michigan: A bill (H. R. 17918) granting an increase of pension to William H. Fonda—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 17919) granting an increase of pension to John Newton Hunt—to the Committee on Invalid Pensions.

By Mr. HACKETT: A bill (H. R. 17920) to correct the military record of Hezekiah A. Wood—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 17921) granting an increase of pension to William T. Sims—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 17922) granting an increase of pension to Edgar M. Quick—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 17923) granting an increase of pension to Charles S. Molen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17924) granting an increase of pension to Leonhart Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17925) granting an increase of pension to Jesse Nye—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 17926) for the relief of Elizabeth J. Bishop, widow, and the heirs of Samuel A. Bishop, deceased—to the Committee on War Claims.

By Mr. HENRY of Texas: A bill (H. R. 17927) for the relief of Nancy E. Wright, heir of Melvil Wilkerson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17928) for the relief of W. A. White—to the Committee on War Claims.

By Mr. HILL of Connecticut: A bill (H. R. 17929) granting an increase of pension to Wesley J. Horton—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 17930) for the relief of the heirs of Madison Turner—to the Committee on War Claims.

By Mr. HUBBARD of Iowa: A bill (H. R. 17931) granting an increase of pension to Lambert Meyers—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 17932) for the relief of Charles G. Jones—to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17933) granting a pension to James Allen—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 17934) granting a pension to Clara M. Travis—to the Committee on Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 17935) granting an increase of pension to Henry Stichter—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 17936) granting a pension to James Stafford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17937) granting a pension to John W. Faulkner—to the Committee on Pensions.

Also, a bill (H. R. 17938) granting a pension to John Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17939) to correct the military record of Stephen Burk—to the Committee on Military Affairs.

By Mr. LEGARE: A bill (H. R. 17940) for the relief of the heirs of Sarah Watts—to the Committee on War Claims.

By Mr. MACON: A bill (H. R. 17941) for the relief of Lucy Moore, widow, and the heirs of W. P. Moore, deceased—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 17942) granting an increase of pension to William W. Jenkins—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 17943) granting an increase of pension to John A. J. Snyder—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 17944) granting an increase of pension to Edson Newbury—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 17945) to correct the military record of Reginald Woollett—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 17946) granting a pension to Sophia E. Hartsock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17947) granting a pension to Hattie V. Tall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17948) granting an increase of pension to John Mills—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 17949) granting an increase of pension to James M. King—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 17950) granting a pension to Bridget M. Perry—to the Committee on Pensions.

Also, a bill (H. R. 17951) granting a pension to Alberta E. Fleming—to the Committee on Pensions.

Also, a bill (H. R. 17952) for the relief of John W. McKibben—to the Committee on War Claims.

By Mr. SHEPPARD: A bill (H. R. 17953) for the relief of H. Polkinhorne, jr., or his heirs or legal representatives—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 17954) for the relief of Mrs. S. E. Underwood, formerly widow of Samuel Ward, and the heirs of Samuel Ward, deceased—to the Committee on Claims.

Also, a bill (H. R. 17955) for the relief of Elizabeth De Graffenreid, widow, and the heirs of Jasper N. De Graffenreid, deceased—to the Committee on Claims.

Also, a bill (H. R. 17956) for the relief of the heirs of William Stansbury, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17957) for the relief of J. W. Hedrick—to the Committee on Claims.

Also, a bill (H. R. 17958) for the relief of the heirs of A. H. Redus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17959) granting an increase of pension to Isaac N. Greer—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 17960) for the relief of Marcellus Butler—to the Committee on Claims.

By Mr. THOMAS of Ohio: A bill (H. R. 17961) granting an increase of pension to Zalmon B. Allee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17962) granting an increase of pension to Frank E. Watrous—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 17963) granting a pension to Emily I. Moss—to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 17964) granting a pension to James S. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17965) granting a pension to George Warren Sawyer—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 17966) granting an increase of pension to Martin Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17967) for the relief of the heirs of J. L. W. Bullock, deceased—to the Committee on War Claims.

By Mr. YOUNG: A bill (H. R. 17968) granting a pension to Almon H. Stoner—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Etna, Ohio, Grange, No. 1681, asking for creation of a national highway commission—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Dr. R. W. Pyle—to the Committee on Pensions.

By Mr. BATES: Petition of L. P. Howard, of Louisville, Pa., as to rights of railroad telegraph operators—to the Committee on Interstate and Foreign Commerce.

Also, petition of secretary of Business Men's Exchange of Erie, Pa., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Layman Felheim, Erie Foundry Company, American Stoker Company, Reed Manufacturing Company, and National Foundry Company, all of Erie, Pa., against eight-hour bill—to the Committee on Labor.

Also, petition of Lowell Manufacturing Company, of Erie, opposing Gardner eight-hour bill—to the Committee on Labor.

Also, petition of W. E. Marsh, of Corry, Pa., favoring national registration of automobiles—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. T. Campbell, of Hookstown, Pa., in favor of parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Marcus Cohen, protesting against Gardner immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Lake Shore Rubber Company, of Erie, Pa., opposing eight-hour law—to the Committee on Labor.

Also, petition of Central Labor Union of Erie, Pa., favoring building of battle ships in Government navy-yards—to the Committee on Naval Affairs.

By Mr. BARTLETT of Georgia: Petition of Manufacturers and Merchants' Association of Georgia and Retail Merchants and Business Men's Association of Brunswick, Ga., favoring improvement of the rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. BROUSSARD: Paper to accompany bill for relief of heirs of Jean Baptiste Mellini—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of E. W. Clark et al., against removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. CALDER: Petition of American citizens of Polish birth, on behalf of their unfortunate compatriots—to the Committee on Immigration and Naturalization.

Also, petition of the National Guard Association of the State of New York, approving S. 4316 and H. R. 14783—to the Committee on Militia.

Also, petition of Chamber of Commerce of Buffalo, urging that additional clerks for the census of 1910 be selected after open competitive examination under civil-service rules—to the Committee on the Census.

By Mr. CAPRON: Petition of Edmund Lyons et al., of Peace Dale, R. I., in favor of the copyright bill—to the Committee on Patents.

Also, petition of Board of Trade of Providence, R. I., favoring improvement of the harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of Woonsocket (R. I.) Central Labor Union, for building of at least one battle ship at Government yard—to the Committee on Naval Affairs.

By Mr. CHANEY: Paper to accompany bill for relief of Sarah J. Paynter, of Bedford, Ind.—to the Committee on Pensions.

By Mr. DAWSON: Petition of Arsenal Lodge, No. 81, International Association of Mechanics, of Rock Island, Ill., favoring building of battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. DUNWELL: Petition of American Free Art League, for removal of duty on art works—to the Committee on Ways and Means.

Also, petition of chamber of commerce, against the Crumpacker census employee bill—to the Committee on the Census.

Also, petition of Polish organizations and Polish press, against the Polish expropriation bill of the Prussian Diet—to the Committee on Foreign Affairs.

Also, petition of Bishop Potter and many other clergymen of New York City, against increase of the Navy—to the Committee on Naval Affairs.

By Mr. FULLER: Petition of Will County German-Ameri-

can Republican Club and Anna Fruit Growers' Association, of Anna, Ill., favoring a parcel-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GARDNER of Michigan: Paper to accompany bill for relief of William H. Fonda—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Dr. William H. Willett, of Adams, Tenn.—to the Committee on Pensions.

By Mr. GRANGER: Petition of William N. McVicker, bishop of Rhode Island, and 18 other ministers of religion, of Providence, R. I., against multiplication of battle ships—to the Committee on Naval Affairs.

Also, petition of Edmund Lyons, of Peace Dale, R. I., and 5 others, in favor of copyright bill—to the Committee on Patents.

Also, petition of New England Butt Company, of Providence, R. I., protesting against H. R. 15651—to the Committee on Labor.

By Mr. GRONNA: Petition of Woman's Christian Temperance Union of Casselton, N. Dak., for the passage of the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. HAMILL: Petition of G. A. Hollinger, of West Hoboken, N. J., relative to Aldrich currency bill—to the Committee on Banking and Currency.

Also, paper to accompany bill for relief of Charles O'Sullivan—to the Committee on Pensions.

By Mr. HENRY of Texas: Paper to accompany bill for relief of Mrs. Mary E. Wright—to the Committee on Claims.

By Mr. HILL of Connecticut: Petition of Business Men's Association of the State of Connecticut, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lumber Dealers' Association of Connecticut, with regards to forest reservations—to the Committee on Agriculture.

By Mr. KELIHER: Petitions of Alpha Gamma Society, of Malden; Young Men's Association of Malden, and Hebrew Immigrant Aid Society, of Boston, all in the State of Massachusetts, against enactment of legislation of an educational test, increase of head tax, etc.—to the Committee on Immigration and Naturalization.

Also, petition of Benoth Israel Sheltering Home, of Boston, against enactment of educational test, head tax, etc.—to the Committee on Immigration and Naturalization.

By Mr. KNAPP: Petition of Local Union No. 117, Journeymen Plumbers, Gas Fitters, and Steam Fitters, of Watertown, N. Y., favoring the building of battle ships in the Government navy-yards—to the Committee on Naval Affairs.

By Mr. LAW: Paper to accompany bill for relief of Thomas Allen (War Veterans and Sons, United States of America, supporting H. R. 5793)—to the Committee on Pensions.

Also, petition of Rev. H. C. Potter and many other clergymen of New York City, against increase of Navy—to the Committee on Naval Affairs.

Also, petition of citizens of Polish birth, protesting against treatment by the Prussian Government—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of Merchants' Association of New York, for a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of National German-American Alliance, for restoration of the canteen—to the Committee on Military Affairs.

Also, petition of American National Live Stock Association, for an adequate supply of cars for live-stock shipment—to the Committee on Interstate and Foreign Commerce.

Also, petition of Metropolitan Association of Retail Druggists, favoring S. 4700 (Rayner bill) and H. R. 14639 (Bennet bill)—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL: Petition of 132 clergymen of Boston and vicinity, against increase of the Navy—to the Committee on Naval Affairs.

By Mr. MANN: Petition of Chicago Historical Society, in representation of Indian language of Great Miami Nation—to the Committee on Indian Affairs.

Also, petition of Illinois State Horticultural Society, favoring a parcels-post and savings-bank system—to the Committee on the Post-Office and Post-Roads.

Also, petitions of telegraphers in Chicago, Ill., favoring nine-hour law as it now stands; also Chicago City Council in regulation of affairs of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of John A. J. Snyder, of Chattanooga, Tenn.—to the Committee on Invalid Pensions.

By Mr. MURDOCK: Petition of Commercial Club of Topeka, Kans., for additional powers in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Petition of citizens of Corbin, Kans., against removal of the motto, "In God we trust," from coins—to the Committee on Coinage, Weights, and Measures.

Also, petition of Kansas City (Kans.) Board of Trade, for uniform grain inspection—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Wichita, Kans., for building war ships in Government yards—to the Committee on Naval Affairs.

Also, petition of Council of Parsons, Kans., United Commercial Telegraphers, against proposed change in postal service—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Mayfield, Kans., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Grain Dealers' Association of Kansas, for uniform inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY: Paper to accompany bill for relief of Edson Newbury—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of Chamber of Commerce of San Francisco, Cal., for enactment of H. R. 4407—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Chamber of Commerce of San Francisco, for a hearing before the Interstate Commerce Commission before a change in rate can be made (favoring S. 423)—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Petition of citizens of Republican City, Nebr., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. NYE: Petition of citizens of Underwood, McLean County, N. Dak., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OVERSTREET: Paper to accompany bill for relief of Nelson F. Overmyer (H. R. 3632)—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of executive committee on the nautical school, in favor of appropriation to support nautical school—to the Committee on Appropriations.

Also, petition of Musicians' Protective Association, in favor of H. R. 103—to the Committee on Ways and Means.

Also, petition of National German-American Alliance, favoring Appalachian and White Mountain reservations—to the Committee on Agriculture.

Also, petition of National Association of Retail Druggists, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SABATH: Petition of American clergymen, protesting against additional expenditure for war vessels—to the Committee on Naval Affairs.

By Mr. SMITH of Michigan: Petition of members and congregation of Eckington Presbyterian Church, for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SPARKMAN: Petition of James F. Scott and others, Plumbers' Local No. 111, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. SPERRY: Petition of Company B, First Infantry, Connecticut National Guard, favoring passage of S. 4316—to the Committee on Militia.

Also, petition of State Business Men's Association of Connecticut against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. STERLING: Petition of Trades and Labor Assembly of Bloomington, Ill., for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. WASHBURN: Petition of Lyman Stowe and others, asking for payment of fees in pension cases—to the Committee on Invalid Pensions.

By Mr. WOOD: Petition of Acme Rubber Manufacturing Company, of Trenton, N. J., against passage of the eight-hour law (H. R. 15651)—to the Committee on Labor.

Also, petition of Lawrenceville, N. J., Grange, No. 170, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Baptist Ministers' Association of Trenton, N. J., against repeal of the anticanteen bill—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Board of Allied Printing Trades, for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of Pastors' Union of Detroit, for the Littlefield original-package bill—to the Committee on the Judiciary.

SENATE.

TUESDAY, *February 25, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Belle Bateman, widow of Arthur E. Bateman, deceased, *v.* United States;

In the cause of Eleanor C. Kloeppel, widow of Henry Kloeppel, deceased, *v.* United States;

In the cause of Flora C. Martine, widow of Alfred H. Martine, deceased, *v.* United States;

In the cause of James Thayer *v.* United States;

In the cause of John S. Waltemeyer *v.* United States; and

In the cause of Elizabeth N. Courtney, widow of Charles Courtney, deceased, *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

THE IMMIGRATION COMMISSION.

The VICE-PRESIDENT. The Chair appoints the Senator from Mississippi [Mr. MCLAURIN] a member of the Immigration Commission, to fill the vacancy caused by the death of the late Senator from South Carolina, Mr. Latimer.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2872) to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendments to the bill (S. 902) authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Michigan, Mr. CAMPBELL, and Mr. SIMS managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4060. An act authorizing the extension of Oak street NW.;

H. R. 11767. An act to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes;

H. R. 11776. An act for the opening of Jefferson and Fifth streets NW., District of Columbia;

H. R. 12678. An act for the widening of Twentieth street NW., District of Columbia;

H. R. 13077. An act to authorize the Secretary of War to furnish four condemned brass cannon and cannon balls to the Confederate Monument Association at Franklin, Tenn.;

H. R. 14772. An act prescribing what shall constitute a legal cord of wood in the District of Columbia; and

H. R. 16621. An act to extend the time for the construction of a dam across Savannah River at Cherokee Shoals.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6515) for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. PLATT presented a petition of Local Union No. 247, International Brotherhood of Electrical Workers, of Schenectady, N. Y., praying for the enactment of legislation providing for the construction of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented memorials of Walker & Gibson, of Albany; of Doctor Kilmer & Co., of Binghamton; of the Norwich Pharmaceutical Company, of Norwich; of J. Hungerford Smith Company, of Rochester; of C. W. Snow & Co., of Syracuse; of Charles Hubbard, Son & Co., of Syracuse, and of the Polk & Calder Drug Company, of Troy, all in the State of New York, remonstrating against the adoption of certain amendments to the present pure food and drug law relating to standards for foods and drugs, which were referred to the Committee on Manufactures.

Mr. GALLINGER presented petitions of sundry citizens of Rindge, N. H., and Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. NELSON presented a petition of Local Union No. 136, International Typographical Union, of Duluth, Minn., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club of West Duluth, Minn., praying for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Minneapolis, St. Paul, and Red Wing, all in the State of Minnesota, remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. DIXON presented a petition of the United Association of Butte, Mont., praying for the enactment of legislation providing for the construction of the proposed battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. BROWN presented a memorial of Local Council No. 118, United Commercial Travelers of America, of Omaha, Nebr., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Missouri River Navigation Congress, of Sioux City, Iowa, praying that an appropriation be made for the development of the Missouri River into a permanent, reliable channel of commerce, which was referred to the Committee on Commerce.

He also presented petitions of the Woman's Suffrage Association, of the Ladies' Aid Society of the Methodist Episcopal Church, of the Ladies' Guild of the Presbyterian Church, and of the Mission Society of the Free Baptist Church, all of Kenesaw, in the State of Nebraska, praying for the enactment of legislation to prohibit the disfranchisement of citizens on account of sex, which were referred to the Select Committee on Woman Suffrage.

He also presented a petition of sundry third-class postmasters of the Third Congressional District of Nebraska, praying that an appropriation of $2,000,000 be made for clerk hire at post-offices of the third class, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TALIAFERRO presented a memorial of the Credit Men's Association, of Jacksonville, Fla., remonstrating against the repeal of the present bankruptcy law, which was referred to the Committee on the Judiciary.

Mr. NIXON presented a petition of the Labor Council of Goldfield, Nev., praying for the enactment of legislation providing for the construction of battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. SCOTT presented a memorial of Local Branch No. 109, Glass Bottle Blowers' Association, of Wheeling, W. Va., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

Mr. GAMBLE presented the petitions of T. A. Hersey and 11 other citizens of Conde; Jessie Sheffer and 14 other citizens of Oacoma; Martha Selah and 10 other citizens of Ardmore; Zela Campbell and 6 other citizens of Geddes; G. W. Hobbs and 23 other citizens of Ellis; and of R. J. McGowan and 13 other citizens of Madison, all in the State of South Dakota, praying for the enactment of legislation to limit the effect of the regulation of commerce between the several States and Territories in certain cases, and remonstrating against the repeal of the present anticanteen law, which were referred to the Committee on the Judiciary.

Mr. TAYLOR presented memorials of sundry citizens of Sewanee, Union City, and Chattanooga, all in the State of Tennessee, remonstrating against the adoption of certain amendments to the present copyright law relating to photographic reproductions, which were referred to the Committee on Patents.

He also presented a petition of the Navigation Conference of New York City, N. Y., praying that an appropriation be made

for the improvement of the national harbor of refuge at Point Judith, Rhode Island, which was referred to the Committee on Commerce.

He also presented a memorial of sundry retail merchants of Mount Pleasant, Tenn., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Farmers' Educational and Protective Association of Haywood County, Tenn., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Unions Nos. 89, 20, 24, 44, and 11, of Chattanooga, Nashville, Jackson, Rome, and Memphis, all of the International Typographical Union, in the State of Tennessee, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. WETMORE presented a petition of the town council of New Shoreham, R. I., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, which was referred to the Committee on Commerce.

Mr. BRANDEGEE presented a petition of Company B, First Infantry, Connecticut National Guard, of Hartford, Conn., and a petition of Company H, Second Infantry, Connecticut National Guard, of Middletown, Conn., praying for the enactment of legislation to promote the efficiency of the militia, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Connecticut State Business Men's Association, remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 100, National Typographical Union, of Norwich, Conn., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Bridgeport, Conn., remonstrating against the adoption of that part of the so-called "Crumpacker census bill" which provides for the selection of extra clerks, without competitive examination, for the taking of the Thirteenth Census, which was referred to the Committee on the Census.

Mr. DEPEW presented a petition of Local Union No. 336, International Typographical Union, of Oneida, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of St. Matthew's Maennerchor, of Albany, N. Y., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of New York City, N. Y., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURKETT presented a memorial of the Commercial Club of Bridgeport, Nebr., remonstrating against the passage of the so-called "Aldrich currency bill," which was referred to the Committee on Finance.

He also presented a petition of the Western Fruit Jobbers' Association, of Omaha, Nebr., praying for the adoption of certain amendments to the present interstate commerce law, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Missouri River Navigation Congress, of Sioux City, Iowa, praying that an appropriation be made for the improvement of the waterways of the country, which was referred to the Committee on Commerce.

Mr. PENROSE presented sundry papers to accompany the bill (S. 5392) granting an increase of pension to William C. Webber, which were referred to the Committee on Pensions.

Mr. SIMMONS presented petitions of sundry citizens of Weldon and Ayden, in the State of North Carolina, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CURTIS presented a petition of sundry citizens of Le Roy, Kans., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Chapman, Kans., praying for the passage of the so-called "Sherwood bill," granting more liberal rates of pensions, which was referred to the Committee on Pensions.

He also presented a petition of the principal chief and members of the Creek tribe of Indians of Oklahoma, praying for the adoption of certain amendments to Senate bill 4482, providing for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry surviving members of the Kansas State Militia, of Burlington, Iowa, praying for the enactment of legislation granting pensions to soldiers and sailors who served in the military or naval forces of the United States, their widows, minor children, and dependent parents, and also granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico, which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the First Baptist Church of Emporia, Kans., praying for the enactment of legislation to prohibit the sale and importation of opium into the United States and its insular possessions, which was referred to the Committee on Finance.

Mr. STEPHENSON presented memorials of sundry members of Grand Army posts of Appleton, Marshfield, Sturgeon Bay, South Milwaukee, Manston, Chilton, Milwaukee, Merrill, Superior, La Crosse, and Keshena, all in the State of Wisconsin, remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

Mr. CLAPP (for Mr. BEVERIDGE) presented a petition of the Board of Trade of Indianapolis, Ind., praying for the passage of the so-called "Dick-Capron bill," providing increased pay for officers and enlisted men of the Army and Navy, which was referred to the Committee on Naval Affairs.

He also (for Mr. BEVERIDGE) presented a petition of the congregation of the Grace Methodist Episcopal Church, of Hartford City, Ind., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also (for Mr. BEVERIDGE) presented a petition of sundry citizens of Floyd County, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also (for Mr. BEVERIDGE) presented a petition of sundry citizens of Tell City, Ind., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. BEVERIDGE) presented a memorial of Post F, Travelers' Protective Association, of Logansport, Ind., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. BEVERIDGE) presented a memorial of the congregation of the Friends' Church of Bloomingdale, Ind., remonstrating against any further appropriation being made for the construction of battle ships, which was referred to the Committee on Naval Affairs.

He also (for Mr. BEVERIDGE) presented a petition of the Indiana State Live Stock Breeders' Association, praying for the ratification of such international treaties as will provide a broader foreign market for agricultural and live stock products, which was referred to the Committee on Foreign Relations.

He also (for Mr. BEVERIDGE) presented a petition of members of Post No. 152, Department of Indiana, Grand Army of the Republic, of Cannelton, Ind., praying for the passage of the so-called "Sherwood bill," granting more liberal rates of pensions, which was referred to the Committee on Pensions.

He also (for Mr. BEVERIDGE) presented a petition of the Commercial Club of Richmond, Ind., and a petition of the National Grange, Patrons of Husbandry, of Indiana, praying for the enactment of legislation providing for the creation of a tariff commission, which were referred to the Committee on Finance.

He also (for Mr. BEVERIDGE) presented petitions of Local Unions Nos. 395, 128, 286, 488, and 11, of Vincennes, South Bend, Marion, Princeton, and Indianapolis, all of the International Typographical Union, in the State of Indiana, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also (for Mr. BEVERIDGE) presented a petition of the Indiana Branch of the National Rivers and Harbors Congress, of

Indianapolis, Ind., praying that annual appropriations be made for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 5367) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, reported it with an amendment and submitted a report thereon.

Mr. JOHNSTON, from the Committee on Indian Affairs, to whom was referred the bill (S. 5212) to authorize the Secretary of the Interior to convey by fee-simple patent certain lands in the Otoe and Missouria Reservation, Okla., to the Society of Friends, reported it without amendment and submitted a report thereon.

Mr. DOLLIVER, from the Committee on Education and Labor, to whom was referred the bill (S. 4812) to regulate the employment of child labor in the District of Columbia, reported it without amendment and submitted a report thereon.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (S. 4535) to amend section 714 of the Revised Statutes of the United States relating to the resignation of judges of the courts of the United States, reported it without amendment.

BILLS INTRODUCED.

Mr. GUGGENHEIM introduced a bill (S. 5654) granting an increase of pension to Charles Hinman, which was read twice by its title and referred to the Committee on Pensions.

Mr. PAYNTER introduced a bill (S. 5655) for the relief of Hettermann Brothers Company, which was read twice by its title and referred to the Committee on Claims.

Mr. WETMORE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 5656) for the enlargement and extension of the post-office building at Pawtucket, R. I.; and

A bill (S. 5657) to provide for the purchase of a site and the erection of a building thereon at Westerly, R. I.

Mr. FRAZIER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5658) for the relief of the heirs or the legal representatives of the estate of Reese B. Brabson, deceased;

A bill (S. 5659) for the relief of the estate of William Crutchfield (with an accompanying paper);

A bill (S. 5660) for the relief of the estate of Mary A. Henderson, deceased; and

A bill (S. 5661) for the relief of the county of Bradley, State of Tennessee.

Mr. WHYTE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5662) granting an increase of pension to Eli Strimel; and

A bill (S. 5663) granting a pension to Mary R. Torbert, Ellen M. R. Wilmer, and Florence Z. Wilmer.

Mr. FRYE introduced a bill (S. 5664) to increase the efficiency of the personnel of the Life-Saving Service of the United States, which was read twice by its title and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 5665) for the purchase of land for the use of the military post at Fort Sheridan, Ill., which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5666) granting an increase of pension to Barlow A. McCoy, which was read twice by its title and referred to the Committee on Pensions.

Mr. PLATT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 5667) authorizing the appointment of Lieut. Col. Ira Quinby, United States Army, retired, on the retired list of the Army, with the rank of brigadier-general;

A bill (S. 5668) authorizing the appointment of Maj. J. F. Munson, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army; and

A bill (S. 5669) authorizing the appointment of Lieut. Col. E. A. Edwards, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army.

Mr. GALLINGER introduced a bill (S. 5670) for the erection of a monument to the memory of Gen. John I. Sullivan, which was read twice by its title and, with the accompanying papers, referred to the Committee on the Library.

He also introduced a bill (S. 5671) granting an increase of pension to Samuel E. Bernard, which was read twice by its title and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 5672) granting an increase of pension to Josiah B. Law, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TAYLOR introduced a bill (S. 5673) granting an increase of pension to James M. Kercheval, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 5674) to erect an addition to the post-office and court-house building in the city of Jackson, State of Tennessee, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5675) to provide for the appointment of an additional district judge in and for the middle and eastern districts of Tennessee, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5676) for the relief of the heirs or legal representatives of the estate of James T. McKissack (with the accompanying paper); and

A bill (S. 5677) for the relief of the heirs or legal representatives of the estate of James T. McKissack.

Mr. OWEN introduced a bill (S. 5678) to prohibit stock gambling, and for other purposes, which was read twice by its title and referred to the Committee on Finance.

Mr. CULBERSON introduced a bill (S. 5679) for the relief of the estate of Thomas W. Abney, which was read twice by its title and referred to the Committee on Claims.

Mr. du PONT introduced a bill (S. 5680) granting a pension to William H. Christy, which was read twice by its title and referred to the Committee on Pensions.

Mr. SIMMONS introduced a bill (S. 5681) granting an increase of pension to John House, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5682) to carry out the findings of the Court of Claims in favor of Harriet Andrews, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5683) granting an increase of pension to Thomas A. Skrivan;

A bill (S. 5684) granting an increase of pension to Henry Arnold, sr.;

A bill (S. 5685) granting a pension to Emma S. Schletzbaum;

A bill (S. 5686) granting an increase of pension to H. H. Frampton; and

A bill (S. 5687) granting an increase of pension to Josephine K. Woodson (with accompanying papers).

Mr. BURKETT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5688) granting a pension to Jennie G. Odell;

A bill (S. 5689) granting a pension to Tabitha C. Hauser;

A bill (S. 5690) granting an increase of pension to Thomas S. Wineteer;

A bill (S. 5691) granting an increase of pension to John W. Smith;

A bill (S. 5692) granting an increase of pension to Milton I. Woodard; and

A bill (S. 5693) granting an increase of pension to Thornton S. Crosley (with accompanying papers).

Mr. PENROSE introduced a bill (S. 5694) to provide for the lading or unlading of vessels at night, to facilitate the entry of vessels, and for other purposes, which was read twice by its title and referred to the Committee on Finance.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5695) granting an increase of pension to David Price; and

A bill (S. 5696) granting a pension to Sarah E. Burns.

Mr. CLAPP (for Mr. BEVERIDGE) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5697) granting an increase of pension to George W. Wood;

A bill (S. 5698) granting an increase of pension to Mary E. Walcutter; and

A bill (S. 5699) granting an increase of pension to Julia C. Harding.

Mr. McCREARY (by request) introduced a bill (S. 5700) to stimulate and promote the efficiency of clerks of the United States courts, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. BACON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5701) for the relief of Walter Wadsworth; and

A bill (S. 5702) for the relief of George T. Reeves.

Mr. BANKHEAD introduced a joint resolution (S. R. 60) to provide for a survey of a portion of Coosa River, Alabama, which was read twice by its title and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HEYBURN submitted an amendment proposing to increase the salary of the assistant in the Senate document room from $1,600 to $2,000, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment providing for the appointment of two examiners in the field force, Civil Service Commission, at $2,400 each, and one examiner at $2,200, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DICK submitted an amendment authorizing the Secretary of the Interior to add to the freedmen's roll of the Choctaw Indians the names of all minors who were entitled to enrollment and allotment under the act of April 26, 1906, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment extending the provisions of section 9 of the act of April 26, 1906, to the claims of Chester Howe, his associates and assigns, for services rendered the Mississippi Choctaw Indians, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

FUNERAL EXPENSES OF THE LATE SENATOR ASBURY C. LATIMER.

Mr. TILLMAN submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice-President in arranging for and attending the funeral of the late Senator Asbury C. Latimer from the State of South Carolina, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

STATUE OF GEN. JAMES MILLER.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (S. 45) for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $5,000 for the erection of a statue, in bronze or granite, to the memory of Gen. James Miller, the hero of Lundys Lane, at Peterboro, N. H., which sum shall be expended under the direction of the Secretary of War, or such officer as he may designate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had on this day approved and signed the following act:

S. 417. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I ask unanimous consent for the present consideration of House bill 15219, the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, which had been reported from the Committee on Indian Affairs with amendments.

Mr. CLAPP. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be acted upon as they are reached.

The VICE-PRESIDENT. The Senator from Minnesota asks that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Indian Affairs was, under the subhead "President," on page 2, line 13, after the word "dollars," to insert "of which $15,000 shall be immediately available," so as to make the clause read:

To enable the President to cause, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, $75,000, of which $15,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Secretary," on page 3, line 1, after the word "purchase," to insert the following proviso:

Provided, That hereafter supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided.

The amendment was agreed to.

The next amendment was, on page 3, after line 8, to insert:

Hereafter when the Secretary of the Interior deems a new bond necessary he may, in his discretion, require any disbursing officer under the jurisdiction of the Office of Indian Affairs to execute a new bond, with approved sureties, in such amount as he may deem necessary, and when accepted and approved by the Secretary of the Interior the new bond shall be valid and the surety or sureties of the prior bond shall be released from liability for all acts or defaults of the principal which may be done or committed from and after the day on which the new bond was approved.

The amendment was agreed to.

The next amendment was, on page 3, after line 18, to insert:

The Secretary of the Interior shall take possession of all buildings now or heretofore used for governmental, school, or other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States to the credit of the respective tribes: *Provided*, That in the event said lands are embraced within the geographical limits of a State or Territory of the United States such State or Territory or any county or municipality therein shall be allowed one year from date of establishment of said State or Territory within which to purchase any such lands and improvements within their respective limits at not less than the appraised value. Conveyances of lands disposed of under this section shall be executed and delivered in like manner and with like effect as herein provided for other conveyances. And this provision shall apply to the Five Civilized Tribes.

The amendment was agreed to.

The next amendment was, under the subhead "Commissioner," on page 4, line 15, after the words "use of," to insert "irrigating tools and appliances and purchase of;" in line 17, before the word "reservoirs," to insert "and," and in line 20, after the word "dollars," to insert "of which twenty-five thousand dollars shall be immediately available;" so as to make the clause read:

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances and purchase of water rights, including lands necessary for canals, pipe lines, and reservoirs for Indian reservations, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, $260,000, of which $25,000 shall be immediately available: *Provided*, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed five, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner.

The amendment was agreed to.

The next amendment was, on page 5, line 7, after the word "dollars," to insert "of which fifteen thousand dollars shall be immediately available;" so as to make the clause read:

For the survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, $75,000, of which $15,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 5, line 12, to increase the appropriation to enable the Commissioner of Indian Affairs, un-

der the direction of the Secretary of the Interior, to take action to suppress the traffic of intoxicating liquors among the Indians, from $25,000 to $40,000.

The amendment was agreed to.

The next amendment was, on page 5, line 15, to increase the appropriation for support of Indian day and industrial schools, etc., from $1,300,000 to $1,400,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 15, to insert:

To enable the Commissioner of Indian Affairs to conduct experiments on Indian school or agency farms, in cooperation with the Department of Agriculture, designed to test the possibility of soil, climate, etc., in the cultivation of trees, grains, vegetables, and fruit not hitherto raised in those neighborhoods, using Indian labor in the process, $5,000.

The amendment was agreed to.

Mr. TELLER. Mr. President, I presumed the bill would be read for information and that the amendments are not to be adopted at the present time.

Mr. CLAPP. Oh, no.

The VICE-PRESIDENT. The bill is being read for the consideration of amendments, the amendments of the committee being first considered.

Mr. TELLER. I object to the committee amendments being adopted in this way. I want to have the bill read for information.

The VICE-PRESIDENT. Under the unanimous-consent agreement which was adopted when the bill was laid before the Senate the formal reading of the bill was dispensed with, and the bill is being read for amendment, the committee amendments being first considered. That is the order of the Senate.

Mr. TELLER. I did not hear any agreement of that kind proposed. It might have been done. In the confusion one can not always tell what is going on. But this is a bill involving a good many questions, and the amendments of the committee ought not to be adopted without some consideration, or at least without an opportunity of considering them. Of course we may have our recourse when the bill gets into the Senate, but that is not a proper way, in my judgment, to pass a bill of this importance. If the Senator who is in charge of the bill insists on that course, we shall have to submit to it, I suppose.

Mr. CLAPP. Following the usual custom in the presentation of appropriation bills, I asked for the usual consent, simply to save time. I shall not insist on it. If the Senate prefers to have the whole bill read, it will be agreeable to me, if it can do that. That raises a parliamentary question with which I am not familiar.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. CLAPP. With pleasure.

Mr. BACON. I want to say it is a matter of importance which has suggested itself to a good many Senators, and, at the same time, one in which there is some reluctance to make the suggestion which the Senator from Colorado has, I think, very properly brought up to-day. Under the usual method of procedure the Senate never sees or hears anything in an appropriation bill until it is put upon its passage. When a bill is read in the way it usually is read in the Senate (and not only the bill now in charge of the Senator from Minnesota, but all the appropriation bills are read in this way) really it is an impossibility for Senators who are not on one of the committees to know anything about the bill, and they have to take it very largely on faith.

I think the suggestion of the Senator from Colorado is a very proper one. I do not think the little additional time—not only as to this bill, but all appropriation bills—which is required to have a bill so read that it can be understood by Senators is time which will be wasted.

Mr. CLAPP. It is wholly immaterial to me. I simply followed the custom of the Senate in the consideration of appropriation bills. If it is within the parliamentary law, I am perfectly willing to withdraw the request and have the bill read formally.

Mr. TELLER. I wish the Senator would do so.

Mr. CLAPP. I do so, if it is proper to do it.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent that the unanimous-consent agreement heretofore made, whereby the formal reading of the pending bill was dispensed with and the bill was to be read for amendment, the committee amendments to be first considered, be reconsidered. Is there objection?

Mr. LODGE. That was not a vote. It was a unanimous-consent agreement.

The VICE-PRESIDENT. It was a unanimous-consent agreement.

Mr. LODGE. We can not undo a unanimous-consent agreement in that way.

The VICE-PRESIDENT. The Chair is of opinion that the Senate, which has the power to make a unanimous-consent agreement, can modify the unanimous-consent agreement by unanimous consent.

Mr. LODGE. By unanimous agreement, certainly.

Mr. FRYE. Does the Senator from Colorado require anything more than that the entire bill shall be read now and be amended as it is read?

Mr. TELLER. No; I do not want to have the bill amended as it is read. I want to have the bill read. Then I want to have an opportunity to examine the bill. I have not had such an opportunity, and no other Senator until the present time has had it.

Mr. FRYE. I never have known in my experience here that the formal reading of an appropriation bill was required.

Mr. TELLER. But I want the Senator to understand that this is not a common appropriation bill. This is a legislative appropriation bill, and that is the custom with Indian appropriation bills. They contain more legislation, as a rule, than they carry appropriations. This bill has any number of legislative provisions in it. I do not say that I care nothing about the amount of money it proposes to appropriate. I do care about it; but I would not make an interruption of this kind simply to save a few dollars. In the past on this kind of a bill we have enacted some legislation that we ought never to have enacted.

I do not mean to criticise the committee and I do not mean to find fault with this bill, for I do not know that there is any fault to be found with it, but I do believe when a bill contains a large amount of legislation it ought to be read first, and an opportunity should be given to glance at it and understand it, and then if we have any objection that we may make it in a proper way and at a proper time. That can not be done upon the hurried reading of a bill for amendment.

Mr. President, of course, if an objection prevents us from doing this, it can not be done. But I do not think it does, for I think when unanimous consent is given it can be withdrawn in the same way. It is precisely as the Chair suggested. If the chairman of the committee is willing that this should be done, I do not see any trouble in reading the bill. I do not suppose that the chairman of the committee expected that the bill would be passed to-day.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Maine?

Mr. TELLER. Certainly.

Mr. FRYE. I should like to ask the Senator one more question. If the unanimous-consent agreement is given up and the bill is formally read through, will the Senator then require that it shall be read entirely when it is up for amendment?

Mr. TELLER. No, Mr. President, I would not insist upon that, because every Senator will have an opportunity then to make his objection to the amendments that are proposed, if he desires to make an objection to them.

Mr. President, I think we can afford to read the bill the second time and a third time. It would have been well if some of the bills that have passed the Senate in the last ten or fifteen years had been read a hundred times if you could have escaped what I think is the disgrace of some of the bills we have passed in the last ten or fifteen years touching the Indian question. I only ask that we may have a fair opportunity to see whether the amendments are such as ought to be enacted into law. Of course, that could be done, even if we have to do it when the bill comes into the Senate, but it is more pleasant and better to do it now and in the way I have suggested.

Mr. HALE. Mr. President, if the Senate will allow me for a moment, I see what the Senator from Colorado seeks to accomplish. He is a veteran member not only of the Senate, but of the Committee on Appropriations, and he knows the practical difficulties which we have, not perhaps now in the early part of a session with ample leeway in point of time, but toward the end of the session when appropriation bills must be passed.

I call the attention of the Senator to the fact that if the bill is read in full from the desk by the clerks—and it is a long bill—the chances are ten to one that it will not give the bill any more scrutiny. Nobody will stay here while the bill is simply being read in every period and every word, and I am afraid nothing would be gained by it.

But I should not want to agree to the other proposition—that if the time of the Senate is consumed by reading the bill completely from the desk, afterwards, when we come to amendments, the bill may not be read. I think that part of the reading of the bill is essential. I do not think, having read it once

at the desk, that we can go on and take up the amendments one after another without reading the bill, because we would miss the scrutiny which Senators ought to give to the bill as its consideration is going along. So it would result in the bill being read twice.

I think, to repeat, it must be read when it comes up for amendment, because it is in following the bill at that stage that Senators see the pertinency of amendments, the place where they come in, and their importance with regard to the text of the bill. So we would get out of the method proposed two actual readings of the bill.

If the Senator, who, as I have said, is a veteran member not only of the Senate, but of the Committee on Appropriations, and one of the most valuable members that we have and who always does more than his part of the work of that committee, thinks we would gain anything at present by reading the appropriation bill word by word, clause by clause, section by section, I would not object, and of course I have no right to object. He can ask that that be done and see on this bill how it works. I rose mainly to say that I think when that has been done and we come to consider the amendments we must have the bill read.

Mr. TELLER. Mr. President, I simply have not any objection to reading of the bill once or twice, or three or four times, if it is necessary. In explanation of what I said, I want to add just a word or two more.

Mr. President, I am not on the committee which reports this bill. I have been on that committee, but I am not at present. I do not mean to reflect on the committee in the slightest degree, but I do say that I think it is my duty to know something about what is in this bill. I know that in the last fifteen years bills have passed the Senate affecting the rights of Indians, which, I am ashamed to say, I did not oppose, because I did not know what was in the bills and because I trusted the committee.

They were bills, Mr. President, which have had a malign influence upon the Indians. Bills intended for their benefit have been used to their hurt. Recently brought in contact with the Indian question as a member of two special committees within a little more than a year, I have determined that so far as I am concerned what little effort I can make shall be made in rectifying the wrongs that we have committed against the Indians under the forms of law.

I do not believe any Senator has a right to accept without examination a bill involving the rights and the liberties and the happiness of the remnant of the native Indians in this land. Mr. President, they may be a dying race, they may be ready to depart, but we will not escape the criticism of the world and our own criticism unless we take steps to do them justice, to keep our engagements, to keep the laws intact that we have made for their benefit and see that they are properly enforced.

Mr. President, I could open a scandal here to-day touching this question that would astonish the American people. I do not propose to do it. Nothing could be gained by it. But I do ask the Senate of the United States to take up these questons when they come here and consider them, and not leave them to a few Senators who are specially, or possibly think they are specially, interested in the settlement and disposition of these matters.

I have been familiar with the Indian question for pretty nearly fifty years. I have made every effort I could from time to time to benefit their condition. I acknowledge my dereliction, Mr. President. I believe I could have done better. I believe I ought to have done better. I propose, so far as I can, to do better in the little time that I shall serve in the Senate. I do not intend that the bill shall pass here without some supervision of the Senate, and it will be my duty and the duty of every other Senator to know what the bill contains. We will not be able, then, in the future to say, "I did not know it was in the bill." I have said that, and other Senators have said it. It is time that we should take up this question as a live question, as one that involves the interest of the Indians and the honor of the American people, and do justice to them, if it is possible to do it at this late day.

Mr. FRYE. Mr. President, just one word. My experience in the chair leads me——

Mr. TELLER. Let me say one word further for fear that I may be misunderstood. I do not refer to the present legislation when I say I could open up a scandal. I refer to legislation that was accomplished years ago mostly and the execution of the legislation by the Department charged with its execution. I have no criticism to make of the committee; I have no criticism to make of anyone at this time. I am speaking entirely of what has occurred heretofore, and not of what is occurring now.

Mr. FRYE. I simply desire to say, Mr. President, that my experience in the chair leads me to the same conclusion the Senator from Colorado has arrived at, that there has been more important general legislation affecting the rights of men in the Indian appropriation bills than in all the other appropriation bills together. Therefore I do not criticise at all the Senator for asking that the bill be formally read. But I hope that the same request will not be made as to other appropriation bills which shall come to the Senate, where no such necessity exists. Take a river and harbor bill, containing thousands and thousands of items, what on earth should it be read all through formally for?

Mr. TELLER. I have not made any suggestion that I intended to do that. I hope the Senator can distinguish a bill enacted to open up the waterways of the country or to make the ordinary appropriations from a bill affecting the right of two or three hundred thousand people.

Mr. FRYE. If the Senator heard what I said, he saw that I was making an exception of the Indian appropriation bill, the same as he was.

Mr. TELLER. That is what I think we ought to make. I am willing to take the bill where it is a question simply of dollars and nothing else, but not where great principles are involved and where the dearest rights of men are jeopardized.

Mr. LODGE. Mr. President, if I thought a formal reading would improve the Indian appropriation bill, I should be in favor of a series of formal readings; but my experience here is that where long bills have been formally read, nearly all the Senators leave the Chamber and nothing whatever is gained. The important reading is the second reading, when the bill is read for amendment.

I agree absolutely with what the Senator from Colorado [Mr. TELLER] has said about the Indian appropriation bill. It comes in here year after year loaded with legislation. I do not mean to say that the legislation is bad or that it is good. I am one of many Senators who do not profess to understand these questions thoroughly; but I think the mischief of the practice is in putting this mass of legislation on this appropriation bill; and, as the Senator from Maine [Mr. FRYE] has said, there is more legislation on the Indian appropriation bill than all the other appropriation bills put together. It is not because we have not had formal readings of such bills, but that we have not time enough to really mark the questions involved. Such new legislation ought really to be taken out on points of order. I do not think that that is the way to legislate away the rights, as the Senator from Colorado has said, of the hundreds of thousands of people who are involved.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. Certainly.

Mr. CLAPP. I wish to call the attention of the Senator from Massachusetts to the fact that, in the language he uses, he does not speak with his usual accuracy, and his criticism might be construed to refer to the bill now under consideration. I do not think that the Senator at this point in the examination of the bill intended to reflect on, or that his criticism should apply to, the bill now under consideration; yet his language would leave that impression.

Mr. LODGE. Mr. President, this bill came into the Senate on Saturday. I have had no opportunity at all to look at it. If any notice was given that it would be called up to-day, I did not hear that notice. I have tried to follow Indian appropriation bills in the past. When I stated that such bills were loaded with legislation, I referred to the bills in past years, which I have seen go through year after year, carrying legislation very often involving millions of dollars as well as the rights of the Indians. I do not know whether or not there is legislation on this bill, for I have had no chance to look at it; and I was surprised when I came into the Senate this morning to find that the bill had been taken up, because I think it a bill that deserves, so far as my experience goes, very close scrutiny.

My only objection to the formal reading of the bill is that I do not think we should benefit ourselves by following that course. Such a reading is not attended to and, certainly, if the same course was applied to other appropriation bills it would result in a great and useless consumption of time.

But I do think, Mr. President—and that is what I rose to say—that the Senate should be careful in applying its own rules as to legislation on this bill.

Mr. HALE. Mr. President, I recall very distinctly the long contest that we had on the floor over the last Indian appropriation bill. The Senator from Minnesota [Mr. CLAPP], who has charge of the bill, has not forgotten that. Remembering that, Mr. President, I have taken occasion to look at the pending bill, as reported from the committee, not so completely as

I would try to do if present while the bill was being considered, but enough to satisfy me that this is the best Indian appropriation bill that has been reported to the Senate for many years. The things which mainly caused the contest last year have been left out, and I think this is pretty nearly a clean appropriation bill. There may be two or three items upon it subject to the general objections that have been made heretofore, but I want to say that I think the Senator from Minnesota and his committee, taking, I will not say the warning, but the experience of last year, have presented to the Senate an Indian appropriation bill less subject to objection than any I have seen for the last ten years.

Mr. TELLER. Mr. President, every Indian appropriation bill for many years past has carried on it a large amount of legislation. There should be no criticism of the Committee on Indian Affairs because of that fact. The condition in the Senate has been such as to justify the committee in attempting to secure legislation desirable, as they believe, for the Indians on the Indian appropriation bill, because practically they could not get it in any other way. I do not say that to the discredit of the Senate; but for nearly thirty years, since I have been acquainted with this subject, there has been at no time an earnest interest in this character of legislation. When it came into the Senate it has been left to a few men who came from the section of country where the Indian is located to deal with him, or to another class of men from another section of the country who, when they attempted to deal with the subject, have dealt with it in such a manner as to make it impossible for a bill to pass that would be for the benefit of the settler or for the benefit of the Indian himself.

Mr. President, the great trouble with the Indian question has been that the Indian and the questions concerning him have not been understood. So we have had legislation for a class of men who did not exist, except in the imagination of the few; and the men who had a practical knowledge of the Indian questions of what the Indians needed and what they wanted have been ignored here on this floor again and again by those who had not studied the question, and who therefore did not understand it.

I have no fault to find with the amendments which have been reported to this bill. In the interest of the Indians there ought to be more amendments than are found in the bill, because you can not secure such legislation in separate bills. Why, Mr. President, to meet the demands of Indian legislation, there would be every session from ten to twenty bills which, if they were left to separate action, would have to pass this and the other body. The fault has not been with the committee. It has been with the Senate and the other House.

If I had known that I would have stirred up so much anxiety regarding the bill, I presume I should have submitted quietly and taken the chances when the bill came into the Senate to have corrected any irregularities which it might contain. I do not know that there are any that I want to correct; but I do want an opportunity to learn what the bill contains and to see what sins of omission there may be in relation to it. I venture to say they are greater than the sins of commission contained in it.

Mr. LODGE. Mr. President, I do not desire that I should be misunderstood. I did not intend to reflect on the committee or upon this bill. To have done so would have been most unjust, for I have not examined the bill. I desired merely to speak of my past experience in regard to Indian appropriation bills, on which I thought, and still think, there has been a great deal too much legislation. If the sins of the committee have been purely those of omission, I am quite content to let them stand uncorrected. I do not think we shall suffer from anything that is omitted in the way of legislation in an Indian appropriation bill.

Mr. CURTIS. Mr. President, I wish to state for the committee, as criticism has been made of their action, that I think Senators will find, upon examination, the bill is very largely free from legislation. There are a few items put in the bill at the request of the Department of the Interior, which were absolutely necessary. As a member of the committee, I am proud of this Indian appropriation bill, and I think when it is read to the Senate, it will be generally approved by Senators, and they will be pleased to know that the bill reported from the Committee on Indian Affairs is so free from legislative items.

Mr. TILLMAN. Mr. President, in view of what has been said here, I merely wish to make an inquiry now about the first amendment to the bill. These amendments were being adopted without anybody paying any attention to them. It has been my misfortune rather than my fault that in the past two or three years I have had a good deal to criticise in the Indian appropriation bills. When the pending bill was being read a little while ago and amendments were being adopted, I had no opportunity to examine them, and I thought other Senators were similarly situated. Since we have been discussing this matter, I have had my attention called to the amendment at the top of page 3, which seems to me to need explanation. I will just simply explain what I mean. On page 2 of the bill the House sent to us there is a provision, as follows:

> That no purchase of supplies for which appropriations are herein or hereinafter made for the Indian Service exceeding in the aggregate $500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, etc.

I notice that the Senate committee have put in a proviso in the shape of an amendment, which reads:

> *Provided*, That hereafter supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided.

Now, those words are the words which embrace the entire system or subject of irrigation. They turn the Secretary of the Interior absolutely loose without compelling him to advertise, and they allow him to make any contract he sees fit in his discretion. If that is a sample of the admirable work of the committee, I confess that I do not see it that way.

Mr. CLAPP. Mr. President, while we have passed that point in the bill, nevertheless it is a pleasure to reply to the Senator from South Carolina, by quoting from page 8 of the report of the committee. Let me say in that connection that, since I assumed the chairmanship of the Committee on Indian Affairs, it has been the uniform practice to attach to each bill an index and to accompany each bill with a report as to every amendment, and the report also is indexed. This is the statement of the Indian Office referring to this particular amendment:

> Authority has been conferred in the appropriation acts for twelve or fourteen years for the Secretary of the Interior to purchase supplies, let contracts, and employ labor for irrigation, and a similar provision was in the estimates.
>
> This authority is of great convenience, especially in reservations remote from trade centers, as the laws governing this office in procuring supplies and materials require that the advertising shall run for a period of three weeks. The present form of the provision seems to be what is needed.

I might say in this connection that I think every amendment in this bill that is in any manner legislation has been reported at the request of the Department; and what I have read is the reason of the Department for this particular amendment, the explanation more in detail having been to the effect that this work is often done at a distance, where they can get no benefit from letting contracts, and they employ Indian labor to a very great extent. This is merely giving the Department a latitude that has been accorded them in the appropriation bills of the past. Whether that is a wise thing or not, is not a matter of criticism in any sense, but is a matter for the Senate, in its judgment, to determine.

Mr. TILLMAN. I merely called attention to the fact that the House had made a provision requiring advertisement when the amount involved exceeded $500. The Senate committee has provided an amendment which turns the Commissioner of Indian Affairs absolutely loose, without limitation or control, to make any kind of a contract he pleases and to allow him to make an agreement for work involving, perhaps, half a million dollars, or any other amount, without opportunity for competitors to bid for it. That is all there is to it.

Mr. CLAPP. Mr. President, the provision which places a limitation on the Secretary in the purchase of supplies without notice is the provision that applies to the general purchase of supplies for which appropriations are made.

Mr. TILLMAN. Then what good reason is there for turning him loose?

Mr. CLAPP. As I have already stated, this amendment applies to purchases, contracts, and labor for the construction of artesian well, ditches, and other works of irrigation.

Mr. TILLMAN. "Other works" embraces anything connected with irrigation.

Mr. CLAPP. That is true. It may be unwise to give the Secretary that authority, but it is a separate and distinct matter from the other provision and is carried out under entirely different conditions. The Department knows what supplies are required for the Indian schools of the country and the agencies of the country, and in their own good time and with deliberation they can sit down and make their estimates and then advertise for bids. They can not very well do that in the case of irrigation work, the extent of which they can not always anticipate when they undertake it. As I said before, that is a matter for the Senate, but there is a broad distinction between the two cases covered by the two provisions.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Minnesota?

Mr. BAILEY. What is the request?

The VICE-PRESIDENT. The request is that the unanimous-consent agreement be rescinded. Is there objection?

Mr. TILLMAN. Mr. President, as I understand, the unanimous-consent agreement was that the bill be read for the purpose of adopting the committee amendments. Now the Senator withdraws that request.

The VICE-PRESIDENT. The request was that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Now the Senator from Minnesota asks unanimous consent that that unanimous-consent agreement be set aside.

Mr. CLAPP. Mr. President, that must be understood as being in accordance with the request of the Senator from Colorado [Mr. TELLER].

The VICE-PRESIDENT. Is there objection? The Chair hears none. The Secretary will proceed with the formal reading of the bill.

Mr. TELLER. Mr. President, let the reading of the bill be commenced at the beginning.

The VICE-PRESIDENT. The Chair will call the attention of the Senate to the fact that during the reading under the unanimous-consent agreement a number of amendments were agreed to.

Mr. CLAPP. Mr. President, I move that the Senate reconsider the vote by which those amendments were agreed to, so that this bill may be placed de novo before the Senate.

The VICE-PRESIDENT. Without objection, it is so ordered. The Secretary will proceed with the reading.

The Secretary proceeded to read the bill and read to the end of line 9 on page 13.

Mr. CLAPP. Mr. President, I suggest the want of a quorum.

The PRESIDING OFFICER (Mr. CARTER in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

Mr. CLAPP. Mr. President, the intense zeal lately manifested to hear the reading of this bill leads me to make this suggestion, in view of the vacant seats on both sides of the Chamber.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Cullom	Guggenheim	Scott
Allison	Curtis	Hale	Smith
Ankeny	Daniel	Heyburn	Stephenson
Bacon	Depew	Hopkins	Sutherland
Bailey	Dick	Knox	Taliaferro
Borah	Dixon	Long	Taylor
Bourne	Dolliver	McCreary	Teller
Brandegee	Flint	McEnery	Tillman
Bulkeley	Foraker	McLaurin	Warner
Burkett	Foster	Martin	Whyte
Burnham	Frazier	Overman	
Clapp	Frye	Perkins	
Clay	Gamble	Rayner	

Mr. CLAPP. I desire to state that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained at his house by illness.

The PRESIDING OFFICER (Mr. MARTIN in the chair). Forty-nine Senators have answered to the roll call. A quorum is present. The Secretary will resume the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

Mr. CLAPP. I ask that we now proceed to read the bill for action on the amendments.

Mr. TILLMAN. There are only ten minutes left of the morning hour. I think it would be better to lay the bill aside.

Mr. TELLER. I suggest that we have only ten minutes left and it is hardly worth while to commence reading the bill for amendments.

Mr. CLAPP. The Senator from Oklahoma [Mr. OWEN] is to speak at 2 o'clock. My only object was to use the interim. If anyone has anything else to offer, I would be glad to lay it aside.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Chair lays before the Senate sundry bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 4060. An act authorizing the extension of Oak street NW.;

H. R. 11767. An act to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes;

H. R. 11776. An act for the opening of Jefferson and Fifth streets NW., District of Columbia;

H. R. 12678. An act for the widening of Twentieth street NW., District of Columbia; and

H. R. 14772. An act prescribing what shall constitute a legal cord of wood in the District of Columbia.

H. R. 13077. An act to authorize the Secretary of War to furnish four condemned brass cannon and cannon balls to the Confederate Monument Association at Franklin, Tenn., was read twice by its title and referred to the Committee on Military Affairs.

H. R. 16621. An act to extend the time for the construction of a dam across Savannah River at Cherokee Shoals was read twice by its title and referred to the Committee on Commerce.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. CLAPP. The Senator from Oklahoma [Mr. OWEN] advises me that he is ready to proceed. In view of that, I ask that the Indian appropriation bill be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Minnesota asks that the Indian appropriation bill be temporarily laid aside. Without objection, it is so ordered.

Mr. ALDRICH. I ask that Senate bill 3023 be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. OWEN. Mr. President, in commenting on the financial bill, and in suggesting improvements in it, I do so with hesitancy and diffidence. I feel, however, that the long experience I have had in such matters justifies me in the hope that my comments upon this measure may not prove to be without some service to the Senate in a proper determination of this exceedingly important question.

In discussing this matter, Mr. President, it should always be kept in mind that it is not the welfare of the bank or of the depositor, however desirable these questions are in fact, that should be considered, but the real question to be considered is—

The prevention of panic.

The protection and promotion of our national commerce.

The firm establishment of stability in business affairs.

The maintenance in active operation of the productive energies of the Nation.

Panic is like a stampede in a theater at the cry of "fire." The remedy is, first, a fire-proof building; second, abundant avenues of escape, wide open.

Mr. President, I am in favor of a bond-secured emergency currency under an interest charge high enough to compel automatic contraction of such issue, and favor this principle in the measure reported by the committee.

I have listened with great interest to the explanatory comments of the chairman of the Committee on Finance in relation to the Senate bill 3023, as reported, and have studied with care and interest the bill which has been so submitted to the Senate by that committee.

There has been no subject of greater importance before Congress in years.

It is impossible to exaggerate the evil consequences to the commerce and industries of the United States by the four great panics we have had since the war—the panic of 1873, the panic of 1884, the panic of 1893, and the panic of 1907—and the various smaller financial disturbances of the same character, but not of the same violence, which have occurred from time to time.

FOUR STROKES OF NATIONAL COMMERCIAL PARALYSIS.

The disastrous effects of the panic of 1893 lasted for five distinct years.

These great financial disturbances not only ruin hundreds of thousands of individuals and destroy their financial and commercial life individually, but they exercise a wonderful repressing power on enterprises and make men unwilling to engage in enterprises of any kind because of the terrific history that can not be forgotten, where thousands of honest, industrious, prudent, and enterprising men have been ruined through no fault of their own.

There can be no greater evil to a land than the discouragement of individual enterprises extending wholesale throughout its boundaries. There can be no greater evil to a commercial nation than the paralysis of the productive energies of its individual members.

I am told that now in Pennsylvania one-half of the industries of that great State are silent and unemployed, losing millions

of dollars that ought otherwise to be made, and which would be made except for the paralysis that has fallen upon that State, and other States in the Union are affected in like manner.

I deeply appreciate the great financial crisis from which the country is slowly emerging, and agree with the distinguished chairman of the Finance Committee that this panic of 1907 "was the most acute and disastrous in its immediate consequences of any which has occurred in the history of the country;" that "the shrinkage in values of securities and property and the losses from injury to business resulting from and incident to the crisis amounted to thousands of millions of dollars."

I agree with him that "a complete disruption of the exchanges between cities and communities throughout the country took place."

That "it is impossible to estimate the losses which were inflicted by this suspension of payments by the banks and the resultant interruption of exchanges."

I pause to say that the actual contraction of exchanges in the panic of 1893, and in the panic of 1884, amounted to 50 per cent of the normal volume of exchanges. An examination of the reports of the Comptroller of the Currency exhibits this remarkable fact. When those exchanges are shrunken in that manner, it means the most serious consequences to the commerce of this country, because the exchanges which are now current in ordinary times will amount to nearly two thousand million dollars a day. I have tried to get the Comptroller of the Currency to make a proper inquiry into the volume of this exchange so that it might be definitely ascertained. It has not yet been done, but it ought to be done, as one of the facts essential to a proper comprehension of this great question. When we have a shrinkage of what might be called an ephemeral currency in the form of those exchanges of two thousand million dollars, it means an infinitely greater difficulty in getting hold of the dollar. It means that the dollar has a new purchasing power. It means that property loses its measure of value in relation to dollars.

I agree with the distinguished chairman of the Committee on Finance in describing the recent financial panic, that "there was financial embarrassment on every hand and an impossibility of securing the proper funds to move crops or to carry on the ordinary business of the country."

That "the suspension or disarrangement of business operations threw thousands of men out of employment and reduced the wages of the employed."

I agree with him that "if the business interests of the country are left defenseless through the inaction of Congress the most serious consequences may follow."

That it is "the imperative duty of Congress in their wisdom to provide some means of escape from another calamitous crisis."

But I do not agree with his conclusion, that, because a comprehensive plan of legislation and reorganization of our entire banking system may not be conveniently entered upon at this time, the proposed remedies should be confined within the very narrow limits of the bill proposed by the Committee on Finance.

The arguments of the chairman of the Committee on Finance, showing the great evils which we have endured in the recent panic, and the serious consequences which must necessarily follow it, instead of laying a foundation for a very limited remedy gives the best of reasons why the remedy should be made as complete as possible. I confess that I feel deeply disappointed in the bill reported to the Senate.

The bill reported by the chairman of the Committee on Finance provides for bond-secured emergency circulation under a 6 per cent penalty, but confines the banks which may receive its benefits to only certain of the national banks, and to them only in a very limited way.

It makes the emergency notes national-bank notes in form without any wise reason.

It contains provisions for using railroad bonds for the basis of these notes, which I do not believe to be fair and just to the people of the United States, and it omits several provisions of the most important character which I deem of the highest consequence to the financial and commercial welfare of the United States.

Mr. President, I have submitted an amendment intended to be proposed by me which sets forth a fuller plan of relief, which I believe to be far superior to that offered by the Finance Committee, and to the provisions of which I earnestly invite the attention of the Senate.

While I shall insist upon the amendment which I intend to propose, believing that its provisions are of the greatest importance, I shall nevertheless feel impelled to give my vote to the bill as drawn by the Finance Committee, except its railroad-bond feature, if the Senate rejects the suggestions offered in the substitute I propose. I shall do so, Mr. President, however, on the ground that the committee bill does offer some measure of relief. It is better than no relief. The privilege given to railroad bonds is, however, entirely unjustified and utterly indefensible. I can not agree to give to railroad bonds a property denied to United States bonds. The committee measure gives to railroad bonds—mere bonds of corporations, owned by private persons—a value which ought to be given exclusively to public bonds, and denies this privilege to United States bonds. I deny that there is any justification for the introduction of railroad bonds in this bill. I deny the right of the Senate or of Congress to give away public values to private interests, and insist that such a policy is utterly indefensible. While this is true, Mr. President, it is also probably true that the harm done by the giving of this public value to private interests is less than the harm which would be done if this country should be left without any relief against future panic, and, at least, we shall have the opportunity of correcting this feature of the bill at some future time, if it be not now amended.

I shall, however, insist upon the amendment of the committee bill in this particular at the proper time.

The VICE-PRESIDENT. The Senator from Oklahoma will please suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Oklahoma will proceed.

A VALUABLE PRINCIPLE OF THE COMMITTEE MEASURE.

Mr. OWEN. Mr. President, the principle of the committee bill which really has value, and the only principle which is of importance, is "emergency notes, secured by bonds, under a penalty higher than the normal rate of interest."

This is the essential and vital feature of the committee measure which gives it value, and this is the only principle of the bill which gives it value. This principle of finance has long been well understood and has long been in force in Europe.

In 1896 I studied this question and endeavored to write into the Democratic platform in Chicago the principle of currency notes to be issued against bonds as a remedy against panic.

The matter proceeded so far that the proposition was voted into the platform by the committee on resolutions and then was voted out because of the argument made against it that it was a novel proposition and untried.

There is no partnership in a measure of this character. It is purely an economic matter, or should be, and I should not be willing to have it assume a partisan form. I am referring to the position of the Democrats on that resolution committee. I do so, I think, to that extent, to the discredit of the intelligence of that committee on resolutions. But it lies with equal force against the other party and all parties in this country, that there has been no provision made for the maintenance of our commerce against this periodic disturbance, and what might be regarded by some and was regarded by the Senator from Maryland [Mr. WHYTE] as a necessary periodic question. I think it proper to call attention to the fact that the periodicity of panics in Europe, where they have a remedy similar to that now proposed by this committee, has ceased. There is no periodicity of panics there. You can have periodicity of panics whenever you allow a bear movement to agitate the country and have the country itself unprepared against the necessary excitement which that movement may create.

Subsequently to 1896 I gave this subject careful study, feeling a deep interest in the evil consequence of the panic of 1893. In 1898, in London, I discussed with the governors of the Bank of England the methods by which they controlled panic, and in Berlin consulted the officials of the Imperial Bank of Germany as to the method of avoiding panic in the German Empire. It was in this way I learned the complete efficiency of emergency notes which would automatically retire under a proper penalty. (See Appendixes A and B.)

Germany and Austria permit their Government banks to issue legal-tender emergency notes under penalty of 5 per cent, which is higher than the normal rate of interest, thus procuring automatic contraction of such emergency money.

In England, by ministerial permit, the Bank of England has been on several notable occasions, when panic threatened, authorized to issue emergency notes against other securities than

gold in violation of the English bank act of 1844, and such emergency notes, being used in violation of the statute, necessarily are withdrawn at the first moment possible to the public safety.

When the Senator from Rhode Island, on the 18th of December, in answer to the Senator from Texas, said that "legislation can not prevent the recurrence of similar crises in the future," I was astonished, Mr. President, because the sentiment expressed by the Senator from Rhode Island was at variance with the experience of the leading nations of Europe and was contrary to sound reason.

I have long been thoroughly satisfied that it is a perfectly easy matter to prevent panics in this country. I have observed, however, Mr. President, with interest that the chairman of the Committee on Finance had evidently changed his views with regard to this matter when he introduced a bill on January 7, 1908, for the avowed purpose of preventing panic and was gratified when the chairman of the Committee on Finance, on February 10, said:

> But the serious defect of our monetary system, as disclosed by our recent bitter experience, is the fact that we have no means whatever for providing the additional issues necessary to meet or to prevent panic conditions.

And when he further said, in closing his remarks, that—

> If we should fail to take some effective action to provide against such crises such as that through which we have just passed, we should assume a grave responsibility.

Mr. President, the measure proposed by the chairman of the Committee on Finance was particularly interesting to me because it contains the correct principle, to wit, quick emergency money on bonds under a penalty which would insure its automatic contraction.

Mr. President, the favorable view of the chairman of the Committee on Finance on this subject is a matter of the greatest value to the country, and I call his attention to the fact that he has adopted the essential principle in the bill reported by his committee, which was contained in an amendment which I had the honor to draft, and which was introduced in the United States Senate on February 6, 1900, by Hon. James K. Jones, and which was proposed as an amendment to the financial bill in charge of the Senator from Rhode Island, then as now, chairman of the Finance Committee.

Mr. President, I send to the Clerk's desk a letter from Senator Jones, with a copy of amendment referred to, which I shall ask the Clerk to read:

The VICE-PRESIDENT. Without objection the Secretary will read as requested.

The Secretary read as follows:

[Law offices of James K. Jones and James K. Jones, jr., 621, 622 Colorado Building. Telephone Main 638.]

WASHINGTON, D. C., *February 11, 1908.*

Hon. ROBERT L. OWEN, *United States Senate, City.*

DEAR SENATOR: I inclose a copy of the amendment which I offered to the financial bill on February 6, 1900 (CONGRESSIONAL RECORD, p. 1534).

You will, of course, recall the fact that you prepared the original draft of this proposed amendment, which I introduced in almost, if not in exactly, the form submitted by you. I think you will find the debate on that bill at that time quite interesting.

If that amendment had been adopted at that time and it had been written in the law, it would, in my opinion, have prevented the late panic.

I am glad to see that at last the principle of an emergency currency properly secured is recognized and that the Committee on Finance of the Senate indorse it.

Congratulating you on your early connection with this idea, I am,

Very sincerely, yours,

JAMES K. JONES.

Amendment proposed by James K. Jones, February 6, 1900:

That the Secretary of the Treasury is hereby directed to have printed and to keep on hand United States Treasury notes under a special account to be called the "emergency circulation fund." Such notes shall be full legal tender. Any citizen of the United States shall have the right to deposit United States bonds under rules and regulations to be prescribed by the Secretary of the Treasury, and to receive from such fund 90 per cent of the face value of such bonds in United States Treasury notes, and shall have the right at any time within twelve months to redeem such bonds by repaying in United States Treasury notes the amount so received by him on account of such bonds, with interest at the rate of 6 per cent per annum on such amount. Failure to redeem such bonds within the limit of twelve months shall operate as a forfeiture of such bonds to the United States, and such bonds shall be sold to the highest bidder in the open market, and the balance, after the payment of the principal of the amount advanced, the interest on the same, and the expenses, shall be paid to the former owner of such bonds. Any moneys received from such sale may be exchanged with other moneys in the Treasury so that this fund shall consist alone of Treasury notes. The principal of all sums so advanced when repaid shall be returned to the "emergency circulation fund," and all interest upon such sums shall be passed to the credit of the Treasury under miscellaneous receipts.

The actual amount of notes held in the "emergency circulation fund" shall never be less than $50,000,000 in excess of any outstanding advances. Said fund shall neither be increased nor diminished except in the manner provided.

Mr. OWEN. Mr. President, the amendment then proposed by Senator Jones contains every essential feature which now gives value to Senate bill 3023, reported by the Committee on Finance, and just in degree as the committee bill has departed from the principles of this original proposition, just in that degree has it lost value.

The original proposition provided for United States notes directly, and not the awkward, irksome, obstructive use of the pretended national bank notes of 6,600 intermediary national banks.

The original proposition provided that any citizen of the United States had the right to obtain emergency notes upon proper security of bonds, while the committee measure denies the citizen and denies 18,000 banks and trust companies and only permits some of the national banks to have this right, and only permits such special national banks to have a very limited amount of such notes, under additional restrictions by States, which, in my judgment, greatly diminishes the value of the proposed remedy. The restrictions go further and limit the amount of notes given to particular States, which is a serious additional restriction upon the means of escape from the danger of financial panic by emergency notes.

The original proposition compelled the return of the emergency notes within twelve months, which the committee measure does not do, and loses force by not making the return of emergency notes necessary and compulsory within a given time.

The original proposition provided that the emergency currency should never be "less than fifty millions in excess of any outstanding advances;" in other words, it was not limited, as the committee measure now proposes, to the inadequate sum, as I shall presently show, of $500,000,000. It took over two thousand million dollars to meet this last panic, and then the panic was not successfully met.

The original proposition imposed a tax of 6 per cent on such emergency notes, as does the committee measure now submitted.

The original proposition allowed emergency notes to the extent of 90 per cent in emergency notes of the face value of such bonds (United States bonds) and the committee measure, in like manner, provides 90 per cent in emergency notes of the value of bonds offered as security.

The committee measure enlarges the volume of securities available, which, I think, is highly judicious and proper.

You will observe, Mr. President, that this proposition then submitted to the Senate contains the very essence of the bill now under discussion. It proposed bond-secured currency advanced upon the security of bonds under a tax of 6 per cent per annum, and that the advance should not exceed 90 per cent of the value of such bonds.

Mr. President, if the chairman of the Committee on Finance had, at that time, 1900, been conscious of the great value of the suggestion contained in the then proposed amendment, he was in a position, at that time, to have written into the statutes of the United States the very safeguards against panic which he now, with such force, declares essential. If he had then patiently listened to this suggestion he would have saved the people and the business interests of the United States what he himself now describes as the "most acute and disastrous panic which has ever occurred in the history of the United States."

I pause to say that, if any Senator [looking at Mr. ALDRICH] wishes to interrupt me at any time, it will not disconcert me in the least.

The Senator from Rhode Island would have saved his country and millions of its people the enormous shrinkage of values of securities and property and the loss from injury to business resulting from and incidental to the crisis amounting, as he himself now declares, "to thousands of millions of dollars."

He would have prevented "the suspension or disarrangement of business operations which threw thousands of men out of employment and reduced the wages of those who were still employed."

He would have prevented the fear and distrust which has now paralyzed and makes unproductive the energies of hundreds of thousands of men and holds idle many thousands of factories and business enterprises.

Mr. President, I rejoice that the principle of good government and of sound finance which was presented then has now been adopted by the Committee on Finance and is about to become established as a part of our law.

I trust the Senator from Rhode Island will agree with me now that if the present plan of emergency money had been pro-

vided in 1900 by the amendment he was then unwilling to accept we would have avoided the enormous injury of the panic of 1907–8.

I regret, however, that in adopting the principles which were submitted in the amendment proposed to the financial bill of 1900 the Senator from Rhode Island has not improved the original suggestion, but has weakened its effectiveness in various important ways, as I shall hereafter point out.

I submit my observations on the pending measure, Mr. President, in the earnest hope that they may persuade the Senator from Rhode Island and other Senators of this body to consider the present bill with dispassionate care and without economic prejudgment and with the greatest thoroughness before it is finally passed, so that the bill when completed shall be drawn as perfectly as the wisdom and patriotism of this body make possible.

Mr. President, this Congress has abundant time in which to perfect this bill. There is no need for haste, and those expressions in the public prints when Congress met, that there was no need for haste, met my approval, because I have observed that, if there is one thing which has been thoroughly well established, it is a perfect divergence of opinion on every kind of proposition relating to this question. The only thing which has been thoroughly well established, I think, is lack of knowledge and of coherent opinion on the part of many of the statesmen of this country with regard to this great remedial legislation now proposed. This condition of uncertainty justifies and it imposes the duty upon every man who owes allegiance to his State and who represents his State on this floor, to study this great question and determine it according to those correct principles which have been demonstrated by those older nations of the world, who, under their experience, have learned a lesson which our younger nation appears not yet to have acquired. Congress has not only abundant time, but it has at its disposal every essential fact upon which to make up its judgment.

It not only has the time and facts available, but it has all the wisdom and intelligence necessary for the framing of a perfect statute, and I earnestly insist that the measure to be adopted by the Senate of the United States shall be drawn so as to remedy at least those defects in our present national banking act which are perfectly palpable and obvious to every thoughtful student of finance.

THE PRINCIPAL CAUSES OF PANIC.

Mr. President, in drawing a measure of relief against panic, which this bill avowedly is, it is of the highest importance to determine what the causes of the panic are. I do not sympathize with the chairman of the Committee on Finance when he speaks of the causes of panic being an academic question. It is a practical business question, upon which this Senate has a right to have all of the facts available; but there are some facts which are so patent that they need no assistance to be made perfectly clear to the knowledge of this body. When the causes are clearly discovered, a remedy can be more easily provided. I shall, therefore, endeavor to point out the principal causes of panic.

The primary cause of panic *is the fear of the people* of the insolvency of the banks.

The real cause of a panic is when the depositors, who number millions upon millions of people, go into a bank, draw out their small deposits of forty or fifty or a hundred dollars, carry them home, lock them up in a trunk, and hide them away. There is the chief evil of a panic. The depositors drew out of the New York banks two hundred millions of dollars within a week, and they drew out of the banks of the country an infinitely greater sum. I have felt great pride in the people of Oklahoma that they had the nerve to stand firm and not withdraw in any serious way their money for hoarding.

The causes leading to the *fear of the people* are:

First. The rumors of bear manipulators alleging "tight money," "high interest," and "impending panic," and rumors of threatened insolvency of banks, caused and promoted by those engaged in the manufacture of bear markets, and of panics, whether small or great, as a chief agency in compelling a bear market. These rumors and thousands of others intended to disturb confidence flow in endless stream from the gamblers on the stock exchange, the great panic breeder.

Second. These rumors have sound foundation if those engaged in producing panic are strong enough to cause tight money, high interest, and the constriction of credits in the great money centers; if they can and do withdraw at will millions for hoarding; or if they can and do call "demand loans" for immediate payment, when they have already put a strict limit on the extension of credits by the great controlling banks; if they force into bankruptcy and ruin individuals, banks, and trust companies, or commercial enterprises whose property they covet, they can cause insolvency and produce that fear in the minds of the people which causes hoarding and panic.

Third. These rumors, causing the *fear of the people*, easily gain force, because—

(*a*) The banks know that the country's reserves in New York are tied up in gambling operations on the stock exchange in so-called "quick assets" but which are not really available to any great extent (because it would mean panic to force the quick liquidation of such loans). There is a world of men who have "got to be helped" in such times, as the bankers say, and those loans are carried over.

(*b*) The banks know there is only 7½ per cent of money in total reserves in all of the banks in the United States in currency, and that if the *fear of the people* is aroused, and that if 5 per cent of their depositors demanded their deposits in any one week there would be a fearful panic, and the banker's fear is hypnotic of the people and excites the *fear of the people* in ways too numerous to mention—e. g., by

1. Refusing good loans, well secured.
2. Forcing solvent debtors to urgent settlement.
3. Talking hard times and tight money, etc.

All of those things make the banker himself the medium of emphasizing these conditions and bringing about the very condition which creates and makes panics. Any business man in this Senate knows that I speak the truth when I call attention to these things. I have helped guide the leading bank in my State through two panics, and I understand the anxieties, and I think I understand the causes of panics.

(*c*) The banks know that the 15 and 25 per cent reserve in lawful money is largely artificial and does not exist in lawful money, as a matter of fact, and that their showing of reserves is only a pretense of a strength that does not exist.

These sentimental influences lead with certainty to the *fear of the people*, and then we have as the final consequence the deadly evil of the *hoarding of currency by the common people.* Fourteen dollars so hoarded by each one of the people would not leave a dollar apiece in any one of the 23,000 banks of the United States.

The hoarding by the common people, Mr. President, is not the primary cause of panic, although a secondary cause, which intensifies and makes panic peculiarly dangerous. *Hoarding is the effect as well as cause of panic.* It is the necessary immediate consequence of fear or panic and becomes a factor in panic of supreme importance.

Fear is the soul of a panic, and fear may be founded on any of a number of things.

It may be due to some national calamity which paralyzes credit and excites public alarm.

It may be due to the wholesale speculative loans of the depositors' money, or to distrust engendered in the integrity of the financial world from any cause. In 1893 the panic was artificially produced by circular letters sent out all over the country suggesting the constriction of credits; by repeated suggestions in the public press that the European investor was selling American securities; that gold was leaving the country; that the gold reserve was going down day by day, and that we were on the very verge of panic.

If you tell a depositor in a great variety of ways, and with sufficient insistency, that we are on the verge of a panic, finally the more timid of the depositors will actually withdraw their deposits for hoarding, and when this takes place the bankers take fright, and the alarm passes like an electric shock from man to man until the depositors who are poor or cowardly take out their deposits for hoarding on a vast scale.

The cause of the panic of 1907 in like manner was very similar. It was the result of a high market in stocks and bonds steadily manipulated for several years, raising the booming cry of "prosperity" and exciting the people into speculative buying of stocks, and then the change of tune and the reiterated talk and suggestion of panic made either by those who had in view the creation of panic and its consequent benefits to them, by those called "bear operators" or the bigger men whose satellites they are, or to the thoughtless talk of people who were indifferent to the result or ignorant of the hypnotic power which repeated public suggestion exercises over the minds of the people.

These constant suggestions of impending panic were sufficient to create a panic regardless of other contributing causes, and it is well known to everybody that these continued suggestions finally led to a general belief that a panic was impending. As a necessary consequence there was more or less disturbance in the mind of the average depositor, and only some incident,

such as the Knickerbocker Trust run, was necessary to start a violent panic under conditions of general apprehension stirred up in this way.

The causes of panic, Mr. President, which excite the fear of the people may be various, but *the fear of the depositor*, from whatever cause, is the real factor with which we must deal.

The fear of the depositor must be abated if we wish to prevent hoarding of the currency, which is so essential to the stability of our commerce, to the healthfulness of our banking institutions, and to the welfare of our business people.

Two things are essential to prevent the fear of the depositor:

(*a*) He must be assured that his deposit is safe, even if the bank be found insolvent, and this remedy may be easily, economically, and abundantly provided by a guaranty fund available from the taxes now paid into the United States Treasury by the national banks on their circulation. It is thirty-five times more than is necessary, according to our statistics.

(*b*) It is not entirely enough to satisfy the depositor that his deposit is safe against the insolvency of the bank of deposit, but he must be assured that he can get his money in currency whenever he wants it.

Banks confessedly solvent in the last panic, from the Atlantic to the Pacific, about 23,000 of them, although solvent, refused to pay currency to their depositors for the simple reason, Mr. President, that the banks of the United States have only about $7.50 with which to pay $100 of their deposits, if the depositors should suddenly want their money in currency. The banks know this in a general way, and for that reason when New York suspended currency payment in October last almost every bank from the Atlantic to the Pacific followed this example within twenty-four hours. New York held the reserves of the banks of the United States, and when New York refused currency other banks felt compelled to do so.

The banks of Oklahoma, Mr. President, paid $40 a thousand to New York banks for currency when the New York banks had on hand the reserves of the Oklahoma banks.

I believe, however, that the New York banks went out into the open market on the street and bought hoarded currency; I do not think they took it from their own money. So that they are not to be understood as speculating upon their correspondents. I believe they did the best they could under a very bad condition.

Mr. President, the first essential is the security of the bank depositor.

The second essential is emergency circulation, and both are essentials to the stability of our commerce.

Under our present banking system the national-bank deposits are entirely safe, but the ordinary depositor does not realize this.

The report of the Comptroller of the Currency, 1907, page 28, shows the net loss to creditors of the insolvent banks since 1898, as follows:

1898	$42,796
1899	361,181
1900	None.
1901	117,569
1902	1,113
1903	34,458
1904	201,084
1905	4,767
1906	None.

An average of about $85,000 per annum against net deposits, August 22, 1907, $5,256,000,000, a loss to the national-bank depositors of only about one dollar in sixty thousand dollars per annum.

There never was in the history of man a finer record of integrity, of intelligence, and of good business than is shown by this record of the national banks, and this country has a right to be proud of that record.

If the future losses should average thirty-five times this amount annually, the present tax on circulation paid by the national banks would be more than sufficient to meet it, because—and I call your attention to the fact—2 per cent on over six hundred million dollars makes an annual tax on the national-bank circulation of more than three million dollars with which to pay the average loss of eighty-five thousand dollars. The depositors are safe now comparatively, and it is only for the moral effect after all that the insurance of these deposits will prove to the country to be of great value.

The security of the bank depositor (by permitting the present tax on circulation to be used for the insurance of his deposit) would prevent such depositor from losing confidence and hoarding his deposit.

There would be a much smaller need for emergency circulation if this self-insurance plan were provided. The emergency currency is intended to restore to circulation the money withdrawn from commerce and hoarded by the frightened depositor. If the depositor has the assurance of safety in his deposit he will not be frightened and he will not hoard his money, and there will be, probably, but little need for emergency currency.

Both provisions, however, Mr. President, I regard as essential, because the national banks comprise only 6,600 institutions out of 23,000 banks. The national banks have only one-third of the banking deposits of the country, and emergency currency is necessary, therefore, to protect the country against the fear and the consequent hoarding of the depositors of the other banking institutions of the country who keep their reserves with the national banks.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Iowa?

Mr. OWEN. Certainly.

Mr. DOLLIVER. Has the law of Oklahoma for the guaranty of deposits been put into operation?

Mr. OWEN. It has.

Mr. DOLLIVER. I should like to ask the Senator how it has operated as respects the situation of the national banks? As I understand, the law is applicable only to the State banks.

Mr. OWEN. The Senator is mistaken with regard to the law being applicable only to the State banks. It is also applicable to national banks where they choose to use their undivided profits for the purpose of buying insurance under the State plan, which, I think, they can do by the consent of their stockholders.

Mr. DOLLIVER. Now, if the Senator will pardon the interruption, as he is evidently an expert in practical banking matters, what would be the effect upon the national banks of Oklahoma provided they were not permitted to take shelter under that State law?

Mr. OWEN. It depends upon the condition of the bank. If there is a national bank in a small town where there is no State bank, it would not affect it. If in a small town there are national banks, and there is a little State bank across the street with a big sign in gold letters that its deposits are guaranteed, it would make the national bank lose deposits, and the national bank would be compelled to take out a State charter. If, however, in a larger town, where a national bank was thoroughly well established and its lines of business long continued, such as the bank with which I have had the honor to be connected—the First National Bank of Muskogee—I do not think it would have any appreciable effect.

Mr. DOLLIVER. Now, if it will not interrupt the Senator, what practical effect would it have on State and private banking institutions of the country if a national law should guarantee the solvency of national bank deposits?

Mr. OWEN. If that were done it would impose upon the State the duty of doing that which I now insist this Government should do—insuring the deposits of national banks or providing for self-insurance. If this Government should now pass an act insuring the deposits out of the tax proposed—it is self-insurance by the banks, not insurance by the Government—if that were done, it would then have the effect upon State banks such as the Oklahoma law now has on national banks. In the substitute which I have proposed, I have arranged that it shall not go into operation for two years, so as to give opportunity to the other States in the Union to establish a similar insurance plan within their respective limits. The substitute which I have proposed only goes into immediate operation where the State has already established a plan of insurance for the State banks.

Mr. DOLLIVER. Now, Mr. President, if the Senator will permit me one more question, I will not interrupt him any further.

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Iowa?

Mr. OWEN. I will be delighted to answer.

Mr. DOLLIVER. What effect would it have upon solid, conservative, well-managed banks if an act of Congress were to put all national banks upon exactly the same level so far as their ability to pay their depositors is concerned? What effect would that have upon the solvent, well-managed banks as against irresponsible, or more or less irresponsible and speculative banking institutions, offering large sums as interest upon deposits, and otherwise making themselves attractive to the community?

Mr. OWEN. I am delighted to have the Senator ask the question, and I think I can answer it. The Senator from Iowa assumes that there is a class of speculative, reckless bankers

under no restraint who might rush in and acquire the deposits of the unsuspecting. By what argument is a deposit to be brought to a bank conducted by a speculator or a reckless, irresponsible man? Everybody who is acquainted with the banking business knows that the depositor first wants to know above all other things that the bank at least is conducted in a conservative and in a reasonable and proper manner, and when a depositor makes——

Mr. DOLLIVER rose.

Mr. OWEN. I will answer the question if the Senator will permit me. I have not gotten to the answer yet. I am laying my premises. I will answer it if the Senator will have patience. He has asked me a question and I will answer it to his satisfaction, unless he wants to ask me another question.

Mr. DOLLIVER. I just desired an answer to my question.

Mr. OWEN. I am going to answer the Senator's question completely.

You are assuming in your question that the irresponsible, reckless banker is going to attract the depositor. I therefore go directly to the causes which lead a depositor to make his deposit. What are those causes? The first thing he wants to know is that the banker is a decent and an honorable man, and under our system of banking we have the most abundant provisions thrown around the ordinary banker. I take it that the State of Iowa has a proper law requiring a reasonable control and requiring reasonable compliance with those provisions found necessary to sound banking.

But I want to call attention to the fact that under our system of government any man who is guilty of fraud as a banker is guilty of a criminal offense, and is restrained by the criminal code. Under the substitute which I have suggested here, the insurance plan only goes to the noninterest-bearing deposits and the man who wants to invite into the bank deposits by giving interest and paying people to make deposits with him, the deposit being otherwise guaranteed, has no foundation on earth to invite those deposits except his own bad character; and that is not a good magnet with which to attract deposits. When he established his bank he must comply in the first place with the law and he must put up his money to establish his bank. The smallest of the national banks must have $25,000 of capital and the stockholders are liable for a like amount, making a bond of $50,000 standing between the depositor and loss. Therefore these objections which are made that it will encourage reckless banking have no genuine foundation.

Mr. SMITH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. OWEN. I am delighted to yield.

Mr. SMITH. I should like to ask the Senator from Oklahoma whether he knows of any State in the history of our Government that has guaranteed deposits except his own?

Mr. OWEN. I do not know of any State that has guaranteed deposits. I understand in the history of the past that there have been some such experiences, which were based upon an insufficient foundation.

Mr. SMITH. I should like to say to the Senator from Oklahoma that as I am informed the State of New York once tried an experiment of that kind, extending over a period of about twelve years, and that it resulted most disastrously to that part of the safety fund, and that they failed to raise enough to pay the bad debts of the banks which were members of that so-called organization, and that they fell shy several million dollars of being able to pay out finally.

Mr. OWEN. If the Senator from Michigan will make his suggestion sufficiently definite I will undertake to get the statistics and account for the reason why they failed, but I am now talking about a modern condition and I am not talking about the poor and ineffective kind of government we had in the days of our ancestors.

Mr. SMITH. For the information of the Senator from Oklahoma, if he is willing——

Mr. OWEN. I am delighted.

Mr. SMITH. I may further say that the legislature of the State of New York did, under considerable pressure, pass a law providing that all banks seeking recharter and all banks newly organized should contribute to a safety fund one-third of 1 per cent upon their capital, and that from that source for a period of twelve years a large fund was set aside for the purpose of paying the bad debts of the banks of that State. As I said a moment ago, that ran along from perhaps 1830 to 1845, when the statute was repealed, the practice was discontinued, and banking was left, as it ought to be left, to the individual initiative and to the individual responsibilty or the corporate responsibility, whichever you may see fit to denominate it.

Mr. OWEN. That is no doubt an interesting historical circumstance. It arose in a time when there were no railroads, when there was no means of communication, when it took a week to get a letter from one end of New York to the other, when there were no newspapers worth mentioning, no telephone, no telegraph, no public schools, a very defective Government; when they had no sufficient and proper means of examination of the banks; and we have to go back to such conditions in order to justify us in adopting the experiences of that date as a guide for the present. There is no true parallel. To-day we have the most perfect banking system in the world in the national banks of this country, I think. Their losses to their creditors during the last nine years have averaged only about one dollar in seventy thousand a year. There were losses of eighty-five thousand per annum only, out of nearly six thousand million of deposits; and shall we go back and point to 1830, the days of our great grandfathers, and have it said that we shall not avail ourselves of modern knowledge and modern appliances? We have improved since that day, and we can improve still more.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Texas?

Mr. OWEN. Certainly.

Mr. BAILEY. I suggest that when the Senator from Oklahoma undertakes the New York investigation, if he will extend his research a little, he will find that the State of Michigan once enacted almost precisely the same kind of law in regard to the insurance of State bank notes, and that it failed.

Mr. OWEN. That justifies the Senator from Michigan. [Laughter.]

Mr. SMITH. It may justify the Senator from Oklahoma.

Mr. OWEN. There are some obvious defects in our national banking system, which have been factors in producing the panic of 1907–8, which ought to be remedied. For example—

(*a*) The tying up of the resources and reserves of the banks of the United States in loans for speculative purposes when their resources should be available for legitimate commerce, for manufacturing and industrial enterprises, for moving the agricultural, mineral, and manufactured products of the country.

(*b*) The loaning of funds to active officers of a bank without proper safeguards should be forbidden.

(*c*) The cash reserves should be strengthened.

All of these things are advisable safeguards against panics, and should be provided for now while a bill is pending the declared purpose of which is to prevent panic.

Mr. President, I wish to point out clearly what the bill reported by the Finance Committee contains and in what way it is objectionable in its present form.

Second, Mr. President, I wish to point out what this bill ought to contain and what the substitute therefor, which I propose to submit as an amendment, does contain.

WHAT THE COMMITTEE BILL CONTAINS.

First. Mr. President, while the committee bill recognizes the importance of emergency money, it limits the issue to $500,000,000 of emergency notes, which has been demonstrated with great force by the chairman himself to be insufficient in volume, and then imposes restrictions that will prevent any but a fractional issue of the volume suggested, and closes every door to relief until the Secretary of the Treasury declares an emergency. The Secretary of the Treasury should have no authority to refuse relief or to defer it because within a few days irreparable damage may be done the bank on which a heavy run may be precipitated.

You take such a case as that of the run on the National Bank of Commerce in Kansas City, a bank which had nearly $40,000,000 of resources and which stood up and paid $18,000,000 to its depositors before it pulled down its flag in surrender. There was a case where an emergency might not be declared by the Secretary of the Treasury as a national matter, and yet it was an emergency of a critical character for that great institution and for the entire Southwest. The remedy ought to be left wide open so that any bank that wants relief shall be able to get it, and get relief immediately.

Second. The committee bill makes the emergency notes national-bank notes in form, requiring 6,600 varieties of notes without sound reason, when these notes are really made United States notes payable in gold or its equivalent.

Third. The national banking associations are not permitted to take advantage of this bill unless they come within certain rigidly described classes, thus limiting the efficiency of the proposed remedy and preventing its full and free exercise.

(*a*) No national banking association which has less circulating notes outstanding than 50 per cent of its capital is permitted to have the benefit of relief against panic.

(*b*) No national bank which has a surplus of less than 20 per cent is permitted to have relief against panic.

(*c*) In no event is any national bank to have any relief in emergency notes exceeding a gross amount of its outstanding notes, whether normal or emergency, in excess of the capital and surplus of such bank.

(*d*) Even under these unnecessary, vexatious, reactionary limitations, the national banks within the classes described are only permitted to have relief of a limited amount of these emergency notes, apportioned off to each of the several States, regardless of the national exigency.

Fourth. No State bank, no trust company, no savings bank, no private bank, is permitted to have the benefit of this remedy against panic, although holding two-thirds of the banking capital of the United States and less than 4 per cent currency reserve, and, therefore, peculiarly dangerous to our financial stability.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from California?

Mr. OWEN. Certainly.

Mr. FLINT. I wish to ask the Senator from Oklahoma if he intends to make any observations with reference to the limitation on the issue to the various States? If not, I should like to ask him a question, as I am somewhat in accord with him in reference to the matter of limiting the issue to the entire country.

Mr. OWEN. California could get only twelve million dollars under this bill.

Mr. FLINT. I understand. But assuming that a condition existed like that in the last panic and there is this limitation of $500,000,000, and the currency is all issued in the State of New York, California would not get any.

Mr. OWEN. It would under my plan, but it would be better to supply enough to New York to prevent panic in the first place, and still not deny California what it needed.

Mr. FLINT. If the stock market were eliminated, I would be perfectly willing to provide in this bill that the amount of currency should not be limited. But if a condition should arise such as existed in the late panic, I think it should be limited as to the States, so that the entire amount should not be issued to the banks in the State of New York.

Mr. OWEN. I shall discuss that further along. But I will in brief make this answer: I do not think the emergency currency should be limited in issue at all. If New York needs $500,000,000, I think New York ought to have $500,000,000, without denying to San Francisco one hundred million at the same time, if it proved to be necessary. Why is this relief denied? What is the purpose of it? We are trying to provide against panics, are we not? What is the sense, the common sense, of denying a sufficient issue to make panics impossible?

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from California?

Mr. OWEN. Certainly.

Mr. FLINT. While we are desirous of stopping panics, it may be that we are not desirous of encouraging a condition of affairs in the New York stock market where speculators will have this money issued and go on and deal in stocks and have the prices advance four or five times their real value, which has been the result when the money has all been concentrated in the city of New York. The purpose of this bill, as I understand, is to prevent such a condition, and the reason the amount is left to the Secretary of the Treasury or to the commission composed of the Comptroller and the Secretary of the Treasury is that the New York banks can not themselves determine when they will promote stock-gambling propositions with this money, but rather that the money shall be used to stop panics throughout the country and to relieve a condition that we know exists in the West, and not only in the West, but in the South, each year; and that is that we require more money at certain periods of the year. If this was not left to the Secretary of the Treasury, and if it was left unlimited, the entire amount, as I have said, would be issued in the city of New York at times and not used to stop a panic, but used to continue a stock-gambling operation that has existed there from time to time.

Mr. OWEN. The purposes of the Senator from California and my own are the same. We are in exact accord in purpose. The proposed substitute that I offer does not limit the emergency issue to $500,000,000. It puts no limit on it. The limit proposed is the necessity of the country alone. In this last panic we required more than a thousand millions. The estimate made by the chairman of the Committee on Finance overlooks the most important item. We required over a thousand millions in this last panic, and that did not control it. Why shall we now limit it to five hundred millions, and then limit that amount in such a manner as not to make it available where it is required?

More than that I agree with the Senator from California with regard to the control of the New York Stock Exchange, and I introduced a bill to-day proposing to remedy that evil in some degree; that bill proposes that no Stock Exchange quotations shall have access to our national mails except under the supervision and control of the Department of Commerce and Labor under proper safeguards to prevent gambling and fraud. That will put a stop to the gambling which robs the innocent and unprotected in this country.

But I propose more in this substitute which I offer now to the Senate. I propose that the New York Stock Exchange gambling shall be limited by a provision on this bill forbidding the national banks to use their depositors' money in making loans for the speculative buying of stocks and bonds on that market. They recently tied up all our national reserves when they were needed to move the cotton crop; the wheat crop; needed to run the factories of New England and needed to run the coal mines and the great works in Pennsylvania and the other eastern States. It is high time that this country was advised as to its rights and that the Senate should put a stop to such practices; and I believe from the opinions which I know the Senator himself entertains from his questions that he will be in accord at least with the purposes of the suggestions I make.

Mr. FLINT. I am not prepared to commit myself to the measure, but I am prepared to commit myself to the views.

Mr. OWEN. I said the purposes, Mr. President.

Mr. FLINT. I want to ask the Senator another question, as he has given some study to this matter and as he now refers to the condition of affairs in the New York market and the loan of money there deposited by the various banks throughout the country. I desire to ask him whether or not he has given any study to the conditions that have existed since the panic, to ascertain whether the same banks which complained that they could not obtain their money from the banks in New York have not again deposited the money in New York, and are doing it now, so that they have to-day a far larger percentage on deposit in the New York banks than the condition of the country would justify.

Mr. SMOOT. More than they had before.

Mr. FLINT. And more than they had before.

Mr. OWEN. I think that undoubtedly is the case. They are piling up money there now, and the money is coming out of hoarding. Now that the opportunity has been presented by a bear market to buy cheap stocks there is a strong demand in our financial centers.

Mr. FLINT. What I wanted the Senator to answer is not whether the money was coming out of hoarding, but whether the banks in the South and the Middle West and the Pacific coast States which complained that they could not get their money and said they would not deposit in New York again, did not immediately after this panic was over deposit their money in the New York center.

Mr. OWEN. I am not aware what the statistics would show with regard to the redeposits since the panic in New York. I do not think there could have been a very great deal of redepositing. Since the southern and western banks could not get their money out when they wanted it they probably have left it where it was. They could not get it when they wanted it, and I guess they have left it there. [Laughter.]

Mr. FLINT. I am directing the attention of the Senator not only to the fact that they left it there, but that immediately after the panic they deposited more at the very place from which they could not get it during the panic.

Mr. OWEN. I will answer the Senator by saying that the substitute I propose requires them to keep it at home.

Mr. FLINT. That is the very question I wanted the Senator to answer, whether he had studied that question, and whether he did not think it was necessary to have some legislation which would compel the banks to keep their money nearer home or in their vaults?

Mr. OWEN. Undoubtedly.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. With pleasure.

Mr. SMOOT. I should like to ask the Senator if he does not know, as I believe every other Senator in this Chamber knows, that banks in the South and banks in the West send their money to New York for the purpose of receiving interest on their daily balances, and also because the money can be used better in New York than if it was left in their own vaults at home. A draft upon New York is good anywhere in this country.

Mr. OWEN. Except in panics.

Mr. SMOOT. It is for that reason that the money was there. Continuing along the line of the remark of the Senator from California, I will state that the deposits in New York by the banks of the West and also the South are greater to-day than they were at the time of the panic, and those banks are sending the money to New York because they have confidence in the New York banks and they receive interest upon those deposits on their daily balances. The New York banks should not be charged with this. The bankers in the West and in the South want their money deposited in New York.

Mr. OWEN. I have no special concern at this time with what the bankers want. I think it is a matter of small concern what the bankers want, or where they send their money for interest. They do send their money to New York for interest and they do send it there under the invitation of our notional-bank act, which requires the reserves to be kept in large measure in these so-called central reserve cities, a word that ought to be struck out of our statute, in my opinion.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from Utah?

Mr. OWEN. Certainly.

Mr. SMOOT. I fully agree with the Senator from Oklahoma in that regard. I believe with all my heart that our reserves ought to be kept largely in the banks at home, and I offered an amendment here the other day for that very purpose, requiring them to be kept there.

Mr. OWEN. I agree.

Mr. SMOOT. I do not want the New York banks to be found fault with when they should not be, and when the business men of this country themselves have brought about the conditions complained of.

Mr. OWEN. I am not registering any complaint against the New York banks. I am discussing a principle of finance and of law on the floor of the Senate. I have made no complaint against the New York banks. I am obliged to refer to the New York banks in discussing this matter because they are the central reserve agents practically to whom flow the reserves of this nation, and when they use those reserves for speculative loans they use them to the injury of my State and of my section and of my country—the United States.

I have provided a carefully drawn plan in the substitute which I propose, and in my remarks I submit a careful table showing how the plan will work out which I have suggested with regard to these reserves, and I commend it to the attention of the Senator, because I am sure he will agree with me. I am sure that our objects are the same, our purposes are the same, and we ought to be careful not to be drawn in conflict over words nor over the mere form of this proposed law. I have no attachment to form. It is substance that I want. I want these reserves kept where they belong, so that when our cotton crop needs to be moved it shall move, and so that our factories shall be employed and give the means of livelihood to the men and women of my State; so that our people shall not be denied their daily bread as the result of the thoughtless speculation of anybody. I have no feeling of hostility even to the gambler, but when we discuss principles of law we have a right to refer to those conditions which are before our eyes.

I call attention to the fact that this bill refuses any relief to the State banks and to the trust companies and to the savings banks, although they occupy and control two-thirds of the banking field in the United States. What is the reason for that? Look at the Knickerbocker Trust Company with its sixty-seven millions of deposits. There was no relief possible to that company, and yet the run on that company helped to precipitate the panic which locked up the currency of our great Republic from the Atlantic to the Pacific in an incredibly short time, within twenty-four hours.

This committee bill is defective in these particulars, and as it is seriously defective in these particulars, I insist upon it that it shall be amended so as to meet the conditions of this country. It is further defective in the following particular:

UNITED STATES BONDS DENIED THE PRIVILEGE GIVEN RAILROAD BONDS.

Fifth. In the committee bill United States bonds are not permitted to be used as a basis for emergency currency notes, while this privilege is given to railroad bonds, and language is used throughout this measure by which to make effective this distinction in favor of railroad bonds against United States bonds. Railroad bonds should not have this public function, and United States bonds should have it.

Sixth. The committee bill to prevent panic removes every limitation on the contraction of $600,000,000 of our normal national-bank currency, when some reasonable limit is necessary, unless by inviting unlimited contraction of this currency we wish to prolong low prices of commodities and prevent a prompt reaction from the effects of the present panic.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Rhode Island?

Mr. OWEN. With pleasure.

Mr. ALDRICH. Does the Senator think if a bank had $100,000 of United States bonds it would not take out $100,000 in circulation at a half of 1 per cent tax instead of taking out $90,000 and paying 6 per cent tax?

Mr. OWEN. I will answer that question. If I understand this bill as drawn by the committee, while, of course, any bank may use United States bonds for normal currency, yet nearly all of our banks have their normal currency, particularly the small banks—our western banks. They have in large measure, many of them, up to the face of their capital, and the emergency notes possible under the committee bill are only as to the surplus. Take a bank with $100,000 capital, for instance. Its circulation is $100,000 of normal notes secured by United States bonds at one-half of 1 per cent tax. And this bill denies such a bank the right to use United States bonds for emergency currency and invites the use of railroad bonds instead.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. Certainly.

Mr. SMOOT. I suppose the Senator has noticed the report of the Secretary of the Treasury, which shows that they only have 67 per cent of the circulation they are entitled to.

Mr. OWEN. The New York banks, the eastern banks, and the banks in the big cities are the ones which are deficient. The little banks in the country have very nearly their quota.

Mr. ALDRICH. The average is about the same throughout the country.

Mr. OWEN. Whether it is or not is entirely immaterial. The point I call attention to is that a national bank which has $100,000 of capital, with $100,000 of normal notes issued against United States bonds, is confined by this bill to the $20,000 of surplus, if it has $20,000 of surplus, and on that $20,000 of surplus it may issue emergency notes, and those emergency notes so issued shall not be issued against United States bonds, but may be against railroad bonds. Such a bank can not use United States bonds for emergency currency and can use railroad bonds for such purpose. Am I right?

Mr. ALDRICH. The number of banks in the United States that have the total amount of their circulation outstanding are a negligible quantity. I would not undertake to say for the moment how many there are, but I think less than 100 in the whole United States.

Mr. OWEN. You have not answered the question.

Mr. ALDRICH. Undoubtedly, if they had the full amount of their circulation outstanding they could not take out any further amount under this bill, except for the amount of the surplus.

Mr. OWEN. Why does the Senator from Rhode Island evade my question? Why does he refuse to them the use of United States bonds as to the surplus when he permits railroad bonds?

Mr. ALDRICH. Because, as I say, the number of banks which have the total amount of their circulation outstanding is so small that it is not necessary to make an exception, in my judgment.

Mr. OWEN. It is a very remarkable exception. It is an exception that I do not approve. A United States bond ought not to be given second place to a railroad bond for any purpose whatever, much less in a statute drawn in the Senate of the United States. In this case, when I ask the Senator whether

or not the United States bonds can be used in that instance for emergency notes against that surplus, the Senator says, no, that the United States bonds can not be so used, and I ask him why?

Mr. ALDRICH. I tried to answer.

Mr. OWEN. The effort of the Senator from Rhode Island to answer was a failure. The answer is insufficient. His suggestion that United States bonds can be used for normal circulation is no reply to the question why *United States* bonds can not be used for emergency circulation when *railroad* bonds are given that preferential distinction.

Seventh. The committee bill to prevent panic makes no provision for forbidding national banks tying up their resources in speculative loans, which was notoriously one of the important factors in the recent panic.

Eighth. The committee bill to prevent panic makes no provision to prevent improper loans by active bank officers to themselves, which practice proved one of the well-known recent contributing causes that precipitated panic in New York. Witness, the Morse banks and allied institutions.

Ninth. The committee bill to prevent panic is defective because it does not make a proper provision for the maintenance of actual cash reserves in the manner which our present knowledge justifies and requires. It leaves the present fictitious reserves uncorrected.

Tenth. The rate of interest of 6 per cent is hardly high enough to insure and compel prompt retirement. (Six per cent bonds could be used without loss and inflate the currency 75 per cent of their value without cost and with profit in some parts of the country.) The tax on emergency currency should be progressive and high enough to enforce its prompt contraction.

Eleventh. Above all, Mr. President, the committee bill to prevent panic is most seriously defective because it provides no plan of insurance to the depositor of the national banks when the lack of such assurance permits the fear of the depositors to be excited and thus engenders national panic.

In discussing these objections, Mr. President, I shall do so with the greatest brevity consistent with clearness.

PROPOSED ISSUE SHOULD NOT BE LIMITED IN AMOUNT.

First. The first objection, Mr. President, which I make to the committee bill is the limitation of the proposed remedy to $500,000,000, when the chairman of the Committee on Finance has himself submitted figures showing that $467,000,000 of public money, clearing-house certificates, checks intended to be used for currency, and compulsory additional bank-note circulation and forced gold importations were required in the effort to control in any substantial degree the last panic.

Mr. President, the gross estimate of these issues by the chairman is too small. There were a great number of devices used of which there is no record, and all of these remedies combined really failed to prevent the United States having the most disastrous panic in its history.

A greater volume than $500,000,000 was required in 1907 to control this panic.

We are now proposing a remedy which shall take the place of clearing-house certificates, of private checks, of enforced enlargement of normal national-bank note circulation, and of forced gold importation, and when we do provide this remedy we ought not only to make it large enough, as shown by the volume demonstrated to have been necessary in 1907, but we should remember that in another twenty years our banking capital, if it continues with the same average growth in the future which it has in the past, will be far in excess of twice what it is now, and the proportionate demand for a remedy of this character may on some day be more than twice what it was in 1907. We, therefore, should put no limit upon this remedy, for the substantial reason that it violates sound reason and our immediate experience to limit the remedy. The remedy itself involves the Government in no responsibility and really provides a substantial profit to the Government, just in degree as it may be utilized. Why should we limit our water supply for extinguishing a national financial conflagration when the water not only costs us nothing, but will be profitable to the public purse?

Second. The second objection I make to the bill is that it provides that these emergency notes shall be issued under the form and pretense of being national-bank notes, when by sections 6 and 7 of the committee bill they are unquestionably United States notes, payable in gold or its equivalent, at the Treasury. The plan of the committee would require 6,600 different plates to be used by the Bureau of Printing and Engraving for the printing of these notes, and we should go through the absurdity of calling these notes national-bank notes, when, in point of fact, they are really United States notes, payable by the United States in gold, as they ought to be, and are issued by the United States upon the security of first-class bonds as collateral, 10 per cent in excess of the value of such notes, and upon the further security of being a first lien on the assets of the bank to which they have been loaned by the Treasury of the United States.

The issue of these Treasury notes in this form is objectionable, first, for the reason that the note which pretends to be a national-bank note is really a United States note while it simulates the form of a national-bank note.

I do not like the pretense, and if these emergency notes are made "circulating notes of national banking associations," so as to justify section 7 in the sweeping provision that all "circulating notes of national banking associations" shall be redeemed in "lawful money" instead of exchangeable in United States notes as provided (sec. 3, act June 20, 1874), I think the plan is unnecessary.

I should favor section 7, without regard to the emergency notes, because it is of the greatest importance that every dollar which is used in our country should have the same purchasing power in the market and should be the equivalent of our national standard, the gold dollar.

But I very seriously object to the issue of these notes under a pretended form of being national-bank notes, when, in point of fact, they are not national-bank notes, but are United States notes.

Mr. President, I object to section 6 of the committee bill, which amends section 5172, for the reason that the issue of over six thousand different forms of so-called national-bank notes (really United States notes, redeemable in gold) does not depend upon the solvency or the insolvency of the bank of issue, but depends upon abundant collateral required by law to be deposited with the Treasury of the United States.

This cumbersome, irksome, awkward, unreasonable method would require 6,600 varieties of engraved plates, expensive to make, to keep, and to use.

It would require accounts to be kept with 6,600 banks as to their emergency circulation outstanding. It would require many extra employees and cause large unnecessary expense.

If the emergency money consisted simply of the United States notes, but one form of plate would be required and confusion and expense would be avoided. The administration would be comparatively simple and economical.

Mr. President, the reasoning of the chairman of the Committee on Finance is entirely insufficient to justify any such cumbersome method. His reasoning is as follows:

> The majority of the committee were of the opinion that further issue of United States notes at this time *would establish a dangerous precedent*, and that the approval of their issue, even for temporary and limited purposes, would *lead ultimately to a public demand for a continual enlargement of the issue* whenever a reasonable pretext could be found.

In other words, Mr. President, the only justification for this cumbersome and unreasonable method is the fear that this *emergency currency*, if issued as United States notes, although the law be so drawn that such emergency notes can never become a part of our permanent circulation, nevertheless might "lead ultimately to a popular demand for a continual enlargement of the issue."

I confess, Mr. President, that I see no reason whatever to fear the occasional use, once in ten years, of this emergency currency. It never would be used as a matter of fact. I agree with the argument of the chairman of the Committee on Finance in that respect, that these emergency measures hardly ever will be used at all, because when you have the remedy provided and safety assured the danger would not occur, and there would be no substantial use for any of these notes; but if they were used once in ten years, in case of some threatened financial disaster, that would certainly not lead to any popular demand for the enlargement of the issue, provided the emergency issue arranged in the first case is found large enough when put to future test.

The intention should be to make it abundant enough in the first case, and there can then be no excuse whatever to make it more abundant. If we do make it abundant enough, then no enlargement is desirable by anybody.

If this were an addition to our normal circulation, there might be force in the suggestion, but it is not an addition to our ordinary normal circulation and will probably never be needed hereafter at all, for the reason that the existence of the remedy *will remove the fear of the people* and make its actual future use entirely unnecessary.

And there will be hundreds of these banks whose emergency

notes are printed and put in the subtreasury that will be out of business before an emergency will ever arise again in this country. I greatly hope that we shall not have in this century another panic.

I believe that the sovereign right of issuing money belongs exclusively to the United States.

I regard the present national-bank note not as a national-bank note, but as a United States note issued through one of its agencies. The United States is responsible for the national-bank note on the honor of its own bond, and, in my judgment, it would be well to retire these national-bank notes and issue in lieu thereof Treasury notes, payable in gold, at the option of the holder. This is what the committee bill does in fact, because it makes these notes of emergency, as well as the national-bank notes now outstanding, payable "in lawful money" on demand to the holder, which means legal tender, which means gold or its substantial equivalent.

I call attention to section 7 of the committee bill, which makes all of these outstanding notes practically redeemable in gold. So my suggestion has no further reach than that which is contained in the committee measure.

Since they are to be made payable in gold by this committee measure, why should not the United States substitute for all these national-bank notes, now outstanding Treasury notes, payable in "lawful money," as provided by section 7 of the committee bill?

It will not do to say that the country could not conveniently absorb so large a volume of Treasury notes. It has already absorbed precisely the same volume of national-bank notes without difficulty and which have not heretofore been redeemable in "United States notes," but are made by the committee bill redeemable in "lawful" money, which means redeemable in money having a legal-tender quality—that is, in gold coin, in standard silver dollars, subsidiary silver, minor coins, or in United States notes and Treasury notes of 1890.

I believe that every dollar of the United States should be legal tender, especially the gold and silver certificates, and that there should be no evasion of this principle. The United States has the power and credit to make every dollar used as currency the equivalent of the gold dollar which we have made our national standard.

We have in the United States Treasury $150,000,000 gold as a reserve fund, but we have in addition to that over one thousand millions of gold and silver (on bullion basis), against which there are outstanding gold and silver certificates.

Mr. President, I think that this reserve fund of one hundred and fifty millions should by statute be added to by the gradual retirement of the gold certificates, issuing Treasury notes in lieu of such gold certificates when they come into the Treasury, and adding the gold thus released to the reserve fund in the division of redemption.

The effect of the present gold coin in the Treasury, with the gold certificates outstanding, is to provide an enormous fund of gold, amounting to $815,000,000, which is available for the use of those who wish to have gold coin.

This demand could be easily supplied through United States notes payable in gold, and instead of $815,000,000 gold certificates there would be $815,000,000 United States notes secured by an additional reserve fund of $815,000,000 of gold coin. We should then have about one thousand million of gold with which to redeem a smaller amount of Treasury notes, and this great fund of gold would go far to impress the nations of the world with the financial strength and power of this Government. It would then be an asset of our Treasury. It is now a liability.

Of course the Treasury notes outstanding would be a liability also; so that after all it comes merely to a question of form. In the present form of our gold notes, they serve a useful purpose and practically constitute a gold buffer between our redemption fund of $150,000,000 and any demand whatever for gold. So the available gold in the Treasury for commerce—the eight hundred and fifteen millions—is available before there is any use whatever in touching our $150,000,000 of gold reserve.

Our national bank notes outstanding would make $600,000,000 of Treasury notes additional, or a total of $1,400,000,000 Treasury notes, every dollar of which is urgently needed for our daily commerce, and which for that reason would not be presented for redemption. Against these notes of $1,400,000,000 we would have in available gold about $1,000,000,000 in coin and bullion, or 70 per cent gold reserve, nearly double the usual reserve of the Bank of England. We would save $12,000,000 a year in interest on the bonds retired.

Mr. President, I am not one of those who have the slightest fear of the people of the United States or of their conservatism. I have no fear that they will ever make the gross error of issuing any promise to pay, whether in the form of a Treasury note or of a bond, which they will not be abundantly able to pay according to the strictest letter of the contract.

I do not agree with the opinion that the so-called "national-bank note," supposed to be issued by the national banks, is in fact any grant of the sovereign power of issuing money to the national banks. The actual issue of these notes is in every instance made by the United States, and controlled by the United States in the minutest particulars.

The United States in this national-bank note issue merely uses the national bank in whose name the note is issued as a medium for the issuance of the note.

If these national-bank notes were immediately withdrawn and United States notes issued in lieu thereof, it would save the United States and the people of the United States the amount of $9,000,000 annually now paid in net interest on the bonds held in the vaults of the Treasury for the safety of these pretended national-bank notes. The whole plan of issuing these national-bank notes which are now in our permanent circulation appears to me merely a device for giving to the 6,000 national banks a profit measured precisely by the interest on the $600,000,000 2 per cent bonds less the one-half of 1 per cent tax.

It might be said that this quality of being used for the issuance of money raises the value of these bonds, but if the bonds were out of existence there would be no occasion for raising their value.

The operation of this method of issuing national-bank notes against United States bonds seems to me absurd. For example, Mr. President, when the financial bill passed in 1900 if I had been in the national banking business, and had had a capital of $1,000,000 I could have converted my capital into national-bank notes and thereafter I would have received from the Treasury of the United States 1½ per cent net on $1,000,000 for having loaned my valuable money to the Treasury and issuing a similar amount of currency in my name of the same value. This means a net bonus of $15,000 per annum for $1,000,000 of inflation. This system means $9,000,000 a year bonus for $600,000,000 of inflation. This 2 per cent in the instance cited would thus make me an income of $20,000 a year, less a tax of $5,000, which the people of the United States are compelled to pay without any consideration.

Who pays the bill, Mr. President? It is very largely the farmer and producer whose lack of intelligence appears to be relied upon never to discover it nor to complain; it is the producing masses who pay this tax of nine millions a year and this tax is collected from them or from the proceeds of their labor in whatever concrete form it may present itself. I do not think this good legislation. I do not think it a necessity and I do not believe in taxing those who are weak and ignorant for the benefit and privilege of those who are rich and powerful.

I certainly do not believe we should enlarge the issue of national-bank notes, so called, or that the urgent necessity of emergency currency and relief from panic should be used as a pretext for enlarging such so-called "national-bank currency."

DENYING STATE BANKS AND TRUST COMPANIES EMERGENCY NOTES AND RESTRICTING NATIONAL BANKS SEVERELY LIMITS THE VALUE OF THE PROPOSED REMEDY.

Third. As to the third objection which I submit to the committee bill, the various limitations which it makes by restricting the classes of banks, and the extent to which banks are permitted to obtain these emergency notes, I wish to call attention to the fact that these emergency notes are better protected than our normal national-bank currency, which the distinguished chairman of the Committee on Finance declared to be as good as gold.

(*a*) Mr. President, why should a national bank be denied its right of protection against panic merely because it has not 50 per cent of its own notes outstanding? Does it strengthen a bank to have a larger measure of notes outstanding than if it had a smaller liability of this character? Evidently not.

Why should a national bank, furnishing the proper collateral, be limited in the amount of emergency notes it is permitted to receive in time of panic? *Much less should it be penalized for its conservatism*, and punished because it has not issued 50 per cent of its capital in its own notes.

(*b*) Why should a national bank, which has not 20 per cent surplus, be denied this right of protection against panic, merely for this reason, when such a bank is able to furnish first-class collateral, 10 per cent in excess of the relief proposed?

Why should it be denied emergency notes essential to its welfare when the relief puts the Government in no danger whatever, and is serviceable to the Government itself to the extent of an interest charge of 6 per cent, and when the proposed remedy may be of the highest importance to the welfare and safety of some industrial center, or to the safety and commercial stability of the United States?

There can be no good reason, Mr. President, why this relief should be denied, and there is no good reason for any such limitation.

The committee will not pretend and does not pretend that the value of these emergency notes is due to the credit of the bank to which such notes are advanced, but the safety of such notes depends upon abundant collateral of first-class bonds required by the Government before such notes issue.

The Government makes an actual profit from such emergency notes, and no one will seriously contend that any loss from such issue of emergency notes is possible.

(*c*) Under the committee measure, if a national bank has a gross amount of notes, normal and emergency, equal to the capital stock and surplus of such national bank, it is then denied any further relief in the way of emergency notes.

For what reason, Mr. President, is this limitation imposed? Such a bank offers abundant collateral in first-class bonds and makes the Government secure; and it offers the Government 6 per cent profit.

The relief sought by such a bank may be of serious importance to some manufacturing center; may be of serious importance to the stability of the commerce and of the success and happiness of the business men of that immediate locality.

Since the Government is safe, and since the Government will make a profit, why should such a bank be denied its most reasonable demand?

Under this proposed limited remedy the great National Bank of Commerce, of Kansas City, run to its death recently by an unfounded suspicion, would be limited in emergency notes obtainable by this bank to $2,000,000 (its surplus), and yet this same bank had on hand nearly $7,000,000 of bonds, $14,000,000 of cash, which includes accounts with other banks, of course, and deposits of $35,000,000. Their loans and discounts were only about 50 per cent of their deposits, and yet they were driven to ruin by the baseless rumor of a circular letter questioning their solvency.

This magnificent institution paid out $18,000,000 before closing its doors against a panic and a run that was absolutely senseless and idiotic.

The institution, I am thoroughly satisfied, is solvent to-day, and no question could ever have justly arisen as to its conservative management, except from the envy and malice of enemies.

And yet under this bill this institution, with assets of $40,000,000, would not be allowed emergency notes on good bonds for over $2,000,000, even if their necessities compelled them to have $17,000,000 more to pay their depositors in full.

If it had been known that the National Bank of Commerce could have obtained emergency notes on good bonds the depositors would never have made the run, because the only reason the depositor has for drawing his money out is the fear that he can not get money in case of his own necessity.

The bank of which I had the honor to be president ten years withdrew from the National Bank of Commerce over $150,000 in a few days because of this terrible rumor, which was spread broadcast by a circular letter. We knew it meant the ruin of that bank and that we were not strong enough to sustain them against the hurricane of panic.

I confess I was ashamed of the transfer, and yet if the deposit referred to had remained it would have made no difference in the result.

But, Mr. President, an opportunity is afforded me now to insist upon a remedy broad enough to protect a like institution in the future against the terrible danger of panic, and I deem it a serious duty to insist upon the fullest measure of protection, because the welfare of the banks, the stability of our national commerce, depends upon it. The harm done to the Southwest by the closing of the doors of the National Bank of Commerce can not be measured by the few millions involved in the closing of this bank. The confidence of the people for the future in the stability of our institutions has been tremendously impaired by this wreckage of what was regarded the most conservatively managed bank in the Southwest. It avails nothing to say that the wreckage of this bank was cunningly contrived by enemies who wanted the deposits of this institution. The terrible fact is, our people are thus taught to distrust the strongest, and distrust and suspicion are deadly enemies to our growth and development. This distrust may endanger, and does endanger, any bank and any enterprise.

It is a deep disgrace and dishonor to this Government that such a condition of peril should exist under our statutes, and I shall not be a party, Mr. President, to its continuance.

Indeed, I wipe my hands of any responsibility, because eight years ago I caused an adequate remedy to be offered to the chairman of the Committee on Finance and to this honorable body, and it passed unnoticed. And now that I repeat the suggestion, as a Member on this floor, I pray the interest, the attention, and a proper action on the part of the Senate of the United States.

(*d*) Mr. President, the committee bill puts a further limitation upon the proposed relief. It proposes that the emergency notes shall be issued only proportionately to certain States of the Union. If California were in great need and the balance of the country were in no need whatever, the relief afforded California would be equivalent to its proportionate part, although the balance of the country was not in any immediate need, or about one-fortieth part of five hundred millions, approximately, or about twelve millions to meet another financial earthquake.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from California?

Mr. OWEN. Certainly.

Mr. FLINT. I will ask the Senator this question. If the financial troubles were purely local, as the Senator mentions, referring to my own State, would there be any difficulty in his opinion in banks in the State of California obtaining all the money they desired from other States of the Union, from other financial centers?

Mr. OWEN. I think not.

Mr. FLINT. Then why is there any trouble about limiting the amount to my State or any other State to the sum of $12,000,000 on the proposition that a local condition exists, as far as the financial situation is concerned?

Mr. OWEN. I think it ought not to be limited.

Mr. FLINT. I will ask the Senator what objection there is to limiting it when it is a local proposition. The banks can draw money from other centers at a less rate of interest than the 6 per cent required under this bill.

Mr. OWEN. You are not providing merely for local, but for general panic. If you put a limitation upon the issue you weaken your opportunities when you are making provision against a general panic. You are making provision against such a situation as we had in 1907, when, on October 26, the panic swept from one end of the country to the other suddenly, and in making provision it should be made as broad as possible with no limitation to the sum of $500,000,000.

Mr. FLINT. As a panic sweeps across the country, under this bill, as I understand it, starting with California, in each locality they would be issuing their money until under the bill the full $500,000,000 had been issued.

Mr. OWEN. Well, I will answer that by stating just what has occurred recently. Here was the case. If you will observe, the national banks and all other banks issued clearing-house certificates, issued cashiers' checks, and issued these various devices to the amount of hundreds of millions for their own relief. These various banks resorted to that practice which we are told by the chairman of the Committee on Finance will not be endured again; that the country will not stand it another time—although the country will, all right. The country will stand it and will thank God that the banks violate the laws of this country, as we all have done heretofore. When the New York banks, the Boston banks, and the Philadelphia banks issued clearing-house certificates, we all knew it was a violation of the law, and we thank the good Lord that they had the nerve to violate the laws as they were written; and I, for one, commend them for it, as I would commend the suspension of habeas corpus under sufficient public danger or a vigilance committee when common sense requires it.

But in such a panic as this last, if there were to be no other relief than this measure proposes, New York would be confined to a hundred million dollars, a sum entirely insufficient to control a panic there. When a panic starts in New York it ends in San Francisco, and the time to stop it is when it starts. It is precisely like a fire which starts in a block of buildings. When the fire is starting is the time to put it out and to use a sufficient amount of water then and there to extinguish the conflagration, which would never be extinguished by applying a little water at different places along the line.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from California?

Mr. OWEN. Certainly.

Mr. FLINT. The proposition as stated by the Senator from Oklahoma I would answer by saying that, if the New York banks had been able to issue a hundred million dollars when the panic started, so far as the New York situation is concerned it would have been settled immediately. The next day or the day after it followed in Pittsburg, and if Pittsburg could have issued its proportion of money as provided in this bill it would have stopped that panic in Pittsburg. Then it would have crossed, as it did, to Chicago, and it would have stopped it there. Next it would have stopped the panic in Kansas City, and the situation would not have been that a great bank in Kansas City would have been closed for the reason that at the time the panic had reached Kansas City it would not only have had the aid of the $2,000,000, but those other cities would then have been able to respond and to send money to Kansas City to save that bank from closing its doors, which should not have been permitted. Then the panic would have been continued from the eastern end of the country until it reached my own State, as the Senator has said; and by that time this sum of $500,000,000 would have been issued. As stated by the Senator in the commencement of his remarks, the fact that the people of the country would know that the emergency had been met in each one of those cities, the panic never would have spread across the country, but it would have stopped after it reached one or two cities.

Mr. OWEN. I am in entire sympathy with the spirit of the argument of the Senator from California, and I will agree with him that California, Arizona, New Mexico, Colorado, Missouri, and the other States of the Union each ought to have what they require; but I differ from him in the idea that New York ought to be denied if she requires more than this bill provides. I think New York ought to have all that she wants and that nobody ought to be denied.

Mr. TILLMAN. Will the Senator from Oklahoma permit me?

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from South Carolina?

Mr. OWEN. Certainly.

Mr. TILLMAN. I understood the Senator to make a vicious, fierce, and justifiable attack upon stock gambling in New York. Am I correct?

Mr. OWEN. I think stock gambling should be controlled.

Mr. TILLMAN. Agreeing with the Senator's view in that, and in urging anybody and everybody who can do so to suggest a remedy that will be adequate, I want to ask the Senator this question: If his policy should be followed, of allowing New York to have all the currency she sees fit at any time she may say she needs it, and New York inflates the currency two or three or five hundred millions of dollars, thereby putting prices up, so that the stock gamblers will have an opportunity to unload on the lambs or innocent purchasers, and New York turns around in one night and contracts the currency by five hundred millions, what happens then? Do not all those poor wretches go to the devil? [Laughter.] In other words, the Senator is arguing against his own contention. In one part of his speech he argues admirably from my point of view, and I agree with him entirely, and then he turns around, and in another place in his remarks he seems to have lost sight of his previous argument.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from California?

Mr. OWEN. After I shall reply to the Senator from South Carolina I will yield to the Senator from California.

Mr. FLINT. Very well.

Mr. OWEN. The Senator from South Carolina [Mr. TILLMAN] asked me a question and I wish to reply to it. In the measure which I have proposed the national banks, which carry the reserves of the country in New York, are forbidden to lend that money for the making of speculative loans in the stock exchange. In the bill which I introduced to-day as an independent measure the quotations of the stock exchanges, until they shall have been approved and placed under the supervision of proper safeguards by the Department of Commerce and Labor, are not to be admitted to the mails.

Mr. TILLMAN. What about the telegraph?

Mr. OWEN. That is another question. We can not manage all the earth at once. If the quotations are under proper control before entering the mail, and gambling prevented, the telegraph is not important.

Mr. TILLMAN. I know; but the stock market quotations go by telegraph and not by mail. Most of the speculation is done by telegraph.

Mr. OWEN. The chief mischief is through the public press sent by mail, but, nevertheless, for full measure, I will accept the Senator's amendment. But what I want to say is, that in this proposed substitute the New York Stock Exchange can not avail itself of the reserves of this country hereafter, as it has done in the past, provided that the Senate and House of Representatives give approval to this substitute I propose, which prevents the deposits of the banks being used for gambling purposes.

Mr. TILLMAN. But I was calling attention to the fact that the Senator is allowing the New York banks to issue $500,000,000 in emergency currency; that it would not be emergency at all, but it would be simply giving those buccaneers and pirates over there the opportunity to inflate the currency ad libitum, then suddenly collapse or contract it and run prices up or down to suit their speculative purposes.

Mr. OWEN. If the Senator will only permit me to answer, I will be glad to do so.

Having taken these precautionary steps to prevent the national banks from using their depositors' money for the making of these speculative loans, I call your attention to the fact that the New York Stock Exchange can not, for their own purposes, expand the currency through the banks for such uses. That is a complete answer to the suggestion which has been made by the Senator from South Carolina.

Mr. TILLMAN. Then we will have to take the whole bottle of your remedy at once.

Mr. OWEN. Yes. And I want you to do it. That is what I am on this floor for.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. With pleasure.

Mr. SMOOT. I should like to ask the Senator from Oklahoma if the national banks of New York are prevented from making loans upon stocks which are quoted upon the stock board in New York, where are they going to loan their money, and how are they going to loan it in order to make interest upon it?

Mr. OWEN. I would suggest that they lend it to those industries of this country which are now paralyzed and dead.

Mr. SMOOT. I will say that before the panic began—and I fully agree with the Senator as to why it was brought on—any industry in the United States that wanted money very easily got all it needed, and not only did the banks loan money for such industries, but they made loans and took as security for those loans those stocks to which the Senator now objects. I have wondered, so long as money is to be placed in New York, to whom the banks would make loans if the law should prevent them from taking stocks as securities.

Mr. OWEN. I will suggest that they might use such funds for the purpose of promoting commerce, and not for promoting gambling.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. Certainly.

Mr. SMOOT. I believe the Senator has had some experience in the banking business, and I suppose he has passed on a good many loans—that is evidently so from his remarks here to-day—and I believe he will say that, so far as loans are concerned, if these stocks were put up as collateral security for such loans they would be just as safe loans as a bank could possibly make. Does not the Senator think so?

Mr. OWEN. I will answer the Senator from Utah by saying that undoubtedly a good stock is good collateral, and it is an advisable collateral for these loans where they are legitimately made. The prohibition which I call attention to is a prohibition of loans for speculative purposes.

Mr. SMOOT. Mr. President, I agree with the Senator from Oklahoma so far as speculation is concerned.

Mr. OWEN. Then you agree with me all the way through, because that is the only contention I make.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from California?

Mr. OWEN. With pleasure.

Mr. FLINT. I should like to ask the Senator from Oklahoma whether he simply limits his prohibition to speculation in the stock market of Wall street, and does not limit it throughout the country; to speculation in town lots and cattle, as such speculation goes on in the western States? There is just as

much speculation in stock, cattle, and town lots carried on by means of loans made by the banks as there is in the city of New York on loans made there on stocks and bonds.

Mr. OWEN. So far as this bill is concerned, I would not propose to control the gambling at a faro table, or roulette or any ordinary gambling device, which amuses and robs men; but when this gambling is of a nature to cause a panic, to paralyze the commerce of this country and destroy our business stability, so that an honest, hard-working man is unable to make his livelihood, it is high time to draw the line; and it is for that purpose, and that purpose alone, that I have offered my substitute. It is not on account of banks or bankers. I am not considering primarily the banker or the depositor; I am considering the men who earn their daily bread for themselves, their wives, and their children by the sweat of their faces, and who now walk our streets by countless thousands, having been driven out of employment as the result of this gambling on Wall street.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Illinois?

Mr. OWEN. With pleasure.

Mr. HOPKINS. I wish to ask the Senator this question in order to understand his position. Is it the Senator's idea when a customer comes to a bank to borrow money that the bank should decline to lend it unless the man makes affidavit that he is not going to use it for speculative purposes?

Mr. OWEN. I have been long in the banking business, and I will answer the Senator.

Mr. HOPKINS. That is what I asked the question for.

Mr. OWEN. I will answer the Senator's question. I say that any banker who is a prudent banker ought to know the business of his borrower. He ought to know where that money is going. He ought to know that the money will be returned. If he knows that that money is going to be used in a culpable business, in a dangerous transaction, in a business that is harmful to the country, it is his bounden duty, as a patriotic citizen in the first place and as a good banker in the second place, to say to the borrower: "I want to know where you are going to use this money?" I will say more, that if this bill is amended, as I think it ought to be, it will become the legal duty of the banker to so inquire.

Mr. HOPKINS. Well, then, the Senator's position is, that in every instance the banker should know before he lends the money passed over his counter to the customer what that customer is going to do with the money?

Mr. OWEN. He should know that it is not going to be used in the gambling business.

Mr. HOPKINS. Is it the Senator's position that the banker should know before the money passes over the counter to the customer that that customer is going to use it for some purpose which the banker thinks is a legitimate business?

Mr. OWEN. The question the Senator asks ingeniously embraces within its scope a multitude of immaterial propositions. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair must admonish the occupants of the galleries that applause is not allowed under the rules of the Senate.

Mr. HOPKINS. A suggestion of that kind by the Senator from Oklahoma does not answer my question at all. The proposition I make is a clear one. The Senator has been arguing that this money must be used for legitimate purposes. In order to make this perfectly clear to the Senate, I asked my question so that we might know, and the Senator can say whether or not that is his purpose and understanding.

Mr. OWEN. I have already answered the Senator that his question embraces a number of immaterial matters, because he asked in fact whether the banker must know precisely what is going to be done with the money, notwithstanding the fact that under this bill, if it becomes a law, as I propose, the banker would be required to know in fact that the money is not going into this form of gambling. The only question he would be concerned with under the proposed statute would be whether or not this money was going to be used in violation of a statute of the United States. That is the question that will be before him. But when the Senator asks the question whether the banker must know precisely what is going to be done with the money which he lends, how much the borrower is going to spend for groceries, and how much for drink, he puts into his question immaterial matters.

Mr. HOPKINS. Oh, Mr. President, my question does not comprehend that at all. The question I put to the Senator is an entirely different proposition. Suppose the customer who goes to your bank desires to buy railroad stock through the stock exchange in New York, would you, under your arrangement, decline to allow a loan if the party brought good security?

Mr. OWEN. Not at all if the customer is going to buy the stock for investment. If he is buying it for the purpose of gambling, I would.

Mr. HOPKINS. Suppose he was buying that stock and paying for it for the purpose of a rise in the market, would you then refuse the loan?

Mr. OWEN. Undoubtedly, when he borrows money for his gamble on "a rise in the market."

Mr. HOPKINS. That is what I wanted to know.

Mr. OWEN. Well, the Senator knows. [Laughter.] That is the very thing that the banker ought to be forbidden to do. This thing of making the market go up and making the market go down is the means by which this country is being robbed continually. Take the stock market as it is now and as it has been for the last seven years—and I will submit a table in the course of my remarks showing the fluctuations in these stocks. Take such a stock as Amalgamated Copper, which was at 130 at one time and down to 33 at another time, used for the purpose of being a sponge, which has its filaments extending out through the country to every little hamlet, and coming to——

Mr. HOPKINS. Oh, no, Mr. President——

Mr. OWEN. If the Senator will wait a moment until I get through——

Mr. HOPKINS. That does not touch the subject at all.

Mr. OWEN. I decline to be interrupted.

Mr. HOPKINS. That does not touch the subject——

Mr. OWEN. I decline to be interrupted.

The VICE-PRESIDENT. The Senator from Oklahoma declines to yield.

Mr. OWEN. It is just like a huge sponge, with its filaments extending along the telegraph wires, going to every little village, connecting with every little bucket shop, and persuading the immature youth of the country, unlearned people, and women to go in and buy a little stock on the proposed rise, inducing them to gamble away their property, and when the market has gone up to a high price it is then put down, down, down until they are frightened out of their foolish wits, and those more learned, richer, and more skillful and unscrupulous than they accumulate and cash in their property, not to the extent of a few hundred dollars, as on a horse race, but to many hundreds of millions, and, I believe, to the extent of thousands of millions.

Mr. HOPKINS. Now, Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Illinois?

Mr. OWEN. With pleasure.

Mr. HOPKINS. The Senator from Oklahoma has created a bogeyman that has no relation whatever to my question. My proposition was as to whether he would refuse to make a loan to a party that desired on the stock exchange to buy stock and hold it, or to buy Government bonds or municipal bonds or any other kind of bonds. That is what I wanted to know. The Senator runs off on another proposition that nobody defends.

Mr. OWEN. I am glad that nobody defends it; but I want to say to the Senator from Illinois that there is a wonderful number of people who practice it.

Mr. HOPKINS. They may in Oklahoma, but it is not so in my section of the country.

Mr. OWEN. The Senator's observation is more humorous than exact.

If the State of Washington needed immediate relief the limit under this bill would be approximately about four millions; Oregon might possibly obtain two millions; Idaho might possibly obtain one million; Maine and New Hampshire or Vermont or Rhode Island might receive a benefit of two millions, and the forty-six States an average of about $11,000,000 only obtainable through the difficulty of as many hurdles and obstructions.

It is true that, in case States contiguous might not within a certain time demand a similar relief, the relief may be extended to the banks of the applicant State, but the relief against panic in order to be effective ought to be instantaneous, just as the relief offered a burning building should be by the instantaneous application of water; it serves but little purpose to offer water to a building after it is fatally involved.

While the intention of this limitation of a proposed remedy to States is evidently good, its purpose appears to be upon the theory of giving each one of the children a piece of pie of the same relative size. This conception of the equitable distribution of a remedy of this character contains a very serious error, because the principle which should control emergency currency is the same as the principle of applying water to one of a number of burning frame buildings in a block of buildings. The

water necessary to put the fire out in the first building should be available instantaneously, without any delay whatever.

If New York needs five hundred millions within twenty-four hours to completely put out the fire of panic, New York ought to have relief to that extent and within the limit of a single business day.

The remedy ought not to be limited to the State, or in the other restrictive ways suggested by the committee measure.

Is there wisdom in restricting the remedy?

Would it be justified, Mr. President, to say that a house on fire should only receive a limited amount of water, even if the danger of its destruction was very great?

Would the owners of the frame buildings in a block think it wise to limit the water to be supplied to put out the first house on fire, in order that they might subsequently, when the conflagration had become enormous, have a like limited supply which would then be ineffectual to suppress the common danger?

Mr. President, the Senator from Rhode Island, in his remarks on February 10, 1908, described the terrible consequences of financial panic.

And having with great force described the destructive consequences of this financial conflagration from which we are just emerging, the evil effects of which are not yet fully realized, he advises a remedy which he demonstrates by his own remarks to be insufficient in volume.

He paints a picture of the destructive effects of a national conflagration, earnestly recommends water with which to put out the fire and to provide against future destructive fires, and having done so, he recommends as a remedy a limited amount of water, to be used by a limited number of firemen, and by each one with a very small hose, in a limited way, and confines the operations of each to a limited district.

Mr. President, the water should be abundant. Any fireman willing to use it should be permitted to do so, and he should not be limited in water nor in the place where he will render service in helping to extinguish the conflagration which would otherwise easily extend itself.

The committee bill limits the amount to a total of five hundred millions, when far more than five hundred millions were necessary in the panic which has just passed. The committee recommends that even this limited supply should only be advanced as a total to certain national banks, under numerous reactionary restrictions, when all the national banks combined comprise only one-third of the banks of the country.

The committee recommends that even these particular national banks shall be limited still further as individuals and be advanced only a very limited amount of emergency notes.

And even these limitations are further limited so as to confine the remedy to the limited district of the States severally, according to their proportionate banking capital, measured by the national banks within that State. These emergency notes ought to be as broad as possible, available to any and every bank, and available in any quantity necessary, and available in any place which requires it.

Mr. President, I earnestly call the attention of the Committee on Finance to the inexpediency of limiting the amount of notes to be furnished to any national bank.

I respectfully submit that no national bank should be denied any amount of these notes for which they furnish the required collateral, for the obvious reason that the redress from panic ought to be made as abundant as possible consistent with the safety of issue.

And when these notes are secured by bonds of the first quality, far in excess of the value of the notes themselves, and the additional but useless security of being a first lien against the assets of the bank is required, there can be no good reason for withholding the amount of these thoroughly secured notes which the threatened danger of panic may make necessary.

I regret exceedingly to see this bill omit the State banks and the trust companies. These great financial institutions may at some time be sadly in need of this relief. Look at the Knickerbocker Trust Company, with its $67,000,000 of deposits, ruined by a run upon the institution when by a proper conservation its condition might have been relieved and great loss to the people avoided. The Knickerbocker Trust was like a detonating cap, causing the explosion of a train of powder ready to set off.

I think that the committee's bill ought to provide that any bank putting up the proper security might have this relief, not for the sake of the bank, not for the sake of the depositor, but for the sake of our national commerce, for the stability of our country, and for the welfare of those millions of poor human beings who depend upon this Congress for wise laws to protect them in their quiet, simple lives of faithful, willing labor. They can not act for themselves. They leave it to this body to care for them, and, it seems to me, the Senate ought to feel a sense of providence, as a father would for a weak child; that we ought to take care of the poorer and weaker elements of our country, doing it consistently with the principles of good government; dealing justly also with the great financial institutions, and never treating any of them harshly or unjustly in any degree.

I have no hostility to any of our great stock exchanges. They have a sphere of legitimate use, but I disapprove their practices when their practices prove dangerous to this country; and I think that we have a right to put proper restraints upon them so that they shall not abuse the power which they have, because these great national banks and trust companies are the purveyors of credit in our country. They have in their hands the giving and the refusing of credit. I call your attention to the fact that when they freely extend credit, when, for example, they loan $100 a share on Amalgamated Copper stock, copper goes up, and when they refuse to lend on Amalgamated Copper stock, copper goes down. They can bull the market and they can bear the market by their giving or refusing credits. Since they have that power and since they have used it to the damage and ruin of this country it is high time that the Senate should take proper steps to control them in a wrongful exercise of the tremendous power which is vested in their hands.

WHY ARE STATE BANKS, TRUST COMPANIES, AND SAVINGS BANKS DENIED THIS REMEDY AGAINST PANIC WHEN THEY OFFER ABUNDANT SECURITY?

Fourth. But, Mr. President, the State banks and the savings banks and the loan and trust companies and private banks, about 17,000 banks, have an amount of banking capital twice as great as the national banks; their capital stock is nearly twice as great as the national banks, and their individual deposits are more than twice as great, and yet these enormous financial agencies of our country are refused by this bill the relief of emergency circulation.

These great State organizations, with twice the deposits of the national banks and with twice the number of individual depositors, have only one-half of the currency kept by the national banks, and therefore for this reason it is the more important from a standpoint of public exigency that they should have the right of receiving this relief against panic.

It is not for the sake of State banks, trust companies, and savings banks and private banks alone that I wish this done, Mr. President, but it is for the credit and stability of our national commerce, upon which must depend the welfare of every man in the business of manufacturing, mining, agriculture, transportation, or merchandise, and upon which our national credit before the civilized world depends.

The deposits of the State, savings, private, and loan and trust companies for the year 1907 was $8,776,755,207 (Comptroller of the Currency, p. 35), and the cash on hand was only $391,000,000, while the national banks, with individual deposits of $4,319,000,000, had only $721,000,000 in cash, and owed to the State banks and trust companies over seven hundred millions of cash.

I insist, therefore, Mr. President, that the State banks and trust companies and the savings banks, who shall offer the proper collateral, shall also be allowed to receive emergency currency, not for their sake alone but for the sake of the stability of the commerce of the United States. These emergency notes are abundantly secured. They pay a tax which would make their issuance profitable to the Government, and the more limitations you put upon this remedy the more ineffective you make the remedy. Mr. President, there is no sound reason whatever in limiting this relief to certain States, in the proportion that the capital and surplus of national banks of that State bear to the capital and surplus of the national banks of the United States; but this remedy should be applied in the fullest measure necessary to give relief wherever the relief is needed, and since it is always in New York that panics begin, I am not in favor of limiting the proposed relief in the manner indicated.

If New York should need five hundred millions of these emergency notes to prevent panic, to relieve a panic on Wall street, I am in favor of the issue to that extent then and there, for the disease from which New York occasionally suffers is contagious as far as the Pacific coast and vitally affects Oklahoma and every Western State as it does every other State in the Union.

The chairman of the Committee on Finance wisely points out that $467,000,000 in currency, clearing-house certificates, and checks were put in circulation for the relief of the panic, a large part of which was poured out in New York without stopping that crisis, and yet, by this bill he would limit New York to the relief of emergency notes on its proportionate part, as proposed, to less than one hundred millions. There

is no wisdom in this limitation. It would be far better to put as few limitations upon the emergency notes as is practicable. If New York had been furnished with abundant currency, Oklahoma would have gotten currency from her New York correspondent without difficulty and without cost. In fact, Oklahoma would have needed little currency except for the panic and excitement in New York, the contagion of which was instantly and injuriously felt.

THE OBJECTIONS MADE TO EMERGENCY CURRENCY BASED ON BONDS WITHOUT FORCE.

Some say that the bonds available will be held by a few banks. The answer to this is that it is not true in the first place, and in the second place, that it is not material who holds the bonds, for if they are available for currency and the currency is needed, the bonds will be found and will be available wherever required.

The emergency plan, however, should provide that each bank should carry a reasonable proportion of these bonds, available for emergency currency.

Others, objecting, say that this plan would be to favor the bondholders. Yes; this is possibly true; but the banks ought to be the bondholders to the extent of their necessities and under their reasonable relation as curators of our commerce. The objection, however, is much like the man complaining, whose health should be in serious danger without a remedy, that the remedy proposed meant compensation to the druggist who kept the remedy available. The objection is idiotic.

RAILROAD BONDS PREFERRED TO UNITED STATES BONDS.

Fifth. I vigorously protest, Mr. President, against the committee bill in so far as it denies to United States bonds the privilege of being used as a basis for emergency notes, while this very important and valuable privilege is given to railroad bonds.

It is well known that the privilege of being used as a basis for currency, redeemable in United States notes, given to the 2 per cent bonds of the United States, has made those bonds worth as high as 10 per cent above par, and this privilege has probably made those bonds easily worth 20 per cent higher than they would be if those bonds were not available for currency.

The very moment that you give this sovereign right to the bonds of the railroad corporations owned by private persons you transfer a public property of the greatest financial value from public hands to private hands.

Mr. President, I regard this proposed legislation as injudicious in the highest degree.

I should almost as readily give my vote for appropriating a given number of dollars out of the public Treasury to private interests without consideration as to give my vote for this transfer of public values to private interests.

Has not this country gone far enough in using the public property for private purposes? Will the enormously rich never be content with the skillful plunder of the people?

And shall we initiate a new method of diverting public values to private persons?

Mr. President, I inclose a list of railroad bonds, many of which come within the scope of this bill, and suggest that this bill, if amended, should read on its face: "A bill appropriating certain sums of unknown value to the following bonds held by private persons to us unknown, but with whom we are on relations of amity."

I call attention to the great fluctuation of these bonds under the influence of the Stock Exchange.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. OWEN. With pleasure.

Mr. NELSON. I trust the Senator will allow me to interrupt him a moment in connection with the question propounded by the Senator from Illinois [Mr. HOPKINS] a moment ago, to read from what ex-Secretary Gage has said on this subject. In the hearings before the committee of the House, ex-Secretary Gage used this language:

A borrower came to the bank and wished to make a loan. He could not avail himself of the result of the credit if placed on the bank's book and availed of by his checks, which would be transferable in the field of circulation which limited the bank's business horizon. In such a case circulating notes or currency could be perhaps utilized for the borrower's purpose, and perhaps to the advantage of the bank, and the question always arose, "What do you want to do with the proceeds of this credit?" If the man wanted to borrow and buy securities with the money, if he wanted to borrow and pay a note in the next town, the bank would not issue to him its notes; it would not give him credit upon its books. In short, it would not exchange its credit for his, because it was easily seen that through the instrumentalities which he would use, whether by his checks or by the notes which they would give him, he would attack and deplete by so much the cash reserve which supported and protected the whole line of liability. The notes would attack the reserve situation by going strictly to the redemption agent in New York and there be redeemed. His check would exhaust the reserve by being collected in the next town where he gave his check in payment for his notes.

But if it appeared, as in very many cases it did appear, that the man wanted currency for some of the commercial or industrial uses of life, like the payment of employees, like going up into the "north woods," as we called it then, to pay men for getting timber and doing a logging business, or going into Indiana to buy wheat, or into Wisconsin for that same purpose, or into Ohio for the purchase of wool, and all those miscellaneous purposes which go to make up the products of industry, and start them forward to market, then by the power that the bank had to issue its unissued notes, which might still lie unused, the bank was glad to make that transaction, and the money (bank notes) was available to the man if his credit was good so that the bank was willing to take the risk.

That is the language of ex-Secretary Gage, at one time president of the First National Bank of Chicago, who says that in all these cases they made a point of inquiring what the depositor wanted money for. If he wanted it for legitimate commercial purposes, they would make him the loan; if he wanted it for speculative purposes, they would not.

Mr. OWEN. The law of reserves requires it. The law of reserves permits a bank to buy exchange against products going to market, even when the reserve is down below the point required by law. The statement read by the Senator from Minnesota [Mr. NELSON] answers the objection of the Senator from Illinois [Mr. HOPKINS] most perfectly.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Illinois?

Mr. OWEN. Yes.

Mr. HOPKINS. Not an objection of mine. I was simply inquiring as to the attitude of the Senator from Oklahoma. I was not stating what my position was at all. I was simply calling for information to have him develop still further his position.

Mr. OWEN. I am very much obliged to the Senator from Illinois.

I call attention to the great fluctuations in the price of railroad bonds since this bill was proposed in the Senate. It has been said, in answer to the suggestion which I make, that the railroad bonds ought not to be given this money value as a basis for emergency currency, that it would not make any material difference. I call the attention of the Senate to the fact that it has made a material difference in the month of January, since the plan of the chairman of the Finance Committee was exploited. I will insert here a table of bonds, with their rise in value during January. I will not stop to read it, but if any Senator cares to see it the table will speak for itself.

Mr. President, since this proposition to use railroad bonds for the basis of issuance of emergency notes has been talked about and advocated it has had the effect of raising the market value of these securities, when all of such increase should attach and belong exclusively to bonds issued by the people of the United States for public purposes.

I inclose a list showing the rise of value of a few of these railroad bonds within the dates indicated.

Name of bond.	Price in December.		Price in January.		February 14.
	December 2.	December 31.	January 2.	January 31.	
Ann Arbor first general 4's	74	77	76	82	80
A. T. and S. F. general 4's	95½	96⅜	96½	100¼	99⅛
Atlantic Coast Line	84⅛	87⅛	88	89⅛	87⅜
B. and O. prior lien 3½'s	86	92⅛	90⅛	92	92
Can. So. first 5's	104⅛	104⅛	104⅛	104⅜	104⅜
Ches. and O. gold 6's	99⅜	101⅛	100⅜	101⅛	101⅜
C. and A. general 3's	64	73	70⅛	76	76
Chic., Mil. and St. P.	99	102⅛	99	102⅛	103
Chic. and N. W. consolidated 7's	111	114	114	116⅜	118
Chic., R. I. and Pac.:					
6's	108	110	106½	112⅞	113
General 4's	92⅛	97	98½	100⅛	97
Erie, first exchange gold 4's	95	98½	96⅛	100	100
Buff., N. Y. and Erie, first 7's	103¼	114	108	114	114
Ill. Central first general 4's	97	103½	100	102	102
Long Is. general consolidated 5's	108⅜	110	111	114	114
M., K. and T. first 4's	94	94⅜	94	97⅜	98
Mo. Pacif. first consolidated gold 5's	103	105	105	109	109
N. Y. Cen. and Hud. River gold mortgage 3½'s	88⅛	89⅛	87⅜	90⅛	90⅜
Lake Shore 3½'s	73	74	75½	80⅛	77
Lake Shore and Mich. 3½'s	87	91	89⅛	92	92
N. Y., Chic. and St. L. first gold 4's	93	95⅛	95⅜	99	98⅛
No. Pacif. prior liens 4's	98	100	100	101¼	100⅛
Reading Co., general 4's	94	95½	93	96¼	95
So. Pac. 4's gold Cen. Pac	78	82	81	87	85
Wabash first gold 5's	101⅛	105⅛	105¼	109⅞	107

The prospect seems to have given value to all except Canadian Southern first 5's, which are not available.

Mr. President, I feel the greatest respect for and interest in our transportation companies. I desire that they shall receive the most considerate and the fairest treatment at all times, and yet, Mr. President, I think that this Senate has no right to give them, by legislation, values which belong alone to the people of the United States, who have trusted this body with temporary authority.

CONTRACTION OF NORMAL NATIONAL-BANK CURRENCY SHOULD NOT BE MADE UNLIMITED BY THIS COMMITTEE BILL.

Sixth. Mr. President, I think it is unwise to allow the withdrawal of the normal bank currency without any limitation. I think there should be at least some limitation upon the withdrawal of normal national-bank currency, and I should be willing to nine millions per month; but I do not think, Mr. President, it is prudent to provide unlimited contraction by this statute, as it might bring about the same evil consequences which are produced by the hoarding of currency, and which has proved very disastrous in the recent panic.

I do not think, Mr. President, our normal national-bank notes should be withdrawn without limit, as it is better for the country that the currency of the United States should remain as nearly as possible within stable equilibrium.

Let the banks give up their Federal deposits if they have too much currency.

While our country is reacting from the terrible panic inflicted on us by the gamblers of New York, every dollar available should be left in circulation as a stimulus to renewed courage and enterprise.

Contraction means falling prices, and commodities have been falling steadily. Merchants do not buy readily on a falling market. Factories are checked or stopped by a falling demand and a bad market. Contraction will raise the interest rates, but we do not need higher interest. We need lower interest, renewed activities, sustained commodity values, so that idle men and machinery may be got to work again. C. T. Libby well says in regard to contraction: "If that policy is to be again employed, it should be over the mangled corpses of every merchants' association, chamber of commerce, and board of trade in this country."

NATIONAL BANKS SHOULD NOT BE PERMITTED TO USE THEIR DEPOSITS FOR SPECULATIVE LOANS.

Seventh. The committee bill, Mr. President, makes no provision for forbidding national banks from using their depositors' money for speculative loans.

We all know that the New York banks hold in their hands twelve hundred millions of deposits, including the deposits and reserves of the national banks and of the State banks and of the trust companies throughout the Union from California to Maine.

And yet we also know that more than one-half of these deposits put with the New York banks for reserves were tied up and crystallized in loans for the speculative buying and selling of stocks, while one-fourth only is held as a cash reserve, so that the money needed, or, I should rather say, the bankable credit needed, for the transaction of our commerce was made unavailable last fall by the loans for speculation on the stock exchanges of New York.

The chairman of the Committee on Finance advised the Senate on December 18, 1907, that—

> No committee can ascertain * * * "the precise causes of any financial crisis which has taken place in the history of this country."

He also said:

> It is the facts that we want with reference to this crisis—what the operations of the Treasury have been; what the operations of the banks have been, and what other facts there are in existence that bear upon the crisis as it actually took place.
> There may be a dozen reasons why this panic occurred, which may have no bearing upon legislation.

Mr. President, *one of the reasons why this panic occurred, which does have bearing upon legislation,* was the tying up of the bank credits placed with New York for reserves, was in making loans for the speculative buying or handling of stocks, and they are still tied up in large measure. I call the attention of the chairman of the Committee on Finance to this well-known fact, and invite him now to amend his bill so that the reserves of all of the banks of the United States placed in New York shall no longer be used for gambling purposes, but shall be used only for the legitimate commerce of our people.

The honorable Secretary of War, in speaking at Detroit, Mich., February 13, is reported to have explained the reason of panic and to have said:

> It is due, if students of finance are to be trusted, to the gradual exhaustion of all the free capital held in enterprises which have not been so profitable as it was expected they would be. Now, we must wait, the whole world must wait, until we can earn more free capital.

The only thing, Mr. President, which we need to wait for is to have our available reserves in New York made *free capital* by withdrawing these loans from speculative purposes and to hereafter confine the use of our national reserves placed with the New York banks to their legitimate commercial purposes and forbid the embarrassment of our national-bank deposits by being employed in the notorious gambling palace called the "New York Stock Exchange."

The banks of our country are in fact our national purveyors of credits. Their depositors place with the banks certain cash and credits, and exchange these cash credits from one individual to another by means of checks and drafts. The banks of the United States keep their reserves in a large measure in the form of credit placed with New York banks, and when the New York banks tie these credits up in speculative loans and loan out these credits for gambling purposes on the stock exchange they divert the credits which ought to be available for commerce and place such credits where they are capable, on the contrary, of doing the most serious harm to the people of the United States. It leads, as all gambling leads, to skillful knavery by which the artful and ingenuous arrange devices through which weaker and less intelligent people are drawn into the game and fleeced of their property. It affords a peculiar field where those, who are enormously rich and powerful already, can, by manipulation, even drag down and absorb fortunes which elsewhere would be themselves regarded as gigantic.

Mr. President, it was the judgment of the moral sentiment of the people of the United States that the Louisiana Lottery should be suppressed. In this well-known game of chance it had at least in its favor reasonable assurance of integrity of management. It did not use marked cards or loaded dice, but the distribution was made according to the element of chance with an assured degree of fairness. In the New York Stock Exchange manipulations, nobody pretends there is any degree of integrity. The most ingenious lies are circulated as the truth for the purpose of "bulling" and "bearing" stock.

Men are invited into contracts and the most artful and crafty manipulations thereafter designed and executed to make their compliance with their contracts impossible, and in that way take from them their property under the forms of law.

Men are induced to invest their property in stocks on a high market and credits extended to them so that they may carry the speculative loan, and then the credit is slowly and gradually put through a series of reductions, not necessarily reducing the loan, but demanding more collateral, and finally when the victim or his idiotic successor has all his wealth upon the table, credit is denied and he is compelled to deliver. The moral sentiment of the people of the United States is against the gambling on the stock exchange and against its similar, but not more criminal imitator, the bucket shop, and I believe, Mr. President, that since the gambling on the stock exchange was undeniably a potent influence in producing panic, it should be suppressed as far as the United States has power, and certainly within the limits of this committee bill the national banks should be forbidden to use the reserves of the people of the United States for the promotion of the speculative buying and selling of stocks on these exchanges.

In New York the banks are used as convenient tools for the most gigantic gambling the world has ever known.

The world's greatest gambling house is the New York Stock Exchange—"an unincorporated, irresponsible institution." (Creelman.)

According to James Creelman's statistics, 286,418,601 shares of stock of par value of $25,000,000,000, besides 665,000 of thousand-dollar bonds, were "sold" in 1906 on the Stock Exchange; and on the Consolidated Exchange 136,000,760 shares of stock, besides 21,569,178 shares of mining stock and 193,884,000 bushels of wheat. This does not include curb sales. Over $30,000,000,000—four times the value of the products of all the farms of the United States.

I submit as Appendix C to my remarks a sketch by the New York World, of January 7, 1908, on this subject.

The overcertification of checks, for the convenience of the gamblers, by the national banks is prohibited by law (section 5208), but I am advised this is evaded on a vast scale every day,

the broker getting his check certified, when he has no deposit and no security, in order to buy the security, which is then placed as collateral to his demand note.

I understand the law is evaded by putting up a demand note secured by the stock named, and then before business hours close the collateral is bought and delivered to the bank extending this advance credit. This practice, being a part of the gambling machinery, should be forbidden by law, because it is one of the potent agencies by which this gambling is successfully carried on.

Mr. President, this recent panic was undoubtedly promoted by the speculations in stock in New York and by the great "bull" movement which had been engineered through several years and a more recent but equally great "bear" movement, which resulted in the ruin of hundreds of thousands of small financiers and of thousands of other business people and of some financiers who were not small.

It is a very easy thing, Mr. President, for a bank to loan money on the security of stocks of a definite market value, which are attractive because they are regarded as quick assets. This process had become a fixed practice in New York, so that over one-half of the deposits in New York were loaned out to the speculative buyer of stocks; but every bank in the United States has a deposit in New York, every bank looks to New York as a place from which it may obtain money in time of need, every bank keeps its reserve in New York on the implied contract that if the depositing bank needs a credit of currency, it is entitled to demand it and to receive it.

Obviously this implied contract is impossible of fulfillment if the New York bank lends over one-half of these credits to the speculators on the stock exchange. It follows that the use of these credits on the stock exchange really necessitates the withdrawal of such credits from the channels of trade, from the uses of commerce, from the service of the manufacturer, the producing classes in agriculture and in mines, and from the merchants and the transportation companies, and involves the breach of the implied contract with the depositing banks of the nation.

If these funds had not been loaned out for speculative purposes on the stock exchange, they would have been available for our national commerce, where these funds properly, justly, and wisely belong.

It was our excess of exports at last, from September to December, 1907, that saved the country from a worse calamity. (S. Doc. 208, 60th Cong., 1st sess., p. 16.)

Any adequate measure for the protection of this country against future panic should forbid the national banks who operate under the charter of the United States from loaning the national deposits and reserves in their hands for the speculative buying of stocks, agricultural or food products.

The committee bill entirely ignores this obvious necessity.

And the chairman of the Committee on Finance invites us to be content with a very small measure of relief on the ground that a small measure of relief is all that we could expect at this time.

Mr. President, the country expects as substantial a measure of relief as we have the wit and patriotism to devise.

Does the chairman of the Committee on Finance think the national banks should be allowed to crystallize our national reserves in speculative buying on the stock exchange? Does he think Congress will or should refuse this obvious measure of justice to the commerce of the nation?

Does he think that the country will be content to allow the national reserves to be withdrawn from the legitimate demands of commerce, from the legitimate demands of the manufacturers, producers, and merchants of this country and for dangerous and vicious gambling purposes?

Will he refuse this remedy against the evil condition from which this country has just emerged? As the Senator from Rhode Island and as chairman of the Finance Committee, does he favor the continuance of this monstrous evil?

The banks of New York, which in October last held a large part of the national reserves, refused to pay currency, refused their depositors their just demands, and, with the reserve funds of the whole of the United States in their hands, they were compelled to decline the demands of their depositors, even where the money was needed for moving the crops. Oklahoma cotton could not be paid for and shipped to market promptly because currency was denied on Oklahoma's New York reserves.

Mr. President, I know that the New York banks failed in this particular most reluctantly. I believe they did their best to deliver themselves from the conditions in which they had placed themselves and to deliver the country from the ruinous condition to which they had exposed the country by this dangerous practice; but, Mr. President, their critical condition, their complete panic, was due to the fact that over one-half of the enormous deposits in their hands were tied up in loans for the speculative buying of stocks which they dared not liquidate.

If they had compelled the borrower to have sold these stocks on the open market for cash, the stocks would have been broken to a point which would have ruined the good name of this Republic throughout the civilized world.

I believe the New York banks did wisely not to press their borrowers on stocks to instant bankruptcy.

The speculative buyers of stocks and bonds, as it was, have been pushed in many instances to the point of severe liquidation, to the utter ruin of thousands of them financially and in other ways. Many men have committed suicide because of this panic, as did the president of the Knickerbocker Trust Company.

But, Mr. President, the fact remains that all of these evils have flowed directly from the loaning of the national deposits for stock gambling, and I earnestly insist that no measure intended to protect this country against future panic is adequate which fails to provide a check on the use of our national deposits and reserves for the speculative buying of stocks, bonds, and agricultural products.

Even from the point of view of those who operate on the exchanges, it is better for them to check these dangerous practices and save them from themselves, for the great majority drift ultimately to ruin, and those who succeed by successfully appropriating by artifice the property of their fellows will surely find but little happiness in such successes, and their great intelligence could be made very useful in other lines of endeavor that would promote the common good.

STABILITY OF COMMERCE.

Mr. President, the most important element of our continued national prosperity is to obtain stability of commerce. A man engaged in business where conditions are stable can forecast his business future. He can make definite plans. He can foresee the results of industry, providence, and integrity.

Where conditions are unstable, industry and integrity avail nothing, and conditions are unstable in a country where custom and usage has established the giving and receiving of credit as a necessary part of its commerce. Conditions in the United States have proven to be less stable, perhaps, than in any of the great civilized nations of the world, and the reason for this is that there has been no law preserving the country from panic *and no law establishing a proper correlation between the banks and our commerce.*

Mr. President, the first duty imposed by the charter of the Bank of France is that which directs the governor of that bank to see that the "bank performs its duty to the state and toward the commerce and industry of the country." Moreover, the executive officers are appointed by the political head of France, "the President of France." Financiers form a minority and the members of the commercial and manufacturing classes and government officials a majority of the board of directors.

The banks of the United States also owe a duty to the state and toward the commerce and industry of the United States which the law should enable and require them to perform. It has long been the custom of the Bank of France to let the French people have money at the unvarying rate of 3 per cent, believing that *stability in the rate of interest gives stability to commercial enterprise and promotes the welfare of commerce and industry of the country, which is the chief duty of the Bank of France.* How does this compare with the rate of interest permitted and encouraged and established by usage, under our national laws, by the banks of New York, which hold our national reserves? Our ubiquitous, omniscient press advises the country to-day that money on call in New York is 2 per cent, to-morrow 8 per cent on call, the next day 25 per cent, and the next day 60 per cent on call, or perhaps 100 per cent. The most violent and unreasonable fluctuations of interest are announced in the public press and sent broadcast to every city, town, village, and hamlet in the land.

It avails nothing to say, Mr. President, that this violent fluctuation of interest is due to gambling on the stock exchange, using the reserves of the United States for this purpose. What I wish to point out is that this violent fluctuation of interest due to gambling disturbs the peace and confidence of the coun-

try. It disturbs and makes impossible that stability in the financial and commercial world which is essential to the peace and prosperity of this Republic. We permit this gambling to go on and raise no voice against it, and yet, when these gambling elements create a stupendous panic that shocks the world the Treasury of the United States is called upon to throw itself into the breach and save the country from the necessary consequences of this imprudent, improper, and scandalous condition permitted by our Government. Mr. President, I do not believe that I shall stand in the minority in this Senate in the demand that the gambling in the reserves of the United States shall be stopped on the stock exchanges.

I shall make no present objection to those who are fond of gambling if they gamble with their own money and gamble with each other, but when they gamble with my money which I have put in the New York banks as my reserve, for my uses, and when they allure into their gambling dens the untried youth and the ignorant adults of the country and rob them of their property, of their peace of mind, and their self-respect, and destroy the stability of the commerce of this country by a panic which their unwise and vicious conduct produces, I feel it my duty to enter an earnest protest.

I demand, Mr. President, a statute which shall summarily end these evil and dangerous practices.

BANK OFFICERS SHOULD BE RESTRICTED IN LOANING MONEY TO THEMSELVES.

Eighth. Another one of the reasons why this panic occurred may be found in certain New York banks where the acting bank officers made improper loans of money to themselves, and although this contributing cause is well known, the committee bill makes no provision forbidding its repetition. This is said to have been the ruin of the Walsh bank and kindred institutions in Chicago and of the Morse banks and allied concerns in New York.

Mr. President, with the example of Chicago and the great bank failure there, due to the unwise loan of the depositors' funds by the active president of the bank to himself, and with a like notable illustration in New York, it seems to me that this cause which has contributed to disturbing confidence should be removed. The violence of this recent panic was precipitated in New York, when conditions were otherwise critical, principally by the charge and belief that the active officials of certain banks and great financial institutions had abused their positions of trust in this respect.

What objection can there be to forbidding an active official of a bank loaning himself the money trusted to his charge, except under the strictest safeguard! The reason of this, Mr. President, is so obvious, that an objection to it would seem to be absurd. I do not think it necessary to do more than to mention the necessity of this action, since the fault to be corrected is one of the recognized contributing causes of panic. There can be no excuse to omit this precaution.

COMMITTEE BILL DOES NOT REQUIRE A PROPER ADJUSTMENT OF THE BANK RESERVES.

Ninth. The committee bill, while at first proposing that the national banking associations outside the reserve cities should keep 10 per cent of their deposits in legal money, finally struck out this provision and failed to insert any equivalent of the proposition requiring the banks to strengthen the interior reserves, but does insert a provision requiring no reserve against $250,000,000 of Government deposit, all of which ought to be held as reserve either by the banks or by the United States Treasury.

The chairman of the Committee on Finance argues with great earnestness and with convincing force the absolute necessity of a proper cash reserve, and finally contents himself with making no improvement whatever in our present defective reserve system and then recommends, as an anticlimax, that no reserve whatever shall be required on United States deposits.

I confess I do not understand the chairman of the Committee on Finance. He strenuously urges the necessity of remedy and then proposes remedies which by his own argument are confessedly inefficient and entirely ineffective to remedy the conditions which he is obliged to know have heretofore been contributing causes of panic.

These interior banks had on August 22, 1907, $182,000,000 of cash reserve against $2,627,000,000 in deposits (Comptroller's Report, 1907, p. 220), less than one-half the cash they are supposed to carry. A 10 per cent reserve for these banks would mean $262,000,000 instead of $182,000,000, an increase of $80,000,000. In increasing these reserves in lawful money it would, of course, be measurably done at the reduction of the reserves in the banks of the reserve cities, but this could be done without inconvenience or harm to the reserve city banks.

The increase of $80,000,000 for the interior banks is somewhat larger than would really be necessary, and I think the committee was therefore justified in striking out this requirement; but I think the committee was in serious error in making no adequate substitute provision for a proper adjustment of the reserve, for the reason that the reserve is of extreme importance in preventing panic.

It is easy to strengthen these reserves and to distribute them without in the least taxing the banks, as I shall show in detail in discussing the substitute I shall propose.

The national banks have only seven hundred and one millions of available cash, and under the laws which are more powerful than any Congress can pass, the laws of human usage and custom, the laws of convenience, this amount can not be easily increased without serious constrictions of credit.

The amount, however, can be easily redistributed under a plan that shall not disturb the gross amount of available currency, and this ought to be done as a precaution against panic and also with a view to using such reserves in currency for the establishment of the stability of our commerce.

By reducing the cash reserve of central reserve cities to 20 per cent and requiring them to keep 5 per cent of municipal bonds as a basis of emergency currency there would be released about seventy-five millions of currency and make available sixty millions additional emergency currency.

By requiring other reserve cities to carry an actual cash reserve of 15 per cent it would add to their actual reserve about twenty-nine millions cash, and 10 per cent of bonds for emergency notes would make available for them one hundred and forty-two millions additional emergency notes, if needed.

By requiring interior banks to keep 9 per cent of their reserves in actual cash it would increase their actual cash reserves about fifty-four millions, and 6 per cent of bonds for emergency notes would make available for their immediate use, if needed, the further sum of about one hundred and fifty-seven millions—a gross amount of three hundred and sixty-four millions of available emergency circulation, with no increase in present reserve required. These results would follow without adding a dollar to the reserves now required by law, merely by requiring "open accounts with reserve agents" to be put in bonds for emergency currency, which would pay more than the interest now paid by the reserve agent.

Reserves.

[Report Comptroller of Currency, page 222, 1907. All figures in millions.]

Location of banks.	Number of banks.	Deposits, in millions.	Reserves required.	Amount required, in millions.	Ratio held.	Amount held, in millions.	Classification of reserve held.			Classification under substitute proposed by Owen.				
							In lawful money in bank.	Due from reserve agents.	Redemption fund with Treasurer	New rate in cash.	Lawful money.	Rate in bonds.	Amount in bonds.	Total reserves.
			Per cent.							*Per ct.*		*Per ct.*		
Central reserve cities	60	1,205	25	301	26.2	315	311.7	.....	3.8	20	240	5	60	[a] 300
Other reserve cities	306	1,432	25	355	25.5	362	190.3	165.7	6.3	15	214	10	143	[b] 357
National reserve cities	6,178	2,627	15	394	16.9	443	199.6	226.7	17.2	9	236	6	157	[c] 393
	6,544	5,256	.....	1,050	21.3	1,121	701.6	392.4	27.3	.....	790	.....	360	[d] 1,050

[a] This plan in releasing sixty millions would lower the reserve required by fifteen millions more.
[b] This plan releases forty-seven millions cash to the country banks and would lower the reserve required by about twelve millions.
[c] This would increase cash required thirty-seven millions, supplied from reserve cities, and would increase gross interior reserves actually available by using bonds for emergency notes, in lieu of open credits with reserve agents.
[d] Gross reserves the same as at present.

The actual cash now on hand would not be added to, but would be so distributed that our moving crops and our commerce could be more conveniently served than under the present distribution of the available banking currency of the United States.

This rearrangement is provided in the substitute I shall propose.

Mr. President, the Senator from Maryland [Mr. RAYNER] pointed out what was literally true with regard to the reserve held by our country banks—that only 7.4 per cent need be kept as cash under our present laws. This is set forth with great care by the Comptroller of the Currency, on page 72, Report 1907, which I respectfully submit. This clearly demonstrates that there is but 7.4 per cent of cash really required to be kept by the banks under the present statute against the deposits in the country banks, and this amount leaves an insufficient margin for the transaction of business whenever a crisis occurs.

And even this narrow amount need not be kept on hand if there be permitted the practice of double-heading or exchanging credits between banks for the purpose of padding their accounts.

The present measure should carefully correct the weakness of this system, for the reserves of the national banks are relied on by the State banks and trust companies to cover deposits twice as great. The national banks really hold the practical reserve of seven hundred millions against the nation's gross deposits of about thirteen thousand millions, or a cash reserve less than 6 per cent.

CASH RESERVE ON DEPOSITS OF $10,000,000 IN INTERIOR BANKS.

Table showing what the law permits to be done with the alleged cash reserve.

	Amounts of deposits.	Cash reserve in vaults.	Deposited with reserve agents.	Possible loans.
Country banks	$10,000,000	$600,000	$900,000	$8,500,000
Reserve city banks (amounts above deposited by country banks), 9 per cent	900,000	[a]112,500	[a]112,500	675,000
Central reserve city banks (amount as above deposited by reserve city banks)[b]	[a]112,500	[c]28,125	.....	84,375
Total	11,012,500	740,625	1,012,500	9,259,375
Per cent of total deposits	.....	6¾	9¼	84
Per cent of original deposits	.....	7⅜	10¼	92½

[a] One-half of one-fourth.
[b] Twenty-five per cent of 9 per cent.
[c] One-fourth of one-half of one-fourth of 9 per cent.

Amount of cash outside original country banks, $140,625, or 1.4 per cent.

By exchanging credits even this reserve can be diminished substantially.

Tenth. Mr. President, the committee measure imposes only a 6 per cent penalty, and therefore if for any reason the rate of interest in any part of this country should rise higher than 6 per cent, these emergency notes might be easily made a permanent addition to our circulation at such a point, and the tax on these notes should therefore be increased periodically, so that their retirement shall be made compulsory.

The rate of interest on these bonds is a matter of importance, and no bond bearing in excess of 5 per cent should be permitted, because otherwise the penalty on the emergency notes might be insufficient for compulsory retirement.

No provision is found in the committee measure providing for this contingency, while such a precaution would seem judicious.

The compulsory retirement of these emergency notes is of essential importance. With the law drawn in such a manner that the compulsory retirement is assured, there could be no possible reason for regarding this statute as a dangerous precedent, even if the issue were United States notes instead of United States notes under the form of national-bank notes, as the chairman of the Finance Committee has suggested.

It would be no more dangerous and no more liable to cause a public demand for a continual enlargement of the issue than the precedent set by the clearing-house certificate, which is only issued as an emergency measure and which is similarly taxed and instantly retired when the need passes.

The banks of the country are opposed to the issue of clearing-house certificates or cashier's checks or any other device of this kind forced on them by a panic, and the fact that they use such devices does not constitute a dangerous precedent and will not ultimately lead to a demand for a "continual enlargement" of the issue. Every bank in the country will be glad to get back to a normal condition, and would be glad to be allowed to stay in a normal condition.

The fact is, Mr. President, the issuance of 6,600 different forms of national-bank notes as emergency circulation under a 6 per cent penalty would be more apt to make an unwise precedent than the issue of such notes as United States notes, for the obvious reason that there would be 6,600 banks who could make the argument that these notes which they issue are good without the bonds behind them and without the 6 per cent penalty.

Why should they not contend hereafter that 3 per cent would be sufficient or 2 per cent would be sufficient?

The present asset currency is based upon this very contention, and has gathered considerable force throughout the country, and has great merit where safeguarded and under penalty to prevent permanent inflation.

The committee plan of inviting the issuance of these emergency notes as bank notes is more likely to prove a bad precedent than the issue of such emergency notes as Treasury notes, although no danger need be apprehended from either form.

The committee measure, confessedly a measure to prevent panic, fails to provide that which is by far the most important precaution against panic. This precautionary measure is *the removal of the fear of the depositor*. It is only *the fear of the depositor* which causes panic. The soul of a panic, its great moving force, is the fear felt by the depositor and his consequent hoarding of currency. I shall discuss this more fully in connection with the substitute measure which I have had the honor to submit, and shall show that this precaution will cost neither the depositor nor the Government anything; that it would benefit both; that it will not hurt State banks; that the objections made to this precaution are entirely unsound.

PROPOSED SUBSTITUTE.

The substitute which I shall move as an amendment to the committee bill takes great pains to provide against every objection made to the committee measure, and it contains those features of the committee measure which are of value.

1. It proposes United States notes (for emergency use) which are by law "legal tender."

2. It provides a method of *instant issue* when the emergency arises.

3. It provides not only the issue to some national banks in a limited way, but makes the provision against panic available to any national bank or to any State bank or to any trust company or savings banks which puts up the necessary security to the Government.

4. It uses the same form of bonds as the committee measure for collateral, to wit, "the bonds or other interest-bearing obligations of any State, city, town, county, municipality, or district legally organized which has existed ten years and never defaulted in principal or interest of any funded debt;" but it also *provides the use of United States bonds*, which is not provided by the committee measure, and *strikes out railroad bonds*, which are provided by the committee measure.

5. The substitute provides emergency notes in any quantity which proves to be necessary, whereas the committee bill confines the issue to five hundred millions and then puts such restrictions on it that the available issue will be extremely limited at any point of original need.

6. The substitute imposes a tax of 6 per cent for the first four months, 8 per cent for the succeeding months, and compulsory retirement within twelve months. The committee bill is content with a 6 per cent tax. The substitute forbids the use of bonds bearing interest in excess of 5 per cent. The committee measure puts no limitation on the interest a bond may bear.

7. The substitute *restrains active officers of a bank borrowing the funds* of a bank, except under safeguard. The committee measure ignores this precaution against panic.

8. The substitute *forbids the use of deposits for speculative buying of stocks*, bonds, agricultural or food products, because this has been a potent cause of panic. The committee bill leaves this evil in full force.

9. The substitute bill requires *interior banks to have 9 per cent cash reserves, reserve city banks to have 15 per cent cash reserves, central reserve banks to have 20 per cent cash reserves*, and *requires banks to carry bonds available for emergency notes* as a balance of the reserve now required by law. The committee measure is content with requiring no reserve on Federal deposits.

10. The substitute specifies that only the *net favorable balance of accounts with reserve agents shall be permitted as a*

part of the legal reserve, a matter important in preventing panic. Upon this question the committee bill is silent.

11. The substitute provides the insurance by the national banks of their deposits by using the tax paid by the national banks on their normal and emergency circulation.

This is the most important precaution against panic. The committee measure refused this protection.

12. The substitute safeguards the State banks from injury under the insurance plan by putting into effect the insurance feature only after March 1, 1910, except in States having the insurance plan for State banks, and prevents any abuse of the insurance plan by limiting the deposits insured to noninterest-bearing deposits.

Mr. President, in discussing the essential features of the substitute bill I shall confine myself to those features of this bill which differ essentially from the principles laid down in the committee measure and which have not already been sufficiently explained. I take it for granted that the majority of the members of the Senate are in favor of emergency currency, properly secured under a penalty sufficient to compel the contraction of such emergency currency when the exigency has passed. I take it for granted that this body is in favor of a sufficient quantity and quality of such emergency currency to meet the conditions of panic sufficiently, and that the remedy shall not be a partial remedy, but shall be drawn to meet completely and completely prevent any future panic.

Waiving discussion of these recognized essentials, I shall now point out the reasons why the substitute measure is superior to the measure proposed by the committee.

THE COLLATERAL IS BETTER.

Mr. President, the collateral proposed by the substitute measure is better collateral.

The committee measure denies the use of United States bonds, and inserts in lieu thereof railroad bonds.

The substitute reverses this and strikes out railroad bonds and inserts United States bonds.

What excuse there is for refusing to the bonds issued by the people of the United States this quality which has great financial value and giving this financial value to bonds of private persons and private corporations I know not.

It will not do to say that the volume of bonds of the United States, of the States, of the cities, towns, counties, municipalities, and district are insufficient in volume, because that would not be true. Their volume is abundant. It will not do to say that these bonds, issued for public purposes, are not as good as railroad bonds, because they are better and fluctuate far less.

It will not do to say that it is a matter of indifference whether you prefer one or the other, because it is not a matter of indifference. It is a matter of an important value in dollars and cents, measurable not in a small way, but in a large way; giving this value to the bonds issued by the people is to give those bonds values worth hundreds of millions, giving this function to railroad bonds will be worth hundreds of millions to the holders of such railroad bonds.

I have already pointed out, Mr. President, the manner in which these bonds have risen in value during the month of January, 1908, within which the chairman of the Committee on Finance brought in his remarkable proposition, and I insist that the full measure of this value shall go to the people of the United States, and that public bonds alone shall be used; and that these values shall not go to the railroad bondholders, and that they shall not be used for this purpose.

It is measurably true that this value being given to railroad bonds would go to the people of the United States; it is true it would go to some of the people of the United States who own these bonds; it would probably go to one person out of a thousand, who is a railroad bondholder, but, principally, it would go to a very few men who are the great railroad bondholders of the United States, and this bill would be a bill to give them the value in this way which ought to go to the people of the United States in their public capacity.

I do not feel content to agree that these values should be put in the hands of a few individuals, even if those individuals, inspired by generosity, or humanitarianism, or by any other worthy motive which inspires the human heart, were willing to give it all back before they die, as in fact they ought to do.

This country has been subjected long enough to the favor of private interests. I think it my duty to protest against the effect of this proposed committee measure in this regard, although well assured of the patriotic purpose of the remedy proposed. I can readily understand how the committee thought they would enlarge the bonds available for this purpose. I can readily understand that the committee thought the use of railroad bonds would be entirely safe, and so they are. It is not on account of their safety, but for the reason which I give that I insist that the substitute measure is better than the committee measure, because it uses United States bonds, which the committee measure does not allow, and it refuses railroad bonds, which the committee measure does allow.

UNITED STATES NOTES ARE BETTER THAN NATIONAL-BANK NOTES.

The committee measure prefers to use national-bank notes as emergency currency; the substitute prefers United States notes. Mr. President, either class of these notes are as good as gold. Section 6 of the committee measure directly makes these national-bank notes as good as gold. They are made redeemable "in lawful money" at the Treasury, and section 7 further provides that all of the national-bank notes, amounting to over six hundred millions in our normal circulation, shall be payable in "lawful money" or equivalent of gold, changing the present statute status of national-bank notes, which makes them redeemable in "United States notes." I approve the change.

The quality of notes in either the committee measure or the substitute proposed is first class, the equivalent of gold, but the objection to the committee measure is, that it provides for 6,600 varieties of notes, each one differing in form from the other, each one requiring a special plate in the Bureau of Engraving, each one requiring an independent account to be kept of such notes, whereas the simpler, more economical method would be to have one form of Treasury note and one form of engraved plate and one account to be kept of these outstanding emergency notes in lieu of six thousand and more of these accounts, etc.

Another objection to these national-bank notes is that it will encourage the future demand to lower the tax on these emergency notes and thus encourage enlarging the volume of these national-bank notes, which is not desirable.

Another objection to these national-bank notes is that they comprise a pretense.

They pretend to be national-bank notes.

The banks do not really issue these notes.

The bank officials need not sign these notes to make them current among the people.

The Government of the United States makes this issue of national-bank notes, controls every item and every particular in the form, manner, use, and redemption of such pretended national-bank notes.

I do not like the pretense.

The immediate consequences which flow from this pretense, and which have greatly impaired the value of the committee measure, are as follows:

THE COMMITTEE LIMITATIONS RUINOUS TO THE PROPOSED RELIEF.

The very fact that these notes are pretended to be national-bank notes leads immediately to the proposition found in the first three lines of the bill, to wit:

> That no national bank which has circulating notes outstanding less than 50 per cent of its capital stock shall be allowed to issue emergency notes, and no national bank which has a surplus of less than 20 per cent of the capital stock shall issue emergency notes.

If these were United States notes and were not national-bank notes, no such reasoning would suggest itself. No such limitations would be suggested. The limitations are very illogical and unreasonable.

In the first case, because a national bank has been extremely conservative and has not issued any more of its notes than the law compels, it is penalized and denied emergency notes, which at some time may be essential to its life.

Because the bank has carefully limited its outstanding liabilities and made itself more worthy of credit, it is to be denied the relief extended to those less worthy.

The absurdity of this proposition is so manifest that a child could see it.

And no national bank, in the second place, which has not 20 per cent surplus shall be allowed emergency notes, although it is willing to put up a first-class collateral 10 per cent in excess of the proposed issue. Its danger may be vital, its necessity compelling, and yet this bill denies them emergency notes upon a security confessedly more than sufficient.

Will any sound reason be offered for such limitation?

Certainly the chairman of the Committee on Finance, in explaining his bill, made no explanation whatever of these objections which I point out.

Again, Mr. President, the committee measure forbids any national bank to have the security against panic of this pro-

posed remedy, except to the limited extent that its normal circulation and its emergency circulation shall not exceed the gross amount of its capital and surplus.

What an amazing restriction this is!

How grossly unreasonable.

How utterly lacking in foresight.

How destructive of the purposes of this proposed remedy against panic.

Why, Mr. President, the demand upon a bank in times of panic is not measured by its capital and surplus. It is measured by its deposits and the demand of its depositors.

The capital and surplus may be three millions, its deposits may be thirty-five millions.

The Knickerbocker Trust Company (which was recently driven to its death) out of its own resources paid millions before it surrendered. Under this bill that trust company could not have had any relief whatever, yet it had a demand liability of its deposits to the extent of $67,665,000. This committee measure now proposes a plan that would limit the extent of relief against panic to be afforded such a bank to nothing, notwithstanding the fact that this trust company should be prepared to put in the hands of the Government collateral, confessedly of the first class, far in excess of the value of the issue, and notwithstanding the fact that this company would, upon such gilt-edge collateral, be paying the Federal Government Treasury a substantial tax of 6 per cent for the use of such money.

What good reason can the chairman of the Committee on Finance give to the Senate for refusing this relief against panic to this institution, when beleaguered by the demands of its frightened depositors, and when this institution is willing and anxious to put up first-class collateral?

Are we trying to prevent panic?

Are we trying to afford an abundant and sufficient remedy?

Or are we merely proposing to present the shadow and deny the substance?

But the limitations of the committee measure do not stop with denying to these national banks the reasonable relief to which by every canon of reason and good sense they are entitled, but the committee measure deliberately omits from this measure every State bank, every trust company, every savings bank, and every other bank in the United States.

The national banks have only one-third of the banking capital of the United States. They have less than a third of the deposits of the United States, and a panic could sweep this country and never close a national bank. The hoarding of currency might come entirely through State banks.

The State banks only carry a net reserve in currency of between 4 and 5 per cent, and they have nearly nine thousand millions of individual deposits, and their distress for currency may close factories and merchants' stores and enterprises innumerable from Maine to California because of a lack of currency, and this committee measure, which proposes a remedy against future panic, is presented to this Senate with a denial to these great State institutions whose welfare and whose solvency is absolutely essential to the welfare of our national commerce.

I am amazed, Mr. President, at this most serious omission on the part of the committee bill.

In the substitute which I shall propose as an amendment, the State banks, trust companies, and savings banks are provided for.

But the committee measure not only denies to many national banks any relief whatever; it not only denies to the national banks an abundant relief by limiting the amount of currency to the capital and surplus; it not only denies any relief whatever to any State bank, trust company, savings bank, or other bank, but it goes still further and says that the proposed remedy shall be still further limited by distributing the proposed relief in a manner—

> As equitable as practicable between the various sections of the country.

And that—

> The Secretary of the Treasury shall not approve applications from associations in any State in excess of the amount to which such State would be entitled on the basis of the proportion which the unimpaired capital and surplus of the national banking associations in such State bears to a total amount of unimpaired capital and surplus of the national banking associations of the United States.

This language of "equitable" apportionment has a virtuous sound, but a most dangerous and harmful meaning. What it really means is that this proposed remedy against panic, even if under the limitations imposed upon the several national banks it were completely available, the average relief to the country against panic of these emergency notes would be limited to less than $11,000,000 to each State. What is the purpose of this limitation, and why are these emergency notes, essential as they are to protect our country against panic, bound so readily by innumerable limitations so as to make the relief feature ineffective? This last limitation almost entirely destroys the value of the proposed remedy.

The so-called "equitable" distribution of this remedy would make the remedy itself utterly ineffective, and I commend the reasoning of the Senator from New York [Mr. DEPEW] in his approval of the relief offered by the Secretary of the Treasury to New York when he said—

> He might have followed the strict letter of the law, which the Senator has quoted, and put the $240,000,000 of Government (funds) proportionately in each one of the 6,600 banks of the country. The effect would have been, so far as relief is concerned, like meeting a great fire in a great city, where property is likely to be consumed of such value as to impair the business of the whole country, not with the concentration of all the resources of the fire department upon the fire and blowing up with dynamite of adjoining blocks to prevent its spreading, as they did in San Francisco, but to distribute the fire engines all over the city and demand them to divide the water *equitably* among the different wards. The Secretary fearlessly and wisely says he deposited the money where it would be most effective, and the result demonstrated the wisdom of his action.

This reasoning of the Senator from New York is sound and it is also a forcible demonstration of the utter inefficiency of the limitations proposed by the Senator from Rhode Island.

Under the provisions of this proposed remedy the State of New York, which in the last panic needed more than four hundred millions to stop the panic, would be allowed to receive under this bill less than one hundred millions. The chairman of the Committee on Finance takes some pains to advise the banks of the country that the suspension of bank payments with its resulting strain upon the credit of the country *will not again be tolerated*, and he says with great force that "the failure of the bank to meet its demand obligations is a violation of every law governing its conduct" and existence, and that "bank managers should realize that a repetition of these violations will not be permitted," and having thus given a solemn warning to the bank managers that they shall not hereafter relieve their own distresses by their own devices, he offers as an abundant remedy an emergency circulation which he so limits and surrounds with conditions that its future failure to relieve the bankers is made reasonably certain.

It looks to me this bill will prove an anæsthetic to prepare us for a future operation, a future bear raid on the commerce and industries of the nation.

We have just had what the farmers call a "hog-killing" time, and somebody has canned the lard. The physical properties of the country still remain, but the change of ownership from weak hands to strong hands is obvious to any man who is not feeble minded.

The chairman of the Committee on Finance himself advises us in his speech upon this question of the extraordinary steps which were taken to avoid final disaster, and which did not avoid final disaster. He points out the deposit of public money in New York and other banks between September 30 and December 7 to the extent of $70,000,000.

Second. Of clearing-house certificates, $190,000,000.

Third. Of checks intended for currency, $75,000,000.

Fourth. A forced enlargement of bank-note circulation from October 1 to January 1, $94,759,115.

Fifth. Gold importations of $107,000,000 (the exclusive product of our cotton and wheat), and he fails to count over two hundred millions which were bought by a 4 per cent commission bringing hoarded currency into new circulation; he fails to count innumerable devices throughout the country which are not a matter of record by which currency was brought from hiding.

And he fails to point out that every dollar drawn from hiding by the taxing power of the United States was instantly redeposited in circulation. He fails to point out that there was two hundred millions of public funds placed with national-bank depositors to assist in this critical demand for currency through which the country was being forced in 1907.

And he fails to mention the effort made by the President and Secretary of the Treasury to reestablish public confidence by the offer to the country of one hundred millions of 3 per cent clearing-house certificates, and fifty millions of Panama bonds, which had a hypnotic effect upon the country favorable to confidence and which helped to abate the terrible panic under which the country was staggering.

I pause, Mr. President, in my remarks, to say that I feel it my duty to commend the President of the United States, and

the Secretary of the Treasury, in offering at this critical period the 3 per cent certificates and the Panama bonds.

I do not care to debate the question of whether the offer was justified under the strict construction of the law, waiving that point and granting, for the sake of argument, that the offer was not thoroughly justified under the strictest construction of the statute, nevertheless the emergency of this panic, in my judgment, justified the President in this effort to relieve the country from its danger. If I had been invited to express an opinion before this offer was made I should not have failed to recommend it, and having been the beneficiary of the action of the Executive I am not willing to be silent and to withhold my commendation of the Executive act.

I trust that the legislation now being framed shall be drawn in such a manner as to make it unnecessary from this time forward ever to resort to similar measures for the relief of panic. More than a thousand million was needed to control the last panic and then it was not effectively controlled.

But under the remedy now offered us by the committee measure, the storm center—New York—would receive less than one hundred million.

Mr. President, our banking capital has grown in seventeen years 236 per cent, and in seventeen years more it will be as much greater by 236 per cent of the present banking capital. This bill is drawn not for to-day; it is drawn for the future and no limitation of $250,000,000, as first proposed by the chairman of the Finance Committee, nor $500,000,000, as now reported by the committee, will be adequate in ten years, even if it were adequate now.

The committee measure is fatally defective in putting this limitation of volume on these emergency notes. The substitute I shall offer, Mr. President, puts no limitation upon the emergency notes proposed except found in the words, "this act shall not be construed to limit the issue of such notes if in the opinion of the Secretary of the Treasury an emergency exists for a larger issue than the amount required to be prepared by this act."

DEPOSITS AND RESERVES SHOULD NOT BE USED FOR SPECULATIVE PURPOSES.

Sixth. The substitute is superior to the committee measure because it forbids the use of the national reserves held as deposits in the national banks to be loaned for the speculative buying of stocks or bonds, agricultural or food products. The committee measure is confessedly drawn to prevent panic. One of the most potent causes of panic is the loaning of the national reserves and deposits sent to New York for the speculative buying of stocks.

Such loans, while supposed to be quick assets, are in point of fact not quick assets. Every bank and trust company in the United States keeps a balance in New York upon which they rely for cash and which is always available for cash except in time of panic, but when panic ensues and the depositors of the New York banks begin to hoard money, these reserves in New York are no longer available for cash. Nor can the national banks which are making loans for the speculative buying of stocks force such speculative borrowers to pay cash at such a season. If they do, they make the panic still worse, and by beating down the prices of stock through such forced liquidation they increase the alarm throughout the whole of the United States. These stock quotations are printed on the pages of tens of millions of daily papers, and these quotations go to every city, town, and hamlet in the land. If the New York banks compelled liquidation of the five hundred million they had loaned out on these stocks last fall, it would have broken stocks to a point which would have alarmed the country most seriously. The attempted remedy would have been worse than the disease. As it was, the contraction of credits by the banks in the reserve cities was largely responsible for the fall in the price of stocks, and there are more ways to contract credits than by refusing a loan.

The contraction of credit, which caused the great "bear" market, was in refusing to loan as much money on stocks, from time to time, as had been previously loaned on such stocks.

All the banks had to do to cause a "bear" movement and the lowering of the prices of stocks was to withdraw the extension of credit to such stocks on the higher value and assume a lower value as a basis of loans; to ask more collateral in stocks on maturing loans. If a bank says I will lend you money on Amalgamated Copper with a 20 per cent margin, estimating Amalgamated Copper at 120, the stock would be affected by this extension of credit. If the banks were unanimous in refusing to recognize Amalgamated Copper as worth more than 110, its market value would fall to that point. If they were unanimous in refusing to recognize the value of that stock as in excess of 60 on making loans, its price would fall to 60, because these prices are fixed in the speculative markets and the banks fix the measure of the value of such stocks handled on the stock exchange by limiting the loans on such stocks. I regard the operation of this financial policy as certain in its operation as the law of gravity.

A community of interest among the New York banks, concerted action in credit extensions, could establish through the stock exchange the most powerful money and credit trust on earth.

But I call the attention of the Senate to the tremendous fluctuations in the prices of these stocks. Amalgamated Copper about a year ago was worth over 100 per cent of what it is to-day, and was so recognized by the banks as a basis for loans. The game of finance on Wall street is a great game and the masters of finance can control and direct the prices of stocks with reasonable precision. It is no idle figure of speech to speak of the speculative class who enter Wall street from the outside as "lambs." They go to their ruin and their property is appropriated by men of higher intellectual force and greater financial power.

The people are induced to buy these stocks and then are induced to sell these stocks by representations made to them with diabolic skill and ingenuity, persuading them in the first case of the great value of the stock and persuading them in the second place that the stock may lose all of its value and is too dangerous to retain. In this way the gamblers on the stock exchange continually steal the property of the ignorant and thoughtless, through the gambling passion, but what is infinitely more serious they unsettle the stability of our commerce and prepare us for panic with its deadly national blight.

A few of the conspicuous samples of the high and low prices I submit, and full tables I submit as Appendices F and G to my remarks.

These ranges are since 1900, and will be found in the New York Times Weekly National Quotation Review, page 13, of October 21, 1907.

	High.	Low.
Adams Express	315	114
Alice Chalmers Co	27	4
Amalgamated Copper	130	33
American Beet Sugar Co	36	9
American Cotton Oil	57	24
American Express	272	142
American Grass Twine	62	3
American Hide and Leather	13	2
American Ice Securities	94	20
American Linseed Co	30	5
American Snuff Co	250	26
American Steel Foundries	18	3
American Woolen Co	48	7
Atchison, Topeka and Santa Fe	110	18
Baltimore and Ohio	125	55
Delaware, Lackawanna and Western	560	171
Denver and Rio Grande	53	16
Duluth, South Shore and Atlantic	24	4
General Electric	334	109
Great Northern preferred	348	140
Iowa Central	57	11
Kanawha and Michigan	76	10
Kansas City Southern	39	7
Knickerbocker Ice	85	8
Lake Erie and Western	76	12
Manhattan Beach	22	4
Missouri, Kansas and Texas R. R.	43	9
National Biscuit Co	86	23
New York, Chicago and St. Louis	76	11
New York Central	174	99
Norfolk and Western	97	22
Northern Pacific	700	45
Northern Central	250	150
Ontario Mining	13	1
Pennsylvania Railroad	170	110
Peoria and Eastern	50	5
Pere Marquette	106	20
Pullman Co	268	148
Reading	164	15
Tennessee Coal and Iron	166	25
United Railways Investment	98	9
United States Cast Iron	53	6
United States Express	160	45
United States Leather	20	6
United States Steel	55	8

Here these values are shown to fluctuate from the low to the high, not by ordinary percentages—5 per cent, 10 per cent, or 20 per cent—but by 100 per cent, by 500 per cent, by 1,000 per cent.

And yet these gamblers raise a howl of lamentation if anybody proposes to make stable these values, and appeal to high

heaven in the name of the widows and orphans whose last dollar is invested in these precious securities.

Take the Adams Express Company. The high price of the Adams Express Company stock since 1900 was 315 and the low price 114. Amalgamated Copper, 130 the high price and 33 the low price, a stock involving millions upon millions, and which has been used to steal away millions of dollars from the unsuspecting ignorant classes of this country, and these ignorant classes embrace educated men who, although they seem to be educated, are still ignorant of these refined, insidious processes that are so diabolical and so crafty that only one man in a million can see through them; and so this old, old game of stealing the property of the unwary goes on year after year and year after year and this body sits here, and sits, and sits, supine, and offers no relief. The country expects relief, and as one of the members of this body I demand relief. This bill must be amended. It must provide that this process of stealage and panic shall stop. The people of the United States have a right to make this request. They expect it of this body, and, in their name, the Senator from Oklahoma demands it.

The point I wish to call attention to, however, Mr. President, is the fact that the national banks are used as agencies for carrying on these gambling transactions on the stock exchange. It is, as I have said, the most stupendous gambling palace on the face of the earth, where the intelligence of the victim is drugged and loaded dice and trapdoors prevail. They sold, or pretended to sell, values during the last year of over thirty thousand millions, an average of over one hundred millions a day for every business day in the year. They used for this purpose, on a margin of about 10 per cent, nearly all of the reserves placed on deposit in New York by the banks of this country, and when the critical time came that our national commerce called upon their banks of deposit from Maine to California for the currency necessary to transact the business of our national commerce, the New York banks, who had been engaged in promoting these gambling transactions for profit, and who had by their own tactics caused a gradual reduction in the values of stocks from the beginning of the "bear" movement until its culmination in panic, were unable to respond to their contracts with their correspondent banks. They were unable to pay currency because their own conduct in promoting the great gambling scheme of the stock exchange, which culminated in the panic, frightened the people of the country who had their personal deposits in the banks, and a sudden withdrawal for hoarding took place in New York, tying up within a week an enormous amount of currency. Whether this was promoted by certain "wealthy malefactors," who helped engineer such a scheme and at the critical moment withdrew currency for the purpose of promoting panic, is not material. The point I wish to emphasize is that the use of these reserve funds, on deposit with the New York banks for loans in the speculative market, was one of the direct causes of this recent panic.

The committee measure is avowedly for the purpose of preventing panic.

The most notorious cause of panic are these gambling operations which have threatened the country by the steady contraction of the market price of stocks. The committee measure ignores the chief cause.

The substitute measure is superior to the committee bill because it removes this potential cause of panic.

WHAT IS A LOAN FOR SPECULATIVE PURPOSES?

Mr. President, I have been challenged with the inquiry, What is a loan for speculative purposes?

Mr. President, this question is asked by a lawyer and might be debated by a sophist. It might be asked by one used to critical analysis of language; by one who might plead that any action in life is speculative; that whether we shall arise in the morning or be found dead is speculative; that any business transaction which is not absolutely concluded is speculative, because any exigence which might arise that would remove the issue from the domain of certainty contains an element of uncertainty and of speculation.

In answer to all of this refinement, I say bluntly and plainly that a loan for the speculative buying of stock is as easily ascertained and determined by a competent banker or competent bank examiner as the color of a black horse by a person with two good eyes.

The effect of this proposed statute would be to put the seal of condemnation on the practice of using our national-bank reserves deposited in New York, for gambling purposes to the denial of the legitimate uses of our commerce. A bank examiner who does his duty will speedily point out to the banker who is so obtuse as not to see, or to him who does not wish to see, what is a loan for the speculative buying of stocks, bonds, agricultural or food products.

I insist upon it that this measure which is intended to prevent panic should not close its eyes to the most important contributing cause of panic.

ACTIVE BANK OFFICERS FORBIDDEN TO BORROW.

Seventh. The substitute measure is superior to the committee measure because it removes another potent cause of panic.

It is well known that the action of Morse in borrowing the money intrusted to his keeping for his own uses, in 1907, was the spark which ignited the inflammable material prepared by the gambling transactions above referred to. The powder and dynamite were carefully arranged and Morse was the detonating cap that produced explosion. His property, I am informed, has passed into the hands of those abler and wiser than he, and in the same way the United States Steel has taken over the Tennessee Coal and Iron, and we see the pleasant spectacle of the survival of the fittest, a new instance of the lion and the lamb lying down together.

THE GUARANTY OF DEPOSITS.

The substitute provides that noninterest-bearing deposits in national banks shall be guaranteed out of the tax paid by the national banks on their present circulation and by the proposed tax on emergency circulation.

As I have heretofore pointed out, the tax on the annual circulation is over three millions per annum, and the average loss to depositors of national banks during the last nine years is $85,000 per annum.

There would be no need for so large a guaranty fund except for its moral effect. There is no harm in making it so abundant that confidence in the fund should be assured. There might be harm if the fund were not large enough to thoroughly establish public confidence.

As I have already pointed out, the fear of the depositor is the real cause of hoarding money on a large scale by the people. If you remove the cause for this hoarding, there will be no panic capable of seriously harming our national commerce.

When the depositor is absolutely assured in the security of his deposit, regardless of the solvency of the bank, he has no reason whatever to withdraw his funds, and he has no reason to hoard it.

There is a class of persons who do not keep any bank account because of their distrust. One of the strongest benefits arising from the guaranty of deposits would be to bring out the currency hoarded by this class of people, who at present do not keep any bank account.

The insurance plan would bring into activity a considerable volume of money which is now hidden.

But the value of the insurance plan is not the protection of the depositor; it is the protection of the public; it is the protection of our commerce; it is the promotion of the stability of business conditions which is specially to be desired. The depositor is perfectly safe now, but nevertheless when he takes fright and withdraws currency for hoarding and produces a panic he is very dangerous to our commerce, and it is this danger which should be abated.

I have received a vast number of letters from bankers with regard to the insurance of deposits. The great majority of these letters strongly favor the guaranty plan and give abundant reason therefor. I submit a sample of these letters (Appendix "E"), but I have also received various letters from bankers opposing the idea of the guaranty of deposits.

I have carefully read the letters which oppose this proposition and have scrutinized every objection made.

The first objection is that it will promote *reckless banking*, which will encourage unscrupulous bankers to offer high interest for deposits, with a view to embezzling the funds of the depositors; that this would be at the expense of the honest bankers of the country. The answer to this is—

First. That interest-bearing deposits are not insured and, therefore, the entire objection fails because the supposititious embezzler has no inducement to offer for deposits, and, moreover, the honest banker pays nothing more under the plan proposed than he does now. It costs him nothing.

Second. In the second place, the embezzlement of funds is made sufficiently unattractive by the criminal code to prevent the predicted embezzlement.

Third. In the third place, the safeguards of national banks are otherwise abundant to prevent embezzlement, and with 6,600 of such banks in the United States the losses for the last nine years has been a negligible quantity. The persons who

invest their money in a national bank are subject to a double liability, so that the stockholders of a national bank of the smallest kind put up $25,000 and are liable to a like amount under the law before any harm can come to the depositor. This equals a $50,000 bond to secure fidelity.

No bank can start with any prospect of success that has not a board of local directors favorably known to the community, who comprise a further safeguard.

There is no force whatever in this objection.

Another objection which is offered is that it puts a conservative banker on a par with a reckless banker who will offer special privileges in exchange for deposits.

The answer to this is: He is not allowed to insure an interest-bearing account; the depositor is protected by double liability of the bank's stockholders, and that the depositors are perfectly safe now, as a matter of fact, and there would be no more force in the objection under the *new condition of insurance than there is under the present condition of no insurance.*

But everybody familiar with the banking business knows that the primary condition of a deposit is the belief of the depositor that the bank is safe. The real factors which control the deposit are the personal friendship of the depositor for the bank, for some of its officers or directors or stockholders; the fact that it is convenient to his business; the fact that he has a right to expect the reasonable business accommodations to which he is entitled. These are the motives which control deposits. The question of the security of the deposit does not control it except in a negative way. A man would not deposit where he had doubt; and if a bank were in the hands of a reckless, extravagant man, the common people can be relied on to find that out, and no such man can attract deposits against a man more honorable and more worthy of trust.

Another objection which is made is that it will do great harm to the State banks, because the State banks will not have a like insurance.

The answer to this is that the national banks for the last nine years have lost their depositors relatively only about $1 where the State banks have lost their depositors $23. The average loss of the State banks has been about $4,000,000 per annum, and the average loss of the national banks has been about $85,000 per year for the last nine years.

Notwithstanding this greater safety of the national banks the State banks have twice as much in deposits. This further discredits the theory of the objection.

It is not true therefore that greater security of the national-bank depositor would break up the State banks. I think it is true that where a small State bank in a town has a small national bank as its rival, under the guaranty plan, it would weaken to some extent the deposits of the State bank, especially in time of panic, if there should ever be a panic under this improved system and in the event that the State did not arrange insurance for the State bank depositors.

But this difficulty has been obviated by putting the insurance plan into effect only after two years shall have passed, to wit, March 1, 1910, except in States where the deposits of State banks have insurance. Within these two years every State can adopt a like precaution for the benefit of the State banks, and no friend of the State banks needs to be afraid that the State banks will not look after their own interest in this respect.

It is highly desirable and *of great national importance* that every State in the Union should promptly pass a State law providing an insurance plan for the depositors of State banks, and the insurance of the deposits of national banks in the pending measure would lead directly to this desirable consummation.

Even if any State failed to provide an insurance plan, any State bank which felt the slightest harm from the State's omission could take out a national-bank charter, and thus be defended from any loss of deposits from this source.

It should always be kept in mind that it is not the welfare of the bank, nor the welfare of the depositor which is the main object to be attained, but it is the prevention of panic, the protection of our commerce, the stability of business conditions, and the maintenance in active operation of the productive energies of the nation, which is the question of vital importance.

THE RESERVES AFFECTED BY STOCK GAMBLING—PROTECTED BY SUBSTITUTE MEASURE.

Mr. President, the reserves of the State banks and trust companies is about three hundred and ninety millions, against eighty-seven hundred millions of deposits—less than 5 per cent.

The national banks have really available less than seven hundred millions, against a gross deposit of over six thousand millions, and the national banks owe the State banks more money than they have in cash, including all their reserves.

The daily checks drawn against the reserves of all the banks in the United States is equal to at least $2,000,000,000 a day, nearly twice as much as the total amount of all the cash in all the banks. About 5 per cent of these checks are handled in cash, making nearly one hundred millions of cash a day.

These reserves would, nevertheless, be abundant if the country had assurances of peace from the gamblers of the stock exchanges.

It should be remembered, Mr. President, that the gamblers on the stock exchanges are composed of two classes—the bulls and the bears. It is the business of the bear operator to destroy confidence, to break down values, and his resourcefulness in this respect is wonderful.

He uses every power of the public press.

He circularizes the public.

He uses the agencies of the press of every kind and fills the country with suggestions of panic and disaster. He is backed by unlimited wealth, and there is the most substantial reason to believe that he has been backed during the last eighteen months by the wealthiest men in the world, who, not content with fortunes so vast as to be incomprehensible to themselves, have desired to break the stock market for the purpose of using their hoarded currency and hoarded and available cash credits for the appropriation of the stocks and properties held by weaker men. I shall not stop to criticise the moral aspect of this matter. I only desire to emphasize the fact that these bear operators are able to cause violent fluctuations of credit, violent fluctuations of interest rates; that they set out false signals to produce shipwreck for their own profit. It is to stop the disastrous results of their campaigning and to stop their promotion of panic conditions that I earnestly insist upon the remedies proposed in the substitute bill.

First. To prevent the use of national-bank deposits for stock-gambling purposes.

Second. To redistribute the reserves, to withdraw from the central reserve cities a portion of the national reserves actually required for the use of our commerce, to strengthen the reserves of all the banks by bonds suitable for emergency notes.

Third. Chief of all, to provide an insurance plan that will prevent any attack on "confidence" being successfully employed by bear operators against the bank depositor.

Fourth. To provide emergency notes, properly secured, in volume great enough to meet any contingency whatever, and to have such issue taxed in a sum high enough to compel the retirement of such notes when the emergency passes.

When we shall have made panic impossible in this country our great Republic will move forward with a stupendous commercial development that will be the astonishment of the world.

Our resources are infinite, our people the most intelligent, inventive, and active in the world. The measure which is now before this body is the most important bill which has come before the Senate for many years. The great variety of opinions entertained proves beyond doubt the fact that our statesmen do not well understand the problem. But they have the intelligence and patriotism necessary, and should employ the patient industry requisite to its complete mastery, so that this measure when passed shall be perfect. I entertain a profound hope that this question shall be studied in a manner entirely free from all prejudice and with an earnest desire to promote the common welfare of our beloved country.

APPENDIX A.

Remarks of Robert L. Owen on Senate bill 3023.

MUSKOGEE, IND. T., *September 26, 1899.*

A METHOD OF CONTROLLING FINANCIAL PANICS.

It has been said that so long as human nature remained the same financial panics were unavoidable, the idea being that panics were necessarily caused by the natural tendency to speculate and operate on an unsound basis.

Nothing could be more fallacious or mischievous than this opinion. Certainly unsound speculators must come to ultimate liquidation, but that sound operators must also be ruined in great numbers every ten years by an unavoidable periodic panic is absolutely false.

It is true that the United States has had panics inflicting enormous injury about once in every ten years, ruining thousands of careful and industrious business men through no fault of their own, throwing out of employment many hundreds of thousands of honest workmen, destroying vast property, and exercising a depressing effect on all future enterprises because of the wreckage strewing the shores of the business sea.

It is true that these insensate, unreasoning panics, wrecking the sound as well as the unsound, have been periodic, but it is also true that no effort has been made to prevent them and that they can be easily prevented; that England, Germany, and France have each provided an efficient means of control, whose essential principle is available in the United States; that the English method protects the Irish and Scotch;

that the French method protects Belgium and Switzerland, and the German method protects Holland, Denmark, and all the German States.

PANICS ARE UNAVOIDABLE UNDER THE PRESENT LAW.

Under the present laws of the United States panics are unavoidable, indeed absolutely certain, whenever the mutual confidence of the people is shaken, no matter what the reasonable or unreasonable cause. "Want of confidence" is the pregnant cause leading to panic. Want of confidence may be due to the shrinkage of the gold reserve in the United States Treasury; to the shrinkage of the bank reserves; to the failure of some great house previously widely known and trusted, as that of Jay Cooke, in the United States, or Overend, Gurney & Co., in London; to civil revolution, or even to the false suggestion that panics are periodic and due every ten years. The whisper, everywhere current, that we are going to have a panic hypnotizes the public mind and excites that unreasoning fear which is the base of all panics.

In the last panic of 1893 the confidential whisper went out from New York that we were going to have a panic, and the writer of this article, one of thousands, caused the bank of which he was president to reduce the outstanding loans as much as possible and strengthen the reserves by every means available. This course of action, pursued throughout the Union by the banks generally, enormously increased the demand for money, in the same degree diminished the available supply, and put the business world in a condition of high nervous tension.

The banks of New York in 1893 advised their correspondents that the Sherman purchasing act was diminishing confidence in the high standing of the American dollar, was taking gold out of the United States, that until the law was repealed or the agitation was settled they would not be able to extend the accommodations previously afforded to their correspondent banks. The New York banks began to limit new loans to a market which by the force of usage did not anticipate refusal of loans on good security. The banks began to call in loans whose security was unquestionable, and on June 7, 1893, they forced to sudden settlement a vast sum in "call loans" when none of the banks were lending on time. This was the crowning offense against "confidence." The want of "confidence" that immediately set in among the creditors of the banks (that is, their depositors) caused them to take from the banks a vast sum of cash, equal to about $960,000,000, during the course of the events recited, to wit, from March to October, 1893. The banks, though enormously rich, were in great danger of bankruptcy from these withdrawals. They were compelled to resort to various devices to hold their creditors at bay, and among other things they stood back to back for mutual protection and issued clearing-house certificates in New York and Boston exceeding $52,000,000. These certificates relieved the great pressure on the available cash and thus practically supplemented the withdrawal of the currency. Except for this extraordinary act and the readiness of other clearing houses to do the same thing universal suspension might easily have ensued.

DEPOSITS AND CASH.

The banks of the United States in 1893 owed their depositors in March, subject to immediate demand or demand on short notice, the enormous sum of $5,338,000,000, and the total cash they held was about $533,000,000, which included "cash items" in the reports of the State banks, savings banks, trust companies, and private banks, who estimate "cash items" the same as "cash." "Cash items" are not "cash," but checks in transit, and making a reasonable deduction for such items there could not have been exceeding $450,000,000 in cash in all the 9,500 banks in the United States, a sum equal to only 8½ per cent of their deposits.

The banks are obliged to have a certain amount of money in their tills to cash current checks, to make change, etc., which is for practical purposes as much of a fixture as the desks, books, and papers of the bank, and which cash is not available for paying their creditors or making loans. Allowing for "till money" 3½ per cent, would leave about 5 per cent of the deposits as the sole reserve against the demand of the depositors. The like ratio substantially now exists between deposits and cash that existed in 1893, a ratio which makes possible (there being no relief provided against panics) a violent fluctuation in the rate of interest. Money to-day (September 26, 1899) on call in New York is quoted at 20 per cent. It has often been higher, but such a rate shows how unstable the condition is and, moreover, is itself a factor tending to disturb public confidence and bring about a panic.

Of course the national banks of the reserve cities are required to have a reserve not less than 25 per cent of their deposits. The financial reports frequently speak of this great reserve as a bulwark of strength. In sober truth nothing could be more deceitful, because this money regarded as 25 per cent of the deposits is a reserve not only against the private deposits of the New York banks, but is the actual reserve against all the deposits of all the correspondent banks of New York.

If a run for hoarding should take place among the depositors of the country banks who hold their reserves in New York, this so-called "25 per cent" would be quickly exhausted. This 25 per cent reserve is, in fact, not the reserve of the New York banks only, but it is the reserve of the thousands of correspondent banks who keep their surplus money in New York.

Between March and October of 1893 the depositors of the national banks drew out over 18 per cent of their deposits. Granting that the other banks suffered as much (and their average loss was probably more), the total withdrawal of cash was $960,000,000. Of course the cash withdrawn in a large degree was again attracted to the banks, but the striking fact is that a sudden panic, causing a sudden average withdrawal for hoarding of 8½ per cent of the deposits, would have bankrupted or suspended all the banks of the United States. The leading bankers are aware of this relation, and are accordingly tender and easily alarmed when conditions arise likely to disturb public "confidence," and this alarm runs through the banks and the business world like a delicate shock to the nervous system.

It should not be forgotten that there is a class of financiers who make fortune by hoarding money and disturbing "confidence," in order to bear stocks and bonds. "Want of confidence" gives their hoarded funds greater purchasing power and a net gain is made by unloading again on a higher market when "confidence" is restored. This is continually done on a small scale, but there is also grave reason to believe it is occasionally done on a vast scale. Certainly strong operators holding large masses of cash loaned on call or hoarded profit greatly by the very low prices following a panic. They can by suddenly calling in and hoarding very large sums of cash bear prices exceedingly and even cause a general panic.

NORMAL SUPPLY AND DEMAND.

To comprehend panics and their remedy the question of demand and supply of currency should be considered. The normal supply of actual cash in bank in 1893 was about $450,000,000. It is now probably about $650,000,000, excluding cash items. The normal daily demand for the payment of current commercial indebtedness amounts to about twice the actual hard cash in all the banks, or exceeding $1,000,000,000 each day. The estimate is arrived at as follows: The clearings of the New York City banks for May were five and one-half billions. It was equally large for March and April. These clearings only include the checks held by each bank against its associate banks in the clearing house, and do not include the internal checks of these banks which are paid in cash or which transfer credits from one customer to another.

Estimating the activity of other depositors by the activity of the depositors in the associated banks of New York (New York banks having one-seventh of all the deposits), the total clearings would be seven times five and one-half billions, or thirty-eight and one-half billions monthly. If there were any excess in this estimate of external clearings it would be fairly counterbalanced by the vast volume of internal checks of the New York banks and of over 9,700 banks not in the clearing house of New York, whose chief business is in internal clearings or unrecorded external clearings, and the same character of business of probably exceeding a hundred thousand merchants and commission men and brokers who receive deposits and pay checks, but whose reserve cash is all in the banks on deposit. The estimate of $1,000,000,000 a day in checks is surely well within the actual facts. No full statistics are available, and this must be a matter only of conjecture. Nevertheless the suggested relation is sufficient to demonstrate that the normal daily demand is very large. One unacquainted with banking may say, How can a bank stand an issue of checks daily twice as great as its cash on hand? The answer is simple: These checks draw no money out of banks, but simply transfer book credits from one account to another—from A to B, from B to C, and from B and C to A, etc.—and usually require only about one dollar out of twenty in cash.

It is only when these checks draw out cash for hoarding that they become dangerous. A hundred thousand in cash drawn out for hoarding may shrink the total deposits $400,000 immediately. For example, $100,000 drawn out of Sherman, Tex., banks by frightened depositors for hoarding may be drawn by these banks from the Dallas reserve banks, who may draw upon their reserves in the St. Louis banks, who may draw upon their reserves in the New York reserve banks.

The $100,000 thus locked up by Sherman depositors diminishes the deposits of the New York banks $100,000 in actual cash; of the St. Louis banks, $100,000 in book-credit cash; of the Dallas banks, $100,000 in book-credit cash; of the Sherman banks, $100,000 in book-credit cash; but the St. Louis, Dallas, and Sherman banks each are short $100,000 in what they call their reserve cash, and the New York banks are $100,000 short in actual cash, and each is disturbed in that degree and communicates the feeling to others. If the depositors all over the country are alarmed and the withdrawals for hoarding run into the millions, then the alarm may become extreme and a panic ensue. The above exaggerated instance of $400,000 shrinkage in deposits by the withdrawal of $100,000 in cash is, of course, merely used to illustrate the principle that actual cash withdrawn seems to withdraw a larger sum and excites alarm the more. It has its converse view, and it will be observed that in such an instance $100,000 in cash would settle $400,000 of bank debts to depositors.

The normal supply for banking purposes at present is about $650,000,000. This is the total amount which 9,800 national banks, state banks, private banks, and loan and trust companies have been able to secure, using all their great influence to gather in all the available money of the communities in which they operate. They have from fifteen to eighteen million customers; they have all the wholesale and retail merchants, tradesmen, and shopkeepers of every description. Every retailer in the land, supplying every need of the people for food, clothing, furnishing, and articles of trade and industry, diligently collect every dollar of currency they can from the people and deposit it in banks continually.

The money which remains in the hands of the people is comparatively small and what they actually need for pocket money. It assuredly seems to be very little available as a supply to meet the demand in times of panic.

It is true that the Treasury Department reports about $1,700,000,000 in circulation. This venerable fiction has the prestige of past reports in its favor, but the estimate is certainly erroneous. What banker or business man in the United States is prepared to believe that the people have twice as much currency in their pockets as all of the banks—national and State, private and savings, trust company and mercantile world, with nearly every adult person in the United States on their books, and using all their influence to collect the money of the United States into the banks—have succeeded in obtaining? The banks of the country have probably three-fourths of all the money; certainly two-thirds. The daily checks on the banks are about twice as great as the cash in the bank, and as great as all the cash in the country, on the very liberal estimate that the banks have only one-half the cash. The error in the estimate of the Treasury Department is due to the following: They have made no deduction of paper money in notes large or small, lost or destroyed. It may have been lost by fire and flood, by accident, by design, by endless casualty. Even large sums of old bonds, which were of large denominations and which offered every inducement against carelessness, have disappeared and remain unpaid. Not only is silver and gold subject to the same accident and loss as paper money, but large quantities of silver and gold are used in the industrial arts for an indefinite number of purposes. The Mint reported, in 1892, having furnished for industrial use $16,644,953 in gold and $9,631,746 in silver, a total of $26,276,699 in one year. And yet the estimate of withdrawal of coin for such purposes is put at an annual sum of $1,600,000. The English estimate for the same is put at an average of $7,500,000 for about half as many people, and a people much more economical, for gold alone. There is no special occasion for persons wanting gold to go to the mints when the gold is in circulation and they can get it for industrial use by taking it from the circulation. Of course no record is made of such withdrawals, and it is difficult to determine what the amount actually is,

but it is probably $15,000,000 a year in gold, or $150,000,000 in ten years.

Gold and silver are buried by misers; every dollar the Chinese get is said to be shipped to China, and their total earnings have been large. Gold and silver are shipped to Europe by multitudes of small persons for use there, and no account is kept of it except when the shipments happen to be very large. The large shipments from 1870 to 1896 made an excess export of gold of $618,835,551. The amount of gold which American tourists carry over in their pockets and never bring back is very considerable, probably amounting to millions annually. This leakage of our currency has been going on in degree since the foundation of our Government, and it must now have reached a vast sum, because, with a commercial system developed to a marvelous degree of efficiency, the total amount of visible money is less than one-third of the estimated supply. The visible gold and silver in the national banks of the United States July 14, 1898, was $284,921,337 of gold, $44,421,601 of silver, or a total of $329,342,938, and the other banks about one-half as much, or $160,000,000—less than $500,000,000 out of $1,302,000,000 estimated among the people. The estimate of the United States Mint—which is extravagant if the estimate of the United States is a sample—puts the world's stock at $4,359,600,000 gold (1897) and $4,268,300,000 silver.

It is manifest that this stock is only about twenty years' issue of the mines at their present output. What has become of the output of the mines of ages past of these treasured metals? Alexander the Great coined gold and silver three hundred years before Christ, and robbed Persia of over $400,000,000 in gold and silver, and men have been digging gold and silver ever since. Where is it all?

It has been used for ornaments, for coin, for the industrial arts; it has been reduced to dust by abrasion; it has been lost; it has been buried or sunk in the sea, and only about twenty years' output remains in circulation on the most extravagant estimates. All the gold reported by the great European banks does not exceed $1,500,000,000 and the silver $500,000,000, about the amount of checks drawn in two days in the United States. Modern commerce has grown so greatly in the United States that the need of the people for money to pay their daily business obligations, as exhibited by their checks, is twice all the gold and silver in the banks and nearly twice all of the cash the banks actually have.

The property of the United States is, on a low estimate, worth $80,000,000,000. The bank deposits are about 8 per cent of this sum. The cash in bank is about three-fourths of 1 per cent of this sum. The annual expenditure and revenue of the Government is about equal to the total cash held by the entire banking system. If the Government were to withdraw from circulation money equal to one year's revenue, universal bankruptcy must ensue. Who is so bold as to assert that the visible assets are not great enough to afford security to any reasonable amount of currency which the people of the United States should authorize? What thoughtful man can say to his own conscience that there is no need for enlarging this currency? The necessity for expanding the currency is now very generally recognized. It should be remembered, however, that enlarging the currency will not prevent panics, for the reason that no reasonable expansion will substantially change the ratio between deposits and cash, and the danger of violent shrinkage in bank cash by hoarding of depositors.

Remedial legislation should not only expand the currency, but the menace to the banks of a class of timid depositors who hoard in time of panic should be removed, and a means of quick expansion of currency which shall be self-contracting should be provided.

The Comptroller of the Currency estimates (1896) that of business transactions six-tenths of 1 per cent was by gold, five-tenths of 1 per cent was by silver, 6.3 per cent was by currency, and 92.5 per cent was by check. So that on the estimate of a billion dollars daily of banking business $75,000,000 would be in notes, six millions in gold, and five millions in silver. If half the ordinary checks were for hoarding, it would close the banks in one day. But in point of fact none of these checks are for hoarding in normal times. It is safer to keep money in bank than in private trunks "where moth and rust doth corrupt and thieves do break through and steal." But there is a class of timid depositors holding inactive accounts, which constitutes the greatest menace to banks, because when rumors begin to fly these people are the first to rush in and draw out and hoard currency, and thus they specially precipitate a panic. So dangerous and offensive is this action that sensible banks would gladly refuse the deposits of such people. This element is difficult to locate and diagnose, and is dangerous to the stability of the banking reserve and therefore to the stability of commercial life, and it ought to be withdrawn from the banks and provided for in postal savings banks as it is done in almost every civilized country in Europe. For example, in England, in Germany, in France, in Holland, in Belgium, in Denmark, in Norway and Sweden, in Switzerland, in Italy, etc., this class is provided for by postal savings banks conducted by the Government. The Government is the only banker of which this class has no fear.

By giving these depositors in the United States postal savings banks a bond of low denomination, bearing a low rate and having a term with abundant time option of redemption to the Government, the United States would never be embarrassed by their redemption. By making these bonds issued in small denominations domestic legal tender they would serve as an auxiliary in times of money stringency, and instead of a timid depositor being a source of weakness to the financial and commercial stability of the country he would become a source of strength.

It will be observed from the above remarks that the deposits of the banks are turned over on an average of once every six days, and that the actual cash is turned over in cash transactions about once in every seven. This appears to be the normal condition.

People put money in bank because they wish to have it subject to instant demand. They sacrifice the interest of investment in order to have ready money. Failure to get it on the instant of need might be ruinous. When public confidence is greatly disturbed and the reserve begins to shrink the instinct of self-preservation in all the creditor class is excited. Nearly every business man is a creditor, and also a debtor. As creditor his impulse is to push all his debtor neighbors, and as a debtor he is pushed by all his creditor neighbors. The debts paid are normally a billion dollars daily. Settlements are generally made on an average of thirty days, and the current indebtedness between business people will probably reach thirty billions. This money is needed. In thirty days all could be supplied in the normal exchange of checks, but the alarm of panic makes men press each other unduly and withhold payment unwisely, and thus the senseless alarm rises to dangerous proportions and active and ruinous hoarding begins.

The normal demand, which in ordinary times is distributed uniformly through some months, in times of panic is concentrated to a much shorter time, so that the demand heavily increases and excites alarm, and alarm locks up the currency which the banks are obliged to have in order to carry on business. The $1,000,000,000 of checks which serve as a species of currency goes through a violent shrinkage because they are no longer willingly received, thus having the effect of a further violent contraction of currency. The exchanges shrunk over 50 per cent in the panics of 1873 and 1884, and nearly 50 per cent in the panic of 1893. The factor by which all others become insignificant in comparison, which causes injury and is the soul of the panic, is hoarding. It is true hoarding springs from alarm, and the excessive demand springs from alarm, but alarm and its excessive demand would soon abate if there were an abundant supply of money. The shrinkage of deposits in national banks alone was $128,000,000 from June to December, 1873, $135,000,000 from April to June, 1884, and $378,000,000 from May to October, 1893—less than half the total withdrawals of deposits by the depositors of all the banks.

It is the absence of money due to hoarding that does the evil, causing violent disturbance to commercial life and great fluctuation in prices, ruining substantial houses and putting banks in undeserved liquidation. The alarm which leads to hoarding is brought about by business men pressing each other too severely, the banks meantime being quite as guilty as others in pressing the weakest men to settlement and refusing loans on good security. The Bank of England pursues the exact contrary course, and when Overend, Guerney & Co. failed they loaned out in one week $50,000,000, to the exhaustion of its reserve. The Bank of France and the Imperial Bank of Germany are armed against this situation, and under their laws they can extend every reasonable accommodation to every solvent debtor. The banks of the United States have no concert of action and dare not do so severally, although by unity they might.

It is therefore evident that if the currency withdrawn by hoarding could be supplemented by special issue of currency based on proper security, the panic would instantly cease, the alarm would stop, the artificial demand due to excitement disappear, and the reasonable demands of normal business could be supplied. This is precisely the remedy which the Bank of England evolved out of a series of disastrous panics, to wit, the right to issue and the actual issue of legal-tender notes against securities in her hands in time of panic.

THE BANK OF ENGLAND.

The Bank of England avoids panics by the following method:

This bank holds the ultimate reserve of all the banks of the United Kingdom. The reserve constitutes the only available cash reserve against $3,500,000,000 in deposits. This reserve amounts to a sum ranging from $130,000,000 to $150,000,000, or about 4 per cent of the deposits net. The Bank of England has a great advantage in having all the reserve concentrated in the hand of one concern, charged with the duty (by the force of public opinion) of maintaining this reserve above the danger point.

First. The instant this reserve begins to diminish by gold export the Bank of England raises the rate of interest. This tends to check gold exports, to cause gold imports, and usually brings idle gold from the continent. If, in ordinary times, gold is not attracted it is usually because there is loanable money on Lombard street content with a lower rate. In this event the Bank of England sells consols for cash and buys them back on time, which has the effect of absorbing the loanable money on the street and thus making the rate effective in attracting gold.

Second. When local credit is violently disturbed, and for that reason the rate might not attract idle capital held by European bankers, the Bank of England borrows gold directly, as it did from the Bank of France when the Baring liquidation was anticipated.

Third. The Bank of England when panic threatens lends with great freedom to all legitimate borrowers, so as to relieve the pressure and relieve alarm as far as possible. For example: When Overend, Gurney & Co. failed in 1866, the Bank of England loaned in one day $20,000,000 and in one week $50,000,000, to the depletion of the cash in the banking department.

Fourth. When the cash is about exhausted in the banking department and the closing of the bank becomes imminent, the administrative government of Great Britain has always, through the prime minister, by letter, advised the Bank of England to issue notes (legal-tender money) against other securities than gold (to which the excess issue was confined by the act of 1844). This was done in 1847, in 1857, and in 1866, with the result that the panic in each case was controlled instantly.

The method of the Bank of England in raising the rate and borrowing gold is not adaptable to the United States for the reason that the element of time and distance and absence of concentration are substantial barriers to such devices; but the issue of notes against proper securities can be made easily applicable to the United States by an act authorizing the United States Treasury to issue Treasury notes against proper security deposited by the banks in times of stringency, with adequate provision for retiring such notes when the panic was over.

THE BANK OF GERMANY.

The Imperial Bank of Germany is substantially a state institution. The state gets all the benefit over and above a low rate of interest to the stockholders. The bank is controlled and dominated by the uniform rate of interest. It has substantially a monopoly in the issue of paper money. It carries in its vaults a large amount of gold and silver, averaging $200,000,000 in gold and silver, principally gold. It is protected against panic, and Germany is protected against panic, and the commercial stability of the German Empire secured by giving this bank the right to issue currency not only against gold, but also against the securities held by the Imperial Bank, consisting of bills, due within ninety days or less, and secured generally by three and at least by two persons known to be solvent. It may issue even in excess of these limitations by paying a tax to the German Empire of 5 per cent per annum on such overissue. The result is that a panic in Germany is impossible, that the normal rate of interest is between 3 and 4 per cent, commercial stability is secured, and their enterprises and manufactures are making themselves felt throughout the civilized world.

The store of gold held by the Imperial Bank of Germany is protected as in England—

First. By raising the rate.

Second. By favorable assay to foreign gold, by giving six to eight

interest days to shippers, and other little devices favoring the shipment of gold to Berlin.

Third. The powerful influence of the bank is exerted on the bankers of Berlin to prevent their shipping gold, which is generally effective.

Fourth. While the bank does not refuse to pay gold on demand, persons asking for gold for shipment feel that when the bank says "yes" it really means "no."

The only features of the German legislation apparently available in the United States is issuing currency against securities and issuing emergency currency under the penalty of a tax. Either one of which would appear sufficient to protect the United States from panic, and both of which should be adopted.

THE BANK OF FRANCE.

The Bank of France, which is practically under state control, carries the largest gold and silver reserve in Europe. Its gold was, October 13, 1898, $369,000,000; its silver was $246,000,000, making a total of $615,000,000.

The duty of the governor of this bank is to watch that "the bank performs its duty to the state and toward the commerce and industry of the country." The banks of the United States owe a duty to the State and toward the commerce and industry of the country which the law should enable and require them to perform.

This bank is protected against panic by the authority under the law of 1897 to issue legal-tender notes to the amount of $1,000,000,000, of which it has issued $739,000,000.

It hoards its gold and silver not by raising the rate, but by other devices. First, in case of an exchange unfavorable to France, the Bank of France pays out small gold coins which by use are slightly under weight and therefore not suitable for export. In case of strong demand, money brokers buy up full-weight napoleons and sell them for export, and ultimately the bank feels the withdrawal, but it costs something to take gold from France in this manner and the method opposes a mechanical obstruction to the withdrawal of gold. Second, if a request is made of the Bank of France for a large amount of gold for export the request must be submitted to the directors, who impose a charge just at a point which is usually prohibitive. Third, in case of need the Bank of France can protect its gold hoard by paying out 5-franc silver pieces as legal tender under the law, and this provision of course abundantly protects the gold held by the bank against direct withdrawal.

There is a vast difference between the business methods of France and the business methods of the United States. The French people by long custom still maintain and do nearly all their business in cash, and checks are comparatively little used in commercial life. The consequence is that the people have acquired and use a very large amount of currency in gold and silver, including $739,000,000 in notes of the Bank of France.

The Bank of France not being compelled to pay gold on demand, though it does do so for domestic purposes, does not need to raise the rate of interest to protect its gold. For this reason, while the bank rate from February, 1889, to October, 1897, was raised by the Bank of England fifty-three times and by the Imperial Bank of Germany twenty-six times, it was only raised by the Bank of France once. It is the policy of the Bank of France to let the French people have money at the unvarying rate of 3 per cent, believing that stability in the rate of interest gives stability to commercial enterprise and promotes the welfare of the "commerce and industry of the country," which is a chief duty of the bank.

The very large surplus in coin of the Bank of France prevents the loss of confidence which leads to panic, and the bank has so large a margin of note issue, with disposition to extend every reasonable demand, and France itself has so large a supply of internal currency in circulation, and the banking deposits being relatively small, that there is no danger there of panic in times of peace.

THE BANK OF CANADA.

Even the banks of our nearest neighbor, the Dominion of Canada, have a method which expands and contracts the circulation as much as 20 per cent during the three months in each year when the crops of forest and field are moving.

Their notes may be issued to the extent of their unimpaired capital paid up.

The notes form a prior lien on the assets and are secured by a 5 per cent guaranty fund. The notes must be redeemed at any part of the Dominion. No reserve is actually required by law, but the cash reserve for redemption has actually averaged in gold and legal tenders for some years 10 per cent about. Under the law 40 per cent of the reserves must be in Dominion legal tenders, which, of course, take care of such paper to that extent. There is a double liability of stockholders, a special liability of directors, elaborate regulations, frequent printed reports, etc. The striking feature is that in the history of these banks the guaranty fund of 5 per cent for the security of their notes has never been depleted, and that this method offers a method which the United States might safely use for expanding the currency.

THE REMEDY IN THE UNITED STATES.

The remedy for panics in the United States which suggests itself is:

First. Established postal savings banks in which "timid" depositors with inactive accounts may place their money, because at present by sudden hoarding in times of excitement they constitute the greatest danger to the stability of banks and therefore to the stability of commerce.

Second. Issue to such depositors in the postal savings banks, in lieu of their deposits, a bond, of long term, with liberal option as to period of redemption by the Government, bearing a low rate and issued in small denominations, available for currency, and make such bonds legal tender. In this way such deposits would become a source of strength instead of weakness.

Third. Authorize the Treasury of the United States to issue Treasury notes to banks depositing bonds of a fixed character, Federal, State, or municipal, where the standing of such bonds is thoroughly assured, leaving the determination of their character with the Secretary of the Treasury. In this case a charge should be made against the banks drawing the notes by a tax in excess of the amount of interest borne by such bonds, so as to secure the prompt redemption and repayment of the advances.

ROBERT L. OWEN.

APPENDIX B.

[Kansas City Times, July 5, 1899.]

TO PREVENT PERIODIC PANICS—PLAN FOR EXPANDING THE CURRENCY DURING A FINANCIAL CRISIS—HON. ROBERT L. OWEN SUGGESTS THE ISSUE OF TREASURY NOTES AGAINST STANDARD SECURITIES IN TIMES OF PANIC, BY WHICH THE BANKS WOULD AVOID THE FORCING OF BORROWERS INTO LIQUIDATION.

To the Editor of the Kansas City Times:

The panic of 1893 is instructive. At that time, on March 6, 1893 (see report of Comptroller of Currency, 1893, vol. 1, p. 623), the deposits subject to withdrawal on check of 3,806 national banks was $2,235,000,000. On October 3 this deposit had fallen to $1,814,000,000, a withdrawal of $421,000,000 within a few months. The total amount of cash which the national banks held on March 6, 1893, was $312,000,000, so that they were required to relinquish in deposits over $100,000,000 in cash in excess of what cash they had. This is a remarkable spectacle. The withdrawal of deposits thus amounted to over 18 per cent of the total deposit. The total deposit in the United States at that time, to wit, in 3,806 national banks (p. 646), 3,759 State banks (p. 623), 1,025 savings banks (p. 605), 904 private banks (p. 606), 224 trust companies (p. 604), amounted to $5,338,000,000 of deposits. The total amount of cash, and this includes all cash items of the State banks, savings banks, private banks, and trust companies, whose reports do not separate cash and cash items, was $533,000,000. It should be clearly remembered that cash items are by no manner of means cash, but only checks in transit, and a very different thing from money, because in time of panic they are not available. The deposits more than ten times exceed the amount of actual cash held by all the banking institutions in the United States. This ratio is of extreme significance.

We have shown above that exceeding 18 per cent of the deposits of the national banks was required of them between March and October of 1893. The ratio which cash items and clearing-house exchanges bear to the actual currency is large, particularly in the great cities. For example, in the city of Boston (see p. 754), on September 20, 1898, the cash items and clearing-house exchanges amounted to $13,000,000, while the currency amounted to $24,000,000. These clearing-house exchanges must be regarded as an artificial form of money serving a valuable purpose and having a brief life individually, but long life collectively.

The clearing-house exchanges and cash items in New York City on September 20, 1898, including cash items, amounted to $64,000,000, while the total cash amounted to $152,000,000; the clearing-house exchange was an artificial money equal to about 40 per cent of the actual currency they had on hand and served a valuable purpose in the banking business and commercial life, yet it is not cash, nor is it available for the purpose of paying a depositor who calls for his money. When the depositors call for more money than the banks have on hand, as they did do in 1893 in New York, the banks were compelled to decline to pay the cash and to insist upon putting in circulation the clearing-house certificates, which they did to the extent of many millions, manufacturing an artificial currency in violation of the laws of the United States and earning the gratitude of the entire country by their illegal action. It is a singular situation when the laws of the United States are in such a condition that the entire commercial world rises up and bestows its blessing on the New York clearing house for violating the statutes.

In the estimates of $533,000,000 of cash the Comptroller's report for the State banks, savings banks, private banks, and trust companies makes no distinctions between cash and cash items, consequently they are necessarily merged in the estimate, of which they constitute two-fifths, so that in 1893 there must have been something less than $500,000,000 currency or actual cash, including specie, Treasury notes, bank notes, and all forms of paper, silver, and gold which may be classed as money.

It is a wonderful thing if it be true, and it is not true, if the people of the United States in 1893 had a total money in circulation of $1,596,000,000, and all of the banks in the United States combined had less than one-third of that money. On this theory the people keep twice as much money at their homes as they do in the banks and savings and trust companies. The per capita circulation in 1893 was represented to be $23.85, and on this basis the average person should have had $8 in the bank and $16 in his pocket; every family of five should have had $80 at home and $40 in the bank. The commonest observer is aware that this is preposterous; very few people keep money at their homes, and the probable average circulation in the western country, with which the writer is familiar, of the average dweller in town and village and country would probably not exceed $5 to the household, or $1 per capita. In the city doubtless it is greater, and even if it should be three times greater it would still leave in the hands of the people only an average circulation of $3 per capita. From the reliable reports of the Comptroller of the Currency it is manifest that in 1893 (see page 364) the 66,000,000 of people in the United States had less than $500,000,000 in banks in cash, or a per capita of less than $7.50—that is, in sight. We are told, however, by the statistician of the Treasury Department (page 364) that the people had at that time $23.85 per capita circulation. This venerable and hoary fiction has the sanction of past reports in its favor. It is based upon the presumption that no coin of the United States in silver or gold which has ever been issued was ever used for commercial purposes; none of it is supposed ever to have been melted up for gilding or in jewelry or in the mechanic arts; none of it has ever been lost by fire or flood, at home or on the seas; not a dollar of the paper money which has ever been issued has ever been burnt up, has ever been worn to tatters and not redeemed, has ever been lost or destroyed by accident or intention.

It is the custom of business houses desiring to keep their affairs in a healthy condition to take an annual inventory of stock and charge to profit and loss that which is injured, impaired, or destroyed, and if it can not be estimated with precision an intelligent and conservative estimate is made and the deduction made accordingly. The United States Treasury has never made an estimate to cover this loss referred to, until the fiction of the per capita circulation in the United States has become so gross that it deceives no intelligent man.

Who is capable of believing that 3,806 national banks, 3,579 State banks, 1,025 savings banks, and 904 private banks, 224 trust companies, or 9,538 banking institutions, devoting all of their energies to securing the deposits of every available dollar in the community where they do business, and having the absolute confidence of the people every-

where, should be unable to get exceeding $7.50 per capita, or less than one-third of the money in the hands of the people? This statement is perfectly preposterous. The banks and banking institutions of the country have nearly every dollar in the community; they must have three-fourths of it all, and there can not be exceeding $10 per capita in the United States, or if this be deemed an excessive estimate, assuredly they would be credited with having at least one-half, and this leaves $15 per capita. The banks in 1893 had in cash a total of less than $500,000,000. They had a total line of deposits exceeding $5,338,000,000. The people drew out exceeding 18 per cent, or probably about $960,000,000. There was but one way for the banks to meet this withdrawal. It was to take those who were their weakest borrowers and earnestly and zealously force them to settlement at a time when the banks themselves were not able to accommodate the borrowers—at a time when the borrower who was weakest was compelled to sacrifice his property and throw it on the market. He had no escape from liquidation. Commercial lives by the thousand were destroyed in the panic of 1893. A shrinkage of values took place throughout the United States; probably 25 per cent would be a reasonable estimate upon the total property values in the Union. The property of the United States, estimated at $100,000,000,000, a shrinkage of $25,000,000,000, resulted because of a withdrawal of some $900,000,000 of deposits by the depositors of the United States when they had been sufficiently alarmed by the metropolitan press and by the acts of the New York clearing house.

You will remember that the New York clearing house, through its committee of nine, caused the New York banks to issue a circular to the banks of the South and West, and perhaps elsewhere, advising them that the agitation of silver was disturbing the confidence of the country, and that they would not be able to extend the accommodations previously afforded to the South and West until the Sherman purchasing act was repealed and confidence restored. That circular had considerable effect, which culminated when, in June, 1893, the banks combined to call all call loans. This action threw on the market immense blocks of securities, which were necessarily sacrificed, and which alarmed the whole country extremely. Preceding this financial tragedy the country was full of rumors of impending panic. Confidence having been destroyed in this manner, deposits went out with a rush. Thousands of boxes in safety-deposit vaults were engaged in which to lock up currency. No way had been provided by the Government for expanding the currency to meet a withdrawal of this character. The consequence was that the panic, with its enormous destruction of commercial life, the shrinkage of property values, and the great evils with which the country is familiar necessarily followed. The property values of the United States on the present gold basis may be fairly estimated at $100,000,000,000. The people of the United States carry in deposits exceeding 5 per cent of this sum; the banks of the United States had less than one-half of 1 per cent of this sum in currency in 1893, and the ratio has not greatly changed since.

It is perfectly manifest that the currency could be quickly and safely expanded by issuing Treasury notes against standard securities put up as collateral with the Treasury of the United States. In this manner the sudden withdrawal of deposits and the shrinkage of the narrow margin of currency available to the banks could be supplemented as above stated, without forcing into liquidation at such an unfortunate time any borrower. An issue of this kind could be made under proper safeguards with a sliding scale of interest against the party drawing Treasury notes on such collateral and the redemption of such securities promptly secured when the Government desired it. These Treasury notes could be designated as domestic currency, made legal tender, and their withdrawal left to the option of the Government. There is no doubt whatever that the people of the United States in time of panic would be glad to get such notes; not the slightest fear need be entertained that they would be discounted because of the Government retaining the option of their withdrawal. The withdrawal of deposits in the panic of 1893 was over in less than six months, and the actual currency held by the banks during that period was increased above the normal, so that, judging the future by the past, such an issue of notes would not be needed for a period exceeding six months.

The fact is that when the people know that a good and sufficient means for avoiding a panic has been provided the fear which inspires them, and by which means they are induced to withdraw their deposits, will cease and the cause of the panic be removed. No man knowing that there is a means of escape will be alarmed. Fear alone creates a panic. The ingenious system of drafts and checks and cash items and clearing-house exchanges and acceptances make the currency we have exceedingly fluent, so that the people could carry on their commercial life without interruption if they were protected from the fear of panics. The reason a man withdraws his money from the bank is because he fears that the bank is no longer safe. He hears talk of panic. He sees in the metropolitan press daily reports about the gold in the Treasury of the United States going to Europe; that the gold reserve is falling below the danger point; that it is less than $100,000,000; that it is $96,000,000; that it is $92,000,000; that it is $88,000,000; that it is $84,000,000; that it is $78,000,000; that the gold is going away, and he infers that our Government is in a tottering condition. Those who desire the Government to issue bonds assist in alarming the country for the purpose of justifying the Executive in his own mind and in the opinion of the people in issuing bonds for the purpose of protecting the Federal Treasury. But while they are doing this they are laying the foundation of a panic, and since it takes only 10 per cent of the withdrawal of deposits to consume all of the cash the banks have on hand, it is not difficult to alarm the banks, and each banker in the country, when sufficiently alarmed, quietly and calmly and conscientiously takes his weakest debtor by the throat and pushes him firmly and judiciously to the wall at a time when he can not possibly borrow from any other bank. It is a very good plan to destroy the American citizen at the weakest point and take away hope and light and life from the class of men who need gentler and fairer treatment.

Their destruction vigorously reacts upon the body politic and diminishes the power and the strength and the glory of our Government. Every little captain of industry who is thus strangled has a little company behind him to whom he gives employment, and the destruction of one man grinds the face of many. It means hard suffering and despair to many an honest fellow who is anxious to work and to do his full share in the life of an industrious and active citizenship.

It is the duty of the United States to provide a means by which periodic panics which shake the American Republic and do it enormous injury shall be stopped. They are easy to prevent. The remedy is perfectly simple. Provide a means for quickly expanding the currency when financial fear threatens the country. Provide a means by which the timid depositor who rushes on the banker and demands his money shall not frighten that banker out of his wits. Provide a means by which that banker can, upon the strength of adequate security, obtain a temporary accommodation of money with which to meet his frightened depositors. In a time of panic a man can not borrow money if he puts up gold dollars as collateral for the manifest reason that it is not security, but currency, which is then required. The banker has not the currency to lend, and he can not lend that which he has not, no matter what the security. You can not then borrow on Government bonds if you put up $10,000 for $1,000. It is the duty of the United States to protect the commercial life of its citizens against this senseless, unreasoning, destructive fear that seizes the depositor when he has been sufficiently hypnotized by the metropolitan press with indiscreet suggestions.

An important auxiliary to the remedy proposed would be to establish postal savings banks in which the cowardly depositor could place his money and in this way remove from the banks that class of depositors who are dangerous. The timid depositor is not very likely to be afraid of the Government, while at times he may become distrustful of his local banker. Such postal savings could by proper means be utilized as a basis for quick expansion of the currency by issuing notes against them or converting them into legal tender in times of threatened panic.

ROBERT L. OWEN.

APPENDIX C.

[From The Morning World, January 7, 1908.]

WALL STREET—WORST OF GAMBLING PLACES.

Governor Hughes in his message recommends the abolition of race-track gambling. He asks the legislature to make bookmaking at race tracks a prison offense, like pool selling. His authority for this recommendation is section 9 of article 1 of the constitution of the State of New York, which requires that "the legislature shall pass appropriate laws to prevent" any form of gambling within this State.

This section of the constitution should be enforced everywhere with equal justice.

Nowhere is its enforcement more needed than in the New York Stock Exchange, the Consolidated Stock Exchange, the Cotton Exchange, and on the Broad street curb. Race-track gambling at its worst is an evil of petty consequences in comparison with Wall street gambling. Race-track gambling injures only those who bet on horses. Wall street gambling maw menace the legitimate business of the entire nation.

What other public service could Governor Hughes render comparable with the elimination, segregation, or even restriction of this great evil?

BANKS AS GAMBLING TOOLS.

In no other country than the United States are incorporated banks part of the machinery of stock gambling. In no other country are the methods of stock gamblers such as to require the constant use for that sole purpose of hundreds of millions of dollars of other people's money. In no other country is the National Treasury called upon to turn over the public revenues for the use of members of a stock exchange. In London, Paris, Berlin, Frankfort, and Amsterdam gamblers in stock must use their own money and their own credit as if they were playing at Monte Carlo instead of on a stock exchange.

This difference in stock-gambling accounts for the great fluctuations in the rates of interest in New York as compared with the stability of European financial centers. In New York call money may be 3 per cent one day and 50 per cent the next day, something unknown in Europe.

The banking laws and the banking system of the United States concentrate the fluid capital of the country in Wall street. By bidding up the rate of interest higher than legitimate business can pay, stock gamblers are able to draw from productive industry its means for supplying payrolls, for carrying on manufacturing, for distributing goods, and for moving the crops.

To-day, for instance, the World's Wall street article bears the head "Flood of Cash Buoys Stock List." The money came from every part of the country—from many places where the business need of it is sore.

In Great Britain an increase of 1 per cent in the discount rate of the Bank of England is regarded as a serious fluctuation. For the Bank of France to alter its rate one-half of 1 per cent is a matter of international finance. For the Bank of Germany to change a third of last week's highest rate in Wall street is done only after serious consultation with the Government, with great capitalists, and with business interests.

THE WORLD'S BIGGEST GAMBLING HOUSE.

Nowhere on the earth does another such gambling institution exist as finds shelter in the New York Stock Exchange—an unincorporated, irresponsible institution. According to the statistics carefully compiled by James Creelman in Pearson's Magazine there were sold in 1906 on the stock exchange 286,418,601 shares of stock of the par value of $25,000,000,000, besides 665,000 thousand-dollar bonds; on the consolidated exchange 136,000,760 shares of stock, besides 21,569,178 shares of mining stock and 193,884,000 bushels of wheat. This does not include curb sales.

These gambling transactions amount to over $30,000,000,000—four times the value of the products of all the farms of the United States, half the value of all the land and buildings, one-third the census valuation of all the wealth of every kind in the country.

Last year there were sold on the stock exchange 43,399,710 shares of Reading, fifteen times the total amount of Reading stock in existence. Of the Union Pacific, Harriman's road, there were sold 36,751,600 shares, twenty times as much as existed.

Ninety-nine and one-half per cent of these transactions, according to Thomas W. Lawson, are nothing except bets that the price goes up or down. They are as much gambling as betting on a horse race or on the card that comes out of the faro box or on the odd or even fall of the dice.

THE BUCKET-SHOP LAW.

Under section 343 of the Penal Code it is a crime for—

"Any building * * * to be used for * * * making any wagers or bets made to depend upon the future price of stocks, bonds, securities, commodities or property of any description whatever."

This law was passed to enable the stock exchange to close bucket shops and thus monopolize gambling in stocks. For this purpose the law is effective, because the bucket shop makes no pretense to actual delivery of the stocks in which it gambles, while the stock exchange does. The system of the stock exchange to evade the gambling law and to utilize for its own purposes the fluid capital of the United States is complicated. Were it simple and known to everybody it would long since have been abolished.

THREE BILLIONS OF MONEY.

Without banking facilities and credit, productive industry would be limited to the use of real money as the method of exchange. Business would become largely barter, because 95 per cent of the business of the country is done with checks. All the gold and silver of the world would not suffice to sustain a cash basis. The total amount of money in the United States, including gold, silver, legal-tender greenbacks and national-bank notes, is only $3,000,000,000, while the exchanges of the New York Clearing-House alone amounted in 1906 to $103,754,100,091, or thirty times the amount of all the money in the United States.

Of this money the United States Treasury holds a little over a third to cover its gold and silver certificates, as a reserve against its legal-tender notes, for the redemption account of national-bank notes and as a cash balance. Another third is held by the banks and trust companies as a reserve on their deposits. That leaves less than $1,000,000,000 for circulation.

THIRTEEN BILLION DEPOSITS.

The deposits of banks and trust companies other than private and national banks amount to $8,000,000,000. The deposits of the 6,625 national banks of the United States as reported on December 3 amount in round figures to $5,000,000,000. All the money in the United States would not pay one-quarter of these deposits on demand.

THE RESERVE SYSTEM.

To protect the depositors and to prevent the undue inflation of credit the national banking law, of which the State banking law is substantially a copy, provides that banks "must retain a reserve of lawful money." Three cities—New York, Chicago, and St. Louis—are made central reserve cities, where banks must keep on hand in cash 25 per cent. of the'r deposits. Banks in twenty-eight other reserve cities must also keep 25 per cent reserve, but only one-half of this need be in cash in their vaults, the other half being allowed to be deposited in New York, Chicago, or St. Louis banks. In all other cities and towns the banks must maintain a reserve of 15 per cent, of which they need keep on hand only two-fifths, being allowed to deposit the other three-fifths in reserve banks.

This system drains the reserve money of the United States to Wall street. A commercial bank, charging merchants and manufacturers 6 per cent interest, can not afford to pay interest on deposits in competition with the Wall street banks, which can frequently get 20 to 50 per cent on the stock exchange for the use of their deposits. Thus these reserve moneys gravitate to the banks which can afford to pay high interest on them. This process of drawing the surplus savings of the country to Wall street was facilitated by the three great insurance companies—the Equitable, Mutual, and New York Life—which collected annually $200,000,000 from their policy holders. This money they either invested in Wall street securities or deposited in Wall street banks, making their disbursements by New York drafts and keeping the cash here.

Wall street thus became a great funnel into which the savings of the people, instead of being available to the local manufacturer or the local storekeeper, were driven by higher rates of interest to the stock exchange.

The system of reserves directly invited this. If a national bank in Altoona or Columbus or Topeka deposited its money in a Wall street bank it not only received interest but it was allowed to credit what the New York bank owed it to its legal reserve like real cash. But the debt of any country bank to a New York bank could not be credited to its legal reserve. A New York credit was legally cash and a country credit was not.

DEPOSITS AND LOANS.

When the recent panic became acute in November the clearing-house banks reported deposits of over $1,000,000,000. Of these deposits one-half were due to other banks. Of the loans, which slightly exceeded the deposits, over half were on stock exchange collateral. That is, the money collected from millions of depositors throughout the country by their local banks was used as the basis of Wall street credit and was the real money in the stock exchange game.

There are two general classes of loans. One is commercial paper—that is, discounts on bills of lading, on cotton, wheat, warehouse receipts, goods in manufacture, and the notes which retailers give their wholesalers and wholesalers give to their manufacturers. The other kind of loan is what Europe calls a finance bill and Wall street calls a collateral loan. It is a loan not on separable property, but on a piece of paper which represents an interest in indivisible property.

A share of railroad stock differs from a warehouse receipt for eggs, butter, cotton, or wheat, in that no holder of it can demand so many rails and ties or locomotives and cars. No holder of United States Steel stock can demand so many tons of steel rails or iron pigs; no holder of Standard Oil stock can demand so many barrels of kerosene. Neither can the holder of any corporate bond demand anything except payment of principal and interest when due, and bonds run for such long periods that their payment is an asset too slow to be realized on in an emergency.

This distinction is recognized in every other country. The Bank of France last November declined to make any advances on American finance bills, while expressing its willingness to loan all the money that their value would warrant on cotton, wheat, corn, and other tangible goods in shipment. The Bank of England months ago not only refused to discount American finance bills itself, but notified its customers that they must not do so. The Bank of Germany was forced several years ago to adopt the same policy.

In these countries the discounting of finance bills is left to private bankers, who use their own resources without involving general banking facilities, which are restricted to the use of commerce, manufacture, and other business.

COMMERCIAL OR FINANCE.

Instead of the New York national banks following this wise policy of the great European banks by looking after their commercial customers rather than seeking for the higher rates of interest which stock gamblers pay, they have adopted the contrary policy. In ten years, from 1896 to 1906, the New York bank loans on stock exchange collateral increased from $162,361,654 to $442,210,765. The gain in commercial loans was only two-fifths as much, $151,795,029 to $259,340,272.

During the panic weeks bank loans on collateral were actually increased. Banks had the alternative of carrying their stock-gambling customers or of such a stock exchange crash as would imperil their own solvency. Therefore some of the banks stopped commercial discounts and cut down the credit of solvent merchants in order to use all their resources to protect their brokers' collateral. It will be recalled that interest rates ran up to 200 per cent one afternoon, and that only the $25,000,000 which Mr. Morgan secured from the United States Treasury and dumped at once into the stock exchange prevented the immediate failure of gamblers who had bet that stocks would go up.

The system of stock gambling in Wall street is different from that banks increased their total loans over $100,000,000, yet at the same time they actually reduced their commercial loans.

THE MACHINERY OF GAMBLING.

The system of stock gambling in Wall street is different from that in any European country. Here every day the broker goes through the farce of legitimate purchase and sale. After one broker has bought and another sold, each makes a memorandum and the transaction is sent out through the ticker everywhere. Then each broker tabulates his transactions and sends to the stock exchange clearing house a copy, with a check for the difference between his price and the closing price. The clearing house sends out notices to the brokers telling them who is to deliver what shares of stock and to whom.

The next morning every broker who is to receive stocks sends to his bank and gets certified checks for the sums he is to pay. Part of the money he had already arranged for through the system of time and call loans on stock exchange collateral. For the rest his bank allows him to overdraw his balance, commonly overcertifying therefor. Then before 2.15 p. m. every broker who is to deliver stocks sends around the certificates and receives these certified checks. After 2.15 p. m., and before the banks close, every broker in turn deposits the certified checks and the stocks which he has received in his bank to make good the overdraft the bank certified for him in the morning.

HOW IT IS DONE ABROAD.

Without the banks' assistance this whole system would be destroyed and the stock gamblers in New York would have to gamble, as do the stock gamblers in London, Paris, and Frankfort, where this form of actual delivery in speculative transactions is not gone through with. Instead, there are fortnightly settlements, where the losers pay and the winners collect their winnings. Such a thing as a London stockbroker having the Bank of England or a Paris broker the Bank of France certify his check in advance and thus furnish the funds for him to gamble with is unheard of. The European stockbrokers gamble as do the London race-track bookmakers, who have their regular settlement day at Tattersalls.

On the London Stock Exchange settlements are made twice a month. On the Paris Bourse settlements are made once or twice a month. On the Frankfort Bourse there are semimonthly settlements. On the Berlin Bourse there are settlements at times fixed by the Government regulation. If the parties desire to continue the gamble a charge is made for an extension, but either party can quit the game and cash in at any time, just as in any other gambling house.

On the Continent these matters are regulated by the government so that general industry will no more be interfered with by stock gambling than by gambling at cards or dice. The Prussian Government forbids the short selling of industrial stocks on the Berlin Bourse. Transactions on margins are forbidden except in certain cases between registered parties. Unless a man registers his name as a stock gambler he can refuse to pay his losses. Transactions in futures on agricultural products are prohibited. In Paris, bourse agents are not allowed to operate on their own account. There is a tax on every order to buy or sell and on every completed transaction. The French system is analogous to the taxing, licensing, and regulating of ordinary gambling houses by the French Government.

The forms which the New York Stock Exchange go through to evade the New York gambling law are in vogue nowhere else.

GOVERNMENT REGULATION.

The French and German governments treat stock gambling somewhat as race-track gambling is now treated in New York State, where it is permitted in race-track inclosures and forbidden elsewhere. But these continental governments go further. They even decide in what stocks and bonds they will allow gambling.

During the Japanese-Russian war the French Government instructed the Parisian brokers that no one might sell or offer for sale Russian bonds without giving their serial number. This prevented short selling. In Germany similar measures have been taken.

On both the Paris and London exchanges the brokers who do the buying and selling on the floor are distinct from the brokers who do business with the customers. The floor brokers do business only for other brokers, just as an English barrister—that is, the lawyer who tries the case in court—is not retained by the client, who deals with an office lawyer called the solicitor.

As a result of this separation of stock gambling from the banking business of the country the great drop in Russian bonds, hundreds of millions of dollars of which are owned in France, caused hardly a ripple on the surface of French trade and manufacture. The great fall in the market prices of South African gold and diamond mine stocks at the time of the Boer war did not shut off discounts and banking facilities to English manufacturers, forwarders, and merchants.

What other countries have done in segregating and restricting stock gambling the United States also must do, remembering always that Wall street also performs a legitimate function in providing capital for great enterprises and in affording a market for the actual sale of securities.

OVERCERTIFICATION.

The overcertification of checks is already a crime under the national banking law. Section 176 specifically prohibits the certification of any check "unless the person or company drawing the check has on deposit at the time such check is certified the amount of money equal to the amount certified in such check."

This of course prohibits certifying a check before 2.15 p. m. on the strength of deposits after 2.15 p. m. Its violation, however, is difficult to prove, and its evasion is easy by a broker putting in dummy notes at the time of certification.

STOCK-TRANSFER TAX.

One way to diminish stock gambling is to increase the tax upon it. Last year one-quarter of the revenue of this State was derived from the $2 tax on every transfer of 100 shares of stock. The enormous amount of these stock-gambling transactions is shown by the fact that in spite of gross evasions of payment, over $6,000,000 was collected, equivalent to 3,000,000 sales of 100-share lots. The ordinary broker's commission is one-eighth of 1 per cent on the par value, or $12.50 on one hundred $100 shares. A tax of one-sixth of the broker's fee has had no appreciable effect to diminish the amount of stock gambling. Through the clearing-house system the floor traders escape this tax on many of their gambles by clearing stock and not delivering it.

This tax could be greatly increased. A tax of one-half of 1 per cent on all gambling transactions in stocks, grain, and cotton would pay all the State taxes, all the taxes of New York City, and all the taxes of every county, city, and town in the State.

ABOLISH STOCK GAMBLING.

To segregate stock gambling, as is done in Europe, and to make both unprofitable and illegal the use of other people's money by Wall street gamblers without the consent of the real owner, three short, simple changes in the State and national banking laws would suffice.

First. Require every bank to keep its legal reserve in the form of legal-tender money in its own vaults, instead of as bank credits in Wall street. This would retain in the banks of the manufacturing and agricultural sections of the country the real money necessary for wages and for moving the crops.

Second. Prohibit the payment of interest on demand deposits. A demand deposit is the correlative to a call loan, which is a Wall street gambling device. Commercial banks can not afford to pay interest on demand deposits. The stock-exchange banks can and do. By prohibiting any bank from paying interest except on time deposits the Wall street banks will be made unable to divert accounts which properly belong to commercial banks.

Third. Divide all check account banks into two classes—commercial and finance; that is, banks of discount and deposit, which make loans only for the facilitation of trade, commerce, and manufacture, and finance banks, which loan for speculative purposes on promotions, syndicate allotments, stock-exchange collateral and the like. Then restrict every bank so that it may not do both kinds of business, and compel trust companies to be trust companies, and not banks. This distinction has been long recognized in England, France, and Germany.

This remedy is national. These amendments to the banking laws would cut off the main source of suply by which the Wall street gamblers are enabled to risk other people's money.

But it is imperative to consider whether this gambling can not be entirely stopped. Certainly the State of New York can greatly restrict it by its power of taxation, which is the power to prohibit. The stock-transfer tax should be greatly increased. Like the excise tax, the receipts should be divided between the city and the State.

A tax of one-half of 1 per cent on all the transactions appearing on the clearing-house sheets of the respective exchanges would be a trifling imposition on legitimate purchases and sales and yet would raise on the basis of last year's transactions an amount more than sufficient to pay all the expenses of the city of New York and the State government and of rebuilding the Erie Canal.

Such a tax would be less than the real estate broker's ordinary fee, and the legitimate transfer of real estate is in no way interferred with thereby. It would be exactly the same per cent as the real estate mortgage tax, which has facilitated loaning upon real estate and added to the market-ability of real estate mortgages.

How much more important is it that Governor Hughes should rid legitimate business of the dominating evil of Wall street gambling than that mere race-track betting be suppressed.

APPENDIX D.

February 20, 1908—Income values and quotation record of active railroad and industrial corporation bonds—The standard weekly list market values of bonds, together with their income value and yield.

[This list, together with "income values and quotation record" stocks, is a complete record of quotations of the leading securities dealt in on the New York Stock Exchange.]

[This list contains all of the bonds reported on the regular daily New York Stock Exchange lists. Prices include interest to date of sale. Prices ex-interest are distinguished by an X. Under income will be found the annual return of the investment, irrespective of maturity. Under yield is given the approximate annual return if held till maturity.]

[° Legal for investment for savings banks, New York State. * In bid and offered column means amounts less than $10,000.]

Title of bond, rate.	Interest dates, maturity.*	Income.	Yield.	Jan. 1, 1906, to date. Highest. Quotation.	Highest. Date.	Lowest. Quotation.	Lowest. Date.	Last sale. Quotation.	Last sale. Date.	Feb. 19, 1908. Bid.	Asked.
Alabama Cent R 1st g 6s	1918 J & J*	5.31	4.61	113	Jan. 4,1906	113	Jan. 4,1906	113	Jan. 4,1906		
Alabama Midland 1st gtd g 5s	1928 M & N*							114⅜	Nov. 14,1905	*101½	
°Alb & Sus cnv cou 40 yr gtd g 3½s	1946*A & O	3.81	3.93	118⅜	Nov. 22,1906	84	Oct. 26,1907	93	Feb. 17,1908		*95½
do registered											
Allegh Valley gen gtd g 4s	1942*M & S	4.10	4.12	99	June 21,1907	99	June 21,1907	99	June 21,1907	*94	
Allegheny & Westn 1st g 4s	1928 A & O*	4.12	4.13	103½	Feb. 6,1907	98½	Dec. 16,1907	98½	Dec. 16,1907		
Ann Arbor 1st g 4s	1995 Q Jan	4.01	4.03	99	Jan. 19,1906	72	Nov. 12,1907	80½	Feb. 10,1908		80
°Atch Top & Santa Fe Ry gen g 4s	1995 A & O*	4.11	4.12	104½	Jan. 29,1906	89½	Nov. 18,1907	98½	Feb. 19,1908	98½	99
do registered	.... A & O*	4.05	4.05	103½	Jan. 23,1906	90½	Nov. 14,1907	100	Jan. 28,1908		
do adjustment g 4s	1995 Nov	4.66	4.67	97⅜	.....do.....	77½	Nov. 4,1907	86	Feb. 15,1908		*87
do do registered	.... Nov	4.76	4.77	86	Apr. 30,1907	86	Apr. 30,1907	86	Aug. 13,1907		
do do stamped	.... M & N	4.69	4.70	97	Jan. 19,1906	77	Oct. 25,1907	86½	Feb. 19,1908		
do do registered	.... M & N	4.41	4.41	92	Feb. 16,1907	89	Dec. 11,1906	92	Feb. 16,1907		
do fifty-year conv g 4s	1955*J & D	4.70	4.80	110½	Sept. 10,1906	80	Nov. 21,1907	86	Feb. 19,1908	86	87
do do registered	....*J & D	4.67	4.77	108½	Sept. 14,1906	86	Dec. 30,1907	86	Dec. 30,1907		
do 10-year conv 5s	1917*J & D	5.24	5.62	102	Sept. 21,1907	89	Nov. 21,1907	96½	Feb. 19,1908	96	96½
do do registered	....*J & D										
do serial debenture 4s series G	1909*F & A	4.11	5.94	100½	Jan. 19,1906	98⅜	May 29,1907	98⅜	May 29,1907		
do do do registered	....*F & A										
do do series H	1910*F & A	4.18	5.56	97	Dec. 4,1906	96	Feb. 18,1907	96	Feb. 18,1907		
do do do registered	....*F & A										
do do series I	1911*F & A							98½	Nov. 23,1904		
do do do registered	....*F & A										
do do series J	1912*F & A										
do do do registered	....*F & A										
do do do series K	1913*F & A	4.30	5.38	94	Nov. 30,1906	94	Nov. 30,1906	94	Nov. 30,1906		
do do do registered	....*F & A										
do do series L	1914*F & A							92⅞	Nov. 10,1902		
do do do registered	....*F & A										
do Eastn Oklah Div 1st g 4s	1928*M & S	4.35	4.59	101½	Jan. 9,1906	91	Apr. 3,1907	93	May 21,1907	*87	
do do registered	....*M & S										
°Atch T & S F RR Chic & St L 1st 6s	1915 M & S										
Atlanta-Birmingham 30-yr 1st g 4s	1933 M & S	4.57	4.85	97	Feb. 24,1906	88	Aug. 17,1906	89	Jan. 17,1907		
Atlanta Knoxv & Nor R 1st g 5s	1946 J & D*	4.33	4.20	116	June 6,1906	116	June 6,1906	116	July 27,1906	*101	
Atlantic City 1st con gtd g 4s	1951 J & J										
Atlantic Coast Line R R Co 1st g 4s	1952 M & S	4.61	4.80	102½	Jan. 9,1906	82	Nov. 27,1907	86⅞	Feb. 17,1908	*85⅞	86⅞
do registered	.... M & S	4.10	4.11	98⅛	Oct. 2,1906	98	Oct. 2,1906	98	Oct. 2,1906		
Atlantic & Danville 1st g 4s	1948 J & J*	4.24	4.30	96⅝	Apr. 12,1906	96	June 1,1906	96	June 1,1906		
do 2nd mtge	1948 J & J*	4.44	4.54	92	June 14,1906	92	June 14,1906	92	June 14,1906		
Atlantic & Yadkin 1st gtd g 4s	1949*A & O										
Austin & Northwn 1st gtd g 5s	1941 J & J*	4.60	4.49	110	Feb. 9,1906	109½	Feb. 19,1906	109½	Feb. 19,1906		
Baltimore & Ohio prior lien g 3½s	1925 J & J*	3.91	4.37	97½	June 7,1906	85½	Nov. 26,1907	90	Feb. 19,1908	90	90¾
do registered	.... Q Jan	3.92	4.41	95	May 31,1905	88½	Oct. 5,1907	89¼	Jan. 22,1908		*91
do g 4s	1948 A & O	4.08	4.10	105½	Jan. 26,1906	88	Oct. 30,1907	100½	Feb. 19,1908	*99	
do do registered	.... Q Jan*	4.19	4.23	103½	.....do.....	94	Sept. 12,1907	95⅞	Oct. 19,1907		
do Southwestern div 1st g 3½s	1925 J & J	4.07	4.65	93	June 4,1906	80	Nov. 25,1907	86½	Feb. 19,1908		*88
do do registered	.... Q Jan	3.51	3.51	89	Oct. 12,1906	88½	Oct. 9,1906	89	Oct. 12,1906		*82
Battle C & Sturgis 1st gtd g 3s	1989 J & D*										

February 20, 1908—Income values and quotation record of active railroad and industrial corporation bonds, etc.—Continued.

Title of bond, rate.	Interest dates, maturity.*	Income.	Yield.	Jan. 1, 1906, to date. Highest. Quotation.	Highest. Date.	Lowest. Quotation.	Lowest. Date.	Last sale. Quotation.	Last sale. Date.	Feb. 19, 1908. Bid.	Asked.
Beech Creek 1st gtd 4s	1936 J & J*	4.09	4.13	105½	Feb. 20, 1906	98½	July 24, 1907	98½	July 24, 1907	95⅜	.....
do do registered	.... J & J*							104	Dec. 13, 1905	.....	.....
do 2d gtd g 5s	1936 J & J*									166	.....
do do registered	.... J & J*									.....	.....
Beech Creek Ext 1st gtd g 3½s	1951 A & O									.....	.....
do registered	.... A & O									.....	.....
Belleville & Carondelet 1st 6s	1923*J & D							122	Dec. 9, 1905	*105	.....
°Belvedere Delaw con gtd 3½s	1943 J & J									.....	.....
Boston & New York Air Line 1st 4s	1955 F & A*									.....	.....
do registered	.... F & A*									.....	.....
Brooklyn & Montk 1st g gtd 6s	1911*M & S									100	.....
do 1st 5s	1911*M & S	6.03	6.16	103⅜	July 5, 1906	99⅛	Sept. 24, 1907	99⅞	Sept. 24, 1907	98½	.....
Brunswick & Western 1st gtd g 4s	1938*J & J	4.06	4.10	99½	Mar. 30, 1906	99½	Mar. 30, 1906	99½	Mar. 30, 1906	*90⅜	.....
Buffalo N Y & Erie 1st 7s	1916*J & D	6.24	5.28	122⅝	Feb. 26, 1906	113	Jan. 7, 1908	113	Jan. 7, 1908	112½	.....
°Buffalo Rochester & Pitts gen g 5s	1937 M & S*	4.45	4.27	119½	July 16, 1906	112	Apr. 2, 1907	113½	May 17, 1907	*110½	.....
Buffalo & Southwn g 6s	1908 J & J*	5.77	4.34	104⅜	Feb. 16, 1906	104⅜	Feb. 16, 1906	104⅜	Feb. 16, 1906	100½	.....
do small	.... J & J*									.....	.....
Buff & Susq R R 1st refunding g 4s	1951 J & J	4.42	4.50	99½	Jan. 4, 1906	89⅜	Apr. 16, 1907	91	Feb. 6, 1908	.....	.....
do registered	.... J & J									.....	.....
Bur C R & N con 1st & coll trst g 5s	1934*A & O	4.59	4.41	119¼	Feb. 23, 1906	103½	Dec. 5, 1907	111	Feb. 13, 1908	*110	113
do do registered	....*A & O							120½	Mar. 16, 1903	.....	.....
°Cairo Bridge g 4s	1950 J & D*	3.91	3.88	105	Aug. 28, 1906	102¾	Jan. 15, 1907	102¾	Jan. 15, 1907	.....	.....
do registered	.... J & D*									.....	.....
Canada Southern 2d 5s	1913*M & S	5.06	5.24	108⅜	Jan. 18, 1906	95½	Nov. 27, 1907	101	Feb. 10, 1908	.....	.....
do do registered	....*M & S	5.03	5.07	105⅜	Jan. 3, 1906	100¾	May 22, 1907	100⅜	Oct. 23, 1907	.....	.....
Carbondale & Shawtn 1st g 4s	1932*M & S	4.13	4.20	97	Mar. 13, 1907	97	Mar. 13, 1907	97	Mar. 19, 1907	.....	.....
Carolina Central 1st con g 4s	1949*J & J	4.19	4.23	97	Mar. 23, 1906	96½	Mar. 24, 1906	96½	Mar 24, 1906	.....	.....
do do Coupon off										.....	.....
Carthage & Adiron 1st gtd g 4s	1981 J & D*									.....	.....
Ced Rap Ia Fls & Nw 1st gtd g 5s	1921 A & O*							111	Nov. 20, 1905	*103	.....
Central Branch Ry 1st gtd g 4s	1919*F & A	4.72	5.83	99	Jan. 18, 1906	85	Feb. 17, 1908	85	Feb. 17, 1908	*84½	*85½
Central Branch Union Pac 1st g 4s	1948*J & D	4.79	4.94	95	Mar. 20, 1906	74	Dec. 7, 1907	84½	Jan. 21, 1908	.....	.....
Central of Georgia Ry 1st g 5s	1945 F & A	5.02	5.02	121	Jan. 16, 1906	110	Mar. 18, 1907	116	Mar. 20, 1907	*108	*112
do registered $1,000 and $5,000	.... F & A									.....	.....
do con g 5s	1945 M & N*	5.10	5.12	114½	Jan. 19, 1906	85	Nov. 22, 1907	99½	Feb. 19, 1908	99½	*99½
do do registered $1,000 & $5,000	.... M & N*	4.48	4.39	113	Apr. 17, 1906	113	Apr. 17, 1906	113	Apr. 17, 1906	.....	.....
do 1st pref inc g 5s	1945 Oct 1	8.28	.....	99	Mar. 28, 1906	58	Oct. 30, 1907	62	Feb. 5, 1903	.....	.....
do do stamped		5.88	6.01	99	Mar. 29, 1906	85	Apr. 9, 1907	88	May 11, 1907	.....	.....
do 2d pref inc g 5s	1945 Oct 1	11.75	.....	93	Apr. 2, 1906	44	Dec. 14, 1907	44	Jan. 16, 1908	.....	*46
do Central Trust Co Ctfs of Dep										.....	.....
do 2d pref inc g 5s stamped		8.00	.....	92	Apr. 4, 1906	44	Jan. 7, 1908	44	Jan. 7, 1908	.....	*42
do Centl Tr Co Ctfs of Dep stpd										.....	.....
do 3d pref inc g 5s	1945 Oct 1		.....	91	Mar. 20, 1906	27	Feb. 6, 1908	27	Feb. 6, 1908	27	*28
do Manhtn Trust Co Ctfs of Dep										.....	.....
do 3d pref inc g 5s stamped			.....	90⅜	Apr. 2, 1906	30	Feb. 11, 1908	30	Feb. 11, 1908	27	*32½
do Mhtn Tr Co Ctfs of Dep stpd										.....	.....
do Chattnga div pur my g 4s	1951*J & D	4.49	4.59	94½	Apr. 25, 1906	87⅜	Dec. 11, 1907	89⅜	Feb. 4, 1908	.....	90
do Macon & Nor div 1st g 5s	1946*J & J	5.00	5.00	100½	Feb. 11, 1908	100½	Feb. 11, 1908	100½	Feb. 11, 1908	.....	*102½
do Middle Ga & Atlantic div 5s	1947*J & J							110⅜	Sept. 5, 1905	.....	.....
do Mobile div 1st g 5s	1946*J & J	4.86	4.84	105	Dec. 6, 1907	105	Dec. 6, 1907	105	Dec. 6, 1907	.....	.....
°Central of New Jersey gen g 5s	1987 J & J*	4.12	4.09	132	Jan. 15, 1906	113	Nov. 18, 1907	122	Feb. 15, 1908	121½	*22⅜
do do registered	.... Q J	4.17	4.16	131½	Jan. 10, 1906	111	Nov. 29, 1907	120½	Feb. 13, 1908	120½	121
Central Ohio Reorg 1st con g 4½s	1930 M & S*							109	Apr. 25, 1905	*92½	.....
Cent'l Pac 1st refundg gtd g 4s	1949 F & A*	4.18	4.22	102⅜	Jan. 11, 1906	88½	Nov. 25, 1907	96	Feb. 18, 1908	94½	96
do registered	.... F & A*	4.36	4.43	99	Jan. 26, 1907	93⅜	June 13, 1907	94	Dec. 28, 1907	.....	.....
do mtge g 3½s	1929 J. & D	4.26	4.86	89	Feb. 14, 1906	75	Nov. 22, 1907	83	Feb. 17, 1908	*83½	*85
do do registered	.... J & D									.....	.....
do Through S L 1st gtd g 4s	1954*A & O	4.62	4.72	99⅞	Feb. 9, 1906	88	Feb. 8, 1908	88	Feb. 8, 1908	.....	88
do do registered	.... A & O									.....	.....
Cent R R & Bkg Co of Ga col g 5s	1937*M & N	5.05	5.07	108	Jan. 16, 1907	95	Oct. 11, 1907	100	Jan. 13, 1908	92	*96
Central Vermont 1st mtg gtd g 4s	1920 Q F	4.56	5.30	89½	Feb. 6, 1907	85	Apr. 15, 1907	88	May 11, 1907	.....	.....
Charleston & Savannah 1st g 7s	1936*J & J									.....	.....
Chesapeake & Ohio g 6s series A	1908 A & O	6.00	6.00	106½	Feb. 6, 1906	99½	Oct. 5, 1907	102	Feb. 1, 1908	101⅜	.....
do g 6s	1911 A & O	5.94	5.69	110½	Mar. 6, 1906	102	Oct. 3, 1907	103	Feb. 7, 1908	*103	104⅛
do 1st con g 5s	1939*M & N	4.61	4.49	119½	Feb. 17, 1906	101	Nov. 7, 1907	110	Feb. 18, 1908	.....	111
do do registered	....*M & N	4.96	4.95	116	June 6, 1906	101½	Dec. 3, 1907	101½	Dec. 3, 1906	.....	.....
do gen g 4½s	1992*M & S	4.57	4.57	109	Feb. 14, 1906	87	Nov. 23, 1907	100½	Feb. 19, 1908	100	*101
do do registered	....*M & S	4.34	4.37	105	Apr. 12, 1906	104	May 13, 1906	104½	Jan. 15, 1907	(x)	.....
do R & A div 1st con g 4s	1989*J & J	4.26	4.26	103	Nov. 5, 1906	91½	Jan. 2, 1908	94½	Feb. 13, 1908	94	96
do do 2d con g 4s	1989*J & J	5.15	5.18	97½	Dec. 7, 1906	90	June 28, 1907	92	Feb. 3, 1908	87½	.....
°Chic & Alton R R refdg g 3s	1949 A & O*	3.90	4.16	82½	Jan. 8, 1906	58	Oct. 30, 1907	78	.....do.....	*70	76
do do registered	.... A & O	3.91	4.18	78	Feb. 27, 1907	78	Feb. 27, 1907	78	Feb. 27, 1907	.....	.....
Chic & Alton Ry 1st lien g 3½s	1950 J & J*	5.74	6.07	82	Feb. 1, 1906	55	Nov. 2, 1907	61½	Feb. 19, 1908	.....	*61
do registered	1950 J & J*							80½	May 4, 1905	.....	.....
°Chic Bur & Q Denver div 4s	1922*F & A	4.12	4.28	102⅜	July 19, 1906	96⅜	Oct. 3, 1907	97	Feb. 8, 1908	97½	.....
°do Illinois div 3½s	1949 J & J*	3.94	4.06	95¼	Jan. 3, 1906	82½	Nov. 14, 1907	89	Feb. 18, 1908	.....	*90
do do registered	.... J & J*	3.92	4.03	90	Sept. 17, 1906	90	Sept. 17, 1906	90	Sept. 17, 1906	.....	.....
°do Illinois div g 4s	1949 J & J*	4.04	4.02	106½	Feb. 15, 1906	95	Nov. 4, 1907	100	Feb. 19, 1908	99½	*100
do do registered	.... J & J	4.13	4.16	98½	Oct. 22, 1907	98½	Oct. 22, 1907	98½	Oct. 22, 1907	.....	.....
°do Iowa div sinkg fd 5s	1199 A & O*	4.78	4.50	106	May 29, 1907	104	Apr. 9, 1907	106	Jan. 7, 1908	.....	.....
°do Iowa div sinkg fd 4s	1919 A & O*	4.12	4.32	102⅜	Mar. 24, 1906	96	Nov. 7, 1907	98½	Feb. 14, 1908	98½	.....
°do Nebraska Extension 4s	1927*M & N	4.04	4.07	107	Feb. 15, 1906	94	Dec. 4, 1907	100½	Feb. 8, 1908	98⅜	*101
do do registered	....*M & N	3.97	3.95	104½	May 8, 1906	101¼	Dec. 17, 1906	101¼	Dec. 17, 1906	97	.....
do Southwestern div 4s	1921 M & S*	4.47	5.08	100	July 28, 1906	90	Oct. 12, 1907	90	Oct. 12, 1907	88	.....
do coll 4s joint bonds	1921 J & J*	4.24	4.58	101⅛	Jan. 10, 1906	82⅜	Nov. 4, 1907	94⅜	Feb. 19, 1908	94¼	3-¼
do do registered	.... Q Jan	4.26	4.60	101⅛	Jan. 19, 1906	82⅜	Oct. 26, 1907	94½	Feb. 14, 1903	.....	.....
do debenture 5s	1913*M & N	5.03	5.11	107	Jan. 18, 1906	94	Nov. 12, 1907	101	Feb. 17 1903	*101	.....
Chic & East Ill 4% ref & imp g	1955 J & J*	4.41	4.47	96⅞	Mar. 9, 1906	92	Oct. 17, 1906	92	Apr. 27 1907	81½	*92½
do registered	.... J & J									.....	.....
°Chic & East Ill 1st con g 6s	1934 A & O*	5.29	5.07	109	Jan. 25, 1906	115	Dec. 20, 1907	115	Dec. 20, 1907	119⅛	.....
°do gen con 1st 5s	1937 M & N*	4.52	4.37	120	Apr. 7, 1906	102	Nov. 18, 1907	112	Feb. 15, 1908	.....	.....
do do registered	.... M & N*	4.33	4.31	118½	Feb. 26, 1906	118½	Feb. 26, 1906	118½	Feb. 26, 1906	.....	.....
Chicago & Erie 1st g 5s	1982*M & N	4.56	4.54	122⅞	Feb. 7, 1906	107½	Nov. 15, 1907	111	Jan. 24, 1908	*111	.....
Chic & Indiana Coal Ry 1st 5s	1936*J & J	4.57	4.41	118⅞	Feb. 6, 1906	106	Oct. 3, 1907	109⅞	Jan. 14, 1903	.....	.....
Chic Ind & Louisv refundg g 6s	1947 J & J*	5.13	5.00	137	Mar. 20, 1906	117½	Jan. 17, 1908	117½	Jan. 17, 1903	118	*120
do refunding g 5s	1947 J & J*	4.83	4.80	114¾	June 14, 1906	105	Oct. 22, 1907	105	Oct. 23, 1907	103	.....
Chic Mil & St Paul ter g 5s	1914 J & J*	5.03	5.09	108½	Jan. 31, 1906	100	Oct. 17, 1907	101	Oct. 17, 1907	104	.....
°do gen g 4s series A	1989 J & J	3.90	3.90	111	June 28, 1906	98	Nov. 23, 1907	103	Feb. 18, 1908	.....	.....
do do registered	.... Q Jan	4.01	4.01	104½	Oct. 25, 1906	100	Oct. 18, 1907	100	Oct. 18, 1907	.....	.....
°do gen g 3½s series B	1989 J & J	3.95	3.98	97	Jan. 15, 1906	82	Nov. 13, 1907	89	Feb. 6, 1908	87½	89
do do registered	.... Q Jan									.....	.....

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Title of bond, rate.	Interest dates, maturity.*	Income.	Yield.	Jan. 1, 1906, to date. Highest. Quotation.	Highest. Date.	Lowest. Quotation.	Lowest. Date.	Last sale. Quotation.	Last sale. Date.	Feb. 19, 1908. Bid.	Asked.
°Chic Mil Chic & Lake Sup div g 5s	1921 J & J*							115½	Oct. 24, 1905	107	
°do Chic & Mo River div 5s	1926 J & J*	4.62	4.36	118½	Feb. 15, 1906	109	Aug. 15, 1907	109	Aug. 15, 1907	108½	*112¾
°do Chic & Pac div 6s	1910*J & J	4.81	4.61	108½	Apr. 14, 1906	104	Feb. 15, 1908	104	Feb. 15, 1908	102	*105
°do H & D div 1st 7s	1910*J & J	6.85	6.02	113	June 30, 1906	102	Oct. 25, 1907	102½	Jan. 15, 1908	103	
°do do 1st 5s	1910*J & J	4.99	4.83	100½	July 11, 1907	100½	July 11, 1907	100½	July 11, 1907		
°do I & D ext 1st 7s	1908 J & J*	3.88		182½	Apr. 5, 1906	182½	Apr. 5, 1906	182½	Apr. 5, 1906		
°do Mineral Point div 5s	1910 J & J*	4.99	4.84	103	Mar. 18, 1907	98	Dec. 2, 1907	100½	Jan. 31, 1908	100¼	*101
°do Southern Minn div 1st 6s	1910*J & J	5.96	5.07	108½	June 8, 1906	100½	Jan. 2, 1908	102¼	Feb. 17, 1908		*103
°do Southwestern div 1st 6s	1909 J & J*	5.97	5.56	106½	Jan. 25, 1906	101	Jan. 24, 1908	101	Jan. 24, 1908	101¼	103
°do Wiscon & Minn div g 5s	1921 J & J*	4.65	4.28	113⅜	Feb. 5, 1906	104	Dec. 13, 1907	108½	Feb. 17, 1908	108½	
°Chic & North Western con 7s	1915 Q Feb*	5.98	4.19	126	Jan. 24, 1906	112	Dec. 27, 1907	117	Feb. 4, 1908	112½	*117
do extension 4s 1886-	1926 F & A 15*	4.08	4.14	105½	Jan. 17, 1906	98½	Sept. 23, 1907	98⅜	Sept. 23, 1907	95	98¼
do do registered	F & A 15*	4.13	4.26	104	Feb. 8, 1907	97	Sept. 17, 1907	98⅜	Jan. 30, 1908	95	
°do gen g 3½s	1987 M & N*	3.86	3.88	100½	Jan. 9, 1906	87	Dec. 3, 1907	91¾	Feb. 18, 1908		
do do registered	Q Feb	3.69	3.71	96	Nov. 5, 1906	95	Feb. 21, 1907	95	Feb. 21, 1907		
do sinking fund 6s 1879-	1929 A & O*	5.57	5.40	113	June 14, 1906	109	Dec. 13, 1907	109	Dec. 13, 1906	110	
do do registered	A & O*	5.60	5.45	114½	Feb. 7, 1906	106	Dec. 12, 1907	108¼	Jan. 13, 1908		
do sinking fund 5s 1879-	1929 A & O*	4.78	4.67	111	Feb. 23, 1906	104½	Oct. 7, 1907	105½	Dec. 9, 1907		
do do registered	A & O*	4.84	4.76	107½	June 5, 1906	104	Nov. 13, 1906	104	Nov. 13, 1906	105	
Chic & North Western debentures 5s	1909 M & N*	5.01	5.07	104⅜	Feb. 2, 1906	98	Dec. 4, 1907	101	Jan. 29, 1908	*100½	*101
do do registered	M & N*	5.07	5.61	101	Sept. 20, 1905	98	May 31, 1907	99½	June 6, 1907		
do debenture 5s	1921*A & O 15	4.85	4.70	112¾	Mar. 2, 1906	100	Nov. 30, 1907	105	Feb. 13, 1908	*105½	
do registered	*A & O 15	4.91	4.82	103	June 14, 1907	103	June 14, 1907	103	June 14, 1907		
do sinking fund deben 5s	1933*M & N	4.79	4.71	117	Jan. 26, 1906	105	Dec. 18, 1907	105	Dec. 18, 1907	*108½	
do do registered	*M & N	4.32	4.02	117	Feb. 8, 1906	117	Feb. 8, 1906	117	Feb. 8, 1906	107	*110
°Chic & Pac Wn 1st g 5s	1921*J & J	4.64	4.28	114⅜	Apr. 17, 1906	105	Nov. 4, 1907	108½	Feb. 18, 1908	*108⅝	
°Chic Rock Island & Pac R R mtg 6s	1917 J & J*	5.33	4.38	120⅜	Feb. 21, 1906	112	Jan. 16, 1908	113	Feb. 15, 1908	112	
do do registered	J & J*	5.21	4.13	119½	Mar. 19, 1906	116½	Mar. 7, 1907	116½	Mar. 7, 1907		
°Chic Rock Island & Pac Ry gen g 4s	1988*J & J	4.19	4.20	103½	Jan. 8, 1906	88	Nov. 23, 1907	96	Feb. 19, 1908		
do do registered	*J & J	4.39	4.41	102	Feb. 5, 1906	92	Sept. 13, 1907	92	Sept. 13, 1907		
°do refunding g 4s	1934*A & O	4.73	5.08	97	Jan. 31, 1906	80	Nov. 15, 1907	86	Feb. 19, 1908	86	
do do registered	A & O	4.73	5.08	89½	May 2, 1907	85½	Jan. 16, 1908	86	Feb. 10, 1908		
do coll trust serial 4s—											
do do do F	1908 M & N										
do do do G	1909 M & N	4.12	5.62	97½	June 1, 1906	97½	June 1, 1906	97½	June 14, 1906		
do do do H	1910*M & N							97	July 14, 1904		
do do do I	1911 M & N							97½	May 26, 1905		
do do do J	1912*M & N	4.32	5.75	92½	Nov. 7, 1906	92½	Nov. 7, 1906	92½	Nov. 7, 1906		
do do do K	1913 M & N										
do do do L	1914 M & N							96½	May 26, 1905		
do do do M	1915*M & N	4.48	5.68	90½	Jan. 16, 1907	90½	Jan. 16, 1907	90½	Jan. 17, 1907		
do do do N	1916*M & N							93	May 24, 1904		
do do do O	1917*M & N	4.47	5.35	90⅜	Feb. 8, 1907	89½	May 1, 1906	90⅜	Feb. 8, 1907		
do do do P	1918*M & N	4.83	6.28	90	Mar. 7, 1907	84	May 13, 1907	84	Aug. 26, 1907		85
Chic Rock Island & Pac R R 4s	2002 M & N*	7.16	7.09	81½	Feb. 2, 1906	49⅞	Nov 19, 1907	57	Feb. 19, 1908	57	57½
do do registered	M & N*	6.52	6.52	62½	Jan. 4, 1908	62¼	Jan. 4, 1908	62½	Jan. 13, 1908		
do coll trust g 5s	1913 M & S*	8.66		93	Feb. 2, 1906	59	Nov. 21, 1907	60	Feb. 19, 1908	62	62½
Chicago St L & New Orleans g 5s	1951*J & D 15	4.74	4.70	123½	Mar. 9, 1906	106	Dec. 26, 1907	106	Dec. 26, 1907	112¾	
do registered	*J & D 15							119⅜	Mar. 12, 1904		
do g 3½s	1951*J & D 15	3.99	4.10	88½	Feb. 25, 1907	88¼	Feb. 25, 1907	88¼	Feb. 25, 1907		
do do registered	*J & D 15										
do Memphis div 1st g 4s	1951 J & D*	4.13	4.16	101½	Aug. 20, 1906	97	Dec. 12, 1907	97	Dec. 12, 1907	*100	
do do registered	J & D										
Chic St L & Pitts 1st con g 5s	1932 A & O*	4.65	4.50	122	Jan. 15, 1906	109	Jan. 21, 1908	109	Jan. 21, 1908	112	
do registered	A & O*										
°Chic St Pl Minn & Om con 6s	1930*J & D	4.78	4.21	136	Feb. 13, 1906	118	Nov. 14, 1907	126½	Jan. 22, 1908	126⅜	
°do con 6s reduced to 3½s	1930*J & D							93	Dec. 19, 1903		
°Chicago St Paul & Min 1st g 6s	1918*M & N	4.90	3.43	135¼	Feb. 28, 1906	119	Dec. 10, 1907	124	Jan. 17, 1908	125⅜	
Chic & Westn Indiana gen g 6s	1932 Q M	5.36	5.15	115	Oct. 16, 1907	109½	June 6, 1907	112	Feb. 11, 1908	110½	*116
do con 50-yr 4s	1952 J & J*	4.22	4.26	98½	Dec. 18, 1906	95	Jan. 29, 1908	95½	Feb. 4, 1908		* 3
Chic & West Michigan Ry 5s	1921 J & D*							109	Apr. 28, 1902		
Choc Oklahoma & Glf gen g 5s	1919 J & J	4.79	4.58	106⅜	Jan. 3, 1906	105	May 8, 1906	105	Nov. 13, 1906	102½	
do con g 5s	1952*M & N	4.83	4.81	111	May 17, 1906	104½	Nov. 16, 1907	104½	Jan. 6, 1908	104½	
Cin Day & Ironton 1st gtd g 5s	1941*M & N	4.92	4.90	112	Jan. 25, 1906	102	June 5, 1907	102	June 5, 1907		
Cin Finlay & Ft W 1st gtd g 4s	1923 M & N*										
Cin Ham & Day 2d g 4½s	1937 J & J*							112½	Oct. 10, 1900		
°Cin Ind St Louis & Chic con 6s	1920*M & N							105	Jan. 22, 1904	103	
°do 1st g 4s	1936 Q F	4.73	5.02	103½	Jan. 31, 1906	85	Dec. 18, 1907	85	Dec. 18, 1907	*95	
do do registered	Q F	4.10	4.14	103	Feb. 5, 1906	95	Aug. 14, 1907	98½	Oct. 17, 1907	91	
Cin Ind & Wn 1st & ref gtd g 4s	1953*J & J	4.85	4.96	91	Mar. 27, 1906	83	Jan. 29, 1907	83	Jan. 29, 1907		
Cin Leb & Nor 1st con gtd g 4s	1942 M & N										
Cin San & Cleve con 1st g 5s	1928*J & J	4.68	4.49	115	Jan. 10, 1906	109	June 3, 1907	109	June 4, 1907		
Clearfield & Mahoning 1st gtd g 5s	1943*J & J							103	Apr. 14, 1907	*103	
°Clev C C & Ind con 7s	1914*J & D	6.54	5.68	122	Jan. 29, 1906	110¼	Nov. 23, 1907	110½	Nov. 23, 1907	*111	
do con sinking fund 7s	1914*J & D										
°do gen con g 6s	1934*J & J	4.73	4.33	135	Jan. 29, 1906	127	July 19, 1907	127	July 19, 1907	*118½	
do do registered	*J & J										
°Clev Cin Chic & St L gen g 4s	1993*J & D	4.32	4.33	105½	Feb. 1, 1906	89¼	Nov. 19, 1907	93¼	Feb. 17, 1908		
do Cairo div 1st g 4s	1939*J & J	4.04	4.05	101⅜	Dec. 4, 1906	99⅜	Dec. 31, 1906	99⅜	Jan. 10, 1907	*85⅜	
do Cin Wab & Mich div 1st g 4s	1991*J & J	4.25	4.26	101⅜	Mar. 1, 1906	95	Aug. 23, 1907	95	Sept. 12, 1907	*90	
do St Louis div 1st coll trust g 4s	1990 M & N*	4.98	5.00	103	Jan. 22, 1906	70¼	Oct. 25, 1907	80½	Nov. 21, 1907		
do do registered	M & N*	4.48	4.49	97	Jan. 10, 1907	91	Oct. 8, 1907	91	Oct. 8, 1907		
do Springfield & Col div 1st g 4s	1940 M & S*	4.44	4.59	92	Feb. 19, 1908	92	Feb. 19, 1908	92	Feb. 19, 1908		
°do White W Val div 1st g 4s	1940 J & J*	4.11	4.17	98	Sept. 19, 1906	96	Aug. 30, 1906	98	Sept. 19, 1906	85	
Clev Lorain & Wheel con 1st g 5s	1933 A & O*	4.61	4.45	115½	Mar. 29, 1906	109⅜	June 29, 1907	109⅜	June 29, 1907	*107½	
Clev & Mahoning Valley g 5s	1935*J & J							116⅛	Jan. 23, 1905	*103	
do registered	Q J										
Cleve & Marietta 1st gtd g 4½s	1935*M & N							110	Jan. 19, 1905	*96	
°Cleve & Pitt gen gtd g 4½s ser A	1942*J & J							108½	Aug. 21, 1903		
°do do series B	1942 A & O*									*100	
°do do do int redu to 3½%											
°do do 3½s series C	1948 M & N*							98¼	Dec. 15, 1905		*96
°do do 3½s series D	1950 F & A*							96	Jan. 8, 1904		
Colorado Midland Ry 1st g 4s	1947 J & J*	6.72		79½	Jan. 24, 1906	55	Nov. 20, 1907	60	Feb. 13, 1908		60
Colorado & Southern 1st g 4s	1929*F & A	4.67	5.13	96½	do	75	Nov. 21, 1907	85⅜	Feb. 19, 1908	*85	*86½
do ref & extended mtge 4½s	1935*M & N	6.16	6.68	95	Feb. 11, 1907	74½	Feb. 19, 1908	74½	do		74½
do do registered	*M & N										
Colum & Greenville 1st g 6s	1916*J & J	5.44	4.60	111	Feb. 15, 1907	111	Feb. 15, 1907	111	Feb. 15, 1907		*103
Col Conn & Ter 1st gtd g 5s	1922*J & J							109½	Feb. 20, 1905		
Col & Hocking Valley 1st ext g 4s	1948 A & O*	4.08	4.10	101¼	Feb. 21, 1906	98½	Nov. 20, 1906	98¾	Nov. 24, 1906		
Colum & Tol R R Co 1st mtge ext 4s	1955 F & A*	4.29	4.33	101¼	Oct. 10, 1906	95	Dec. 19, 1907	95	Dec. 19, 1907		
Conn & Passumpsic Rivers 1st g 4s	1943*A & O							102	Dec. 18, 1895		

February 20, 1908—Income values and quotation record of active railroad and industrial corporation bonds, etc.—Continued.

Title of bond, rate.	Interest dates, maturity.*	Income.	Yield.	Jan. 1, 1906, to date.				Last sale.		Feb. 19, 1908.	
				Highest.		Lowest.					
				Quotation.	Date.	Quotation.	Date.	Quotation.	Date.	Bid.	Asked.
Consolidated Ry Co non-cnv 3, 3½, & 4%.	1930*F & A.										
do registered.	*F & A.										
do non-conv deb 4s.	1954 J & J*.										
do do registered.	J & J*.										
do non-conv deb 4s.	1955*J & J.										
do do registered.	*J & J.										
do non-conv deb 4s.	1955*A & O.										
do do registered.	*A & O.										
do non-conv deb 4s.	1956*J & J.										
do do registered.	*J & J.										
Craig Valley 1st g 5s.	1940 J & J*.	4.49	4.37	112	Feb. 28,1906	112	Feb. 28,1906	112	Feb. 28,1906		
°Dakota & Great Southern g 5s.	1916*J & J.	4.82	4.43	110½	June 13,1906	104½	Feb. 11,1908	104½	Feb. 11,1908	103½	
Dallas & Waco 1st gtd g 5s.	1940 M & N*.	4.84	4.81	108	Feb. 13,1906	104½	Jan. 30,1907	104½	Jan. 30,1907		*105
°Delaware & Hudson 1st Penn div 7s.	1917 M & S*.	5.82	4.47	133	do	123	Jan. 9,1908	123	Jan. 9,1908	122	
do registered.	M & S*.							149	Aug. 5,1901		
do 10-yr con deb coupon 4s.	1916*J & D.	4.21	4.70	112⅞	Nov. 22,1906	88	Nov. 21,1907	96	Feb. 19,1908	95½	
do 1st lien equipt 15-yr g 4½s.	1922 J & J.	4.70	4.91	96¼	Jan. 9,1908	96	Jan. 9,1908	96	Jan. 9,1908	*96	
Del Riv R R & Bge 1st gtd g 4s.	1936 F & A*.										
Den & Rio Grande 1st con g 4s.	1936*J & J.	4.23	4.34	101½	June 6,1906	88	Nov. 22,1907	95	Feb. 17,1908		*95
do con g 4½s.	1936*J & J.	4.60	4.64	108	Mar. 24,1906	98	Jan. 13,1908	98	Jan. 13,1908	98	
do improvement g 5s.	1928*J & D.	5.04	5.06	109	Feb. 14,1906	100	Jan. 28,1908	100	Jan. 28,1908	*98	*100
Des Moin & Ft Dge 1st gtd g 4s.	1935*J & J.	4.17	4.25	97½	Jan. 30,1906	97	Apr. 19,1906	97	Apr. 19,1906		
Des Moines Union Ry 1st g 5s.	1917 M & N*.							110	Sept. 30,1904		
Detroit & Mack 1st lien g 4s.	1995*J & D.	4.41	4.41	100	Jan. 11,1906	92	Mar. 20,1907	92	Mar. 20,1907	*87	
do g 4s.	1995*J & D.	4.86	4.88	96¾	Mar. 23,1906	80	Jan. 3,1908	83	Jan. 23,1908	*83	
Det Southn O Southn div 1st g 4s.	1941*M & S.	5.26	5.57	93¾	Jan. 24,1906	77¾	Jan. 27,1908	77¾	Jan. 27,1908		*78
Duluth & Iron Range 1st 5s.	1937 A & O*.	4.74	4.67	114½	Sept. 21,1906	102	Jan. 8,1908	107½	Feb. 13,1908	*107	
do registered.	A & O*.	4.54	4.40	112½	Feb. 13,1906	112½	Feb. 13,1906	112½	Feb. 13,1906		
do 2nd 6s.	1916*J & J.										
Duluth Short Line 1st gtd 5s.	1916 M & S*.										
Duluth So Shore & Atlantic g 5s.	1937*J & J.	4.65	4.53	113½	Apr. 12,1906	108	Feb. 6,1908	108	Feb. 6,1908		
Eastern Ry Minn 1st div 1st g 5s.	1908*A & O.	5.01	5.52	101¾	Sept. 21,1907	99	Dec. 18,1907	101¼	Jan. 22,1908	101¾	
do registered.	A & O.										
do Northern div 1st g 4s.	1948*A & O.									*80	
do do registered.	A & O.										
East Tenn reorganiztn lien g 5s.	1938*M & S.	4.59	4.46	116½	Feb. 7,1906	110½	Mar. 7,1907	110½	June 17,1907	90	99
do registered.	M & S.										
East Tenn V & Ga divisul g 5s.	1930 J & J*.	4.52	4.27	116⅞	May 24,1906	110⅜	July 16,1907	110⅜	July 16,1907		
do con 1st g 5s.	1956 M & N*.	4.83	4.81	119⅜	Mar. 29,1906	100½	Nov. 15,1907	105	Feb. 10,1908		
Elgin Joliet & Eastern 1st g 5s.	1941*M & N.	4.55	4.42	119⅞	Feb. 21,1906	110⅜	June 10,1907	110⅜	June 10,1907	100	
Elmira Cort & Nn 1st pfd 6s.	1914*A & O.	5.36	4.02	113½	Jan. 22,1906	113¾	Jan. 22,1906	113¾	Jan. 22,1906		
do gtd g 5s.	1914*A & O.	4.80	4.33	105½	Jan. 5,1906	105½	Jan. 5,1906	105½	Jan. 5,1906		
Erie 1st ext g 4s.	1947*M & N.	3.79	3.72	107½	Jan. 30,1906	92	Nov. 26,1907	105	Jan. 17,1908	98	
do 2d ext g 5s.	1919 M & S*.	5.01	5.03	114¼	Feb. 23,1906	99	Dec. 9,1907	101½	Jan. 4,1908	106½	
do 3d ext g 4½s.	1923*M & S.	4.56	4.61	100¼	Aug. 8,1906	94½	do	100¼	Jan. 17,1908	97	
do 4th ext g 5s.	1920 A & O*.	4.69	4.53	115*	Jan. 24,1906	106¼	Feb. 4,1908	106½	Feb. 4,1908	105½	
do 5th ext g 4s.	1928*J & D.	4.31	4.55	102½	July 28,1906	91	Dec. 9,1907	93	Dec. 16,1907	93	
do 1st con g 7s.	1920 M & S*.	5.94	5.12	134½	Feb. 19,1906	118	Nov. 18,1907	121	Feb. 7,1908	121	125
do 1st con g funded 7s.	1920 M & S*.	5.96	5.14	133	Feb. 1,1906	120	Jan. 11,1908	120½	Jan. 14,1908		
Erie R R 1st con g 4s prior bds.	1996*J & J.	4.88	4.89	102	Jan. 12,1906	82½	Feb. 18,1908	82½	Feb. 18,1908		83
do registered.	*J & J.	5.08	5.09	100½	Apr. 19,1906	80½	Dec. 11,1907	80½	Dec. 11,1907		*83
do 1st con gen lien g 4s.	1996*J & J.	6.35		93½	Jan. 16,1906	63	Feb. 19,1908	63	Feb. 19,1908		64
do do registered.	*J & J.	4.71	4.72	91	Oct. 9,1906	85½	Feb. 18,1907	85½	Feb. 18,1907		
do Penn coll trst g 4s.	1951*F & A.	5.50	5.71	98	Jan. 29,1906	71	Dec. 3,1907	73	Feb. 17,1908		
do registered.	*F & A.										
do 50-yr conv g 4s Ser A.	1953*A & O.	8.80		109⅞	Jan. 20,1906	46½	Nov. 23,1907	47	Feb. 19,1908	49	
do do do Ser B.	1953*A & O.	8.26		87	Feb. 8,1907	49	Nov. 20,1907	53	Jan. 18,1908		
do do registered.	*A & O.										
°Erie & Pitt gen gtd g 3½s ser B.	1940 J & J*.	3.85	3.99	96½	Jan. 2,1906	92	Apr. 8,1907	92	Apr. 8,1907		
°do do series C.	1940 J & J*.							98¾	Apr. 4,1905		
°Evan H & Nashville 1st g 6s.	1919 J & D*.	5.55	5.09	113½	May 8,1907	110	Dec. 7,1906	111	Nov. 18,1907	110¾	
Evansville & Ind 1st con gtd 6s.	1920*J & J.	5.26	4.86	118	Jan. 22,1906	116	Apr. 25,1906	116	Apr. 25,1906		110
Evansville & Terre H 1st con g 6s.	1921 J & J*.	5.36	4.78	118	Aug. 24,1906	112	Jan. 2,1908	112	Jan. 2,1908		
do 1st gen g 5s.	1942*A & O.	5.29	5.33	109½	Apr. 17,1906	90	Dec. 16,1907	96	Jan. 14,1908	*98½	
do Mount Vernon 1st g 6s.	1923*A & O.							114	Apr. 19,1905		
do Sullivan Co Brch 1st g 5s.	1930*A & O.	4.80	4.72	106⅛	Jan. 23,1906	106½	Feb. 21,1906	106½	Feb. 21,1906		
°Fargo & So assumed g 6s.	1924*J & J.							137½	July 18,1899	119	
°Flint & Pere Marquette g 6s.	1920 A & O*.	5.44	4.92	118	Feb. 14,1906	110½	May 17,1907	112½	Aug. 13,1907		
do 1st con g 5s.	1939*M & N.	5.08	5.10	110½	Jan. 19,1906	100½	Apr. 13,1907	100½	Apr. 13,1907		
do Pt Huron div 1st g 5s.	1939*A & O.	4.80	4.75	111½	do	106½	Sept. 19,1906	106½	Sept. 19,1906		
Fla Cent & Peninsular 1st g 5s.	1918 J & J*.	4.68	4.20	109¼	Apr. 25,1906	107½	July 12,1906	107¼	Aug. 4,1906		
do do Coupon off.											
do 1st land grant ext g 5s.	1930*J & J.										
do do Coupon off.											
do cons g 5s.	1943*J & J.							109½	Mar. 3,1905		
do do Coupon off.											
Fort St Union Depot Co 1st g 4½s.	1941*J & J.							105	Mar. 11,1898		
Ft Worth & Den City 1st g 6s.	1921 J & D*.	5.58	5.24	115	Feb. 9,1906	98½	Dec. 2,1907	108¾	Feb. 18,1908	108¼	*108⅞
Ft Worth & Rio Grande 1st g 4s.	1928 J & J*.	5.15	5.93	91	Feb. 28,1906	73	Nov. 20,1907	78	Feb. 6,1908	*73	
Gal H & H of 1882 1st 5s.	1913*A & O.	5.62	7.52	105½	Jan. 3,1907	90	Dec. 14,1907	90	Dec. 14,1907		
Gal Harrisburg & S A 1st g 6s.	1910*F & A.	5.88	5.27	106	Feb. 21,1906	103	Mar. 12,1907	103½	Mar. 30,1907	96	
do Mex & Pac div 1st g 5s.	1931*M & N.	5.22	5.31	111⅞	June 11,1906	97	Jan. 23,1908	97	Jan. 23,1908	106½	*108¼
Georgia & Alabama 1st con 5s.	1945 J & J.	5.16	5.19	111½	Mar. 7,1906	99	Dec. 9,1907	99	Dec. 9,1907		
do do Coupon off.											
Ga Car & Nthn 1st gtd g 5s.	1929 J & J*.							110	Jan. 16,1905		*100
do do Coupon off.											
Georgia Midland Ry Co 1st 3s.	1946*A & O.	4.72	5.18	74½	Mar. 30,1906	65	Sept. 14,1907	65	Sept. 14,1907		68
Georgia Pacific Ry 1st g 6s.	1922*J & J.	5.68	5.42	123	Jan. 17,1906	104	Nov. 26,1907	106	Jan. 23,1908	106½	108
Gila Val G & Nthn 1st gtd g 5s.	1924*M & N.	4.75	4.56	108¼	July 12,1906	106	May 2,1906	106½	July 26,1906		*105
Gouv & Oswegatch 1st gtd g 5s.	1942*J & D.										
Gr Rap & Ind ext 1st gtd g 4½s.	1941 J & J*.	4.20	4.12	108⅜	Feb. 6,1906	105	Aug. 28,1906	108	Sept. 25,1906	102	
Gray's Point Term 1st gtd g 5s.	1947 J & D*.	5.05	5.06	101½	Apr. 18,1907	101½	Apr. 18,1907	101½	Apr. 18,1907		
Greenbrier Ry 1st gtd g 4s.	1940 M & N*.	4.05	4.06	99¾	Feb. 2,1906	99¾	Feb. 2,1906	99¾	Feb. 2,1906		
Gulf & Ship Isl 1st ref & term g 5s.	1952 J & J.	5.49	5.54	105¾	June 6,1906	93	Nov. 8,1907	93	Nov. 8,1907		
do registered.	J & J.										
°Hannibal & St. Joseph con 6s.	1911*M & S.	6.22	7.17	112½	Jan. 12,1906	98	Dec. 5,1907	98	Dec. 5,1907	104½	
°Harlem River-Port Chester 1st 4s.	1954*M & N.										
do registered.	*M & N.										
Hocking Valley Ry 1st con g 4½s.	1999 J & J*.	4.44	4.44	110	Apr. 2,1906	94	Nov. 26,1907	101⅜	Feb. 7,1908	99½	*103
do registered.	J & J*.	4.60	4.60	103	Nov. 20,1906	99	Oct. 5,1907	99	Oct. 5,1907		
°Housatonic R con g 5s.	1937 M & N*.	4.51	4.35	125	Feb. 6,1906	103½	July 12,1906	113	Oct. 4,1907	112¾	

February 20, 1908—Income values and quotation record of active railroad and industrial corporation bonds, etc.—Continued.

Title of bond, rate.	Interest dates, maturity.*	Income.	Yield.	Jan. 1, 1906, to date.				Last sale.		Feb. 19, 1908.	
				Highest.		Lowest.					
				Quotation.	Date.	Quotation.	Date.	Quotation.	Date.	Bid.	Asked.
Housn East & West Tex 1st g 5s	1933*M & N	5.00	5.00	103½	May 1,1906	100	Jan. 10,1908	101	Jan. 14,1908	100	.....
do 1st gtd g 5s redeemable	1933*M & N	4.89	4.83	105½	Jan. 20,1906	103½	May 1,1906	104	Aug. 27,1906	.....	.....
Houston & T C 1st g 5s int gtd	1937 J & J*	4.57	4.42	112½	Dec. 24,1906	109½	Aug. 21,1906	110	Feb. 8,1908	109¾	110½
Hous & T C con g 6s int gtd	1912 A & O*	5.53	4.10	115	Sept. 14,1906	107⅝	Nov. 11,1907	110	Jan. 3,1908	109½	.....
do gen 4s interest gtd	1921*A & O	4.61	5.38	99½	Jan. 18,1906	83½	Dec. 24,1907	88	Jan. 9,1908	85½	*90
do Waco & Nwn div 1st g 6s	1930*M & N	5.21	4.91	116	Dec. 20,1906	116	Dec. 20,1906	116	Dec. 20,1906	.....	.....
°Illinois Central 1st g 4s	1951*J & J	3.94	3.93	109½	Sept. 4,1906	97	Dec. 12,1907	102	Feb. 8,1908	102	.....
do registered	....*J & J	3.77	3.72	107⅞	Apr. 26,1907	107⅜	Apr. 26,1907	107⅜	Apr. 26,1907	.....	.....
°do 1st g 3½s	1951*J & J	4.00	4.11	101¼	May 4,1906	89	Nov. 16,1907	89	Nov. 16,1907	*89	.....
do do registered	....*J & J	3.66	3.71	95½	July 12,1906	95½	July 12,1906	95½	July 12,1906	.....	.....
°do extended 1st g 3½s	1951*A & O	3.55	3.57	100½	Jan. 19,1906	99½	June 20,1906	99½	June 22,1906	.....	.....
do do registered	....A & O									.....	.....
°Ill Cent 1st g 3s sterling £500,000	1951*M & S							70	Oct. 17,1904	.....	.....
do do registered	....M & S									.....	.....
do collat trust g 4s	1952*A & O	4.00	4.00	107½	Feb. 26,1906	97	Oct. 12,1907	101¼	Feb. 3,1908	.....	.....
do do registered	....*A & O	4.09	4.11	98	May 1,1907	98	May 1,1907	98	May 1,1907	.....	.....
do coll trust g 4s L N O & T	1953 M & N*	4.11	4.13	106½	Feb. 13,1906	96	Nov. 22,1907	98¼	Jan. 22,1908	*99½	.....
do registered	.... M & N*	4.00	4.00	100	May 8,1906	97	May 1,1907	97	May 1,1907	.....	.....
°do Litchfield div 1st g 3s	1951 J & J									.....	.....
do Louisv div & term g 3½s	1953 J & J*	4.13	7.27	93½	Nov. 17,1906	85	Feb. 5,1908	85	Feb. 5,1908	.....	.....
do do registered	.... J & J									.....	.....
°do Middle div registered 5s	1921 F & A*							123	May 24,1899	.....	.....
do Omaha div 1st g 3s	1951 F & A*	3.84	4.07	78½	Apr. 10,1906	78½	Apr. 10,1906	78½	Apr. 10,1906	.....	.....
°do St. Louis div & term g 3s	1951 J & J*	3.83	4.06	82½	Feb. 7,1906	78½	Jan. 8,1907	78½	Feb. 14,1907	.....	80
do do registered	.... J & J*									.....	.....
°do do g 3½s	1951 J & J*	4.29	4.45	93½	June 23,1906	82½	Oct. 8,1907	82½	Oct. 8,1907	85½	*8½
do do do registered	.... J & J*							101½	Oct. 23,1899	.....	.....
°do Springfield div 1st g 3½s	1951*J & J							100	Nov. 7,1900	85½	.....
do do registered	.... J & J									.....	.....
do Western Line 1st g 4s	1951 F & A*	4.10	4.12	107¼	Jan. 26,1906	97½	Aug. 13,1907	97½	Aug. 13,1907	.....	.....
do do registered	....F & A									.....	.....
Ind Bloomington & W 1st pfd 4s	1940*A & O							103	Nov. 19,1901	.....	.....
Indiana Decatur & Wn 1st g 5s	1935*J & J	5.17	5.22	108½	Jan. 30,1906	98½	Oct. 19,1907	98¼	Oct. 19,1907	.....	.....
do 1st gtd g 5s	1935*J & J							107½	Dec. 18,1902	.....	.....
Indiana Illinois & Iowa 1st g 4s	1950 J & J*	4.35	4.41	100	Jan. 17,1906	93½	May 14,1907	93½	May 14,1907	.....	95½
Internatl & Gt Northern 1st g 6s	1919 M & N*	5.58	5.16	120	....do.....	101	Nov. 21,1907	103	Jan. 17,1908	.....	*110
do 2d g 5s	1909 M & S*	5.76	.....	102½	Feb. 7,1906	89	Feb. 6,1908	89	Feb. 6,1908	.....	*90
do 3d g 4s	1921 M & S*	6.74	.....	80	May 26,1906	60	Oct. 10,1907	60	Oct. 19,1907	.....	.....
Iowa Central 1st g 5s	1938*J & D	4.65	4.53	115	Feb. 6,1906	100	Nov. 11,1907	108½	Jan. 31,1908	*104½	*06½
do refunding g 4s	1951*M & S	5.33	5.52	88	Jan. 12,1906	70	Jan. 10,1908	77	Feb. 17,1908	77	.....
Jefferson R R 1st gtd g 5s	1909 A & O	5.05	5.47	101½	Nov. 1,1906	100	Oct. 1,1906	101	Aug. 14,1907	100½	100¾
Kal Allegan & G R 1st gtd c 5s	1938 J & J*									110¼	.....
Kanawha & Mich 1st gtd g 4s	1990*A & O	4.57	4.59	99½	Jan. 22,1906	80	Nov. 16,1907	89	Jan. 30,1908	.....	.....
Kan Cy Ft Sct & Mem R R con g 6s	1928*M & N	5.31	4.97	121	June 20,1906	110	Dec. 3,1907	114½	Feb. 4,1908	113	.....
Kan Cy Ft Sct & Mem Ry ref gtd g 4s	1936 A & O*	6.02	6.60	87½	Jan. 18,1906	61	Nov. 16,1907	68	Feb. 18,1908	65	69
do registered	....A & O							78½	Jan. 14,1904	.....	.....
Kan Cy & M R & B Co 1st gtd g 5s	1929 A & O*									.....	.....
Kansas City & Pacific 1st g 4s	1990 F & A*	4.32	4.65	96½	Apr. 16,1906	94	Oct. 23,1906	95½	Apr. 26,1907	.....	.....
Kansas City Southern 1st g 3s	1950*A & O	4.35	4.69	75¼	Jan. 5,1906	65	Nov. 2,1907	70¼	Feb. 17,1908	70	71
do registered	....*A & O							63¼	Oct. 16,1900	.....	.....
Kentucky Central g 4s	1987 J & J*	4.37	4.38	101	Feb. 21,1906	92	Feb. 5,1908	92	Feb. 5,1908	91	*93
Keokuk & Des Moines 1st 5s	1923 A & O*	5.13	5.23	111⅜	Mar. 3,1906	95	Dec. 18,1907	99½	Jan. 31,1908	99½	.....
do small	..... A & O	4.60	4.22	110½	.....do.....	110⅜	Mar. 3,1906	110½	Mar. 3,1906	.....	.....
Knoxville & Ohio 1st g 6s	1925 J & J*	5.58	5.34	122½	Jan. 4,1906	108	Jan. 20,1908	108	Jan. 22,1908	.....	.....
°La C & Day 1st 5s	1919 J & J*	4.72	4.30	113½	Jan. 27,1906	106½	July 30,1907	106⅞	Feb. 17,1908	106	.....
Lake Erie & Western 1st g 5s	1937*J & J	4.57	4.41	119	Feb. 9,1906	107	Jan. 21,1908	110	Jan. 31,1908	107	*107½
do 2d g 5s	1941 J & J*	4.78	4.73	113½	Jan. 11,1906	106½	Apr. 17,1907	107	June 27,1907	*100½	102½
Lake Shore collat g 3½s	1998*F & A	4.59	4.61	93	Jan. 24,1906	73	Nov. 29,1907	76½	Feb. 17,1908	76	*76½
do do registered	....*F & A	4.80	4.83	91½	Jan. 18,1906	72½	Nov. 30,1907	73	Feb. 18,1908	73	.....
°Lake Shore & Mich So g 3½s	1997*J & D	3.84	3.85	101½	Feb. 28,1906	85	Oct. 30,1907	92	Feb. 11,1908	*91	.....
do do registered	....*J & D	3.84	3.85	99½	Jan. 23,1906	83	Nov. 6 1907	92	Jan. 31,1908	*88	.....
do debenture g 4s	1928 M & S*	4.41	4.70	101½	Jan. 9,1906	83	Nov. 26,1907	92⅜	Feb. 19,1908	92⅜	94½
do do registered	1928 M & S*	4.59	4.92	98½	Nov. 2,1906	81½	.....do.....	86½	Dec. 18,1907	.....	.....
do 25-year 4s	1931*M & N	4.44	4.69	93⅝	Jan. 28,1908	83	Nov. 4,1907	91½	Feb. 19,1908	91	91½
do do registered	1931*M & N	4.44	4.69	91	July 12,1907	91	July 12,1907	91	July 12,1907	.....	.....
Lehigh & Hudson River gen gtd g 5s	1920 J & J*									*101	.....
Lehigh & N Y 1st gtd g 4s	1945 M & S*	4.24	4.31	96½	Dec. 14,1906	95⅝	Nov. 12,1906	95½	June 14,1907	.....	.....
do registered	.... M & S*									.....	.....
Lehigh Valley N Y 1st gtd g 4½s	1940 J & J*	4.41	4.38	111½	June 29,1906	101½	Dec. 23,1907	102½	Feb. 17,1908	*102½	.....
do registered	.... J & J*	4.31	4.25	106	May 8,1907	106	May 8,1907	106	May 8,1907	.....	.....
Lehigh Vly (Penn) gen con g 4s	2003*M & N	4.51	4.52	98¼	Apr. 24,1906	87	Nov. 6,1907	89½	Jan. 7,1908	.....	94
do registered	.... M & N									.....	.....
Lehigh Vly Ter Ry 1st gtd g 5s	1941 A & O*	4.69	4.62	120½	Mar. 22,1906	106	Nov. 21,1907	108	Jan. 24,1908	*109	*114½
do registered	.... A & O*							100½	Oct. 18,1899	.....	.....
Leroy & Caney Val A L 1st g 5s	1926 J & J*							110	Mar. 13,1905	.....	.....
Long Dock con g 6s	1935 A & O*	4.92	4.60	135½	Feb. 23,1906	121	Jan. 7,1908	124	Feb. 7,1908	.....	.....
Long Island 1st con g 5s	1931 Q J	4.56	4.33	117	Mar. 19,1906	105	.....do.....	110	Jan. 28,1908	.....	.....
do 1st con g 4s	1931 Q J									.....	.....
do gen g 4s	1938*J & D	4.61	4.84	102½	Jan. 30,1906	82	Dec. 20,1907	87½	Jan. 27,1908	87	*91
do Ferry g 4½s	1922*M & S							102	Nov. 27,1905	.....	.....
do g 4s	1932*J & D							99½	Oct. 28,1904	.....	.....
do unified g 4s	1949*M & S	4.97	5.16	101¾	Jan. 3,1906	81	Jan. 2,1908	82	Jan. 6,1908	*86	.....
do deb g 5s	1934*J & D							110	June 22,1904	.....	.....
do gtd refunding g 4s	1949*M & S	4.29	4.35	102½	Jan. 30,1906	86	Dec. 9,1907	95	Jan. 21,1908	*95	*96½
do do registered	.... M & S	4.04	4.05	99	Mar. 19,1906	99	Mar. 19,1906	99	Mar. 19,1906	.....	.....
L I R R N So bch 1st con gtd 5s	1932 Q J	4.62	4.49	109	Nov. 23,1906	109	Nov. 23,1906	109	Nov. 23,1906	100½	.....
Louisiana & Arkan Ry 1st 5s	1927 M & S*	4.91	4.85	105	Jan. 26,1906	100	Aug. 23,1907	102	Sept. 16,1907	.....	.....
Louisiana Western 1st 6s	1921 J & J									106	.....
°Louisville Cin & Lex g 4½s	1931 M & N*	4.40	4.34	103½	Jan. 13,1908	103½	Jan. 13,1908	103½	Jan. 13,1908	.....	.....
Lo & Jeffersville Bge Co gtd g 4s	1945*M & S	4.44	4.56	100½	Feb. 2,1906	91½	Jan. 14,1908	91½	Jan. 14,1908	.....	.....
°Louis & Nash gen g 6s	1930*J & D	5.17	4.81	120½	Jan. 24,1906	112	Nov. 19,1907	117	Jan. 31,1908	.....	.....
°do gold 5s	1937*M & N	4.65	4.53	121½	Feb. 19,1906	108½	Mar. 14,1907	110	Oct. 21,1907	110½	.....
°do united gas	1940 J & J*	4.08	4.11	104½	Jan. 9,1906	92	Oct. 30,1907	98½	Feb. 19,1908	.....	*98½
do do registered	.... J & J*	3.96	3.95	101½	July 3,1906	100	Apr. 21,1906	101	July 1,1906	.....	.....
do sinking fund g 6s	1910*A & O									.....	.....
do collateral trust g 5s	1931 M & N*	4.88	4.82	115½	Jan. 5,1906	103½	Dec. 9,1907	104	Feb. 18,1908	103	.....
do 5-20 yr col trust deed g 4s	1923*A & O	4.40	4.85	100½	Jan. 20,1906	86½	Dec. 30,1907	92½	Feb. 17,1908	*92½	93½
do Atl Knox & Cin div 4s	1955*M & N	4.72	4.82	89½	Jan. 27,1908	86	Feb. 19,1908	86	Feb. 19,1908	.....	*86
do do registered	....*M & N									.....	.....
do Pensacola div g 6s	1920*M & S	5.48	5.00	107½	Aug. 8,1906	107½	Aug. 8,1906	107½	Aug. 8,1906	.....	.....
do St Louis div 1st g 6s	1921*M & S	5.19	4.50	120½	Mar. 6,1906	117	May 27,1907	117	May 27,1907	*106	.....
do do 2d g 3s	1980*M & S	4.14	4.21	72½	Feb. 28,1907	71⅛	Sept. 7,1906	72½	Feb. 28,1907	.....	.....
Louisville & Nashville collateral g 4s	1952 M & N	5.42	4.60	95½	Jan. 19,1906	75	Feb. 17,1908	75	Feb. 17,1908	.....	76½

February 20, 1908—Income values and quotation record of active railroad and industrial corporation bonds, etc.—Continued.

Title of bond, rate.	Interest dates, maturity.*	Income.	Yield.	Jan. 1, 1906, to date. Highest. Quotation.	Highest. Date.	Lowest. Quotation.	Lowest. Date.	Last sale. Quotation.	Last sale. Date.	Feb. 19, 1908. Bid.	Asked.
Louisville and Nashville registered	M & N										
L & N & Mob & Montg 1st g 4½s	1945 M & S*	3.95	3.80	115¾	Jan. 27, 1908	108	July 11, 1906	115¾	Jan. 27, 1908	*90	
L & Nash Southn Mon Joint 4s	1952 J & J*	4.61	4.72	98	July 25, 1905	87	Mar. 19, 1907	87	Jan. 21, 1903		*86
do registered	Q Jan.							95	Feb. 6, 1905		
Louisv New Alb & Chic 1st 6s	1910 J & J*	5.96	5.68	108½	Feb. 9, 1906	100	Jan. 9, 1908	101½	Feb. 19, 1908		
Mahoning Coal R R 1st 5s	1934 J & J*	4.65	4.52	125½	Mar. 5, 1906	109	Oct. 15, 1907	109	Oct. 15, 1907	102½	
°Manhattan Ry of N Y con g 4s	1990*A & O	4.28	4.29	103⅝	Jan. 22, 1906	88	Nov. 20, 1907	95	Feb. 19, 1908	94	
do registered	*A & O							104	Apr. 5, 1905		
Manitoba S W colonization g 5s	1934 J & D										
McKeespt & B Ver 1st g 6s	1918 J & J*									*100	
Me Min Man Win & Ala 1st 6s	1917*J & J							116¾	Mar. 9, 1905		
°Metropolitan Elevated 1st g 6s	1908 J & J*	5.99	5.48	106	June 23, 1906	98½	Nov. 6, 1907	101	Feb. 19, 1908	100¾	
Mexican Centl (Ltd) con g 4s	1911 J & J*	5.10	4.84	87	Dec. 17, 1906	71	Nov. 26, 1907	79	do	80½	81
do 1st con income g 3s	1939 Jly 10			28⅜	Dec. 14, 1906	11	Oct. 30, 1907	18	do	17	18½
do 2d con income g 3s	1939 Jly 10			22¼	Dec. 15, 1906	7	Nov. 2, 1907	14	do	13	14
do equip & coll g 5s	1917*A & O										
do do 2d series g 5s	1919 A & O										
Mexican Internatl 1st con g 4s	1977 M & S*							90⅜	July 29, 1901		
do stamped guaranteed				80	Feb. 5, 1908	80	Feb. 5, 1908	80	Feb. 5, 1908		
Mexican Northern 1st g 6s	1910 J & D*							105	May 2, 1900		
do registered	J & D										
Mich Cent col g 3½s	1998*F & A	4.52	4.54	91	Feb. 6, 1906	72	Nov. 25, 1907	77½	Feb. 6, 1908		
do registered	*F & A	4.84	4.87	90½	Jan. 17, 1906	71	Nov. 29, 1907	71	Nov. 29, 1907		
Michigan Central 1st 6s	1909 M & S*	5.87	5.01	107½	June 19, 1906	104	Dec. 22, 1906	104	Dec. 22, 1906		
do 5s	1931*M & S	4.83	4.75	120	Jan. 3, 1906	105	Dec. 18, 1907	105	Dec. 18, 1907	110	
do do registered	Q M*	4.20	3.79	119	June 12, 1906	119	June 12, 1906	119	June 12, 1906		
do 4s	1940*J & J	3.99	3.98	104½	Mar. 23, 1906	100½	Jan. 28, 1907	100½	Jan. 28, 1907	92	
do do registered	*J & J							106¼	Nov. 26, 1900		
do g 3½s sec by 1st mg on J L & S	M & S*	3.76	3.84	94½	Dec. 26, 1906	94½	Dec. 26, 1906	94½	Dec. 26, 1906		
°do 1st g 3½s	1952*M & N	3.78	3.85	98⅛	Feb. 16, 1906	92½	May 3, 1907	92½	May 3, 1907	86½	
Midland R of N Jersey 1st g 6s	1910*A & O	5.98	5.85	109¼	Jan. 11, 1906	100	Nov. 4, 1907	102½	Jan. 30, 1908	102	
Midland Termi Ry 1st g s f 5s	1925 J & D										
°Mil Lake Shore & Westn 1st g 6s	1921*M & N	5.31	4.70	126½	Jan. 19, 1906	111	Nov. 30, 1907	113½	Dec. 9, 1907	117⅜	
do ext & impt sink fund g 5s	1929*F & A	4.47	4.17	118	Feb. 27, 1906	113	Apr. 26, 1907	113¾	May 31, 1907	110	
°do Ashland div 1st g 6s	1925*M & S							142¾	Feb. 10, 1902	121½	
°do Michigan div 1st g 6s	1924 J & J*	4.71	3.82	128¾	Feb. 27, 1906	128½	Feb. 27, 1906	128¾	Feb. 27, 1906	118½	
do income 6s	1911*M & N							110	Aug. 21, 1905		
Milwau & L Winnebago 1st 6s	1912 J & J										
°Milw & Northn 1st main line 6s	1910*J & D	6.03	6.14	108¾	Mar. 17, 1906	100	Dec. 17, 1907	100	Dec. 19, 1907	102	
°do 1st con 6s	1913*J & D	5.59	4.48	115	Feb. 10, 1906	105	Nov. 30, 1907	108¼	Jan. 29, 1908	105	
Minneapolis & St L 1st gtd g 7s	1927*J & D										
Minneapolis & St Louis 1st g 7s	1927*J & D	5.66	5.09	130	Mar. 13, 1907	125¼	Feb. 10, 1908	125¼	Feb. 10, 1908	125½	129
do Iowa Extension 1st g 7s	1909*J & D	6.83	5.77	105	Apr. 16, 1907	105	Apr. 16, 1907	105	Apr. 16, 1907	102½	
do Pacific Extension 1st g 6s	1921*A & O	5.14	4.39	120⅛	Feb. 6, 1906	118	June 5, 1906	118¼	Jan. 18, 1907	106	
do Sowestn Extension 1st g 7s	1910 J & D*							113½	Mar. 10, 1905		
do 1st con g 5s	1934 M & N*	5.05	5.06	114½	Jan. 20, 1906	98	Dec. 19, 1907	100	Jan. 3, 1908		
do 1st & refunding g 4s	1949*M & S	5.06	5.26	97	Jan. 17, 1906	75	Nov. 18, 1907	80⅜	Feb. 6, 1908	*77	*80
Minn S P & S Ste M 1st con g 4s	1938 J & J*	4.28	4.39	102¼	Apr. 25, 1906	95	Nov. 11, 1907	95	Nov. 11, 1907		
Minn S Ste Mar & Atl 1st 4s g	1926 J & J*	3.99	3.99	102½	June 25, 1907	102	June 25, 1907	102½	June 25, 1907		
Minneapolis Union 1st g 6s	1922 J & J*							124	May 4, 1905	*104	
Mo Kan & Eastern 1st gtd g 5s	1942*A & O	4.83	4.79	116	Feb. 8, 1906	98	Oct. 31, 1907	105⅜	Feb. 6, 1907	*105½	
Mo Kan & Ok 40-year 1st gtd 5s	1942*M & N	4.88	4.85	109⅛	Jan. 25, 1906	90½	Nov. 29, 1907	104	Feb. 15, 1908		*103½
Missouri Kans & Texas 1st g 4s	1990*J & D	4.23	4.24	103	Jan. 22, 1906	89½	Oct. 30, 1907	95½	Feb. 19, 1908	*95	97
do 2d g 4s	1990 F & A	4.97	4.99	92⅜	Jan. 29, 1906	75	Oct. 25, 1907	80⅜	Feb. 17, 1908	79	80½
do 1st extension g 5s	1944 M & N*	5.15	5.18	107½	Jan. 16, 1906	93	Nov. 29, 1907	98	Jan. 14, 1908		
do 1st & refunding mtge 4s	2004 M & S*	5.24	5.25	91½	Feb. 24, 1906	75	Nov. 7, 1907	77½	Nov. 7, 1907		*79½
do do small	M & S										
do gen mtge skg fd g 4½s	1936 J & J	6.21	6.72	90¼	Nov. 30, 1906	70½	Nov. 26, 1907	73	Feb. 19, 1908		76
Mo Kan & Tex St L div 1st ref g 4s	2001*A & O	4.90	4.91	94	Feb. 13, 1906	82	Mar. 29, 1907	83	Jan. 31, 1908	*82	*82¾
Mo K & Tex of Tex 1st gtd g 5s	1942 M & S*	4.96	4.95	109⅜	Feb. 14, 1906	95	Nov. 4, 1907	103	Feb. 14, 1908		
Missouri Pacific 1st con g 6s	1920 M & N*	5.73	5.48	125½	Jan. 3, 1906	103	Dec. 2, 1907	106	Jan 11, 1908	104½	*107½
do trust g 5s stamped	1917 M & S	5.33	5.91	107½	Feb. 13, 1906	89½	Nov. 14, 1907	96	Feb. 19, 1908		96¾
do do registered	M & S	4.76	4.38	107½	Feb. 17, 1906	104	Jan. 6, 1906	107½	Feb. 17, 1906		
do 1st collateral g 5s	1920 F & A*	5.28	5.57	108½	Jan. 25, 1906	89½	Nov. 26, 1907	95	Feb. 18, 1908		*94½
do do registered	F & A										
do forty-years 4s gold loan	1945*M & S	4.76	4.93	94½	Jan. 13, 1906	86	Mar. 18, 1907	86	Aug. 2, 1907		
do mtge 7s extended at 4%	1938*M & N	4.15	4.20	98	Apr. 8, 1907	97½	May 2, 1907	97½	May 2, 1907		
Mob & Birmingham prior lien g 5s	1945 J & J*	4.77	4.72	115⅜	Apr. 14, 1906	113	Mar. 22, 1906	115⅜	Apr. 14, 1906	87½	
do small	J & J										
do mtge g 4s	1945 J & J*							96	Oct. 9, 1905		83
do do small								94	Aug. 6, 1904		
Mob Jack & Kan City 1st con g 5s	1953*J & J	5.12	5.13	98	Aug. 6, 1906	96	Mar. 27, 1906	98	Dec. 21, 1900		
Moblie & Ohio new g 6s	1927 J & D*	5.36	5.04	127½	Nov. 8, 1906	113	Jan. 27, 1908	113	Feb. 10, 1908		
do 1st extension g 6s	1927 Q J	5.70	5.55	105½	Jan. 3, 1908	103	Nov. 27, 1907	105½	Jan. 3, 1908		
do gen g 4s	1938 M & S*	4.81	5.09	99	Jan. 15, 1906	83	Aug. 2, 1907	85	Feb. 19, 1903	*84½	90
do Montgomery div 1st g 5s	1947*F & A	4.94	4.92	114⅞	June 1, 1906	102½	Oct. 18, 1907	102¼	Oct. 18, 1907	99½	
Mobile & Ohio col trust g 4s	1938 M & S*	5.31	5.70	98½	Feb. 6, 1906	77	Jan. 29, 1908	77	Jan. 29, 1908	77	80
do registered	M & S										
°Mohawk & Malone 1st gtd g 4s	1991 M & S*	4.55	4.74	103	Dec. 3, 1906	97½	Mar. 27, 1907	97½	Mar. 27, 1907	*98	
Monongahela River 1st gtd g 5s	1919*F & A	4.74	4.40	105⅞	Feb. 8, 1907	105⅞	Feb. 8, 1907	105⅞	Feb. 8, 1907	*97⅜	
Montana Central 1st gtd g 6s	1937 J & J*	4.71	4.35	136	Jan. 25, 1906	125	Aug. 1, 1907	128	Jan. 28, 1903	123½	
do registered	J & J*	4.49	4.04	136½	May 31, 1906	136½	May 31, 1906	136½	May 31, 1906		
do 1st gtd g 5s	1937 J & J*	4.87	4.83	119½	Feb. 1, 1906	105	Dec. 13, 1907	105	Dec. 13, 1907	109	
do do registered	J & J										
Morgan's La & Texas 1st 7s	1918*A & O	5.66	4.25	127	Sept. 13, 1906	127	Sept. 13, 1906	127	Sept. 13, 1906	110⅜	
do 1st g 6s	1920 J & J*	5.29	4.60	118	Feb. 17, 1906	116	Nov. 21, 1906	116	Nov. 21, 1906		
°Morris & Essex 1st 7s	1914*M & N	6.20	4.69	125½	Jan. 20, 1906	109	Nov. 19, 1907	114½	Jan. 3, 1908	115½	
°do 1st con gtd 7s	1915*J & D	6.08	4.60	127	Jan. 13, 1906	117½	Sept. 4, 1907	118½	Jan. 31, 1908	116½	
do do registered	*J & D							127	June 23, 1905		
°do 1st refunding gtd g 3½s	2000 J & D*									81	
Nashville Chat & St Louis 1st 7s	1913 J & J*	6.60	5.71	119⅜	Apr. 2, 1906	108	Nov. 8, 1907	109	Nov. 26, 1907	111½	113½
do 1st con g 5s	1928*A & O	4.72	4.54	115½	Sept. 19, 1906	101½	Dec. 2, 1907	107½	Jan. 20, 1908	107½	
do Jasper Branch 1st g 6s	1923*J & J	5.26	4.74	119½	Feb. 16, 1906	116½	May 27, 1907	116½	May 27, 1907		
do T & P Branch 1st 6s	1917 J & J*							113	July 6, 1904		
Nash Flor & Shef 1st gtd g 5s	1937 F & A*	4.42	4.20	117⅜	Jan. 29, 1906	111	Aug. 8, 1906	113½	Feb. 28, 1907		
Nat R R of Mex prior lien g 4½s	1926*J & J	4.56	4.59	105	Apr. 6, 1906	95½	Nov. 25, 1907	99	Jan. 8, 1908		
do 1st con g 4s	1951 A & O*	5.03	5.19	87½	Jan. 28, 1907	75	Nov. 21, 1907	81	Feb. 11, 1908		*81
Naugatuck R R Co 1st 4s	1954*M & N										
do registered	*M & N										
New England R R con 5s	1945 J & J*										
do do con 4s	1945 J & J*										
New Haven & Derby cons cy 5s	1918*M & N							125½	Feb. 6, 1897		

February 20, 1908—Income values and quotation record of active railroad and industrial corporation bonds, etc.—Continued.

Title of bond, rate.	Interest dates, maturity.*	Income.	Yield.	Jan. 1, 1906, to date. Highest. Quotation.	Highest. Date.	Lowest. Quotation.	Lowest. Date.	Last sale. Quotation.	Last sale. Date.	Feb. 19, 1908. Bid.	Asked.
N Jersey Junction R gtd 1st 4s	1986*F & A							106	Sept. 8, 1902	78	
do registered certificates	F & A										
N O & Mobile 1st g 6s	1930*J & J	5.14	4.76	130	June 13, 1906	117	Jan. 7, 1908	117	Jan. 7, 1908	118¼	
do 2nd g 6s	1930*J & J	4.96	4.52	122½	Mar. 19, 1906	122½	Mar. 19, 1906	122½	Mar. 19, 1906	112	
N O & N Eastern prior lien g 6s	1915 A & O							108½	Aug. —, 1894		
Newp & Cin Bge Co gen gtd g 4½s	1945 J & J*										
N Y Bklyn & Man B 1st con g 5s	1935 A & O*	4.58	4.41	110½	Nov. 21, 1906	110¼	Nov. 21, 1906	110¼	Nov. 21, 1906	103¾	
°N Y Centl & Hudson R g mtge 3½s	1997 J & J*	4.00	4.01	99½	Jan. 16, 1906	85	Oct. 31, 1907	88	Feb. 18, 1908	88	89
do do registered	J & J*	3.96	3.97	98½	Feb. 10, 1906	84½	Nov. 22, 1907	88⅜	Jan. 14, 1908		
do deb g 4s	1934*M & N	4.31	4.47	102⅜	Oct. 15, 1906	86	do	94	Feb. 17, 1908	*93½	94
do do registered	M & N	4.05	4.07	101⅛	Apr. 2, 1906	100¾	Apr. 2, 1906	100¾	Apr. 25, 1906		
N Y Chicago & St Louis 1st g 4s	1937 A & O*	4.08	4.12	106	Mar. 1, 1906	93	Dec. 2, 1907	99½	Jan. 23, 1908		
do registered	A & O*	3.98	3.97	102¼	Mar. 7, 1907	100⅜	Oct. 31, 1906	102¼	Mar. 7, 1907	98½	
N Y & Greewd Lake gtd g 5s	1946*M & N	5.06	5.07	100	Feb. 1, 1908	99	Dec. 9, 1907	100	Feb. 1, 1908	*97	
do small								117	July 20, 1905		
°N Y & Harlem g 3½s	2000*M & N	3.48	3.47	101½	July 16, 1906	101½	July 16, 1906	101½	July 16, 1906	86	
do registered	*M & N										
°N Y Lackawanna & Wn 1st 6s	1921*J & J	5.16	4.38	126½	Jan. 3, 1906	115	Oct. 24, 1907	116½	Jan. 8, 1908	116⅜	
do construction 5s	1923 F & A*	4.98	4.95	114⅝	Jan. 25, 1906	102	Nov. 19, 1907	102	Nov. 19, 1907	*103⅜	
do terminal & improvement 4s	1923*M & N	4.60	5.21	102⅜	July 30, 1906	86	Nov. 1, 1907	87¼	do	93	
N Y L E & W Coal & R R Co 1st cur gtd 6s	1922*M & N							118	July 25, 1904		
N Y L E & W Dock & Imp. Co. 1st cur 6s	1913 J & J*	5.53	4.37	109⅞	Sept. 14, 1906	109⅞	Sept. 14, 1906	109⅞	Sept. 14, 1906		
N Y & Long Branch gen g 4s	1941 M & S*									97	
N Y & N E Boston Terminal 1st 4s	1939*A & O										
New York New Haven & Hartford											
do non-conv deb 4s	1914*F & A										
do do registered	*F & A										
do non-conv deb 4s	1947*M & S										
do do registered	*M & S										
do non-conv deb 3½s	1947*M & S										
do do registered	*M & S										
do non-conv deb 3½s	1954*A & O										
do do registered	*A & O										
do non-conv deb 4s	1955 J & J*										
do do registered	J & J*										
do non-conv deb 4s	1956*M & S										
do do registered	*M & S										
do conv deb ctfs 3½s	1956*J & J										
do do registered	*J & J										
N Y & Northern 1st g 5s	1927 A & O*	4.57	4.28	111	Apr. 10, 1907	110½	Apr. 26, 1907	110½	May 28, 1907	*100	
N Y Ont & W refunding 1st g 4s	1992 M & S	4.16	4.16	104⅜	Jan. 9, 1906	85	Nov. 19, 1907	98	Feb. 7, 1908	*97	* 97½
do registered $5,000 only	M & S	4.28	4.29	101½	June 29, 1906	95½	Aug. 19, 1907	95½	Aug. 19, 1907		
N Y Providence & Boston gen 4s	1942*A & O										
do registered	*A & O										
N Y & Putman 1st con gtd g 4s	1993 A & O*	3.99	3.98	104¼	Feb. 28, 1906	100	Dec. 12, 1906	101½	Dec. 14, 1906	*97	
N Y & Rockaway Bch 1st g 5s	1927*M & S	4.78	4.65	111	Jan. 23, 1906	105	Apr. 4, 1907	105	Apr. 4, 1907		
N Y Sus & Wn 1st refdg g 5s	1937*J & J	4.96	4.95	117½	May 25, 1906	103	Dec. 17, 1907	103	Dec. 17, 1907		
do 2d g 4½s	1937*F & A	4.56	4.58	103	Feb. 3, 1906	100	Oct. 2, 1906	100¼	Dec. 6, 1906		
do gen g 5s	1940 F & A*	5.41	5.50	110	Jan. 19, 1906	91	Feb. 3, 1908	92½	Feb. 4, 1908		*90
do terminal 1st g 5s	1943*M & N	4.61	4.52	118	May 3, 1906	110	Jan. 28, 1908	110	Jan. 28, 1908	*99	
do do registered $5,000 each	*M & N										
N Y Texas & Mex gtd 1st g 4s	1912 A & O										
°Nor & Montreal 1st gtd g 5s	1916*A & O										
Norfolk & Southern 1st g 5s	1941*M & N	5.13	5.15	111	Feb. 14, 1906	100	Oct. 17, 1907	100	Oct. 17, 1907	*97½	*105
Norfolk & Western R R gen g 6s	1931*M & N	5.06	4.68	132⅜	Jan. 22, 1906	115	Nov. 21, 1907	120⅜	Jan. 29, 1908	*120⅜	
do improvement & ext g 6s	1934*F & A	5.22	4.98	130¼	Feb. 15, 1906	117½	Jan. 2, 1908	117½	Jan. 2, 1908	117	
do New River 1st g 6s	1932*A & O	4.72	4.23	127½	Oct. 22, 1906	127½	Oct. 22, 1906	127½	Oct. 22, 1906		
Norfolk & Wn Ry 1st con g 4s	1996 A & O*	4.26	4.26	102⅝	Mar. 30, 1906	86	Nov. 23, 1907	95½	Feb. 17, 1908	96	97
do registered	A & O*	4.49	4.50	100	Feb. 16, 1906	91	Sept. 12, 1907	91	Sept. 12, 1907		
do small bonds											
do divisl 1st lien & gen g 4s	1944 J & J*	4.62	4.79	99½	Jan. 30, 1906	81½	Nov. 26, 1907	87	Feb. 14, 1908		88⅛
do do registered	J & J										
do 10-25 year conv 4s	1932*J & D	5.00	5.50	84⅜	Jan. 29, 1908	78	Jan. 2, 1908	81	Feb. 19, 1908		
do do registered	*J & D										
do Pocahon C & C Co Joint 4s	1941 J & D*	4.71	4.91	95½	Jan. 12, 1906	75	Nov. 27, 1907	86	Feb. 17, 1908		*89
°Northern Illinois 1st 5s	1910*M & S	5.13	5.87	99	Dec. 9, 1907	99	Dec. 9, 1907	99	Dec. 9, 1907	101	
Northern Ohio 1st gtd g 5s	1945 A & O*	4.56	4.46	117	Jan. 17, 1906	110	Apr. 23, 1907	110	Apr. 23, 1907		
N Pac Ry pr lien ry & ld gt g 4s	1997 Q J*	3.98	3.98	106½	Jan. 12, 1906	93⅜	Oct. 30, 1907	101	Feb. 19, 1908	100½	100¾
do registered	Q J*	4.10	4.11	106	Jan. 25, 1906	95	Dec. 2, 1907	98	Feb. 15, 1908		
do gen lien Ry & land gnt g 3s	2047 Q F	4.23	4.23	78½	Jan. 24, 1906	62½	Nov. 19, 1907	71⅛	do	71	72
do do registered	Q F	4.30	4.30	76	June 25, 1906	70	Apr. 16, 1907	70	Feb. 15, 1907		
do St Paul Duluth div g 4s	1996 J & D*	4.18	4.18	101	Jan. 24, 1906	89	Jan. 23, 1908	96	Jan. 28, 1908		96
do do registered	J & D*										
Nor Pacific Termi Co 1st g 6s	1933*J & J	5.39	5.20	117	Nov. 14, 1906	112	Feb. 19, 1908	112	Feb. 19, 1908		*113
Northn Ry of Cal 1st gtd g 5s	1938 A & O*	4.55	4.40	112	Feb. 8, 1907	112	Feb. 8, 1907	112	Feb. 8, 1907		
°North Wisconsin 1st 6s	1930*J & J							129¾	Mar. 3, 1904		
Ogdnsb & L Cham Ry 1st gtd g 4s	1948*J & J	4.62	4.75	100½	Jan. 17, 1906	84½	Jan. 8, 1908	87	Feb. 3, 1908		*87½
Ohio Connecting Ry 1st gtd s f 4s	1943 M & S										
Ohio Indian & West 1st pfd 5s	1938*Q J										
Ohio River Railroad 1st g 5s	1936*J & D	4.50	4.33	116	May 16, 1906	113¼	Nov. 30, 1906	113¼	Nov. 30, 1906		
do gen g 5s	1937*A & O	4.42	4.23	114½	Jan. 20, 1906	110½	Jan. 5, 1906	114½	Jan. 20, 1906		
Oregon & California 1st gtd g 5s	1927 J & J*	5.22	5.35	102½	Mar. 2, 1906	97½	Nov. 18, 1907	97½	Nov. 18, 1907	100	
Oregon R R & Nav Co con g 4s	1946*J & D	4.26	4.32	102	Apr. 5, 1906	87	Nov. 23, 1907	95	Feb. 15, 1908		95
Oregon Short Line R R 1st g 6s	1922*F & A	5.14	4.38	126	Jan. 23, 1906	107	Nov. 15, 1907	117	Feb. 19, 1908	117	117½
do 1st con g 5s	1946 J & J*	4.51	4.41	119	May 23, 1906	100	Nov. 21, 1907	111½	Feb. 14, 1908		112
do gtd refunding g 4s	1929 J & D*	4.65	5.05	97½	Jan. 18, 1906	75	Oct. 25, 1907	87	Feb. 18, 1908		87
do do registered	J & D*	4.62	5.02	94½	Oct. 2, 1906	87⅞	Mar. 20, 1907	87⅞	Mar. 29, 1907		
Oswego & Rome 2nd gtd g 5s	1915 F & A	4.88	4.62	105	Jan. 31, 1908	103	Aug. 13, 1907	105	Jan. 31, 1908		
°Ottumwa C F & St Paul 1st 5s	1909*M & S	5.04	5.33	102⅜	Feb. 7, 1907	100¼	Mar. 29, 1907	100⅜	May 13, 1907	100½	
Ozark & Cher Cent Ry 1st gtd g 5s	1913 A & O*	5.63	7.33	100⅜	Mar. 1, 1906	90	Dec. 19, 1907	90	Dec. 19, 1907		
Pacific Coast Co 1st g 5s	1946*J & D	4.81	4.77	114½	Mar. 12, 1906	99	Nov. 22, 1907	104⅞	Feb. 7, 1908	*104⅜	*105
°Pacific R of Mo 1st extd g 4s	1938 F & A*	4.03	4.04	105	Jan. 11, 1906	99½	Feb. 8, 1908	99½	Feb. 8, 1908		*101
°do 2nd extd g 5s	1938 J & J*	4.57	4.43	120⅜	Jan. 25, 1906	112	Dec. 21, 1907	112	Dec. 21, 1907		*115
Pennsylvania Co gtd 1st g 4½s	1921 J & J*	4.36	4.18	108⅜	June 12, 1906	100	Nov. 2, 1907	103¾	Feb. 8, 1908		103½
do registered	J & J*	4.47	4.43	106	Dec. 11, 1906	101	July 18, 1907	101	July 18, 1907		
do gtd 3½s Col tst rg cts ser A	1937 M & S*	3.91	4.11	90½	June 8, 1906	90¼	June 8, 1906	90½	June 8, 1906	81⅞	
do gtd 3½s Col tr certs ser B	1941*F & A	4.23	4.50	92½	Jan. 18, 1906	83	May 22, 1907	84	May 27, 1907	85½	88½
do Trust Co certs gtd g 3½s	1916 M & N*	3.84	4.69	98	Feb. 19, 1906	93	Oct. 21, 1907	93	Oct. 21, 1907	92½	
do gtd g 3½s trst ctfs ser C	1942 J & D	3.96	4.20	89	Oct. 22, 1906	89	Oct. 22, 1906	89	Oct. 22, 1906	84½	89½
do gtd g 3½s trst ctfs ser D	1944 J & D*	3.92	4.05	93	Jan. 30, 1906	90½	Mar. 20, 1906	90¼	Mar. 20, 1906		
do 4% 15-25 yr gtd Gold loan of	1906*A & O	4.35	4.56	97⅛	Jan. 16, 1907	84	Nov. 20, 1907	93⅝	Feb. 14, 1908		94½

February 20, 1908—Income values and quotation record of active railroad and industrial corporation bonds, etc.—Continued.

Title of bond, rate.	Interest dates, maturity.*	Income.	Yield.	Jan. 1, 1906, to date.				Last sale.		Feb. 19, 1908.	
				Highest.		Lowest.					
				Quotation.	Date.	Quotation.	Date.	Quotation.	Date.	Bid.	Asked.
°Penn R R Co 1st real estate g 4s	1923*M & N	3.85	3.65	106½	June 19, 1906	101	Mar. 4, 1907	105	Jan. 31, 1908		
°do con g 5s	1919 M & S*	4.81	4.56	105	Nov. 12, 1907	105	Nov. 12, 1907	105	Nov. 12, 1907		
°do do registered	Q M										
°do con g 4s	1943*M & N	3.99	3.99	101	Dec. 24, 1907	101	Dec. 24, 1907	101	Dec. 24, 1907		
do ten-year conv 3½s	1912 M & N*	3.79	5.28	105⅝	Jan. 22, 1906	87	Nov. 15, 1907	93½	Feb. 19, 1908	92½	93½
do ten-year conv g 3½s	1915*J & D	3.94	5.32	101	Jan. 17, 1906	83¾	Oct. 25, 1907	89⅜	do	89½	89¾
do registered	J & D	3.87	4.93	97½	Oct. 13, 1906	91	July 12, 1907	91	July 12, 1907		
Pens & Atlantic 1st gtd g 6s	1921 F & A*	5.45	4.99	113	Jan. 28, 1908	112	Jan. 10, 1907	113	Jan. 28, 1908		
Peoria & Eastern 1st con 4s	1940*A & O	4.52	4.69	101	Feb. 8, 1906	81	Dec. 24, 1907	90	Jan. 30, 1908	87	*90½
do income 4s	1990 A			80	Jan. 20, 1906	37	Nov. 27, 1907	50	Feb. 19, 1908	45	55
Peoria & Pekin Union 1st g 6s	1921 Q F*							123½	Jan. 18, 1905	103	
do 2d g 4½s	1921 M & N							100¾	Dec. 5, 1905		*97
Phila Balto & Wash 1st g 4s	1943 M & N*	3.79	3.72	110⅛	Feb. 24, 1906	107¼	Oct. 10, 1906	107⅞	Oct. 10, 1906	*102½	
do registered	M & N	3.83	3.77	104⅝	Dec. 4, 1906	104⅝	Dec. 4, 1906	104⅞	Dec. 4, 1906		
Philadelphia & Reading con 6s	1911*J & D	5.47	4.12	110⅝	Mar. 5, 1906	110⅝	Mar. 5, 1906	110⅝	Mar. 5, 1906		
do registered	J & D										
do 7s	1911*J & D	6.18	3.43	115½	Mar. 22, 1906	115½	Mar. 22, 1906	115½	Mar. 22, 1906		
do do registered	J & D							118	Jan. 7, 1905		
Pine Creek registered gtd 6s	1932 J & D*	5.77	5.69	107	Nov. 26, 1907	107	Nov. 26, 1907	107	Nov. 26, 1907	*118½	
P C C & St L con gtd g 4½s ser A	1940 A & O*	4.23	4.13	112⅞	Feb. 2, 1906	107	Nov. 13, 1907	108	Jan. 27, 1908	107	
do series B gtd	1942*A & O	4.26	4.18	112½	Jan. 12, 1906	106¾	June 26, 1907	107½	July 19, 1907	106½	*109½
do series C gtd	1942 M & N*							112½	June 12, 1905	102	
do series D gtd 4s	1945 M & N*	4.03	4.04	100¾	Mar. 7, 1907	98	Jan. 4, 1907	100¾	Mar. 7, 1907		
do series E gtd g 3½s	1949*F & A	3.86	3.95	94⅛	Jan. 2, 1906	89⅜	Aug. 3, 1906	91	Feb. 13, 1907	85½	
do series F con gtd g 4s	1953 J & D*										
Pitts Cleveland & Toledo 1st g 6s	1922 A & O*							119½	Mar. 7, 1904		
°Pitts Fort Wayne & Chic 1st 7s	1912 J & J*							127⅜	Oct. 21, 1902		
do 2d 7s	1912 J & J*	6.06	3.59	119	June 18, 1906	117½	Feb. 2, 1906	119	June 18, 1906		
do 3d 7s registered	1912*A & O							119	Apr. 11, 1904		
Pittsburg Junction 1st g 6s	1922 J & J*							120	Oct. 11, 1901		*99
Pitts Junction & Mid div 1st g 3½s	1925 M & N*	4.38	5.23	92	Jan. 10, 1906	80½	Dec. 23, 1907	80½	Dec. 23, 1907	82	
do registered	Q Feb										
Pitts & L E 2nd g 5s series A & B	1928 A & O	4.67	4.48	107½	Nov. 12, 1906	107½	Nov. 12, 1906	107½	Nov. 12, 1906	100½	
Pitts L E & West Va System ref g 4s	1941 M & N*	4.48	4.63	99⅝	Jan. 16, 1906	83	Nov. 25, 1907	90½	Feb. 13, 1908		90⅜
Pitts McKeesport & Y 1st gtd 6s	1932 J & J*							139	Jan. 21, 1903	*115½	
do 2d gtd 6s	1934 J & J*									*110	
Pitts Shenango & L Erie 1st g 5s	1940 A & O*	4.71	4.63	120	Jan. 30, 1906	107½	Dec. 28, 1907	107½	Dec. 28, 1907	108⅜	
do 1st con g 5s	1943 J & J*							98	July 14, 1897		
°Pitts Va & Charl Ry 1st gtd g 4s	1943 M & N										
Pittsburg & West 1st g 4s	1917 J & J*	4.59	5.20	100	Jan. 18, 1906	88¼	Oct. 14, 1907	88¼	Oct. 14, 1907	93½	
Pitts Ygstn & Ash 1st con 5s	1927 M & N*							116	May 24, 1905		
Providence & Springfield 1st 5s	1922 J & J*										
Providence Terminal Co 1st 4s	1956*M & S										
do registered	*M & S										
Reading Co gen g 4s	1997*J & J	4.28	4.29	102⅜	Jan. 9, 1906	86½	Oct. 23, 1907	94	Feb. 19, 1908	94	94½
do registered	*J & J	4.47	4.48	101⅛	Jan. 6, 1906	90	Feb. 17, 1908	90	Feb. 17, 1908		
do Jersey Centl collat g 4s	1951*A & O	4.30	4.36	101⅛	Mar. 17, 1906	85	Oct. 26, 1907	94½	Feb. 18, 1908	90	95
do do registered	A & O	4.17	4.20	96¾	Nov. 27, 1906	96¾	Nov. 27, 1906	96¾	Nov. 27, 1906		
°Rensr & Saratoga 1st 7s	1921*M & N	5.54	4.41	133½	Dec. 21, 1906	128½	Feb. 15, 1908	128½	Feb. 15, 1908	125	
Richmond & Danville con g 6s	1915*J & J	5.62	4.83	116	May 17, 1906	107	Jan. 7, 1908	107	Jan. 7, 1908		
do deben 5s stamped	1927*A & O	5.04	5.04	114½	Feb. 13, 1906	99½	Oct. 10, 1907	99½	Oct. 10, 1907		
Richmd & Mecklenburg 1st g 4s	1948 M & N*							98	Feb. 18, 1905		
Rio Grande Junction 1st gtd g 5s	1939 J & D*	5.20	5.25	98½	Dec. 23, 1907	97	Feb. 8, 1908	97	Feb. 8, 1908		
Rio Grande Southn R R Co 1st mtg 4s	1940 J & J*							76	Dec. 20, 1905		
do do guaranteed	1940							89	Jan. 4, 1905		
Rio Grande Western 1st g 4s	1939 J & J*	4.47	4.64	100	Jan. 26, 1906	81	Nov. 20, 1907	90	Feb. 11, 1908		
do mtge & col tr g 4s ser A	1949*A & O	5.42	5.64	92	Jan. 20, 1906	75	Jan. 29, 1908	75	Jan. 29, 1908	72	*76
°Rochester & P ttsburg 1st g 6s	1921*F & A	5.38	4.85	124	Apr. 26, 1906	114	Jan. 7, 1908	114	Jan. 7, 1908	*114⅜	
°do con 1st g 6s	1922 J & D*	5.11	4.38	128½	Feb. 23, 1906	118	June 19, 1907	118	June 19, 1907	*116½	
°Rome W & Og con 1st ext 5s cou bd cur	1922 A & O	4.63	4.24	118	Mar. 3, 1906	102½	Dec. 3, 1907	110	Feb. 14, 1908	109⅝	
°Rome W & O Ter R 1st gtd g 5s	1918*M & N										
Rutd Canadian 1st gtd g 4s	1949*J & J	4.71	4.84	95	Feb. 26, 1907	85	Jan. 8, 1908	85	Jan. 8, 1908		
Rutland R R 1st con g 4½s	1941 J & J*							106½	Oct. 24, 1905		
Saginaw Tusc & Hur 1st gtd g 4s	1931 F & A*										
St Jos & Grand Island 1st g 4s	1947*J & J	4.72	4.88	94½	Jan. 25, 1906	82	June 24, 1907	85	Jan. 28, 1908		85
St Lawr & Adirondack Ry 1st g 5s	1996 J & J*	4.10	4.08	122	Jan. 18, 1906	122	Jan. 18, 1906	122	Jan. 18, 1906		
do 2d g 6s	1996 A & O*	4.88	4.87	125	Feb. 3, 1908	125	Feb. 3, 1908	125	Feb. 3, 1908		
St Louis & Cairo col g 4s	1930 Q F										
St Louis & Cairo gtd g 4s	1931*J & J	4.12	4.20	98½	June 5, 1906	92½	Aug. 15, 1906	92½	Aug. 15, 1906	72	
St L I Mt & S gen cn ry & gt l g 5s	1931*A & O	4.81	4.71	117¾	Jan. 20, 1906	100	Nov. 21, 1907	106	Feb. 19, 1908		*107
do gen con stamped gtd g 5s	1931*A & O	4.62	4.43	109½	June 13, 1907	109½	June 13, 1907	109½	June 13, 1907		
do unifying & refunding g 4s	1929 J & J*	5.26	6.03	93¾	May 28, 1906	70	Nov. 19, 1907	74	Feb. 19, 1908	74	75½
do do registered	J & J							87	Apr. 23, 1904		
do Riv & Gulf divs 1st g 4s	1933*M & N	4.88	5.32	96	Feb. 28, 1906	80	Dec. 10, 1907	83	Feb. 10, 1908	83	*84½
St L Kan C & N St Chs B 1st g 6s	1908*A & O	6.06	7.05	102	Jan. 8, 1907	100	Apr. 23, 1907	100	May 28, 1907		
St L Memp & So'eastern gtd g 4½s	1909 J & D										
St L Merchts Bge Ter gtd g 5s	1930 A & O*	4.56	4.31	111	June 22, 1906	110½	Nov. 30, 1906	111	Nov. 31, 1906	101⅝	
St L & San Fr Ry gen g 6s	1931 J & J*	5.31	5.04	128½	Nov. 28, 1906	110	Nov. 4, 1907	113¾	Feb. 6, 1908	*114½	
do gen g 5s	1931 J & J*	4.88	4.82	113¾	Jan. 26, 1906	99½	Nov. 18, 1907	103½	Feb. 19, 1908		105½
St L & San Fr R R con g 4s	1996 J & J*	4.46	4.47	93	Nov. 7, 1906	90	Jan. 20, 1908	90	Jan. 20, 1908		
do Southwestern div g 5s	1947 A & O*							102½	Apr. 7, 1905		
do refunding g 4s	1951 J & J*	5.44	6.01	88	Feb. 5, 1906	66½	Nov. 25, 1907	69⅝	Feb. 19, 1908	69¼	70
do do registered	J & J										
do five-year 4½s gold notes	1908 J & D*	4.70	6.82	98	Nov. 30, 1906	95½	Jan. 29, 1906	98	Nov. 30, 1906		
St Louis Southern 1st gtd g 4s	1931 M & S*	4.10	4.16	97	Mar. 26, 1907	97	Mar. 26, 1907	97	Mar. 26, 1907	*95	*100
St L Southwn 1st g 4s bds certfs	1989 M & N*	4.55	4.56	99¾	Jan. 23, 1906	80	Nov. 20, 1907	89	Feb. 10, 1908		
do 2d g 4s inc bds certfs	1989 J & J	6.11	6.00	89	June 7, 1906	60	Nov. 26, 1907	66	Feb. 15, 1908	*65⅞	
do con g 4s	1932*J & D	6.45	7.40	82	Jan. 8, 1906	54½	Nov. 23, 1907	63	do		63
St Paul & Duluth 1st 5s	1931 F & A*	4.36	4.03	117½	July 18, 1907	100	Oct. 15, 1907	100	Oct. 15, 1907	98	
do 2d 5s	1917 A & O*	5.01	5.02	110	Feb. 27, 1906	106½	May 7, 1907	106½	May 7, 1907		
do 1st con g 4s	1968*J & D	4.12	4.13	100½	Jan. 10, 1906	98½	Sept. 5, 1906	98½	Oct. 26, 1906		
°St Paul Minn & Manitoba 2d 6s	1909 A & O*	6.02	6.14	109½	Mar. 27, 1906	101	Dec. 13, 1907	101	Dec. 13, 1907	103⅞	
°do 1st con g 6s	1933 J & J*	4.71	4.22	137½	Jan. 31, 1906	119	Nov. 22, 1907	128	Feb. 11, 1908	126½	
do do registered	J & J*	4.57	4.06	134	Dec. 17, 1906	134	Dec. 17, 1906	134	Dec. 17, 1906		
°do g 6s reduced to 4½s	1933 J & J*	4.31	4.21	112½	Jan. 27, 1906	102	Dec. 17, 1907	105	Feb. 7, 1908	104⅜	*106½
do do registered	J & J*							116½	Apr. 15, 1901		
°do Dakota extension g 6s	1910 M & N*	6.02	6.09	111	Mar. 10, 1906	100	Nov. 13, 1907	100	Nov. 13, 1907	104	
do Montana exten 1st g 4s	1937*J & D	4.09	4.13	104¼	Jan. 18, 1906	93½	Dec. 12, 1907	98½	Feb. 10, 1908	*98⅜	*98½
do do registered	*J & D	4.03	4.05	100½	Oct. 3, 1906	100½	Oct. 3, 1906	100½	Oct. 3, 1906		
do Pacific Ext sterl'g gtd 4s	1940 J & J									90½	
St Paul & N Pac gen g 6s	1923*F & A	5.19	4.62	125	Apr. 3, 1906	116½	Sept. 26, 1907	116½	Sept. 26, 1907	115	
do registered ctfs	Q F*							132	July 28, 1899		

February 20, 1908—Income values and quotation record of active railroad and industrial corporation bonds, etc.—Continued.

Title of bond, rate.	Interest dates, maturity.*	Income.	Yield.	Jan. 1, 1906, to date.				Last sale.		Feb. 19, 1908.	
				Highest.		Lowest.					
				Quotation.	Date.	Quotation.	Date.	Quotation.	Date.	Bid.	Asked.
°St Paul & Sioux City 1st g 6s	1919*A & O	5.19	4.28	124⅜	Feb. 14,1906	110	Oct. 11,1907	117½	Jan. 27,1908	116	*118½
San A & Aran Pass 1st gtd g 4s	1943*J & J	5.03	5.29	90	Jan. 25,1906	70	Oct. 29,1907	80	Feb. 17,1908	.....	*82
San Fran & Nor Pac 1st sk fd g 5s	1919*J & J	.....	.....	.....	.....	.....	.....	110	Oct. 4,1905	.....	.....
Santa Fe Pres & Phoenix Ry 1st g 5s	1942 M & S*	4.91	4.90	112½	Jan. 16,1906	102	Aug. 6,1907	102	Sept. 25,1907	.....	.....
Savannah Florida & Westn 1st g 6s	1934*A & O	4.58	4.09	132⅞	Jan. 30,1906	132⅜	Jan. 30,1906	132⅞	Jan. 30,1906	110½	.....
do 1st g 5s	1934*A & O	.....	.....	.....	.....	.....	.....	112⅜	Jan. 26,1901	*100	.....
Scioto Val & N E 1st gtd g 4s	1989 M & N*	4.36	4.37	103	Apr. 7,1906	87½	Dec. 31,1907	93	Feb. 14,1908	.....	.....
Seaboard Air Line Ry g 4s	1950*A & O	8.80	.....	92	Jan. 17,1906	45	Feb. 4,1908	47	.....do.....	*45	48½
do registered	.....*A & O	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do coll tr refdg g 5s	1911*M & N	5.61	8.75	104½	Oct. 29,1906	90	Dec. 27,1907	90	Dec. 27,1907	.....	85
Seaboard & Roanoke 1st 5s	1926 J & J*	4.75	4.58	110	May 22,1906	106	Mar. 1,1907	106	Mar. 1,1907	.....	.....
do do Coupon off	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sher Shreve & So 1st gtd g 5s	1943 J & D*	4.81	4.77	108½	Apr. 3,1906	104	Mar. 12,1907	105	Aug. 2,1907	.....	*103½
Sil Spgs Oc & G R R & ld g gtd g 4s	1918 J & J*	4.27	4.72	99½	Apr. 5,1906	94	July 16,1907	94	July 16,1907	*80	.....
Sodus Bay & Southern 1st g 5s	1924 J & J*	.....	.....	.....	.....	.....	.....	102	Jan. 20,1903	.....	.....
So Pac Co g 4s (Cent Pac collat)	1949 J & D	4.82	4.98	95½	Feb. 9,1906	70	Oct. 29,1907	84	Feb. 17,1908	.....	.....
do do registered	..... J & D	4.76	4.76	92	Apr. 4,1906	84	June 1,1907	84	June 1,1907	.....	83
do two-five yrs coll trust 4s	1910*J & D	4.42	8.40	97⅛	May 1,1906	91⅛	Feb. 18,1908	91⅛	Feb. 18,1908	.....	.....
So Pac of Ariz gtd 1st g 6s	1909 J & J	6.10	7.72	106½	Dec. 14,1906	98½	Jan. 3,1908	98½	Jan. 3,1908	99	.....
do do	1910 J & J	6.06	6.32	107	Apr. 28,1906	100	Nov. 29,1907	101½	Dec. 2,1907	99½	.....
So Pac of Cal 1st g 6s ser E & F	1912 A & O*	5.61	4.55	113⅜	Feb. 15,1906	107	Apr. 2,1907	107	Apr. 2,1907	104	.....
do do do	1912*A & O	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do 1st gtd g 5s	1937 M & N*	4.31	4.07	119	Jan. 3,1906	116	May 2,1907	116	May 2,1907	.....	.....
Southn Pac RR Co 1st ref mge gtd sf 4s	1955*J & J	4.57	4.59	97½	June 26,1906	82	Nov. 23,1907	89½	Feb. 18,1908	88½	89½
Southern Railway 1st con g 5s	1994 J & J*	5.79	5.80	119½	Feb. 15,1906	85	Jan. 24,1908	87	Feb. 19,1908	87	88½
do registered	..... J & J*	4.46	4.45	117⅛	Jan. 25,1906	114	Nov. 20,1906	114	Nov. 20,1906	.....	.....
do Memphis div 1st g 4½s–5s	1996*J & J	5.01	5.01	119½	June 8,1906	100	Jan. 29,1907	100	Jan. 29,1908	.....	100
do do registered	..... J & J	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do St Louis div 1st g 4s	1951 J & J*	5.43	5.65	99½	Jan. 24,1906	72	Jan. 13,1908	74	Jan. 31,1908	.....	75
do do registered	..... J & J*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
South Carolina & Ga 1st g 5s	1919*M & N	5.24	5.54	108½	Feb. 5,1906	95	Nov. 13,1907	96	Dec. 10,1907	*95½	*97½
So & Nth Ala con gtd g 5s	1936 F & A*	4.56	4.40	111	May 4,1907	110⅛	Apr. 25,1907	111	May 4,1907	*102	.....
South Pac Coast 1st gtd g 4s	1937 J & J*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
South Pac of New Mex 1st g 6s	1911*J & J	5.84	5.24	105½	May 16,1906	103⅛	Jan. 7,1907	104	Mar. 9,1907	.....	.....
Spokane Falls & North 1st g 6s	1939 J & J*	.....	.....	.....	.....	.....	.....	117	July 25,1900	.....	.....
Staten Island Ry N Y 1st gtd g 4½s	1943*J & D	.....	.....	.....	.....	.....	.....	100	Nov. 22,1904	.....	.....
°Sunbury & Lewiston 1st g 4s	1936 J & J*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Terminal Asn of St L 1st g 4½s	1939 A & O*	4.20	4.10	112	Jan. 16,1906	108½	Jan. 28,1907	108½	Jan. 29,1907	101	.....
do 1st con g 5s 1894-	1944 F & A*	4.52	4.42	120½	Feb. 5,1906	97	Nov. 30,1907	110½	Feb. 6,1908	106⅞	.....
do gen refunding skg fd g 4s	1953*J & J	4.04	4.05	100¼	Feb. 26,1906	86	Dec. 4,1907	99½	Jan. 30,1908	90	.....
do do registered	..... J & J	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Texas & New Orlns Sabine div 1st g 6s	1912 M & S*	5.74	5.05	111¼	Jan. 6,1906	107½	Feb. 27,1907	107½	Feb. 27,1907	.....	.....
do con g 5s	1943 J & J*	5.24	5.28	110	Apr. 10,1906	95½	Jan. 28,1908	96	Feb. 6,1908	.....	.....
Tex & Ok 40-year 1st gtd g 5s	1943 M & S*	5.01	5.01	109½	Feb. 13,1906	100½	Oct. 2,1907	100½	Oct. 2,1907	.....	.....
Texas & Pacific Railway 1st g 5s	2000*J & D	4.55	4.54	124	May 17,1906	104½	Dec. 3,1907	111	Feb. 18,1908	.....	*111½
do 2d g income 5s	2000 Mch	5.56	5.56	102	Jan. 9,1906	85	July 24,1906	92	Nov. 8,1906	.....	.....
do Louisiana div B L 1st g 5s	1931 J & J	4.55	4.33	110	Feb. 23,1906	108⅜	Mar. 6,1906	110	Mar. 29,1906	.....	.....
Toledo & Ohio Central 1st g 5s	1935 J & J*	4.83	4.76	115½	Feb. 9,1906	100	Nov. 25,1907	103¾	Jan. 9,1908	105½	.....
do Western div 1st g 5s	1935 A & O*	.....	.....	.....	.....	.....	.....	115	Oct. 28,1905	101½	.....
do gen g 5s	1935*J & D	5.25	5.33	109	May 25,1906	95	Dec. 6,1907	96	Jan. 16,1908	95½	.....
Toledo Peoria & Western 1st g 4s	1917 J & J*	4.99	6.90	93⅜	Apr. 24,1906	76½	Jan. 7,1908	80½	Feb. 10,1908	80	83
Toledo St L & W prior lien g 3½s	1925 J & J*	4.31	5.17	90	Jan. 13,1906	75	Nov. 22,1907	81½	Jan. 24,1908	83½	87½
do registered	..... J & J*	4.18	4.86	85	May 13,1907	85	May 13,1907	85	May 13,1907	.....	.....
do fifty year g 4s	1950*A & O	5.84	6.10	84½	Jan. 24,1906	55	Nov. 26,1907	70	Feb. 11,1908	.....	.....
do do registered	..... A & O	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tol Walhonding Vy & O 1st gtd bnds 4½s series A	1931 J & J	4.39	4.33	103	Aug. 8,1907	97	Aug. 5,1907	103	Aug. 8,1907	100½	.....
do 4½s series B	1933 J & J	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do 4s series C	1942 M & S	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Toronto Hamilton & Buffalo 1st g 4s	1946 J & D	4.22	4.27	95	Dec. 31,1906	95	Dec. 31,1906	95	Dec. 31,1906	.....	.....
Ulster & Delaware 1st con g 5s	1928*J & D	4.81	4.68	113½	Feb. 19,1906	102	Oct. 16,1907	105	Jan. 31,1908	*101	*105
do 1st ref g 4s	1952 A & O*	4.40	4.47	94½	Aug. 13,1906	93	Jan. 8,1906	93	Sept. 27,1906	.....	.....
Union Pacific 1st R R & ld gt g 4s	1947 J & J*	4.05	4.06	106⅜	Jan. 9,1906	92⅜	Oct. 30,1907	99⅜	Feb. 19,1908	99½	100
do registered	..... J & J*	4.01	4.01	106¼	Jan. 17,1906	93	Nov. 22,1907	100½	Feb. 6,1908	98	.....
do 20-year Conv 4s	1927 J & J*	4.72	5.28	87½	Jan. 18,1908	78⅜	Oct. 24,1907	85½	Feb. 19,1908	84¾	85¼
do do registered	..... J & J*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
°United N J R R & Can Co gen 4s	1944*M & S	.....	.....	.....	.....	.....	.....	110½	Sept. 28,1904	100	.....
Utah Central 1st gtd g 4s	1917 A & O	.....	.....	.....	.....	.....	.....	97	Jan. 3,1902	.....	*91
Utah & Northern 1st 7s	1908 J & J*	7.17	.....	105½	Jan. 16,1906	100	Oct. 22,1907	100	Oct. 22,1907	*100½	.....
do g 5s	1926 J & J*	4.75	4.57	110	June 27,1906	105½	July 3,1907	105½	July 3,1907	*98½	.....
°Utica & Black River gtd g 4s	1922 J & J*	3.93	3.84	104	July 24,1906	103	Oct. 17,1907	103	Oct. 17,1907	96½	*100
Vandalia R R con g 4s	1955*F & A	4.28	4.32	105	Jan. 16,1906	102⅞	Feb 1,1906	102⅞	Feb. 1,1905	.....	.....
do registered	..... F & A	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Vera Cruz & Pacific 1st gtd g 4½s	1934 J & J*	4.64	4.70	98	Sept. 13,1906	98	Sept. 13,1906	98	Sept. 13,1906	.....	.....
do 1st mtg gtd bonds of scaled int to 1910 Speyer & Co's coupon	1934 J & J	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Verdigris Val Ind & W 1st g 5s	1926*M & S	4.67	4.45	107½	Apr. 13,1906	107½	Apr. 13,1906	107½	Apr. 13,1906	.....	.....
Virginia Midl serial mtg B 6s	1911 M & S	5.65	5.80	109	June 15,1906	109	June 15,1906	109	June 15,1906	.....	.....
do do do small	..... M & S	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do do ser C 6s	1916*M & S	.....	.....	.....	.....	.....	.....	123	Feb. 28,1902	.....	.....
do do do small	..... M & S	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do do ser D 4–5s	1921*M & S	4.67	4.33	108½	Dec. 12,1906	107	Nov. 12,1906	108½	Dec. 12,1906	*100	.....
do do do small	..... M & S	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do do ser E 5s	1926*M & S	.....	.....	.....	.....	.....	.....	113	Dec. 20,1905	.....	.....
do do do small	..... M & S	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do do ser F 5s	1931 M & S	.....	.....	.....	.....	.....	.....	115⅝	Nov. 2,1905	.....	.....
do gen 5s	1936*M & N	4.96	4.95	114½	Jan. 16,1906	103	Oct. 12,1907	103	Oct. 12,1907	.....	100
do do guaranteed stmpd	1936*M & N	4.67	4.56	114½	Jan. 25,1906	107	May 1,1907	107	May 1,1907	.....	.....
Virginia & Southwestern 1st gtd 5s	2003*J & J	5.06	5.06	114½	Nov. 2,1906	99	Jan. 7,1908	99	Jan 7,1908	100	.....
Wabash Railroad Co 1st g 5s	1939*M & N	4.73	4.66	116½	Jan. 30,1906	99⅝	Nov. 7,1907	107	Feb. 18,1908	.....	107
do 2d g 5s	1939*F & A	5.72	5.89	109	.....do.....	87½	Feb. 10,1908	87½	.....do.....	.....	91
do debenture series A 6s	1939 J & J*	6.90	7.03	98	June 7,1906	87½	Jan. 9,1906	90	June 27,1907	.....	.....
do do B 6s	1939*J & J*	13.17	.....	86¼	June 8,1906	40	Nov. 21,1907	40	Feb. 19,1908	.....	.....
do 1st lien equipment s fd g 5s	1921*M & S	5.01	5.02	102	Mar. 27,1907	100	Sept 10,1906	102	Feb. 6,1908	.....	.....
do 1st lien fifty yr g term 4s	1954*J & J	4.35	4.41	93	Mar. 9,1906	93	Mar. 9,1906	93	Mar. 24,1906	.....	.....
do do registered	..... J & J	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do 1st ref & ext 50-yr 4%	1956 J & J.*	.....	.....	66½	May 9,1907	36	Nov. 4,1907	38	Feb. 19,1908	38½	39½
do do registered	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do Det & Chic Exten 1st g 5s	1941 J & J*	4.88	4.85	111⅛	Nov. 21,1906	104	Sept. 20,1907	104	Oct. 22,1907	.....	.....
do Des Moines div 1st g 4s	1939*J & J	.....	.....	.....	.....	.....	.....	97	Nov. 16,1904	.....	.....
do Omaha div 1st g 3½s	1941 A & O*	4.45	4.77	85½	May 1,1906	80	Feb. 13,1907	80½	Feb. 15,1907	.....	.....
do Tol & Chic div 1st g 3s	1941*M & S	4.21	4.28	96½	June 25,1907	92	July 20,1906	96½	June 25,1907	.....	.....

February 20, 1908—Income values and quotation record of active railroad and industrial corporation bonds, etc.—Continued.

Title of bond, rate.	Interest dates, maturity.*	Income.	Yield.	Jan. 1, 1906, to date. Highest. Quotation.	Highest. Date.	Lowest. Quotation.	Lowest. Date.	Last sale. Quotation.	Last sale. Date.	Feb. 19, 1908. Bid.	Asked.
Wabash-Pitts Terml Ry 1st g 4s	1954*J & D	9.52	.....	90½	Feb. 1, 1906	42⅞	Feb. 18, 1908	42⅞	Feb. 18, 1908	43	44
do 2d g 4s	1954*J & D	.....	.....	41¼	Jan. 20, 1906	10	Feb. 10, 1908	10½	Feb 19, 1908	10	11
Warm Springs Valley 1st g 5s	1941*M & S	.....	.....	.....	.....	.....	.....	113½	Feb. 17, 1905	.....	.....
°Warren Rd 1st rfdg gtd g 3½s	2000 F & A*	.....	.....	.....	.....	.....	.....	102	Feb. 2, 1903	78½	.....
Washington Centl Ry 1st g 4s	1948 Q Mch*	4.35	4.53	93	May 9, 1906	91	May 1, 1906	93	May 9, 1906	82	.....
Wash Ohio & Wn 1st cy gtd 4s	1924*F & A	4.24	4.49	96½	Jan. 19, 1907	94½	Oct. 19, 1906	96½	Jan. 19, 1907	78	90½
Washington Terminal 1st gtd 3½s	1945 F & A	4.06	4.24	87⅞	July 19, 1907	87	July 17, 1907	87⅞	July 19, 1907	.....	.....
do registered	1945 F & A	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Weathrfd M W & Nw Ry 1st gtd 5s	1930 F & A*	.....	.....	.....	.....	.....	.....	106½	Nov. 7, 1904	.....	.....
Western Maryland 1st g 4s	1952 A & O*	7.02	7.12	88⅜	Jan. 24, 1906	57½	Feb. 18, 1908	57½	Feb. 18, 1908	57	60
Westn Maryland gen lien & cnv g 4s	1952 A & O*	.....	.....	76½	Feb. 2, 1906	39⅜	Feb. 13, 1908	39⅜	Feb. 13, 1908	.....	639
Western N Y & Penn 1st g 5s	1937*J & J	4.52	4.36	118	Mar. 2, 1906	108½	Jan. 13, 1908	111	Jan. 31, 1908	109½	.....
do gen g 4s	1943*A & O	4.62	4.81	97⅜	Jan. 30, 1906	87½	Jan. 22, 1908	87½	Jan. 29, 1908	.....	.....
do inc 5s	1943 Nov	.....	.....	34	Feb. 1, 1907	30	Jan. 19, 1906	34	Feb. 1, 1907	.....	.....
Westn North Car 1st con g 6s	1914 J & J*	5.71	5.09	114½	June 22, 1906	106½	Sept. 26, 1907	106½	Sept. 26, 1907	.....	.....
West Shore 1st 4s gtd	2361*J & J	3.98	3.98	109	Jan. 26, 1906	94	Nov. 23, 1907	101	Feb. 17, 1908	*100	.....
do registered	*J & J	4.00	4.00	107⅛	Jan. 4, 1906	92½	Nov. 22, 1907	100½	.....do.....	*100½	100⅞
West Va Cent & Pitts 1st g 6s	1911 J & J*	5.66	4.35	109	June 13, 1906	106½	Aug. 1, 1906	106½	Aug. 1, 1906	.....	*103
Wheeling & Lake Erie Ry 1st g 5s	1926 A & O*	4.75	4.57	114	Jan. 3, 1906	103	Jan. 27, 1908	107	Jan 31, 1908	.....	.....
do Wheeling div 1st g 5s	1928 J & J*	4.63	4.42	112½	Feb. 9, 1906	110	Dec. 6, 1906	110	Dec. 6, 1906	.....	*103
do extension & imp g 5s	1930*F & A	.....	.....	.....	.....	.....	.....	111½	Aug. 25, 1905	.....	.....
Wheel & L Erie R R 1st con g 4s	1949 M & S*	5.80	6.05	93½	Jan. 22, 1906	71	Dec. 16, 1907	71	Feb. 13, 1908	.....	71½
do 20-year equip s fd g 5s	1922*J & J	5.10	5.19	98½	Jan. 2, 1908	98½	Jan. 2, 1908	98½	Jan. 2, 1908	.....	95½
Wilkesb & Eastern 1st gtd g 5s	1942*J & D	5.00	4.99	113	Apr. 12, 1906	101	Feb. 5, 1908	101	Feb. 5, 1908	.....	100½
Wilmar & Sioux Falls 1st g 5s	1938*J & D	4.35	4.11	115½	Dec. 31, 1906	115½	Dec. 31, 1906	115½	Dec. 31, 1906	*109	.....
do registered	J & D	.....	.....	.....	.....	.....	.....	115	Apr. 24, 1896	.....	.....
Winchester Ave R R Co 1st 5s	1912 M & N*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wiscon Cen Ry 50-year 1st gen g 4s	1949 J & J*	4.85	5.02	95	Jan. 12, 1906	72½	Nov. 22, 1907	83	Feb. 18, 1908	82	82½
Wor & Conn Eastn Ry 1st 4½s	1943*J & J	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
U. S. GOVERNMENT SECURITIES.											
United States con 2s registered	1930 Q Jan	1.92	1.78	109	Nov. 8, 1907	103⅛	Jan. 11, 1906	104	Feb. 11, 1908	104	104½
do con 2s coupon	1930 Q Jan	1.92	1.78	106½	Mar. 12, 1907	103	Jan. 15, 1906	104½	Jan. 20, 1908	104	.....
do con 2s regisd small bonds	1930 Q Jan	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do con 2s coupon small bonds	1930 Q Jan	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do 3s registered 1908-	1918 Q F	2.96	2.86	103⅞	Apr. 4, 1906	101	Nov. 20, 1907	101½	Feb. 4, 1908	100⅜	101½
do coupon 1908-	1918 Q F	2.97	2.88	104¼	Mar. 26, 1906	100½	Nov. 26, 1907	101	Feb. 8, 1908	100⅜	101½
do 3s registd small bonds 1908-	1918 Q F	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do 3s coupon small bonds 1908-	1918 Q F	2.99	2.97	104½	Mar. 28, 1906	102	Dec. 10, 1907	102	Dec. 10, 1907	100½	.....
do 4s registered	1925 Q F*	3.36	2.61	131½	Aug. 31, 1906	118½	Jan. 16, 1908	119	Feb. 10, 1908	118½	120
do 4s coupon	1925 Q F*	3.31	2.49	132½	Apr. 4, 1906	119	Nov. 4, 1907	121	Feb. 17, 1908	120	.....
do Pan Canal 10-30 yr 2s regstd	1936 Q F	1.90	1.78	105⅝	Oct. 9, 1906	105⅜	Oct. 9, 1906	105⅝	Oct. 9, 1906	103	.....
do do coupon	1936 Q F	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do do registered small	1936 Q F	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do do coupon small	1936 Q F	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
District of Columbia 3-65s	1924 F & A	3.14	2.54	118	June 12, 1906	117½	June 14, 1906	117½	June 14, 1906	.....	.....
do small bonds	F & A	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do registered	F & A	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Philippine Islands land pur 4s..1914—	1934 Q F*	3.64	3.43	111	May 8, 1906	109½	Jan. 30, 1906	111	May 8, 1906	.....	.....
do publ works & imp reg 4s	1935 Q Mch	3.71	3.55	108¾	Feb. 26, 1906	108¾	Feb. 26, 1906	108¾	Feb. 26, 1906	.....	.....
Philippine Is 4% Public Works and Imp Ten-Thirty-yr Reg Bonds	1936 Q Feb	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
FOREIGN GOVERNMENT SECURITIES.											
Frankfort-on-the-Main, Germany, loan 3½s series 1	1901 M & S	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Imper Japanese Gov 4½s ster loan	1925*F & A 15	5.11	5.61	95	Feb. 2, 1906	83⅞	Oct. 25, 1907	86	Feb. 19, 1908	86	86½
do second series	J & J 10*	5.16	5.69	93½	Jan. 9, 1906	83⅞	Jan. 18, 1908	85¼	Feb. 18, 1908	85	85⅞
Imperial Jap Gov 4s sterling loan cou bearer bonds	1931 J & J	5.02	5.58	88	Jan. 12, 1906	75	Oct. 28, 1907	78	.....do.....	77½	78½
Imper Russian Gov State 4% Rente	M & S	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Quebec 5s	1908 M & N	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Republic of Cuba g 5s extern debt	1904 M & S	4.95	4.95	108	Jan. 30, 1906	95	Nov. 22, 1907	103½	Feb. 18, 1908	103	*103½
do registered	M & S	5.15	.....	100⅜	Oct. 18, 1907	98	Nov. 6, 1907	98	Nov. 6, 1907	.....	.....
U S of Mex Exter gld Ins of 1899 s f 5s	Q J	5.06	5.06	101½	Mar. 22, 1906	93	Nov. 8, 1907	99½	Feb. 14, 1908	98½	99½
U S of Mex 4s gold debt 1904 ser A	1954 J & D*	4.31	4.39	96	May 28, 1906	87⅞	Dec. 2, 1907	93½	.....do.....	93¼	94½
do do do ser B	1954 J & D	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
STATE SECURITIES.											
Alabama currency funding 4s	1920*J & J	.....	.....	.....	.....	.....	.....	111	Mar. 20, 1904	.....	.....
Louisiana new con 4s	1914 J & J*	4.02	4.09	100	Feb. 18, 1908	100	Feb. 18, 1908	100	Feb. 18, 1908	*96	.....
do do small bonds		.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
North Carolina con 4s	1910 J & J*	4.04	4.36	101	July 23, 1906	100½	Apr. 8, 1907	100½	Apr. 8, 1907	*96m	.....
do small	J & J	4.04	4.36	100½	Apr. 8, 1907	100½	.....do.....	100½	.....do.....	.....	.....
do construction 6s	1919*A & O	4.96	3.80	126	Mar. 6, 1907	122	June 18, 1906	126	Mar. 6, 1907	.....	.....
South Carolina 4½s 20-40	1933*J & J	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tennessee new settlement 3s	1913 J & J*	3.29	4.80	96¾	Aug. 20, 1906	91½	Oct. 1, 1907	92½	Oct. 11, 1907	93	95½
do registered	J & J	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do small bonds	J & J*	3.12	3.75	97½	Nov. 28, 1906	95½	Oct. 22, 1906	97½	Nov. 28, 1906	.....	.....
do 4½s	1913 A & O	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do penitentiary 4½s	1913 A & O	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Virginia fund debt 2-3s of	1991 J & J*	3.13	3.15	96¾	Jan. 19, 1906	94½	Sept. 6, 1906	95¾	Jan. 2, 1907	*90	91½
do registered	J & J	.....	.....	.....	.....	.....	.....	93	Sept. 23, 1904	.....	.....
do 6s deferred cts issue of 1871		3.25	3.27	93½	May 2, 1907	93½	May 2, 1907	93½	May 2, 1907	.....	.....
do do Brown Bros. & Co cfs do		.....	.....	30½	July 10, 1906	20	Jan. 11, 1906	25	Feb. 14, 1908	23	.....
COAL AND IRON.											
Buff & Susq Iron Co 1st s f 5s	1932 J & D*	5.16	5.23	99½	Jan. 7, 1907	98	Aug. 23, 1907	98	Aug. 28, 1907	.....	.....
do 25-year deb g 5s	1926 M & S	5.45	5.74	93¾	Dec. 12, 1907	93¾	Dec. 12, 1907	93¾	Dec. 12, 1907	.....	.....
Cahaba Coal M Co 1st gtd g 6s	1922 J & D*	.....	.....	.....	.....	.....	.....	102	Dec. 28, 1903	103	.....
Clearfield Bituminous Coal Corp'n 1st s f int gtd g 4s ser A	1940 J & J	.....	.....	.....	.....	.....	.....	95	Apr. 3, 1902	.....	.....
do small bonds ser B	J & J	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Col Coal & Iron Dev Co gtd g 5s	1909 J & J*	.....	.....	.....	.....	.....	.....	55	Nov. 2, 1900	.....	.....
do coupons off		.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Col Fuel & Iron Co gen s fd g 5s	1943*F & A	6.31	6.50	105	Jan. 22, 1906	44	Oct. 23, 1907	79½	Feb. 19, 1908	.....	79½
do con deb g 5s	1911 F & A*	6.41	12.00	102¼	Jan. 27, 1905	75	Nov. 18, 1907	75	Nov. 18, 1907	.....	.....
do do registered	F & A	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Colorado Fuel Co gen g 6s	1919*M & N	.....	.....	.....	.....	.....	.....	107	Oct. 7, 1904	.....	.....

February 20, 1908—Income values and quotation record of active railroad and industrial corporation bonds, etc.—Continued.

Title of bond, rate.	Interest dates, maturity.*	Income.	Yield.	Jan. 1, 1906, to date. Highest. Quotation.	Highest. Date.	Lowest. Quotation.	Lowest. Date.	Last sale. Quotation.	Last sale. Date.	Feb. 19, 1908. Bid.	Feb. 19, 1908. Asked.
Col Inds 1st mtge & col tr gt 5s	1934 F & A*			77	Aug. 17, 1906	35	Nov. 25, 1907	40	Feb. 18, 1908		
do registered	.... F & A										
Consol Ind Coal Co 1st 30-yr s fd 5s	1935 J & D										
Continental Coal 1st s fd gtd g 5s	1952*F & A							107⅜	Dec. 12, 1904		*95
Grand River Coal & Coke 1st g 6s	1919 A & O	5.88	5.77	102⅜	Apr. 25, 1906	102⅜	Apr. 25, 1906	102⅜	Apr. 25, 1906		
De Bardeleben C & I Co gtd g 6s	1910*F & A	6.17	7.21	103¾	Feb. 19, 1906	98	Dec. 2, 1907	100	Jan. 13, 1908		
Jefisn & Clearfd Coal & Irn 1st g 5s	1926*J & D							107	May 22, 1897		
Kanaw & Hock C & C 1st gtd s f g 5s	1951 J & J*	4.83	4.81	105½	Dec. 5, 1906	105½	Dec. 5, 1906	105½	Dec. 5, 1906		
Lehigh Vly Coal Co 1st gtd g 5s	1933*J & J	4.78	4.70	115½	Jan. 19, 1906	106	Oct. 16, 1907	106	Oct. 16, 1907	104	110
do registered	.... J & J										
do 1st 40-yr gtd int red to 4%	1933 J & J										
do registered	.... J & J										
Lehigh & Wilkesb Coal con 5s	1912 M & N*	5.15	5.66	102½	Feb. 28, 1906	98	Jan. 6, 1908	98	Jan. 6, 1908	93½	
do con extended gtd 4½s	1910 Q M	4.56	4.99	102½	Jan. 18, 1906	94	Dec. 7, 1907	99½	Jan. 29, 1908	98	*99
Pleasant Valley Coal 1st g sk fd 5s	1928 J & J							105	Oct. 24, 1900		
Roch & Pitts C & Ir Co pur my 5s	1946 M & N										
Sunday Creek Coal 1st g sk fd 6s	1912 J & D	7.68	11.80	78½	Jan. 3, 1907	78½	Jan. 3, 1907	78½	Jan. 3, 1907		
Sunday Creek Co 39-yr col tr s f 5s	1944 J & J	6.46	6.67	78½	Jan. 18, 1907	69½	Dec. 18, 1906	78	Feb. 15, 1907		75
Tenn Coal Ir & R R gen 5s	1951 J & J*	5.65	5.73	101½	Jan. 27, 1906	80	Nov. 7, 1907	89	Feb. 7, 1908		
do Birmingh div 1st con 6s	1917*J & J	5.87	5.68	111	June 20, 1906	99	Nov. 4, 1907	103	Feb. 19, 1908		104*
do Tennessee div 1st g 6s	1917 A & O	5.91	5.79	110½	Feb. 20, 1906	97½	Dec. 18, 1907	103	Feb. 11, 1908	103*	104
Utah Fuel Co 1st s fd g 5s	1931 M & S										
Victor Fuel Co 1st mtg skg fd 5s	1953 J & J*	5.39	5.43	93½	Feb. 28, 1907	93½	Feb. 28, 1907	93½	Feb. 28, 1907		
Virginia Iron Coal & Coke 1st g 5s	1949*M & S	5.96	6.07	98	Aug. 14, 1906	77½	Nov. 6, 1907	86	Feb. 8, 1908	84	87
GAS AND ELECTRIC LIGHT.											
Atlanta Gas Light Co 1st g 5s	1947*J & D										
Bklyn Union Gas Co 1st con g 5s	1945*M & N	5.18	5.21	113½	Jan. 10, 1906	87½	Nov. 21, 1907	98	Feb. 15, 1908	*98	
Buffalo Gas Co 1st g 5s	1947 A & O*	8.60	8.55	80½	Jan. 3, 1906	55	Dec. 30, 1907	60	Feb. 19, 1908	*58	60
Chicago Gas Lt & Coke 1st gtd g 5s	1937 J & J	5.08	5.10	107	.....do.....	90	Nov. 8, 1907	99	Feb. 11, 1908	*98	
Columbus Gas Co 1st g 5s	1932 J & J										
Consolidated Gas Co conv deb 6s	1909 J & J*	5.81	3.75	168¾	Jan. 26, 1906	92	Oct. 30, 1907	104	Feb. 18, 1908	103	*104½
Con Gas Co of Chic 1st gtd g 5s	1936 J & D	5.10	5.13	108	Feb. 16, 1906	100	Oct. 21, 1907	100	Oct. 21, 1907	95	
Detroit City Gas Co g 5s	1925*J & J	5.30	5.56	104	May 28, 1906	93½	Jan. 8, 1908	95	Feb. 19, 1908		95½
Detroit Gas Co 1st con g 5s	1918*F & A	5.05	5.10	100	Sept. 17, 1906	100	Sept. 17, 1906	100	Sept. 17, 1906		
Edison Elec Ill Bklyn 1st con g 4s	1939*J & J	4.30	4.41	93½	Mar. 13, 1906	93½	Mar. 13, 1906	93½	Mar. 13, 1906		*88¾
Edison Elec Ill N Y 1st conv g 5s	1910*M & S	5.11	5.95	104½	Feb. 13, 1906	99	Mar. 19, 1907	100½	Aug. 8, 1907	99½	
do 1st con g 5s	1995 J & J*	4.50	4.50	118	Apr. 2, 1906	113½	June 20, 1906	113½	June 20, 1906		112*
Eq Gas Light Co N Y 1st con g 5s	1932*M & S	5.52	5.73	105	Feb. 25, 1907	92	Dec. 13, 1907	92	Dec. 13, 1907		
Gas & Elec of Bergen Co con g 5s	1949*J & D							67	Oct. 2, 1901		
General Electric Co deb g 3½s	1942 F & A*	4.46	4.79	90	Mar. 16, 1906	80	Apr. 16, 1907	80	Jan. 6, 1908		*80
do conv deb 5s	1917*J & D	4.63	3.94	109¾	Jan. 23, 1908	108	Jan. 24, 1908	109	Feb. 18, 1908	108	109
Grand Rap Gas Light Co 1st g 5s	1915*F & A							107¾	Dec. 17, 1900		
Hudson County Gas Co 1st g 5s	1949*M & N	4.95	4.94	108½	Apr. 24, 1906	102	July 6, 1907	102	July 6, 1907	99¾	
Kansas City Mo Gas Co 1st g 5s	1922*A & O	5.16	5.29	98	Feb. 8, 1906	98	Feb. 8, 1906	98	Dec. 22, 1906		
Kings Co Elec Light & Pw'r g 5s	1937 A & O*										
do Purchase Money 6s	1997 A & O*	5.70	5.67	122	Feb. 6, 1906	107	Dec. 19, 1907	107	Dec. 19, 1907		
Lac Gas L C of St Louis 1st g 5s	1919 Q F	4.95	4.84	108½	Jan. 23, 1906	96	Nov. 26, 1907	101½	Feb. 18, 1908	101⅜	
do small bonds											
do refunding & Exten 1st g 5s	1934*A & O	5.04	5.05	104⅜	July 20, 1906	100½	June 20, 1907	100½	June 20, 1907		
Milwaukee Gas Light Co 1st 4s	1927*M & N	4.42	4.73	95	Dec. 26, 1906	91½	Jan. 10, 1907	91½	Jan. 10, 1907		
Mutual Fuel Gas Co 1st gtd g 5s	1947 M & N	5.06	5.07	100	May 7, 1907	92	Jan. 14, 1908	100	Feb. 3, 1908	*94	
do registered	.... M & N										
Newark Cons Gas con g 5s	1948 J & D										
N Y Gas E L H & P Co 1st col tr g 5s	1948 J & D*	5.31	5.36	109¾	Jan. 16, 1906	77	Nov. 21, 1907	95⅛	Feb. 10, 1908	90	
do purchase money col tr g 4s	1949*F & A	5.27	5.49	92	Jan. 18, 1906	65	Nov. 13, 1907	76	Feb. 18, 1908		78
N Y & Qns Elec Lg & P 1st con g 5s	1930 F & A	5.33	5.50	104½	Jan. 26, 1906	95	Apr. 30, 1907	95	Apr. 30, 1907		
N Y & Richmond Gas Co 1st g 5s	1921*M & N							103	Nov. 3, 1905		
Paterson & Pas G & Elec con g 5s	1949*M & S							104⅜	Nov. 13, 1905		
Peo Gas & Coke Co Chicago 1st con g 6s	1943*A & O	5.67	5.62	123	Feb. 7, 1906	104¼	Nov. 22, 1907	107¼	Jan. 9, 1908	110½	
do refunding g 5s	1947 M & S*	5.38	5.43	107⅞	Jan. 3, 1906	89	Nov. 20, 1907	95	Jan. 17, 1908	96½	
do do registered	.... M & S										
Syracuse Lighting Co 1st g 5s	1951*J & D									*90	
Trenton Gas & Electric 1st g 5s	1945*M & S							110	May 13, 1905		
Union Elec Light & Power Co 1st 5s	1932 M & S	5.32	5.44	102	Jan. 25, 1907	96	Jan. 10, 1908	96	Jan. 10, 1908		
Utica Elec L & Power 1st s f g 5s	1950 J & J										
Westchester Lighting Co g 5s	1950 J & D*	4.97	4.97	108¾	Feb. 7, 1906	101½	Dec. 31, 1906	101½	Feb. 1, 1907		
MANUFACTURING AND INDUSTRIAL.											
American Cotton Oil deb 4½s	1915 Q F	5.13	6.46	98	Jan. 15, 1906	80	Nov. 4, 1907	88	Feb. 15, 1908	87½	91
Am Hide & Leather 1st sk fd g 6s	1919 M & S	7.94	9.44	100½	Feb. 14, 1906	68	.....do.....	78	Feb. 8, 1908	80	
Am Ice Securities Co deb g 6s	1925*A & O	10.30		94	Mar. 28, 1906	60	Feb. 10, 1908	60	Feb. 18, 1908		60
do do small bonds	.... A & O	7.64	8.25	80	June 25, 1907	80	June 25, 1907	80	June 25, 1907		60
Am Spirits Mfg Co 1st g 6s	1915 M & S*	6.35	6.90	104	June 13, 1906	91	Jan. 15, 1908	97	Jan. 31, 1908	*99¼	
Am Thread Co 1st 4s	1919*J & J	4.83	6.19	93	Mar. 12, 1907	82	Nov. 15, 1907	83	Jan. 23, 1908	83	
American Tobacco Co 40-yrs g 6s	1944 A & O*	6.08	6.09	117½	Feb. 8, 1906	85	Oct. 30, 1907	100¼	Feb. 19, 1908	100½	101
do registered	.... A & O	6.28	6.32	116½	Feb. 6, 1906	85½	Oct. 25, 1907	97	Jan. 3, 1908		
do g 4s	1951 F & A*	6.48	6.65	84	Jan. 22, 1906	54	Nov. 1, 1907	62½	Feb. 18, 1908	62½	63
do do registered	.... F & A	6.42	6.49	80¾	Jan. 3, 1906	63	Oct. 2, 1907	60	Dec. 3, 1907		
Bethlehem Steel 1st extd gtd s f 5s	1926 J & J	5.24	5.39	96	Aug. 4, 1906	96	Aug. 4, 1906	96	Aug. 4, 1906		85
Central Leather Co 20-year g 5s	1925*A & O	5.68	6.14	102	Jan. 26, 1906	78	Nov. 26, 1907	90	Feb. 19, 1908	89½	90½
Consol Tobacco Co 50-year g 4s	1951 F & A*	6.48	6.65	83½	Jan. 22, 1906	53¾	Oct. 31, 1907	62	Feb. 13, 1908		
do registered	.... F & A*	7.26		78½	Mar. 16, 1906	57	Nov. 11, 1907	57	Nov. 11, 1907		
Corn Products Ref 25-yr 5% skg fund	1931 M & N*	6.61	7.14	78½	Oct. 10, 1907	70	Jan. 3, 1908	77	Feb. 6, 1908	76¾	
Distillers Secur Cor conv 1st g 5s	1927 A & O*	7.80	8.81	91½	Sept. 17, 1906	60	Oct. 24, 1907	66	Feb. 19, 1908	67	67½
Ill Steel Co deb 5s stpd non-conv	1910 A & O							99	July 17, 1899		
do non-conv deb 5s	1913 A & O							92	Feb. 23, 1904		
Ingersoll-Rand 1st mtge g 5s	1935 J & J	5.40	5.52	99	Oct. 12, 1906	95	Feb. 5, 1907	95	June 18, 1907		*95
do registered	.... J & J										
Internatnl Paper Co 1st con g 6s	1918*F & A	5.86	5.68	110½	Jan. 26, 1906	100	Nov. 15, 1907	102½	Feb. 11, 1908	*102½	103
do conv sinkg fund g 5s	1935*J & J	5.95	6.23	100	Jan. 3, 1906	76	Dec. 2, 1907	84½	Feb. 7, 1908		81
Intern Steam Pump 10-year deb 6s	1913*J & J	6.62	8.34	104⅜	June 22, 1906	90	Jan. 22, 1908	91	Jan. 23, 1908		*91
Knickerbocker Ice (Chic) 1st g 5s	1928 A & O							97½	Oct. 20, 1905		
Lackawanna Steel Co 1st conv g 5s	1923*A & O	6.02	6.82	108¼	Jan. 30, 1906	80	Nov. 26, 1907	85	Feb. 18, 1908	*84	*85
National Starch Mfg Co 1st g 6s	1920*M & N	7.33	8.38	93½	Mar. 7, 1906	78	Nov. 27, 1906	83½	Aug. 1, 1907	*75½	84
National Starch Co s fd deb g 5s	1925 J & J*	7.30		77	Jan. 12, 1906	70	Apr. 19, 1907	70	Apr. 19, 1907		75
Ry Steel Spg 1st mge 5s Latrobe Plant	1921 J & J										
Rep Ir & Steel 1st mg & clt tst s f 5s	1934 A & O	6.32	6.66	98	Aug. 6, 1906	80	Dec. 9, 1907	80	Dec. 9, 1907		91
U S Envelope Co 1st sinkg fd g 6s	1918 J & J	5.90	5.79	103	Mar. 7, 1907	103	Mar. 7, 1907	103	Mar. 7, 1907		
U S Leather Co skfd deb g 6s	1913*M & N	5.92	5.71	109½	Feb. 10, 1906	98	Nov. 26, 1907	103½	Feb. 19, 1908	*103⅜	

February 20, 1908—Income values and quotation record of active railroad and industrial corporation bonds, etc.—Continued.

Title of bond, rate.	Interest dates, maturity.*	Income.	Yield.	Jan. 1, 1906, to date. Highest. Quotation.	Highest. Date.	Lowest. Quotation.	Lowest. Date.	Last sale. Quotation.	Last sale. Date.	Feb. 19, 1908. Bid.	Feb. 19, 1908. Asked.
U S Realty & Impv con deb g 5s	1924 J & J*	7.77		99	Jan. 20, 1906	62½	Dec. 19, 1907	66	Feb. 19, 1908		69
U S Steel Corp 10-60 yr g sk fd 5s	1963 M & N	5.79	5.84	101⅛	Oct. 17, 1906	78½	Nov. 20, 1907	87⅞	do	87⅞	88½
do registered	M & N	5.76	5.81	100½	Apr. 17, 1906	78½	Nov. 18, 1907	88½	Feb. 17, 1908		
Va Carol Chemical col tr s fd g 5s	1912 A & O*	5.71	8.09	101½	Feb. 17, 1906	85	Dec. 27, 1907	89	Jan. 17, 1908	92½	
Westinghouse Elec & Man cnv s f 5s	1931 J & J	7.37	8.09	98½	Nov. 30, 1906	50	Oct. 23, 1907	68½	Feb. 19, 1908		71
STREET RAILWAY.											
Bway & 7th Ave 1st con g 5s	1943 J & D*	5.04	5.05	116⅜	Jan. 3, 1906	96	Dec. 19, 1907	100	Jan 23, 1908		
do registered	J & D							119½	Dec. 3 1901		
Brooklyn City R R 1st con 5s	1916–1941 J & J*	5.09	5.10	107	June 14, 1906	99⅞	Oct. 22, 1907	99⅞	Oct. 22, 1907		
Brooklyn Qns Co & Sub con gtd g 5s	1941*M & N	5.36	5.41	104	Apr. 11, 1906	95⅝	Oct. 25, 1907	95⅝	Oct. 25, 1907		
Brooklyn Qns Co & Sub 1st mtg 5s	1941 J & J*										
Brooklyn Rapid Transit g 5s	1945 A & O*	5.38	5.43	109	Jan. 26, 1906	85	Nov. 21, 1907	94	Feb. 19, 1908	*94	95½
do 1st ref conv g 4s	2002 J & J*	5.86	5.87	100	do	56	Nov. 22, 1907	68½	do	69½	70
do do registered	J & J	5.55	5.56	80½	July 3, 1907	72½	Feb. 1, 1908	72½	Feb. 1, 1908		
Brooklyn Union Elevated 1st g 4-5s	1950*F & A	5.30	5.34	113½	Jan. 22, 1906	85	Nov. 26, 1907	94½	Feb. 19, 1908		95
do stamped guaranteed		5.13	5.14	110	Feb. 6, 1906	98	Aug. 28, 1907	98	Sept. 3, 1907		
City & Surb R R Balt 1st g 5s	1922 J & D							105⅜	Apr. 9, 1905		
Colum & 9th Ave 1st gtd g 5s	1993 M & S*	5.16	5.17	119½	Jan. 12, 1906	98	Feb. 4, 1908	98	Feb. 4, 1907		105
do registered	M & S										
Conn Ry & Lgtg 1st & ref g 4½s	1951*J & J	4.46	4.45	103⅜	Nov. 15, 1906	102½	May 3, 1907	102½	May 3, 1907		
do stamped guaranteed		4.68	4.69	104	Dec. 22, 1906	97½	Oct. 22, 1907	97½	Oct. 29, 1907	93	
Denver Cons Tramway Co 1st g 5s	1933 A & O*							97½	June 13, 1900		
Denver Tramway Co con g 6s	1910*J & J										
Detroit United Ry 1st con g 4½s	1932*J & J	5.81	6.34	96½	Mar. 31, 1906	79	Dec. 13, 1907	79½	Dec. 18, 1907		
Grand Rapids Ry 1st g 5s	1916 J & D										
Hartford Street Railway Co 1st 4s	1930 M & S*										
Havana Electric Railway con g 5s	1952*F & A	5.45	5.50	95⅜	Jan. 30, 1906	80½	June 26, 1907	94	Jan. 9, 1908		*91
Interborough Met col tr g 4½s	1956*A & O	9.23		90¼	May 11, 1906	47½	Nov. 21, 1907	50⅜	Feb. 19, 1908	52½	53
do registered	A & O	5.42	5.49	83¼	Oct. 11, 1906	83⅛	Oct. 11, 1906	83¼	Oct. 11, 1906		
Inter Traction 50-yr col tr 4s	1949 J & J	6.61		84	June 28, 1906	61	Feb. 17, 1908	61	Feb. 17, 1908	*58	
Kings Co Elevated R R 1st g 4s	1949 F & A*	4.56	4.67	95	Jan. 26, 1906	87	Feb. 5, 1907	88	Feb. 25, 1907		
do stamped guaranteed		4.98	5.15	96¼	Jan. 10, 1906	76½	Dec. 18, 1907	80½	Feb. 5, 1908		
Lex Ave & Pav Ferry 1st gtd g 5s	1993 M & S*	5.67	5.68	116½	Mar. 24, 1906	90	Jan. 7, 1908	90	Jan. 7, 1908		
do registered	M & S										
Louisville Railway Co 1st con g 5s	1930 J & J*										
Manila Electric 1st lien & cl tst s f 5s	1953 M & S*	5.15	5.18	100⅜	May 10, 1906	98	May 10, 1906	98	May 10, 1906		
Market St Cable Ry San Fran 1st g 6s	1913 J & J										
Metpoln Ry Co 1st gtd g 6s	1911 J & J										
Metropol St Ry N Y gen col tr g 5s	1997 F & A*	7.17	7.16	117	Jan. 12, 1906	68	Feb. 18, 1908	70	Feb. 19, 1908	67½	69
do refunding g 4s	2002*A & O	8.66		92	Jan. 27, 1906	47	Jan. 29, 1908	47⅜	Feb. 17, 1908		
Met West Side Elev Chic 1st g 4s	1938*F & A	4.35	4.49	93½	July 3, 1906	93½	July 3, 1906	93½	July 3, 1906		
do registered	*F & A										
Mil Elec Ry & Light con 30-yr g 5s	1926 F & A	5.63	4.49	109	July 18, 1906	109	July 18, 1906	109	July 18, 1906	99	
Minn St Ry (M L & M) 1st con g 5s	1919*J & J 15	5.61	4.25	107½	Feb. 14, 1906	107½	Feb. 14, 1906	107½	Feb. 14, 1906		
Nassau Elect R R cons gtd g 4s	1951*J & J	5.23	5.41	89½	Jan. 17, 1906	70	Nov. 11, 1907	77	Feb. 18, 1908	75	*77
New Haven Street Railway 1st 5s	1913 M & S*										
New Orl Ry & Lgt gen mtge 4½s	1935 J & J*	5.04	5.22	92¼	June 27, 1906	89⅜	July 19, 1905	90½	Sept. 25, 1906		
Portland Ry 1st & ref s f 5s	1930 M & N*	5.05	5.06	101¼	Apr. 24, 1907	101⅛	Apr. 24, 1907	101½	Apr. 24, 1907	*90	
St Jos Ry Light Heat & P 1st g 5s	1937 M & N*	4.95	4.94	103½	Oct. 31, 1906	103½	Oct. 31, 1906	103½	Oct. 31, 1906		
St Louis Tran Co gtd imp 20-yr 5s	1924 A & O	5.18	5.33	96½	Apr. 12, 1906	96½	Apr. 12, 1906	96½	Apr. 12, 1906		
St Paul City Ry Cable con g 5s	1937*J & J 15	4.59	4.45	110½	Nov. 23, 1906	110½	Nov. 23, 1906	110½	Nov. 23, 1906		
do gtd g 5s	1937 J & J 15										
Third Ave R R 1st con gtd g 4s	2000*J & J	7.80		95½	Jan. 10, 1906	40	Nov. 2, 1907	51⅞	Feb. 13, 1908		
do registered	J & J	7.45		89	Jan. 15, 1907	55	Oct. 18, 1907	55	Oct. 18, 1907		
do Central Trust Co Ctfs				52⅜	Jan. 29, 1908	50½	Feb. 6, 1908	50½	Feb. 6, 1908	40	
do do stamped											
Third Ave Ry N Y 1st g 5s	1937 J & J*	4.94	4.91	119	Jan. 11, 1906	98	Nov. 11, 1907	102	Feb. 18, 1908	101	
do do Coupon off											100
Undergrnd Elect Rys of London Ltd 5% profit sharing notes 1908 series A	*J & D	7.94		98¾	May 22, 1906	64½	Sept. 3, 1907	64½	Sept. 3, 1907		
do do series B	*J & D										
do do series C	*J & D										
do do series D	*J & D										
Union Elevated Ry Chic 1st g 5s	1945*A & O	5.06	5.07	100	Jan. 7, 1907	100	Jan. 7, 1907	100	Jan. 7, 1907		
United Railways of St L 1st g 4s	1934*J & J	5.14	5.64	88¼	Jan. 13, 1906	77	Feb. 10, 1908	78⅜	Feb. 14, 1908		
United Railways of San Fran s fd 4s	1927*A & O	6.20	7.49	90	Feb. 2, 1906	59	Jan. 8, 1908	66	Feb. 19, 1908	65	66½
West Chic St 40-yr 1st currency 5s	1928 M & N*										
do 40-yr con g 5s	1936 M & N*							90	Dec. 28, 1897		
TELEGRAPH AND TELEPHONE.											
Amer Teleph & Teleg col trust 4s	1929 J & J*	5.30	6.09	95½	Jan. 18, 1906	75½	Jan. 7, 1908	75½	Jan. 7, 1908		
Commercial Cable 1st g 4s	2397 Q J*	5.60	5.60	97½	Feb. 20, 1906	72	Nov. 22, 1907	72	Nov. 22, 1907	80	
do do registered	Q J	4.50	4.50	89	July 9, 1907	89	July 9, 1907	89	July 9, 1907		
Keystone Telephone Co 1st 5s	1935 J & J	5.14	5.19	98	Aug. 23, 1907	98	Aug. 23, 1907	98	Aug. 23, 1907		94
do do registered	J & J										
Metpn Tel & Tel 1st sk fd g 5s	1918*M & N	5.42	5.73	104	Feb. 25, 1907	104	Feb. 25, 1907	104	Feb. 25, 1907		
do do registered	M & N										
Mich State Tel Co 1st 20-yr 5s	1924 F & A	5.56	5.94	101½	July 3, 1906	92¼	Jan. 10, 1908	92½	Feb. 17, 1908	*89	
Mutual Union Teleg skd fnd 6s	1911*M & N	5.93	5.65	107	Jan. 15, 1906	104	Mar. 23, 1907	104	Apr. 17, 1907		
N Y & N J Telephone gen g 5s	1920*M & N							105⅜	July 2, 1903		
Northwn Tel Co gtd fundg g 4½s	1934*J & J							103½	July 26, 1904		
Western Un coll trust cur 5s	1938*J & J	5.64	5.81	109¼	Jan. 19, 1906	85	Nov. 27, 1907	89	Feb. 5, 1908	*85	88½
do fndg & real estate g 4½s	1950*M & N	5.37	5.50	105	Jan. 20, 1906	84	Dec. 2, 1907	85	Feb. 13, 1908		85
do conv 4s redeemable ser A	1936 M & N*	5.23	5.69	77⅛	Feb. 5, 1908	76	Jan. 23, 1908	77⅛	Feb. 5, 1908		
do do registered	M & N										
MISCELLANEOUS.											
Adams Express Co col trust g 4s	1948*M & S	4.65	4.78	104⅜	Feb. 16, 1906	78	Nov. 26, 1907	88	Feb. 14, 1908	*88	*90
Am Dock & Improvement Co gtd 5s	1921 J & J	4.69	4.36	113	Apr. 16, 1906	106¾	July 12, 1907	107	Feb. 10, 1908	106	108½
Am Steamship Co of W V 1st 5s	1929 M & N							100¾	June 4, 1902		
Bklyn Ferry Co of N Y 1st con g 5s	1948 F & A*	12.50		52	Jan. 12, 1906	41	Oct. 11, 1906	41	Oct. 11, 1906		
Brooklyn Ferry Co Knickerbker Trst Co certfs of dep for 1st con 50-yr 5s.	1948 J & J										
Chic June Ry & Stock Yds col g 5s	1915 J & J*	5.01	5.04	101	Mar. 19, 1907	100	Jan. 23, 1908	100	Jan. 23, 1908		103
Det Mac & Mar Ld gt income 7s	1911 A & O*	10.43		78	Jan. 8, 1906	69⅞	Aug. 8, 1906	70	Sept. 18, 1906		
Hackensack Water Co 1st 4s	1952 J & J										
Henderson Bridge 1st sk fd g 6s	1931 M & S	5.63	5.51	108½	Jan. 3, 1906	108½	Jan. 3, 1906	108½	Jan. 3, 1906		
Hoboken Land & Improv g 5s	1910 M & N										
Inter Mer Marine 4½% mtge & col tst	1922 A & O	7.29	9.44	70	Apr. 26, 1907	53	Nov. 4, 1907	63⅞	Feb. 18, 1908	63	64
Inter Navigation 1st sinking fund 5s	1929 F & A	6.44	7.07	87½	May 9, 1907	75	Jan. 8, 1908	77½	Feb. 6, 1908		80

February 20, 1908—Income values and quotation record of active railroad and industrial corporation bonds, etc.—Continued.

Title of bond, rate.	Interest dates, maturity.*	Income.	Yield.	Jan. 1, 1906, to date.				Last sale.		Feb. 19, 1908.	
				Highest.		Lowest.					
				Quotation.	Date.	Quotation.	Date.	Quotation.	Date.	Bid.	Asked.
Madison Sq Garden 1st g 5s	1919 M & N*							102	July 8,1897		
N'pt News Shipbdg & Dry. Dk 5s 1890	1900 J & J									94½	
New York Dock Co 50-years 1st g 4s	1951 F & A*	4.49	4.58	98	Jan. 22,1906	84½	Nov. 29,1907	89	Feb. 10,1908	86	87
do registered	F & A										
Providence Securities Co 50-yr deb 4%	1957*M & N	4.80	4.90	90	July 15,1907	84½	July 30,1907	85	Oct. 7,1907		
Provident Loan Soc of N Y g 4½s	1921 M & S*	4.59	4.70	99	Mar. 17,1906	99	Mar. 17,1906	99	May 10,1906		
St Joseph Stock Yards 1st g 4½s	1930*J & J							100½	Sept. 15,1905		
St Louis Terml Cupples Station & Property Co 1st g 4½s 5-20 year	1917*J & D										
So Yuba Water Co of N Y con g 6s	1923 J & J*							112	July 27,1904		
United States Mortgage & Trust Co real estate 1st g collat trust bonds:											
series E 4s 1907-	1917 J & D										
series G 4s 1903-	1918 F & A							100	Mar. 15,1900		
series H 4s 1903-	1918 M & N										
series I 4s 1904-	1919 F & A										
series J 4s 1904-	1919 M & N										
series K 4s 1905-	1920 J & J										
small bonds											

APPENDIX E.

SOUTH BEND, IND., *February 1½, 1908.*

MY DEAR SENATOR: The masses of the people believe that bank deposits as well as bank currency should have Government guaranty.

If the National Congress does not provide guaranty along rational lines that recognizes relative safety dependent upon amount of capital, then the State legislatures are more than likely to provide guaranty along irrational lines that take into consideration only the word "bank" upon the front window. At least one State has provided guaranty, and deposits are said to be flowing from other States to its banks.

If State guaranty is provided, deposits will go with a rush to State banks and trust companies, national banks will be compelled to change to State banks or trust companies, and then—and then where do you get currency for circulation? State banks and trust companies issue no currency. To increase this class of banks is to decrease currency for circulation.

Even now State banks and trust companies have substantially one-half of the banking capital and deposits. If these banks would become national banks, with no more power of currency issue than national banks now have, do you fully comprehend the tremendous difference in the banking ability to issue currency?

To encourage all banking capital to become national banks some added powers should be given and some reliefs extended, but guaranty of depositors along sane lines would be a long stride in the right direction, as it would bring depositors without reserve and hold them under all conditions.

In my letter of the 1st instant I said: "Postal savings banks would make depositor safe, but take millions from the borrower." I have a letter from the Postmaster-General, dated February 3, which says: "In the Department's plan for establishing postal savings banks it is proposed to redeposit the money in national banks in the locality where it is first received, thus making it immediately available for the legitimate financial transactions of the community to which it properly belongs. As the post-office (Government) is a preferred creditor, it would not demand collateral from the banks in the way of bonds." Such a plan would protect the depositor and not take from the borrower, but would be an added reason why all deposits should be guaranteed, because common creditors are always afraid when associated with preferred creditors. The fact that preferred first gets 100 per cent may cause the common to get nothing. See?

Remember always that the need of Government guaranty is not because of extensive losses, but to quiet that constant and disastrous mutual fear between depositor and bank.

Sincerely, yours,

MARVIN CAMPBELL, *President.*

APPENDIX F.

[The New York Times Weekly Financial Quotation Review, Monday, October 21, 1907.]

Range of prices since 1900.

[The following table shows the extremes at which stocks have sold on the New York Stock Exchange from January 1, 1900, to date.]

	High.	Date.	Low.	Date.
Adams Express	315	June, 1907	111	Jan., 1900
Albany and Susquehanna	205	Dec., 1900	204	July, 1900
Allis-Chalmers Co	27⅜	Jan., 1903	4	Aug., 1907
Allis-Chalmers Co. pf	87½	Feb., 1903	15	Oct., 1907
Amalgamated Copper Co.a	130	June, 1901	33⅜	Oct., 1903
American Agricultural Chemical Co	35	.....do.....	12	Do.
American Agricultural Chemical Co. pf	102	Jan., 1906	70½	Dec., 1903
American Beet Sugar Co.a	36½	Dec., 1905	9⅞	Oct., 1907
American Beet Sugar Co. pf.a	89½	Jan., 1906	74	Sept., 1904
American Car and Foundry Co	47½	.....do.....	12½	Jan., 1900
American Car and Foundry Co. pf	105	.....do.....	57⅜	June, 1900
American Coal	220	May, 1904	145	June, 1907
American Cotton Oil	57¾	Apr., 1902	24	Mar., 1901
American Cotton Oil pf	100	Apr., 1900	82	July, 1903
American District Telegraph	45	Nov., 1905	22	Aug., 1904
American Express	272	Aug., 1906	142	Mar., 1900
American Grass Twine a	62½	Aug., 1902	3⅜	Aug., 1907
American Hide and Leather	13¾	Oct., 1902	2½	Oct., 1903
American Hide and Leather pf	55½	Mar., 1905	10	Do.
American Ice Securities Co	94⅞	Sept., 1906	20	Oct., 1907
American Linseed Co.a	30½	July, 1901	5	July, 1903

Range of prices since 1900—Continued.

	High.	Date.	Low.	Date.
American Linseed Co. pf.a	66	July, 1901	17	Aug., 1907
American Locomotive Co.a	78½	Jan., 1906	10½	Oct., 1903
American Locomotive Co. pf.a	122½	Apr., 1905	67½	Do.
American Malting Co.a	9	Dec., 1904	2½	Mar., 1903
American Malting Co. pf a	31½	Jan., 1900	14½	Sept., 1903
American Smelters sec. pf., B.a	102	Nov., 1905	80	Oct., 1907
American Smelting and Refining Co.a	174	Jan., 1906	34½	June, 1900
American Smelting and Refining Co. pf.a	137	Dec., 1905	80½	Oct., 1903
American Snuff Co.a	250	Nov., 1905	26	Mar., 1901
American Snuff Co. pf.a	110½	Dec., 1905	73	Apr., 1901
American Steel Foundries	18⅜	Mar., 1905	3½	Jan., 1904
American Steel Foundries pf	70	Dec., 1902	26	July, 1904
American Sugar Refining Co.a	157	Jan., 1906	95½	Mar., 1900
American Sugar Refining Co. pf.a	141	Nov., 1904	107	Do.
American Telegraph and Cable Co	100	Apr., 1901	77	May, 1907
American Telephone and Telegraph Co	188	Apr., 1902	100	Oct., 1907
American Tobacco Co. pf	109⅜	Dec., 1905	70	Do.
American Woolen Co.a	48	Jan., 1906	7½	Oct., 1903
American Woolen Co. pf.a	110⅜	.....do.....	65	Do.
Anaconda Copper Mining Co.a	75⅝	Feb., 1907	14½	Do.
Ann Arbor	48¼	May, 1902	16	Sept., 1900
Ann Arbor pf	79	June, 1903	20½	Jan., 1900
Associated Merchants, 1st pf	112½	Mar., 1903	90	Sept., 1903
Atchison, Topeka and Santa Fe	110½	Sept., 1906	18⅜	Jan., 1900
Atchison, Topeka and Santa Fe pf	108	May, 1901	58½	Do.
Atlantic Coast Line	170	Apr., 1905	66	Oct., 1907
Baltimore and Ohio	125½	Sept., 1906	55½	Jan., 1900
Baltimore and Ohio pf	100	Aug., 1905	72¾	Do.
Brooklyn Rapid Transit	94⅛	Jan., 1906	29½	Sept., 1903
Brooklyn Union Gas	253	Aug., 1902	99½	Sept., 1907
Brunswick City	22½	Dec., 1905	5	Oct., 1903
Buffalo, Rochester and Pittsburg	160	Oct., 1904	52	Feb., 1900
Buffalo, Rochester and Pittsburg pf	165	.....do.....	92	Jan., 1900
Buffalo and Susquehanna pf	91⅜	May, 1905	83	Nov., 1904
Butterick Co.a	66	Apr., 1906	31	Aug., 1907
Canada Southern	97	May, 1902	47¼	Feb., 1900
Canadian Pacific	201½	Dec., 1906	84½	Sept., 1900
Central Coal and Coke	71½	Mar., 1905	64½	Feb., 1905
Central Leather Co	42⅝	Jan., 1906	13⅜	Oct., 1907
Central Leather Co. pf	107½	.....do.....	73	Do.
Central Railroad of New Jersey	239⅝	May, 1906	115	Jan., 1900
Central and South American Telegraph	140	.....do.....	95	Dec., 1903
Chesapeake and Ohio	65⅝	Aug., 1906	24	June, 1900
Chicago, Burlington and Quincy	250	Feb., 1905	119½	Jan., 1900
Chicago and Eastern Illinois pf	151	July, 1902	105	July, 1903
Chicago Great Western	35	Aug., 1902	7	Oct., 1907
Chicago Great Western pf., A	90½	June, 1901	33⅛	Do.
Chicago Great Western pf., B	51⅝	Aug., 1902	8⅜	Do.
Chicago Great Western deb	95½	June, 1902	64	Aug., 1907
Chicago, Indiana and Louisville pf	91¼	Aug., 1902	45½	Jan., 1900
Chicago, Milwaukee and St. Paul	199⅜	Dec., 1906	108½	June, 1900
Chicago, Milwaukee and St. Paul pf	218	Aug., 1906	140⅞	Oct., 1907
Chicago and Northwestern	271	Apr., 1902	137½	Mar., 1907
Chicago and Northwestern pf	274½	.....do.....	190	Aug., 1903
Chicago, Rock Island and Pacific	206	Sept., 1902	102	June, 1900
Chicago, St. P., Minn. and Omaha	225	Jan., 1905	110	Oct., 1900
Chicago, St. P., Minn. and Omaha pf	230	.....do.....	160	Jan., 1907
Chicago Terminal Transfer	31	Apr., 1901	3½	Oct., 1907
Chicago Terminal Transfer pf	57½	.....do.....	10½	Aug., 1907
Chicago Union Traction	23	Apr., 1902	2⅜	Do.
Chicago Union Traction pf	60	.....do.....	11⅞	July, 1906
Cleveland, Cincinnati, Chicago and St. L.	111	Mar., 1905	55	June, 1900
Cleveland, Cincinnati, Chicago and St. L. pf.	111	.....do.....	50½	Oct., 1907
Cleveland, Lorain and Wheeling	100	Oct., 1906	14½	Jan., 1900
Cleveland, Lorain and Wheeling pf	112	Jan., 1906	46	Do.
Cleveland and Pittsburg	160	May, 1901	160	Mar., 1907
Cleveland and Pittsburg special	108½	Jan., 1905	108½	Jan., 1905
Colorado Fuel and Iron	136½	June, 1901	15	Oct., 1907
Colorado Fuel and Iron pf	142½	Apr., 1901	35	Do.
Colorado and Southern	41	Oct., 1906	5	Sept., 1900
Colorado and Southern 1st pf	79½	Aug., 1902	36	Do.
Colorado and Southern 2d pf	59	Dec., 1906	14	Do.
Columbus and Hocking Coal and Iron	30½	Nov., 1906	8	June, 1904
Consolidated Coal	100	.....do.....	48	July, 1900

Range of prices since 1900—Continued.

	High.	Date.	Low.	Date.
Consolidated Gas	238	Apr. 1901	84	Oct., 1907
Delaware and Hudson	240¾	Oct., 1905	105	May, 1901
Delaware, Lackawanna and Western	560	May, 1906	171½	Sept., 1900
Denver and Rio Grande	53½	May, 1901	16⅞	Jan., 1902
Denver and Rio Grande pf	103½	June, 1901	62	Nov., 1903
Des Moines and Fort Dodge	53⅜	July, 1902	12	June, 1900
Des Moines and Fort Dodge pf	150	June, 1902	90	Sept., 1903
Detroit City Gas	98½	June, 1900	65	May, 1902
Detroit Southern	25	Sept., 1902	1½	June, 1904
Detroit Southern pf	48½	.....do.....	2¾	Do.
Detroit United Ry	102	Feb., 1906	33	Oct., 1907
Diamond Match	152½	Aug., 1901	127½	Oct., 1901
Distillers Securities[a]	78	Feb., 1907	9½	June, 1904
Duluth, South Shore and Atlantic[a]	24	Aug., 1902	4	June, 1900
Duluth, South Shore and Atlantic pf[a]	46¾	Nov., 1905	9½	Aug., 1904
Eastman Kodak	177	Mar., 1906	148⅜	Oct., 1905
Electric Storage Battery	89½	Feb., 1905	65	June, 1903
Erie	52⅞	Aug., 1905	10½	Sept., 1900
Erie 1st pf	85¼	.....do.....	30⅜	Do.
Erie 2d pf	78⅜	.....do.....	15	Do.
Evansville and Terre Haute	76	Jan., 1906	38½	Oct., 1900
Evansville and Terre Haute pf	104¾	Feb., 1902	72	Feb., 1904
Federal Mining and Smelting	199	Jan., 1905	43⅜	Nov., 1904
Federal Mining and Smelting pf	112⅞	.....do.....	58	Oct., 1907
Fort Worth and Denver City[a]	76⅞	Feb., 1903	14½	Apr., 1900
General Chemical	82	Jan., 1906	43	Mar., 1904
General Chemical pf	107½	Oct., 1905	90	Oct., 1907
General Electric	334	Apr., 1902	109⅛	Do.
Great Northern pf	348	Feb., 1906	114	Aug., 1907
Green Bay and Western	75	May, 1902	40	Nov., 1900
Havana Electric	53	Aug., 1906	15	Apr., 1905
Havana Electric pf	99⅜	June, 1906	50	June, 1905
H. B. Claflin Co	117	Feb., 1906	99½	Dec., 1901
H. B. Claflin Co. 1st pf	102½	July, 1900	94¾	Apr., 1905
H. B. Claflin Co. 2d pf	101	May, 1905	98	Apr., 1903
Hocking Valley	135	Apr., 1906	30¼	Jan., 1900
Hocking Valley pf	99½	Mar., 1903	58	Do.
Homestake Mining	104	Apr., 1901	50½	Jan., 1904
Illinois Central	184½	June, 1906	110	June, 1900
Illinois Central, leased line	106	Mar., 1901	99	Jan., 1900
International Paper Co	28	.....do.....	9	June, 1903
International Paper Co. pf	90	Jan., 1903	57½	Nov., 1903
International Power Co.[a]	99	Apr., 1902	23	Do.
International Steam Pump	60	May, 1903	17	Oct., 1907
International Steam Pump pf	95	Oct., 1902	63	Do.
Iowa Central	57⅜	Apr., 1902	11⅜	Jan., 1903
Iowa Central pf	90⅜	.....do.....	30¼	Mar., 1907
Joliet and Chicago	182	Apr., 1905	180	Feb., 1905
Kanawha and Michigan	76	June, 1906	10	Jan., 1900
Kansas City, Ft. Scott and Memphis pf	88	Aug., 1902	62½	Oct., 1903
Kansas City Southern	39	.....do.....	7	Sept., 1900
Kansas City Southern pf	71	Jan., 1906	27½	Do.
Keokuk and Des Moines	41	Sept., 1902	3¾	May, 1900
Keokuk and Des Moines pf	84	Apr., 1902	14½	Oct., 1900
Knickerbocker Ice, Chicago	85	Sept., 1906	8	Sept., 1904
Knickerbocker Ice, Chicago, pf	85½	.....do.....	48	Nov., 1903
——— and Pembroke	14	Feb., 1902	6	May, 1905
Laclede Gas	100	Feb., 1903	65	May, 1900
Laclede Gas pf	110	Jan., 1902	91	Mar., 1904
Lake Erie and Western	76½	Nov., 1901	12	Oct., 1907
Lake Erie and Western pf	138	Feb., 1902	40	Do.
Lake Shore	347	Mar., 1905	197	Jan., 1900
Long Island	91⅞	May, 1902	45	Aug., 1907
Louisville and Nashville	159½	Aug., 1902	68⅜	Sept., 1900
Manhattan Beach	22	Apr., 1901	4	Mar., 1907
Manhattan Elevated	175	Feb., 1905	83	May, 1901
Maryland Coal pf	115	Aug., 1904	67½	Dec., 1901
Metropolitan Street Railway[a]	182	Aug., 1900	35	Aug., 1907
Metropolitan West Side El., Chicago	43	Jan., 1902	16	Jan., 1904
Metropolitan West Side El., Chicago pf	93	Sept., 1901	45	Mar., 1904
Mexican Central	31⅛	Mar., 1902	5	Apr., 1904
Michigan Central	200	July, 1906	102	May, 1903
Minneapolis and St. Louis	115	Apr., 1902	33	Oct., 1907
Minneapolis and St. Louis pf	127¼	.....do.....	76½	Aug., 1907
Minneapolis, St. Paul, and Sault Ste. Marie	164	Mar., 1906	14	Sept., 1900
Minneapolis, St. Paul, and S. S. Marie pf	183⅜	Jan., 1906	47	Oct., 1900
Missouri, Kansas and Texas	43⅝	Nov., 1906	9	Sept., 1900
Missouri, Kansas and Texas pf	76	.....do.....	25⅜	Do.
Missouri Pacific	125½	Sept., 1902	38⅜	Jan., 1900
Montreal Light, Heat, and Power	92⅞	Sept., 1905	92⅛	Sept., 1905
Morris and Essex	198½	Apr., 1902	182½	Apr., 1904
Nashville, Chattanooga and St. Louis	198½	.....do.....	108	Oct., 1907
National Biscuit Co.[a]	86⅞	Jan., 1907	23	June, 1900
National Biscuit Co. pf	120⅜	Mar., 1905	79½	Do.
National Enameling and Stamping	36	Mar., 1903	8	Oct., 1907
National Enameling and Stamping pf	94	Apr., 1905	75	Oct., 1903
National Lead Co.[a]	95⅜	Jan., 1906	10½	Nov., 1903
National Lead Co. pf	111½	Feb., 1905	74½	Dec., 1901
National Railroad of Mexico pf	59½	Dec., 1906	31⅜	Dec., 1902
National Railroad of Mexico 2d pf	30	Nov., 1906	15	Aug., 1907
New Central Coal	50	Jan., 1903	25	Oct., 1907
New Orleans Railway and Light pf	83	Aug., 1906	80½	Sept., 1906
New York Air Brake[a]	196	Apr., 1902	88	Oct., 1907
New York Central	174½	Nov., 1901	99½	Aug., 1907
New York, Chicago and St. Louis	76½	Dec., 1905	11	June, 1900
New York, Chicago and St. Louis 1st pf	124½	Jan., 1902	75	Do.
New York, Chicago and St. Louis 2d pf	100	Aug., 1902	29	Do.
New York Dock	50½	Jan., 1906	12	Feb., 1902
New York Dock pf	85⅜	Sept., 1906	39½	Do.
New York and Harlem	420	Apr., 1901	365	Mar., 1907
New York, Lackawanna and Western	141½	Apr., 1902	127⅜	Nov., 1906
New York, New Haven and Hartford	255	.....do.....	139	Oct., 1907
New York and New Jersey Telephone	173	June, 1901	108	Mar., 1907
New York, Ontario and Western	64	Oct., 1904	18½	June, 1900
Norfolk Southern	40	Sept., 1905	40	Sept., 1905
Norfolk and Western	97⅜	Oct., 1906	22⅜	Jan., 1900
Norfolk and Western pf	98	July, 1902	67	Do.
North American	134	Sept., 1902	50	Aug., 1907

Range of prices since 1900—Continued.

	High.	Date.	Low.	Date.
Northern Pacific	b700	May, 1901	45½	Sept., 1900
Northern Central	250	July, 1902	150	June, 1904
Ontario Mining	13	Sept., 1901	1	Oct., 1905
Pacific Coast	142	June, 1906	37⅜	Sept., 1903
Pacific Coast 1st pf	108	Feb., 1905	80	July, 1903
Pacific Coast 2d pf	135	May, 1906	50½	Aug., 1903
Pacific Mail	57	Nov., 1900	17	Do.
Pennsylvania Railroad	170	Sept., 1902	110⅜	Nov., 1903
People's Gas, Chicago	120½	June, 1901	79	Oct., 1907
Peoria and Eastern	50	Sept., 1901	5	June, 1900
Pere Marquette	106	Feb., 1905	20	Jan., 1900
Pere Marquette pf	93	Sept., 1902	54½	Mar., 1900
Philadelphia Rapid Transit	132	Apr., 1905	112½	June, 1905
Pittsburg, Cincinnati, Chicago and St. Louis	105½	Sept., 1902	49½	Sept., 1900
Pittsburg, Cincinnati, Chicago and St. L. pf	128	May, 1902	75	Oct., 1907
Pittsburg Coal	21	May, 1905	7⅞	Aug., 1907
Pittsburg Coal pf	80½	.....do.....	44½	Oct., 1907
Pittsburg, Fort Wayne and Chicago	195	Nov., 1901	163	Do.
Pressed Steel Car	64⅜	Jan., 1906	18	Do.
Pressed Steel Car pf	105	Feb., 1906	62½	Nov., 1903
Pullman Company	268	Sept., 1905	148	Oct., 1907
Quicksilver	5½	May, 1901	⅜	June, 1904
Quicksilver pf	12¼	.....do.....	2½	Mar., 1905
Railroad Sec., Ill. Cent. stock ctfs	100	Aug., 1905	85	Mar., 1903
Railway Steel Spring[a]	63¼	Dec., 1905	16	Sept., 1903
Railway Steel Spring pf[a]	107	Jan., 1905	67	Nov., 1903
Reading	164	.....do.....	15	Sept., 1900
Reading 1st pf	97	Sept., 1905	49	Jan., 1900
Reading 2d pf	102	Jan., 1905	23⅜	Sept., 1900
Rensselaer and Saratoga	215	Oct., 1901	193	Aug., 1900
Republic Iron and Steel[a]	41⅜	Dec., 1903	5⅜	Nov., 1903
Republic Iron and Steel pf[a]	110½	Jan., 1906	36⅜	Do.
Rock Island Co	53⅜	Jan., 1903	14½	Oct., 1907
Rock Island Co pf	86⅜	Nov., 1904	40½	Aug., 1907
Rome, Watertown and Ogdensburg	140	Apr., 1901	130	Aug., 1903
Rubber Goods Mfg. Co. pf[a]	109½	Apr., 1905	60	July, 1903
Rutland pf	125	Apr., 1902	25	June, 1907
St. Joseph and Grand Island	27	Jan., 1903	5	May, 1900
St. Joseph and Grand Island 1st pf	81½	Sept., 1902	32	Oct., 1903
St. Joseph and Grand Island 2d pf	42	.....do.....	11⅜	June, 1900
St. Lawrence and Adirondack	141½	Feb., 1902	50	May, 1902
St. Louis and San Francisco 1st pf	90	July, 1902	58	Oct., 1907
St. Louis and San Francisco 2d pf	80⅜	.....do.....	29	Mar., 1907
St. L. and S. F., C. and E. Ill. stock ctfs	194½	Jan., 1905	148½	Sept., 1903
St. L. and S. F., C. and E. Ill. pf. stock ctfs	135	Aug. 1905	120	Aug., 1903
St. Louis Southwestern	39½	Apr., 1901	8⅜	June, 1900
St. Louis Southwestern pf	80	Sept., 1902	21⅜	Do.
Sloss-Sheffield Steel and Iron Co	118½	Feb., 1905	17½	Oct., 1900
Sloss-Sheffield Steel and Iron Co. pf	130	.....do.....	59½	June, 1900
Southern Pacific	97½	Sept., 1906	29	May, 1901
Southern Pacific pf	122⅜	Dec., 1905	107	Oct., 1907
Southern Railway extended	42⅜	Jan., 1906	10⅜	June, 1900
Southern Railway pf., extended	103	.....do.....	43½	Oct., 1907
Southern Ry., Mob. and Ohio stock ctfs	99¼	Feb., 1906	85	June, 1903
Syracuse Lighting	42	Mar., 1903	40	Apr., 1903
Tennessee Coal and Iron	166	Nov., 1906	25⅞	Nov., 1903
Texas and Pacific	54⅜	Sept., 1902	13½	June, 1900
Texas and Pacific Land Trust	88	Oct., 1906	11½	Jan., 1900
Third Avenue	141	Dec., 1905	25	Oct., 1907
Toledo, Peoria and Western	20	June, 1902	10	Jan., 1900
Toledo Railways and Light	38	Sept., 1902	11½	Oct., 1907
Toledo, St. Louis and Western	43⅜	Apr., 1905	10⅜	Feb., 1901
Toledo, St. Louis and Western pf	65	.....do.....	24	Sept., 1903
Twin City Rapid Transit	129	Aug., 1902	61½	July, 1900
Twin City Rapid Transit pf	160	Nov., 1901	136	Jan., 1900
Union Bag and Paper Co.[a]	25	Feb., 1900	3⅞	Aug., 1904
Union Bag and Paper Co. pf.[a]	85	Apr., 1902	45	Feb., 1904
Union Pacific	195⅜	Sept., 1906	44⅜	Jan., 1900
Union Pacific pf	101⅜	Feb., 1905	70½	June, 1900
United Fruit Co	114½	.....do.....	94	Oct., 1903
United Railways of St. Louis pf	87½	Jan., 1906	80	Jan., 1905
United Railways Investment	98	.....do.....	9	Dec., 1903
United Railways Investment pf	94½	Dec., 1905	27	Oct., 1907
U. S. Cast Iron Pipe and Foundry[a]	53	Jan., 1906	6	Sept., 1903
U. S. Cast Iron Pipe and Foundry pf.[a]	97¾	Apr., 1905	33	Nov., 1903
United States Express	160	Aug., 1902	45	Mar., 1900
United States Leather[a]	20⅜	Sept., 1904	6	Sept., 1903
United States Leather pf.[a]	119	Nov., 1905	65	June, 1900
U. S. Realty and Improvement Co	98½	Mar., 1905	41	Oct., 1907
U. S. Reduction and Refining[a]	44⅜	Mar., 1902	9	Do.
U. S. Reduction and Refining pf.[a]	84	June, 1906	23⅜	Do.
United States Rubber	59¾	Oct., 1906	.....	July, 1903
United States Rubber 1st pf	118½	Apr., 1905	75	Oct., 1907
United States Rubber 2d pf	87⅓	Jan., 1906	48⅜	Do.
United States Steel	55	Apr., 1901	8⅜	May., 1904
United States Steel pf	113½	Jan., 1906	49¼	Nov., 1903
Vandalia R. R	100	Apr., 1905	83	Mar., 1906
Virginia-Carolina Chemical	76⅜	Apr., 1902	16	Oct., 1907
Virginia-Carolina Chemical pf	134⅛	Sept., 1902	80	Aug., 1903
Virginia Iron, Coal and Coke	97	Jan., 1907	17	Sept., 1903
Vulcan Detinning[a]	33⅜	Jan., 1903	2½	Oct., 1907
Vulcan Detinning pf.[a]	81½	Dec., 1902	45	Nov., 1904
Wabash	38⅜	Sept., 1902	6½	Mar., 1900
Wabash pf	55½	Feb., 1903	15½	Oct., 1907
Wells-Fargo Express	305	Oct., 1906	120	June, 1900
Western Maryland	44½	June, 1906	6	Oct., 1907
Western Union Telegraph	100½	May, 1901	65	Do.
Westinghouse E. and M	233	Sept., 1902	108	Do.
Westinghouse 1st pf	234	Apr., 1902	157	Nov., 1901
Wheeling and Lake Erie	30½	Sept., 1902	6	Oct., 1907
Wheeling and Lake Erie 1st pf	66	Apr., 1902	15	Do.
Wheeling and Lake Erie 2d pf	42⅜	Sept., 1902	10	Do.
Wisconsin Central	33½	Aug., 1905	10	Sept., 1906
Wisconsin Central pf	64½	Oct., 1905	30	Sept., 1906

[a] Unlisted.

[b] Cash sales $1,000.

APPENDIX G.

[No. 220.—November 30, 1907.]

[Over $350,000,000 in dividends are distributed annually by the railway and industrial corporation stocks represented in this report.]

Index.	Names and abbreviations.	Par value.	Quotation record. Highest and lowest prices. 1905. High.	1905. Low.	1906. High.	1906. Low.	To Oct. 31, 1907. High.	To Oct. 31, 1907. Low.	November, 1907. High.	November, 1907. Low.	Week ending Nov. 29. Open.	High.	Low.	Last.	Sales.	Sales Jan. 1, 1907, to date.	These columns show only the amounts listed on the New York Stock Exchange. Bonds, etc.	Capital stock.
1	Atchison Topeka & Santa Fe Ry.....A..	$100	93⅜	77⅜	110¼	85⅜	108½	72	77⅛	66⅜	67½	72½	67⅛	72½	33,800	5,250,700	$298,737,000	$103,001,000
2	Do do Pref.....A Pr..	100	105½	99	106	98	101⅜	83	85	78	79½	81	78	80⅜	4,700	80,400		114,199,500
3	Atlantic Coast Line.....A X..	100	170	120	167⅞	131¼	133⅜	59	70½	58	59	63	59	63	900	177,100	91,223,000	47,587,600
4	Baltimore & Ohio Railroad.....B O..	100	117	100¾	125⅛	105⅞	122	77¾	82	75⅜	78	82	76½	82	4,800	949,600	238,468,500	152,175,800
5	Do do Pref.....B O Pr..	100	100	95⅞	99½	91	94½	80	80	75	77	77	75	75	600	9,800		60,000,000
6	Brooklyn Rapid Transit.....B..	100	91⅜	56⅞	94½	71	83⅜	29	33½	26⅜	29½	33½	28½	32⅜	37,800	2,286,100	71,521,000	45,000,000
7	Canadian Pacific Railway.....C A..	100	177½	130⅞	201½	155⅜	195½	144	159⅜	138	142	149½	141½	148⅜	5,100	1,640,200	.....	121,679,800
8	Canada Southern Railway.....C S..	100	74⅜	67	70⅝	65½	65½	55	59	52	59	59	52⅜	52⅜	200	17,100	20,000,000	15,000,000
9	Chesapeake & Ohio Railway.....C O..	100	60⅜	45½	65⅜	51⅛	56	26⅜	29⅜	23⅛	24½	26⅜	24⅛	26¼	5,200	729,800	83,461,000	62,793,700
10	Chicago & Alton R R Co.....A L T..	100	.....	.....	35⅞	25⅝	27½	9⅛	12½	8⅜	9½	11⅞	9	11⅛	1,000	19,900	59,350,000	18,564,000
11	Chic Great Western Railway.....G W..	100	25⅛	17⅞	23⅜	16	18	7	7⅞	6⅜	7	7⅜	6⅞	7⅜	2,600	241,000	.....	44,465,100
12	Do do Pr. A.....G W Pr A..	100	78⅛	60	80	70	71⅛	27	29⅞	25	25	27	25	27	500	25,200	.....	11,372,400
13	Chic Milwaukee & St Paul Ry.....S T..	100	187½	163⅜	192⅜	146½	157⅞	98½	104⅜	93⅜	95	99⅜	93⅞	99⅜	81,300	4,583,300	108,465,000	83,107,100
14	Do do Pref.....S T Pr..	100	192½	182½	218	160	165½	135	136	130	132	132	130	131	1,500	77,900		49,891,400
15	Chicago & Northwestern Ry.....N W..	100	249	190½	240	192	205	126	134	128½	130	134	129	134	5,900	536,200	102,669,000	99,591,900
16	Do do Pref.....N W Pr..	100	265½	234	270	225	234	179	.....	.....	.....	.....	.....	195	.....	4,700		22,395,100
17	Chic Terml & Trans Pref.....C G T Pr..	100	42½	17½	42⅞	25	25	9	10½	10½	10¼	10¼	10¼	10¼	100	11,900	.....	17,000,000
18	Chicago Union Traction Pref.....C T X..	100	54	30⅞	47⅛	11⅝	19⅜	11½	.....	.....	.....	.....	.....	14⅛	.....	52,600	.....	12,000,000
19	Cleveland C C & St Louis.....C C..	100	111	90	109½	89	92⅞	49⅝	51	48	48	50⅜	48	50⅜	2,700	63,500	74,838,000	47,056,300
20	Colorado Southern Ry Co.....C X..	100	30⅜	22¾	41	29⅞	38⅜	18	18⅜	17	17⅛	17⅞	17	17⅝	4,400	219,200		31,000,000
21	Do do 1st Pr.....C X 1st Pr..	100	69⅛	52	73⅛	66⅞	69⅞	42⅛	44⅜	41	42	43	41⅞	43	1,400	47,400	29,103,000	8,500,000
22	Do do 2d Pr.....C X 2d Pr..	100	55	32¼	59	43	58⅛	31⅜	34⅜	29⅛	30	32	29⅛	32	5,900	116,800		8,500,000
23	Delaware & Hudson Co.....D H..	100	240⅜	178⅛	234⅜	180	227½	123	133	124	130	133	127	133	5,300	363,600	37,617,000	42,400,000
24	Delaware Lack & Western R R.....D L..	50	498½	335	560	537⅜	510	369½	410	399⅜	400	410	400	410	800	17,300	46,582,000	26,200,000
25	Denver & Rio Grande R R.....D..	100	30⅞	27⅛	51⅜	36⅜	42⅞	17⅝	19¼	16	16	19¼	16	19¼	4,600	207,700	84,384,500	38,000,000
26	Do do Pref.....D Pr..	100	91½	83⅛	91⅜	83	83	58	61	53	54	55½	53	55½	900	29,300		45,754,400
27	Duluth South Shore & Atl Ry.....D S..	100	22⅜	11⅜	22⅛	16	19½	6½	8⅜	7⅜	.....	.....	.....	8½	.....	21,300	3,816,000	12,000,000
28	Do do Pref.....D S Pr..	100	46⅜	21	45	32	39	12⅜	13⅞	10	11¼	12½	11	12½	1,600	19,200		10,000,000
29	Erie R R Co.....E..	100	52⅜	37⅛	50⅞	38⅛	44½	16⅜	18¼	12½	12⅜	15½	12⅜	15½	7,800	2,081,300		112,378,900
30	Do 1st Pref.....E 1st Pr..	100	85¼	74⅞	83	74⅜	75⅞	37	40½	28	29½	33½	29⅛	33⅛	4,400	166,800	207,126,000	47,892,400
31	Do 2d Pref.....E 2d Pr..	100	78⅜	55¼	76⅜	62½	67	27½	28	20	21⅛	23⅜	21¼	23⅞	1,200	134,800		16,000,000
32	Great Northern Pref.....G N R Pr..	100	335	236	348	178	189⅜	105	115½	108½	112½	115½	109¾	115½	19,900	2,075,400	.....	149,836,600
33	Havana Electric Co.....H N..	100	38½	15	53	33½	47	24½	.....	.....	.....	.....	.....	24½	.....	8,000	6,907,000	7,500,000
34	Do do Pref.....H N Pr..	100	80	50	97⅞	79	86½	72	.....	.....	.....	.....	.....	78	.....	5,800		5,000,000
35	Hocking Valley Ry Co.....H V..	100	121½	86⅜	135	113½	115	74	65	63	63	63	63	63	100	500	17,956,000	11,000,000
36	Do do Pref.....H V Pr..	100	97½	90	93⅜	92½	94	65	70½	64	65½	65½	65	65	1,600	8,300		15,000,000
37	Illinois Central R R Co.....I L..	100	183	152⅞	184½	164	172	118	125	116	118	122	117⅞	123	800	74,700	116,537,000	95,040,000
38	Interborough-Metropolitan Co.....I B..	100	.....	.....	55⅝	33⅜	39	4⅞	6	5	5⅜	6	5⅛	5⅜	2,600	643,300	67,825,000	93,262,100
39	Do do Pref.....I B Pr..	100	.....	.....	87⅞	70⅜	75½	15	18¼	14	15	18½	15	18½	1,600	356,500		45,740,000
40	Iowa Central Ry Co.....I A..	100	32	24	34⅞	24	29	12	12	9½	10	10½	9½	10½	1,100	73,000	9,650,000	8,524,400
41	Do do Pref.....I A Pr..	100	61	50	63⅜	48	51	30½	.....	.....	.....	.....	.....	37⅜	.....	52,300		5,673,300
42	Kansas City Southern Ry.....K S U..	100	36½	22¼	37⅜	22⅞	30⅜	18	23⅜	20½	21	23½	20½	23⅜	1,500	134,600	30,000,000	30,000,000
43	Do do Pref.....K S U Pr..	100	70	52	71	49	61⅜	45	51	48	48	50½	48	50½	1,000	162,400		21,000,000
44	Lake Erie & Western Ry Pr.....E W Pr..	100	106	91	92	75	67⅞	40	40	36⅜	.....	.....	.....	40	.....	2,800	13,375,000	11,840,000
45	Louisville & Nashville R R Co.....L..	100	157⅜	134½	156¼	136¼	145⅞	90¼	97¼	85½	88	92⅜	86¾	92⅞	5,800	388,300	138,317,000	60,000,000
46	Manhattan R R Co.....M..	100	175	161	162	140	146	100⅜	112	105	111	111	110	110	300	77,600	38,883,000	60,000,000
47	Mexican Central Ry Co.....M X C..	100	26	18½	29½	18⅜	27⅜	14	14⅜	12⅜	12⅜	13½	12⅜	13½	6,600	285,100	98,911,000	59,127,100
48	Minneapolis & St Louis R R Co.....M S..	100	84⅜	56⅜	84½	58½	59	30	28⅜	28⅜	28¼	28½	28½	28½	100	48,700	21,405,000	6,000,000
49	Minn St P & S Ste Marie R R.....M S M..	100	145	89⅛	164	134	140½	60	81⅛	68	70	81⅛	68	73⅜	2,300	133,200	46,309,000	14,000,000
50	Do do Pref.....M S M Pr..	100	173	148	183⅜	163½	168	100	120	115½	116	119	116	119	500	66,600		7,000,000
51	Missouri Kansas & Texas Ry Co.....K..	100	30⅛	24	43⅜	29	44⅜	22½	25	20⅞	21⅛	24¼	21½	24	8,200	1,296,100	102,207,000	63,300,300
52	Do do Pref.....K Pr..	100	73	56⅛	76	64⅛	72⅞	54	56⅛	53	54	56	53⅞	56	1,400	90,300		13,000,000
53	Missouri Pacific Ry Co.....M P..	100	110⅞	94⅜	106⅜	85½	92¼	48	57¼	44½	52	52½	44⅞	48	48,500	663,300	187,122,000	77,450,500
54	Nashville Chatt & St L Ry.....C H..	100	158	137	149½	133	147	108	.....	.....	.....	.....	.....	115	.....	4,200	15,329,000	10,000,000
55	Nat R R of Mex 1st Pr.....M X O 1st Pr..	100	47⅜	31½	59⅞	36	50⅜	44½	39½	30⅜	39½	39½	39½	39½	100	19,100	47,496,000	28,832,900
56	New York Cent & H R R R.....C E N..	100	167⅜	136⅜	156⅛	126	134⅞	93⅜	99⅝	91½	93¼	96¼	91½	96⅜	51,300	2,012,700	498,322,000	178,632,000
57	New York Chic & St L Ry Co.....S L..	100	76½	42	73⅜	59	63½	19⅜	24⅜	20½	22¾	24⅝	22⅜	24⅛	1,000	53,700	19,425,000	14,000,000
58	Do do 2nd pref.....S L Pr..	100	95	74	92	80	91⅞	41	48	43	44½	48	44⅛	48	800	11,400		11,000,000
59	N Y New Haven & Hart R R.....N H..	100	215⅜	194½	204⅞	189½	189	129¼	137	127⅜	135	135	134⅜	134½	800	19,100	3,413,000	98,409,500
60	N Y Ontario & West Ry Co.....O W..	100	64	40⅜	57½	43⅞	48⅜	28	31½	28¼	28¼	31	28¼	31	2,500	183,900	20,000,000	58,113,900
61	Norfolk & Western Ry Co.....N..	100	88⅛	76	97⅜	83	92¼	56	65⅜	61	62¼	62½	61½	62	900	214,200	93,061,500	66,000,000
62	Northern Pacific Railway.....N P..	100	216⅛	165	232½	179½	189½	100½	111	102⅛	105⅝	110⅞	103½	110⅜	58,400	4,615,600	180,054,500	155,000,000
63	Pacific Coast Co.....P X..	100	109½	78½	142	103⅜	124½	75	67⅞	50	65	67½	64	67½	1,400	32,500	5,000,000	7,000,000
64	Pennsylvania R R Co.....P A..	50	148	131⅛	147⅞	122½	141⅜	106⅛	111⅞	103⅜	108	111	107⅛	110⅛	154,300	8,363,400	320,364,500	314,547,550
65	Reading Co.....R G..	50	143	79	164	112	139⅛	70½	87⅞	72½	79⅜	87⅞	79½	87½	549,900	36,200,200		70,000,000
66	Do 1st Pref.....R G 1st Pr..	50	97	90	96	89	92	73	77½	73	73	73	73	73	400	13,700	115,296,000	28,000,000
67	Do 2d Pref.....R G 2d Pr..	50	101.	84	102	90	94	67½	69	67	68	69	68	69	200	17,900		42,000,000
68	Rock Island Co.....R..	100	37⅜	21⅜	32⅜	23½	30½	12⅜	14⅛	11⅛	11⅞	13⅜	11⅜	13⅜	7,300	1,030,400	265,274,000	89,622,200
69	Do Pref.....R Pr..	100	85	60⅜	69½	60	64½	34	35⅛	26¼	27⅛	32	27⅛	32	2,100	163,100		49,061,200
70	St L & San F 1st Pr.....S F 1st Pr..	100	81½	67	72⅜	60	70	58	60	60	.....	.....	.....	60	.....	5,700	135,701,000	5,000,000
71	Do 2d Pr.....S F 2d Pr..	100	73½	45	51⅛	40½	48⅜	27⅜	30	24	26⅛	28½	26⅛	28¼	2,000	97,400		16,000,000
72	St Louis Southwestern.....S S..	100	27⅜	20	27⅜	20½	25½	12⅜	14	11	12	13	12	13	200	43,300	41,721,500	16,356,200
73	Do do Pref.....S S Pr..	100	66⅜	55	63⅞	49	62⅛	25⅞	30	25	26⅛	27⅛	26	27⅛	1,100	54,600		19,893,700
74	Southern Pacific.....S P..	100	72⅜	57⅞	97½	61	96½	63¼	71⅞	64¼	66½	71⅜	66⅛	71⅜	46,900	6,826,000	322,722,000	197,849,200
75	Southern Ry Co.....S R..	100	38	28	42⅝	31⅜	34	11	13	10	10⅜	11½	10⅜	11½	5,100	1,128,400	145,687,000	119,900,000
76	Do do pref.....S R Pr..	100	102½	95	103	93½	94½	37	41	29⅜	29½	33½	29½	33½	3,200	169,900		60,000,000
77	Texas & Pacific.....T..	100	41	29⅜	40½	28	37½	17⅜	19⅜	17½	18	19	17⅜	19	2,000	213,600	30,704,000	38,760,000
78	Toledo St Louis & Wn Ry.....T O U..	100	43⅜	34⅜	40½	25½	33⅜	19½	19½	17½	17⅜	17⅜	17½	17⅜	600	73,000	15,500,000	10,000,000
79	Twin City Rapid Transit.....T W..	100	122½	105	122⅞	102	108½	72	75	68⅞	71	73⅜	71	73⅜	500	98,800	.....	20,100,000
80	Union Pacific.....U..	100	151⅛	113	195⅜	128½	183	100	114⅞	105½	109⅜	114⅞	109⅜	114½	310,200	32,038,000	270,348,000	195,489,900
81	Do Pref.....U Pr..	100	101⅜	95½	99⅜	91½	96	75	80	75	77½	77½	75	75	300	28,200		99,569,300
82	Wabash R R Co.....W A..	100	24½	17⅛	26½	18	18½	8	9½	8	8½	8½	8½	8½	100	98,100	91,554,000	52,169,700
83	Do do Pref.....W A Pr..	100	48	37	53⅜	36½	38½	14⅞	16½	14⅛	15½	15½	15	15½	1,300	146,000		38,169,700
84	Wheeling & Lake Erie.....W L..	100	19⅜	15	21⅛	16	16½	6	7⅞	6½	.....	.....	.....	7½	.....	49,800	17,086,000	20,000,000
85	Do 1st Pref.....W L 1st Pr..	100	48	36	48½	36	37½	13	16	13½	.....	.....	.....	13½	.....	21,300		4,986,900
86	Wisconsin Central.....W C..	100	33½	20	33	23	25⅝	11½	14½	11	11¼	11¼	11	11	300	30,700	24,347,000	16,147,900
87	Do do Pref.....W C Pr..	100	64½	45	64	44	51½	28	30	30	.....	.....	.....	30	.....	25,200		11,267,200
	INDUSTRIALS.																	
88	Allis-Chalmers Co.....A H..	100	24½	13	27⅜	16	16⅞	4	5⅜	5	5¼	5¼	5	5¼	500	108,800	*15,000,000	19,820,000
89	Do do Pref.....A H Pr..	100	68	46½	67	40	44½	14	16	14	14	15	14	15	600	62,300		16,150,000
90	Amer Agricul Chem Co.....A G R..	100	29½	20	34½	20	25⅜	10	13⅜	10	10	12	10	12	500	33,400	.....	17,114,100
91	American Car & Foundry.....A F..	100	43⅜	31	47½	32¾	45¼	24⅜	27⅜	24⅜	25½	27⅜	25½	27½	5,000	628,200	.....	30,000,000
92	Do do Pref.....A F Pr..	100	104½	91¼	105	98½	103	78	85	80	83	85	82¼	82½	700	43,300	.....	30,000,000

*Not listed.

APPENDIX G—Continued.

Index.	Names and abbreviations.	Par value.	Quotation record. Highest and lowest prices. 1905. High.	1905. Low.	1906. High.	1906. Low.	To Oct. 31, 1907. High.	To Oct. 31, 1907. Low.	November, 1907. High.	November, 1907. Low.	Week ending Nov. 29. Open.	Week ending Nov. 29. High.	Week ending Nov. 29. Low.	Week ending Nov. 29. Last.	Week ending Nov. 29. Sales.	Sales Jan. 1, 1907, to date.	These columns show only the amounts listed on the New York Stock Exchange. Bonds, etc.	Capital stock.
	INDUSTRIALS—continued.																	
93	Amalgamated Copper Co.....C..	$100	90⅜	70	118½	92⅜	121½	41⅜	52	44½	47	50⅝	46½	50½	133,500	18,902,400	.....	$153,287,900
94	American Cotton Oil Co.....A O..	100	38	27⅞	44¼	28	36¾	23	26¼	21	24½	25⅝	23⅜	25¼	2,000	168,000	$5,000,000	20,237,100
95	Do do Pref.....A O Pr..	100	97	89½	95	90	90	82	80	70	.....	.....	.....	80	.....	3,900		10,198,600
96	American Ice Securities Co.....I S..	100	36	24⅜	96	35½	88	8½	13	10½	11¼	12	10⅞	12	2,400	60,000	2,655,000	19,037,700
97	American Locomotive.....A L O..	100	76¼	33	78⅜	53⅞	75⅞	35	40	32½	34	36¼	34	36½	2,200	408,000	.....	25,000,000
98	Do Pref.....A L O Pr..	100	122½	103⅜	120½	108⅜	111⅜	83	93½	84	85	85	85	85	100	32,100	.....	25,000,000
99	Am Smelting & Ref.....A R..	100	170	79⅜	174	138½	155	61⅜	71⅝	58½	61⅜	69⅜	61⅜	69⅜	144,700	9,155,500	.....	50,000,000
100	Do do Pref.....A R Pr..	100	137	111⅛	130	112	117⅜	81⅜	90	83⅛	85½	90	85⅝	90	3,400	200,700	.....	50,000,000
101	Am Steel Foundries.....F Y..	100	18⅜	6⅞	15½	9¼	10⅜	4⅜	6	4⅜	5¼	5½	5¼	5½	100	38,000	.....	15,810,000
102	Do do Pref.....F Y Pr..	100	67½	35⅝	53⅞	40	47½	23	31½	20	26	27½	26	27⅜	600	51,300	.....	17,240,000
103	American Sugar Refining Co.....S..	100	154½	130	157	127⅞	137¾	97	106	99⅜	101⅜	104¼	101¼	103¾	5,000	622,000	.....	45,000,000
104	Am Tobacco Pr New.....A T Pr..	100	109⅜	91⅞	109	96	98½	60	67	60	64	64	62	64	1,500	116,900	103,847,500	78,689,100
105	American Woolen Co.....W Y..	100	47½	20⅜	48	28	30¼	13⅞	14⅜	12½	12⅜	13½	12¼	13½	800	135,100	.....	29,501,100
106	Do Pref.....W Y Pr..	100	108⅜	93	110⅜	101	102⅜	69⅜	73	68	68⅛	68¼	68⅛	68⅛	100	44,900	.....	35,000,000
107	Anaconda Cop Mining.....A N C..	25	73⅜	25⅛	75	55⅞	75⅜	25⅜	34¾	29⅞	31⅜	33⅞	31	33⅛	11,700	3,877,500	.....	30,000,000
108	Central Leather Co.....C L..	100	47⅜	40	49⅞	33⅜	40	12¾	14	11⅜	12⅜	13¼	12	13¼	4,300	348,700	34,025,000	38,409,800
109	Do do Pref.....C L Pr..	100	105⅝	101⅛	107½	98⅜	102	73	75	68	68	71½	68	71½	1,100	63,600		30,678,500
110	Colorado Fuel & Iron Co.....C F..	100	59	38	83⅜	40⅛	57⅜	14½	17¼	14	16½	17	14	17	9,500	807,700	7,505,000	34,235,500
111	Consolidated Gas Co N Y.....G..	100	214	175	181¼	130⅜	140½	74	96½	80⅜	85	94	84	94	1,900	232,100	19,857,500	80,001,000
112	Columbus Hock Coal & Iron.....H I..	100	20	11⅞	30½	17	28⅛	9	19	15	15⅜	15⅞	15⅜	15⅜	100	87,300	2,173,000	6,928,000
113	Corn Products Refining Co.....C R..	100	.....	.....	28	18⅛	24½	8	10½	8⅜	9¼	10¼	9½	10½	1,800	257,300		49,218,200
114	Do do Pref.....C R Pr..	100	.....	.....	85⅞	72⅜	88	46	53	48	50	50	48	48	600	91,700	.....	28,392,500
115	Distillers' Securities Corp.....D R..	100	54⅜	34⅞	74⅜	51	78	37⅜	43⅛	37⅜	38⅜	41½	38⅜	41⅜	8,400	547,700	13,609,000	30,724,900
116	General Electric Co.....G E..	100	192	169	184	156	163	89½	114½	103½	105½	114½	105¼	114¼	3,500	253,900	2,047,000	65,167,400
117	International Paper Co.....I P..	100	25½	18⅛	26½	16¼	18½	9	10½	7½	8¼	9½	8¼	9	1,000	135,300	14,724,000	17,442,900
118	Do do Pr.....I P Pr..	100	88¼	76	90	80	81	60⅜	62	51	52	57¼	51	57	2,300	48,400		22,539,700
119	Mackay Companies.....M K..	100	.....	.....	.....	.....	75½	40	49⅞	43	49⅞	49¼	47½	48¼	400	82,300	.....	41,380,400
120	Do do Pref.....M K Pr..	100	.....	.....	.....	.....	71	50	55	51	53	56	53	55	500	55,100	.....	50,000,000
121	National Biscuit Co.....B I..	100	69½	52	79½	62	86½	58¾	63	59	61	64	61	64	300	144,900	.....	29,226,000
122	Do do Pref.....B I Pr..	100	120½	110	118⅝	113¼	117⅜	103	102½	90	93	96	93	96	300	7,300	.....	24,804,500
123	National Lead Co.....L T..	100	89½	24⅜	95⅜	66	76¼	25	40¼	33	35½	40¼	35½	40½	10,000	456,400	.....	20,713,600
124	Do do Pref.....L T Pr..	100	111¼	97⅜	106½	100¼	103	80	85	83	85	85	83	83	200	34,200	.....	24,463,600
125	New York Air Brake Co.....A B..	100	163½	140	163⅜	133	141½	60½	63½	55	60	61½	65	61½	8,700	216,500	.....	10,000,000
126	North American Co.....N A..	100	107	95½	107	87½	89¾	41½	45½	37	39½	44	39½	44	1,300	134,800	.....	29,779,700
127	Pacific Mail Steamship Co.....P..	100	53⅜	33	51½	28⅜	41¼	19⅜	22	19	19	21⅜	19	21⅜	2,600	127,600	.....	20,000,000
128	Peoples Gas Light & Coke.....P O..	100	115½	97¼	103	88	98⅜	70½	78	71	72½	76	71	75½	6,700	317,500	34,546,000	32,969,100
129	Pressed Steel Car Co.....P R S..	100	58⅜	34	64⅜	43	57	16⅜	18⅛	15⅜	16½	17½	15⅜	17⅜	3,600	282,400	.....	12,500,000
130	Do Pref.....P R S Pr..	100	101½	87	105	95	90⅜	67	71	64	66	66	64	64	500	28,700	.....	12,000,000
131	Pullman Co.....P U..	100	253	220	270	180	181½	137	140	135½	139	139½	138	138	600	52,700	.....	100,000,000
132	Railway Steel Spring Co.....R Y..	100	63½	30	62¾	44	57½	21	26½	23	24	25	23⅜	25	600	107,900	4,262,000	13,500,000
133	Do Pref.....R Y Pr..	100	106	93	107	97⅜	99¼	75	72	72	.....	.....	.....	72	.....	20,100	.....	13,500,000
134	Republic Iron & Steel Co.....R B C..	100	26½	15	41⅜	22½	41½	12	17	12½	13¾	16	13½	16	1,100	353,900	8,625,000	27,352,000
135	Do Prof.....R B C Pr..	100	103	67	110¾	91	100	50½	60¾	54½	57¾	59	57½	59	800	175,300		20,852,000
136	Sloss-Sheffield Steel & Ir.....S I S..	100	118½	60	97½	68½	77¾	26	38½	29	31	34½	31	34½	1,200	149,300	.....	10,000,000
137	Tennessee Coal & Iron R R.....T I..	100	148	68	165	129	162	130	135	98	.....	.....	.....	100¼	.....	33,500	13,718,000	29,336,600
138	U S Cast Iron Pipe.....C I P..	100	48½	19⅝	53	43¼	49½	17	20	17⅞	17⅞	18¼	17⅞	18½	1,100	112,100	.....	12,106,300
139	Do do Pref.....C I P Pr..	100	97⅞	79¼	96⅞	83⅛	89	49¼	55	49	49⅜	51	49⅜	51	800	30,700	.....	12,106,300
140	U S Realty & Improvement.....R L..	100	98⅜	77	94½	75	90½	37	47	36	37⅞	40	37⅜	40	200	78,200	13,284,000	16,162,800
141	United Ry's Investment.....U W..	100	92½	21⅛	98	50	62	12	14⅜	10⅜	10¼	12	10¼	11⅜	1,100	63,200	.....	19,400,000
142	Do Pref.....U W Pr..	100	94⅜	64⅜	93¼	55	71⅛	20½	24⅞	20	21	23	20	22	1,100	58,600	.....	15,000,000
143	U S Rubber Co.....R U..	100	58⅞	33⅜	59⅛	38	52⅜	16	17⅜	11½	14	17	14	17	600	161,500	.....	23,666,000
144	Do 1st Pref.....R U 1st Pr..	100	118½	98⅜	115	104⅜	109⅞	61¼	70⅜	62	64	66⅜	64	66½	1,600	100,700	.....	36,263,000
145	U S Steel Corporation.....U S..	100	44½	24⅞	50⅜	32⅜	50⅜	21⅝	25⅜	22½	23⅜	25½	22⅜	25½	151,600	16,971,800	194,873,500	508,495,200
146	Do Pref.....U S Pr..	100	107	90⅜	113½	98¼	107⅞	81⅛	85⅞	79⅛	81	85	80⅜	84⅜	95,200	3,332,300		360,314,100
147	Virginia-Carolina Chem.....V C..	100	58⅜	28½	58	31	39⅜	13⅛	16½	12⅜	14½	16½	14½	16½	500	111,400	3,000,000	27,984,400
148	Do Pref.....V C Pr..	100	118½	103¼	117½	104	108	77	93	75	.....	.....	.....	85	.....	23,400		18,000,000
149	Westinghouse E & M Assent.....W X..	50	184	152	176	140	154	34½	54	32	36	40	36	40	500	84,700	19,531,000	23,933,200
150	Western Union Telegraph.....W..	100	95½	92	94¼	83¾	84½	62	65	58	61	61	54½	58	3,200	64,300	32,072,000	97,370,000

Index.	Names and abbreviations.	Par value.	Dividends (income value or yield) earnings, mileage, etc. Income values and dividends. Annual dividend.	Income value at last quotation.	Dividends payable.	Fiscal year ends—	Income statement last fiscal year. Gross.	Charges.	Net.	Date of last report.	Reported gross earnings present fiscal year.	Mileage.	Declared dividends and last dividends paid. Amount.	Payable.	Books closed.	Books open.
													P. ct.			
1	Atchison Topeka & Santa Fe Ry..A..	$100	6	8.28	J & D	June 30	$93,683,407	$13,990,585	$35,568,674	Sept. 30	$24,005,568	9,273	3	Dec. 2	Nov. 7	Dec. 3
2	do do Pref.....A Pr..	100	5	6.19	F & A	...do..							2½	Aug. 1	July 5	Aug. 2
3	Atlantic Coast Line.....A X..	100	6	9.52	J & J	...do..	26,771,529	6,739,622	9,857,578	...do..	6,064,430	4,346	3	July 10	June 21	July 11
4	Baltimore & Ohio Railroad.....B O..	100	6	7.32	M & S	...do..	82,243,922	12,588,494	31,398,847	Oct. 31	30,231,933	4,006	3	Sept. 3	Aug. 17	Sept. 3
5	Do do Pref.....B O Pr..	100	4	5.32	M & S	...do..							2	...do..	...do..	Do.
6	Brooklyn Rapid Transit.....B..	100	.....	.....	.....	...do..	19,936,752	6,026,386	8,471,047	.....	.....	557	.....	.....	.....	.....
7	Canadian Pacific Railway.....C A..	100	7	4.70	A & O	...do..	72,217,528	8,511,755	27,667,789	Nov. 21	32,233,904	9,199	3½	Oct 1	Aug. 31	Oct. 3
8	Canada Southern Railway.....C S..	100	2½	4.77	F & A	Dec. 31	.....	.....	.....	May 14	11,609,328	457	1½	Aug. 1	June 28	(a)
9	Chesapeake & Ohio Railway.....C O..	100	1	3.77	Nov	June 30	25,796,861	7,262,638	8,656,491	Sept. 30	7,598,839	1,832	1	Dec. 12	Nov. 21	(a)
10	Chicago & Alton R. R. Co.....A L T..	100	.....	.....	.....	...do..	12,809,426	2,327,028	4,785,868	May 31	11,742,327	970	.....	.....	.....	.....
11	Chic Great Western Railway...G W..	100	.....	.....	.....	Mar. 30	9,139,087	1,096,269	2,555,279	Nov. 14	3,269,490	818	.....	.....	.....	.....
12	Do do Pr. A...G W Pr A..	100	5	18.50	.....	June 30							2½	Apr. 1	.....	.....
13	Chic Milwaukee & St Paul Ry..S T..	100	7	7.04	A & O	...do..	60,548,554	5,942,140	19,930,784	May 31	55,669,422	7,049	3½	Oct. 3	Aug. 21	Sept. 23
14	Do do Pref.....S T Pr..	100	7	5.34	A & O	...do..							3½	...do..	...do..	Do.
15	Chicago & Northwestern Ry....N W..	100	7	5.22	J & J	...do..	68,878,931	6,586,186	15,740,566	Oct. 31	25,769,884	7,623	3½	July 1	June 3	(a)
16	Do do Pref.....N W Pr..	100	8	4.10	Q Jan	...do..							2	Oct. 1	Sept. 14	Oct. 18
17	Chic Terml & Trans Pref..C G T Pr..	100	.....	.....	.....	...do..	1,761,832	657,800	478,128	June 30	1,716,487	274	.....	.....	.....	.....
18	Chicago Union Traction Pref...C T X..	100	.....	.....	.....	Aug. 31	12,308,334	2,135,486	3,734,489	.....	.....	488	1¼	Oct. 25	1900.	.....
19	Cleveland C C & St Louis.....C C..	100	4	7.92	M & S	Dec. 31	24,594,916	4,306,040	6,370,772	Sept. 30	19,982,871	1,983	2	Sept. 3	July 31	(a)

APPENDIX G—Continued.

Index.	Names and abbreviations.	Par value.	Dividends (income value or yield), earnings, mileage, etc.													
			Income values and dividends.			Fiscal year ends—	Income statement last fiscal year.			Date of last report.	Reported gross earnings present fiscal year.	Mileage.	Declared dividends and last dividends paid.			
			Annual dividend.	Income value at last quotation.	Dividends payable.		Gross.	Charges.	Net.				Amount.	Payable.	Books closed.	Books open.
													P. ct.			
20	Colorado Southern Ry. Co.....C X..	$100	....	.....	.....	June 30										
21	Do do 1st Pr....C X 1st Pr..	100	4	9.32	A & O	...do..	$13,456,489	$2,091,858	$4,320,652	Nov. 14	$5,636,364	1,857	2	Oct. 1	Sept. 14	Oct. 2
22	Do do 2d Pr.....C X 2d Pr..	100	4	12.52	.....	...do..							2	...do..	...do..	Do.
23	Delaware & Hudson Co.....D H..	100	9	6.77	Q Mar	Dec. 31	36,669,235	3,175,140	8,331,278	Sept. 30	[b]15,016,828	843	2½	Dec. 16	Nov. 25	(a)
24	Delaware Lack & Western R R..D L..	50	10	2.43	Q Jan	...do..	32,962,879	5,611,122	16,989,812	...do..	3,715,246	957	2½	Oct. 21	Oct. 3	Oct. 21
25	Denver & Rio Grande R R.....D..	100	....	.....	.....	June 30										
26	Do do Pref.....D Pr..	100	5	9.00	J & J	...do..	21,409,042	3,969,492	8,400,309	Nov. 21	9,394,300	2,500				
27	Duluth South Shore & Atl Ry...D S..	100	....	.....	.....	...do..							2½	July 15	June 26	July 16
28	Do do Pref.....D S Pr..	100	....	.....	.....	...do..	3,311,878	1,060,210	1,004,674	Sept. 30	965,173	593				
29	Erie R R Co.....E..	100	....	.....	.....	...do..										
30	Do 1st Pref.....E 1st Pr..	100	4	11.96	M & S	...do..										
31	Do 2d Pref.....E 2d Pr..	100	4	17.20	A & O	...do..	53,914,827	11,323,052	17,950,413	...do..	14,760,145	2,151	2	Oct. 1	Sept. 17	Oct. 9
32	Great Northern Pref.....G N R Pr..	100	7	6.00	Q Feb	...do..	57,223,229	19,896,517	23,953,017	Oct. 31	23,784,493	5,982	2	Nov. 1	Oct. 10	Nov. 6
33	Havana Electric Co.....H N..	100	....	.....	.....	Dec. 31							1¼	...do..	Oct. 15	Nov. 4
34	Do do Pref.....H N Pr..	100	6	7.08	.....	...do..	1,542,870	414,876	785,796	Feb. 14	193,577	51				
35	Hocking Valley Ry Co.....H V..	100	4	6.35	J & J	June 30							1½	Oct. 15	Sept. 30	Oct. 16
36	Do do Pref.....H V Pr..	100	4	6.15	J & J	...do..	6,907,048	815,190	2,642,677	Sept. 30	1,996,474	638	2	July 15	June 22	July 16
37	Illinois Central R R Co.....I L..	100	7	5.69	M & S	...do..	56,610,633	7,676,592	19,363,683	Oct. 31	19,917,747	4,377	2	...do..	...do..	Do.
38	Interborough-Metropolitan Co...I B..	100	....	.....	.....	...do..							3½	Aug. 31	Aug. 1	Aug. 22
39	Do do Pref.....I B Pr..	100	5	27.05	Q Jan	...do..	43,353,841	17,956,552	22,699,421	Mar. 31	43,353,841	65				
40	Iowa Central Ry Co.....I A..	100	....	.....	M & S	...do..							1½	July 1	June 10	July 1
41	Do do Pref.....I A Pr..	100	....	.....	Q Mar	...do..	3,351,674	844,721	1,201,467	Nov. 14	1,247,078	558				
42	Kansas City Southern Ry....K S U..	100	....	.....	.....	...do..							1½	May 1	1900	.....
43	Do do Pref....K S U Pr..	100	4	7.92	.....	...do..	9,084,332	1,367,008	3,822,947	Oct. 31	3,545,930	827				
44	Lake Erie & Western Ry Pr.E W Pr..	100	3	7.50	J & J	Dec. 31	5,212,812	1,001,157	1,451,318	Sept. 30	3,818,511	886	1	Oct. 15	Sept. 30	Oct. 4
45	Louisville & Nashville R R Co.....L..	100	6	6.47	F & A	June 30	48,263,945	7,261,270	14,044,398	Nov 21	19,801,698	4,306	1	July 15	June 28	(a)
46	Manhattan R R Co.....M..	100	7	6.36	Q Jan	...do..	12,794,720	3,181,554	7,735,314	June 30	12,794,718	51½	3	Aug 12	July 22	Aug. 13
47	Mexican Central Ry Co.....M X C..	100	....	.....	.....	...do..	[c]31,236,194	[d] 4,327,214	[d] 4,742,431	Oct 14	[c] 2,523,548	3,203	1½	Oct 1	Sept, 13	Sept. 25
48	Minneapolis & St Louis R R Co..M S..	100	....	.....	J & J	...do..	3,873,668	1,171,645	1,609,480	Nov. 14	1,672,383	798	2½	Jan. 15	1904	.....
49	Minn St P & S Ste Marie R R.M S M..	100	4	5.43	A & O	...do..							2	Oct. 15	Sept. 27	Oct. 16
50	Do do Pref.M S M Pr..	100	7	5.88	A & O	...do..	12,892,079	2,901,921	5,510,607	Nov. 21	5,287,696	2,232	3½	...do..	...do..	Do.
51	Missouri Kansas & Texas Ry Co...K..	100	....	.....	.....	...do..										
52	Do do Pref...K Pr..	100	4	7.14	M & N	...do..	26,183,959	5,003,338	8,685,649	Sept. 30	6,791,607	3,072				
53	Missouri Pacific Ry Co.....M P..	100	5	10.40	J & J	...do..	48,703,343	10,544,824	19,471,555	Nov. 21	19,759,093	6,375	2	Nov. 9	Oct. 19	Nov. 9
54	Nashville Chatt & St L Ry.....C H..	100	6	5.21	F & A	...do..	12,238,472	1,894,331	2,526,711	Sept. 30	3,005,595	1,230	2½	July 20	June 20	July 22
55	Nat R R of Mex 1st Pr.M X O 1st Pr..	100	2	5.06	.....	...do..	[c]15,874,669	[d] 2,465,600	[e] 5,722,831	Nov. 14	[e] 6,076,257	1,730	3	Aug. 1	July 22	Aug. 2
56	New York Cent & H R R R...C E N..	100	6	6.22	Q Jan	Dec. 31	92,089,769	22,883,232	33,535,551	Sept. 30	74,000,624	3,774	1	Aug. 12	Aug. 5	Aug. 12
57	New York Chic & St L Ry Co....S L..	100	....	.....	.....	...do..							1½	Oct. 15	Sept. 30	(a)
58	Do do 2nd pref....S L Pr..	100	4	8.32	Mar	...do..	9,902,209	1,001,844	2,089,546	...do..	7,797,149	523				
59	N Y New Haven & Hart R R...N H..	100	8	5.95	Q Mar	June 30	55,661,936	15,187,714	24,080,756	Mar. 31	40,996,933	4,310	4	Mar. 1	.....	.....
60	N Y Ontario & West Ry Co....O W..	100	2	6.46	July	...do..	8,202,361	1,356,950	3,011,732	Sept. 30	2,419,766	546	2	Sept 30	Sept. 14	(a)
61	Norfolk & Western Ry Co.....N..	100	5	8.05	J & D	...do..	31,164,331	3,932,096	10,742,791	...do..	8,901,787	1,877	2	July 29	July 16	July 29
62	Northern Pacific Railway.....N P..	100	7	6.35	Q Feb	...do..	68,534,832	9,575,183	30,870,515	Aug. 31	13,192,343	5,315	2½	Dec. 18	Nov. 30	(a)
63	Pacific Coast Co.....P X..	100	6	8.88	Q Feb	...do..	7,406,495	250,000	1,459,673	Sept. 30	2,231,423	.....	1½	Nov. 1	Oct 12	Nov. 2
64	Pennsylvania R R Co.....P A..	50	7	6.33	M & N	Dec. 31	148,239,882	35,625,954	46,434,238	...do..	123,714,772	3,764	1½	...do..	Oct. 17	Do.
65	Reading Co.....R G..	50	4	4.57	F & A	June 30							3½	Nov. 30	Nov. 4	(a)
66	Do 1st Pref.....R G 1st Pr..	50	4	5.48	M & S	...do..	89,715,087	15,917,701	28,466,451	...do..	11,734,376	4,298	2	Aug. 1	July 15	(a)
67	Do 2d Pref.....R G 2d Pr..	50	4	5.80	M & N	...do..							2	Sept. 10	Aug. 24	(a)
68	Rock Island Co.....R..	100	....	.....	.....	...do..	[e]4,413,467	3,688,448	.....				1	Nov. 9	Oct. 22	(a)
69	Do Pref.....R Pr..	100	....	.....	Q Feb	...do..	[f]60,238,420	11,151,266	19,939,460	...do..	16,367,674	7,780				
70	St L & San F 1st Pr.....S F 1st Pr..	100	4	6.67	Q Jan	...do..	38,621,067	9,495,889	15,289,355	Jan. 31	28,649,607	5,062	2	Nov. 1	1905..	.....
71	Do 2d Pr.....S F 2d Pr..	100	....	.....	Q Mar	...do..							1	Oct. 1	Sept. 16	Oct. 2
72	St Louis Southwestern.....S S..	100	....	.....	.....	...do..	10,553,135	1,982,558	3,564,681	Nov. 21	4,349,777	1,451	1	Dec. 1	1905	.....
73	Do do Pref.....S S Pr..	100	....	.....	.....	...do..										
74	Southern Pacific.....S P..	100	6	8.39	.....	...do..	124,864,440	19,423,833	45,950,898	Sept. 30	34,254,658	.....				
75	Southern Ry Co.....S R..	100	....	.....	.....	...do..							1½	Jan. 2	1908	.....
76	Do do pref.....S R Pr..	100	3	9.03	A & O	...do..	56,657,994	11,265,616	13,787,904	Nov. 21	23,750,263	7,547				
77	Texas & Pacific.....T..	100	....	.....	.....	Dec. 31	14,914,608	3,043,220	5,115,702	...do..	14,540,111	1,826	1½	Oct. 18	Sept. 21	Oct. 18
78	Toledo St Louis & Wn Ry....T O U..	100	....	.....	.....	June 30	4,181,966	767,581	1,279,205	...do..	1,758,721	601				
79	Twin City Rapid Transit.....T W..	100	5	6.85	Q Feb	Dec. 31	5,644,988	1,427,428	3,019,609	Nov. 14	5,253,550	.....				
80	Union Pacific.....U..	100	10	8.73	A & O	June 30							1½	Nov. 15	Nov. 1	(a)
81	Do Pref.....U Pr..	100	4	5.32	A & O	...do..	75,781,115	8,652,622	44,586,903	Sept. 30	2,419,766	5,588	2½	Jan. 2	Nov. 30	Dec. 18
82	Wabash R R Co.....W A..	100	....	.....	.....	...do..							2	Oct. 1	Sept. 14	Oct. 9
83	Do do Pref.....W A Pr..	100	....	.....	.....	...do..	27,432,473	5,813,659	8,869,854	Nov. 21	11,444,547	2,516				
84	Wheeling & Lake Erie.....W L..	100	....	.....	.....	...do..										
85	Do 1st Pref.....W L 1st Pr..	100	....	.....	.....	...do..	6,124,207	1,787,039	2,119,268	Nov. 14	2,681,642	442				
86	Wisconsin Central.....W C..	100	....	.....	.....	...do..										
87	Do do Pref.....W C Pr..	100	....	.....	.....	...do..	7,577,179	1,811,112	2,882,213	Sept. 30	2,087,407	1,018				
	INDUSTRIALS.															
88	Allis-Chalmers Co.....A H..	100	....	.....	.....	June 30										
89	Do do Pref.....A H Pr..	100	....	.....	Q F	...do..	.....	505,049	[g]229,817	.....	.....	.....	1¾	Feb. 1	1904.	.....
90	Amer Agricul Chem Co.....A G R..	100	....	.....	.....	...do..	2,935,989	.....	1,057,201	.....	.....	.....				
91	American Car & Foundry.....A F..	100	4	14.68	Q Jan	Apr. 30										
92	Do do Pref.....A F Pr..	100	7	8.48	Q Jan	...do..	.....	.....	[h]1,779,983	.....	.....	.....	1	Oct. 1	Sept. 11	Oct. 2
93	Amalgamated Copper Co.....C..	100	4	7.92	Q F	...do..	.....	.....	9,161,537	.....	Industrial companies issue no weekly or monthly reports of earnings.	.....	1¼	...do..	...do..	Do.
94	American Cotton Oil Co.....A O..	100	2	8.00	Dec	Aug. 31	.....	.....	.....	.....		.....	1	Nov. 25	Oct. 24	Oct. 28
95	Do do Pref.....A O Pr..	100	6	7.50	J & D	...do..	.....	225,000	2,367,263	.....		.....	2	Dec. 1	1906.	.....
96	American Ice Securities Co.....I S..	100	7	58.31	.....	Dec. 31	.....	.....	.....	.....		.....	3	Dec. 2	Nov. 14	Dec. 6
97	American Locomotive.....A L O..	100	5	13.70	Q F	June 30	.....	.....	.....	.....		.....	1¾	July 20	July 10	July 22
98	Do Pref.....A L O Pr..	100	7	8.24	Q Jan	...do..	[g]9,515,486	412,898	6,771,105	.....		.....	1½	Nov. 26	Nov. 8	Nov. 27
99	Am Smelting & Ref.....A R..	100	8	11.44	.....	Apr. 30	.....	.....	.....	.....		.....	1¾	Oct. 21	Sept. 27	Oct. 22
100	Do do Pref.....A R Pr..	100	7	7.78	Q Jan	...do..	13,250,058	.....	11,509,670	.....		.....	2	Oct. 15	...do..	Oct. 16
101	Am Steel Foundries.....F Y..	100	....	.....	.....	July 31							1¾	Oct. 1	Sept. 20	Oct. 2
102	Do do Pref.....F Y Pr..	100	....	.....	.....	...do..	19,463,521	377,828	8,100,607	.....	.....	.....				
103	American Sugar Refining Co.....S..	100	7	6.75	Q Jan	Dec. 31	.....	.....	.....	.....	.....	.....	1	Aug. 1	1904.	.....
104	Am Tobacco Pr New.....A T Pr..	100	6	9.36	.....	...do..	.....	.....	.....	.....	.....	.....	1¾	Jan. 2	Nov. 27	Jan. 3
105	American Woolen Co.....W Y..	100	....	.....	.....	...do..	.....	10,539,421	26,406,373	.....	.....	.....	1½	Oct. 1	Sept. 14	Oct. 2
106	Do Pref.....W Y Pr..	100	7	10.22	Q Jan	...do..	48,660,449	[i]1,560,416	4,781,158	.....	.....	.....				
107	Anaconda Cop Mining.....A N C..	25	5.00	15.15	.....	...do..	23,734,203	.....	5,718,828	.....	.....	.....	1¾	Oct. 15	Sept. 26	Oct. 16
108	Central Leather Co.....C L..	100	....	.....	.....	...do..	.....	.....	.....	.....	.....	.....	1.25	Oct. 16	Oct. 5	Oct. 15
109	Do do Pref.....C L Pr..	100	7	9.80	.....	...do..	1,205,791	359,785	.....	.....	.....	.....				
110	Colorado Fuel & Iron Co.....C F..	100	....	.....	.....	June 30	22,320,046	2,176,270	2,559,029	.....	.....	.....	1¾	Jan. 2	Dec. 10	(d)
111	Consolidated Gas Co N Y.....G..	100	4	4.25	Q Mar	...do..	.....	.....	.....	.....	.....	.....	1¾	Apr. 15	1902.	.....
112	Columbus Hock Coal & Iron.....H I..	100	....	.....	.....	Dec. 31	527,065	73,597	103,828	.....	.....	.....	1	Dec. 16	Nov. 26	Dec. 17
													¼	Mar. 1	1904.	.....

APPENDIX G—Continued.

Index.	Names and abbreviations.	Par value.	Dividends (income value or yield), earnings, mileage, etc.													
			Income values and dividends.				Income statement last fiscal year.			Date of last report.	Reported gross earnings present fiscal year.	Mileage.	Declared dividends and last dividends paid.			
			Annual dividend.	Income value at last quotation.	Dividends payable.	Fiscal year ends—	Gross.	Charges.	Net.				Amount.	Payable.	Books closed.	Books open.
													P. ct.			
113	Corn Products Refining Co.....C R..	$100	.....	.....	.....	Mar. 31	.....	.....	$1,689,466	.....	.....	.....	.....	.....	.....	.....
114	Do do Pref.....C R Pr..	100	4	8.32	.....	...do..	.....	.....	.....	.....	.....	.....	1	Oct. 10	Sept. 30	Oct. 10
115	Distillers' Securities Corp.....D R..	100	6	14.46	Q July	June 30	$4,541,696	$586,581	3,341,387	.....	.....	.....	1½	Oct. 26	Sept. 25	Oct. 17
116	General Electric Co.....G E..	100	8	7.00	Q Jan	Jan. 31	61,608,831	74,395	8,427,842	.....	.....	.....	2	Jan. 15	Dec. 7	(c)
117	International Paper Co.....I P..	100	.....	.....	.....	June 30	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
118	Do do Pr.....I P Pr..	100	6	10.50	Q Jan	...do..	21,841,486	1,217,853	2,841,470	.....	.....	.....	1½	Oct. 1	Sept. 14	Sept. 25
119	Mackay Companies.....M K..	100	4	8.24	.....	Jan. 31	.....	.....	.....	.....	.....	.....	1	...do..	...do..	Oct. 1
120	Do do Pref.....M K Pr..	100	4	7.28	Q Jan	...do..	3,310,874	.....	.....	.....	.....	.....	1	...do..	...do..	Do.
121	National Biscuit Co.....B I..	100	5	7.80	Q Jan	...do..	.....	.....	.....	.....	.....	.....	1¼	Jan. 15	Dec. 28	Jan. 16
122	Do do Pref.....B I Pr..	100	7	7.29	Q Feb	...do..	.....	.....	3,954,507	.....	.....	.....	1¾	Nov. 30	Nov. 16	Dec. 2
123	National Lead Co.....L T..	100	5	12.40	.....	June 30	.....	.....	.....	.....	.....	.....	1¼	Jan. 1	Dec. 13	Jan. 2
124	Do do Pref.....L T Pr..	100	7	8.43	Q Mar	...do..	.....	.....	2,499,632	.....	.....	.....	1¾	Dec. 16	Nov. 27	Dec. 17
125	New York Air Brake Co.....A B..	100	8	13.01	Q Jan	July 31	.....	.....	.....	.....	.....	.....	2	Oct. 22	Oct. 4	Oct. 22
126	North American Co.....N A..	100	5	11.35	Q M	...do..	19,907,433	1,226,759	8,132,562	.....	.....	.....	1½	Sept. 2	Aug. 15	(a)
127	Pacific Mail Steamship Co.....P..	100	.....	.....	.....	May 31	5,724,337	.....	[k] 282,884	.....	.....	.....	1	Dec. 1	1899	.....
128	Peoples Gas Light & Coke.....P O..	100	6	7.92	Q Feb	Dec. 31	11,680,044	1,819,300	4,892,741	.....	.....	.....	1½	Nov. 25	Nov. 9	Nov. 26
129	Pressed Steel Car Co.....P R S..	100	.....	.....	Q Feb	...do..	36,158,586	[l] 4,745,659	3,381,884	.....	.....	.....	1	Aug. 31	1904	.....
130	Do Pref.....P R S Pr..	100	7	9.36	Q Feb	...do..	.....	.....	.....	.....	.....	.....	1¾	Nov. 27	Nov. 6	Nov. 8
131	Pullman Co.....P U..	100	8	5.80	Q Feb	July 31	32,186,013	.....	.....	.....	.....	.....	2	Nov. 15	Oct. 31	Nov. 14
132	Railway Steel Spring Co.....R Y..	100	4	16.00	.....	Dec. 31	.....	.....	.....	.....	.....	.....	2	Oct. 22	Oct. 10	Oct. 23
133	Do Pref.....R Y Pr..	100	7	9.72	Q Mar	...do..	.....	.....	2,341,120	.....	.....	.....	1¾	Dec. 20	Dec. 10	Dec. 21
134	Republic Iron & Steel Co .....R B C..	100	.....	.....	.....	June 30	26,196,438	[l] 3,468,023	3,777,401	.....	.....	.....	.....	.....	.....	.....
135	Do Pref.....R B C Pr..	100	7	11.83	Q Mar	...do..	.....	.....	.....	.....	.....	.....	[a] 1¾	Oct. 1	Sept. 16	Oct. 17
136	Sloss-Sheffield Steel & Ir.....S L S..	100	5	14.60	.....	Nov. 30	.....	210,000	1,210,843	.....	.....	.....	1½	Dec. 2	Nov. 19	(a)
137	Tennessee Coal & Iron R R.....T I..	100	4	3.99	.....	...do..	13,265,971	895,145	2,753,160	.....	.....	.....	1	Nov. 1	Oct. 10	Nov. 4
138	U S Cast Iron Pipe.....C I P..	100	4	21.64	Q M	May 31	.....	90,000	1,846,208	.....	.....	.....	1	Dec. 2	Nov. 9	Dec. 2
139	Do do Pref.....C I P Pr..	100	7	13.72	Q M	Dec. 31	.....	.....	.....	.....	.....	.....	1¾	...do..	Nov. 9	Do.
140	U S Realty & Improvement.....R L..	100	6	15.00	.....	Apr. 30	2,318,922	664,200	1,445,935	.....	.....	.....	1½	Nov. 1	Oct. 21	Nov. 2
141	United Ry's Investment.....U W..	100	.....	.....	.....	Dec. 31	760,000	[i] 750,000	747,208	.....	.....	.....	.....	.....	.....	.....
142	Do Pref.....U W Pr..	100	5	22.76	.....	...do..	.....	.....	.....	.....	.....	.....	[m] 2½	Jan. 2	1907	.....
143	U S Rubber Co.....R U..	100	.....	.....	.....	Mar. 31	.....	.....	.....	.....	.....	.....	1	Apr. 30	1900	.....
144	Do 1st Pref.....R U 1st Pr..	100	8	12.08	Q Jan	...do..	54,723,757	1,334,576	32,868,594	.....	.....	.....	2	Oct. 31	Oct. 15	(a)
145	U S Steel Corporation.....U S..	100	2	7.92	Q Mar	Dec. 31	.....	.....	.....	.....	.....	.....	½	Dec. 30	Dec. 9	Dec. 31
146	Do Pref.....U S Pr..	100	7	8.26	Q Feb	...do..	(n)	.....	128,430,482	½ year.	$76,759,523	Net.	1¾	Nov. 30	Nov. 6	Dec. 2
147	Virginia-Carolina Chem.....V C..	100	.....	.....	Q Mar	May 31	.....	.....	.....	.....	.....	.....	1½	June 1	1903	.....
148	Do Pref.....V C Pr..	100	8	9.41	Q Jan	...do..	.....	944,604	4,024,918	.....	.....	.....	2	Oct. 15	Sept. 28	Oct. 16
149	Westinghouse E & M Assent...W X..	50	10	25.00	.....	Mar. 31	33,026,240	1,638,803	5,435,910	.....	.....	.....	2½	Oct. 10	Oct. 3	Oct. 11
150	Western Union Telegraph.....W..	50	10	8.60	Q Jan	June 30	32,856,406	1,327,975	6,324,210	.....	.....	.....	1½	Oct. 15	Sept. 20	Do.

[a] Record of stockholders made on this date; books do not close.
[b] Railroad department.
[c] Mexican currency.
[d] United States currency.
[e] Rock Island Co.
[f] Chicago, Rock Island and Pacific Rwy. Co.
[g] Deficit.
[h] Quarter ending Oct. 21, 1906.
[i] Dividend on preferred.
[k] 2 per cent extra.
[l] Including cumulative dividend on preferred stock.
[m] 9 months ending Sept. 30, 1907.

APPENDIX H.

OKLAHOMA BANKING LAWS.

[Passed by the fifth regular session of the legislative assembly of the Territory of Oklahoma and as amended by the seventh and eighth.]

1907.

H. H. Smock, Bank Commissioner.

HOW TO ORGANIZE NEW BANKS.

CHARTER.

First read section 2 of the banking laws which prescribes the amount of capital required according to the population of the town or city in which the bank is to be located. No bank can be organized with less capital than $10,000, fully paid in.

Apply to the secretary of the Territory for blank articles of incorporation. The law requires that the articles of incorporation shall be subscribed by at least three stockholders of the proposed bank, shall be acknowledged by them, and shall recite that the capital stock is fully paid up. After completing the articles of incorporation forward them to the secretary of the Territory, inclosing draft for $10, the secretary's lawful fee for issuing a charter.

Procure a stock certificate book, stock record, minute book for record of minutes of stockholders' and directors' meetings, and a bank seal.

ORGANIZATION.

After the charter has been granted by the secretary of the Territory, the remaining details of organization must be approved by the bank commissioner, and no bank shall commence the business of banking until it has received his certificate of authority.

The banking department requires:

First. Statement showing names of stockholders, residence, amount of stock subscribed, and the amount paid in. The capital stock must be fully paid in cash. (Blanks will be furnished.)

Second. A certified copy of the minutes of the stockholders' meeting showing adoption of by-laws and election of a board of directors. A majority of the stock of the bank must be represented at this meeting.

Third. A copy of the by-laws adopted, typewritten or in pen and ink, certified to by the chairman of the stockholders' meeting and attested by the secretary, and seal of the bank affixed. (Sample form of by-laws furnished.)

Fourth. Oath of directors. Each director elected must take and subscribe to the oath of office. (Blank oaths furnished.)

Fifth. A certified copy of the directors' meeting showing election of officers. The president, vice-president, and secretary must be members of the board of directors. The cashier must be a stockholder, but not necessarily a director. If the cashier is a director he should act as secretary.

Sixth. Reserve banks. The banks with whom a reserve account is to be carried must have a paid-up capital of not less than $25,000, exclusive of surplus and profits, and all funds deposited in other than approved reserve banks will not be counted as part of the lawful reserve. The department will furnish blanks for naming and approval of reserve banks.

Seventh. The full amount of the capital stock of the proposed bank must be deposited with one of the approved reserve banks and the certificate of such reserve bank showing the required amount on deposit with it must be filed in the office of the bank commissioner. (Blank certificates furnished.)

The banking law prescribes a severe penalty for doing a banking business before receiving a certificate of authority from the bank commissioner.

H. H. SMOCK,
Bank Commissioner.

GUTHRIE, OKLA., *February 1, 1907.*

BANKS AND BANKING.

SECTION 1. Any three or more persons, a majority of whom shall be residents of this Territory, may organize themselves into a banking association and be incorporated as a bank, and shall be permitted to carry on the business of receiving money on deposit, either with or without interest, and of buying and selling exchange, gold, silver, coin, bullion, uncurrent money, bonds of the United States or of this Territory, or any of the cities, counties and school districts therein, and territorial, county, city, township and school district, or other municipal indebtedness, and loaning money on chattel and personal security, and to own a suitable building, furniture and fixtures, for the transaction of its business, the value of which shall not exceed one-third of the capital of such bank fully paid: *Provided*, That nothing in this section shall prohibit such bank from holding and disposing of such real estate as it may acquire through the collection of debts due to it: *And provided*, That all banking institutions now organized as corporations doing business in this Territory are hereby permitted to continue said business as at present incorporated, but in all other respects their business and the manner of conducting the same and the operation of said bank shall be carried on subject to the provisions of this Act and in accordance therewith: *And provided further*, That no bank shall engage in any business other than such as is authorized by this Act.

CAPITAL STOCK.

SEC. 2. (As amended by the Act of 1905.) That hereafter, the capital stock, which shall be fully paid up, shall not be less than ten thousand dollars in towns or cities having less than twenty-five hundred inhabitants; the capital stock, which shall be fully paid up, shall not be less than fifteen thousand dollars in cities having more than twenty-five hundred and less than five thousand inhabitants; the capital stock, which shall be fully paid up, shall not be less than twenty thousand dollars in cities having more than five thousand and less than ten

thousand inhabitants; the capital stock, which shall be fully paid up, shall not be less than twenty-five thousand dollars in cities having over ten thousand inhabitants; and in addition to the other requirements of the law, the charter of any such bank shall contain the name and place of residence of each of its stockholders, and the amount of stock subscribed by each, and such other provisions, not inconsistent with the law, as the stockholders may deem proper. The charter shall be subscribed by at least three of the stockholders of the proposed bank, and shall be acknowledged by them, and the full amount of the capital stock shall be fully paid up, not less than two-thirds in lawful money before the charter is filed: *Provided*, That from and after the passage of this Act, it shall be unlawful for any bank in this Territory, without first amending its charter, to remove or attempt to remove its banking house or place of business from the place named in its original articles of incorporation or charter.

BANKS ORGANIZED, WHEN.

SEC. 3. The existence of such bank as a corporation shall date from the filing of its charter, from which time it shall have and may exercise the powers conferred by law upon corporations generally, except as limited or modified by this Act: *Provided*, That such bank shall transact no business except the election of officers, the taking and approving their official bonds, the receipts of payments on account of subscriptions to its capital stock, and such other business as is incidental to its organization, until it has been authorized by the bank commissioner provided for hereinafter to commence the business of banking as hereinafter provided for.

SHARES MUST BE PAID IN CASH.

SEC. 4. The capital stock of any such association shall be divided into shares of not less than one hundred dollars each, and all subscriptions to said capital stock shall be paid in cash: *Provided*, That in the reorganization of a bank, the assets of the old may be accepted in lieu of cash, at their actual value.

COMMISSIONER'S CERTIFICATE OF AUTHORITY.

SEC. 5. (As amended by the Act of 1903.) When the capital stock of any bank shall have been paid up, the president or cashier thereof shall transmit to the Bank Commissioner a verified statement, showing the names and places of residence of the stockholders, the amount of stock subscribed and the amount paid in by each, and the Bank Commissioner shall thereupon have the same power to examine into the condition and affairs of such bank as it had before that time been engaged in the banking business; and he shall, within thirty days, from the receipt of such statement, make such examination, and shall examine especially as to the amount of money paid in on account of its capital, and by whom paid and the amount of capital stock of which each stockholder is, in good faith, the owner, and whether such bank has complied with the provisions of the law in all respects; and if such bank has been organized as prescribed, and has in all respects complied with the provisions of the law, said commissioner shall issue to such bank, under his hand and seal, a certificate showing that it has been organized and its capital paid in as required by law and is authorized to transact a general banking business as provided by this Act.

SEC. 6. This section, which made provision for the payment of the residue of the capital stock, was repealed in toto by the Act of 1903.

INCREASE OF CAPITAL STOCK.

SEC. 7. This section was repealed in toto. It provided for the increase of capital stock to be made only after the original capital stock has been fully paid up. The provisions of law governing increase of capital stock are now found entirely in Section 18, Article 3, of Chapter 17, of the Laws of 1893, which reads as follows:

"Every corporation may increase or diminish its capital stock at a meeting called for that purpose by the directors as follows:

"First. Notice of the time and place of the meeting, stating its object and the amount to which it is proposed to increase or diminish its capital stock must be personally served on each stockholder resident in the Territory, at his place of residence, if known, and if not known, at the place where the principal office of the corporation is situated, and be published in a newspaper published in the county of such principal place of business, once a week for four weeks successively. * * *

"Third. At least two-thirds of the entire capital stock must be represented by the vote in favor of the increase (or diminution) before it can be effected.

"Fourth. A certificate must be signed by the chairman and secretary of the meeting, and a majority of the directors, showing a compliance with the requirements of this section, the amount to which the capital stock has been increased, or diminished, the amount of stock represented at the meeting and the vote by which the object was accomplished.

"Fifth. The certificate must be filed in the office of the Secretary of the Territory, there to be recorded in the book of corporations, and thereupon the capital stock shall be so increased or diminished.

"Sixth. The written assent of the holders of three-fourths of the subscribed capital stock shall be as effectual to authorize the increase or diminution of the capital stock as if a meeting were called and held; and upon such written assent, the directors may proceed to make the certificate herein provided for."

NOTE.—As section 42, of chapter 4, Laws of 1889, makes special provisions for the decrease of capital stock of banks, it supersedes the above section of the Laws of 1893, as far as the diminution of capital stock is concerned. The increase of capital stock will be made in accordance with the above section 18, article 3, chapter 17, of the Laws of 1893, above quoted.

SEC. 8. This section is repealed in toto. It made provision for the sale of stock upon which there had been default in the payments of installments due thereon.

DISSOLUTION.

SEC. 9. Any corporation transacting business under this act may be dissolved by the district court of the county in which its principal place of business is located in the following manner: A verified petition shall be filed in the office of the clerk of said court, signed by the president or a majority of a board of directors, setting forth that two-thirds in amount of the stockholders of such association have adopted a resolution favoring such dissolution, and directing proceedings to be instituted for that purpose, a copy of which resolution shall be set forth, and that all claims and demands against such association have been paid and discharged; and thereupon a notice shall be published in the manner prescribed by law for service by publication. Such notice shall state the name of the court in which the petition has been filed, the substance and purpose thereof, and that unless objections are filed thereto, on or before a time to be stated, which will not be less than forty-one days from the first publication, the relief prayed for will be granted. A copy of such notice shall be sent to the bank commissioner within ten days after the first publication thereof, and he shall within thirty days thereafter make a thorough examination of the affairs of such bank and file a certified copy thereof with said petition. Any person interested may, on or before the time fixed by the notice, and afterwards, if permitted by the court, file a written objection to the dissolution of such corporation. The petition and objection thereto, if any, shall stand for a hearing the same as a civil action; and if upon the hearing thereof the court shall be satisfied that the petition is true and that there is no valid objection to the dissolution of such corporation, it shall render judgment dissolving the same.

BOARD OF DIRECTORS.

SEC. 10. The affairs and business of any banking corporation doing business under this act shall be managed and controlled by a board of directors, not less than 3 nor more than 13 in number, who shall be selected from the stockholders in the manner provided in the general corporation act, a majority of whom shall be residents of the Territory of Oklahoma; the board shall designate one of their number to act as president and one as secretary, and shall select from among the stockholders a cashier; such officers shall hold their offices for a term of one year and until their successors are elected and qualified. The board shall require the cashier and any and all officers having the care and handling of the funds of the bank to give a good and sufficient bond, to be approved by them and held by such custodian as the board may designate. The board of directors shall hold two regular meetings each year, and at such meetings thorough examination of the books, records, funds, and securities held by each bank shall be made by them, and the result of such examination shall be recorded in detail upon the record book of the bank. A certified copy of the record of such meetings shall be forwarded to the bank commissioner within ten days.

STOCKHOLDERS' LIABILITY.

SEC. 11. The shareholders of every bank organized under this act shall be additionally liable for the amount of stock owned and no more.

INVESTMENTS LIMITED.

SEC. 12. No bank shall employ its moneys directly or indirectly in trade or commerce by buying or selling goods, chattels, wares or merchandise, and shall not invest any of its funds in the stock of any other bank or incorporation, nor make any loans or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such securities or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale; after the expiration of six months, any such stock shall not be considered as part of the assets of any bank: *Provided*, That it may sell all kinds of property which may come into its possession as collateral security for loans or any ordinary collection of debts, in the manner prescribed by law.

RESERVE REQUIRED.

SEC. 13. Each bank doing business under this Act shall have on hand at all times in available funds the following sums, to wit: Banks located in towns or cities having a population of less than 2,500 an amount equal to 20 per cent of their entire deposits; banks located in cities having over 2,500 population, an amount equal to 25 per cent of their entire deposits, two-thirds of which may consist of balances due them from good solvent banks located at commercial centers, and at such other points as the Bank Commissioner may approve, and one-third shall consist of actual cash: *Provided*, That any bank that has been made the depository for the reserve of any bank or banks shall have on hand at all times in the manner provided herein 25 per cent of its deposits. Whenever the available funds in any bank shall be below the required amount, such bank shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividends of its profits until the required proportion between the aggregate amount of its deposits, and its lawful money reserve has been restored; and the Bank Commissioner shall notify any bank whose lawful money reserve shall be below the amount required to be kept on hand, to make good such reserve, and if such bank or association shall fail to do so for a period of thirty days after such notice, it shall be deemed to be insolvent, and the Bank Commissioner shall take possession of the same and proceed in the manner provided in this Act relating to insolvent banks. The Bank Commissioner may refuse to consider, as a part of its reserve, balances due to any bank from any other bank or association which shall refuse or neglect to furnish him with such information as he may require from time to time relating to its business with any other bank doing business under this Act which shall enable him to determine its solvency; *Provided*, That all savings banks or savings associations which do not transact a general banking business shall be required to keep on hand at all times in actual cash a sum equal to 10 per cent of their deposits, and shall be required to keep a like sum invested in good bonds of the United States or Territorial, county, school district or municipal bonds of the Territory of Oklahoma, worth not less than par.

NOTE.—This section gives the Bank Commissioner absolute discretion as to where banks shall keep their reserves. The rule of the department is that no bank having a paid-up capital of less than $25,000.00 shall be considered a reserve agent.

EXCESS LOANS.

SEC. 14. The total liability to any bank of any person or company, corporation or firm, for money borrowed, including in the liabilities of the company or firm the liabilities of the several members thereof, shall not at any time exceed 20 per cent of the capital stock and surplus of such bank actually paid in; but the discount of bills of exchange drawn in good faith against actual existing receipts as collateral security, and a discount of commercial or business paper actually owned by the person, shall not be considered as money borrowed. The Bank Commissioner may at any time order an excess loan reduced to the legal limit within sixty days from the date of notification by him.

FALSE REPORT.

SEC. 15. Every officer, director, agent or clerk of any bank doing business under the laws of the Territory of Oklahoma who wilfully and knowingly subscribes to or makes any false report, or any false statements or entries in the books of such bank, or knowingly subscribes to or exhibits any false writings on paper, with the intent to deceive any person as to the condition of such bank, shall be deemed guilty of a felony and shall be punished by a fine not to exceed one

thousand dollars, or by imprisonment in the Territorial prison not exceeding five years, or by both such fine and imprisonment.

RECEIVING DEPOSITS WHEN INSOLVENT.

SEC. 16. No bank shall accept or receive on deposit, with or without interest, any money, bank bills or notes, or United States treasury notes, gold or silver certificates, or currency, or other notes, bills, checks, or drafts, when such bank is insolvent; and any officer, director, cashier, manager, member, party or managing party of any bank, who shall knowingly violate the provisions of this section, or be accessory to or permit, or connive at the receiving or accepting of any such deposit, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment in the penitentiary not exceeding five years, or by both such fine and imprisonment.

VIOLATIONS PUNISHED.

SEC. 17. It shall be unlawful for any individual, firm or corporation to transact a banking business, or to receive deposits, except by this act authorized. Any person violating any provisions of this section, either individually or as an interested party in any association or corporation, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not less than three hundred dollars or more than one thousand dollars, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment.

REPORTS, WHEN MADE.

SEC. 18. Every bank shall make out at least four reports each year, and oftener if called upon, to the Bank Commissioner, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or cashier of such association, and attested by the signatures of at least two of the directors. Each such report shall exhibit, in detail and under the appropriate heads, the resources and liabilities of the association at the close of business on any past day by him specified, and shall be transmitted to the Bank Commissioner within ten days after the receipt of a request or requisition therefor by him, and shall be punished in the same form in which it is made to the Bank Commissioner, except that cash and sight exchange may be shown under one heading and shall be published within ten days after the same is made out in a newspaper published in the county in which such bank is established, for two insertions, at the expense of the bank; and such proof of publication shall be furnished within five days after date of last publication, as may be required by the Bank Commissioner. The Bank Commissioner shall also have power to call for special reports from any bank whenever in his judgment the same are necessary in order to gain a full and complete knowledge of its condition. The verification of such statement shall be in the following form:

Territory of Oklahoma, County of ——— ss:

I ——— president (or cashier) of said bank, do solemnly swear that the above statement is true, that said bank has no other liabilities, and is not indorser on any note or obligation, other than that shown in the above statement, to the best of my knowledge and belief, so help me, God.

———, *President.*
———, *Cashier.*

Provided, The reports authorized and required by this section, to be called for by the Commissioner, shall relate to a date prior to the date of such call to be specified therein.

DIVIDEND REPORTED.

SEC. 19. In addition to the reports required by the preceding sections each bank doing business under this Act, shall within ten days after the declaring of any dividend, forward to the Bank Commissioner a statement of the amount of such dividend and the amount carried to the surplus and undivided profit accounts and shall also forward to the Commissioner, within ten days after the first of January in each year, in such form as he may designate, a verified statement showing the receipts and disbursements of such bank for the preceding year.

PENALTY FOR FAILURE TO REPORT.

SEC. 20. Every bank which fails to make and transmit or to publish any report required under either of the two preceding sections, shall be subject to a penalty of fifty dollars for each day after the period respectively therein mentioned, that it delays to make and transmit its report or the proof of publication. Whenever any bank delays or refuses to pay the penalty herein imposed for a failure to make and transmit or to publish a report, the Commissioner is hereby authorized to maintain an action, in the name of his office, against the delinquent bank for the recovery of such penalty, and all sums collected by such action shall be paid into the Territorial treasury and placed to the credit of the banking department.

DISSOLUTION BY BANK COMMISSIONER.

SEC. 21. Every bank, except national banks, doing business in the Territory of Oklahoma, which shall refuse or neglect to comply with any requirement lawfully made upon it by the bank commissioner pursuant to this act, for a period of ninety days after demand in writing is made, shall be deemed to have forfeited its franchise, and the bank commissioner shall thereupon revoke its authority to transact the banking business, by publication in the official county paper of the county in which the bank is located, and any failure on the part of such banks to comply with, or any violation of the provisions of this act, shall work a forfeiture of its franchise; and in either case the attorney general, upon the request of the bank commissioner, shall commence an action for the purpose of dissolving said corporation.

BANK COMMISSIONER.

SEC. 22. The governor shall appoint, by and with the advice and consent of the council of the legislative assembly, a bank commissioner for the Territory of Oklahoma, whose term of office shall be for two years, the first term commencing on the first day of March, 1899, and (continuing) until his successor is appointed and qualified. No officer or employee of any bank, or any person interested as owner or stockholder of any bank, shall be eligible for the office of bank commissioner: *Provided*, That no person shall be appointed as bank commissioner who shall not have had, prior to such appointment, at least three years' actual experience as a banker.

BOND AND OATH.

SEC. 23. The bank commissioner shall, before entering upon the discharge of his duties, take and subscribe the usual oath of office and execute to the Territory of Oklahoma a bond in the sum of twenty-five thousand dollars with sufficient surety for the faithful performance of his duty, to be approved and filed as provided by law.

DUTIES.

SEC. 24. It shall be the duty of such Commissioner to visit each and every bank doing business in this Territory, except national banks, at least once in each year, and oftener, if necessary, for the purpose of making a full and careful investigation and inquiry into the condition of affairs of such bank; and for that purpose the Commissioner is hereby authorized and empowered to administer oaths, and to examine under oath the owners and directors, and all officers and employees and agents of such bank. The Commissioner shall reduce the result thereof to writing, which shall contain a full, true and careful statement of the condition of such bank. No loan shall be made by any bank to any of its officers or employees, except upon the express order of the board of directors, made in the absence of the applicant, duly entered in the record of the board proceedings, and only upon the same security as required of others. Any officer or employee of the bank violating the provisions of this section shall be deemed guilty of embezzlement.

EXAMINATION FEES.

SEC. 25. Each and every bank so examined, having not more than fifteen thousand dollars capital stock paid in, shall pay a fee of fifteen dollars for each and every examination; and each and every bank having more than fifteen thousand dollars capital stock paid in and not more than twenty-five thousand dollars capital stock paid in, shall pay a fee of twenty dollars; and each and every bank having more than twenty-five thousand dollars capital stock paid in and not more than forty thousand dollars capital stock paid in, shall pay a fee of twenty-five dollars; and each and every bank having more than forty thousand dollars capital stock paid in, and not more than fifty thousand dollars capital stock paid in, shall pay a fee of thirty dollars; and each and every bank having more than fifty thousand dollars capital stock paid in, shall pay a fee of thirty-five dollars to the Commissioner.

RECORD OF FEES AND EXPENSES.

SEC. 26. It shall be the duty of the Bank Commissioner to keep a record of all fees collected by him, together with the record of the expenses incurred in making examinations of all banks, and at the end of each quarter pay over to the Territorial Treasurer all fees collected during the preceding quarter, and he shall file with the Territorial Treasurer an itemized statement, showing from whom collected.

NUMBER OF REPORTS REQUIRED.

SEC. 27. The Commissioner shall have power at any time when he deems it necessary, to call upon any bank, except national banks, for a report of its condition upon any given day which has passed, or as often as the Commissioner may deem it necessary: *Provided*, That the Commissioner shall require four such reports at least, during each and every year.

CALL FOR STATEMENT.

SEC. 28. A copy of each call made by the Bank Commissioner for a statement from all banks doing business under this Act shall be mailed to each bank.

INSOLVENT BANKS, RECEIVERS.

SEC. 29. If upon examination made by the Commissioner or from any report made to the Commissioner, it shall appear that any bank is insolvent, it shall be the duty of the Commissioner immediately to take charge of such bank and all the property and effects thereof. Upon taking charge of any bank, the Commissioner shall, as soon as possible, ascertain by thorough examination into its affairs, its actual financial condition, and whenever he shall become satisfied that such bank can not resume business or liquidate its indebtedness to the satisfaction of all its creditors, he shall institute proper proceedings in the proper court for the purpose of having a receiver appointed to take charge of such bank and to wind up the affairs and business thereof, for the benefit of its depositors, creditors, and stockholders. The Bank Commissioner may appoint a Special Deputy Bank Commissioner to take charge of the affairs of an insolvent bank temporarily, until a receiver is appointed; such deputy to qualify, and give bond and receive compensation at the rate of four dollars per day, such compensation to be paid by such bank or allowed by the court as costs in case of the appointment of a receiver: *Provided*, That in no case shall any bank continue in charge of such special deputy for a longer period than thirty days.

COMMISSIONER IN POSSESSION, ATTACHMENT BARRED.

SEC. 30. Any bank doing business under this Act, may place its affairs and assets under the control of the Bank Commissioner by posting a notice on its front door as follows: "This bank is in the hands of the Territorial Bank Commissioner." The posting of such notice, or the taking possession of any bank by the Bank Commissioner shall be sufficient to place all of its assets and property of whatever nature in the possession of the Bank Commissioner and shall operate as a bar to any attachment proceedings except where deposits were received after the bank was known to be in a failing condition.

VOLUNTARY LIQUIDATION.

SEC. 31. Any bank doing business under this Act, may voluntarily liquidate by paying off all its depositors in full, and upon filing a verified statement with the Bank Commissioner setting forth the fact that all its liabilities have been paid, and the surrendering of its certificate of authority to transact a banking business, it shall cease to be subject to the provisions of this Act, and may continue to transact a loan and discount business under its charter: *Provided*, That the Bank Commissioner shall make an examination of any such bank for the purpose of determining that all its liabilities have been paid.

WHEN INSOLVENT.

SEC. 32. A bank shall be deemed to be insolvent, first, when the actual cash market value of its assets is insufficient to pay its liabilities; second, when it is unable to meet the demands of its creditors in the usual and customary manner; third, when it shall fail to make good its reserve as required by law.

DIVIDENDS.

SEC. 33. The directors or owners of any bank doing business under this act, may declare dividends of so much of the net profits of their bank as they shall judge expedient but each bank shall, before the declaration of a dividend, carry one-tenth of its net profits since the last preceding dividend to its surplus fund, until the same shall amount to 50 per cent of its capital stock.

NOTE.—A dividend can only be declared by a regular act of the board of directors, entered upon the minute or record book of the bank, and 10 per cent of the net profits must in every case be passed to the surplus fund, until the surplus is equal to one-half of the bank's capital stock.

SURPLUS FUND NOT DISTURBED.

SEC. 34. Any losses sustained by any bank, in excess of its undivided profits, may be charged to its surplus account: *Provided*, That its surplus fund shall hereafter be reimbursed from its earnings, and no dividend shall be declared or paid by any such bank until its surplus fund shall be fully restored to its former amount.

CAPITAL NOT DIMINISHED.

SEC. 35. No bank officer or director thereof shall, during the time it shall continue its banking operations, withdraw or permit to be withdrawn, either in form of dividends or otherwise, any portion of its capital. If losses have been at any time sustained by such bank equal to or exceeding its undivided profits then on hand, no dividend shall be made, and no dividend shall be declared by any bank while it continues its banking business to any amount greater than its profits on hand, deducting therefrom its losses, to be ascertained by a careful estimate of the actual cash value of all its assets at the time of making such dividends. The present worth of all maturing paper shall be estimated at the usual discount rate of the bank. Nothing in this section shall prevent the reduction of the capital stock of any bank in the manner prescribed herein.

NOTE.—Before any dividend is declared, the officers and directors should first go over the bank's assets carefully and charge off any bad assets.

OFFICERS' NEGLECT OF DUTY, FELONY.

SEC. 36. Every banker, officer, employee, director, or agent of any bank who shall neglect to perform any duty required by this act, or who shall fail to conform to any lawful requirements made by the bank commissioner, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars, or by imprisonment in the Territorial prison not to exceed five years, or by both such fine and imprisonment.

BANK, WHAT CONSTITUTES.

SEC. 37. Any individual, firm, or corporation who shall receive money on deposit, whether on certificates or subject to check, shall be considered as doing a banking business, and shall be amenable to all the provisions of this act: *Provided*, That promissory notes issued for money received on deposit shall be held to be certificates of deposit for the purpose of this act.

FALSELY CERTIFYING CHECKS.

SEC. 38. It shall be unlawful for any officer, clerk, or agent of any bank doing business under this act, to certify any check, draft, or order drawn upon the bank unless the person, firm, or corporation drawing such check, draft, or order has on deposit with the bank at the time such check, draft, or order is certified, an amount of money equal to the amount specified in such check. Any check, draft, or order so certified by the duly authorized officer shall be a good and valid obligation against such bank; but the officer, clerk, or agent of any bank violating the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished as provided in section 36 of this act.

EMBEZZLEMENT.

SEC. 39. Every president, director, cashier, teller, clerk, officer, or agent of any bank who embezzles, abstracts, or willfully misapplies any of the moneys, funds, securities, or credits of the bank, or who issues or puts forth any certificates of deposit, draws any draft or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree, or who makes use of the bank in any manner with intent in either case to injure, or defraud the bank or any individual, person, company, or corporation, or to deceive any officer of the bank, and any person who with like intent aids or abets any officer, clerk, or agent in any violation of this section shall be deemed guilty of a felony, and upon conviction thereof shall be punished as provided in section 36 of this act.

PAYING OVER-DRAFTS.

SEC. 40. Any bank officer or employee who shall pay out the funds of any bank upon the check, order or draft of any individual, firm, corporation or association, which has not on deposit with such bank a sum equal to such check, order or draft, shall be personally liable to such bank for the amount so paid, and such liability shall be covered by his official bond.

CAN NOT FAVOR DEPOSITORS.

SEC. 41. No bank, banker, or bank official shall give preference to any depositor or creditor by pledging the assets of the bank as collateral security: *Provided*, That any bank may borrow money for temporary purposes, not to exceed in amount 50 per cent of its paid-up capital, and may pledge assets of the bank as collateral security therefor: *Provided further*, That whenever it shall appear that a bank is borrowing habitually for the purpose of reloaning, the Bank Commissioner may require such bank to pay off such borrowed money. Nothing herein shall prevent any bank from rediscounting in good faith and indorsing any of its negotiable notes.

REDUCING CAPITAL STOCK.

SEC. 42. The capital stock of any bank doing business under this act may be reduced at any time by resolution adopted by a three-fourths vote of its stockholders, at any regular meeting or at a special meeting held for that purpose, of which all stockholders shall have due notice, subject to the approval of the Bank Commissioner, which shall not be given unless such bank with such reduced capital is entirely solvent. When the Bank Commissioner has approved of any such reduction, a certificate, signed by the president and cashier of the bank setting forth the reduction of its capital and the names and amount of stock held by its stockholders, shall be filed with the Secretary of the Territory, and a duplicate copy shall be forwarded to the Bank Commissioner. Whenever the capital of any bank shall be reduced as provided in this section, every stockholder, owner or holder of any stock certificate, shall surrender same for cancellation, and shall be entitled to receive a new certificate for his proportion of the new stock: *Provided*, That such capital stock shall not be reduced more than is provided in section 2 of this act.

IMPAIRED CAPITAL STOCK.

SEC. 43. Whenever it shall appear that the capital of any bank doing business under this act has been impaired, the Bank Commissioner shall notify such bank to make such impairment good within sixty days, and it shall be the duty of the officers and directors of any bank receiving such notice from the Bank Commissioner to immediately call a special meeting of its stockholders for the purpose of assessment of its stockholders of its stock sufficient to cover the impairment of its capital: *Provided*, That such bank if not insolvent may reduce its capital stock to the extent of the impairment, if such reduction will not place its capital below the amount required by this act.

NATIONAL BANKS MAY INCORPORATE.

SEC. 44. Any national bank doing business in this Territory may incorporate as a State bank, as provided herein, for the organization of banks: *Provided*, That the Bank Commissioner may accept good assets of such national bank worth not less than par in lieu of cash payment for the stock of such State bank.

LIST OF STOCKHOLDERS KEPT.

SEC. 45. The president and cashier of every incorporated bank shall cause to be kept at all times a full and correct list of the names and residences of all the shareholders in the bank and the number of shares held by each in the office where its business is transacted. Such list shall be subject to the inspection of all the shareholders and creditors of the bank and the officers authorized to assess taxes under Territorial authority, during business hour of each day in which business may be legally transacted. A copy of such list on the first Monday in January of each year, verified by the oath of such president or cashier, shall be transmitted to the Bank Commissioner.

REFUSAL TO BE EXAMINED.

SEC. 46. Whenever any officer of the bank shall refuse to submit the books, paper, and concerns of such bank to the inspection of the commissioner, or examiner appointed as aforesaid, or shall in any manner obstruct or interfere with him in the discharge of his duties, or refuse to be examined on oath touching the concerns of the bank, the commissioner may revoke the authority of such bank to transact a banking business, and may institute proceedings for the appointment of a receiver for such bank to wind up the business.

DOING BUSINESS AFTER REVOCATION.

SEC. 47. Any officer of any bank whose authority to transact a banking business has been revoked as herein provided, who shall receive or cause to be received any deposit of whatever nature after such revocation, shall be subject to the same penalty provided for persons transacting a banking business without authority.

REAL ESTATE OWNED.

SEC. 48. A bank may purchase, hold, and convey real estate for the following purposes: First, such as shall be necessary for the convenient transaction of its business, including its furniture and fixtures, but which shall not exceed one-third of the paid in capital; second, such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its business; third, such as it shall purchase at sale under judgment, decree, or mortgage foreclosures under securities held by it, but a bank shall not bid at any such sale a larger amount than enough to satisfy its debts and costs. Real estate shall be conveyed under the corporate seal of the bank and the hands of its president or vice-president and cashier. No real estate acquired in the cases contemplated in the second and third subsections above shall be held for a longer time than five years. It must be sold at a private or public sale within thirty days thereafter.

REDUCED REAL ESTATE HOLDINGS.

SEC. 49. Any bank now doing business in this Territory, which owns real estate in excess of 50 per cent of its capital paid in, shall reduce its holdings, by converting same into cash or other good assets, to an amount not exceeding 50 per cent of its paid up capital, within six months after the passage of this act.

TRANSFERS OF STOCK.

SEC. 50. The shares of stock of an incorporated bank shall be deemed personal property, and shall be transferred on the books of the bank in such manner as the by-laws thereof may direct, but no transfer of stock shall be valid against a bank or any creditor thereof so long as the registered holder thereof shall be liable as principal debtor, surety, or otherwise to the bank for any debt which shall be due and unpaid, nor in such cases shall any dividend, interest, or profits be paid on said stock so long as such liabilities continue, but all such dividends, interests, or profits shall be retained by the bank and applied to the discharge of such liabilities, and no stock shall be transferred on the books of any bank where the registered holder thereof is in debt to the bank for any matured and unpaid obligations.

LOANS TO STOCKHOLDERS LIMITED.

SEC. 51. It shall be unlawful for any bank to loan its funds to its stockholders on their stock as collateral security; and the total indebtedness of the stockholders of any incorporated bank shall at no time exceed 50 per cent of its paid up capital: *Provided*, That any bank may hold its stock as additional security or to secure a debt previously contracted.

RECEIVER'S REPORT.

SEC. 52. Receivers of all insolvent banks shall make reports to the Bank Commissioner in the same manner as is required of solvent bahks and shall cause such statements to be published in like manner.

BLANKS, FORMS OF.

SEC. 53. For the purpose of carrying into effect the provisions of this act, the bank commissioner shall provide a form for the necessary blanks for such examinations and reports; and all examinations and reports received by him shall be preserved in his office.

BANK COMMISSIONER AND ASSISTANT.

SEC. 54. As amended by the act of 1903. The bank commissioner shall receive for his services a salary of eighteen hundred dollars per annum and the sum of one thousand dollars per annum for deputy or assistant. The legislature shall appropriate a sum not to exceed six hundred dollars for each year to cover the incidental expenses of the bank commissioner's office, and to defray the traveling expenses of the bank commissioner. All money actually and necessarily paid out by the commissioner for traveling and incidental expenses shall be paid to him upon the auditor's warrant, to be issued upon sworn vouchers containing an itemized account of such expenses: *Provided*, That the expense account so audited and the warrants so drawn shall not exceed six hundred dollars per annum, and it shall be unlawful to create a deficit.

REPORT TO GOVERNOR.

SEC. 55. The bank commissioner shall make a report to the governor on or before September 1, of every even numbered year, which report shall contain the names of the owners, or the principal officers, the paid up capital of each, the number of banks in the Territory, the name

and location of each, the number and date of examination and reports made of and by each, and such other information concerning the same as may be necessary to inform the governor of the condition thereof.

NEGLECT OF DUTY.

SEC. 56. Any commissioner who shall neglect to perform any duty provided for by this act, or who shall make any false statement concerning any bank, or who shall be guilty of any misconduct or corruption in office shall, upon conviction thereof, be deemed guilty of a felony, and punished in the manner provided for in section 36 of this act, and in addition thereto shall be removed from office.

COUNTY ATTORNEY.

SEC. 57. It shall be the duty of the bank commissioner to inform the county attorney of the county in which the bank is located of any violations of any of the provisions of this act, which constitutes a misdemeanor or felony, by the officers, owners or employees of any bank, and upon receipt of such information the county attorney shall institute proceedings to enforce the provisions of this act.

FALSE OATH, PERJURY.

SEC. 58. Every officer or employee of a bank required by this act to take an oath, or affirmation, who shall wilfully swear or affirm falsely, shall be deemed guilty of perjury, and, upon conviction thereof, shall be punished as provided by the laws of this Territory in case of perjury.

REPEALING ALL FORMER ACTS.

SEC. 59. Chapter 4 of the Session Laws of 1897, relating to the incorporation of banks, and to the governing of institutions doing a banking business, and receiving deposits, shall be and the same is inoperative and void, and all laws and parts of laws inconsistent herewith, are repealed: *Provided*, That this act shall not affect any offense committed or right of action accruing from (prior to) the taking effect hereof, but all such offenses or rights of action shall remain and be prosecuted under the law existing at the time such offense was committed or such right of action accrued.

NOTE.—This section repealed in toto the act of 1897.

QUALIFIED PUBLIC DEPOSITORIES.

The seventh legislative assembly passed one additional section to the banking law, relative to the banks doing business under Territorial charter, concerning their being designated depositories of Territorial and county funds, and prescribing their qualifications, as follows: As amended by act of 1905.

SECTION 1. That section 4, of chapter 4, of the Session Laws of Oklahoma, 1903, be and the same is hereby amended to read as follows: Sec. 4. Any bank duly organized under and in compliance with the laws of this Territory relating to banks and banking corporations and doing business in the Territory of Oklahoma, or any national bank organized under the laws of the United States and doing business in the Territory of Oklahoma, shall be qualified to become Territorial and county depositories, when so designated according to law, by giving securities by the depositing with the proper Territorial or county officers, United States bonds or Territorial bonds, or general fund Territorial warrants, or Territorial special fund warrants, or approved county or municipal bonds in the Territory, or approved county or school district warrants in the Territory, and the proper officers are hereby authorized and empowered to contract accordingly.

VOLUNTARY LIQUIDATION.

CERTIFICATE UNDER SECTION 31.

We, ——— and ———, being a majority of the board of directors of the ——— Bank of ——— at ———, Oklahoma Territory, do hereby certify that at a meeting of the shareholders of said bank, held at the banking house of said bank in the city of ———, Oklahoma, on the ——— day of ———, 190—, pursuant to notice given to all of the shareholders of said bank, as required by law and the by-laws of said bank, the following resolution was adopted:

Resolved, That the ——— Bank, of ———, Oklahoma, be placed in voluntary liquidation, under the provisions of section 31, chapter 4, of the laws of 1899, of the Territory of Oklahoma, and the directors of this bank are directed and empowered to pay all depositors and creditors of the bank, and make the certificate of liquidation required by law, and surrender this bank's certificate of authority to transact a banking business under the laws of Oklahoma to the bank commissioner of said Territory. The above resolution was adopted by the following vote:

Name.	Residence.	Number of shares.

The total number of shares constituting the capital stock of the said bank is ——— shares. There were present at said meeting, either in person or by proxy, stockholders representing three-fourths of the capital stock of said bank.

Now, therefore, we further certify that the said bank has paid its depositors in full and that this bank has at this time no unpaid liabilities of any kind or nature.

——— ———,
Director.
——— ———,
Director.
——— ———,
Director.

TERRITORY OF OKLAHOMA,
——— ——— *County, ss:*

Subscribed in my presence and sworn to before me by the said ——— and ———, this ——— day of ———, 190–.

——— ———,
Notary Public.

My commission expires ———, 190–.

RESOLUTION TO INCREASE CAPITAL STOCK AND CERTIFICATE OF INCREASE.

At a meeting of the shareholders of the ——— Bank of ——— at ———, Oklahoma, held on the ——— day of ———, 190–, after notice given to all of the stockholders of said bank, as required by law and the by-laws of said bank, at which ——— shareholders were present in person, and ——— shareholders were present by proxy, representing ——— shares of the capital stock of said bank. It was

Resolved, That under the provisions of section 18, article 3, chapter 17, of the laws of 1893, of Oklahoma Territory, the capital stock of this bank be increased in the sum of $———, making the total capital stock $———.

The above resolution was passed and adopted by the following vote, representing more than two-thirds of the capital stock of said banking corporation:

Name.	Residence.	Number of shares.

Total number of shares:

Thereupon the said increase of stock was paid in, and the same as increased is now fully paid in cash.

Signed at ———, Oklahoma, this ——— day of ———, 190—.

——— ———,
President of Stockholders' Meeting and Director.
——— ———,
Secretary of Stockholders' Meeting and Director.
——— ———,
Director.

TERRITORY OF OKLAHOMA,
——— ——— *County, ss:*

Subscribed in my presence and sworn to before me this ——— day of ———, 190—.

My commission expires ———, 190—.

——— ———,
Notary Public.

APPENDIX I.

THE WILLIAMS-RODDIE BANKING BILL.

Passed by the first State Legislature of the State of Oklahoma and approved by the governor December 17, 1907.

Amendatory and supplemental to the Oklahoma banking laws as heretofore published in pamphlet form by the banking department.

OKLAHOMA BANKING LAW.

Banks are semipublic institutions. The character of their business is such that they must practically stand or fall together, and a law that protects depositors will of itself be the best protection that the banks themselves can have.

Honesty and capability in banking are indispensable to proper protection of the depositors and for protection of the banks themselves.

Dishonest and reckless banking must not exist.

Active managers of banks must not be borrowers from their own banks.

Banks must be frequently and carefully examined.

The following new sections and amendments have been made to the existing banking laws of the State of Oklahoma, which gives the State a code of laws which forever insures the stability of the banks and the safety of deposits:

Be it enacted by the people of the State of Oklahoma:

SECTION 1. A State banking board is hereby created, to be composed of the governor, lieutenant-governor, president of the State board of agriculture, State treasurer, and the State auditor.

SEC. 2. Within sixty days after the passage and approval of this act, the State banking board shall levy against the capital stock, an assessment of one per cent of the bank's daily average deposits, less the deposits of State funds properly secured, for the preceding year, upon each and every bank organized and existing under the laws of this State, for the purpose of creating a depositors' guaranty fund. Said assessment shall be collected upon call of the State banking board.

In one year from the time the first assessment is levied, and annually thereafter, each bank subject to the provisions of this act, shall report to the bank commissioners the amount of its average daily deposits for the preceding year, and if said deposits are in excess of the amount upon which one per cent was previously paid, said report shall be accompanied by additional funds to equal one per cent of the said daily average excess of deposits, less the deposits of State funds properly secured, and less deposits of the National Government, for the year over the preceding year, and each amount shall be added to the depositors' guaranty fund.

If the depositors' guaranty fund is depleted from any cause, it shall be the duty of the State banking board, in order to keep said fund to one per cent of the total deposits in all of the banks subject to the provisions of this act, to levy a special assessment to cover such deficiency, which special assessment shall be levied upon the capital stock of the banks subject to this act, according to the amount of their deposits, as reported in the office of the bank commissioner, and said special assessment shall become immediately due and payable.

SEC. 3. Banks organized subsequent to the enactment of this act shall pay into the depositors' guaranty fund 3 per cent of the amount of their capital stock when they open for business, which amount shall constitute a credit fund, subject to adjustment on the basis of its deposits as provided for other banks now existing at the end of one year; *provided, however*, said three per cent payment shall not be required of new banks formed by the reorganization or consolidation of banks that have previously complied with the terms of this act.

SEC 4. Any national bank in this State, approved by the bank commissioner, may voluntarily avail its depositors of the protection of the depositors' guaranty fund, by application to the State banking board, in writing, and the said application may be sustained upon terms and conditions in harmony with the purpose of this act, to be agreed upon by the State banking board, the bank commissioner, and the Comptroller of the Currency of the United States: *Provided*, That in the event national banks should be required by Federal enactment to pay assessments to any depositors' guaranty fund of the Federal Government, and thereby the deposits in national banks in this State should be guaranteed by virtue of Federal laws, that the national banks having availed themselves of the benefits of this act, may withdraw therefrom and have returned to them ninety per cent of the unused portion of all assessments levied upon and paid by said banks.

SEC. 5. Whenever any bank organized or existing under the laws of this State shall voluntarily place itself in the hands of the bank commissioner, or whenever any judgment shall be rendered by a court of competent jurisdiction adjudging and decreeing that such bank is insolvent, or whenever its rights or franchises to conduct a banking business under the laws of this State shall have been adjudged to be forfeited, or whenever the bank commissioner shall become satisfied of the insolvency of any such bank, he may, after due examination of its affairs, take possession of said bank and its assets and proceed to wind up its affairs and to enforce the personal liability of the stockholders, officers, and directors.

[Amending section 29 of the banking laws.]

SEC. 6. In the event that the bank commissioner shall take possession of any bank which is subject to the provisions of this act, depositors of said bank shall be paid in full, and when the cash available, or that can be made immediately available, of said bank is insufficient to discharge its obligations to depositors, the said banking board shall draw from the depositors' guaranty fund and from additional assessments, if required, as provided in section 3, the amount necessary to make up the deficiency, and the State shall have, for the benefit of the depositors' guaranty fund, a first lien upon the assets of said bank, and all liabilities against the stockholders, officers, and directors of said bank, and against all other persons, corporations, or firms. Such liabilities may be enforced by the State for the benefit of the depositors' guaranty fund.

SEC. 7. The bank commissioner shall take possession of the books, records, and assets of every description of such bank; collect debts, dues, and claims belonging to it, and upon order of the district court or judge thereof may sell or compound all bad or doubtful debts, and on like order may sell all the real or personal property of such banks upon such terms as the court or judge thereof may direct, and may, if necessary, pay the debts of such bank and then enforce the liability of the stockholders, officers and directors; *Provided, however*, that bad or doubtful debts as used in this section shall not include the liability of stockholders, officers, or directors.

[Amending section 29 of the banking laws.]

SEC. 8. It shall be the duty of the bank commissioner, or one of his assistants, to visit each and every bank, subject to the provisions of this act, at least twice each year, and oftener if he deem it advisable, for the purpose of making a full and careful examination and inquiry into the condition of the affairs of such bank; and for that purpose the bank commissioner and his assistants are hereby authorized and empowered to administer oaths, and to examine under oath the stockholders and directors and all officers and employees and agents of such banks, or other persons. The commissioner shall reduce the result thereof to writing, which shall contain a full, true, and careful statement of the conditions of such bank, and file and retain same in his office.

[Amending section 24 of the banking laws.]

SEC. 9. The bank commissioner's salary shall be twenty-five hundred dollars ($2,500) per annum and traveling expenses, and he shall appoint, subject to the approval of the Governor, necessary assistants, and the salary of each assistant shall not exceed fifteen hundred dollars ($1,500) per annum and traveling expenses.

[Amending section 54 of the banking laws.]

SEC. 10. The bank commissioner shall deliver to each bank that has complied with the provisions of this act a certificate stating that said bank has complied with the laws of this State for the protection of bank depositors, and that safety to its depositors is guaranteed by the depositors' guaranty fund of the State of Oklahoma. Said certificate shall be conspicuously displayed in its place of business, and said bank may print or engrave upon its stationery and advertising matter words to the effect that its depositors are protected by the depositors' guaranty fund of the State of Oklahoma. The printing or engraving of a false statement to the fact last before this named is hereby declared to be a felony.

SEC. 11. After the bank commissioner shall have taken possession of any bank which is subject to the provisions of this act, the stockholders thereof may repair its credit, restore, or substitute its reserves, and otherwise place it in condition so that it is qualified to do a general banking business as before it was taken possession of by the bank commissioner; but such bank shall not be permitted to reopen its business until the commissioner, after a careful investigation of its affairs, is of the opinion that its stockholders have complied with the laws; that the bank's credit and funds are in all respects repaired, and all advances, if any, made from the depositors' guaranty fund fully repaid, its reserve restored or sufficiently substituted, and that it should be permitted to again reopen for business, whereupon said bank commissioner is authorized to issue written permission for reopening of said bank in the same manner as permission to do business is granted after the incorporation thereof, and thereupon said bank may be reopened to do a general banking business.

SEC. 12. No person shall be eligible as director of any bank organized or existing under the laws of this State unless being otherwise qualified he is also the bona fide owner of five hundred dollars ($500) of the stock of such bank fully paid and not hypothecated. Such stock shall not be pledged for any loan or debt. Any director, other officer, or person who shall participate in any violation of the laws of this State relating to banking and banks shall be liable for all damages which the said bank, its stockholders, depositors, or any other person shall sustain in consequence of such violation.

SEC. 13. It shall be unlawful for any active managing officer of any bank organized or existing under the laws of this State to borrow, directly or indirectly, money from the bank with which he is connected. The officer authorizing a loan to any of said persons, as well as the person receiving the same, shall be deemed guilty of larceny of the amount borrowed.

SEC. 14. Every president, director, cashier, teller, clerk, officer, or agent of any bank who willfully embezzles, abstracts, or misapplies any of the moneys, funds, securities, or willfully assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree, or who willfully makes use of the bank in any manner with intent in either case to injure or defraud the bank or any individual, person, company, or corporation, or to deceive any officer of the bank, and any person who with like intent aids or abets any officer, agent, or clerk in any violation of this section shall be deemed guilty of larceny, and upon conviction thereof shall be punished as for larceny of the amount directly involved.

[Amending section 39 of the banking laws.]

SEC. 15. Every bank doing business under the laws of this State shall have on hand at all times in available funds the following sums, to wit: Banks located in towns or cities having a population of less than 2,500 persons, an amount equal to 20 per cent of their entire deposits; banks located in cities having over 2,500 population, an amount equal to 25 per cent of their entire deposits, two-thirds of which may consist of balances due to them from good, solvent banks, selected from time to time with the approval of the Bank Commissioner, and one-third shall consist of actual cash: *Provided*, That any bank that has been made the depository for the reserve of any other bank or banks shall have on hand at all times in the manner provided herein 25 per cent of its deposits. Whenever the available funds in any bank shall be below the required amount, such bank shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividends of its profits, until the required proportion between the aggregate amount of its deposits and its lawful money reserve has been restored; and the Bank Commissioner shall notify any bank whose lawful money reserve shall be below the amount required to be kept on hand to make good such reserve, and if such bank or association shall fail to do so for a period of thirty days after such notice it shall be deemed to be insolvent, and the Bank Commissioner shall take possession of the same and proceed in the manner provided in this act relating to insolvent banks. The Bank Commissioner may refuse to consider, as a part of its reserves, balances due to any bank from any other bank or association which shall refuse or neglect to furnish him with such information as he may require from time to time relating to its business with any other bank doing business under this act which shall enable him to determine its solvency: *Provided*, That all savings banks or savings associations which do not transact a general banking business shall be required to keep on hand at all times in actual cash a sum equal to 10 per cent of their deposits, and shall be required to keep a like sum invested in good bonds of the United States, or State, county, school district, or municipal bonds of the State of Oklahoma, worth not less than par.

[Amending section 13 of the banking laws.]

SEC. 16. The total liabilities to any bank, of any person, company, corporation, or firm for money borrowed, including the liabilities of the company or firm, and the liabilities of the several members thereof shall not at any time exceed 20 per cent of the capital stock of such bank actually paid in, but the discount of bills of exchange, drawn in good faith against actual existing values, as collateral security, and a discount of commercial or business paper, actually owned by the person, shall not be considered as money borrowed: *Provided, however*, That any bank without impairing its reserve, may advance funds to any person, company, corporation, or firm to assist in marketing agricultural products in amounts not exceeding 75 per cent of its paid-up capital. Such advances or loans must be limited to 75 per cent of the actual cash market value of such products, secured by elevator receipts, warehouse certificates, or yard tickets, with fire-insurance policies in amount to guarantee the bank against loss. The Bank Commissioner shall require any bank to reduce or liquidate any of the aforesaid loans when he deems the security insufficient, believes that the loans are being carried for speculation, or that the condition of the bank will not justify such loans.

[Amending section 14 of the banking laws.]

SEC. 17. The violation of any of the provisions of this act by the officers or directors of any bank organized or existing subject to the laws of this State shall be a sufficient cause to subject the said bank to be closed by the Bank Commissioner and for the annulment of its charter.

[Amending section 21 of the banking laws.]

SEC. 18. Any officer of a bank found by the Bank Commissioner to be dishonest, reckless, or incompetent shall be removed from office by the board of directors of the bank of which he is an officer on the written order of the Bank Commissioner.

SEC. 19. The expense of administering the depositors' guaranty fund by the State banking board shall be paid from said fund.

SEC. 20. All acts and parts of acts in conflict with this act be, and the same are hereby, repealed.

SEC. 21. For the preservation of the public safety, this act is declared to be an emergency and shall become effective immediately after its passage and approval.

Approved December 17, 1907.

THE STOCK EXCHANGE.

Absorbs capital, inspires gambling, cripples legitimate commerce, is the home of false pretenses and spurious goods.

A LEGITIMATE EXCHANGE is a business necessity.

It should exist under control of an official board created by law.

It should list no securities except such as the board find have been lawfully issued, and with substantial worth, based on substantial assets.

An inventory statement should be given the public, showing the real assets back of listed stocks and bonds, so that the purchaser may know the intrinsic value thereof.

Tangible as well as intangible assets should be truthfully shown.

If the assets are property, or cash, or good will, or tariff favoritism, or whatever the assets may consist of, give the public fair notice.

Wash sales should never be permitted.

Short selling should never be permitted.

Margin transactions are gambling, and should be prohibited.

The concentration of vast volumes of call loans to a few borrowers (an incident to margin trading), and subject to payment on demand, will forever make the finances of our country unstable, and therefore should be restricted.

Officers of a stock exchange should not be permitted to trade therein.

Officers of a corporation, whose securities are listed, should not be permitted to trade therein.

Lenders of money (or the officers) for stock-exchange dealing should not be permitted to trade on the exchange directly or indirectly.

In short, a stock exchange under lawful control should be limited to bona fide purchases and sales of legitimate securities.

A SAMPLE INVENTORY.

If the truth were told by correct inventory to-day of three-fourths of the largest capitalized industrial companies that have manipulated their way onto the New York Stock Exchange list since 1901, for each one hundred million dollars capitalization, the statement would read about like this:

Mills, stock on hand, and all other tangible property	$20,000,000
Working capital	5,000,000
Value of patents (not cost, of course)	25,000,000
Estimated benefit of tariff law	50,000,000
Total	100,000,000

And most of them would show even more water and less real value.

Extracts from address of Governor C. N. Haskell before Kay County (Okla.) Farmers' Institute:

"We are not here to encourage strife, envy, or jealousy between people of different walks in life; our hope is to aid in promoting brotherly love. But brotherly love can only be the outgrowth of equal and exact justice.

"Life, to be a period of happiness, comfort, and prosperity, must be mutual. Farmers, bankers, merchants, manufacturers, railroads, and other interests are each and every one of them a part of the necessary aggregate, each one essential to the welfare of the other.

"The great family of industry and progress is divisible into two general classes:

"First, those who create the things indispensable to life and the basis of all business (and the farmer is the head and shoulders of this entire class).

"Second, those whose business is the handling of created things. The banker finances the business, the railroads transport the freight, the merchants distribute the products and the goods throughout the land, and the manufacturer supplies the implements and tools; all have their usefulness in life, and the aim of government should be to preserve equally and to prevent one class from overreaching or preying upon another.

"Pioneer life in every State has demonstrated the fact that it is possible for the producing class to live without the other business elements, but that existence in pioneer days was short of the comforts of life that these aggregate elements afford; but I do say that when I see the producing class forced to content themselves in Newkirk to-day with a 25-cent dinner at a restaurant, and know that some of the commission class in the great business centers require a $5 lunch, I am constrained to believe that the difference between the producer and the agent is too great to indicate 'equal and exact justice to all.' It reminds me that it is not sufficient for us to shout for joy over dollar wheat and 10-cent cotton, unless the actual producers are getting a fair share of these prices.

"ANOMALOUS CONDITIONS.

"Never before in the history of our country have we faced such an anomalous condition as now confronts us.

"Our crops are bountiful.

"The prices are good.

"And yet a financial panic is upon us.

"Nothing can be more absurd. We are like unto the man of great wealth whose millions might be stored in a vault with the door locked and the key lost, and in consequence the man starving for his supper.

"There must be a reason for such remarkable and absurd conditions.

"FINANCES.

"My judgment is that this reason is found in a too limited circulating medium in the first place, and, secondly, in the unrestricted use of what money we have for gambling purposes. The first proposition is one that has been talked so many years that we are not going to take time in our weak thoughts to supplement the able arguments that all of you have heard in years past, but to the second proposition I want to devote a little time.

"First, permit me to read quotations and comment of the New York World, renewed by comment from the Wall Street Journal (of November 20):

"'You can look for immediate relief wherever you please. When you tire of looking elsewhere, you will agree with me that the quickest road to financial relief is to close the New York Stock Exchange and free the currency that it dominates and turn it into the channels of legitimate commerce.'—Governor Haskell, of Oklahoma, in his inaugural address.

"'I also regard it as most desirable that the taxing power of the Government should be used to prevent gambling in railroad stocks by taxing all sales, where delivery is not made within such reasonable time as to indicate that the transaction was bona fide and not for speculation.'—Chairman Hepburn, of the House Committee on Interstate Commerce.

"'All this is notoriously true. For three weeks and more legitimate business has been bled white in order that ready cash could be provided to keep the Wall street gambling game in operation.'—New York World.

"'All this is notoriously untrue. The legitimate business of the country has not been bled during the past three weeks in order that ready cash could be provided to keep the Wall street gambling game in operation. As a matter of plain fact, Wall street speculation has been at a minimum during the whole period of the panic. The fact that the stock exchange has been open and its market in operation during this panic has been one of the most beneficent facts of the situation. It has been of enormous value to the country. It has, for one thing, provided a place where the bond and security reserves of the banks and of individuals could be sold in order to obtain the cash with which to meet the needs of the country. Moreover, one of the saving clauses of the panic has been the enormous investment buying in small lots for cash in Wall street. Margin operations have been strictly discouraged. The closing of the Stock Exchange during this panic would have been a national calamity. It is not too much to say that it would have plunged the country into universal insolvency.

"'Moreover, it may be said tath for a year or more, it has not been Wall street speculation which has extended the credits of the country so much as the speculation in real estate that has been in progress, not merely in New York, but throughout the country, and to this speculation Oklahoma has contributed its share.

"'The idea of abolishing the stock exchange as a cure for financial ills has been frequently advanced in times like this. But any country which attempts to prevent speculation will only hurt itself. Such a remedy is like cutting off one's nose to spite one's face. That Wall street might well increase its rate of margin from 10 to 20 or 25 per cent in its speculative operations in order to cut off a lot of speculation which is unsound and dangerous, is probable, but any tax levied upon business is a tax upon enterprise. Speculation has its place in the economy of business. It may be, and often is, grossly abused, but it enormously facilitates the advancement of enterprise, and if this country wishes to progress as it has in the past, it should be careful to maintain as free from outside interference as possible its great market for securities.

"'Germany has tried the experience of restricting stock trading in Berlin in order to stop speculation, but with such injurious effects that it is now considering a plan for reinstating a free market.'—Wall Street Journal.

"I am ready to agree that a stock exchange, conducted under regulations of law for the purpose of affording a convenient place to buy and sell legitimate stocks and bonds, would be a public convenience, if not indeed a public necessity.

"But the stock exchange, as conducted for years, is a public calamity, where intrigue, conspiracy, avarice, recklessness, malice and the spirit of gambling hold full sway, and destroy any element of usefulness that legitimate business might enjoy. We commonly speak of the New York Stock Exchange, because it is the central organ, to which all other exchanges in our country are tributary.

"LISTING STOCKS.

"The admitting to the lists of the stock exchanges of stock and bonds of any company for trade upon its floor should be, at least, a guaranty of intrinsic value, stability and honesty, so far, at least, as moral obligation would assure the people. Contrary to the opinion of some writers, I think that the stock exchanges should not list securities upon new, unknown or incomplete enterprises, but that the lists should be limited to known proven values. This is not done, and is one of the sources of greatest danger. No inflated issues of stocks or bonds should ever be admitted to the lists.

"WASH SALES.

"Publicity has corrected many evils, and will have to be called into use many times again for the same purpose. Every sale and purchase on the stock exchange should carry with it publicity, the name of the seller and the purchaser as a necessary means of avoiding wash sales, and other crooked practices, which are possible only by the present methods of secrecy. Under the present rules of the exchange, nobody but the broker and his client are supposed to know who is the seller, and nobody but the opposite broker and his client are supposed to know who the purchaser is. If you were to ask one of the managers of the stock exchange if wash sales are permitted he would tell you 'Certainly not,' and yet one familiar with the practices knows that invariably markets are boomed (particularly on newly listed securities) by a persistent system of selling and buying back and forth between the schemers, who have manufactured securities of little intrinsic value, and are trying to entice the suckers (sometimes called lambs) into the buying side of the market. This is carried on for days; while the newspapers publishing daily purchases of the stock sought to be boomed, and with a constantly advancing price the lambs are impressed with the notion that the stocks are active and will continue to rise in value. It is only then that the wash sales cease and the lambs are given a chance to buy uninterruptedly, and the next thing that happens the schemers have unloaded millions of dollars' worth of valueless stocks and bonds upon a multitude of inexperienced and uninformed purchasers, all because a stock exchange exists for the benefit of the gamblers, and not for the protection of the buyers of legitimate securities.

"SHORT SELLING.

"If stock exchange dealing as managed to-day is not a gambling proposition, then why permit anyone to sell something that he don't own, and can't deliver unless he can afterwards borrow or buy it from another (in case delivery is ever required)? The facts are that open short selling of stock is carried on to a limit where the entire outstanding issue of that particular stock is oversold, and delivery could not possibly be made if all of the purchasers demanded their stock at one time. The fact is that the seller had nothing to sell, but was simply betting his margin money that his liberal selling and other conditions would so beat down the market price of that particular stock that he could turn buyer himself in time and secure enough stock (purchased at a lower price) to cover his short sales, and thereby make a profit. He might just as well have bet the amount of his margin money that the sun would not shine to-morrow, and then wait the result to see whether he had won or lost his bet. Will the Wall Street Journal contend that the short selling of Northern Pacific stock in May, 1902, which run the price of that stock up to $1,000 per share, and for a time demoralized finances throughout the country, was beneficial to legitimate commerce?

"MARGIN DEALING.

"It can safely be said that less than 5 per cent of the stock exchange transactions are for the bona fide purpose of either selling what is owned, or buying as an outright purchaser. It is an old saying among the New York Stock Exchange veterans that two classes of persons only can ever hope to get rich on the stock exchange. First, those who manufacture stocks and bonds of little actual cost and boom the price until they unload on the lambs. Second, the brokers who are content to act for others in buying or selling, earn their commission of $12.50 on each 100 shares, and put it in their pockets for keeps. Legitimate business necessitates that a stock exchange should be limited to bona fide sales and purchases, but the stock exchange as it is run is at least 95 per cent of it a margin business, and by a margin business we mean that the seller goes into the broker's office and deposits $1,000 in money (for example) and orders the broker to buy him $10,000 worth of the stock or bonds indicated. The broker becomes banker and broker at the same time, and in turn borrows the money from the great financial institutions of Wall street and vicinity to carry practically all of the other $9,000.

"The short seller likewise margins his order with usually about 10 per cent of the par value of the thing which he desires the broker to sell. There are two principal objections to permitting the margin business. First, the gambling feature. It induces people to buy and sell on the stock exchange purely as a wager, a mere bet that the future prices will either go higher or lower (as the case may be), and this character of transaction is not in the slightest degree beneficial to the legitimate buying and selling of legitimate securities. You could strike out all the margin purchases and sales of the stock exchange, and while you would vastly decrease the amount of shouting and trading in the stock exchange room, you would not in the slightest degree limit bona fide business transactions. Indeed, you would increase legitimate transactions, because in the absence of an opportunity to gamble in margin transactions, you would add largely to the money available for actual purchases. Margin trading is the greatest source of panicky conditions. There is scarcely a time when the money owed on margin transactions is not equal or greater than the whole circulating medium of the United States. And unfortunately for the stability of the finances of the country in general, this money so owed is usually subject to payment on demand. As a rule the broker is liable to be required by the bank to pay on demand the loans that he has obtained in order to carry his numerous customers. The bank may notify

the broker any morning that his loans must be paid before the close of that day's business, and what is the result? That single broker may notify hundreds, yes, thousands, of customers in the next few minutes that they must largely increase their margins (if not pay the whole sum), and thus the panic begins. The prairie has been set on fire, as it were. Many of the customers had been gambling to the extent of their last dollar in their original margins; others may be able to increase their margin for the first time, or second time, but ultimately they, too, drop out of the fight, the bank persists in calling its loans, the broker has no alternative except to throw his customers' stock upon the market for liquidation. Now, consider for one moment; there are about eleven hundred brokers on the New York Stock Exchange, and a dozen big banks can call hundreds of millions of dollars of loans in a single hour, and if the banks persist in calling the loans, the eleven hundred brokers spread the call each to their numerous customers. Defaulting customers multiply, volumes of stocks and bonds are thrown upon the market, and the panic is on. Legitimate securities have their values shattered, and are carried down by being in bad company on the stock exchange with worthless securities. It is the concentration of demand indebtedness giving the power to a few banks to call such a vast volume of loans on a day's notice that will forever give us an unstable financial condition so long as this power rests in a few hands; and to say that this power is not often abused, and for selfish purpose, is to dispute the truthful history of recent years. Will anybody pretend that the panic of December, 1899, had any legitimate cause or any cause in fact other than a desire on the part of one strong banking element to wreck another, and again, can anybody pretend that what was known as the Venezuela panic in 1895 occasioned by the remote possibility that President Cleveland's Venezuela message would provoke a conflict with Great Britain, would ever have been occasioned had the margin practice not been in existence? The second sober thought of the people left no cause for alarm whatever, but before that second thought, the bankers' power to call the vast amount of loans incident to margin trading on the stock exchange had wrecked legitimate as well as a vast volume of illegitimate business. And to say that the stock exchange is not a consumer of ready cash is to state the veriest nonsense. There has not been a time in years that a Wall street bank would consider a legitimate loan to a wholesale merchant or a manufacturer, or a bona fide grain or cotton dealer without first looking at the stock exchange ticker. If the pulse of the stock exchange was smooth and even, then the banker had money for legitimate lines of commerce, but if the ticker indicated a feverish condition of the stock exchange, the banker's answer was ready at once. It would be: 'Leave your cotton in the warehouse, leave your grain in the elevators; they won't spoil there.' To the merchant: 'Limit your trading; the ready cash can't be spared. The stock exchange may turn to the bad any minute, and our banks must be prepared for the emergency.' To say that the demands of Wall street, involving amounts greater than all the circulating medium in the United States, and authorized to demand the cash at any time, does not cripple legitimate business requires an argument much stronger than the mere assertion of the Wall Street Journal.

"In times of financial stress the stock exchange must be favored (they tell you) by giving it the first privilege in the use of cash 'to avoid a general financial calamity.' In times of peace it is favored again. It is then that the bankers demand 20 per cent interest for a loan secured with live stock, while they accept 2 per cent on a loan secured by watered stock.

"DAYS OF GRACE.

"Better termed days for calm reflection; would also work for stability in the financial world.

"Stop the pell mell grand rush, which is the finishing touch to the well-laid scheme of the gambler to corner or smash the market.

"The foolish war scare,—

"The premature frost in the west,—

"And like inspired influences made to order and which often unsettle finances from ocean to ocean would usually fall flat if the power to cap such climax by hasty action was limited.

"Remember one thing: We will never have stable financial conditions as long as the power is in the hands of a few men in a single city to call such vast amount of loans on short notice, no matter whether such action be inspired by fever occasioned by gambling, by foolish war scare, or by an effort to corner or smash the stock market.

"They say stock exchange speculation is essential to prosperity; yet they favored abolishing the Louisiana Lottery which was a game of chance, free from manipulation, and gave its patrons a fair gambler's chance for his money, and affected no one but patrons; and now they defend a gambling game subject to manipulation, and the effect of which controls the supply and rate of interest on money for every legitimate line of commerce.

"Let me give you an illustration of a class of stocks and bonds, which never should have had the credit of recognition by the New York Stock Exchange. While I do not claim to be better informed than many others, yet I have some knowledge of stock exchange methods and as affording an opportunity for bona fide dealing in legitimate securities, under legal control, and for cash, I am in favor of a stock exchange. But as an opportunity for displaying worthless goods and for gambling practices and margin transactions as it now exists, I am opposed to it.

"As an illustration, I want to use a company of which I also had some opportunity to know their methods and valuations. As a contractor for years, I was a considerable customer for the products of one of its subcompanies, and as a lawyer, I performed some services for a subcompany that familiarized me to some extent.

"I speak of the United States Steel Company. I do not know why they gave it the name of 'United States Steel Company,' other than that its purpose may have been to 'steal' from the whole United States.

"I also take this company as an example, because iron products have always been considered a leading staple in the manufacturer's line, as corn is in the agricultural line, and we used to hear our fathers say, that iron and corn went hand in hand. And the United States Steel Company is not an infant industry in the sense that we understand the word 'infant.' For it has a capitalization of over eight hundred million dollars of stock and nearly six hundred million dollars of bonds, outstanding, a total of fourteen hundred and forty million dollars, practically equal to half the circulating medium of the United States.

"What does this company own that gives it this tremendous value, or does it really have the value?

"Let us see:

"This company was created in 1901 for the purpose of becoming the owner of iron and steel manufacturing plants, properties, etc.

"It acquired the leading plants of the country until now it lists over one hundred and twenty plants, located in about a dozen different States of the Union. The purpose of acquiring these plants by one company was to destroy competition, create trusts (as it were), or monopoly, and thereby be able to control the price at which they would sell nails, wire, railroad rails and other iron products to the American consumer. Having thus monopolized practically all of the American mills they rely upon an import tariff law, passed by Congress, to shut out foreign competing mills.

"And what is the total value of these assets?

"In 1902, Mr. Schwab, then president of the United States Steel Company, was called on by a chancellor in New Jersey to prepare an inventory of the assets of this infant industry. After inflating the valuation of factories, mills, stock on hand, appurtenances, and so on (and including the cash in the treasury), to the highest degree that a sensible reading public might pass without criticism, he was was still seven hundred million dollars short of making the inventory valuation equal the amount of outstanding stock and bonds. A happy thought struck him and he made the two ends meet by saying with one stroke of the pen: 'Our ore lands are worth seven hundred millions of dollars.'

"Handy, wasn't it?

"He could have said twelve hundred million dollars, if it had been necessary.

"Schwab knew very well that these ore lands had not cost the schemers who created the company 5 per cent of seven hundred million dollars.

"TRUE INVENTORY.

"A true inventory at that time would have read about like this:

"Ore lands, mills, stock on hand, cash in the treasury, and every other thing of value, about four hundred and forty million dollars.

"Dingley Tariff Bill benefits, about ten hundred million dollars.

"That would have been a true inventory of the United States Steel Company assets, and yet the New York Stock Exchange gave faith and credit to these spurious issues of stocks and bonds, by admitting them to its list for trading purposes.

"The governmental authorities slept while this gigantic steal was going on and the lambs who bought the stock were being fleeced; even the United States mails were permitted to be used to scatter this destructive blast throughout the world. You will note there are two sides to a condition created by such practices. Through the medium of the stock exchange thousands of people throughout the world have become owners of these grossly inflated issues. Two-thirds of their value depends upon an unjust act of Congress that may be repealed at any day, for will any one pretend that when Congress is prepared to stand for the people's rights that this great company, which now sells a quantity of nails at $6.50 after a long shipment to foreign shores, shall be permitted to exact $10 for the same quantity of nails from the American farmer right at home. And when that wrong is righted and the United States Steel Company is denied the right to rob our people, what will become of the innocent purchasers who have invested in its inflated securities. One of two innocent parties must continue to suffer. Either the innocent purchasers of the United States Steel Company's stocks and bonds, from purchases made possible by a gambling stock exchange manipulated by the frenzied financiers who manufactured these issues, or a long-suffering public must continue to be robbed by tariff based on robbery only. And this is not a new subject. But a few short months ago this same United States Steel Company, which by the manipulation of its managers had boomed these stocks to tremendous prices, fell like an avalanche on legitimate finances, and in a few days showed an aggregate depletion of nearly a half billion dollars.

"Wall Street Journal, will you contend that a stock exchange that recognized and put its stamp of good faith upon such securities is a legitimate business enterprise, necessary to the welfare of honest finances?

"It can truly be said that the battle of Gettysburg spread sadness into fewer homes than did the decline in prices of the United States Steel Company's stocks, and that, while every scar on the field of Gettysburg was a badge of honor, these scars on Wall street were brands of disgrace and destruction.

"There is one comforting thought, however, and that is that there is one day in the year when the United States Steel Company is capable of putting a correct value on its assets, and that is the day when they value their property for taxation. Their last annual report says that their taxes for the year were $4,356,126. This is practically two-elevenths of 1 per cent of what they say their property is worth for stock exchange purposes. When we realize that about 2½ per cent is the usual amount that other folks pay for taxes on the value of their property, it leads us to suggest to the tax collector that it might be well to remind the United States Steel Company that they are either stealing from the tax authorities or they are misrepresenting their value on the stock exchange. True, the United States Steel Company shows a net earning of about $180,000,000 for last year, being about 12 per cent on their stock exchange value, or about 40 per cent on their actual value, about 100 per cent on the value they return for taxation, but who will take care of the day on Wall street when the Dingley tariff bill shall be so revised as to deprive this favored institution of its right to rob the American consumer of steel and iron products. That day will see another panic, whenever it comes, unless stringent laws shall have been passed placing the stock exchange under legal control, depriving it of the power to deceive the public through the dealing in spurious securities, destroyed margin dealings, wash sales, gambling, and every other practice except that of legitimate bona fide buying and selling of legitimate securities.

"Neither should the officers of companies whose stocks and bonds are listed on the stock exchange be permitted to deal in them. The recent instance of one in control of a great railroad property in the West secreting the financial conditions of his company and its ability and likelihood of dividend paying, to the end that he might profit by purchases of its stock, should be a sufficient object lesson, at least to those who suffered from his manipulation. And what is the practice of the great Wall street bankers? Is there 20 per cent of them who do not directly or indirectly deal on the stock exchange and whose personal profit can not be increased by either the restricted loaning of money from his bank to the margin traders or by the raising of interest rates or the calling of loans on the same people. If one of these bankers has made his bet that stock will fall in value, he has but to use his power as a banker to call loans or raise interest rates and he has won his bet; or, if he has bet that the price of stocks will advance, he has but to encourage the more liberal loaning of money and reducing of interest rates to brokers and he will win that bet. And in view of all these gambling manipulations, possibilities, and oppor-

tunities, when the chief schemer and manipulator, and in many instances the great banker, are one and the same person (or aggregation of schemers) and having the management of the stock exchange subject to their dictation, and the financial policy of the country under their thumb. What do you say, citizen of the producing class, to this stock exchange as it is now operated? A public necessity or a business calamity?

"Always bear in mind that we have in these great financial centers and among the wealthy class many men of honor and patriotic purpose, and who, when the time comes, will respond to the opportunity to create a legitimate stock exchange limited to legitimate purposes."

OKLAHOMA'S PRACTICAL PLAN TO SECURE ELECTION OF UNITED STATES SENATORS BY DIRECT VOTE OF THE PEOPLE.

Governor Haskell is the first to commence action for a constitutional amendment under article 5 and calls the plan the "Oklahoma plan."

His Christmas greetings to Oklahoma follows:

THE PEOPLE'S CHRISTMAS GREETING.

"There has been plenty of talk. The Oklahoma policy is that actions speak louder than words.

"It is customary in many States at Christmas time to extend executive clemency to some State prisoner, but on this occasion I find no application for pardon ready for hearing under the law upon which I am at all satisfied that the pardoning power should be exercised; but after a conference, I am fully convinced that there is an opportunity to a certain extent to aid in liberating eighty millions of people.

"For years there has been much talk concerning the election of United States Senators by direct vote of the people, the same as we elect the governor and other State officers. This talk avails us nothing, and the time has come when we should either quit talking on the subject entirely or take appropriate action to secure definite results.

"To elect United States Senators by direct vote of the people the Constitution of the United States must be amended. We find there are two ways to propose amendments to the Constitution. One is for the United States Congress, by a two-thirds vote of both Houses, to provide for submitting the question of amendment to the several States of the Union.

"The other method of securing the submission to the States of an amendment to the Constitution is for two-thirds of the States of the Union through their legislatures, to requesting Congress to call a convention of the States for submission of amendments to the Constitution. Whereupon the Constitution of the United States says that Congress shall provide for such convention of States, and the submission of the amendments to the Constitution which such convention shall propose to the several States for their proper ratification, and in either event when the proposed amendment is submitted to the several States, if three-fourths of the States of the Union shall concur in the amendments, the Constitution of the United States thereby becomes so amended.

"For years the people have waited for the Congress of the United States to submit such an amendment to the Constitution; several times the House of Representatives at Washington has adopted the proper provision, but has never secured the concurrence of the Senate. Therefore, it is time that the second method be resorted to, and if action is taken in Oklahoma, and thirty other States of the Union join therein, Congress must then provide for the convention of all the States to formulate the amendment."

Governor Haskell says that beyond question a vast majority of the people of the United States desire to elect their Senators by direct vote of the people, and this desire has resulted in primary election laws, whereby fifteen of the States of the Union now recommend Senators to be elected by the legislature, but such action is only a recommendation to the legislature, and has no binding effect.

The governor, proceeding with action as a proper substitute for mere talk, has prepared a special message to the Oklahoma legislature, which will be ready for its consideration when it reconvenes after the holidays, respectfully requesting the legislature to adopt the following joint resolution:

"*Be it resolved by the senate and house of representatives of the State of Oklahoma, in regular session of the legislature assembled:*

"SECTION 1. That the Congress of the United States is requested to call a convention for proposing amendments to the Constitution of the United States, pursuant to Article V thereof, and to provide the mode of ratification by the several States of the amendments so proposed.

"SEC. 2. That at said convention the State of Oklahoma will propose among other amendments that section 3 of Article I of the Constitution of the United States should be amended to read as follows:

"'The Senate of the United States shall be composed of two Senators from each State, chosen by the electors thereof as the governor is chosen for six years; and each Senator shall have one vote. They shall be divided as equally as may be into three classes, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, the governor may make temporary appointments until the next regular election in such State. No person shall be a Senator who shall not have attained to the age of thirty years and been nine years a citizen of the United States, and who shall not, when elected, be an elector of that State for which he shall be chosen. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided. The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.'

"SEC. 3. There is hereby created a commission to be composed of the governor, and four members, to be appointed by him, who shall hold office during his pleasure, not more than two of whom shall belong to the same political party, to be known as the senatorial direct election commission of the State of Oklahoma. It shall be the duty of said commission to urge action by the legislatures of the several States and by the Congress of the United States to the end that a convention may be called as provided in section 1 hereof. The members of said commission shall receive no compensation.

"SEC. 4. This resolution properly authenticated shall be transmitted by the governor to the Congress of the United States and to the governor of each State in the Union."

Mr. CARTER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 26, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 25, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

UNITED STATES COURT AT DOTHAN, ALA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the consideration of the bill H. R. 17524.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the following bill:

The Clerk read as follows:

A bill (H. R. 17524) to provide for circuit and district courts of the United States at Dothan, Ala.

The SPEAKER. The bill was read yesterday. Is there objection to its consideration? [After a pause.] The Chair hears none.

Mr. PAYNE. Will the gentleman from Alabama yield to me?

Mr. CLAYTON. Certainly.

Mr. PAYNE. I desire to say a word or two before this bill shall pass. I find that this bill creates a new division of the district court of Alabama, in the middle judicial district, in which the court is now held at Montgomery. This bill creates a new division, which is composed of six counties, and provides that the court be held twice a year in the town of Dothan. The bill also contains a proviso that suitable rooms and accommodations be furnished for the holding of said court, free of expense to the Government, until the public building provided for by act of Congress is erected. There is something of a delusion in that clause. The last public building act provided for a post-office at Dothan, in the State of Alabama, at an expense of $40,000. Of course a court-house can not be built for any such sum. It simply means the building of a court-house at an expense of $150,000 and more in order to accommodate this new division of the court.

Now, there is a statement before the committee, made by the district attorney, in which he claims, on the basis of some indictments that were found the year before, that there would be a saving of $4,000 or $5,000 on witness fees by reason of having a court at Dothan; and that might be true, although it seems that the district attorney might have made a more detailed statement that would show the actual expense, and not the average number of witnesses that appeared in these trials.

What I object to in this sort of legislation is this: That when you get one division, immediately there is application for another. A judge has written me in regard to one State—there has been an application for a division which included only one county—of making a number of these divisions in judicial districts in his State; and the only result of that is that in these divisions the courts are not more frequently held than six months apart, or two courts in a year. If a man is indicted at one of these courts he can only proceed to trial in the subdivision where the crime is alleged to have been committed; so that he must wait for six months, even if he pleads guilty.

It presents the spectacle of a United States judge going around and holding court for a day or two in each one of these divisions scattered over the judicial district. I think this is a practice that ought not to obtain. I think, if I can have the consent of the House, I will put into the RECORD a letter I have lately received from a district judge in the State of Arkansas, wherein he fully sets out the evils of this latter-day tendency of Congress to create so many divisions, which have jurisdiction only over the kinds of cases that arise in those smaller divisions and the causes of actions there. It illustrates very well the evils that are growing up out of this practice, against which I protest. And I think that hereafter, unless there is a recommendation from the judge of that district, setting forth the reasons why it would be better to have an additional division, I shall feel in duty bound to object to this sort of legislation. I ask unanimous consent to print this letter in the RECORD as a part of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York for the printing of the letter referred to?

There was no objection.

The letter is as follows:

DEPARTMENT OF JUSTICE,
EASTERN DISTRICT OF ARKANSAS, JUDGE'S CHAMBERS,
Little Rock, Ark., February 14, 1908.

Hon. SERENO E. PAYNE, M. C.,
Washington, D. C.

MY DEAR SIR: I have read with great interest what you said last Monday on the subject of establishing new divisional courts of the

United States. These courts are very often established when there is no necessity whatever for them, at a great expense to the Government and great inconvenience, and in many instances injustice to litigants who are compelled to have their suits in these divisional courts.

Speaking for the district over which I have the honor to preside, I wish to give you the following facts: There are now three divisions in this district, the principal court being held at Little Rock, one at Helena, and a third at Batesville. Efforts have been made by residents of various counties in this district to have new divisions established and the court to be held in their city. I have been advised of efforts to have six new divisions made in this district at the present session of Congress. Fortunately the distinguished gentlemen who are Representatives in Congress from this State have in most instances inquired of me as to the necessity of these courts, and having been advised that there was no necessity for them they have not introduced some of the proposed bills. But it happens quite frequently that Representatives fear of offending their constituents if they fail to introduce and press these bills, with the result that new courts are established when there is no necessity whatever for them.

Let me give you the facts as they exist in this district. In some of the divisions which it was proposed to create at this session I found that in the last ten years there were less than ten civil suits instituted in the United States courts for this district against citizens of the proposed division, and the average has been about two criminal prosecutions a year in some of these divisions. We have now two divisional courts in addition to the court held in this city. The one at Helena is held twice a year; the average session of each term is four days. At Batesville the session usually lasts two days and sometimes three days. The trial of civil suits is usually postponed for one or two terms by reason of the fact that one of the parties is not ready for trial owing to the absence of witnesses, which means an additional delay of six or twelve months. If the suit is instituted and service of process had less than twenty days prior to the beginning of the term the cause has to be made returnable at the later term six months off. In criminal cases, with the exception of the cases in which the defendants desire to plead guilty, the trials have to be postponed until the next term, as the defendant claims that he has to procure witnesses, and they can not be obtained in time for that term unless the court should adjourn court from day to day until they can be served. The witnesses for the Government who testified before the grand jury are then required to appear at the next term at a great expense to the Government. If the defendant is unable to secure bail for his appearance at the next term or if he happens to be arrested and held by a United States commissioner two or three days after the court has adjourned at that place, and he is unable to give bail, he must remain in jail for six months, until the next term of court. Grand and petit juries have to be summoned for these courts at every term at an expense of from twelve to fifteen hundred dollars, each term lasting two or three days.

On the other hand, the court held at Little Rock is open practically all the time, except when the judge has to be absent attending the other courts. If a case can not be tried immediately it is postponed until a later day of the term. Defendants in criminal cases can be indicted and tried within a short time after they have had their examination before the United States commissioner. In civil suits, process being returnable twenty days after service regardless of terms, the cases can be tried within three months or less after the institution of the suit.

Another more serious objection to these numerous courts in every district is that it practically defeats the very object for which the national courts have been established. Nonresident litigants feel that jurors selected from a large district are not so apt to be prejudiced in favor of resident defendants as those residing either in the same county or adjoining counties in which the defendant resides, and with whom they are on friendly terms. If United States courts are to be established in divisions comprising only three or four counties the jurors of these courts would be practically the same men who serve as jurors in the State courts, thus defeating the very object which causes most of the nonresidents to seek redress in the national courts in preference to the courts of the State.

In my opinion, the committee to whom these bills are referred should inquire of the presiding judge of the district in which it is proposed to establish the new court of the advisability and necessity for such a court. They are familiar with the conditions existing and their opinion would assist the committee in reaching just conclusions.

We have now six national courts in the State of Arkansas, and the demand is, so far as I have been informed, for nine additional courts, although the present judiciary act has limited the jurisdiction of those courts to a great extent, and the legislature of this State has still more limited it by prohibiting foreign corporations doing business in this State from either instituting in or removing to the national courts causes to which they are parties, either as plaintiffs or defendants, under penalty of forfeiting their license to do business in this State. As the supreme court has sustained the validity of an act of that nature in Security Mutual Life Insurance Company *v.* Prewitt (202 U. S., 246), the effect of this legislation has caused a marked decrease in the litigation of the United States courts in this State. In fact, so great has been this decrease of business in these courts that I am often assigned to assist judges of the United States courts in other States in this circuit as the business here is not sufficient to keep me busy all the time.

Very respectfully, yours, JACOB TRIEBER, *Judge.*

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. PAYNE. Certainly.

Mr. HENRY of Texas. When it is proposed to create a division of one of these courts, who do you think is most competent to judge, the local Representative in Congress or the judge himself?

Mr. PAYNE. Oh, the judge, by all means.

Mr. HENRY of Texas. To whom should this question be left?

Mr. PAYNE. The judge is, by all means, the most competent.

Mr. HENRY of Texas. You think we should establish courts for the convenience of the judge and not for the convenience and benefit of the people of the judicial district?

Mr. PAYNE. Oh, no; but the judge has ample opportunity to see the needs and conditions in his judicial district.

Mr. HENRY of Texas. It strikes me that the people and their Representative would be the proper ones to determine that.

Mr. PAYNE. Think of it! Half a dozen divisions and only one judge. A man is indicted to-day and the court adjourns. He is apprehended to-morrow. If he can not give bail he must wait a year, until there is another court held in that division, before he can come into court and show his innocence of the charge against him.

Mr. HENRY of Texas. Does not the gentleman know that throughout the South there are only two terms of the Federal court held in a year?

Mr. PAYNE. No; I do not know that.

Mr. HENRY of Texas. Well, it is a fact, even if the gentleman does not know it. They hold two terms a year, and not more than that.

Mr. PAYNE. I did not suppose that condition existed in any district in the United States.

Mr. HENRY of Texas. Why certainly it does. It exists in every district.

Mr. PAYNE. If it does, it would be a great deal better to increase the number of terms of court, and not divide the district up into little divisions, where court can not be held frequently. I should not object to a reasonable increase in the number of the terms of court, and I should not criticise this bill if it provided simply for two additional terms of court at Dothan, where the litigants might appear and be given additional opportunities for the hearing of cases during the year. Of course, a court should be open at all times for the purpose of receiving a plea of guilty, if a prisoner, after he is apprehended, desires to present that plea. The court should be open at the place of residence of the judge, by an adjournment from time to time. There ought not to be any difficulty about that.

Mr. MANN. Will the gentleman from Alabama yield for a question?

Mr. CLAYTON. Certainly.

Mr. MANN. I notice the bill provides that suitable accommodations and rooms shall be furnished without expense to the United States until the public building provided for by act of Congress shall be erected. I take it that a public building has been provided already by act of Congress.

Mr. CLAYTON. At the last session of Congress an appropriation was made for a public building.

Mr. MANN. Was the holding of this court then contemplated, or will that require an enlargement of the public building or an increase in its cost?

Mr. CLAYTON. I can not tell the gentleman about that, because I have not seen the plans and specifications of the building, and I have not consulted with the authorities having that matter under consideration.

Mr. MANN. Then it is not the gentleman's present intention to follow this bill up with a proposition to increase the size and cost of the public building already provided for, using this as a basis?

Mr. CLAYTON. In view of the statement I have made in the hearing of the gentleman, I hardly think that is a fair question.

Mr. MANN. I did not hear distinctly what the gentleman said, but it seems to me to be a fair question. I do not want to bind the gentleman as to what he shall do in the future.

Mr. CLAYTON. I will say to the gentleman in all frankness that I shall do just what the gentleman would. I shall get as many public buildings and the best public buildings in my district that it is possible to get. I think that is fair.

Mr. MANN. Of course we all know that, but I think the gentleman, in all frankness, ought to say to the House whether it is his present intention to use the passage of this bill as an argument for an increased cost of a public building already provided for.

Mr. CLAYTON. It is quite likely that I will. I am frank with the gentleman, and I hope my answer is satisfactory. Mr. Speaker, I do not desire to make any remarks. This bill comes from the committee with a unanimous report. The bar and the people down there want it; it is for the convenience of the citizens, and will save the Government $4,000 to $5,000 annually, according to the district attorney's statement, and will be of public convenience and will save many thousands of dollars to the people who have business in the court. I do not sympathize with the idea of the gentleman from New York [Mr. PAYNE] that we should keep the courts away from the people. I think the courts afford a means of spreading public intelligence and of inculcating a spirit of love of the law and of justice. I do not know of anything that has done more good in this country than the holding of court where the people see justice administered.

I know nothing of conditions in Arkansas to which the gentleman refers. We are not considering any case there. This is a bill to meet conditions in Alabama and has the approval of an important committee of this House charged with the duty of reporting to the House proper and necessary legislation. Perhaps it would be well for all judges to attend to their own business. Some have achieved fame by that course.

The SPEAKER. The gentleman from Alabama asks unanimous consent to print a statement in the RECORD. Is there objection?

There was no objection.

Mr. WILEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILEY. To offer an amendment. I move to amend the bill by striking out the word "Covington" wherever it occurs in the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the bill, wherever it occurs, the word "Covington."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read the third time and passed.

On motion of Mr. CLAYTON a motion to reconsider the last vote was laid on the table.

STREET RAILWAY EXTENSION.

The Speaker laid before the House the bill (S. 902) authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes, with a House amendment disagreed to by the Senate.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked for by the Senate.

The motion was agreed to.

The Speaker appointed as conferees on the part of the House Mr. SMITH of Michigan, Mr. CAMPBELL, and Mr. SIMS.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the Army. And pending that, I would like to ask the gentleman from Virginia [Mr. HAY] if we can not agree on some time when general debate shall be closed.

Mr. HAY. I think so.

Mr. HULL of Iowa. How much time does the gentleman want?

Mr. HAY. Three hours and a half on this side.

Mr. HULL of Iowa. Can not that be cut down a little?

Mr. HAY. I do not think it can; I have already made promises for that amount of time, and I would not like to break them.

Mr. HULL of Iowa. I have no idea that we will use three hours and a half on this side, but I will ask unanimous consent that general debate shall be closed in seven hours, providing that if it be concluded sooner we shall proceed with the reading of the bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent that general debate shall be closed in seven hours, providing that if it be closed sooner the reading of the bill may be begun.

Mr. HULL of Iowa. And in connection with that, Mr. Speaker, I ask that the time between the two sides shall be equally divided, one half to be controlled by myself and the other half by the gentleman from Virginia [Mr. HAY].

The SPEAKER. That order was made yesterday.

Mr. HULL of Iowa. That was only made for yesterday.

The SPEAKER. The gentleman also asks that the time shall be equally divided between himself and the gentleman from Virginia.

Mr. HULL of Iowa. I will say that general debate will undoubtedly take all of to-day.

The SPEAKER. The Chair will ask the gentleman from Iowa if this takes into account the time that was used yesterday?

Mr. HULL of Iowa. No; I understand it takes into account from now on.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion of Mr. HULL of Iowa was then agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERMAN in the chair.

Mr. HULL of Iowa. Mr. Chairman, I want to make a correction as to the amount carried in this bill for the increased pay of the Army. I have here an estimate sent me on the 20th of February by the Department in which the increased pay of the Army under the bill, as reported from the Committee on Military Affairs, was given as $4,940,560. I stated yesterday in round numbers $5,000,000. I am in receipt this morning of a revised estimate from the Paymaster-General's Department, giving the entire increased pay accorded by this bill, if the provision shall be adopted, as $3,973,000, a very large decrease from the amount I stated yesterday. The gentleman from New Jersey [Mr. PARKER] suggests that it has to be added to the bill. I have stated if this provision were adopted it would increase the appropriation about $5,000,000. I state now on the revised estimates that if the provisions are adopted the increase will be below $4,000,000. In other words, they made a mistake of over $1,000,000 in the estimates submitted on the 20th of February. Of course the House understands that if the provisions submitted for increased pay of the enlisted force go out of the bill there will be no increase whatever to the bill on this account, and these increases are only given on the theory that the House will adopt the provisions reported from the committee.

I desire to give notice at this time that the gentleman from New Jersey [Mr. PARKER] will discuss the bill proper, and Army matters, as soon as the first gentleman accorded time on the side of the minority concludes his remarks.

Mr. HAY. Mr. Chairman, I yield one hour to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Chairman, among the delightful recollections of the Fifty-ninth Congress there stands out conspicuously the eloquent speeches and the learned arguments made upon the floor of this House. The range of legislative activity was such as to involve the necessity for scrutinizing and analyzing practically every governmental function and faculty. It was a historic session. As has been the case, I suppose, since the beginning of the Republic, many matters not immediately before the body for legislative action were argued and discussed. One of these was the tariff question. The demand for a revision of existing schedules coming up from the various sections of the country, coming not only from those individuals who opposed the policy of protectionism, but coming as well from the interests and associations and individuals who have favored it, while they received here no legislative recognition, were yet accorded a respect somewhat in keeping with their dignity and importance. It was realized that that question was before the country; that it was eliciting earnest consideration and patriotic attention, and it resulted that the strongest leaders in thought and activity on both sides of this Chamber took part in the discussion in regard to it. While it was somewhat in the nature of a dress-parade drill, in that the question was never directly before the body for legislative action, yet it was such a drill as to call for the most potent artillery, and the very heaviest guns were put in action. The results of the succeeding election made no change in the party management in this House, and so, therefore, that question, with its attendant refinements and consequences, is still before the country, as it will be, Mr. Chairman, until there is a *change in party management.*

I have not arisen, however, for the purpose of making a tariff speech at this time. At some future time I may ask permission to do so, because I am of those who hold fast to the belief that this matter of the manipulation of the taxing power of the Government—aside from certain constitutional questions going to the governmental structure and power—presents the most delicate, the most far-reaching, and the most pregnant issue of American politics.

But I have risen, Mr. Chairman, at this time rather to call attention to the existence of a condition which, because of past teaching and an association of ideas, is inevitably to have a bearing upon this tariff question, and that, sir, is the condition of industrial depression following the panic of October, 1907. Just what bearing this condition ought to have upon the settlement of the tariff question will of course be determined by each voter according as his reason or his prejudice may incline him. I pass by that specific phase also and venture to call attention to another.

Mr. Chairman, the party now in power, by the words of its past platforms, by the speeches of its eminent leaders, has deliberately, persistently, and incessantly *saturated* the public thought of this country with the idea that this Government is an entity *properly paternal;* that the taxing power of the Government, given it in order that it might sustain itself despite State caprice and whim, may be manipulated not alone, not immediately, for the purpose of raising revenue, but to serve as a shield and a shelter to such interests as are sufficiently fortu-

nate as to gain the legislative favor against competition from like interests and industries lying without the governmental domain.

That party has gone further than that. It has taught the people that unless this force was so exercised, so manipulated, economic conditions would be uncertain and unsound and industrial advancement could not be hoped for. It has gone still further, Mr. Chairman. It has taught the converse of this latter proposition. *It has taught the people that if this were done, if the taxing power were so manipulated, then financial stamina was sure and commercial prosperity unfailing.*

And it is this logic which looms before that party now to strike it with confusion and to thrill it with despair.

Many years ago the late James G. Blaine in a great campaign speech made, if I remember correctly, to a league of Republican clubs in the city of New York, entered into a discussion of the relation between political parties and industrial conditions, and in that speech he ingeniously, adroitly, and elaborately laid down the proposition that the application of the protective policy had always been followed by prosperous industrial conditions and the application of the principles of those opposed to that policy has been followed by depression. Whether Mr. Blaine was the first to elaborate this idea I do not know, but certain it is that from that day to last October that idea has been the fundamental and organic idea of every Republican platform and of every Republican campaign speech made here or elsewhere throughout the Republic.

I know, sir, that generalizations in regard to great social movements are always likely to be erroneous; but I think it can be safely asserted that the Republican organization through the whole of its life has had just three fundamental campaign arguments. I do not mean three at any one time, but one at each of its three different stages. The party first came into power by an affiliation with the antislavery sentiment of the country. In the second stage it maintained its power by an appeal to the heroic memories and the intense but inevitable passions that were engendered by the war in which slavery was abolished. When, however, the passions began to be dissipated and prejudice began to give way and men came to view public questions in the light of cold, calm, dispassionate reason, Republican supremacy was immediately threatened and at length overthrown.

Then, sir, came the third step and the third argument with which we of this generation are so familiar, that Democratic success means adversity and Republican success means prosperity.

The Republican platform of 1888 foreshadowed this. The platform of 1892 hinted at it, but it was not until 1893 that the argument was worked out to its full force.

In that year a Democratic Administration, the first after 1856, was inaugurated following the election in November, 1892. Prior to its inauguration a panic had occurred, with resulting industrial depression. This panic, in fact, had its beginnings in 1890, continued through successive years, and fell with the heaviest force and fury in 1893 and 1894. Straightway adroit and ingenious Republican leaders began to reduce the prosperity argument to a science. Speeches here were filled with it. The party platforms contained that as the practical statement of their case; a partisan press took it up. Those publications, run in the immediate interest of those associations desiring protectionism, began to carry it in black-faced type. The campaign text-books, put forth for the mental illumination, if not for the spiritual uplifting of the spellbinders, were teeming with it, and from the great auditoriums in the centers of population where the leaders spoke, down to the rural schoolhouses where the humbler, if not less hungry, orators shed the effulgence of their intellectual light upon the pathway of the voter, there rang out just one cry, "Republican success means prosperity; Democratic success means adversity."

That argument was effective. By force of it a Republican House was elected in 1894 and a Republican President in 1896, and, the party being restored to power, the Dingley bill was placed upon the statute books; and from that day until last autumn that argument has been at once that party's buckler and its shield, its cloud by day and its pillar of fire by night. When has the party, as a party, ever met another issue squarely? In 1896, when the question of silver coinage was the issue, you gentlemen on that side put into your platform an impossible proposition about international agreement, not because you favored it, but in order to avoid the humiliation of eating the words that you had spoken in 1888, and went forth to battle crying, "Enact a new tariff law, open the mills and not the mints." [Applause on the Democratic side.] When the delicate questions growing out of the Spanish-American war arose you cried out, "Why, what is imperialism? We have made the country prosperous." What care you for constitutional abstraction, what care you for organic limitations, what care you for all this talk about the consent of the governed? It is true that men have died for that from the time when the rude men in the German forests raised their shields and elected their tribal chiefs and leaders, but after all it is a mere abstraction. "We have filled the dinner pails and made you prosperous. We are the Government, the paternal Government. Eat, drink, and be merry for to-morrow you may die."

Daddy killed a blind bull,
Human natur', human natur';
Mammy fried a panful,
Sop and 'tatur, sop and 'tatur.

[Laughter and applause.]

I repeat, that argument was effective. Through force of it the party was restored to power and has retained that power. And this brings me, sir, back again to the condition stated in the beginning that now confronts the country in general and the Republican party in particular.

I have no intention, Mr. Chairman, of entering now into any anaylsis of the recent panic and the present industrial condition. You gentlemen upon that side may do that when you choose. I have not seen any very great hurry to enter into an analysis on that side. That may excite some wonder at first, but upon reflection it can occasion no very great surprise, because I think it would be difficult to find where the Republican party or the Republican leadership has ever attempted to analyze any panic in public. You have sought rather to fix in the public mind the idea that it occurred *at a time which suited your purposes, and have chosen to let causes take care of themselves.*

Now, Mr. Chairman, when I speak of the condition as a new condition confronting the Republican party, I do not mean just simply the occurrence of a panic under Republican Administration. That would not be true. As a matter of fact *every panic and every industrial depression since 1860 has come with the Republican party in power and with Republican legislation upon the statute books.* [Applause on the Democratic side.] That this is true of the panic of 1893, so-called, has been so often said that it is useless to reiterate it now. In fact, this has been admitted by our Republican friends, but they have always coupled the admission with the statement, "Ah, but a Democratic Administration had been elected and, therefore, the business men of the country were alarmed because of anticipation." When this has been replied to by pointing to the indisputable evidence that the panic of 1893, so-called, in fact had its beginnings in November, 1890, just a few weeks after the McKinley law went upon the statute books, then you gentleman on that side have responded, "Well, admitting that, the election of November, 1890, had been held, and that was the midterm election, and through all the history of the country that midterm election has been the invariable and infallible prophecy of what was to occur at the succeeding Presidential election, and the business interests of the country, being wise to this fact, having a knowledge of political astrology, being versed in the divination of the political stars, became alarmed then because they knew that, according to infallible prophecy, a Democratic Administration was to come in 1892." That, I believe, is the limit, the extreme limit, to which the argument has gone.

Well, sir, the specific condition which confronts the country now is that we may follow you, gentlemen, even to that extreme of folly and ridiculousness, and still you are speared by your own logic. [Applause on the Democratic side.]

Mr. Chairman, in October, 1907, the blessed Dingley tariff bill was on the statute books. Not one sacred schedule had been touched. The midterm election of 1906, that election which you say is the infallible prophecy of what is to occur at the succeeding Presidential election, had been held, and it had resulted in returning to this House an overwhelming Republican majority. A Republican President sat in the White House, a *President who has never threatened the protective tariff.* The President, amid his multitudinous activities, has displayed a warm desire, for which he has been often commended, to control predatory wealth. He has had much to say of the imposition of an inheritance tax in order to prevent the accumulation of tremendous estates, but nothing to say about beginning at the other end and preventing that legislative manipulation by the favoritism of which so many of these tremendous estates have been and are being accumulated. The President has greatly exercised himself in the matter of topping the predatory tree, but has not yet evidenced a willingness to lay the ax at the root of the tree.

The country knew then that such was the stand-pat sentiment of the Senate that even the little Philippine tariff bill, permitted to go through by the stand-patters here, was sleeping the eternal sleep in the pigeonholes of the said Senate's Committee

on Finance. The country knew who was to be Speaker of the present Congress, and knew what his sentiments were, because he had openly and frankly avowed them; knew what the sentiments of the Committee on Ways and Means would be.

The country knew that there could not by any possibility be any "tinkering with the tariff" before 1909, and not then if that midterm election prophecy, in whose infallibility you say the business interests of the country had such confidence in 1890, remained true. Because you know, and the country is beginning to know, *that there never was a dream so hopeless, that there never was a hope so baseless, as that there would be a tariff revision under a Republican Administration.* [Applause on the Democratic side.] You have intimated that you would, you have said that you might, but always you have said, "Wait, wait, wait." [Aplause on the Democratic side.]

How long shall we wait? [Applause.] Oh, wait until Calpurnia has sweeter dreams! [Laughter.] Why, the distinguished gentleman from New York [Mr. PAYNE], the floor leader of the Republican party, ventured to *guess* the other day that there would be revision at the short session of the present Congress, because of the necessity for a minimum and a maximum. Tariff revision at a short session of Congress! Oh, no, Mr. Chairman, there will be tariff revision at the first session, the first long session, of the Sixty-first Congress, by a Democratic House. [Applause on the Democratic side.]

Well, sir; such was the political condition in October, 1907. Not only that; Providence had not deserted the people. The rains had fallen and the sun had shone and the labors of mankind had been blessed with abundance of elemental, fundamental wealth. The needs of the people had expanded; the volume of business had increased; values had risen; all seemed clear and bright and delightful; but suddenly somewhere something stopped. What was it? What could it have been under an unthreatened Dingley tariff? Well, you gentlemen can tell when you get ready. For the present it is important to remember what it was not. It was not a failure of crops. Oh, no. It was not a Democratic Administration; it was not even an anticipation of Democratic Administration according to your political astrology and your divination of the political stars. Just somehow, some way, something stopped. The banks closed their doors or kept open just to do one the courtesy of telling him that he could not get his own money on his own check. They had to do it, let it be said. I mean no criticism of the banks for it. I think locking the stable before the horse is gone is a good policy. But why had they to do it under a Republican Administration, which means prosperity, without any threat of a Democratic Administration, which means adversity? [Applause.] Builders and joiners climbed down from unfinished houses, oiled their saws and chisels and planes, and laid them away to await the coming of better days. Brick masons put away their trowels; stonecutters put away their tools; the hod carriers took a clearing-house certificate and went to hunt another job. [Laughter and applause.]

Painters oiled their brushes and laid them aside and joined the ranks of the idle and unemployed upon the streets. Unemployed men under the operations of an unthreatened Dingley bill! [Applause on the Democratic side.] Farmers hauled their produce to market, or what had been a market, and then hauled it back again because there was nothing there to buy it with. Merchants failing to collect their accounts closed their doors; the jobbers failing to get their accounts from the merchants closed their warehouses. Manufacturers failing to collect their accounts from the merchants and receiving no new orders, closed their establishments. Smokestacks ceased to belch forth their black currents, and over the land arose the pale steam of the charity soup house. [Laughter and applause on the Democratic side.] All, Mr. Chairman, with the Republican party intrenched in every citadel of the Republic, with an unthreatened Dingley tariff bill in effect and with no Democratic Administration in esse or in expectancy.

Oh, Republican Administration means prosperity; Democratic success means disaster! [Applause.]

Mr. Chairman, in the beginning of these remarks I alluded to the great speeches made upon the floor of this House two years ago, in the first session of the Fifty-ninth Congress. It seems particularly appropriate just now to give some more specific attention to some of these. Of course, sir, one can not begin to review them all nor to review all of any one.

There was the prosperity speech of the gentleman from Iowa [Mr. HEPBURN], that formidable, forceful, brave man, of whom I frequently think as "a setting out of the age of Rome," the best and purest age of Rome. Mr. Chairman, his strong and earnest efforts on that day I have no doubt were a potent influence in controlling the results of the succeeding election. But he can not repeat that speech now. Great as it was, it was based on an evanescent condition which has passed away. [Applause.]

Then there were the several prosperity speeches of the gentleman from Illinois [Mr. BOUTELL], a gentleman who comprehends within himself so many of the virtues of distinguished men of the past—the bearing of a Chesterfield, the pen of a Sallust, or an Addison, or a Steele, his lips sweet with the honeyed eloquence that blew through the Athenian groves. He spoke then of Republican prosperity and Democratic panic. He does not speak now of Republican panic. [Laughter and applause on the Democratic side.] He confines his classic efforts now to nominating a candidate for President, to the end that he may enjoy the experience of an inglorious defeat. [Laughter and applause.] I wonder why the gentleman has not spoken of prosperity now? I think perhaps the solution may be found in this which I will read. In a dispatch sent forth by the United Press Association a few days ago there was this:

CHICAGO, *February 11, 1908.*

Never in the history of the Chicago Relief and Aid Society has there been such a demand for assistance as at the present time, is the claim of Superintendent Kingsley, who is in charge of the distribution of the funds by the Business Men's Relief Committee, which has just raised between $25,000 and $30,000 for needy families. "Never in the history of the society have we had so many appeals based entirely on lack of employment."

But it is Democratic Administration that means adversity, while Republican Administration means prosperity! [Applause on the Democratic side.]

Then, Mr. Chairman, there was the speech of the gentleman from Pennsylvania [Mr. DALZELL]. One thinks of him as the Marshal Ney of protectionism, the distinguished lieutenant who led in the victory at Elchingen, who will pit his bold heart and his brave intellect in the rear van and be the last to cross the bridge into Paris upon protectionism's retreat from Moscow, and who will lead the last charge of the "old guard" at protectionism's Waterloo. [Applause on the Democratic side.] He spake then unto the people, and when he reached the climax of his splendid peroration he said:

We do not read our tariff lessons out of books. We read them by the blazing light of open furnace doors, amid the noise of industrial activities, and in the sweat of our brows that we coin into wealth. And God help the man or the party that would put out those fires, still the music of that noise, and send the workman home to a foodless and a hungry household.

Well, sir, I take it that last sentence could have but one meaning, and that is that a party, in the opinion of the gentleman, could put out those fires, could still the music of that noise, could send the workman home to a foodless and a hungry household, and, conversely, that it could prevent those things occurring.

The other day, sir, I read this:

CITY CARES FOR IDLE—PITTSBURG WILL GIVE $400,000 IN WAGES TO UNEMPLOYED.

PITTSBURG, *February 1, 1908.*

A special bond issue of $200,000 by the city of Pittsburg to give employment to its thousands of idle workers on the streets and in the parks was to-day decided on, and a special meeting of councils to pass the bond ordinance has been called for next Tuesday afternoon.

In 1893, during a financial stringency, a similar move was made, thousands of former business men working on the streets and in the parks at $1 per day. In view of the much higher rates of food now it has been decided to pay the unemployed $1.75 per day.

It is understood that there have been so many applications for work from citizens not employed for the past many weeks that it has been decided by the city fathers to take immediate steps toward giving food and money to the people who are willing to work.

It has been decided that another issue of $200,000 will follow the first in case it is seen that such a move is needed.

From subsequent notices in the Pittsburg papers, Mr. Chairman, I see that the first issue of $200,000 has been made, and on the day it became effective 6,000 men were there clamoring for work. I have not learned what was done in regard to the rate of wages, but it is to be hoped that in view of the increased price of food products under Republican Administration the good Democratic mayor out there has exerted his influence toward paying them $1.75 per day. [Applause on the Democratic side.]

Mr. BURKE. Does the gentleman mean to intimate that the conditions in Pittsburg are due to the Dingley tariff bill?

Mr. GARRETT. Oh, I do not know about that. That is for you and your party to say.

Mr. BURKE. That is what we want to ascertain—where the gentleman places the blame for the conditions that exist to-day.

Mr. GARRETT. Was the condition of 1893 due to the Wilson bill? [Applause on the Democratic side.]

Mr. BURKE. The condition of 1893, as is known all over this country, and especially in the city of Pittsburg, was due to the grave apprehension aroused on the part of the business and industrial establishments in the city of Pittsburg and in

other cities throughout this country as a result of a Democratic victory. Now, since the gentleman has quoted from the city of Pittsburg, let me ask him what he has to say to this condition, and I quote from a Democratic paper——

Mr. GARRETT. Mr. Chairman, if I can have time——

Mr. BURKE. I beg your pardon, of course, but this applies directly to the gentleman's statement regarding my own city.

Mr. GARRETT. I yield to the gentleman, certainly, but I hope he will be as considerate as he can in regard to my time.

Mr. BURKE. Well, the gentleman is explaining the condition in the city of Pittsburg, and I should like to have him explain this——

Mr. GARRETT. I will not yield to the gentleman to let him read anything. The gentleman can read it in his own time and explain it.

Mr. BURKE. I should like to have the gentleman explain to the House the origin or cause of the condition that exists in the city of London, and in every other industrial city in England to-day, where every workhouse is filled with idle people, and where the Dingley law is not in force.

Mr. GARRETT. That is what we begged your party to do in 1893 in regard to Australia and every other country, and you would not do it. *The burden is on you.* You covenanted to keep the people prosperous and you have broken that covenant. Go out and tell them why. [Applause on the Democratic side.]

Why, Mr. Chairman, I saw the other day that the net earnings of the United States Steel Corporation, of which, if I mistake not, Pittsburg is the center, for October, 1907, was $17,052,211; for November of that year it dropped to $10,467,253, and in December it had fallen to $5,034,531. I am not certain, but I think the December earnings were the very smallest of any month since the steel trust was organized.

Why? The gentleman from Pennsylvania [Mr. BURKE] is asking me why. Let him and his party tell why. The Dingley tariff bill was the law of the land. Its blessings were dropping like manna from heaven. It was in no danger; it was not threatened. The Democratic party did not close any furnace doors; it did not still the music of the industrial strife; it did not send workmen to a foodless and hungry household.

Strange, isn't it, Mr. Chairman, since Republican Administration means prosperity and Democratic Administration means disaster! [Applause on the Democratic side.]

Then, there was the speech of the gentleman from Washington [Mr. CUSHMAN]. I make no effort to compare or liken him to any man out of the setting of the past. Of course, there was a certain lean and hungry Cassius not unknown to fame. [Laughter.] But, unless it be in personal appearance, my friend from Washington in no way resembles that historic character, because Cassius was a misanthrope, and the gentleman from Washington is anything but that. I leave him in a class by himself, unique, dominating, supreme—himself a standard by which to measure. He made a great speech here two years ago. I doubt if one can find in all the RECORD any single speech which dressed the prosperity argument more attractively for campaign purposes than did that of the gentleman from Washington. It will always be interesting, and there are parts of it that are particularly interesting just now. None is more so, Mr. Chairman, than that portion which he himself declared embodied the idea he was most anxious to emphasize. He said:

> If I don't accomplish anything else in the course of these few desultory remarks, I would like to lodge one thought firmly in the minds of all who hear me, and that thought is that *things in this world do not happen by accident.* Events in the economic and industrial world do not occur by chance or accident.

He elaborated and illustrated this thought, and amid applause on that side of the Chamber applied it to the protective tariff and the policy of "standing pat." The old arguments of Blaine and the old expressions of the platforms were put by the gentleman from Washington in a different style.

I can imagine, sir, with what profound feelings of pain the gentleman from Washington, believing, as he does, in the power of legislation to prevent panics, contemplates the industrial depression of to-day, and how he must, in his sympathetic heart, curse the stupidity which could not, or the folly which would not, detect the storm and prevent it, as it could have been prevented, if his logic is right, by "brains and by energy, by wisdom and by foresight." [Applause on the Democratic side.]

Upon that basis, sir, it would be very easy to lay the blame for present conditions upon the Republican party, because it is capable of proof that that party has energy, and it admits without demanding proof—waives its constitutional rights—and admits that it has brains and wisdom and foresight. [Applause on the Democratic side.]

The gentleman from Washington told us how fortunate it was that during the panic Administration of Cleveland he lived at a place on the Pacific coast, where there was an abundance of clams, and he pledged us his honor that during that Administration he ate clams and ate clams and ate clams until his stomach rose and fell with the ebb and flow of the tide. [Laughter and applause.] The gentleman from Washington perhaps could do the country a service now, and probably encourage emigration to his State, if he is able to rise and say that the clam prospects are good *now under this Republican prosperity Administration.* [Laughter.]

I fear, however, that they are not so good this year, or have not been well advertised, because I heard the other day that 1,500 men recently marched upon the city hall in the city of Seattle, in that State, asking for work and for bread, and, according to popular belief, as I was informed, some of the more desperate of those hungry men, failing to get work and bread, pressed out to a little near-by town—Everett, I believe the name was—and robbed the post-office.

Unemployed men, made desperate by hunger—

> They shiver with cold and they cower in dread
> In the dark and the damp of the night,
> Their faces pinched and their fingers thin,
> Their features marred with want and sin
> And the heartless, hopeless fight.
> God's name to them not hallowed;
> His will not done and His kingdom dead;
> A crumb or a crust their daily bread.

But Republican Administration, of course, means prosperity and Democratic Administration means adversity. [Applause on the Democratic side.]

I guess there's no sign of a sawmill company hanging on that telephone pole in Centralia asking for men to work now. [Applause on the Democratic side.] If that pole was half cut down by whittlers in 1893, under Democratic panic Administration, I fear it may be finished now under Republican prosperity Administration, and we shall see what vote every gash will represent in this good year.

That banner which floated from that pole, then 262 feet long—1 foot for every million dollars of gold bonds issued by a Democratic panic Administration—has it been preserved, I wonder? If so, it can be shortened and used again this year to represent the sixty-two millions of gold bonds and certificates issued by the Republican prosperity Administration.

Confidence? Oh, yes. Depression—that is Democracy. Prosperity—that is Republicanism. Bonds in time of peace! Gold bonds! Interest-bearing gold bonds in time of profound peace to restore confidence! [Applause on the Democratic side.] Confidence in what? In the Dingley bill? [Applause on the Democratic side.]

But, Mr. Chairman, taking them all in all, I believe the most attractive of the prosperity speeches was that by the distinguished gentleman from Indiana [Mr. LANDIS].

That speech was martial and militant. The bugle call was in every sentence. It deserved "to be sung with the throat of the whirlwind"—and it was. It is easy to liken him to a character "out of the setting of the past." He reminds one irresistibly of that young Spartan king who when his enemies demanded his arms replied:

> Come and take them.

I remember, sir, with what dramatic force the gentleman from Indiana displayed here a picture of Coxey's army of unemployed when they surrounded this Capitol in 1894. This came to my memory with peculiar force the other day when I read that the unemployed—I think of the city of St. Louis—were counseling the wisdom of another march upon this capital and were in communication with Coxey with a view of having him lead them. [Laughter and applause.]

The gentleman from Indiana boldly staked his case and the case of his party upon the condition of prosperity and the proposition that the "Dingley bill had done the business." His speech was predicated upon a sign which he saw in the city of Cincinnati as he came on here that year, hanging in front of an employment bureau's office, saying, in large letters:

> All kinds of work for all kinds of men.

The Dingley bill "was doing the business."

Mr. Chairman, I had occasion a short time ago to pass through Cincinnati, and I regret profoundly to have to report that the Dingley bill is not doing the business now. [Applause on the Democratic side.] It abides with us, and you gentlemen on that side abide with it, but that sign has passed away. [Applause on the Democratic side.]

Instead, sir, what do we hear from Cincinnati? Senator FORAKER, of Ohio, made a speech not long ago at a banquet in New York. The papers reported him as saying, among other things:

> A few days ago an officer of one of the mercantile agencies of that city stated that there were on that day, according to their reports, 30,000 idle men in Cincinnati.

The gentleman from Indiana undertook to tell us what would have happened had that sign he saw been posted anywhere in the United States during the Cleveland panic Administration. Some day when the gentleman chooses he can tell us what would happen if it were posted now during the Republican prosperity Administration. [Applause on the Democratic side.] I do not think, sir, he can find finer language than he used then, and to save him the trouble I will borrow it and tell you now. It would be—

Set to music and sung from every hilltop in the Republic.

I remember the bold challenge he flung to the gentleman from Illinois [Mr. RAINEY] that if Mr. RAINEY had an unemployed man in his district, he, Mr. LANDIS, would go home and get him a good job at good wages within twenty-four hours.

Will the gentleman open an employment bureau now? Will he make good? Will he deliver the job? If he will, Mr. Chairman, his name shall be set to music and sung from every hilltop in the Republic. [Laughter and applause on the Democratic side.]

Freight cars and engines representing an investment of $400,000,000 standing idle, and 30,000 idle men, the discharged crews of the idle equipment; sixty-five steam shovels belonging to the largest contracting firm in the South standing idle rusting in the Southern rains, and 25,000 men lately employed by that firm looking for other jobs.

Is the Dingley bill doing the business? Does Democratic Administration mean adversity and Republican success prosperity? [Applause on the Democratic side.]

Oh, gentlemen of the Republican side, you have reached a new era. This dilemma confronts you: Either you must deny the truth of the teachings with which you have saturated the thought of this country for fifteen years, that an industrial depression occurring while a party is in power is due to that party, or you must assume the responsibility for the present industrial and financial holocaust. [Applause on the Democratic side.]

If you do the former, if you eat the words you have spoken for fifteen years, if you concede that your platform utterances and your campaign speeches were intended as mere vote-catching buncombe, that you were opportunists, that you predicated your case upon the belief that you could deceive the American voter—if you concede that, then may God be with you when the November day of wrath shall come. [Applause on the Democratic side.] If you do the other, if you accept the responsibility, then the results are for you too dreadful, and for us too good to contemplate. [Applause on the Democratic side.] You covenanted with the people of the United States to keep them prosperous. If it was a silly covenant, yours is the blame. If it was an insincere covenant, yours is still the blame. If it was sincere, it was silly; if it was insincere, it was criminal. But you made your bed; lie in it. [Applause on the Democratic side.] I do not think you will lie out of it. [Applause on the Democratic side.] You have sown the wind. Oh, how much wind you have sown! Now reap the whirlwind. [Applause on the Democratic side.]

You have taught the people to pray to the Republican party, but now, in the light of recent conditions, when they begin to pray, they approach you even as did the old colored man down in my country, who approached the throne of grace, saying: "Oh, thou all-sufficient, self-sufficient, *insufficient* God." [Applause on the Democratic side.] You have got to learn a new speech. During your first era your argument was prayer. During the next stage it was praise and prejudice. During the next stage it was prosperity. What is the next to be? It has to be something new.

There is no slavery to abolish now except that which you have not yet abolished in the Philippines. You may bring tears by an appeal to heroic memories and cheers by an appeal to any slumbering passion, if any there be, which I doubt, remaining from the war of secession, but you can not get votes that way.

You dare not sacrifice your President upon the altar. He has a prejudice against being sacrificed, and though many of you would like to do it, you have not the courage of your soreness. The industrial depression of 1893 will be no more a vicarious atonement for your party's sins, and the charity soup house will be for you no more a means of saving grace. [Applause on the Democratic side.] We wait, gentlemen, with interesting anticipation the birth of the new thought. [Prolonged applause on the Democratic side.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4632. An act for the relief of the Davison Chemical Company of Baltimore, Md.

S. 5330. An act for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes.

S. 5333. An act relating to yachts.

S. 5507. An act to increase the membership of the Philippine Commission.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HULL of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. LONGWORTH. Mr. Chairman, I simply desire to have read as an appendix to the very eloquent speech of the gentleman from Tennessee the following article from a Democratic newspaper of Wednesday, February 19.

Mr. BURKE. What paper?

Mr. LONGWORTH. It is a reprint in the Washington Post of an article in the New York American. [Laughter on the Democratic side.] The article is from the New York American, a distinguished Democratic newspaper. [Laughter.]

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

[From the New York American.]

BUYERS SPENDING MILLIONS—THOUSANDS OF MERCHANTS FROM THE WEST TALK OF RETURNING PROSPERITY.

Ten thousand business men and women from the West and Southwest are in town spending, it is estimated, $100,000,000. They have driven pessimism from the great downtown jobbing district with stories of assured prosperity and are spreading joy and cash among the hotels, theaters, and other amusement places.

This is the annual buying period for the spring trade, and reduced rates on the railroads are bringing merchants here from the small towns in far-away Texas, as well as from Chicago, St. Louis, and the big centers. The registration at the Merchants' Association is within a hundred odd of the phenomenal registration last spring, when prosperity was at its height. Up to yesterday nearly 2,000 buyers or their representatives, about one-half of whom are women, had registered. They are coming in at the rate of nearly 200 a day. As only a portion take advantage of the special railroad rates, it is estimated that the total number of buyers at present here is about 10,000.

Every hotel that caters to the out-of-town custom is crowded, the big hotels have all they can handle, and the family hotels are turning hundreds of people away. The buyers are being entertained at clubs, dinner parties, theaters, and with automobile trips by the merchants who are receiving the benefit of their trade.

S. C. Mead, secretary of the Merchants' Association, said yesterday of the influx of buyers:

"It means that the country is all right. The men who are coming to New York now to lay in their spring stocks are mainly from the West and Southwest. I have not heard one of them talk about hard times. They laugh at the idea, and I tell you their optimism is having a big effect here in New York. Our merchants rather had the idea that trade was going to be dull this spring, but they have changed their opinion in the past few days. Buyers have registered here from towns of not over 1,000 population in Texas, the new State of Oklahoma, and the entire Southwest, as well as from Chicago, St. Louis, Indianapolis, Detroit, and other big cities.

"The most encouraging reports are brought from Texas, Oklahoma, and Arkansas, where the crops have been good. I have been surprised at the number of new faces and have been told that scores of new business houses are springing up."

In the shops of the H. B. Claflin Company, Tefftweller, C. B. Rouss, the Chelsea Trading Company, and others extra employees have been hired to take care of the increased trade. There has also been a boom in the mail-order business, while reports from commercial travelers are to the effect that conditions are as good as they were this time last year.

Alexander Bombard, representing one of the largest houses in Galveston, Tex., said:

"We have had splendid crops down in our State, and we have no patience with hard-time talk. I am here to purchase one of the largest orders for expensive dry goods that our house has ever put in. Texans have money to spend, and they are going to spend it this spring. My advice to New Yorkers is to cheer up."

A. S. Semmes, of Detroit, said:

"I guess I wouldn't be buying $50,000 worth of clothing, mostly expensive, too, if we were running bread lines in Detroit. The outlook in our section is very bright, and I am sure it is going to be a good business year."

Similar statements were made by business men from Chicago, St. Louis, Louisville, and other cities.

Mr. HULL of Iowa. Mr. Chairman, I yield one minute to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE. Mr. Chairman, in reply to the gentleman from Tennessee, I ask that there be read in my time, or rather I will read an extract, showing the similarity between conditions existing in countries where the Dingley bill is in existence and where it is not in existence. I read the following:

LONDON WORKHOUSES FULL—MANY INFIRM PAUPERS BOARDING AT SANITARIUMS AT THE SEASIDE.

LONDON, *January 29, 1908.*

Inquiries throughout Great Britain show that lack of employment is responsible for acute distress in many towns, the trades most affected being building, engineering, and shipbuilding.

Owing apparently to the slackness of trade, the forty workhouses of Greater London are filled to overflowing. The latest returns show that in these workhouses there are 80,183 boarders, and that 45,821 people are receiving outdoor relief. This gives a ratio of 26.5 paupers to the thousand of the population.

It is impossible to grant all the applications for admittance to these institutions.

When we recall the fact that the London workhouse and the American poorhouse are practically the same, it is evident that the adversity that exists is world-wide and not local; that it covers territory and people beyond all possible reach of the Dingley law or its operation. Whatever temporary hard times exist in Pittsburg to-day, they do not begin to compare in seriousness with those that existed under the Cleveland Administration; but whatever they are, the people of Pittsburg will overcome them, as they have always done in every industrial crisis.

Mr. HULL of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. PARKER], a member of the committee.

Mr. PARKER of New Jersey. Mr. Chairman, I speak to-day of the Army of the United States. I have not prepared a speech, because it is a large subject and I have found by experience that I can be briefer when I speak eye to eye and face to face. In this bill the committee ask you to appropriate for the Army over $85,000,000. We ask you also to increase the pay of the enlisted men, which will increase the pay appropriated by that bill by some $4,000,000. This increase of pay is less than one-twentieth of the total expense of the Army, and the total pay given to our patriotic officers and men is less than $20,000,000. We can rightly appropriate what we give them. They are not a highly paid body of men. The Army is not a place for men who do nothing. The Army is the strong arm of Government. It was fathered by Washington. It was recommended to the attention of Congress in each and every one of his messages. It stands in this country ready to be the first line of defense in time of war; and I wish to say to this House that it now deserves the help of this House as much and more than any army that has ever existed in the United States before.

TRANSPORTATION AND TRANSPORTS.

We learn a good deal from the items of an appropriation bill as to the changes that have taken place in the Army. We find in that bill an appropriation for transportation of nearly $4,000,000, and for ships $5,000,000. That Army is serving the world over. It has to be taken to and from the insular or semi-insular possessions—Hawaii, the Philippines, and Alaska. The ordinary ship does not give to our soldiers bunked in its hold the accommodations that we desire to give to American men. We believe that the transport system that has been established is for the benefit of this country; that it furnishes auxiliaries to our Navy which are more than required, and we have no apologies to make for that system. We have nothing but praise for the wonderful work represented by these two appropriations, constituting together nearly one-tenth of the bill. They represent new conditions. They represent also self-sacrifice by the army of men who go into tropical climates for two or three years at a time, and sometimes, alas, in the past, with loss of health. Now, thank heaven, and thanks to the liberality of Congress and the wise provision of the War Department, we have barracks and quarters in the Philippine Islands, and we are to have and have now a camp upon the hills, in which men can recover their health, can stay for longer times, and can be taken care of as men of America should be taken care of.

BARRACKS AND QUARTERS.

Some appropriations for that purpose remain in this bill. It appropriates $2,000,000 for barracks and quarters in the Philippine Islands. The estimate was for $2,700,000. In these days we have had to cut down here and there as it seemed possible, but we are going to see that the Army of the United States shall live in health and in reasonable comfort, and these appropriations we believe to be almost the last of those that will be required for that purpose.

We have an Army of 67,500 men, if full. Before the great civil war it was but 10,000 men. Afterwards, up to the time of the Spanish war, it was 25,000. An increase from 25,000 to 67,000 means necessary buildings in which to house men and camps in which to keep them. What is more, it means a certain amount of concentration. In the old times our Army was distributed about Indian posts guarding the frontiers. Now the drill that is needed for an army in these days, when it must be trained for warfare with the best-trained armies of the world, at least as the first line, requires there should be larger posts—for at least a regiment, sometimes a brigade. I am free to say I do not altogether agree with the Department as to the system of brigade posts. I believe that a regimental command may be enough for each separate post and that the gatherings of the men for drill in larger bodies may better be in summer camps, under tents, and in communication with the militia and the National Guard, upon whom we must finally rely.

But regimental posts, at least, are required. We are providing them for our increased Army, or, rather, we are just finishing this work.

While the estimate for barracks and quarters is over $4,600,000, we were forced to cut down the appropriation to $3,000,000. The whole amount of the estimate would, perhaps, about complete the system of barracks and quarters in the United States. That completion has been postponed for another year. The appropriation still is large, but like other items is not to be charged to current expenses of the Army, but to the preparation that is necessary for the future in permanent buildings for their use.

MILITIA ENCAMPMENTS.

Now, I deeply regret that the committee found it necessary to strike off a million dollars estimated for this year's encampments with the militia. We must stand by the committee for this year. Any million dollars that can be postponed from this particular time until next year must be postponed. And yet there is no item in which we have higher confidence than in these camp expenses, which are not really chargeable to the standing Army, but chargeable to the great Volunteer Army of the United States, which we expect to call out in time of war.

We spend this money to bring the officers and men of the Regular Army in close touch with the officers and men of the National Guard, and give both of them that instruction which comes from sight of each other, from engaging in the same work, from going over the same problems day after day, from attending the same officers' school at night, from the learning and the experience that come from practice in scout and sentry duty, and above all, from the tactics of those camps, where they march from 20 to 30 miles a day in their various maneuvers. The duty of soldiers is perhaps threefold. First, organization and obedience to officers; secondly, how to shoot straight; thirdly, being able to march and to "get there." These lessons in time of peace had been forgotten in the old days by our militia, and they are being learned now by our National Guard. It is with pride we point to the appropriation for target practice of $1,300,000. It is with like pride that we point to the appropriations in recent bills, and which will be in future bills, for these encampments with the militia, in which they are taught, not thoroughly, but to a certain extent, the work of camping, marching, and the actual service required in war.

ALASKA TELEGRAPH AND ROADS.

We find in this bill items which would have struck men with astonishment in ancient days—several hundred thousand dollars for signal-service expenses and for telegraphs in Alaska and $250,000 for roads in Alaska. These are not merely Army expenses, but for the opening of new territory to civilization and to commerce. They relieve by telegraphic and road communications the thousands who are spread over that great territory, once thought to be merely arctic and incapable of human habitation. This relief given in the Army bill will be repaid to this country in after years a hundredfold.

RESERVE OF RIFLES.

There are other like items, and of one I am personally proud. There is an appropriation in the bill of $1,700,000 for the manufacture of arms, which provides for a hundred thousand rifles every year. Some years ago it was discovered, in the Spanish-American war, that we had few modern rifles, and that we must depend for fighting upon 300,000 to 400,000 old Springfield rifles, without magazines, with a very heavy kick, heavy weight, heavy bullet, and small range, and that we were manufacturing only about 25,000 rifles a year.

I am proud of the fact that the Committee on Military Affairs recommended that the estimates should be largely increased. We are now making 100,000 rifles every year, not for the Army, but for the manhood of the United States in case of war. We have, I believe, six or seven hundred thousand already on hand, but we should not be satisfied until we have the 2,000,000 that are needed fully to arm the people of the United States and the men behind the guns.

RESERVE OF CLOTHING AND EQUIPMENT, ARTILLERY AND AMMUNITION.

Another appropriation which has been very greatly increased this year, and upon the same principle—the committee recommend an appropriation of $7,000,000 for clothing. The Department estimated $8,335,000. We could wish to have given them every dollar, for that clothing is not intended for present use of the Army, but is intended to be stored in the Government warehouses, to a large amount, as a reserve, so that if we call out volunteers in time of war we will not have to wait five or six months for uniforms, as we did in the Spanish war, but will be able to arm and equip our men as they come.

Mr. Chairman, I point out these large items in this bill lest anyone say, "Why, you have only 67,000 men, and only about 50,000 in the ranks at the present time, and you are asking $85,000,000 for their support." It is not so. We are asking this $85,000,000 in large part for the greater army that is to be called out in case of necessity. We appropriate simply in obedience to the old motto, "In peace prepare for war." One gun, costing $17, is worth nearly as much as the man that you keep in the ranks at an expense, perhaps, all together, of a thousand dollars a year, because in case of necessity you can put another man into the ranks to use that extra gun. Clothing ready for use means an organized army at the start, instead of a disorganized mob without uniforms. Equipment in the Ordnance Department and in the Quartermaster's Department and a reserve of artillery mean the same.

THE GENERAL STAFF.

I congratulate this committee and this House that we now have a General Staff, which puts Army men at the head of the Department instead of civilians. That is the great legacy that we have from that greatest of Secretaries of War—perhaps not even excepting Stanton—Elihu Root. By this new system, which puts men at the head of the War Department who know the needs of fighting, we are really making provision from year to year for the national defense.

Mr. Chairman, perhaps I need say no more with reference to questions of money and appropriation. As we read the bill the various items will be explained or will explain themselves. We need now only indicate the wise changes adopted by our Government in the mode of administering military affairs, by which we recognize the necessity of a reserve of raw material, not merely for the Army that we have now, but for the Army that shall be, and by which we recognize that unless that reserve is provided the best little Army in the world would find itself lost at the beginning of a war.

This is not an appropriation for this year; it is an appropriation for the future. It is not spent, but it is saved in our arsenals. It goes into all branches of the military service; not as far as we would like to go, but to a certain extent into arms, quarters, reserve artillery, reserve ammunition, reserve of materials for ammunition, and reserve of clothing. In all those directions the wisdom of the present puts to shame the unpreparedness of the past.

THE STAFF DETAIL SYSTEM.

I can not help saying a word about the system of detail. This question is not in this bill. It has been touched upon by our chairman, with whom I very seldom have any disagreement. I believe in the system of details to the staff as now established, from top to bottom. I believe in it because permanent officials in a staff corps always become independent of the rest of the Army, no matter how you may say they are dependent. They hold their seats in their own offices, and by their permanent red tape they rule even a commanding general. I believe that the staff corps are proper divisions of an army, but that they should be subject to it. I believe in it because it is an odd fact that a man permanently sitting at a desk and receiving requisitions always seems to love to refer to a book to determine whether they shall be filled or not. Meantime the man in the field may have to have what he wants. Detail his brother officer to the staff, and if there be any fault in the requisition his brother officer will say, "Why, he needs that, and he has got to have it. Let us correct the requisition afterwards."

Details put men in the Departments who know the needs of active service and are likely to reform anything that does not work toward the needs of active service. We have seen practical reforms in every bureau of the War Department since the Spanish war and since I have been in Congress by reason of the detail system. That system gives an education of four years to the men who are detailed to the various Departments by which, when they go back to the line, they are ready to take hold of any problem in a future war, whether of transportation, of supplies, of ordnance, or what not. I believe that a soldier ought to be educated as much as may be in all branches of his profession. We attempt that education at West Point; and it is because infantry, artillery, cavalry, and engineers are educated together and in the same branches that we surpass the world in our education at West Point. But I believe that education must continue in the Army itself, and the system that sends men from the line to the various Departments and back into the line is the best and the only way to educate an all-round soldier.

I believe in it also for the reason given by our great Secretary—I will give the substance of his words—who said:

I come to you as an attorney for the Army. They are my clients. I have noticed that when men have a fixed position here in Washington, that year after year in the statutes, by a line here and a line there, the men who stay here receive the favors and promotions, while those upon the frontier fight the battles and are forgotten. I want to give them all an equal share of the acquaintance, the influence, the chance for promotion, which comes from being sent from time to time from the frontier to the central city and from the central city back again.

Mr. HULL of Iowa. Would it interrupt the gentleman to ask him a question?

Mr. PARKER of New Jersey. I will yield to the gentleman.

Mr. HULL of Iowa. How much of that evil has been corrected during the seven years that we have had the detailed staff?

Mr. PARKER of New Jersey. I think it has been very largely corrected. I think you will find that the particular acts to which I am referring, because I do not wish to be personal, that have been passed since that time for the benefit of various officers have been mostly for permanent officers.

But all these considerations work together. Even if special legislation be not prevented, the benefit of the education of the whole line in all branches of military service, and of the instruction of the staff that they must look out for the needs of the military service, and not for the red tape in their own offices, outweighs all defects of the detail system.

Mr. Chairman, there are other items in this bill that tell their own story.

Mr. FOSTER of Vermont. Will the gentleman yield?

Mr. PARKER of New Jersey. Yes.

Mr. FOSTER of Vermont. If it will not interrupt the gentleman at this point, I would like to ask whether the committee took up the question or whether the Department made any recommendation upon the question of the present number of our officers—as to whether we have sufficient number of officers.

Mr. PARKER of New Jersey. The Department thinks we have not enough; I will come to that later. They have thought we have not enough, considering the immense number of details that are made.

THE PERSONNEL.

Of course the important part of an army, the most important part, is not the way they are armed or organized, although that is important, but the kind of men in that army and what they know and what they know how to do. The United States has adopted various ways of getting good officers and good men. Just after the Revolution there seems to have been the same contempt for any school, except that of war, that prevailed after the civil war. We are free to admit that the man who is educated in war knows very much more than one who has been educated in time of peace. We can only try to give the officer in time of peace some of the knowledge needed in war.

Nevertheless it was a pity. It was a great pity that the war of 1812 found our officers so ill educated and our Army so small that the battle of Bladensburg was a cowardly retreat of Americans before Englishmen, not at all superior in number, and that this Capitol was burned. It was a pity that from one end of the country to the other we suffered defeat after defeat until that magnificent natural soldier, Andrew Jackson, ranged his riflemen behind the breastworks at New Orleans, and gained his magnificent victory. When that war was over Congress enlarged the little school at West Point so as to provide that while we had an Army of only 5,000 men we should have 250 boys educated at that school. Two hundred and fifty was much more than sufficient to supply the officers of the Army.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. PARKER of New Jersey. Yes.

Mr. GAINES of Tennessee. The gentleman alluded to the battle of New Orleans and the magnificent fight of the Jackson troops there. About that time, the gentleman will remember that because we had raw troops in and about Washington, the Capitol was defenseless, and was burned and otherwise destroyed.

Mr. PARKER of New Jersey. I so said a moment ago.

Mr. GAINES of Tennessee. And because our troops were not well drilled and did not have the splendid leaders we would have if the policy was followed out, which, I take it, the gentleman is now arguing for.

Mr. PARKER of New Jersey. I do not think I disagree with the gentleman at all.

Mr. GAINES of Tennessee. On the contrary, I was agreeing with the gentleman, I think.

WEST POINT.

Mr. PARKER of New Jersey. I so understood. At that time we instituted the policy of educating twice as many men as were needed in the Army; at least half, and, I think, sometimes two-thirds, of the classes at West Point went into civil life. Who that remembers the magnificent work done in the war with

Mexico does not recognize also that it was those educated men from West Point that had gone into civil life who did most of the best fighting in that war? Educated officers living in the different communities were some of the great men of the great civil war. Jackson was one upon the Confederate side. McClellan and Grant were others upon our side.

Mr. KEIFER. And Rosecrans.

Mr. PARKER of New Jersey. Go through the list and it could almost be said that the men who had gone out from West Point with a military education and then had received the broadening influences of managing great affairs in different communities had at least as good a preparation as the men who went from West Point to some little western fort with a hundred men. The education told. At the present time, when we have 67,000 men in the Army, we have not increased West Point in the same proportion. We have thirteen times as many men in the Army as we had then, and we have not double as many men in West Point, so that we are supplying a very large proportion—I think, over half—of our Army officers by promotion from the ranks instead of from the educated graduates of West Point. Far be it from me to say that I do not believe in promotion from the ranks. I do; but I would like to have ten West Pointers instead of one.

ARMY SCHOOLS.

Why should not the young men who go into the ranks and show themselves fit be sent to get a training at the West Point school or at some other great military school where they may learn all branches of their profession? We lack room there for educating officers, but this bill tells you that the wise provision of this present Administration has done its best to fill the want. It has provided garrison schools for our posts. There are appropriations also for officers' schools in the various departments—cavalry, infantry, artillery, and engineers—and by the most severe competition men who have labored twelve to sixteen hours a day, who have distinguished themselves and passed through the officers' school at Leavenworth, are promoted to the Staff College and then the best men of the Staff College come to the War College here in Washington. They are mostly young men. Our Army has the advantage at present of having mostly young officers.

YOUNG OFFICERS.

It is a curious fact, and one that is in some respects a very great difficulty in the Army, that it is almost impossible to keep the average age about the same. During the long time of peace, almost an unbroken term up to the time of the civil war, officers kept their place for life without any retired list. When the war broke out men of, I think, nearly 80, like General Wool and others who were among the best of our old officers, had to be got rid of by the establishment of a retired list to move them off and fill up their places by younger men. Those younger men were perhaps in many cases unprepared by education to go there, but we had to fill up the list quickly. After the war the young veterans—we talk of old veterans, but men who came out of the civil war averaged under 25 years, an age at which when boys now graduate from college—the young veterans of the civil war filled the officers' list of the Army with that material, the best in the world.

Sometimes generals became lieutenants, and those young men were waiting, waiting, waiting, with no promotion except by the death of their seniors. In 1895 all the generals, colonels, lieutenant-colonels, and majors had been in the civil war, and half the captains. During those thirty years they had been waiting vainly for promotion, some being even first lieutenants in the artillery. During the last twelve years we have seen a change. These heroes are mostly gone. Since 1895, except in the highest grades, the Army has been almost reofficered. Young officers fill it, and it is a good thing for the Army that it is so. Let us congratulate ourselves that the best blood of the American people of the very best age are doing their very best in the line and in service and staff schools, artillery schools, and cavalry schools to improve the Army of the United States. It was earnestly stated before us by the Chief of Staff that we have now, in his opinion, the very best officered Army that there is in the world, and that its service at Peking, as to which an extract was read in the speech of the chairman, proved that as to supply, as to management, as to foresight, our little army in China was superior to any there.

ARMY PAY OFFICERS.

I am afraid, Mr. Chairman, I am taking too much time. The topics are many and important. There is one subject to which I wish now to recur. The committee ask this House for its unanimous consent to an increase in the pay of the enlisted man and a reapportionment of the amounts paid to privates and petty officers. I wish that we could have dared to ask the consent of the House to an increase in the pay of the lower officers—not the higher ones, but the lower officers. The scale of pay for the officers was raised a little in the year 1870, I am not sure but some small modifications were made in 1876. A lieutenant gets $1,400 a year; if mounted, $100 more for the keeping and maintenance of his horse and the employment of some men to take care of it. A captain gets $1,800 a year. As I have pointed out, when the Army remains the same and there is no great increase in number to make promotions by filling new branches of the service, then if it be filled with young men from top to bottom, promotion may be very slow, and a man may be thirty years in the service before he gets beyond the rank of a captain.

In this country, under present conditions, a man of the first rank in education and ability is commanded to live with his equals in the community on equal terms—he and his family—and what would you say to the provision that may leave that man, after thirty years in the service, with only $1,800, plus, I believe, 40 per cent for longevity pay, which makes about $2,520 at the end of that time. A change is urgently demanded, and at the same time the conditions in various parts of this country differ so much that it is very difficult to get any unanimous opinion from any House on any question of salary. Just to give an example, when the question of judicial salaries came up the judges in New York said, and said truly, that $6,000 a year would not pay their house rent, while Representatives from the Southwest said that the judges of their highest State courts received only $3,000 or $3,500, and that $6,000 was exorbitant. The same is true in the Post-Office Department. The payment to a rural carrier in our part of the country of $600 will hardly keep him out of the poorhouse, while in the Southwest, where every man owns a horse, and that horse does not have to be shod, and the roads are sandy and the food is mostly corn, and oats are not, as they are with us, 70 cents a bushel, that man is very glad to get the opportunity to serve for $600 a year.

Mr. GRIGGS. Mr. Chairman, rural carriers get $900.

Mr. PARKER of New Jersey. Nine hundred dollars? It has been raised, then?

Mr. GRIGGS. Certainly; over a year ago.

Mr. PARKER of New Jersey. Very well. I have not kept up with it. I will say, then, as to $900, that that is almost a fortune in some regions, while it is almost poor pay when you get near a city delivery in the Eastern States.

Mr. GRIGGS. What does the gentleman mean by the Southwest? To what section does the gentleman refer?

Mr. PARKER of New Jersey. As to the judges, I refer to the State of Arkansas.

Mr. GRIGGS. If it is Arkansas, it is all right. [Laughter.]

Mr. PARKER of New Jersey. But I am wasting time in comparisons. All I mean to say is that when we get into the question of officers' salaries in a House where some of the Members come from a region where money is worth more than in others, we dare not ask unanimous consent, and may have to leave that for a separate bill. I am sorry. I believe that we must make some provision. I believe it necessary both in the Army and Navy—less perhaps in the Navy.

I will not repeat the figures which I gave in a speech made on February 12 last, with reference to pay, promotion, retirement, and command; but the odd fact is that though the pay of the officer of equal rank is the same in the Army and Navy, the proportions of those holding those various ranks differ so that in the Army only 15 per cent of the total number hold a rank and get pay above that of captain, whereas in the Navy over 40 per cent at that time held that superior rank, and the chances of promotion and to get higher rank were then, and I believe still are, greater than they are in the Army. In every employment the question is not how much is paid to a man in a certain rank, but what chance has he to go to a higher rank—that is, what proportion hold that higher rank and give him that chance. I have gone over this carefully. I regret that both in the Army and in the Navy, with the social and other requirements thrown upon officers, that we can not do something to avoid what is certainly coming in a few years, and that is the crowding of the Army with officers of the lower ranks who have no chance of promotion. I regret it the more because we want to see success reward the earnest efforts of the gentleman from Rhode Island [Mr. CAPRON], who brought in a bill to this House to increase the pay of captains and lieutenants by some small percentage, and then to secure to the enlisted men increase of their pay, somewhat such as we try to give by this bill, by leaving the question of pay to the President of the United States, as it is left to him in the naval bill. The committee saw no hope of carrying through this House the particular form of remedy proposed by the gentleman from Rhode Island, but by his earnest endeavors and by the fact that he called the attention of the

country to the way we are treating the privates and enlisted men throughout we are going to get through some such increase as is given by this bill. That increase is due to him.

PAY OF ENLISTED MEN.—OUR RECRUITS.

I should have been glad if that gentleman had explained the exact changes we have made rather than myself, but I shall try now to give them to the House.

The pay of the private soldier in an army has always been a difficult thing to adjust. In time of war the ranks are filled with the pick of the land. It would neither be possible to pay these millions high pay, nor would it be advantageous. In our Volunteer Army in time of war we want the man who does not reckon the question of pay. In time of peace, our Army is filled with several different classes. We do not get the merely stupid, as a rule, as they do in foreign armies. Our requirements are severe. Our Army does not take fools. We require education, and turn down such a large proportion of the men who apply because of defects, mental or physical, that the figures are astounding. Sometimes over half are turned away that want to enlist. We do get a certain proportion of clever fellows who have made a failure in some other way. Sometimes, alas, it is the man who is turned out of work in bad times. Army recruiting has increased very largely lately. Sometimes it is the man who is down on his luck, whether it be by family or business misfortunes, and some of our best soldiers come from men who at the time they went in said: "I do not know what to do for myself; why not enlist?"

Sometimes, and in a larger class of cases, it is the youngster that thinks he would like to get into the Army as a profession and be a soldier—the same is true in the Navy—and he gets it into his head that he will get a promotion. He is educated and has a chance to take an examination for commissioned officer and take his place in the ranks of the best people of the land. It is something brave to look on the troops at Fort Myer or the engineers at the barracks, and to see the large proportion of fine-faced young men who are in the ranks.

Now, we want those men in the Army. We want to make it possible to have them. I am sorry to say that there have been some measures of discipline taken that I think sometimes drive them out. I think that we ought not to have said to them—I have had that out before and will not argue it now—that they should not drink a glass of beer in their soldiers' clubs—in their post exchange—but must be forced to have it on the outside. I do not think that is the way to treat free-born American citizens. [Applause.] The post is their only home, their only family. If they can take refreshment there, they take it under the restraint of the family, and it can be so arranged by military discipline that nobody gets too much. I have argued that out before and will not argue it now. It is not in the bill.

PRESENT PAY OF NONCOMMISSIONED OFFICERS.—CHANCE FOR PROMOTION.

We have done a great deal for their food. We have made large appropriations likewise for the post exchange, for newspapers, and gymnastics, and all that is there; but the really important thing is to let the man understand that he has a chance for promotion and a rise. Now, I am not going through the details of this matter; that I gave at the last session. The facts are astounding. A private in the Army starts at $13 a month. The man in the Navy starts at $16 a month. The man in the Army, if he becomes, after great difficulty, a first sergeant, gets $24 a month. The pay in the Navy runs up not only through a whole grade of gunners and master gunners and all that sort of thing to $60 and $70 a month, but they have selected from the best of them a set of "warrant officers," so called, who hold for life, like any other officers, and have $1,200 and $1,500 a year of actual pay. These figures are not exactly fair in only one respect. I believe the sailor in the Navy, after the first suit of clothes, furnishes his own uniform. The man in the Army does not. That would only amount to $4 or $5 a month, while the whole difference between the first sergeant in the Army, receiving $24 a month, and the warrant officer in the Navy, receiving $1,500 a year, is so great that it can hardly be understood.

Mr. STEVENS of Minnesota. Has not the gentleman placed the pay of some of the warrant officers in the Navy too low? Some of them get more than that.

Mr. PARKER of New Jersey. The gentleman is quite right. I have the list here. The warrant officers of the Navy include chief boatswains who are ensigns after twenty years, at $1,960 a year; three chief boatswains, at $1,820 a year; twenty chief boatswains, at $1,680; two chief boatswains, at $1,748; thirty-seven, at $1,540; fifty-nine, at $1,300; forty-six, at $1,200; five chief gunners, at $1,960. The gentleman is entirely right. These warrant officers run up into large figures, while the chief petty officers receive $50 to $85 a month; thirty-eight officers of the first class, $36 to $70; of the second class, $35 to $45; third class, $30 to $35. These large provisions for pay have been added in the Navy because probably it is more specialized than the Army. The boatswain has special work to do. The gunner has his particular gun to take care of. The ship is thoroughly organized, with men above and men below; but by means of the right to fix pay given to the President of the United States the result has been that, in round figures, the average pay of the Army last year was $212.50, including all the noncommissioned officers and privates, and the average pay for the Navy was $378.58 a year.

That is, by the estimates of last year the average pay of the Navy was 80 per cent more than the average pay of the Army. We have, by special statute, put in some electricians at $75 a month. There are one or two other signal officers, and some men who do very careful duty with telegraphy who receive good pay; but, on the whole, the enlisted man of the Army is pitifully paid. A private gets $13 a month, with a very small increase for reenlistment. He got $12 a month over fifty years ago by the act of 1854. He got $13 a month by the act of 1861. It is an increase from 1802, when he was paid but $5 a month. But that is not the point. When we wish to recruit an army which is able to do work in the field, we must fill it up with men of ambition, and in order to get men of ambition we have got to pay them fairly. Under the wise advice of the Chief of Staff and Secretary of War the committee has not suggested a large increase for the enlisted men. They believe that the increase should come in the pay of the petty officers, so that the man who is ambitious and fit to be promoted to corporal, sergeant, or first sergeant, or sergeant-major will remain in the Army, while the poorer ones will go out.

And I would not say that only the poorer ones should go out. There is not an army on the continent of Europe that does not train its men for three or four years (in Germany only two years), and there ends their enlistment as far as serving with the colors is concerned (except for a few months in the year for some years and a few weeks afterwards), for the sake of training the whole community as soldiers.

And there is a great deal to be said in favor of a system which will take in a man for a few years, and if he is not good enough to become an officer and does not wish to become an officer, let him go back to the community again, so as to have the whole community filled with men who know the duty of a soldier. European countries provide that they shall remain on the rolls, and shall belong to a reserve, and shall report every year. America might possibly institute such a system, but thus far there is no one who believes it is necessary, because in case of a war there is not one of those young men out of a hundred who have been in the Army and have had their training and gone into civil life that will not come back into the Army of their country for the war. Do not let us fear about that, and do not let us fear if we do not get reenlistments. We encourage reenlistments. We provide by this bill one thing that will help that. Often a man at the end of his enlistment thinks that he is a little tired of the Army.

The CHAIRMAN. The gentleman's hour has expired.

Mr. HULL of Iowa. How much more time does the gentleman desire?

Mr. PARKER of New Jersey. Five minutes.

Mr. HULL of Iowa. I yield five minutes more to the gentleman from New Jersey.

Mr. PARKER of New Jersey. Very often a man feels pretty tired at the end of his enlistment, and goes back home. After he has been there a little while he finds himself tired of home, and reenlists. Now, we want to get those men back more often.

THREE MONTHS' PAY ON ENLISTMENT.

They are some of the best men in the Army, and we therefore provide with all grades that three months' extra pay by way of bounty shall be paid to any man who enlists within three months. If he stays with his regiment, he gets three months' extra pay; if he goes home and stays any time less than three months, he gets pay for any time after he gets back besides those three months. We believe that that will work well.

PROPOSED PAY OF NONCOMMISSIONED OFFICERS.

But the real change made by the bill is in the ranks of the higher noncommissioned officers. Instead of paying a corporal $20, we expect to pay him $24. Instead of paying a quartermaster-sergeant $18, we pay him $30. The drum major, from $25, we raise to $35. The quartermaster-sergeants, engineers, are raised from $34 to $35. We expect to raise the sergeant-majors from $25 to $40. We expect to raise the first sergeant from $25 to $45. The first sergeant of a company is the man who, under the captain, has charge of all the discipline of the company. Can it be believed that up to this time we paid

him less than a dollar a day for taking care of 100 men? He keeps the records; he runs the company. He is the head of the men and represents them with the captain. We have made all too little an increase in all of these grades. The highest that we have upon this list remains the same—the master electrician, $75. Compare that, however, with the $1,960 paid in the Navy. We recognize, Mr. Chairman, that in this matter this House at this time would prefer to go slowly. The bill gives all grades an addition of $3 on the second and third enlistments and $1 for the others up to the seventh.

We hope with this to be able to keep our best noncommissioned officers; we hope to be able to keep men that will drill our men.

You can not have good drill unless you can keep your noncommissioned officers, and we ask of this House now, as only a partial measure, but as one that is absolutely due, that we help the organization of our Army by doing something now, by unanimous consent, for the enlisted men. I wish that every Member of this House were here to hear that request and to know the facts with reference to the way we have treated the enlisted man before he says "no." [Applause.]

APPENDIX A.

NOTE ON NONCOMMISSIONED OFFICERS AND ENLISTED MEN.

The conditions of the service of enlisted men and warrant and petty officers are very different in the Army and Navy. The number of such in the Army are as follows:

Noncommissioned officers and men.	Number.	Pay.
Line	52,578	$10,624,442.25
Engineers	1,232	302,604.00
Ordnance Department	700	229,372.00
Quartermaster's and Subsistence Department	400	96,600.00
Electricians, Artillery Corps	125	69,300.00
Signal Corps	1,212	372,448.00
Hospital Corps	3,155	870,350.00
Total	59,452	12,556,126.25

This is an average pay for each enlisted man of $212.83.

The warrant officers of the Navy (see pp. 614–615) are as follows: 4 chief boatswains (ensigns after twenty years), at $1,960; 3 chief boatswains (fourth five years), at $1,820; 20 chief boatswains (third five years), at $1,680; 2 chief boatswains (third five years) (beyond seas), at $1,748; 37 chief boatswains (second five years), at $1,540; 2 chief boatswains (second five years) (beyond seas), at $1,694; 59 boatswains (second three years), at $1,300; 46 boatswains (first three years), at $1,200; 5 chief gunners (ensigns after twenty years), at $1,960; 6 chief gunners (fourth five years), at $1,820; 17 chief gunners (third five years), at $1,680; 48 chief gunners (second five years), $1,540; 1 chief gunner (second five years) (beyond seas), $1,694; 35 gunners (second three years), at $1,300; 56 gunners (first three years), at $1,200; 10 chief carpenters (ensigns after twenty years), at $1,960; 2 chief carpenters (fourth five years), at $1,820; 21 chief carpenters (third five years), at $1,680; 28 chief carpenters (second five years), at $1,540; 1 chief carpenter (second five years) (beyond seas) $1,694; 39 carpenters (second three years), at $1,300; 30 carpenters (first three years), at $1,200; 6 chief sailmakers (ensigns after twenty years), at $1,960; 116 warrant machinists (third three years), at $1,400; 52 warrant machinists (second three years), at $1,300; 82 warrant machinists (first three years), at $1,200; 17 pharmacists (fourth three years), at $1,600; 4 pharmacists (third three years), at $1,400; 4 pharmacists (second three years), at $1,300, and 66 mates (appointed since August 1, 1894), at $900.

The pay of petty officers and seamen is shown on page 575 of Pulsifer's Navy Year Book (S. Doc. 140, 59th Cong., 2d sess.), which is a perfect mine of information, as follows:

Chief petty officers, $50 to $85.

Petty officers, first class, $36 to $70; second class, $35 to $45; third class, $30 to $35.

Seamen, first class, $24 to $28; second class, $19 to $33; third class, $16 to $24

Commissary branch, $16 to $80; mess-men branch, $16 to $65; enlisted men of the Marine Corps, $13 to $44.

The above rates of pay are affected by the following provisions:

Allowance of 75 cents per month for each good-conduct medal, pin, or bar; allowance of $5 per month for duty on submarine vessels of the Navy; allowance of $5 per month for crew mess men; allowance of 33 cents per day for seamen and ordinary seamen doing duty as firemen or coal passers; allowance of from $1 to $3 per month for men doing duty as signalmen; allowance of from $2 to $10 per month for men doing duty as gun pointers.

The above are the most important variations of pay allowed by law. A few are not given, because of the small number of men affected.

By a more recent Executive order the pay of each rating is increased $5 a month during the second period of service, and $3 per month during every subsequent period of service. The pay of noncommissioned officers of the Army is shown on pages 169, etc., of the estimates. Sergeant-majors get $408; first sergeants, $300; farriers, corporals, and sutlers, $180; wagoners, $168; musicians, trumpeters, and privates, $156. Some of the chief musicians get up as high as $720; first sergeants in the Signal Corps, $540; master electricians (end of page 170) get $900.

It is interesting to compare the first-class sergeants in the Hospital Corps, $540 a year, besides longevity pay, amounting in all to nearly $60 a month, or $720 a year, while a first-class pharmacist in the Navy, which is the same position, gets $1,600 a year.

Altogether in the Navy the appropriation for warrant officers, petty officers, and men, 38,319 in number, was estimated at $14,500,000, or an average pay of $378.58, which is 80 per cent more than the average pay of the enlisted force of the Army.

Mr. POU. Mr. Chairman, we have been told recently that the members of the minority in this Chamber perform a very good service to the country in criticising the actions of the majority. One gentleman actually complimented the minority, in very stinted terms, however, upon its performance of this duty. I rise this afternoon to call the attention of the country to certain legislation now pending before the committees of this House and which ought to engage the attention of the majority in this Chamber whether it does or not. In the first place, Mr. Chairman, I say that it will be nothing less than criminal if this Congress shall adjourn without passing some financial legislation to make impossible, if it can be done, a recurrence of another panic. I of course do not know what bill the majority intends to pass, but hardly a day passes that some of us do not receive letters from bankers or business men expressing a most anxious solicitude with respect to this legislation. This is not a party question, and every man in this Chamber should be actuated by the most patriotic motives in endeavoring to write upon our statute books the very best legislation the intelligence of this Chamber can devise to relieve the present anxiety of the business men of this country.

For one I would scorn to make capital for my party, even if I had it in my power to do so, out of a situation like the present. Bankers and business men of my district tell me that it is by no means certain that the panic is over. They have a right to expect Congress to act. The President has urged speedy action, and we shall bring upon ourselves a condemnation which will be deserved if we allow differences of opinion to prevent the enactment of some legislation to restore the confidence of the people. The effects of the recent panic have been felt by all classes, not only by the banker, the merchant, and the manufacturer, but by the farmer as well. Almost all legislation is a compromise. While I stand here this afternoon many of our business enterprises are imperiled, not because they are not solvent, not because they are not honestly conducted, but solely because there seems to be lack of confidence everywhere. You of the majority are fond of boasting of your boldness and your ability to solve great questions. The responsibility is upon you. We of the minority have no disposition to obstruct the legislative pathway of any just and proper measure. [Applause on the Democratic side.]

Whatever bill you agree upon should be framed to bring relief to all classes as far as possible, not only to the banker of Wall street, but to business men, farmers—all classes. Your legislation will be a failure if it only helps the rich and powerful.

I have myself introduced a bill intended as an emergency measure. If there is any reason why the Aldrich bill should become a law, the same reason applies, I submit, with greater force to the bill I have introduced. It can not be denied that the Aldrich bill will make money easier in time of panic, but it will at the same time strengthen the value of railroad bonds and stocks as well. The bill I have introduced will likewise make money easier in time of panic, and it would also tend to strengthen the price of one of the great agricultural products of the country which millions of our people are engaged in producing. If a railroad bond is good security for emergency currency a bale of packed cotton is better security, for many millions of railroad bonds in the final analysis rest upon the bale of cotton and are dependent upon that great staple product for their own value and stability upon the market.

The bankers of New York tell us they need a large volume of currency to move the cotton crop of the South and the wheat crop of the West. If this Congress will write into law the plan for an emergency currency suggested by my bill, which provides that money may be issued against cotton-warehouse certificates, then the farmers of the South at least will not need the assistance of the bankers of New York City. More than this, Mr. Chairman, more than this, the plan suggested by my bill would in time of stress free the farmer from the domination of the money trust of Wall street. It would free the smaller banker in the interior from the domination of the same trust. I have not the time to-day to engage in a lengthy discussion of the plan suggested by the bill I have introduced. I will say that in my judgment it is a perfectly practicable measure, a just measure, and that the security for the circulating medium provided is a better security than that afforded by the Aldrich bill.

I am not one of the powers that be, and I do not therefore expect that my bill will receive the consideration to which I believe it is justly entitled. Even the Wall Street Journal in an editorial feels constrained to admit that the security afforded by my bill is equally as good as that provided by the measure which I am told you intend to pass. If the great army of voters engaged in agriculture are wise in their day and generation, they will give consideration to the idea suggested by this bill—an idea, however, by no means original.

Mr. Chairman, this Congress has now been in session nearly three months, and what has been done? Nothing, absolutely nothing. And yet at this very moment there are a dozen measures of vital importance to the people of this nation which could be passed by this House in less than a week's time. My purpose in addressing the House this afternoon is to call attention to some of these measures.

For hundreds of miles along the Atlantic seaboard our people are engaged in the business of raising truck for the market. Millions of dollars in recent years have been invested by our truck farmers in lands suitable for the raising of vegetables, melons, and berries, and in properly preparing these lands for early crops. Quick transportation means everything to the truck farmer. To some of his products a delay of twenty-four hours, I am told, means ruin. In my State hundreds of thousands of dollars have been invested in the cultivation of berries. The farmers of North Carolina raise the best strawberry in the world. They can not put their berries upon the market as soon as the Florida farmer, of course, but for beauty, for sweetness, and for flavor I challenge the world to produce a berry superior to that raised by the truckers of my own State. Last season the loss which these people sustained was enormous. Why? Not because the crop failed, not because of any fault of theirs, but solely because they could not procure refrigerator cars to move their crops, already raised, already picked and crated and placed on the platforms of our railroad depots ready to be shipped to the northern markets.

Thousands of crates of delicious berries were thus ruined. I will not undertake to say where the blame should rest. I do know it was not the fault of the truck farmer.

Now, Mr. Chairman, to prevent a recurrence of this disaster several bills have been introduced and are now pending before the Committee on Interstate and Foreign Commerce. I have not the time now to discuss the merits of the bills to which I have referred. I shall do no more than call the attention of the majority in this Chamber to the necessity of legislation upon this subject, to remind you that the President in his recent message has recommended the enactment of some legislation to facilitate the transportation of perishable property, and to warn you that if this Congress shall adjourn without action upon this important subject the blame will rest upon the Republican majority of the Sixtieth Congress. [Applause on the Democratic side.]

Again, Mr. Chairman, I find in the message of the President of the United States language as follows:

> There is no moral difference between gambling at cards or in lotteries or on the race tracks or gambling in the stock market.

Pretty strong language, Mr. Chairman. The President of the United States, leader of the Republican party, declares in a special message to Congress that there is no moral difference between gambling at cards or in lotteries or on the race tracks and gambling in the stock market. I hold in my hand several bills introduced by your own people, making it unlawful to use the mails in gambling transactions. Will you pass them or not? Your President in his message is demanding the enactment of some one of these bills into law. It is now up to you, you have the authority to act, and the question is whether you will do with respect to these measures as you have done with so many others, and that is to leave them to die in the archives of your committee room. [Applause on the Democratic side.]

I am told there is a class of men whose domicile is principally in New York City who have no other business than that of betting upon the stock market or the cotton market or the grain market. No man ought to engage in any business unless that business adds something to the wealth of the world or conduces to the comfort or happiness of mankind. The man who makes his living by betting that the price of a certain stock or commodity will be above or below a certain price at a certain time, or who acts as the agent of others who wish to lay the same wager, performs the very poorest possible service to his fellowman. If he puts a dollar in the pocket of one man, that dollar is taken out of the pocket of another, while, in any event, both parties to the wager must contribute to pay the betting agent for his distinguished services. The fee that this agent gets is simply the rake off the keeper of a gambling house gets for providing accommodations for his patrons to play at cards or other gambling games.

There is a clear distinction, Mr. Chairman, between gambling pure and simple in the great staple products of the farm or in stocks and in legitimate purchases or sales for future delivery. I know very well that our manufacturers of cotton goods, for instance, in the course of business are often compelled to sell the output of their mills for months ahead; that in order to protect themselves against loss they must deal in cotton for future delivery. Transactions of this kind are of course legitimate and proper. If the farmer wishes to sell his crop at a certain price, to be delivered at a certain time, no man should desire to deprive him of the right to do as he pleases with what he produces. Indeed, he is well within his constitutional rights when he makes a sale of the products of his farm at such time, at such price, and upon such conditions as his judgment may dictate. I am not speaking of either the one or the other class of transactions. I am speaking of the speculator, pure and simple, who neither produces nor manufactures. There is a difference between the two classes of transactions easily distinguished—the transaction necessary in the legitimate course of business and the naked wager.

The President is urging you of the majority to act. I hold in my hand a number of bills, some of them introduced by Republicans, drawn to meet the recommendation in your own President's message. The question is, Will you pass any one of these bills introduced by your own people? Will you carry out the recommendation of your own President, or are you afraid of Wall street? Let there be no misunderstanding. President Roosevelt declares that the man who makes a business of gambling in stocks or in any commodity is no better than any other professional gambler. No moral difference, says the President. What will you do about it, you gentlemen on the other side of the center aisle? You have the power. This machine known as the American House of Representatives is in your hands, not ours. Will you dodge the issue or will you meet it as your President requests you to do? Many of you represent agricultural districts. The farmers of this country, almost to a man, are opposed to the professional gambler. They live in a different atmosphere. They strive and toil and are content to accept for the product of their toil the price fixed by God's law of supply and demand. You will in a few months face these constituents of yours again. What excuse will you render? Here are your bills, here is the recommendation of your President, here in this Chamber now is your working majority. What do you propose to do about it? Be assured that the people of this nation will be informed where the responsibility rests. [Loud applause on the Democratic side.]

Mr. Chairman, there is still another matter to which I would call the attention of our Republican friends. Your President has repeatedly expressed his most strenuous disapproval of the great campaign contributions by which the American electorate has been corrupted time and again, by which in 1896 you prevented the election of a man to the Presidency of the United States who, but for the use of a huge corruption fund, would have received an overwhelming majority at the ballot box. I have charged on this floor before, and I charge now, that in 1896 you used enough money to throttle the will of the people and thereby prevent the election of William J. Bryan to the Presidency of the United States. [Applause on the Democratic side.]

I have been told that in one day's time half a million dollars were raised in the city of Boston in that campaign. For what? Let echo answer for what. I do not know, of course, whether this is true, but it was told to me by a man who ought to know what he was talking about.

Millions of dollars were accumulated in that campaign for the purpose of corrupting the American electorate.

Not a man of you will deny it, and some of you ought to know whether the charge is true or false. In the message of the President I notice that he mentions certain offenders by name, the Standard Oil Company, for instance. Let me read what he says about this corporation:

> The methods by which the Standard Oil people and those engaged in the other combinations of which I have spoken above have achieved great fortunes can only be justified by the advocacy of a system of morality which would also justify every form of criminality on the part of a labor union and every form of violence, corruption, and fraud from murder to bribery and ballot-box stuffing in politics.

This in effect charges the men who have built up the Standard Oil Company with every species of crime from murder to bribery and ballot-box stuffing.

Now, Mr. Chairman, let me indulge in a little plain talk also in my very humble way. A political party which, through its national chairman and committee, is willing to use funds contributed by such an organization as the President says the Standard Oil Company is for the purpose of buying votes, and thereby corrupting our elections, is not better than the Standard Oil Company itself.

God knows I am not here to defend this concern or any other monopoly. I have been fighting them all my life, but this is a most serious matter to which I would call the attention of this Chamber. I want to know if the national chairman of the Republican party accepted a contribution from the Standard Oil Company in the year 1900 or the year 1904? The man

who receives stolen goods, knowing the same to have been stolen, is no better than the thief himself. According to the President, the Standard Oil Company has pursued a career of crime for years.

I want to know, and I believe the people of this country would like to know, whether the Republican party has been buying its way to power by the use of Standard Oil money. Here is a resolution I have introduced directing the Speaker to appoint a committee to make this inquiry. It would not be a very difficult investigation. All the committee would have to do would be to send for Mr. Cortelyou and subpœna him to bring along his books, showing who contributed. It would not be very expensive to bring the treasurer of the national committee from New York City and subpœna him to bring along his books, showing who contributed to the great corruption fund of 1896 and of 1900. It is easy to preach morality and righteousness, but no man can have that righteousness which exalteth a nation who is willing to accept or hold a great office to which he has been elevated by the corrupt use of money at the ballot box; money contributed by a monopoly which for years has been violating the law; money exacted from the people in violation of law and morals. [Applause on the Democratic side.]

Mr. Chairman, the President has brought the most serious charge one man can make against another against the people constituting the Standard Oil Company. If his party has a clean record, if his national chairman in the last two campaigns, when he has been a candidate, has not accepted money from these people, then his party should court the fullest investigation. Let the House pass my resolution and let the committee subpœna the national chairmen of both the great parties. Let us have a look at their books. If you will permit this, it will do more to purify elections in America than a whole volume of talk. Let me quote further from the President's message:

> Just as the blackmailer and bribe-giver stand on the same evil eminence of infamy, so the man who makes an enormous fortune by corrupting legislatures and municipalities and fleecing his stockholders and the public stands on the same moral level with the creature who fattens on the blood money of the gambling house and the saloon.

Of course, every good man says amen to this, but is the man who uses money in the purchase of votes any better? Is not the man who corrupts the voter just as bad as the man who corrupts the member of a legislature? We, at least, know that the Republican party accepted more than a hundred thousand dollars of money from certain insurance companies of New York City. We, at least, know that this money was practically stolen from the policy holders in those companies. I know a widow lady who was a policy holder in one of these companies. In 1892 she took out a policy upon which she was to pay a premium of $450 per annum for fifteen years.

They filed with her policy an "illustration," as they called it, in which they said that according to the past experience of the company they would pay her in 1907, at the expiration of the fifteen-year period, the sum of $8,900. Now, bear in mind the lady paid out in premiums during those fifteen years $6,750. How much do you suppose they actually paid her last fall? I happen to know, for I made the settlement for her. The company wrote her that on account of the increase in expenses and the decrease in interest rates it could, or would, only pay her $7,240; that is to say, $1,660 less than they promised to pay. Part of that money went into the coffers of the Republican party, and was no doubt used to aid the election of the Republican ticket.

Mr. Chairman, I cheerfully accord to the President a sincere desire for pure methods in politics, but I submit he can well begin by demanding absolute purity and cleanliness in the methods of his own party. We are now upon the threshold of another great national contest. You Republicans are by no means as certain your candidate will be elected as some of you pretend you are. Here are half a dozen bills regulating campaign contributions. One of them is, I notice, drawn by the gentleman from Massachusetts [Mr. MCCALL], one of the statesmen of this House. Will you consider these bills?

Will you not consider some one of them, when the necessity for action is plain, when your own President is urging you to act? If you do not write one of these bills in our statutes, what excuse can you offer to the people when you return to ask their suffrages? We of the minority are ready to help you. [Applause on the Democratic side.] Let us pass a bill which will forever prevent a recurrence of the insurance scandal. So long as you allow political parties to raise huge corruption funds to be used on election day, so long our elections will be a mere mockery and sham. [Applause on the Democratic side.]

But I come now to a matter of supreme importance to every man, woman, and child in America. You Republicans are fond of boasting of what you have done to bring relief to the people from the domination and oppression of monopoly. Well, what have you done? I make this statement and challenge any one of you to rise now in my time and dispute it, if you can. There is not a human being in all this broad land who has been enabled to purchase any one of the necessaries of life any cheaper by reason of anything your party has done up to the present time. Let anyone stop and think. If you can recall any instance where any man, woman, or child in all this nation has been enabled to buy any necessary of living any cheaper by reason of anything you or your party has done, I will stop here and now and give you the chance to inform the country when and where the transaction took place. [Applause on the Democratic side.]

Your Department of Justice has prosecuted perhaps a half dozen violators of the law. Your district attorney in Chicago convicted poor old Walsh for doing what hundreds of others have done, but who did not lose and hence were never prosecuted at all. Your district attorney down in Georgia convicted Captain Carter and Greene and Gaynor for conspiring to defraud the United States Government, and conspiracy to defraud has been an offense against the law for hundreds if not a thousand years. Much credit is claimed for these prosecutions and convictions in the President's message:

> The Federal Government does scourge sin—

He declares—

> it does bid sinners fear, for it has put behind the bars with impartial severity the powerful financier, the powerful politician, the rich land thief, the rich contractor—all, no matter how high, against whom criminal misdeeds can be proved.

But, Mr. Chairman, your 300 trusts are still doing business at the same old stand, violating the law three hundred and sixty-five days in the year, except one year in four, when they violate the law one day more. [Laughter and applause on the Democratic side.]

Yes, indeed, the message of President Roosevelt is one of the most terrible arraignments which ever emanated from the White House. No less than a dozen times he feels impelled to denounce predatory wealth. He speaks of certain "wealthy men whose conduct should be abhorrent to every man of ordinarily decent conscience," of "corrupt men of vast wealth," of "wealthy malefactors," of "very wealthy criminals," of "certain wrongdoers who happen to be wealthy."

No man will deny, Mr. Chairman, that such persons and such corporations as the President describes do actually exist in this nation, but let me inquire who is responsible for their presence here in this boasted land of equality and of freedom? How is it that in this country of ours criminals have become so great and so powerful, so defiant, so utterly regardless of law, that the President of the United States in a message to the Congress must prefer an indictment against them, and in some instances even mention them by name?

Prior to 1870 such a thing as a trust was hardly known in the United States. We had few millionaires. The wealth of our people was far more evenly distributed than it is now. However honest the President may be in his purpose (and I for one certainly do not question his sincerity), the solemn truth is that the very party to which he belongs is itself responsible for the very conditions against which the President in his agony of spirit cries out to-day. [Applause on the Democratic side.] However patriotic the President may be, the very party to which he belongs and its policies are responsible for the presence among us of these "corporations desiring to rob the people," of "these wealthy and powerful wrongdoers," of these "law-breaking corporations," of "these wealthy malefactors," and of the modern American trust which, according to the President, has "succeeded in crushing out every competitor, in overawing our common carriers, and in establishing a monopoly which treats the public with contempt." The party to which the President belongs has made possible every one of the things against which he in his message so eloquently protests. Under equal laws impartially administered these conditions could never have existed. Under equal laws impartially administered it is almost impossible for the multimillionaire to exist.

The Republican party has surrounded the trusts and monopolies and wealthy malefactors with a wall which shuts out all competition and has delivered to them the American people as their legitimate prey, and because these trusts, monopolies, and wealthy malefactors have taken advantage of the opportunities offered by the Republican party the President now cries out in righteous indignation and sounds the alarm of great national peril. Read over the list of your American trusts, Mr. Chairman; read over the list of your American millionaires, and,

with rare exceptions, you will find that they have built up their immense fortunes at the expense of the American consumer. Truly the President says:

> There are ample material rewards for those who serve with fidelity the mammon of unrighteousness.

Verily, Mr. Chairman, is this mammon of unrighteousness your Republican protective tariff. When you shut out competition from the whole world, do you expect that your American trusts will fail to take advantage of the monopoly thus created by law? The President very properly denounces monopoly. It is the curse of our modern civilization. No man will deny it. But the greatest of all monopolies, the most prolific parent of all your criminal trusts, is your present unjust, unrighteous protective tariff system. [Loud applause on the Democratic side.] By your system of taxation you have strangled competition and have created yourselves the most stupendous monopoly the world has ever seen. And then your President rises up to denounce men for taking advantage of the very opportunities and temptations which you yourselves offer.

The President declares in his remarkable message that if it were true that to cut rottenness from the body politic meant a momentary check to an unhealthy, seeming prosperity, he would not for one moment hesitate to put the knife to the corruption. You can pass your antitrust laws as often as you please; you can make them as strong as legislative ingenuity will permit, but you are treating this condition of corruption merely upon the surface so long as you allow the cause of the corruption to remain. The very blood of our body politic has become infected by your unholy, unrighteous system of taxation. It is strange that this poison should manifest itself in so many places? The treatment you have heretofore administered, the treatment which even your own President, honest and patriotic though he may be, is attempting to administer, is but a weak palliative. This great nation will never become absolutely healthy until you remove the poison from its very lifeblood.

Sir John Culpeper, in a speech in the Long Parliament, in speaking of monopolies, declared that—

> They are a nest of wasps, a swarm of vermin which have overcrept the lands. Like the frogs of Egypt, they have gotten possession of our dwellings, and we have scarce a room for them. They sup in our cup. They dip in our dish. They sit by our fires. We find them in the dye vat, washbowl, and powdering tub. They share with the butler in his box. They will not bate us a pin. We may not buy our clothes without their brokerage. These are the leeches that have sucked the commonwealth so hard that it is almost heretical.

These, Mr. Chairman, were the words of a prophet. Surely he looked down the dim vista of time and saw the vision of this fair land of ours, blessed of God with all His bounties, inhabited by a princely race of men, but cursed and dominated by the most abominable tax laws that ever oppressed a free people. [Applause.] It is high time indeed that the American people become alarmed at the growth of monopoly. The trusts raise the price of what they sell whenever they choose to do so, and in the same manner lower the price of what they buy. The farmer, the mechanic, the consumer is utterly helpless. They persecute and crush out those who would refuse to become a part of their unlawful combination. No single individual or concern can stand out against them. If he dares attempt it, like a plague they surround him with the damning blight of lower prices. In particular instances and in particular localities, so long as it is necessary, they will sell their own products at a loss in order to put the independent out of business. Their chief partner in this unholy warfare has been and is to-day the Republican party and its high protective tariff. Not a man of you can deny the truth of the assertion that your protective tariff does shut out competition from abroad and does thereby make easier the problem of combination and monopoly. [Loud applause on the Democratic side.]

In glowing terms your President invites under his banner "all those who are ready to fight for the righteousness that exalteth a nation." That righteousness, Mr. Chairman, consists first in the enactment of laws which afford to every man an equal opportunity in the struggle for subsistence.

The President repeatedly speaks of the things that have been done and of the things that he is seeking to do to-day, but he is ominously silent respecting our system of taxation, which all just men know is responsible largely for the abominable conditions which exist. This mighty scourge will never pass away so long as the wage-earner is forced to buy the necessaries of life from a corporation which not only fixes the price of these necessaries of subsistence, but fixes the price of his wages as well. This mighty scourge will not pass away so long as the farmer is compelled to buy from the trust and to sell what he produces to the trust, which of its own volition fixes the price of both what he buys and what he sells. This mighty scourge will pass away when, and only when, every man is accorded an equal opportunity by and before the law, when God's law of supply and demand, untrammeled in its operation, is permitted to fix prices and when the many are no longer taxed to enrich the few. I would not contend that a revision of your present tariff schedules will bring about the full consummation of this beneficent condition, but I do contend that it is nothing less than criminal to allow your trusts and monopolies to prey upon the American people absolutely immune and protected from all competition. Our Republican friends themselves have admitted as much by their action in this very Chamber.

A few years ago we had in this country a terrible coal famine. In some cities the price of coal rose to $24 per ton. It is said that 70 per cent of the coal of this country is controlled by half a dozen railway systems. There was a difference between the operators and the miners, or rather, I should say, between the coal trust and its employees. The result was there was much suffering throughout the land. In that dark hour what did your party in this Chamber do? You brought in a bill repealing the import duty of 67 cents per ton upon foreign coal. You admitted that that was the best you could do under the circumstances and all you could do, but you did it, and when you repealed that import duty upon coal, which was put there in the interest of the coal trust, you found yourselves in the position your President has so often of late found himself, to wit, vindicating the principles of the Democratic party, which you are so fond of saying is incompetent and unfit to administer the affairs of this nation. [Applause on the Democratic side.]

There are two practical ways to deal with monopoly: First, remove the protection it now enjoys against competition; second, put in the penitentiary men who persist in violating our antitrust laws. [Applause on the Democratic side.]

Mr. Chairman, for more than ten years the Democratic party has been protesting against these very conditions which the President admits exists to-day. The oppression of these trusts is nothing new. The "corrupt men of vast wealth," the "many wealthy malefactors," the "very wealthy criminals," the "corporations robbing the people"—these have existed for years. They are not a product of the year 1908 or 1907. They have been holding high carnival for years, unchecked, unbridled, unwhipped of justice. In 1896 you had the audacity to charge these conditions to two years of Democratic rule. In your platform that year you summarized all the woes of this country, and solemnly reminded the people that in a time of profound peace Mr. Grover Cleveland, a Democratic President, had issued bonds. It is remarkable how silent our Republican friends have now become respecting bond issues in time of peace. [Laughter and applause on the Democratic side.] In the year 1900 your platform was exceedingly short. It was composed of two words: "Stand pat." Where, oh, where, in all this land, is the Republican to be found to-day who is willing to echo these two words, so popular in the year 1900, "stand pat?" Is there a single Republican in this House to-day who is willing to rise in his seat here and now and tell the country that he is willing to stand pat? No doubt that deep down in your hearts some of you still believe that was a good platform, because upon it you rode to victory. Stand pat comes down to us as a dying echo never again to be repeated by any Republican, unless a reactionary shall be nominated at Chicago. [Laughter and applause on the Democratic side.]

But what do you say about all these conditions of which your President speaks in his message to-day? How about your wealthy malefactors? How about your corrupt men of vast wealth? How about the Standard Oil trust and its oppression of the people? How about your corporations desiring to rob the people? How about all these terrible conditions of which your President speaks in his message? Is there a single man in this Chamber who will charge that the Democratic party is responsible for the existence now of these corporations and these criminals? What laws did we pass during the two years we were in power which made these things possible? Mr. Chairman, when the President framed that indictment, the prisoner in the criminal's dock was his own party. No other party could be responsible, for he and his party have enjoyed uninterrupted power from the 4th day of March, 1897, down to the present time. [Applause on the Democratic side.]

But, Mr. Chairman, one of the most amazing statements which has been made upon this floor was uttered by our very genial friend from the State of Michigan in the concluding sentence of his speech, delivered in this Chamber some days ago. "The policies of Theodore Roosevelt," declared he, "were conceived in patriotism and born of Republican parentage." This statement was followed by applause on the Republican side of this Chamber. The railroad rate bill, considered one of the most important measures which has become

a law during the last six years, our friend contends is a Republican measure, pure and simple. In the first place, I will say that surely our friend has forgotten the fate of a bill which in part bore his own name.

In the Fifty-eighth Congress that gentleman achieved early and enviable distinction in having his name attached as joint author of the railroad-rate bill, which, during that Congress, almost unanimously passed this House. Why did that bill not become a law? His party had an overwhelming majority in this Chamber and in the Chamber at the other end of this building. The President stood with pen in hand ready to affix his signature. But the Esch-Townsend bill never became a law. It died in the committee room of a Republican Senate. But during all these years, bear in mind, Mr. Chairman, the Republican party has been anxious (?) to enact into law railroad-rate legislation which would guarantee to every shipper a "square deal."

Then, again, in the Fifty-ninth Congress what happened? Remember, Mr. Chairman, that the Republican party was still anxious to regulate railroads. After much investigation, what was known as the "Hepburn bill" was reported. It was not entirely satisfactory to this side of the Chamber, but it was the best legislation we could get. I was one of those who did not believe that it would afford adequate relief to the small shipper, and rising in my place upon this floor, I undertook to warn the country that the bill would afford no relief whatever to the small shipper unless it conferred upon the Interstate Commerce Commission the power to pass upon any rate or practice of its own initiative. My eloquent friend from Missouri [Mr. CLARK], who will, I believe, be Speaker of the next House of Representatives [loud applause on the Democratic side], did me the honor to listen to the remarks I made at that time.

It is, of course, now gratifying to me to read in the message of the President the suggestion that the Interstate Commerce Commission should be empowered to pass upon any rate or practice upon its own initiative, and that it should also be provided by law that whenever the Commission has reason to believe that a proposed advance in a rate ought not to be made without investigation it should have authority to issue an order prohibiting the advance pending the examination. I deem it only proper to say just here that I was represented in certain newspapers as being opposed to the Hepburn bill. I never was opposed to it, but was heartily in favor of the best legislation I could get. I did warn the country at that time that, so far as the small shipper was concerned, the Hepburn rate bill would amount to but little. I leave it to that class of shippers to decide whether I prophesied correctly. I think my friend from Georgia [Mr. HARDWICK] did the same thing. Of course, it must be gratifying to him, as it is to me, to see our position vindicated now by the President of the United States in a message to the Congress.

But I am diverted from my subject just for the moment. During all of this time, bear in mind, Mr. Chairman, the Republican party was exceedingly anxious (?) for railroad-rate legislation. Well, the bill passed the House almost unanimously. It went to the Senate, and then what happened? I assert here and now that all of the opposition to that measure in the Senate, with possibly one or two exceptions, was confined to the ranks of the Republican party.

I challenge any man to rise now and dispute the truth of this assertion. Day after day passed, and the bill was not reported out of the committee. Weeks passed, and still the bill was not reported out of the committee. Oh, how anxious the Republican party was for railroad-rate legislation, and when the bill was reported who had charge of it? The chairman of the committee which had it under consideration? The man whom the country would naturally expect to have charge of the fate of the bill on the floor of the Senate? Not at all, Mr. Chairman, not at all. When the bill was reported to the Senate, lo and behold the country witnessed the strange spectacle of this important measure put in the hands of a minority Senator, a distinguished Democrat from the State of South Carolina. So anxious has been the Republican party for the enactment of some legislation regulating the practices of our great railway systems that not one word has ever been recorded in a Republican platform demanding it. A Democratic candidate for President has been demanding it for years. A distinguished Democrat from the State of Texas was the author of the first bill which ever passed Congress which attracted the attention of the country. Democrats fought all these years to get legislation guaranteeing a "square deal" to every shipper, whether he ships by the ton or by the carload. But, according to our friend from Michigan, the Republican party is entitled to the credit for the enactment of this legislation. "It was conceived in patriotism, born of Republican parentage," nevertheless the Hon. BENJAMIN R. TILLMAN, of South Carolina, was the physician who presided at the birth of this infant, when, after many trials and tribulations and many days of peril, it saw the light of the Senate Chamber in the Fifty-ninth Congress. [Applause on the Democratic side.]

Mr. Chairman, just a word in conclusion, inasmuch as my time has almost expired. I have observed with regret recently a disposition on the part of certain gentlemen on the other side of the aisle to attempt to revive issues long ago settled and prejudices long ago buried. We live in a new era. Any attempt to wave the bloody shirt in this Chamber will not divert the attention of the people of this Republic from great problems pressing on us for solution.

The leaders of both the great political parties are great and, I believe, good men. They are not dissimilar in some respects. I cheerfully concede to the President honesty and sincerity of purpose. It ill becomes any gentleman here to attempt to ridicule one of the greatest and best men this generation has produced, William J. Bryan, the leader of the Democratic party. [Prolonged applause on the Democratic side.]

There is one great difference in the position occupied by these two men with respect to the political parties which they are leading. One is attempting certain reforms through party leaders who have little sympathy for the reforms he is advocating; the other has behind him the rank and file of a great party whose representatives here almost to a man are in full sympathy with the reforms he is advocating. In this campaign, under the leadership of this man for the third time, we shall appeal directly to the voters of this nation.

A prominent Republican facetiously remarked the other day that Bryan is the best asset the Republican party has at present. Yes; he is the best asset this nation has in one individual citizen. Whether he shall ever occupy the highest office in the gift of the people of this nation or not, he has lived to see what few statesmen have ever lived to see in the history of the world—his reforms advocated by his political opponent, the present occupant of the Presidential chair. [Applause on the Democratic side.]

> No life
> Can be pure in its purpose and strong in its strife
> And all life not be purer and stronger thereby.

This man has been twice defeated—once fairly, once unfairly, as I believe—and the great office of President is filled by another of different political faith. He is but a private citizen, yet his strong personality and his influence for good are felt all over this land, even by Theodore Roosevelt, President of the United States. [Prolonged applause on the Democratic side.]

Mr. GARRETT. Mr. Chairman, I desire to ask unanimous consent to insert in the RECORD, in connection with the remarks made by me this morning, a certain table in regard to industrial conditions, which has been prepared by the gentleman from Wisconsin [Mr. WEISSE].

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to insert as a part of his remarks a table which has been prepared by the gentleman from Wisconsin [Mr. WEISSE]. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, I yield fifteen minutes to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Chairman, an amendment will be offered to this bill at the proper time, to incorporate in the provisions of the bill under consideration the bill H. R. 10518, entitled "A bill for the better equipment and instruction of State coast artillery organizations," introduced by myself, and it is in support of that amendment that I am now addressing the committee.

EQUIPMENT FOR HEAVY GUNS TO BE LOANED TO THE STATES.

The amendment to be offered provides that the Secretary of War be directed to furnish to such of the States as maintain coast artillery organizations fire-control equipment, the apparatus so loaned to be placed by the States in their various armories, where it can be accessible at all times to their troops and continuously used by the latter in their drills. The sum of $25,000 is provided for the purchase of this equipment. The title to the property so furnished remains in the United States, and the property at all times will be subject to the call of the United States, so that in the event of war it can be taken by the Government and placed where most needed in the forts of our coast defenses.

This amendment provides so necessary an aid to our military strength that it should be embodied in the bill. The Coast Artillery forms a most important adjunct to the defenses of our country, and it is to it that the country looks to protect our

seacoast cities in the event of war. Not alone for the sake of the inhabitants of the cities, but to prevent as well an enemy from using our harbors as a base is the Coast Artillery needed in our general plan of protection.

Congress, which has now adopted a method of yearly appropriations for the coast defenses, has appropriated already for the United States and insular possessions about $84,000,000. It was originally the opinion of the board which planned the defenses that at least one complete manning detail for all the guns mounted should be provided in times of peace, and it is thought that in times of war two, and possibly three, reliefs will be found necessary.

PRESENT FORCE LESS THAN ONE-HALF OF THE NUMBER REQUIRED TO WORK THE GUNS.

The present law fails to provide in a sufficient manner for the manning of these defenses. The National Coast-Defense Board estimate that there will be required for the defenses of the United States alone, as now completed and projected, 47,709 men, and, should the insular possessions be included, there would be required 55,110 men for one complete manning detail for all our defenses, as finished and projected. The total authorized maximum enlisted strength of the Coast Artillery at the present time is 19,321 men, and of this number 4,970 men are required for manning details for the mines, searchlights, and power plants to be operated in connection with the harbor defenses. Deducting these necessary men, therefore, we find that under the maximum enlistment there remain 14,351 men authorized by law for manning all the guns now actually mounted in the fortifications of the entire country. One complete detail for these guns, however, requires the number of 36,863 men, so that the maximum number of men now authorized for gun defenses is 4,080 short of one-half of one complete manning detail for the guns already mounted in the United States.

The annual report of the Chief of Artillery of the United States Army for 1907 expresses the belief that one-half of one complete manning detail in time of peace is sufficient, and that the remaining one-half could be provided by the States, could they be induced to organize coast artillery reserve corps and such corps be given an opportunity to take part in the annual coast artillery maneuvers. It is the purpose of this amendment to furnish to these States equipment to enable them to fit men for efficient service in the harbor defenses in that detail. Militiamen familiar with the guns would constitute a reserve which could be quickly called out and formed at the defenses, and the development of this branch of the militia service has been for several years urged by the War Department. The report of the Secretary of War, 1902, says:

> Manning the coast defenses is constitutional militia work, for it is always to repel invasion. It can be undertaken by citizens living in the neighborhood of the fortifications with less disturbance and sacrifice than any other military duty, because it does not take them far away from their homes and their business.

MILITIA WOULD FURNISH ONE-HALF THE SOLDIERS FOR OUR COAST DEFENSES.

The heavy guns, however, have equipment for fire control which is in itself intricate, and the complete mastery of which is absolutely necessary in any body of men undertaking the defenses of the fortifications. Drilling regularly in the armories, the Coast Artillery have an opportunity to use this apparatus but once a year during their service on the defenses, and the proposal of this bill is to provide the equipment which can be placed in the armories and used by the men through the winter, so that by familiarity with it they can better profit by the summer experience with the regulars, and more particularly become properly trained in the use of the equipment they will be called upon to handle in the event of war.

HEAVY GUNS REQUIRE EXPERIENCED MEN TO OPERATE THEM.

The Coast Artillery developed in this way will furnish to the United States a group of men of exceptional qualifications, accustomed to drill on the guns, and who will be at all times maintained for the National Government at comparatively no expense. The Government has already asked the cooperation of the States in forming these reserves, and last year all the coast States except three accepted the invitation of the Government to send coast-defense men to take part in the joint maneuvers.

The organized militia of our States is recruited from men of exceptional qualifications as soldiers. Their records in the past show that, and the reports to-day of Regular Army officers show that the hard and painstaking work of the militia organizations has already produced bodies of excellently qualified soldiers.

MEMBERS OF MILITIA EXCEPTIONALLY QUALIFIED.

Composed only of those who have chosen to enlist from motives of patriotism and interest in the work, our militiamen have the highest qualifications for soldiers, and make up by their enthusiasm and willingness for the experience which lack of opportunity for drill necessarily deprives them of. Hard and conscientious work is done by the members of the militia forces to qualify themselves to defend the people of our country. The National Government should take every step to stimulate this interest and to aid the members of the militia in producing the highest results from their self-imposed tasks.

In sending in an approval of my bill (H. R. 10518) the War Department, in House Document No. 674, Sixtieth Congress, said:

> The amount of this estimate is urgently needed to provide for the proper instruction and equipment of State coast artillery troops.

A provision to aid in the instruction of our State troops who would be specially detailed for home defenses in the cities, approved by the War Department as well as by the Committee on Military Affairs, this amendment should be embodied as an essential part of the military appropriation bill.

Mr. HAY. I yield to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Chairman, the fact that this bill carries an appropriation of about three-quarters of a million dollars for barracks and quarters for our army in the Philippine Islands calls to my mind the importance of the question as to what is to be the future policy of this Government as to those islands.

Because I agree with him on the subject and because I regard his presentation of it as not only eloquent but able, I desire to print as a part of my remarks a speech recently made at Boston, Mass., by my friend from Texas [Mr. SLAYDEN].

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia? The Chair hears no objection.

The speech is as follows:

NEUTRALIZATION AND INDEPENDENCE FOR THE PHILIPPINE ISLANDS.

Ladies and Gentlemen:

An invitation to meet a Boston audience in historic Faneuil Hall was a temptation that I could not resist. It readily overcame scruples that arose from consciousness of my great imperfection as a public speaker. However, I plead in extenuation that it is unusual for a man from the far Southwest to find himself in perfect sympathy with a political movement which, although it originated in the consciences and minds of good Americans everywhere, finds its form and expression here in the very center of New England. I hope it may be taken to mean that everywhere in this great country of ours, all the way across it from Plymouth Rock to the Alamo, there are plenty of good American citizens who believe that it is still worth while to go on striving to show that a nation is only exalted through righteousness. New England and the South, Massachusetts and Texas, ought to be able to work together for the glory of the common country, for in its time each has made sacrifices for liberty and for right. Both have written glorious chapters in the history of our common country. We, like you, feel a pride in our heroic past. Like you, we glory in the deeds done by the mighty men who were our ancestors. Against your Bunker Hill, Lexington, and Concord I proudly place the Alamo, Goliad, and San Jacinto. By the side of your Nathan Hale, who regretted that he did not have a thousand lives to give his country, I shall be so prodigal as to put Travis, Bowie, and Crockett and their hundred and seventy followers, every man of whom died that Anglo-Saxon liberty might be set up on the Spanish-American border.

Surely the faith that sustained these men through great efforts, even unto death, must be kept alive, and I am delighted to have you, as fellow-laborers, in a cause so worthy.

It is reasonable to assume, Mr. Chairman, that nearly every person in this audience is anxious to have our Government divorced from colonial enterprises in Asia. Indeed, as I understand the situation, we are assembled here for the specific purpose of considering one plan of separation out of several that have been suggested by enterprising and patriotic thinkers. While holding the common view that we ought to get out of our embarrassing situation in the Orient, we have not hitherto been united on any particular plan and, I dare say, have not yet reached a unanimous agreement.

Although I subscribe to the doctrine of neutralization for the Philippine Islands, I feel it my duty to say that it has only been my second choice of the several methods of separation that have been suggested. I have no doubt, Mr. Chairman, that I am not with the majority of this audience in my position, but that fact does not greatly disturb me, for I have the habit of landing with the minority—a habit that is distressingly difficult to throw off. Under the circumstances I feel that I ought to briefly state some of the reasons why I have not thought that neutralization is the very best plan for breaking the political tie that binds us to the Philippine Islands. At the same time I want to say that the separation is so important that I am ready to sink my personal views and stand with the majority on any platform that will bring it about. My single objection to the neutralization scheme is that it does not go far enough. It is a compromise. I have also preferred my plan to that of neutralization because the latter will be, to a degree, an entangling foreign alliance, the sort of political association against the dangers of which George Washington, with a clear and prophetic vision, warned us.

The wisdom of the first President is established by all current political history. For months the newspapers—the jaundiced ones leading in the cry—have been telling us of the probability of war with Japan, a suggestion so absurd that it ought not to disturb the rest of the most timid citizen. However, unthinking and ill-informed people have been excited by these publications and have worked themselves into such a frenzy that they have indulged in much intemperate speech and vehement abuse of a friendly nation. Such talk under other circumstances might provoke war. If the conditions were different, if Japan were perfectly solvent and had entirely recovered from her last

great war, such conduct on the part of our citizens might easily provoke a conflict. Absurd as it is, this talk of war has had the effect of confirming me in my position, for I believe that if we did not have political interests on the China Sea, in other words, if we did not have in our keeping the sovereignty of the Philippine Islands, there would be no more danger of trouble between Japan and the United States than there is of an armed conflict between this country and the Swiss Republic.

This illustrates my thought that we have run into one of the dangers that Washington warned us against.

The occupation of those islands brings us close to Japan, an oriental power already developed, and near to China, a country potentially great in a military way and sure to be reckoned with in the future. By reason of that proximity to these two countries we now find ourselves in the zone of war probabilities. I invite the scorn of "jingoes" and risk being called a "weakling" by saying that I earnestly desire to avoid the possibility of war in that part of the world, a war that would undoubtedly and solely be due to our occupation of the Philippine Islands. If we had no territory beyond Hawaii there would certainly be no talk of war and we would be left free to develop trade, and in the exchange of our products for theirs we could promote friendly and profitable relations with the people of China and Japan.

I am ready to admit that neutralization would greatly reduce if it did not entirely destroy all probability of an armed conflict with either of those countries, and for that reason I shall support it. However, I would prefer an absolute and unconditional separation of our political interests from those of the Filipinos, and to save me I can see no reason why it should not be done. I believe that the world would applaud it as an unparalleled act of generosity if we should say to the Filipinos that they must immediately arrange to set up their own government, that after five years we would present them with their independence (something that we never had any moral right to take from them), and that therefore they must protect themselves and their sovereignty. Five years would be ample notice to the world and its traders that after that time they must rely upon the Philippine government for protection. I do not recall an instance in history where a strong government has ever presented their sovereignty and territory to a weaker people. It would be a glorious precedent in generosity that I should like for the United States to make. And, furthermore, I would not ask the Philippine people to repay the $20,000,000 we paid when we bought them from the Spanish Government, for I doubt if they could do it, unless some liberty-loving Crœsus came to their rescue. Besides, how absurd it is to consider the paltry twenty millions originally paid in view of the hundreds of millions since squandered and the scores of millions we pay out every year because we are in the islands.

CONCERNED FOR AMERICANS.

While I would do this act of justice to the Philippine people, my concern is not so much for them as for the Americans. I do not want to see our simple, peace-loving democracy changed into a strenuous empire, oppressive to the taxpayer and conducted for the glory of military men on land and sea, nor for the waging of wars of conquest against any people on earth.

By practical statesmen the money cost of this policy should also be considered and the man who pays ought not to be entirely forgotten, as he appears to have been since we developed the lust of the conqueror.

Then there is another view of the question that ought to be considered. Any government that is to be strong and have a contented people ought to be homogeneous. The possession of the Philippine Islands adds ten million or more absolutely alien people to the mixed races who now yield more or less willing allegiance to our flag. Socially they would not elevate the United States; commercially, when the cost is considered, they are a negligible quantity, and politically they are and always will be a source of trouble. I do not say these things out of any unkindness to the Filipinos, but venture to call attention to them because I am considering the effect of the association on the character and the future of our own people. The social view of it specially disturbs me. All my life I have lived in the shadow of great ethical and social problems growing out of racial differences and it is impossible to avoid the thought that these will be complicated and developed by adding another race question.

I hope that in this connection I may be permitted to say that I can not be persuaded that the recent troubles in California and Canada are purely commercial. The people of neither State would indulge in rioting and arson just because they feared the competition of a handful of Orientals. Both are too resourceful, too self-reliant, for that. It is certainly racial, as so broad an observer and so rampant an imperialist as Rudyard Kipling recently suggested. That also was largely the trouble during the three hundred and seventy-five years that Spain occupied the archipelago and such it will be with us to the end.

If every man, woman, and child in the Philippine Archipelago were as anxious to be associated with us politically as they now appear anxious not to be, I should still oppose it, because in the end it would work discord and trouble. This is not to say that they are inferior, but different.

Mr. Chairman, I have some familiarity with the Latin-Americans. They are much nearer to us racially than the Filipinos, yet even they would abhor the idea of being tied up with us in the same government. It is because they also are different. They would prefer what we in our arrogance call Latin misrule to Anglo-Saxon order. Now, if that is so of these people, who are more or less nearly kin to us, how much more is it true of a people so absolutely alien as the Filipinos? I do not doubt, although the Secretary of War holds a different view, that they would prefer political association with other Orientals. Secretary Taft, in a speech at Tokio on the 30th of September, said that Japan did not want the Philippines and that we could not sell them without violating our obligations to the Filipinos. Can Mr. Taft be so very certain that the Japanese do not want the islands? While the archipelago is too thickly populated to invite white immigration, even if the climate permitted a residence there, the islands are sparsely populated, as compared with Japan itself, and offer opportunities for getting a living that the crowded Japanese would no doubt be glad to have.

Diplomatic protestations therefore are not convincing, and I dare say the Japanese would like to have the islands, and if the truth were known I believe the Filipinos would prefer Japanese to American control. Why shouldn't they? They are the same sort of people physically and are, I suppose, of a common origin. With these two there would soon be a physical as well as a political amalgamation and harmony would ensue, if harmony is ever possible in the Tropics. We can not amalgamate them physically, which brings us back to my statement that further association of alien races under the same government is a mistake that in the end will be a calamity.

AS A BUSINESS PROPOSITION.

Now that the wave of prosperity seems to be receding, I hope the people may be induced to consider this question from the common-sense business point of view.

That great captain of industry, Admiral Dewey, basing his observations, I suppose, on a long and intimate knowledge of trade and its movements, says that the United States must have an oriental outpost for commercial and naval purposes. Very likely we do need naval stations—coal depots, anyhow—in Asiatic waters, and on that point I am willing to have the Admiral's statement go unchallenged; but when he ventures into the field of commerce I think his assertions are absurd. He says, among other startling things: "If Japan owned the Philippines she would command every gateway to the Orient, and the United States would be completely shut out." He leaves us to infer that if Japan owned the islands she would keep vast fleets heavily armed lying in wait for our commercial ships and either capture the ships and take them and the cargoes they carry as booty or, like Tarifa, the Mediterranean pirate, exact a heavy tribute for the privilege of doing business. The suggestion is thrilling and offers a fine field for the exercise of the imagination of sensational writers of fiction. But shall we believe that such acts of piracy would be aimed only at the United States and that they alone of all trading nations of the world would be "completely shut out?" Would the great powers of Europe that have a relatively important trade with the Philippines permit such an outrage and is there anything in the latter-day history of Japan to warrant the belief that she would undertake such a folly? It is easy to sit in an office at Washington and make broad assertions about this or that consequence flowing from certain conceded facts—much easier, indeed, than to show that they will occur—but I would rather have reasons and proof than general statements unsupported by history or common sense. As an argument for the enlargement of the Navy, the Admiral's assertions have their value and may command respect, but they do not illuminate the trade questions that perplex our men of business.

The Philippines are off the line of trade between the United States and China, for example, which is the most important of the oriental markets. It would be hundreds of miles out of the way to send goods by Manila to Shanghai or Yokohama, and no merchant with sense enough to keep out of the bankruptcy court would think of sending his merchandise to the Philippines to be distributed thence to the mainland.

These theoretical captains of industry who have learned business from the quarterdeck of a battle ship ought to know that trade always follows the lines of least resistance, and in this case the shortest mileage and the smallest cost for coal and wages show us where those lines are. Manila may have strategic value as a naval base, but it does not now possess and, in my judgment, never will have any commanding importance as a commercial center, except possibly for the distribution of goods to the archipelago itself; and the trade of the Philippines we find on examination is not very important after all. Surely it is not worth the sacrifice of a principle. Take away the value of the stuff we send out for our Army, the clothes we put on the backs of our soldiers, the food with which we supply their hunger, and especially the drink with which we make a vain effort to allay their tropical thirst, and there is not so very much traffic between the United States and what some people unctuously call our "island possessions," with greedy emphasis on "possessions."

Before engaging in any business venture it behooves the prudent man of affairs to consider the cost of the undertaking. If this rule had been invoked before we entered upon the Philippine enterprise, it never would have been undertaken as a business venture. If rigidly and honestly applied now, it would compel an immediate abandonment of the whole wicked and foolish scheme.

As it never will be possible to tell with absolute accuracy how much of the increase of the size and expense of the Army and Navy of the United States is due to the occupation of the islands, it is, of course, impossible to state what the cost of the colony has been.

On this point and in reply to a resolution of the Senate in 1902, the Secretary of War reported that the cost of the Army in the Philippines from June 30, 1898, to May 1, 1902, had been $169,853,512. To this let us add $114,515,643, the admitted cost of the Army in the Philippines from May 1, 1902, to June 30, 1907, and we will have a grand total of $284,369,155. That does not take into account the additional cost of the Navy.

That eminent patriot and statesman, the chairman of the Senate Committee on Naval Affairs, Mr. HALE, of Maine, has said publicly that the appropriation for the support of the Navy has been increased many millions each year because of our occupany of the Philippines, and he is in a position to know. Since 1902 we have spent over three and one-quarter millions of dollars for barracks and quarters for the troops in the Philippines and about the same amount on naval stations. For coast defenses and fortifications we have spent about three and one-half million dollars since 1898.

These figures, which even the friends of the Asiatic venture will admit are conservative, make the vast total of $291,119,155, and, mind you, they do not take into account the increased cost of the Navy.

While your own distinguished fellow-citizen, Mr. Endicott, was Secretary of War a plan for the erection of American coast defenses was considered and adopted. It is now about three-fourths completed. When finished it will have cost about $200,000,000, a vast sum, but one that the American taxpayer cheerfully contributes, for it is to defend his home. But now it is proposed to extend this coast-defense project to the Asiatic colony and to expend more than $8,000,000 in erecting fortifications at only two places in the Philippine Islands, Manila and Subig Bay.

It would take the skill of an Edward Atkinson to figure out the cost of an adequate coast defense for each of the more than a thousand islands that go to make up the Philippine Archipelago. The sums are too great for me to undertake the task.

All these enormous expenses are properly chargeable against the Philippine trade that some people value so highly and value all the more the less they know about it. These figures show the utter folly of the Asiatic colony as a business venture.

More than eight of each ten men one speaks to about it promptly admit that the conquest of the Philippine Islands was an economic blunder, if not a political crime. Then, if it is apt to embroil us with powers that have heretofore been friendly, if it does not pay from a commercial view point, and if our interference is not wanted by the natives, why, in Heaven's name, should we persist in forcing ourselves on them?

There is in this country a very small class of altruists, headed, I honestly believe, by the Secretary of War, Mr. Taft, that sincerely and earnestly desires to lift the Filipinos from their own civilization into ours. They so sincerely and earnestly desire it that they would

imperil the peace of the world and wreck the Treasury of the United States to promote their fads, but they are so few that they must be lonesome. Take away the preachers, who look upon the Philippine Islands as a promising missionary field to be spiritually exploited under the American flag, and the number of people who are disinterestedly in favor of continuing the American occupation of the islands is small. The balance of us who support the project are in it for what there is to be made out of it. We want timber lands, sugar and rice plantations, and public-service franchises, although, as a rule, we do not publicly admit it.

I honestly believe that if the right to exploit their own territory were restricted to the Filipinos, a large number of noisy patriots would subside as quickly as did a friend of mine in 1899, who disapproved of my position on this question. He was vehement in his declaration that I was all wrong, and repeatedly said that we must retain the islands. I asked him why he was so anxious to keep them. "Because," he said, "they are rich in timber and fertile lands, and we want both." I then asked him how we were to get such property from the resident owners. "Haven't we conquered the Filipinos, and can't we take them?" was his reply. I told him that brutal as war is, it is no longer conducted as it was in the days of Hannibal, Cæsar, or William of Normandy, and that conquerors were compelled by the rules of modern warfare to respect private rights and ownership. "Don't we get their lands?" he asked. "Not unless we pay for them," I told him. "Then to the devil with the Philippines," and from that day to this he has been a good anti-imperialist.

Mr. Chairman, the higher view of this question has been kept before the American public for years by the association under whose auspices we are assembled here to-day. That association has never ceased to call attention to certain noble sentiments that hitherto have been regarded as peculiarly American. Until lust for land and power tempted us to colonial ventures in Asia there was universal approval of the essentially American maxim that governments derive all their just powers from the consent of the governed. I hate to think that it has been abandoned and that this noble view of the rights of men is less respected than formerly, but mere protestations of regard for it are not convincing when set against the facts of recent history.

While we fail to square our conduct in the Philippines with our doctrines in America, Europe looks on and sneers. To an American who loves his country and wants to see her right, absolutely and ideally right, the position is intolerable. We must therefore go on with this work until we can make the public appreciate the enormity of the offense against basic American principles.

The doctrine of the square deal, of which we now hear so much, is best stated in the seventh chapter of Saint Matthew: "Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets."

The heroic and just men who fought and died at Lexington and Bunker Hill, at Kings Mountain and Yorktown, would never have denied its application to Manila while they demanded it for Massachusetts and Virginia.

On another occasion when the New England conscience was stirred to its depths your great philosopher and poet sang:

"United States! the ages plead,
Present and past in undersong,
Go put your creed into your deed,
Nor speak with double tongue."

"For sea and land don't understand,
Nor skies without a frown
See rights, for which the one hand fights,
By the other cloven down."

We call this the commercial age. We boast of our mighty trade and swell with pride at the rows of figures that show the wonderful total of our exports and imports. And when we consider how in the eager haste to get money we have not hesitated to trample on human rights heretofore held sacred by all Americans we see that it is a commercial age. The country has been gorged with wealth. We gloat like misers over our possessions, but are we just and do we apply in the Philippines the laws we demand for the United States? I fear not.

Mr. HARDWICK. Now, Mr. Chairman, while there is a great deal of difference among the people as to what should be our future policy as to the Philippines, I apprehend there will be absolutely no difference of opinion on the question that so long as we do hold those islands life and property ought to be protected and order preserved without reference to the political effect that might thereby be produced in this country.

I will send to the Clerk's desk and have read a communication in reference to this subject, recently received by me from Judge James H. Blount, of Georgia. Let me say that Mr. Blount is a gentleman of the highest character and of unquestioned veracity; he was first an Army officer, stationed in the Philippines, and afterwards a judge of the court of first instance in those islands, a position that he voluntarily resigned, after creditable and satisfactory service. He is a distinguished member of the Georgia bar, and is the son of a gentleman who was for many years an honored Member of this House, and long the chairman of its Committee on the Post-Office and Post-Roads.

The communication is as follows:

WASHINGTON, D. C., *February 13, 1908.*

Hon. THOMAS W. HARDWICK,
House of Representatives, Washington, D. C.

MY DEAR SIR: One year ago to-day you were kind enough to write me stating that our good friend, Mr. SLAYDEN of Texas, had on the day before, February 12, in the course of a speech on the floor of the House, caused to be inserted in the CONGRESSIONAL RECORD, an article by the undersigned previously published in the North American Review of January 18, 1907, urging Philippine independence at a fixed date in the future. The keynote of Mr. SLAYDEN'S speech was in the following language:

"There are very few men of even the most moderate information, no matter what their political faith may be, who are not ready to admit that the monumental blunder of our history was the annexation of those islands."

The keynote of the North American Review article to which your letter referred was that the Philippines might be protected from outside interference by a neutralization treaty—a treaty negotiated with all the other great powers by the President at the request of Congress, whereby the powers would agree to recognize the independence of the islands so soon as the same should be granted to them by the United States. This is what is contemplated in three different resolutions now pending before the present Congress, one introduced in the House by an eminent Republican, the Hon. SAMUEL W. MCCALL, of Massachusetts, another introduced in the House by the Democratic leader, Hon. JOHN SHARP WILLIAMS, of Mississippi, and a third in the Senate by Senator STONE, of Missouri.

I have a letter from Hon. William Jennings Bryan, received about the same time your own letter above mentioned was received, in which Mr. Bryan expresses the belief "that neutralization is desirable and also possible."

If thus protected from outside interference, the people of this country can rest assured the Filipinos would not kill any more of each other than we have had to kill of them in the process of "benevolent assimilation."

Another principal point in the North American Review article, which was the subject of your letter, was, in effect, that as one of the most distinguished Congressmen who have visited the islands said after returning home:

"I have little or no doubt that there are a sufficient number of wise and intelligent Filipinos to establish and maintain a government in the Philippines that will compare in liberality and effectiveness with a very great many of the governments that have been in successful operation for a century or more."

Such a government, even if called a republic, would probably be more of an oligarchy than anything else, but, at any rate, it would be a government with the consent of the governed.

In the article to which your letter referred the statement was made that—

"Looked at from the oriental end of the line, the governing of the Philippines by their supposed friends from the antipodes has been not unlike a game of battledore and shuttlecock between rival political creeds at home, in which the unfortunate inhabitants have been the shuttlecock;" that, for instance, from July to November, 1904, the province of Samar, which is the third largest island of the Philippine Archipelago, was being overrun by several thousand brigands representing primarily the embers of the late war fanned into flame by the exactions of the taxgatherer and the usurer, and in less than one hundred days more than 50,000 people had been made homeless by their depredations, according to the sworn testimony of a constabulary officer of the province who appeared as a witness before my court.

Then came a specific charge that the situation was not turned over to the military authorities because it was the eve of a Presidential election in the United States, and the civil authorities, particularly the chief of the constabulary police, did not like to admit that the public disorder in the Philippines was too great for the constabulary—the right arm of the civil government—to handle.

It is obviously important for the party in power to convince the American people that the Philippine government has been in all respects a success. No government can claim to be a success which, hampered by political considerations at home, fails properly to protect life and property. Public order could have been quickly restored in Samar at any time between August and November preceding the last Presidential election by ordering out the Fourteenth Infantry, which was three hours away from the scene of the massacre in question, or the Eighteenth Infantry, which was almost as near. Brig. Gen. W. H. Carter, then commanding our troops in that part of the archipelago, knows this as well as I do—so do the officers of the Fourteenth and Eighteenth Infantry, but it would be unsoldierly conduct for them to criticise the Administration.

The North American Review article to which your letter referred received considerable circulation and must have been read by some of the Republican leaders, but for a long time its statements were not denied. At last one of them has denied that they "played politics" in the Philippines. Hence this letter. If it does no other good, it may prevent a repetition of the offense. You can well understand that it is not pleasant to raise an issue such as this, because it means possible estrangement from personal friends, but the issue must be met that the public mind may be disabused of the notion that the Philippine government is a nonpartisan affair, merely because distinguished gentlemen originally Democrats have had to do with its guidance.

In the North American Review for December, 1907, Hon. Henry C. Ide, recently governor-general of the Philippine Islands, replies to the article hereinbefore referred to, namely, the one which appeared in the North American Review for January 18, 1907, and also to another article of mine along the same lines which appeared in the number of that magazine for June 21, 1907. In that reply he quotes from my June article a statement that the failure to order out the troops in Samar in the fall of 1904 was due to the fact that such action, cabled to the United States, might hurt the Administration in the Presidential election then approaching by creating an impression at home that the situation as to public order was not well in hand. Judge Ide then denies this in the following rather strong language:

"It is a moderate statement to say that this insinuation or direct charge is absolutely unfounded in fact, and furnishes a key to a considerable portion of Judge Blount's two articles. Either he was then laboring under the impression, from his proclivities as a Georgia Democrat, or he has since acquired the impression, that there was something sinister in the failure to make an early suspension of habeas corpus, and let the Army loose in the Province of Samar."

Judge Ide further says:

"It is inconceivable that the Commission could have been animated by the base and ignoble partisan prejudices thus charged against them."

I did not characterize the failure of the Commission to order out the military as "base and ignoble," nor will I attempt to characterize it at all now. I am not the judge in this case. It is for the American people to pass upon. Whatever else they do, it is devoutly to be wished that public opinion should so far awake from its apathy concerning the Philippines as to make it impossible to "play politics" out there any more.

I herewith inclose you a true copy of two letters, the originals of which you have already seen, which certainly demonstrate beyond the peradventure of a doubt that the tone of injured innocence assumed by Judge Ide has no justification.

The writer of these letters, Hon. George R. Harvey, assistant attorney-general of the Philippine Islands, was sent to Samar at the time indicated, at my request, to assist in disposing of a very large criminal docket. The brigands had been committing massacres of the

peaceably inclined people within 4 or 5 miles of the provincial capital. Without going over the details of that dark and bloody period, suffice it to remark that as soon as Mr. Harvey had become acquainted with the serious nature of the situation and with the fact that the American Government was failing properly to protect life and property, I said to him: "Mr. Harvey, you see the situation; I think you will agree with me that if Mr. Roosevelt himself were here present and could see things as they are, he would order out the troops without regard to which way the chips might fly." Mr. Harvey said he would go back to Manila and earnestly recommend that the troops be ordered out for the protection of the peaceably inclined people. He returned to Manila, and after conferring with the authorities there, wrote me the two letters herewith inclosed. I am willing to submit them to any candid and ingenious mind in proof of the statement that—

"The failure to order out the troops was due to the fact that such action, cabled to the United States, might hurt the Administration in the Presidential election then approaching by creating at home an impression that the situation as to public order was not well in hand."

I remain as ever, very truly, your friend,

J. H. BLOUNT.

DEPARTMENT OF JUSTICE, PHILIPPINE ISLANDS,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL
FOR THE CONSTABULARY,
Manila, P. I., October 15, 1904.

MY DEAR JUDGE: We arrived in Manila on Tuesday morning, the 11th instant, and I prepared my report and submitted it to the attorney-general on the 12th, in the meantime making a transcript of your summary and delivering a copy of same with other information to the attorney-general along with my report. After dictating the report and before delivering it I had a conversation with General Allen on the situation in Samar and told him what my recommendations would be. He agreed that rewards should be offered for the capture of Pablo Bulan, Antonio Anogar, and Pedro de la Cruz, but took issue on the other recommendations, and to my mind he takes a very extreme view; but I thought at the time and still think that he wanted to tone me down in my feelings in the matter. I think the real cause for his opposition is the effect that he fears an aggressive attitude might have on the Presidential election. In other words, whatever they do aggressively might be misconstrued and made use of as political capital.

At Governor Wright's request I got the report from the attorney-general before it was sent up and went over to the Malacanan, and the governor read the report and read most of the data that I submitted with the report, including your summary, and while he did not say much what he did say convinced me that there would be something doing if it were not on the eve of election, and in my opinion there will be things doing in Samar within thirty days.

I inclose herewith a copy of your summary, and also a copy of my report to the attorney-general. On the 18th instant I received your telegram to hold the completion of your summary until receipt of a letter mailed by you that day. I telegraphed you in reply that my report and your summary were placed in the hands of the attorney-general on the 12th instant. If there is any additional data in your letter mailed on the 13th I will submit it to the proper authorities.

For the lack of time I will close, and write more next time.

Very truly, yours,

GEO. R. HARVEY,
Assistant Attorney-General.

DEPARTMENT OF JUSTICE, PHILIPPINE ISLANDS,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL
FOR THE CONSTABULARY,
Manila, P. I., October 19, 1904.

MY DEAR JUDGE BLOUNT: Since mailing my letter to you of last Saturday I have found the copies of your summary on the situation in Samar and inclose two herewith, in accordance with my promise.

This week we have received some good news from Samar with reference to important captures and killings of Pulajans. I am not in touch with what is going on with reference to Samar, and can give you no information along that line. As I remember, the governor told me the other day when I was talking with him that one more company of scouts will be sent down right away.

I sincerely hope the situation is improving, and that you are getting along rapidly in disposing of the large docket before you. If there is not a very great improvement in the situation by the 9th of November, I think there will be a considerable movement of troops in Samar within thirty days. For the good of the government, I hope the situation will improve materially before that time. I would like to see them put the troops there right now. I am of the opinion that it would not affect the election a half dozen votes, and it might save two or three or a half dozen massacres and the destruction of much property.

With best wishes for your success in your work, and with regards to Mr. Block, I am,

Very truly, yours,

GEO. R. HARVEY,
Assistant Attorney-General, Philippines Constabulary.

To Hon. JAMES H. BLOUNT,
Judge of First Instance, Catbalogan, Samar, P. I.

Mr. HULL of Iowa. I will ask the gentleman from Virginia if any gentleman on that side desires to occupy more time now?

Mr. HAY. No.

Mr. HULL of Iowa. Then I yield one hour to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I desire at this time to submit some remarks upon the subject of the currency. Much of what I shall say may appear to those who have made an exhaustive study of the subject as largely elementary. But my experience leads me to think that in the discussion of a great subject like this a reference to elementary principles is helpful to us all.

I regard the reform of our present currency system as the most important matter now before the country, and I therefore approach its discussion with some hesitation. I am very conscious that I do not know all about the subject. I have no financial hobby which I shall attempt to ride in this House, as I think there are several ways by which the present imperfections in our currency system could be corrected and such currency panics as we have recently passed through prevented. For more than twenty-five years through my business connections I have been more or less closely in touch with banks and the great business interests of the country, and much of what I shall say is based upon knowledge gained through my own experience. This lamp of experience, which I think the safest guide to my own feet, may not lighten any other man's pathway, but in the absence of direct experience of our own, other men's knowledge, some of it gained by the dearest experience, may be worth considering.

We Americans are so well pleased with ourselves and so accustomed to view everything we do or fail to do with complacency that we are apt to think that what we do or what we have in any given line is the best in the world. I have even heard it averred upon this floor that our present currency system is the best in the world.

Currency systems, like everything else in the world, must be judged by results. During my business life I have passed through two money or currency panics. The panic of 1893 did not commence with a currency famine and was vastly more than a money panic, but during its most acute period was attended by the worst money stringency I have ever experienced. The panic or flurry of 1907 was primarily a currency or money panic. Had our currency been such as would adjust itself to the needs of the business of the country, it never could have happened. It seems to me that a little reflection will convince anyone that this last statement is true. During the last fifteen years we have had, as I have stated, two money or currency panics, such times of currency famine that the business man could not get the currency to meet his pay rolls, because the banks did not have it and could not get it for him, no matter what his financial condition or what security he offered. During the same fifteen years, and for many years prior to 1893, there had been no such severe currency panic in any commercial nation in the world outside of our own country. There have been ups and downs in their commercial life, of course, but nothing like our currency famines or panics of 1893 and 1907.

Canada has such close business relations with this country as to be commercially almost a part of it. Her banks carry large balances in New York and our other large centers to nearly the same extent that our own lesser commercial centers and interior cities do. Yet our recent panic did not bring about a financial or money crisis in Canada. Under her excellent system the Canadan banks were able to supply all the currency that was needed and as rapidly as it was needed, and her business men hardly knew, except as they read of it in the papers, that we had a financial panic.

Judged, therefore, by results in the light of the experience of the world, our currency must be held to be the worst currency used to-day by any country pretending to commercial strength and wisdom. When we critically examine the inelastic, unscientific patchwork that we call our currency system, we can but wonder that working under it we have been able to accomplish such wonders with so few financial upheavals. Only the ability and ingenuity of our bankers and business men have made it possible. No other nation in the world has ever tried to copy our currency system—or lack of system, rather—except Japan, and she abandoned it after a few months' trial for a system modeled somewhat after the German plan.

Before there can be any adequate and genuine reform of the currency the people of the United States must be made to understand the defects of our currency system. Its imperfections, weaknesses, and the dangers to which it subjects the business of the country, have been pointed out repeatedly by every financier and economist who has discussed the subject in the last ten years, and they ought to be familiar in a general way to every one of us. The way to reform the currency is to correct these imperfections and weaknesses and to set about removing the elements of danger from our system instead of adding a new weakness and a new danger in the shape of another patch on an already overpatched fabric.

In the short time allotted to me I can not, of course, speak of all the weaknesses and defects of our system. I shall only speak of the one that I regard as the most serious, viz, its want of elasticity. No currency is adapted to the wants of a vast industrial country like ours that does not readily and naturally, almost automatically, expand and contract with the varying demands of trade. It is just as important that it should contract at the proper time as that it should expand when there is a legitimate business demand for more currency. We have been having yearly examples of how

an inelastic currency works. In the spring of normal years, when the business demand for money is light, rates of interest decline until call loans in New York go down to 1 per cent or less. At the same time the balances carried in New York by all the interior banks begin to mount up. The custom of paying 2 per cent on them adds to the menace of these great balances. The banker paying this rate of 2 per cent and being able to realize only 1 per cent sees some of his July dividends going a glimmering unless he gets a move on. So he listens to the siren voice of the speculator, or perhaps he sends for his broker friends and suggests to them that they find some place where they can put his money out for a time where it will earn a respectable interest. This is the speculator's and promoter's chance, which, of course, they are not slow to take advantage of, and loans are made on speculative stocks, and thus a large percentage of these big balances get into the channels of speculation. In the fall, when the demand begins for money to move the crops, the bankers in New York must call in these loans, which many of the borrowers find it hard to pay and others find it impossible to pay, and there being no way to increase the volume of the currency, a stringency is created both in New York and in the interior. The currency is thus stretched every fall nearly to the breaking point, and if there is a bad failure—for example, like that of the Knickerbocker Trust Company last fall—our patchwork of a currency system breaks down and we have the panic of 1907, or one like it. The business conditions were essentially the same in the fall of 1905 and the fall of 1906 as in 1907, and if the Knickerbocker Trust Company had failed in the fall of 1905 or 1906 instead of 1907 the result would have been the same.

In the spring, when our time of currency redundancy comes, if the amount not needed could be forced absolutely out of circulation, where it would cost nobody anything, and where it would not be a constant temptation to speculation; and if this same redundant currency could in the fall be readily taken from the vaults of the banks, the Comptroller's office, or other redemption agency where it may be stored and put into circulation again to move the crops and meet any extraordinary demand for money, does anybody think that a panic like that of 1907 could come upon us? But there is absolutely no element of elasticity in our currency. Gold is no more elastic than a yard stick. Our stock of this metal can not be increased on short notice nor at all except very gradually, and only in small quantities. The law prevents the increase or decrease of our stock of silver money. The silver and gold certificates have the same characteristics in this respect as the gold coin upon which they are based. In fact, they are silver and gold coin to all intents and purposes, simply put into a more convenient form for use of the public. Our United States notes or greenbacks might have some elasticity, but it has been thought not desirable to give them this quality, and the law, therefore, compels the officers of the Government to immediately reissue them when they are redeemed or reach the Treasury because they are mutilated or worn-out. They are, therefore, just as rigid as the gold and silver coin and the certificates issued thereon.

In our national-bank currency it would seem that we ought to find an element of elasticity, especially as it is in this part of its currency that every other commercial country, except one, finds this quality. In all of them, with a single exception, the bank-note circulation responds quickly and easily to every demand of trade; but, as if we were afraid that our bank-note circulation might develop some symptoms of elasticity, we have this part of our currency tied hard and fast to the national debt. Apparently doubting whether even this horrible, unnatural, unscientific incubus would rob this currency of every particle of elasticity, we have added a provision in the statutes that the banks can retire only a limited quantity each month, it used to be $3,000,000 per month, now it is $9,000,000 per month. Our bank-note currency is, therefore, as rigid as gold coin. I doubt if the repeal of our $9,000,000 per month retirement limit would have much, if any, effect to bring this part of our currency to a more desirable and normal condition while the bond feature is retained. At least the increase of the amount that may be retired monthly from $3,000,000 to $9,000,000 seems to have had no such effect.

While our bank circulation is tied to bonds it is likely that this circulation will continue to act as it usually has acted in the past—expand when the legitimate demands of business require that it should contract and contract when the commercial interests of the country are loudly crying for more currency. Nearly every spring, when there is a surplus of money and interest rates are low, there is an increase in bank circulation; and in the fall, when the annual stringency comes, there is apt to be quite a contraction in the volume of national-bank notes. Last spring when the legitimate interests of the country demanded a contraction of at least $200,000,000 in the circulating medium as a protection against speculation, between March 1 and July 1 there was actually an increase in bank-note circulation of some $18,000,000. These small increases and decreases in circulation are brought about not by any change in the business conditions of the country or the demand or lack of demand of its commercial interests, but are controlled by the price of bonds and the question of whether it is profitable to the banks to take out circulation or to sell their bonds and retire it. This is a most unnatural and dangerous element to have in the currency, and the more speculative in character the bonds the more dangerous it is.

There is a popular and most fallacious public conception that it is the United States bond behind the national-bank note that makes it as good as gold the world over. I want to hit that in passing. Our national-bank notes will be as good as gold anywhere, so long as there is on the part of the Government or the banks the willingness and the ability to redeem them on demand in gold or its equivalent, and not a moment longer; and you can not change this, no matter how many or what kind of bonds you put behind them. The bonds may help protect the Government from loss, but they have no influence in keeping these notes at par.

In 1872 nothing but greenbacks and national-bank notes were in circulation as money east of the Rocky Mountains, while nothing but coin would be received by anybody in California. In that year I made my first trip to California, and when I reached there I was obliged to change my bank notes and greenbacks for gold. The banks charged me a discount of 15 per cent. Everybody in California knew that the bonds behind these notes were good—just as good as they are now—but the trouble was that neither the Government nor the banks had any coin with which to redeem them. The banks would redeem their notes in greenbacks, but these were not real money—only indefinite promises to pay. Hence the 15 per cent discount, which was exactly the same for the bank note as for the greenback, in which currency the bank note was redeemable. And this currency continued to be discounted when exchanged for coin until a short time before the date fixed by the Government for the resumption of specie payments—January 1, 1879. Then, as the day of resumption approached and the coin piled up in the Treasury, we saw this discount on paper currency grow less and less. From 10 per cent it fell to 9, 8, 7, 2 per cent, and finally when the day of resumption came it had disappeared altogether, and from that day to this the national-bank note has remained at par—not because the United States bond behind it was not the same good security prior to 1879 as now, but because the holder of the note could, after January 1, 1879, get the coin for it on demand, while before that date he could not.

In line with this thought, I also beg to remind the committee that the "red-dog," "yellow-dog," and "blue-pup" currency of Illinois in the antebellum days was secured by bonds, and the bonds were generally good, but it could not be kept at par because the banks issuing it did not keep a sufficient coin reserve so that they could always redeem their notes on demand. The bond-secured currency of Wisconsin, on the other hand, was good and circulated at par—not because the bonds behind it were any better, but because the banks did carry a sufficient coin reserve and could and did redeem the notes in coin on demand. As our currency system now is, if there be present the willingness and ability on the part of the Government or the banks to redeem in gold on demand, and the public have no reasonable doubt of this willingness and ability, we can float any paper currency at par. Without these conditions we can not do so, I care not how many nor what kind of bonds we put behind it.

I can not now follow this subject further, but I consider any bond-secured currency as not only inelastic, but unscientific, bungling, unnatural, dangerous, and undesirable from every point of view. We ought to be legislating to change our bond-secured notes into a more desirable form of currency instead of planning to perpetuate them indefinitely and possibly greatly enlarge their volume.

The burning question just now is, How shall we correct the glaring defects in our currency system and prevent, as far as legislation can prevent them, the recurrence of such money panics as we have just passed through? "We should have a central bank of issue," I hear the gentleman from Connecticut and some other learned and experienced men say. "With that established," they tell us, "it would be easy to give elasticity to our currency and sweep away all its other imperfections." Yes; I agree that this would probably be the simplest and easiest way to accomplish what is needed. But, gentlemen, do you not know that the American people have it ingrained in their very bones that Andrew Jackson did a great and glorious

and patriotic thing when he destroyed the United States Bank? Just let it be known that we are seriously thinking of establishing in these United States a central bank of issue, with vast capital and with power to issue circulating notes, and at once before nearly every door in the land will stalk the specter of a powerful financial giant, controlling the money and business of the country, dictating its politics, and threatening, if not actually destroying, the liberties of the people. Unfortunately that is what a central bank of issue means to the great mass of the people of the United States. In vain to point to the experience of Germany, France, and other nations. In vain to point out that we have found ways to keep even Departments of the Government out of politics. All, all in vain. A great hereditary fear possesses the average American citizen, and he shuts his ears to the arguments for a central bank. The proverbial snowball has just about as much chance to live in hades as a central bank has to be established at this time in the United States. There is, therefore, little profit in discussing this phase of the question.

Another class are urging that we can not at this time materially change the character of our currency, though I can not for the life of me see why, and that therefore about the only thing that we can do is to provide for an emergency currency for times of future stress or panic by allowing national banks to issue notes upon bonds other than Government bonds and taxing this circulation so high as to drive it in when the stress has passed. A very distinguished gentleman has presented a measure along these lines to the body sitting at the other end of the Capitol, and it is now being considered there. By this measure it is proposed to permit national banks under certain conditions to deposit with the Treasury State, municipal, and railroad bonds, and, with the approval of the Comptroller, to issue bank-note currency against the State and municipal bonds up to 90 per cent and against the railroad bonds up to 75 per cent of their market value. On this currency while it is out, the bank is to pay a tax of one-half of 1 per cent per month, or 6 per cent per annum.

This plan has all of the evils and weaknesses of a bond-secured currency, to which I have referred, and many that our present bond-secured currency has not.

There is also nowhere in this bill any requirement for a gold reserve to be carried by the bank of issue to protect and redeem these notes. While the burden of protecting and keeping them on a parity with gold is thus thrown indirectly entirely on the Treasury, there is no provision for an increase of the gold reserve in the Treasury to enable the Secretary of the Treasury certainly to do this. If issued in any quantity, such a currency would be a new and a great element of danger and render much more insecure the whole body of our paper currency. Besides, no bank would think of taking out any of this circulation except as a last desperate resort. The gentleman from Connecticut figured out a few days ago in his speech on this floor that the circulation would cost any bank issuing it 9½ to 10 per cent, and I think that his figures are substantially correct. Therefore to the public mind the issuance of any of this currency by a bank would be such a flag of distress as to at once invite a run on the bank issuing it. Unless their competitors were issuing it simultaneously, no sane board of bank directors would think of issuing this currency unless their institution was already tottering to its fall. The next logical step would be suspension, and that would be apt to come quickly.

But, eliminating this phase of the subject, I dare assert that every financial panic and flurry that has occurred in this country during my business life started on Wall street. Several of them ended there, but two of them spread over the land, scattering business disaster and suffering everywhere. In the face of this well-known fact shall we, while in the possession of our senses and with our eyes wide open, vote to tie up the currency of the country still closer to Wall street? How many State, municipal, and railroad bonds do you think the national banks of my State of California now own as an investment? Not a dollar's worth. How many by the national banks in the district of the gentleman from Texas [Mr. BURGESS]? Not one. How many by the national banks in the district of the gentleman from North Dakota [Mr. GRONNA]? Not one. And what is true of the national banks of these States is true of practically all of the national banks of all the States of the West and South.

The reasons for this are plain. First, these banks are commercial banks, and they do not invest their funds in this kind of security, but in the commercial paper which supplies the needs of their customers. Second, they can not afford to invest in these securities, as the interest rate is always too low. They can do much better with their money. Third, neither the national banks nor the people of the Western and Southern States can afford to have the banks bury their capital in an investment that does the community no direct good. They need all their capital to use at home in developing and carrying forward their industries and business. They have as yet little surplus in the West and South to invest in low-priced bonds.

In view of these facts it is perfectly safe to assume that in the future, as in the past, the national banks in these sections of the country will not invest in these securities, and can not get them when a panic comes unless they buy or borrow them in Wall street.

Under this proposed law, then, how can the banks of the South and West in times of stress help themselves and the country which they serve? They certainly are not likely to pay their good reserve money for these bonds for the privilege of issuing 75 per cent or 90 per cent of the amount they have paid, and this in currency that they can not use for reserve, as, of course, they could not these bond-secured bank notes.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. HAYES. Certainly.

Mr. PARSONS. The gentleman made some allusion to the report made at the other end of the Capitol in regard to a bill there.

Mr. HAYES. Yes.

Mr. PARSONS. In the report was not the statement made that the national banks now held $700,000,000 of bonds that could be used to secure that emergency currency?

Mr. HAYES. I have no doubt the statement was made. I do not recollect the exact figures.

Mr. PARSONS. The figures were taken from one of the appendices furnished by the Secretary of the Treasury in response to a request by the Senate. I think the figures used were that August 22 in the 654 banks there were bonds and securities amounting to $700,352,456.58.

Now, following that item, I find that in the State of California there were in San Francisco——

Mr. HAYES. There are ten millions, in round numbers, owned by the banks of California.

Mr. PARSONS. I think it is eighteen millions altogether.

Mr. HAYES. I think it is ten millions, but it does not matter. In San Jose, my town, there are $70,000 of bonds held not as an investment, but to secure Government deposits.

Mr. PARSONS. In the item I was alluding to it is other than the bonds to secure Government deposits.

Mr. HAYES. It may be possible; it may be that the cities of San Francisco and Los Angeles may own some of the bonds, but I think not, and it is not so generally in the State.

Mr. PARSONS. May I call attention to this? I think possibly the gentleman at the other end of the Capitol made a mistake the other day in this way: That item of $700,000,000 bonds in one case is entitled "bond securities," etc.

Mr. HAYES. Yes.

Mr. PARSONS. But later, when it is given in greater detail, showing the amount held in each State, it is entitled "securities, judgments, claims, etc." I think people have been misled by thinking that that item really represented the sort of bonds that the bill called for.

Mr. HAYES. As I remember it, the United States bonds and railroad bonds that would be received for circulation under this bill are owned by national banks in California to the extent of $10,000,000. But, as I said, so far as I know and so far as I believe, they are owned exclusively by banks for the purpose of securing United States deposits. I know that the First National Bank of San Jose owns the few that it owns for that purpose, and I know that generally the national banks of the West do not own these low-priced bonds except they buy them for some specific purpose like that I mention.

It has been urged that, even if it were not profitable, if this measure should become a law, the banks ought to provide themselves by purchase of bonds with means to take out the currency when necessary as a matter of safe banking and for the protection of the business of the country. The man that figures that banks are conducting their business for the general good, or will do anything that is not for their financial interest to do, will get badly fooled. As to safety, the national banks of the South and West went through the recent panic all right without any of the securities described in the Aldrich bill, and proved to be as sound or even more sound than some eastern banks that were full of these securities.

It is therefore safe to assume that the national banks of the West and South at least would not buy these bonds, and therefore when a panic came the people of the West and South would be no better off than they would be without this proposed law. Speaking for myself, I will never vote for any measure that can not afford relief direct to the people of California, but will make them even more dependent upon Wall street and the New York banks than now. I want a measure that will enable

our California banks to issue their notes or in some way to help themselves and the community they serve promptly, cheaply, and independently of Wall street or the New York banks.

A loan made by a bank upon security, and not upon a mercantile transaction, like mercantile paper, is in the nature of accommodation paper, and the bank must sell the security in order to realize on it. So that when there comes a time of stress, and everybody, the banks in New York and Boston and all the great centers, have made loans upon this kind of security and not upon commercial transactions or commercial paper, they all rush to the market to realize on their securities at once. They are all in the same fix, and the result is that the market goes all to pieces. These securities are either slaughtered or the banks find it impossible to realize, as they found it impossible to realize last fall, and we have a panic. They suspended payment—they failed, as a matter of fact—and the great balances to which I have before referred that were piled up in New York they could not return to the banks that had placed them there on demand, and the result was that the panic spread all over the country.

Our present bond-secured currency was brought into being primarily to make a market for bonds of the United States at a fictitious price. It has done just what its creators thought it would do. Because they are accepted for circulation the United States 2 per cent bonds always are at a premium, selling last December as high as 111. If the Government should change its policy and refuse to accept these bonds for circulation, they would not sell above 80, and probably not above 65 or 70. There is a vague suspicion in the minds of some of us that one of the large motives behind the proposition to allow banks to issue circulation on State, municipal, and railroad bonds is to find a market for these bonds at a fictitious price. This certainly would be the result if any considerable quantity of them were put up for circulation.

Think what it means. The distinguished author of this bill states in his speech in the Senate on this subject that there are four billions of this kind of bonds in the United States. Very well, suppose there are. I think the number is larger than that. But that is his statement. The United States accepts those bonds for circulation. The bill limits the amount to $500,000,000. Suppose that half that amount, $250,000,000, are taken and sold to the banks or loaned to them, and they take out their circulation upon them. Does anybody suppose that the price of those bonds will not rise in the market? Every one that Uncle Sam puts his O. K. on when he says it is a good bond by accepting it for circulation, will go up, say five points, in the market. It will be nearer ten or twenty points, just like United States bonds. They go up 20 or 40 per cent. They always have been higher than they ought to be, since the first refunding plan of the Treasury, for the reason I have already stated. Now, suppose they go up five points. That means adding to the wealth of the holders of those bonds $200,000,000. Suppose they go up ten points. That means adding $400,000,000 to the men who own those bonds. Who do you suppose own them? Not servant girls, not farmers, not the business men of the country. The most of them are owned right over there in Wall street. John D. Rockefeller is probably the largest owner of bonds in the United States. He owns millions, and probably hundreds of millions, of those bonds. I know of one case where he went into the market and took the whole of the issue of one railroad company, amounting to more than $30,000,000.

Now, suppose that he owns five hundred millions of these bonds, an increase of 10 per cent means adding to his fortune $50,000,000. Gentlemen, this scheme is very much easier than to raise the price of oil. It will produce money vastly faster and quicker. And the same is true of smaller holders of these bonds.

I admit that it would be a great thing for the speculator on Wall street, especially in times of stress, when ready cash is so valuable, to have created by law a good market for his bonds, or to have the right to force the Government to carry them for him on a 10 per cent margin or a 25 per cent margin, as the case may be, by paying the Government 6 per cent for doing it. That is about all that this proposed bill amounts to. I do not think, however, that the Government would be justified in thus making the nefarious practices of the gambler in stocks and bonds any safer than at present, especially when the currency, which is made the excuse for this legislative scheme, can be got much more cheaply, quickly, easily, and safely by other methods. In making these statements I want to distinctly disclaim any intention of reflecting upon the honesty or patriotism of any Member of either House of Congress.

Let us suppose that the bill now before the Senate is the law and that I am mistaken in my assertion that no sound bank would dare use the circulation except as a last resort. What would prevent any Wall street bank or set of men controlling such a bank going into the market and buying State or municipal bonds on a 10 per cent margin, turning the bonds over to the Government and taking out circulation enough to pay the balance of the purchase price by paying the Government 6 per cent per annum for this great and valuable privilege? Or what would prevent a stock gambler who was carrying such bonds on a 10 per cent margin turning his onerous burden over to the Government in the way that I have indicated when a time of stress overtakes him and forcing Uncle Sam to carry it for him until the stress is over? Or take another illustration. Let us suppose that this proposed new currency law is in force and there has been enough of a flurry in Wall street to make a good excuse for the banks to call upon the Treasury for permission to take out this circulation. Prices of all kinds of securities would, of course, as a result of this flurry, become much demoralized. A man or set of men in control of a big Wall street bank see a block of $5,000,000 of gilt-edged railroad bonds which for some reason are offered for cash much below their value, say $4,000,000. They put up 25 per cent in cash, or $1,000,000, get the bank to take the bonds thus bought to Washington and take out enough circulation upon them to pay the balance of the purchase price, $3,000,000, which under the law they could do. In a few weeks the flurry is over, the bonds naturally go up in the market to their normal price, or, because Uncle Sam has put his O. K. upon them for circulation, they would undoubtedly go higher than their normal price. Say that in a month they go to par. The speculators cause their bank to retire the circulation, sell their bonds, and pocket their profit of $1,000,000 on an investment of $1,000,000 for thirty days. This beats the ordinary speculation on margins out of sight, and, so far as the currency is concerned, it has been expanded to the extent of $3,000,000 and in thirty days contracted the same amount, primarily because of the needs of the speculator and not in response to the demands of legitimate trade.

Let us take another example. We will suppose some gentleman in New York, say John D. Rockefeller, has fifty millions of bonds of the Pennsylvania Railroad. He thinks he sees a great chance to make some money. These bonds are depressed in price and he wants to boost them and unload them on the public. He goes to the bank and says, "Here, take $5,000,000 of these bonds over to Washington and take out circulation on them; I will not charge you any interest." The banker takes them over to Washington and the Secretary of the Treasury or the Comptroller takes them, and as a result of Uncle Sam putting his O. K. on them the bonds go up five or ten points. Mr. Rockefeller unloads his bonds and realizes his two and a half to five millions of dollars as a result of the transaction, takes down the bonds from the Treasury, retires the circulation, and the country has had the expansion of that much currency and its contraction again in that short time in order to further this scheme of the bond speculator.

Mr. SMITH of California. If I understand the provisions of the Senate bill, it specifies certain classes of railroad securities that may be used.

Mr. HAYES. Yes; only the best.

Mr. SMITH of California. It seems to me the argument the gentleman has just made is fallacious in this, that he assumes that a given railroad security would not have the benefit of that act until this came to Washington and was accepted, whereas, as I understand it, the minute the bill is passed all of the railroad securities that fall within the definition of the bill will have the benefit of whatever impulse that gives, and therefore there would not be speculation growing out of bringing them to Washington and depositing them for currency, which the gentleman suggests. They would get the impetus from the bill and not from the operation of the bill.

Mr. HAYES. My colleague is mistaken. No particular bonds are specified. They are only defined in the bill in a general way. It is left to the officers of the Treasury to determine whether a particular bond comes within the class fixed by the law. Even if my colleague were correct, the only effect that I have suggested then would come by the passage of the law according to my colleague's idea. That would be the swelling of the property of the people who hold the bonds. But it has not had that effect in bonds of the United States used to secure circulation. They are speculated in just the same. So that even taking out of consideration the one element to which the gentleman refers, there would remain still the other element—the law of supply and demand. You take a few hundred millions of dollars of these bonds away from the investor who has been in the habit of putting his money into them, and in order to get them he will offer a higher price, and the price will go up as I stated.

Mr. SMITH of California. On that point, allow me to make this suggestion. It was stated by the author of the bill that there were about four billions——

Mr. HAYES. Yes.

Mr. SMITH of California. Which would be eight to one of the possible circulation, and the gentleman stated a few moments ago, I think, that he thought it was possibly twice or two and a half times as much as that.

Mr. HAYES. No; I did not say so, but I think it is larger than that.

Mr. SMITH of California. Even say four billion. No one supposes that the total of the circulation of five hundred millions is going to be called for very often, and the gentleman's suggestion was that it might possibly reach the half of that. Therefore there would be available securities, sixteen to one of the probable demand for circulation, and that demand for circulation would not arise all at once. Therefore there would not be buyers on the market on a sudden calling for $250,000,000 of these securities out of this four billion and I only wanted to suggest, if the gentleman will pardon the interruption, that I think he draws too long a bow on the effect this legislation will have on the value of these securities, there being such a large mass of them available for such a simple purpose.

Mr. HAYES. I think not.

Mr. HILL of Connecticut. Allow me to state, if the gentleman will pardon me, perhaps for general information, that one of the large bond dealers of the United States told me the other day, after a careful examination of that bill, that in his judgment, out of the four billion of bonds which were specified as available, probably not more than 10 per cent of that amount would come within the strict compliance of the law, and that, in his judgment, the effect upon that 10 per cent would put them to the 2 per cent basis of a Government bond, about 130 or 140.

Mr. HAYES. My own impression, in reply to the suggestion of my colleague, as I have already inferred, is that not one dollar of this currency will ever be taken out, except by the banks controlled by speculative interests. The strictly commercial national banks will not take it out unless it becomes a matter of imperative necessity, not of one bank, but of all the banks of the country or of one section, and when currency is needed the most that it ever is, and is the most available to the speculator, he will have a means provided whereby he can realize on his securities in the quickest and easiest possible way, and, as I stated, in my humble opinion, that is the main purpose of this proposition—to give him that privilege.

Mr. SMITH of California. Do I understand you to say y(think the bill would not be operative?

Mr. HAYES. I do not think it would be generally.

Mr. SMITH of California. And that they would not——

Mr. HAYES. Except in times of great stress. Except the bank was in great need of currency, no bank would think of taking out that currency; not unless the roof of the house was burning would they ever think of calling for such relief.

Mr. SMITH of California. I am one of the kindergartners you are supposed to be talking to, and I am asking my teacher a few questions. I understand you think the bill would not be operative because we have not the same general plan under which a Government bond is operative.

Mr. HAYES. There is now no tax on circulation, except one-half of 1 per cent. Under the 6 per cent tax the gentleman from Connecticut figured out the other day the cost to the bank would be 9½ or 10 per cent, and possibly more than that, and I say that no bank could afford to throw such a flag of distress to the public and tell them that they were paying 10 per cent for currency.

Mr. SMITH of California. If the rate of interest on emergency currency was reduced, would that occur?

Mr. HAYES. That would help.

Mr. SMITH of California. I wish you would make a little plainer to your primary class here what you mean by a flag of distress which would float over the banks if they desired to put out this kind of new money.

Mr. HAYES. When there is an issue of clearing-house certificates, for instance, everybody knows it is a notice that they have not the money to pay drafts or checks. Everybody knows that, and when the banks put out the notes provided for in this bill everybody who knows anything about currency would know that the bank was taking out this circulation because it was out of cash and for that reason they were obliged to do it.

Mr. COOPER of Wisconsin. Will the gentleman yield for a moment? What the gentleman says reminds me of a dialogue I had not two hours ago with a banker of my own State. I raised that exact point. I said: "How can you keep the issue of this particular circulation secret; and if you do not keep it secret, if it is known as emergency circulation, why will not a panic begin?"

Mr. HAYES. That is it.

Mr. COOPER of Wisconsin. He said: "It can be and will be kept secret, as it is in Germany——

Mr. HAYES. It can not be, because it has to be in different language—that is the provision of the bill—and hence a different appearance.

Mr. COOPER of Wisconsin. I asked him how they kept it secret in Germany, and he told me——

Mr. HAYES. It would be a different currency.

Mr. COOPER of Wisconsin. He told me in Germany this emergency circulation was issued, and it was issued——

Mr. HAYES. I am going to speak of that in a moment. In this country unless the law is amended no such thing would be possible. Everybody who looked at it would know what it was, just as they know clearing-house certificates when they are issued.

Mr. SMITH of California. Did you ever know anybody in practical, everyday business operations to read the superscription on a piece of paper mony?

Mr. HAYES. I have read them many times.

Mr. SMITH of California. I have as a matter of curiosity, but I venture to say, with the presumably large amount of money that you have in your pocket now, you have not read the superscription of one piece out of a thousand.

Mr. HAYES. If there was a time of stress——

Mr. SMITH of California. Not in time of stress, but in the ordinary transactions.

Mr. HAYES. You can make——

Mr. SMITH of California. I do not look at——

Mr. HAYES. I can not yield to the gentleman for a speech, I yield for a question, not for a speech. Everybody would look at a new bank note coming out, as it has a little different verbiage, it has a little different appearance, and everybody will notice it practically; not one, but everybody, just as they would clearing-house certificates. Now, that is one great weakness in this legislation.

Mr. BRUMM. Is it not a fact the attention of the public would be called to the fact there is an emergency currency being issued from the very knowledge of the existence of the stuff, and that there was a panic?

Mr. HAYES. Certainly.

Mr. BRUMM. And that would call the attention of everybody to this new money.

Mr. HAYES. And everybody would be watching to see what money he got.

Mr. SMITH of California. Just one suggestion. I do not want to consume the gentleman's time, but we are now considering the needs of the banks in the autumn when the crops are to be moved. Now, that is not a condition of distress, but an ordinary business necessity, and very few people in the community would know that the bank had brought about this additional circulation, and they would not care.

Mr. HAYES. They would know it.

Mr. SMITH of California. If it is printed in substantially the color, I am of the opinion nobody would pay any attention to it.

Mr. HAYES. I have been in the banking business in my earlier life, and I have found that even little things that take place in the bank find their way out and begin to pass around the community as rumors, and everybody comes to know the condition of every bank in the community by just what leaks out of its business. Do you think if a bank was taking out circulation that cost them 10 per cent that nobody would know it? The depositors would be the very first ones to find it out and act upon it.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. HAYES. Certainly.

Mr. PARSONS. The gentleman spoke about the effect this bill would have upon municipal and railroad bonds, and yet he says that the act would not be availed of.

Mr. HAYES. I beg the gentleman's pardon. Let me suggest to him what I have said. I have said, supposing all this was out of it. I prefaced my remarks in that regard by saying, supposing I was mistaken about this. My conviction is that there would not any of it be used, except possibly by banks controlled by speculative interests, unless a panic was actually in progress.

Mr. PARSONS. Then, if that is so, how would this cause an appreciation in the value of these bonds?

Mr. HAYES. I do not think it would. My colleague from California [Mr. SMITH] thinks it would, but I do not think it would until they were accepted by the Treasury.

These illustrations are by no means chimerical or impossible. On the contrary, it is certain that not only these but other possibilities of using the Treasury of the United States to further their schemes, if this bill becomes a law, will be discovered

by these stock gamblers. The bill certainly has great possibilities for them and should be entitled, "A bill for the benefit of Wall street."

The distinguished author of this bill claims that the plan proposed by him is "substantially the plan of the Imperial Bank of Germany." On the contrary, the currency which he proposes has not a single point in common with the German emergency currency, except the high tax. The Germany currency is protected by a gold reserve of 33⅓ per cent. The currency proposed by him has not a dollar of reserve behind it anywhere. The German notes are also protected by gilt-edged commercial paper, the most liquid assets in the world. The currency proposed by this bill has bonds behind it, some of them having a very limited market, and in times of stress no market at all. The German currency is in the shape of the ordinary notes of the Imperial Bank, to which the people are accustomed, and no one knows when they are issued except the Government and the officers of the bank. The public are therefore not alarmed by the appearance of the notes. On the other hand, the emergency notes provided by this bill would be notice to every person who saw them that a great emergency had arisen to call them out, and the public would thus be alarmed and the very crisis accentuated that they are supposed to cure. Therefore the proposition can not be bolstered up by comparing it with the successful German system, since they have no important points in common.

I think, therefore, that this measure, instead of preventing panics or mitigating their severity, would have a tendency to bring them on and continue them when they had once come upon us. Unless it is violently amended, I could not defend a vote for this vicious, dangerous, and, as I believe, wholly ineffectual currency measure, before my constituents, composed of laborers, farmers, and business men. Neither can you, my brother Members, especially you who come from the West and South.

Mr. SMITH of California. Will the gentleman pardon me for another interruption? I want to understand this question, and the questions I am propounding are asked with the utmost good faith.

Mr. HAYES. No doubt.

Mr. SMITH of California. A national bank organizes, and is authorized to issue money. It may not do it. Now, if it does issue some money, as we call it, that does not alarm the community.

Mr. HAYES. Oh, no.

Mr. SMITH of California. Then why should it alarm the community if a bank operating under this provision, which, it seems to me, is exactly like the national-bank issue——

Mr. HAYES. The gentleman is not a banker, but I can explain in just a few words why it would raise an alarm. Suppose I was conducting a bank in San Jose. There are six banks in the town, and my bank gets into difficulties and wants cash, and I take some of my gilt-edged paper to be discounted and pay a discount of 12 per cent. Does the gentleman think that would not create an alarm in the community?

Mr. SMITH of California. I do not think the customers of the bank would know.

Mr. HAYES. It would get out in twenty-four hours, and depositors would begin to come to the bank and demand their money.

Mr. SMITH of California. Suppose you were not distressed?

Mr. HAYES. I would have to be in distress if I did anything like that.

Mr. SMITH of California. Suppose that a gentleman comes to your bank in the fall and says, "I want to move the prune crop from the Santa Clara Valley." You say, "I have not exactly the amount of money on hand that will meet your needs, but I can go to the Government with the securities I have and secure from the Government that which takes the place of money, and I will do so if you have got the satisfactory security which you have from year to year." That is not an evidence of distress in any bank.

Mr. HAYES. The gentleman must understand that that sort of explanation would immediately arouse a suspicion in the mind of the man to whom it was made. A bank can never stop to explain questionable transactions to its customers unless it wants to reap a harvest of suspicion.

Mr. HILL of Connecticut. Does the gentleman assume that the farmers in his district are going to move the prune crop on 10 per cent money?

Mr. SMITH of California. Yes.

Mr. HAYES. Then you would be hard up.

Mr. SMITH of California. I want to ask another question, and then I am going to allow the gentleman to proceed. I am very much interested in what he says. Instead of doing as I suggested, that he go to the United States and get the money with which to help this man move his prune crop, and in that way, as the gentleman says, alarm the community, suppose he went to San Francisco or Los Angeles, where the fruit crop is not being moved at that particular time, and got the money. Would that alarm the community?

Mr. HAYES. Not at all. There is a vast difference in that. One is notice to the community that he is much in need of money, and he can not get any in Los Angeles and San Francisco, whereas the other is a very natural and ordinary transaction. If the notes were being used and there was not the high taxation on the circulation that the Aldrich bill provides then, of course, that particular objection falls to the ground.

Mr. SMITH of California. If that is the only red flag that is in this bill, that can be remedied.

Mr. HAYES. I say that is not the only objection, but I say, that so far as alarm is concerned, that is the red flag.

Mr. BRUMM. Is it not true that the banker issuing money or issuing notes upon which he can make money will give no alarm, but when he begins to issue notes upon which he loses money, that in itself creates alarm?

Mr. HAYES. That is right.

Mr. BRUMM. And is an answer to the argument of the gentleman, your colleague.

Mr. SMITH of California. That is not a very strong argument against the bill.

Mr. HAYES. Since I have prepared this speech I have received circulars from commercial associations of several of the great cities, like the city of Philadelphia. In a circular issued by the Trades League of that city I find this statement, which I am glad to read because it expresses and enforces the objections I have made:

> Under this bill it is evident that only a limited number of banks would find it convenient to offer the required security, for comparatively few banks at this time own either State, municipal, or railroad bonds. Therefore, as there would be no profit for banks to pay out currency to purchase such bonds (on which but 75 or 90 per cent of currency would be issued), it is self-evident that additional currency could be issued only to the comparatively few banks which owned such bonds, or to those who were willing to pay a premium for borrowing them for this purpose. And inasmuch as the rate of interest to the banks would be 6 per cent, it is also evident that applications for such currency would be made only after an extreme money stringency or panic had developed and borrowers were forced, in desperation, to submit to a rate of interest which would violate the law of usury in many States.
>
> NO BENEFIT TO COUNTRY AT LARGE.
>
> In our opinion the Aldrich bill would be of no substantial benefit to the manufacturing, commercial, or agricultural interests of this country, although it might to some extent save favored financial interests from the maximum penalties of a currency panic and, incidentally, would also impart a fictitious value to the bonds specified, and we therefore oppose its passage.

I have also here a resolution of the Merchants' Association of New York, which is the greatest body of strictly commercial business men in the world, a part of which is as follows:

> *Resolved*, That this committee on bankruptcy and commercial law disapproves Senate bill No. 3023, entitled "A bill to amend the national banking laws," introduced by Senator ALDRICH, for the following reasons:
>
> 1. They regard as essentially unsound the principle embodied therein, that a currency should be based upon fixed securities of any description. The note issues as well as the deposits of a bank are obligations payable on demand, and the bank should hold as security against such liabilities nothing but quick assets, such as actual cash, secured notes payable on demand, or commercial paper liquidating itself at par at the end of a short period of months. It is no safe function for a bank of deposit or issue to invest assets held against demand obligations in long-term notes, bonds, or mortgages the conversion of which into cash in times of stringency can only be accomplished at sacrifice of the principal, if at all. The policy which might reasonably create an artificial market for the national obligations in time of civil war can not excuse an extension of the same favor to State or municipal bonds and railroad mortgages in time of peace.
>
> 2. The high tax which this bill proposes to levy upon the issue of emergency currency, and which in the last analysis would be paid by the borrower to the banks, when increased, as it would be, in practice at least, one-third by reserve requirements, is not only unnecessary, but oppressive; and in this and other States would provoke an immediate disregard of the statutes against usury. It is not becoming that a great nation should fill its coffers from the necessities of borrowers, and it is manifestly improper to pass one law which offers inducements to the violation of another.
>
> It is the unanimous opinion of your committee, as evidenced by the signatures hereto, that rather than accept legislation of the character of the Aldrich bill, which we feel in its ultimate results would be most disastrous to the commercial interests of the country, it would be preferable to have no legislation at all, in spite of the manifest necessity of some relief to the present intolerable situation.

What, then, can we do to protect the good people of the United States from future money panics, or to lessen their severity if we can not wholly prevent them? It seems to me that one phase of our recent experience will lead us to the right answer to this question.

During the recent financial panic the various clearing-house associations of the United States, composed of the banks of each clearing-house district, issued somewhere from $190,000,000 to

$250,000,000 in clearing-house certificates, upon which clearing-house checks were issued. These checks were issued entirely outside the law. They could not be immediately redeemed in gold coin or any other currency, and yet because the people knew that they were good, as they were, and needed them in the transaction of their business, these clearing-house checks generally circulated at par, and with them the banks enabled business to proceed and the laborers and employees to be paid, when without them the business of the country must have come to a complete standstill. These clearing-house certificates were the purest kind of credit currency, founded upon nothing but the assets and credit of the banks that belonged to the clearing-house associations. I believe that each bank that took out the circulation from the clearing house had to put up commercial paper or other security with the clearing house that was satisfactory to it as a condition precedent to issuing checks upon these clearing-house certificates.

I submit that our experiences with these clearing-house certificates and checks, if they do not point the way to genuine currency reform, certainly indicate the character of emergency currency that we should provide if at this time we are to legislate only for an emergency currency. These clearing-house checks were only adapted to circulate in the immediate neighborhood in which they were issued, since they had no legal-tender quality nor any law that would strengthen them outside the community that knew of the financial standing and character of the particular banks that issued them. They were also of an entirely different character and appearance from any currency to which the people were accustomed. They had no guaranty of the Government and no indemnity fund to which the note holder could resort in case the banks failed to redeem the notes, and yet, as before stated, in spite of these drawbacks these certificates made a very satisfactory currency during the time when the national-bank currency and the gold and silver coin and certificates were being hoarded and kept from the banks.

Mr. VREELAND. I would ask the gentleman if it is not a fact that all these clearing-house certificates were secured?

Mr. HAYES. They were secured by the assets of the bank—by commercial paper which every commercial bank carries.

Mr. PARSONS. Did not the local clearing houses charge interest on it?

Mr. HAYES. Certainly they charged interest upon it.

If it is only an emergency currency that is at this time demanded, I submit that the Congress of the United States, by legalizing and properly regulating the emission of certificates and checks by the clearing houses of the various commercial centers of the United States, could give to the people a very much more satisfactory, much cheaper currency than that proposed by the Aldrich bill and one that could be issued very much more expeditiously.

But I conceive that the Congress of the United States in providing an emergency currency might well go further and embody the principles underlying the clearing-house certificates and checks in a measure that would give to the country an asset currency with many additional safeguards and securities, which would be very much more satisfactory to the people than clearing-house certificates and checks, because they would feel that it was safer. For example, suppose that we divide the country into twenty or thirty commercial zones or districts, as proposed in the bill that the gentleman from New Jersey [Mr. FOWLER] has introduced, making a large city the center of each one of these zones, and require all national banks to attach themselves to one of these centers—join the clearing-house association, as it were—and then provide that they may issue their bills, with the consent of the Comptroller of the Currency, up to, say, 37½ per cent of their capital stock—although I think that 50 per cent would be better—under a graduated tax, which would have the effect of preventing this currency coming into existence unless the business interests of the country demanded it and would assist, possibly, in driving it out of circulation when the immediate need for it had passed. Each one of these centers in each one of these twenty or thirty zones should be a redemption center, to which the notes of all the banks in that district could be sent and immediately redeemed on demand in gold coin or lawful money, as well as over the counter of the bank that issued them.

To refer to the clearing-house checks again. These checks were retired from circulation as soon as the need for them was passed, although they were not taxed at all. They began to be issued only about four months ago, yet, having served their purpose, in most cities I believe they have entirely disappeared from circulation. There is no reason to suppose that the currency that I have suggested, under the sanction of the United States and with such guaranties as to make it acceptable all over the country, would not also naturally retire from the channels of trade as soon as the necessity for it had passed.

In addition to this consideration, if this circulation were guaranteed by a fund in the hands of the Comptroller of the Currency, which should be made up by compelling all the national banks of the United States before they were allowed to take out the circulation to put up 5 per cent of the amount that they take out and keep that 5 per cent good with the Comptroller, letting the taxes that may be collected on the circulation go to swell this fund, it would be absolutely certain that every note holder could receive the coin or lawful money of the United States for his note whenever it should be presented.

It will be recalled that during the forty-four years that the national-bank act has been in operation the total losses to depositors on account of failed banks amount to less than $35,000,000; and if the notes issued by these banks are made a first lien on their assets it is probable that not one dollar of the notes would ever fail to be ultimately redeemed, even without a guaranty fund. The principal purpose of the guaranty fund is to provide for the payment on demand of the notes of any banks that fail, and to give the public confidence in the soundness of the notes. Then let these notes be issued in appearance, form, and verbiage similar to the present national-bank note; only change the words "This note is secured by bonds deposited with the Treasurer of the United States" into "This note is secured by a guaranty fund deposited with the Treasurer of the United States." Who doubts that such a note as this would be acceptable to the people of the United States? Who doubts for a moment that it would be absolutely good—just as good as any bond-secured note that was ever issued? To some of its advantages over those offered by the currency of the proposed Aldrich bill I will briefly call your attention.

First. Neither its issuance nor the volume of it would depend in any degree upon the possession or the price of bonds. It would not be affected by the fluctuations in the market of any kind of securities, but would respond easily, quickly, and naturally to any unusual or excessive demand of legitimate trade for more currency.

Second. The banks of California and of all the States of the West and South, as well as of other sections of the country, could issue this currency whenever such conditions arose as to make it desirable, without going to Wall street or any other place to buy bonds, which, as I have shown earlier in my remarks, have no influence in keeping the currency at par, but are only valuable to protect the United States Government from loss. Under this arrangement, if the national banks were allowed to issue 37½ per cent of their capital in this kind of currency the national banks of the State of California now organized would be able to issue over $11,000,000. Under the Aldrich plan they would not issue one dollar. The banks of the State of North Dakota would be able to issue $1,650,000, where under the Aldrich plan they would not issue one dollar. The banks of the State of Texas would be able to issue, in round numbers, $15,000,000, whereas under the Aldrich plan they would not issue one dollar. And so similarly in all the States removed from Wall street and the great commercial centers. They could all come very near supplying the demands of their customers, and thus not only save the business of the country in times of panic, but, when times of stress and uncertainty are approaching, by the issuance of this currency they might effectually relieve the money stress and usually prevent a serious panic like that of November last.

Third. The assets of a properly managed commercial bank are the most liquid and the safest assets in the world. They are based upon the things that the people eat and wear and use, and the people must eat and live even in a panic; so the paper of a commercial bank will in a short time be met, no matter what the financial condition of the country may be. My experience in 1893 and 1894 proved to me that bankable commercial paper could be realized upon when bonds of all kinds were a drug in the market—indeed, when they could not be sold at any price. Bonds are a kind of investment luxury, and investors in them are comparatively few. No investor has to have them, but everybody must have food and clothes.

In view of our own experience with a pure credit currency, the clearing-house certificates and checks of the recent panic; in view of the experience of the Empire of Germany for the last thirty-eight years, of the Bank of France for one hundred years, of the banks of Canada for many years past, and of every commercial country in the entire world outside our own country and England proper, if we are not ready to vote to change our system at this time and put the currency at once on the right basis, why should we hesitate to provide for at least a limited amount of this currency? In all these countries

their paper currency is a pure credit currency, based upon the principles that I have suggested. It is the currency of the civilized world. There should be behind this currency in every bank that issues it a good, safe reserve in lawful money, and there should be a requirement that every bank that issued it should make arrangements with its redemption agency in the commercial zone to which it belongs for the prompt redemption of these notes when they are presented at such agency for redemption. In this way they would not become a menace in the circulating medium of the country, but on the other hand would greatly strengthen our bank position and relieve the Government of the United States from the burden of redeeming or maintaining them at a parity with gold.

One of the greatest objections that I have to the Aldrich bill is that it provides no reserve, nothing anywhere, in the banks or in the Treasury of the United States, for the redemption of notes for the issuance of which it provides, and therefore leaves them, should they be issued in any quantity, as an additional burden upon the Treasury of the United States at the very time when the Treasury should be strengthened, for in such a time the Treasury is always in danger of having its gold reserve depleted by the calls that the frightened and distracted people may make upon it by presenting their notes for redemption when no additional supply of gold is provided to meet this possible emergency.

Not only the $346,000,000 of greenbacks or United States notes are resting upon the Treasury gold reserve, but at least $300,000,000 of the silver dollars and silver certificates, and indirectly the $700,000,000 of the present bond-secured notes. Three years ago I made a trip to Mexico. I knew that each one of my twenty-dollar gold pieces would there buy more than forty Mexican dollars, but I was surprised to find that as soon as I crossed the river into Mexico I could readily exchange each one of my American silver dollars anywhere for two Mexican dollars, although the Mexican dollar had more silver, and hence more intrinsic value, than my dollar. This was, of course, because the Government of the United States was ready and able to redeem its silver dollars in gold. So one-half the value of our silver money, or $300,000,000, $346,000,000 greenbacks, and $700,000,000 of national-bank notes, or $1,350,000,000 of our currency, rests on the $150,000,000 gold reserve in the Treasury, and this is what safely keeps it all at par. In other words, Uncle Sam carries a gold reserve of 11 per cent against our nongold currency, leaving out of account the fractional silver.

The national-bank circulation has been increased in the last five or six years nearly $300,000,000, $140,000,000 since October last. We should therefore probably now be thinking about increasing the Treasury gold reserve by $50,000,000, instead of planning to add to the paper currency a possible $500,000,000 without any additional gold reserve either in the Treasury or in the banks.

The plan that I have suggested is only for an emergency currency, and in its main points, with some additions, is the same as that suggested by the currency commission of the American Bankers' Association. Although I regard this plan as very much superior to that of the Aldrich bill, personally I think that we ought to go very much further and put our currency at this time on a thoroughly sound and correct basis.

It may be urged that this plan can be assailed as a bankers' measure, but I would much prefer to make a bankers' measure, if you please, so that the national banks in California and Texas, in Missouri and in North Dakota, and in every other place in the land could issue currency at any time when they and the Comptroller agreed that there was a necessity for it to meet the needs of their customers and the pressing necessities of the business men, laborers, and farmers of the community in which they are located than to make a currency for the relief of the men who are the owners of the speculative municipal and railroad bonds of the country. Bring this relief home to the people who need it. Permit their home banks to help them to finance their farms, their factories, their business, to market their produce—the produce of the soil, of the loom, and of the factory—instead of tying the business and the brawn of the country up to the speculator in bonds on Wall street and forcing the people to pay tribute to those who fatten off the misfortunes of their country when there comes a time of stress.

I ask leave to append to my remarks a set of figures prepared by Mr. John L. Hamilton, a member of the currency commission of the American Bankers' Association, showing the amount of currency that could be issued by the various banks of the various States and sections of the country under the law proposed by that commission, which allows the banks to issue up to 37½ per cent of their capital. This bill is House bill No. 15262, introduced by Mr. McKINNEY of Illinois.

The Committee on Banking and Currency of the House have under consideration, and I hope will presently report to the House, a bill which I trust will include the principles that I have just advocated, with such additions, amendments, modifications, and safeguards as in their wisdom they think the situation demands. [Loud applause.]

With the consent of the House, I append the following tables:

The following is the amount of credit notes that could be issued in each of the following States under the law proposed by the currency commission of the American Bankers' Association:

[Capital as shown by Comptroller of Currency's Report September, 1907.]

Number banks.	State.	Capital.	3 per cent credit notes.	5 per cent credit notes.	Total note issue.
72	Alabama	$7,975,000	$1,990,625	$996,875	$2,990,625
2	Alaska	100,000	25,000	12,500	37,500
14	Arizona	755,000	188,750	94,375	283,125
37	Arkansas	3,690,000	922,500	461,250	1,383,750
128	California	29,796,900	7,449,225	3,724,612	11,173,843
104	Colorado	9,123,500	2,280,875	1,140,437	3,421,312
80	Connecticut	20,155,050	5,038,762	2,519,381	7,558,143
24	Delaware	2,273,985	568,496	284,248	852,744
12	District of Columbia	5,402,000	1,350,500	675,250	2,025,750
36	Florida	3,995,000	998,750	499,375	1,498,125
87	Georgia	8,959,000	2,239,750	1,119,875	3,359,625
4	Hawaii	610,000	152,500	76,250	228,750
34	Idaho	1,775,000	443,750	221,875	665,625
395	Illinois	54,571,250	13,642,812	6,821,406	20,464,218
223	Indiana	23,315,000	5,928,750	2,914,375	8,743,125
168	Indian Territory	7,127,500	1,781,875	890,937	2,672,812
304	Iowa	18,735,000	4,683,750	2,341,875	7,025,625
203	Kansas	12,031,540	3,007,885	1,503,942	4,511,827
141	Kentucky	16,058,400	4,014,600	2,007,300	6,021,900
37	Louisiana	8,989,920	2,247,480	1,123,740	3,371,220
79	Maine	9,401,000	2,350,250	1,175,125	3,525,375
98	Maryland	17,743,215	4,435,804	2,217,902	6,653,706
203	Massachusetts	59,217,500	14,804,375	7,402,187	22,206,562
93	Michigan	13,963,915	3,490,978	1,745,489	5,236,468
253	Minnesota	20,341,000	5,085,250	2,542,625	7,627,875
27	Mississippi	3,300,000	825,000	412,500	1,237,500
113	Missouri	28,955,000	7,238,750	3,619,375	10,858,125
38	Montana	3,519,500	879,875	439,937	1,319,812
196	Nebraska	12,261,770	3,065,442	1,532,721	4,598,163
8	Nevada	1,607,000	401,750	200,875	602,625
56	New Hampshire	5,210,000	1,302,500	651,250	1,953,750
172	New Jersey	19,708,230	4,927,057	2,463,528	7,390,586
39	New Mexico	1,918,041	479,510	239,755	719,265
404	New York	159,109,600	39,777,400	19,888,700	59,666,100
60	North Carolina	5,620,000	1,405,000	702,500	2,107,500
121	North Dakota	4,395,000	1,098,750	549,375	1,648,125
361	Ohio	59,631,800	14,907,950	7,453,975	22,361,925
136	Oklahoma	4,885,000	1,221,250	610,625	1,831,875
55	Oregon	3,866,000	966,500	483,250	1,449,750
733	Pennsylvania	112,433,998	28,108,499	14,054,249	42,162,749
22	Rhode Island	6,700,250	1,675,062	837,531	2,512,593
26	South Carolina	3,485,000	871,250	435,625	1,306,875
87	South Dakota	3,287,500	821,875	410,937	1,232,812
78	Tennessee	9,260,000	2,315,000	1,157,500	3,472,500
521	Texas	39,679,900	9,919,975	4,959,987	14,879,962
18	Utah	2,180,000	545,000	272,500	817,500
50	Vermont	5,685,000	1,421,250	710,625	2,131,875
100	Virginia	12,175,800	3,043,950	1,521,975	4,565,025
45	Washington	6,547,750	1,636,937	813,468	2,455,405
90	West Virginia	7,733,500	1,933,375	966,687	2,900,062
127	Wisconsin	15,555,000	3,888,750	1,944,375	5,833,125
29	Wyoming	1,585,000	396,250	198,175	594,425
1	Porto Rico	100,000	25,000	12,500	37,500
6,544	United States.	896,451,314	224,112,828	112,056,414	336,169,242

GEOGRAPHICAL DIVISIONS.

490	New England States	$106,368,800	$26,592,200	$13,296,100	$39,888,300
1,443	Eastern States	316,671,028	79,167,757	39,583,878	118,751,635
1,312	Southern States	130,921,520	32,730,380	16,365,190	49,095,570
1,869	Mid. West States	235,067,965	58,766,991	29,383,495	88,150,486
1,121	Western States	60,134,351	15,033,587	7,516,793	22,550,381
303	Pacific States	46,577,650	11,644,412	5,822,216	17,466,628
5	Island possessions	710,000	177,500	88,750	266,250
6,544	United States.	896,451,314	224,112,828	112,056,414	336,169,242

RESERVE CITIES.

If the plan of the American Bankers' Association were now a law the banks of the reserve cities could issue credit notes as follows:

City.	Capital national banks.	3 per cent credit note.	5 per cent credit note.	Total credit note.
Atlanta, Ga	$2,100,000	$525,000	$262,500	$787,500
Albany, N. Y	2,100,000	525,000	262,500	787,500
Brooklyn, N. Y	1,602,000	400,500	200,250	600,750
Baltimore, Md	12,740,700	3,185,175	1,592,587	4,777,762
Boston, Mass	26,050,000	6,512,500	3,256,250	9,768,750
Cincinnati, Ohio	13,300,000	3,325,000	1,662,500	4,987,500
Cleveland, Ohio	9,350,000	2,337,500	1,168,750	3,506,250
Columbus, Ohio	3,550,000	887,500	443,750	1,331,250
Chicago, Ill	27,650,000	6,912,500	3,456,250	10,368,750
Cedar Rapids, Iowa	400,000	100,000	50,000	150,000
Denver, Colo	3,200,000	800,000	400,000	1,200,000
Des Moines, Iowa	800,000	200,000	100,000	300,000
Dubuque, Iowa	600,000	150,000	75,000	225,000
Detroit, Mich	4,750,000	1,187,500	593,750	1,781,250
Dallas, Tex	2,400,000	600,000	300,000	900,000
Fort Worth, Tex	1,925,000	481,250	240,625	721,875
Galveston, Tex	425,000	106,250	53,125	159,375
Houston, Tex	2,500,000	625,000	312,500	937,500

RESERVE CITIES—continued.

City.	Capital national banks.	3 per cent credit note.	5 per cent credit note.	Total credit note.
Indianapolis, Ind	$5,100,000	$1,275,000	$637,500	$1,912,500
Kansas City, Mo	3,300,000	825,000	412,500	1,237,500
Kansas City, Kans	1,000,000	250,000	125,000	375,000
Los Angeles, Cal	5,550,000	1,387,500	693,750	2,081,250
Lincoln, Nebr	650,000	162,500	81,250	243,750
Louisville, Ky	4,945,000	1,236,250	618,125	1,854,375
Minneapolis, Minn	5,700,000	1,425,000	712,500	2,137,500
New York, N. Y	114,580,000	28,645,000	14,322,500	42,967,500
New Orleans, La	6,025,000	1,506,250	753,125	2,259,375
Omaha, Nebr	2,800,000	700,000	350,000	1,050,000
Portland, Oreg	1,250,000	312,500	156,250	468,750
Philadelphia, Pa	22,305,000	5,576,250	2,783,125	8,359,375
Pittsburg, Pa	29,100,000	7,275,000	3,637,500	10,912,500
St. Louis, Mo	19,100,000	4,775,000	2,387,500	7,162,500
San Francisco, Cal	13,800,000	3,450,000	1,725,000	5,175,000
St. Paul, Minn	4,100,000	1,025,000	512,500	1,537,500
Savannah, Ga	750,000	187,500	93,750	281,250
Salt Lake City, Utah	1,200,000	300,000	150,000	450,000
Seattle, Wash	1,750,000	437,500	218,750	656,250
St. Joseph, Mo	900,000	225,000	112,500	337,500
Waco, Tex	800,000	200,000	100,000	300,000
Washington, D. C	5,150,000	1,287,500	643,750	1,931,250
Wichita, Kans	500,000	125,000	62,500	187,500

Mr. HAY. Mr. Chairman, I yield twenty-five minutes to the gentleman from Iowa.

Mr. HULL of Iowa. I yield the time yielded to me by the gentleman from Virginia to the gentleman from Wisconsin [Mr. KÜSTERMANN].

Mr. KÜSTERMANN. Mr. Chairman, I am sorry to see so many vacant seats, but a man who has done as much campaigning as I have can make use of existing conditions. [Laughter.] I have always spoken though there were but a dozen persons before me. I always presumed that that dozen would go out in the world and tell the people what I told them. [Laughter and applause.]

Now, I wish to say that after the gentleman from Tennessee spoke—and he made a most excellent speech—I saw a number of people on that side leave the House. Could it be possible that those gentlemen were afraid that his arguments might be successfully answered, as I believe they can? I will not take the time now to offset his argument; but I will say, in brief, that a paper received from my home State makes this statement, under the heading of a great snowstorm in the leading city of my State: "It was utterly impossible to find men to shovel the streets, while they were offered $2 a day." From another place, not far from my home city, where they have large paper industries, the question is not who is out of work—for they have already increased the pay for common labor from $1.50 to $1.70—but how to get enough men to do the work.

However, I did not rise to-day to speak on political affairs. I wish to refer to a matter alluded to this afternoon by the distinguished gentleman from New Jersey [Mr. PARKER], the Army canteen.

My introduction of a bill to re-establish the canteen in the Army—that is, to allow the sale of light wines and beer to the soldiers in the various posts and veterans' homes, has brought down on me the wrath of temperance and prohibition people, not alone in my district but in many parts of the country.

The ladies especially, whom I so much adore, have attacked me most severely, but I forgive them for I feel that they have not given the matter the thorough study necessary to speak intelligently, and that they were misled by sentimentality and not by facts and figures.

Some of these women have intimated that I, being of German parentage, would naturally stand on the side of the liquor interests, and that I would rather see the good soldier ruin his health and morals than to have those interests interfered with.

Poor, misguided people, blinded by their zeal to have all intoxicating liquor driven out of this country. They actually believe that they will accomplish this Herculean task.

Now, to set matters right, let me say at the outset that, in spite of my German name, which my good parents gave me, there is no one on this floor or in this country who is more thoroughly in favor of temperate habits than I am, for I favor temperance in drinking, temperance in eating, and in everything else.

No, I am not a champion of the liquor interests, and if I had the power I would take away the license from every saloon keeper who does not run an orderly place and who will give intoxicating liquor to anyone already under its influence, or to anyone whom he knows it will have an ill effect upon.

On the other hand I want to see those dealers in spirituous liquors protected, and not classed among the outcasts, who maintain good order in their places, and serve those who find comfort in taking a glass of beer or wine, chatting with friends while drinking it and knowing when to quit.

Right here let me say that if the prohibitionists who are now trying to do something that in the long run they will find impossible to do, viz, to entirely stop the liquor traffic, would devote their energies toward stopping treating, they would do much more toward real temperance than they will ever perform with their present methods.

People who would never sign a pledge to quit drinking intoxicating liquor might be easily induced not to treat or accept a treat.

If this was done, people would get used to the custom as it prevails in Germany and other European countries, where everyone pays for what he eats or drinks, and the number of saloons would materially lessen, and cases of intoxication would become few and far between.

In my State, Wisconsin, antitreating societies exist in many cities, and on entering a saloon a number of men can often be seen grouped around a table talking over business affairs, criticising the work of Congress, getting much comfort and satisfaction out of the short time spent there, and at the end of the session everyone pays his own bill, be it for a cup of coffee, a glass of beer or wine, or some other beverage.

You will be astonished to see how little they drink and how much they talk.

It would be cruel to break up these social gatherings, simply because there are some people who, rather than refuse the offer of a treating friend, or feeling under obligations to treat when their turn comes, imbibe more than is good for them.

Anything done to excess will bring evil consequences, whether it is to drink intoxicating liquor, ice water, ginger ale, or to eat watermelons and lobsters.

Prohibition will make people the more desirous to partake of the forbidden fruit, but proper regulation and insisting upon strict obedience to these regulations will bring the desired results at an earlier date.

I am told that in the Netherlands the saloons are not licensed, but only the customers, who can not procure any liquor without first showing their license.

Of course, no one who overindulges can secure the license.

These few hints thrown out to the temperance workers may prove of some benefit to them in their endeavor to make the world and its inhabitants better.

We Representatives have been sent here by our constituents, not to be led by sentimentality or the pleadings of extremists, but in every case to weigh all the facts brought before us and to decide according to our best judgment.

Now, what are the true facts regarding the Army canteen?

After the canteen had been in existence for many years, during which the drinking of light wines and beer had brought no evil results, the imbibing to excess being made impossible save in rare cases by the presence of the superior officers, a majority of the House and Senate, through misrepresentations and the influence of women, who meant well, but gave the matter but superficial consideration, decided to abolish the canteen.

Many were persuaded to support the bill, and help to abolish the canteen simply to see what results it would bring—whether beneficial or detrimental.

The bill was passed on February 2, 1901, and the operation of it has been given a fair trial—a seven-year trial.

The Members of Congress are not in position to say whether the seven years' test has proven it to be a wise measure, nor do the women, who were so zealous in furthering the proposition merely for sentimental reasons, actually know whether it has stood the test—whether it accomplished what was expected of it—but the officers of the Army, the men who manage our military affairs, are no longer in doubt as to the results of that act.

The Secretary of War, Hon. W. H. Taft, after a trial period of only two years, or thereabouts, says in his report:

> I am convinced that the general effect of prohibiting the use of beer and light wines within the limited area of the Army post is to lead the enlisted men to go out of the post, to frequent vile resorts which cluster in the neighborhood, to drink bad whisky to excess, and to associate intimately with abandoned men and still more abandoned women, and that the operation of the law is to increase drunkenness, disease of the most loathsome kind, insubordination and desertion, and moral and physical degeneration.

That the Secretary of War has not changed his mind in the least is evident from his latest report, which reads as follows:

> Venereal diseases were again the most important diseases affecting the efficiency of the Army during the year. There were constantly on sick report for this class of affections 739 men, equal to the loss for the entire year of the service of about 11 full companies of infantry.

The Adjutant-General of the Army, Maj. Gen. F. C. Ainsworth, reports as follows:

The restoration of the exchange as it existed prior to the passage of the act of February 2, 1901, prohibiting the sale of beer and light wines is desired by the great majority of officers and men, and by none more than those of pronounced temperance views. Numerous reports confirm the views long held by these officers that the old exchange contributed to sobriety, health, and contentment of the men. The increase of desertions and trials of infractions of discipline is, by those best informed, attributed to the abolition of the former privileges of the exchange.

The Chief of Staff of the United States Army, Maj. Gen. J. Franklin Bell, in his recent report has the following to say on the subject:

This subject has been referred to in many annual reports since the passage of the law abolishing the sale of light wine and beer in post exchanges, often referred to as the anticanteen amendment.

Regular and special reports made from time to time establish the fact that the Army from the lowest rank up, is practically unanimous in its desire to have the canteen reestablished.

Even many officers who, on principle, are opposed to the use of intoxicating liquors, realize that such use can not be prevented and that the sale of beer at post exchanges would be the lesser evil.

A careful study of the matter has recently been made, and a full record made with a view of placing before you, in concise form, reasons why this law should be repealed, and the facts in support of these reasons.

In considering the subject, three periods of time are discussed—the period from 1881 to 1890, from 1891 to 1900, and from 1901 to date. The first period covers the time prior to the establishment of post exchanges, when post traders were authorized. The second, the time during which the canteen was in existence. The third, the period since its abolition. When the canteen was in operation there were fewer desertions, fewer fines and forfeitures imposed by sentence of court-martial, less alcoholism, and less venereal diseases than prior to its establishment. Since the abolition of the canteen, venereal diseases have increased, alcoholism has been slightly on the increase, fines and forfeitures imposed by sentence of court-martial have materially increased, and desertions have increased somewhat. I am satisfied that a careful consideration of the whole subject, as set forth in the special report, together with the views of department commanders, will be convincing evidence that the abolition of the canteen has resulted in injury to the service. The morals and discipline of the Army have suffered in consequence.

The Judge-Advocate-General, Brig. Gen. George B. Davis, in a recent letter to me states that in 1896 there were 1,486 trials for drunkenness and other offenses; in 1897, 1,384; in 1898, 1,880 trials, while since the canteen was abolished the number of trials for these offenses have doubled and trebled as follows:

	Cases.
1902	5,311
1903	5,275
1904	4,249
1905	4,800
1906	4,596
1907	3,913

The latest report of the Surgeon-General, Brig. Gen. Robert M. O'Reilly, contains the following facts regarding venereal diseases in the Army:

Venereal diseases were again by far the most important factor affecting the efficiency of the Army during the year.

Replying to my inquiry, he states that during the canteen period the cases of venereal diseases averaged about 80 per 1,000 men, while since abolishing the canteen, the number has reached the high mark of 200 per 1,000.

Referring to the opinion of the medical officers of the Army, the Surgeon-General states:

This office concurs in the opinion expressed by most medical officers of the Army, that the abolition of the sale of beer and wine in post exchanges has had much to do with the increase of venereal diseases and alcoholism in the Army by driving soldiers to disreputable resorts outside of the post and beyond control of the post authorities.

The American Medical Association, with a membership of over 12,000, composed of the leading representatives of the medical profession in this country, passed the following resolution:

Resolved, That this body deplores the action of Congress in abolishing the Army post exchange or canteen, and in the interests of discipline, morality, and sanitation recommends its reestablishment at the earliest date.

Reports from commanding officers of the various Army posts show that the number of saloons in the few years since the abolishment of the Army canteen has increased by a total of 371.

To show what effect the establishment of the canteen had on the liquor traffic outside of the posts, I cite the case of Fort Porter, where there were 70 outside saloons before the canteen was established, and this number was reduced to 3 after the sale of beer and wine was allowed within the fort.

Thus it is seen from the reports of the chief officers of our Army, men who have studied conditions, and who are faithful and conscientious in the discharge of their duties, that the abolishment of the Army canteen has been detrimental to the health, discipline, morality, and general contentment of our soldiers.

It is further seen that desertions have materially increased since the canteen was abolished and that it has become more and more difficult to enlist the required number of recruits.

How difficult it is under present conditions to find men who are willing to enter our Army, is seen from the report of a commanding officer of a battalion of the Nineteenth Infantry, stationed at Fort McIntosh, Tex.:

I have present to-day in the 4 companies, 56 men, and 23 of them are to be discharged this month. If we get no recruits, one company will have 3 men and another 4. The other two companies will have 11 and 12 men, respectively.

The difficulty of getting recruits is probably in part due to the small compensation paid to our soldiers which is materially less than is paid to men in any other line of work.

To do all the hard work required of a soldier, to go through the daily drills, practice marches, so essential in the proper training of the men, to be ready for actual war duty whenever called upon, to do all this for the paltry sum of $13 per month is more than should be expected of any man.

But this is not all. Congress, induced by persons who never took the pains to study the subject, decided to regulate the habits of the soldiers. Instead of leaving this matter in the hands of the superior officers, who of course know best how to deal with the habits of the soldiers, it was simply decided to forbid the selling of beer and light wine in the Army posts and in Veterans' Homes, thinking that this would keep the men from drinking anything stronger than water.

By one stroke of the pen they thought to make goody-goodies out of the soldiers. It was believed that the soldiers, trained in discipline, would gently submit to being robbed of the comfort and enjoyment there is in an occasional glass of beer or wine.

Probably some Members now on this floor voted for the passage of that bill who would defy anyone to take away from them what they took from the soldiers.

While they were at it they might as well have added a few words to the bill, thereby preventing the sale of tobacco, cigars, and prohibiting smoking within the Army posts or Veterans' Homes.

Because of the fact that many good mothers' sons are ruining their health by smoking, it is a wonder that the women who have been so persistent in their fight against liquor have not already started their agitation against the use of tobacco. Successful in having beer and wine thrown out of the Army posts, what should prevent them from starting a crusade against the tobacco evil?

Our $13 soldier is a good man to experiment on, and, after we have him thoroughly reformed, we will see what can be done with the sons of those women who have been so very active in bringing about these reforms in the Army, instead of first beginning at home and endeavoring to change the evil habits of their husbands and sons.

What has been accomplished by the abolishment of the canteen is clearly seen by the many reports from Army officers, the Surgeon-General, the Secretary of War, and others.

Those who simply voted for the measure to try its general effect on the Army, must, if they read the reports mentioned, have become convinced that the desired results were not obtained, but on the contrary conditions were created by it that threaten to undo all the work of those who have made every effort to build up an Army that could be relied upon in case of war.

The Latin saying, "Si vis pacem, para bellum" is as true to-day as it was in Cæsar's time. Yes, if you want peace, prepare for war. Have an Army that will do its duty, have it equipped in the best possible manner and have the discipline such that the superior officer can always depend upon his orders being promptly executed.

These superior officers tell us that since the canteen has been abolished desertions are a daily occurrence, discipline has suffered, the number of trials for drunkenness and disorderly conduct have greatly increased, to get recruits or new enlistments is almost a matter of impossibility, and worst of all, every fifth soldier in the Army is affected with venereal disease.

Now can we, who are sent here to legislate for the best interests of the country, close our ears to the urgent appeals of the superior officers in the Army?

Can we continue to allow the shocking conditions to exist that the abolishment of the canteen has brought about?

Are we here to be influenced by persons who, in their mad rage against the lesser evil, are blind to the much greater evil caused by their agitation?

Can it be true that from fear of losing a few votes we can close our eyes to the true condition of things and vote contrary to our real convictions?

If my political fate depends upon the influence of a few misguided persons in my district, I would rather go down in defeat doing my duty as dictated by my conscience than to be victorious at the polls by voting against a measure that I know to be beneficial to the best interests of my country.

When I introduced the bill for the reestablishment of the canteen I had become thoroughly convinced that such was necessary to improve conditions in our Army.

I presented this bill before you, not in behalf of the liquor interests, but to keep our soldiers from frequenting the low dives that have sprung up around the Army posts since the canteen was abolished.

My personal knowledge of the effect of the abolishment of the canteen in several Veterans' Homes also induced me to move for a reestablishment of the canteen. I know that in these Homes cases of drunkenness were of rare occurrence before, and now under the new order of things it is almost impossible to keep order.

Why, just think of the injustice of treating these old soldiers, who did their full duty for our country, like a lot of children. Having been accustomed to drinking wine or beer for years, and however moderately, they are now told they must give up the old habit; they must not take the stimulant which at their old age they are so much in need of, or, if they insist upon having it, they must sneak into the low dives that have sprung up since their clubhouse was abolished.

All this has been brought about by persons who do not reason, and who are advocating general prohibiton in order to keep some friend or member of their family from securing the so-called vile stuff.

How much better and more effective if they had taught those near them, as my dear mother has taught me, that the abuse of anything brings evil results.

I will not deny that some of the opponents of the canteen probably thought that its abolishment would advance the moral and physical welfare of the enlisted men. If this splendid object were attained, the anticanteen system would be a success.

But experience has shown that the abolishment of the canteen has had the directly opposite effect of what had been expected by its advocates, and we now know that to reestablish it means to improve the discipline and health of the soldiers and to raise the moral standard of our Army.

Knowing the true facts in the matter, as every Member has an opportunity to ascertain, Congress will fail of a public duty if it does not restore the canteen. No clamor from temperance agitators should keep us from acting in this matter for the good of the service. We certainly can not afford to trifle with our army affairs.

Now, if the committee to whom the bill has been referred has not the courage to take action on it, let them report it to the House without any recommendation, and have the Members vote for or against it—for a betterment of conditions in our Army or for a continuance and growth of the evils brought about by the abolishment of the canteen. [Applause.]

Mr. HULL of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Army appropriation bill and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4632. An act for the relief of the Davison Chemical Company, of Baltimore, Md.—to the Committee on Claims.

S. 5330. An act for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes—to the Committee on Indian Affairs.

S. 5333. An act relating to yachts—to the Committee on the Merchant Marine and Fisheries.

S. 5507. An act to increase the membership of the Philippine Commission—to the Committee on Insular Affairs.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6515. An act for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3726. An act to authorize the Twin City Power Company to build, operate, and maintain three dams across the Savannah River, above the city of Augusta, in the State of Georgia.

ADJOURNMENT.

And then, on motion of Mr. HULL of Iowa (at 5 o'clock and 14 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an amended estimate of appropriation for guards at United States penitentiaries at Leavenworth, Kans., and Atlanta, Ga., was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3941) to amend section 4 of an act entitled "An act to prevent unlawful occupancy of the public lands," approved February 25, 1885, reported the same without amendment, accompanied by a report (No. 1070), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14043) to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana, reported the same without amendment, accompanied by a report (No. 1071), which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17220) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, reported the same with amendment, accompanied by a report (No. 1072), which said bill and report were referred to the House Calendar.

Mr. LAW, from the Committee on War Claims, to which was referred the bill of the House (H. R. 16732) to give the Court of Claims jurisdiction of claims for captured and abandoned property which was sold and the proceeds thereof placed in the Treasury of the United States, reported the same without amendment, accompanied by a report (No. 1075), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 17991) providing for the transfer of light-house reservation at Fort Howard, Md., reported the same without amendment, accompanied by a report (No. 1077), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 5155) authorizing the exchange of lands for the enlargement of maneuvering grounds, reported the same without amendment, accompanied by a report (No. 1078), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CRAIG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16860) to establish a United States land district to be known as the Tucumcari land district, reported the same without amendment, accompanied by a report (No. 1079), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17874) grant-

ing pensions and increase of pension to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war, reported the same without amendment, accompanied by a report (No. 1069), which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the Senate (S. 2027) for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased, reported the same without amendment, accompanied by a report (No. 1073), which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13955) to compensate E. C. Sturges for property lost during the Spanish-American war, reported the same without amendment, accompanied by a report (No. 1074), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 17329, reported in lieu thereof a resolution (H. Res. 261) referring to the Court of Claims the papers in the case of the heirs of Asa O. Gallup, accompanied by a report (No. 1076), which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 5934) for the relief of Deloss M. Baker, Frank W. Clay, and Herman V. C. Hart, committee, and to reimburse those who subscribed and paid for site for post-office building at Adrian, Mich.—Committee on Public Buildings and Grounds discharged, and referred to the Committee on Claims.

A bill (H. R. 2953) for the relief of the heirs of Lieut. R. B. Calvert, deceased—Committee on War Claims discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GOULDEN: A bill (H. R. 17969) for the retirement of employees in the classified civil service of the Government—to the Committee on Reform in the Civil Service.

By Mr. STERLING: A bill (H. R. 17970) to finally adjust the swamp-land grants, and for other purposes—to the Committee on the Public Lands.

By Mr. HACKNEY: A bill (H. R. 17971) providing for a uniform classification of freight—to the Committee on Interstate and Foreign Commerce.

By Mr. BRICK: A bill (H. R. 17972) to provide for the purchase of a site and the erection of a public building thereon at Mishawaka, in the State of Indiana—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17973) to provide for the purchase of a site and the erection of a public building thereon at Goshen, in the State of Indiana—to the Committee on Public Buildings and Grounds.

By Mr. HACKETT: A bill (H. R. 17974) to provide for the erection of a public building at Concord, N. C.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17975) increasing the limit of cost for a public building at Salisbury, N. C.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17976) to provide for the purchase of a site and the erection of a public building thereon at Wilkesboro, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. HARDING: A bill (H. R. 17977) to increase to $30 per month certain persons pensioned under the act of June 27, 1890—to the Committee on Invalid Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 17978) to prohibit the transmission by the post-office establishment of information or knowledge obtained through fraud—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: A bill (H. R. 17979) requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. FORDNEY: A bill (H. R. 17980) providing for an additional appropriation for the public building at Owosso, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. ALLEN: A bill (H. R. 17981) for the erection of a monument to the memory of Gen. John I. Sullivan—to the Committee on the Library.

By Mr. ANDREWS: A bill (H. R. 17982) to authorize the issue of bridge bonds by the county of Bernalillo, in the Territory of New Mexico—to the Committee on the Territories.

By Mr. McCALL: A bill (H. R. 17983) for completing the pediment of the House wing of the Capitol—to the Committee on the Library.

By Mr. HULL of Tennessee: A bill (H. R. 17984) to promote efficiency in the Government service—to the Committee on Reform in the Civil Service.

By Mr. KAHN: A bill (H. R. 17985) authorizing the President to place on the retired list of the Army, with the rank of captain, any contract surgeon who has served at least thirty years as such in the Army—to the Committee on Military Affairs.

By Mr. WANGER: A bill (H. R. 17986) providing for the erection of two memorial arches at Valley Forge, Pa.—to the Committee on the Library.

By Mr. MAYNARD: A bill (H. R. 17987) providing for the improvement of Norfolk, Va., harbor and vicinity out of the unexpended balance of the authorization of a 30-foot channel under the river and harbor act of March 30, 1907—to the Committee on Rivers and Harbors.

By Mr. FORNES: A bill (H. R. 17988) for the purpose of giving a greater elasticity to the currency, particularly to the end of making more stationary throughout the year the interest rates on loans, by furnishing a sufficient circulating medium to relieve the pressure incidental to the movement of the fall crops—to the Committee on Banking and Currency.

By Mr. WALDO: A bill (H. R. 17989) to amend section 6 of an act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States"—to the Committee on Immigration and Naturalization.

By Mr. DAVEY of Louisiana: A bill (H. R. 17990) fixing the compensation of the customs inspectors at the ports of Boston, New York, Baltimore, Philadelphia, New Orleans, Galveston, Chicago, and San Francisco—to the Committee on Ways and Means.

By Mr. HULL of Iowa, from the Committee on Military Affairs: A bill (H. R. 17991) providing for the transfer of lighthouse reservation at Fort Howard, Md.—to the Union Calendar.

By Mr. BURLESON: A bill (H. R. 17992) for erection of public building in the city of San Marcos, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. ALEXANDER of New York: A bill (H. R. 17993) to amend section 86 of an act to provide a government for the Territory of Hawaii—to the Committee on the Judiciary.

By Mr. WEISSE: A bill (H. R. 17994) to provide for the payment of accrued quarterly pension up to the time of the death of the pensioner where such death occurs before such pension under existing laws is payable—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 17995) to regulate the sale of milk and cream in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOUDENSLAGER: A bill (H. R. 17996) providing for the construction of dry docks—to the Committee on Naval Affairs.

Also, a bill (H. R. 17997) to establish a naval station at Pearl Harbor, Hawaii—to the Committee on Naval Affairs.

By Mr. STEVENS of Minnesota: Concurrent resolution (H. C. Res. 30) providing for a survey of a canal between Lake Superior and the Mississippi River—to the Committee on Railways and Canals.

By Mr. BARTHOLDT: Resolution (H. Res. 260) for additional compensation for clerk to Committee on Public Buildings and Grounds—to the Committee on Accounts.

By Mr. HASKINS, from the Committee on War Claims: Resolution (H. Res. 261) referring to the Court of Claims the bill H. R. 17329—to the Private Calendar.

By Mr. LEVER: Memorial of the legislature of South Carolina, requesting the Senators and Representatives from that State to advocate national aid for drainage—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 17998) for the relief of the city of Columbus, Ga.—to the Committee on Claims.

By Mr. BARTHOLDT: A bill (H. R. 17999) amending the records of the Missouri United Reserve Corps of Infantry—to the Committee on Military Affairs.

By Mr. BEALL of Texas: A bill (H. R. 18000) for the relief of John J. Mullins—to the Committee on War Claims.

Also, a bill (H. R. 18001) for the relief of William C. Short—to the Committee on War Claims.

Also, a bill (H. R. 18002) for the relief of Martha A. Barry, widow, and the heirs of Capt. J. B. Barry, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18003) for the relief of the heirs of John G. Miller, deceased—to the Committee on War Claims.

By Mr. BENNETT of Kentucky: A bill (H. R. 18004) granting an increase of pension to George W. Chatfield—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 18005) granting an increase of pension to Charles B. Layton—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 18006) granting an increase of pension to Daniel Seifert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18007) granting an increase of pension to William H. Spiker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18008) granting an increase of pension to James O. Harshner—to the Committee on Invalid Pensions.

By Mr. BURLEIGH (by request): A bill (H. R. 18009) authorizing the Secretary of War to place the name of George D. Arnold on the rolls of Company E, Fifteenth Maine Volunteers, and issue him an honorable discharge—to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 18010) for the relief of Walter D. Grierson—to the Committee on Military Affairs.

By Mr. CARLIN: A bill (H. R. 18011) granting a pension to Mary Cawood—to the Committee on Pensions.

Also, a bill (H. R. 18012) granting an increase of pension to William A. McDonald—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 18013) granting a pension to William P. O'Haver—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 18014) granting an increase of pension to James S. Lea—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 18015) granting a pension to Edward F. Vance—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 18016) granting an increase of pension to Charles H. Scanlin—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 18017) granting a pension to Paul Cariker—to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 18018) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur, deceased, with the United States, and to pay the heirs or legal representatives of the said Willbur, deceased, such sum of money as he may be justly and equitably entitled to—to the Committee on Claims.

By Mr. FOSTER of Illinois: A bill (H. R. 18019) granting an increase of pension to John H. Speer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18020) granting an increase of pension to George W. Kennedy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18021) granting an increase of pension to Nimrod T. Stoner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18022) granting an increase of pension to Henry Bibb—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 18023) granting an increase of pension to William Z. Richardson—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 18024) granting an increase of pension to Jacob Deems—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18025) granting an increase of pension to Isaac Nesbit—to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 18026) granting a pension to Clara L. Whitney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18027) for the relief of Richard W. Clifford—to the Committee on Claims.

By Mr. GOULDEN: A bill (H. R. 18028) granting a pension to Margaret Litchfield—to the Committee on Pensions.

By Mr. HACKETT: A bill (H. R. 18029) granting an increase of pension to James Kilby, sr.—to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 18030) granting a pension to William F. Neet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18031) granting a pension to James Gladish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18032) granting a pension to Joseph L. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18033) granting a pension to Mordecai Gladish—to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 18034) granting an increase of pension to Albert Steinhauser—to the Committee on Pensions.

By Mr. HARDING: A bill (H. R. 18035) granting an increase of pension to John W. Inness—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18036) granting an increase of pension to August Specht—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18037) granting an increase of pension to John Clifford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18038) granting an increase of pension to James F. Cantrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18039) granting an increase of pension to William H. Noggle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18040) granting an increase of pension to Jacob Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18041) granting an increase of pension to Mitchell Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18042) granting an increase of pension to George Sawyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18043) granting an increase of pension to Silas Macy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18044) granting an increase of pension to George W. Purcell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18045) granting an increase of pension to John M. Gibbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18046) granting an increase of pension to Gustave Hallenberg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18047) granting an increase of pension to Joseph N. Dear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18048) granting a pension to Peter Farley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18049) granting an increase of pension to John H. Bruce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18050) granting an increase of pension to Peter Ehrstine—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 18051) granting an increase of pension to Hezekiah B. Smith, jr.—to the Committee on Invalid Pensions.

By Mr. HILL of Mississippi: A bill (H. R. 18052) granting a pension to John Chatman—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 18053) for the relief of the heirs of Matthew Higginbotham, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18054) for the relief of the heirs of John Fisher, deceased—to the Committee on War Claims.

By Mr. HUBBARD of West Virginia: A bill (H. R. 18055) granting a pension to Carrie Duffy—to the Committee on Pensions.

Also, a bill (H. R. 18056) granting an increase of pension to James H. Thomas—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 18057) granting a pension to Paul Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18058) granting an increase of pension to Azariah Dorton—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 18059) for the relief of the estate of R. Colvin, deceased—to the Committee on War Claims.

By Mr. JOHNSON of South Carolina: A bill (H. R. 18060) granting an increase of pension to William D. Willis—to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 18061) authorizing the appointment of Maj. William R. Smedberg, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

By Mr. LAFEAN: A bill (H. R. 18062) for the relief of Adam R. Ballinger—to the Committee on War Claims.

Also, a bill (H. R. 18063) granting an increase of pension to John Englebert—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 18064) for the relief of Zera Welch—to the Committee on Claims.

Also, a bill (H. R. 18065) for the relief of Phœbe J. Hammond—to the Committee on Claims.

By Mr. LINDBERGH: A bill (H. R. 18066) granting an increase of pension to James Carroll—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 18067) for the relief of the heirs of William H. Harvill, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18068) for the relief of the heirs of Blueford D. Smith—to the Committee on War Claims.

Also, a bill (H. R. 18069) for the relief of the heirs of A. K. Tribble, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18070) for the relief of the heirs of John C. Bowden, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18071) for the relief of the heirs of Anderson Mayfield, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18072) for the relief of the heirs of Greenberry Backus, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18073) for the relief of the heirs of Elisha Mashburn, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18074) for the relief of the heirs of William McConnell, deceased—to the Committee on Claims.

Also, a bill (H. R. 18075) for the relief of the heirs of Benjamin F. Crowley, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18076) for the relief of the heirs of John M. King, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18077) for the relief of the heirs of Seaborn J. Burk, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18078) for the relief of the heirs of William Kile, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18079) for the relief of the heirs of William Wilmoth, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18080) for the relief of the heirs of James Peek, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18081) for the relief of the heirs of Mrs. Ellen McAllister, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18082) for the relief of the heirs of Nancy Scroggins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18083) for the relief of the heirs of Larkin Nash, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18084) for the relief of the heirs of Lydia Golasby, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18085) for the relief of Mrs. Susanna M. Clay—to the Committee on War Claims.

Also, a bill (H. R. 18086) for the relief of James Peek—to the Committee on War Claims.

Also, a bill (H. R. 18087) for the relief of Jane Holbrook—to the Committee on War Claims.

By Mr. LOVERING: A bill (H. R. 18088) granting a pension to Dora F. Dempsey—to the Committee on Pensions.

Also, a bill (H. R. 18089) granting a pension to Lillie N. Dyer—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 18090) granting an increase of pension to Eldridge S. Lyons—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 18091) granting a pension to Malcolm H. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18092) granting an increase of pension to James F. Jordan—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 18093) granting an increase of pension to William Scott—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 18094) granting an increase of pension to Jeremiah Sullivan—to the Committee on Invalid Pensions.

By Mr. PARKER of South Dakota: A bill (H. R. 18095) granting an increase of pension to Patrick H. Smith—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 18096) for the relief of William Archer—to the Committee on Military Affairs.

Also, a bill (H. R. 18097) granting a pension to Sherwood Vaughn—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 18098) for the relief of J. P. Clark—to the Committee on War Claims.

Also, a bill (H. R. 18099) for the relief of Oliver P. Boyd—to the Committee on War Claims.

Also, a bill (H. R. 18100) granting an increase of pension to Henry Welch—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 18101) granting an increase of pension to Clara C. Dillingham—to the Committee on Pensions.

Also, a bill (H. R. 18102) granting an increase of pension to S. R. Irwin—to the Committee on Invalid Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 18103) granting an increase of pension to William Sharboneau—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18104) granting an increase of pension to Marquis A. Dowd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18105) granting a pension to George Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18106) granting a pension to Louisa H. Highley—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 18107) granting an increase of pension to William J. Meadows—to the Committee on Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 18108) for the relief of Harriet C. Hunter, formerly Harriet C. Caperton—to the Committee on War Claims.

Also, a bill (H. R. 18109) granting a pension to Margaret A. Kennedy—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 18110) for the relief of the heirs of Eldred Nunnally, deceased—to the Committee on War Claims.

By Mr. TALBOTT: A bill (H. R. 18111) granting an increase of pension to Alexander H. Sittler—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 18112) for the relief of the estate of William Crussenberry—to the Committee on War Claims.

Also, a bill (H. R. 18113) for the relief of the estate of Job Warrick—to the Committee on War Claims.

By Mr. WASHBURN: A bill (H. R. 18114) granting a pension to Annie E. Tisdell—to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 18115) granting an increase of pension to Mary J. Gross—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 18116) to provide for the submission to the Court of Claims of the claims against the Mississippi Choctaws of Joseph W. Gillett, J. M. McMurty, W. N. Vernon, T. A. Bounds, and William C. Thompson, sr., for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation—to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Robert D. Kinney, requesting an inquiry into the official conduct of John B. McPherson and James B. Holland, United States judges—to the Committee on the Judiciary.

By Mr. ALEXANDER of Missouri: Papers to accompany bills for relief of Thomas J. Roberts and Catherine J. Thomas—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: Petition of Burnside Post, No. 8, Department of Tennessee, Grand Army of the Republic, favoring House bill pensioning widows and minors of soldiers of the civil war—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of Pittsburg Supply Company, against the Gardner eight-hour bill—to the Committee on Labor.

By Mr. BEALL of Texas: Paper to accompany bill for relief of L. G. Miller—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of the Canaan (Me.) Grange, for an enactment of legislation providing a national highways commission—to the Committee on Agriculture.

Also, petition of Kenebec (Me.) Pomona Grange, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CHANEY: Paper to accompany bill for relief of William P. O. Haven—to the Committee on Military Affairs.

By Mr. COOK of Pennsylvania: Petition of Philadelphia Board of Trade, favoring S. 25 and H. R. 169 (retired list for life-saving stations)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Pennsylvania Peace Society, for appropriation of $1,000 annually for the peace bureau at Bern—to the Committee on Appropriations.

By Mr. DE ARMOND: Petition of Edward O. Springs Post, Grand Army of the Republic, and C. H. Hudson and other soldiers and citizens of Cedar County, Mo., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Washington Board of Trade, against any change in the school system of the District of Columbia—to the Committee on the District of Columbia.

By Mr. FOCHT: Papers to accompany bills for relief of Elias C. Minium and Daniel Locke—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Papers to accompany House bill for the relief of Dr. William H. Willett (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: Petition of National Funeral Directors, against the custom of burial at sea—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Piere MacDonald, against amendment inimical to photographers in copyright bill—to the Committee on Patents.

Also, petition of United Harbor, No. 1, American Association of Masters, Mates, and Pilots, for amendment allowing appeal to Secretary of Commerce and Labor—to the Committee on Interstate and Foreign Commerce.

Also, petition of Metropolitan Association of Retail Druggists, favoring S. 4700 (Rayner bill) and H. R. 14639 (Bennet bill)—to the Committee on the Post-Office and Post-Roads.

By Mr. HACKETT: Petition for public building at Wilkesboro, N. C.—to the Committee on Public Buildings and Grounds.

Also, paper to accompany bill for relief of James Kilby—to the Committee on Pensions.

By Mr. HAYES: Petition of Chamber of Commerce of San Francisco, Cal., in favor of the passage of S. 423—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Petition of citizens of Taylor County, Iowa, against H. R. 4929 prohibiting labor in the District of Columbia on the Sabbath day—to the Committee on the District of Columbia.

Also, petition of citizens of Taylor County, Iowa, for H. R. 40, against sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Presbyterian Church of Chariton, Iowa, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of Connecticut State Business Men's Association, for increase in rates of second-class mail matter and reduction in first-class mail matter and against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Company H, Second Regiment, Connecticut National Guard, of Middletown, Conn., and Company B, First Regiment, of Hartford, Conn., for H. R. 14783, promoting efficiency of militia—to the Committee on Military Affairs.

Also, petition of International Typographical Union, No. 100, of Norwich, Conn., for removal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

By Mr. HILL of Connecticut: Petition of Connecticut Hardware Association, for reduction of first-class postal rates—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWARD: Papers to accompany bills for relief of Matthew Higginbothan and John Fisher—to the Committee on War Claims.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of Nellie J. Staley—to the Committee on Pensions.

Also, papers to accompany bills for relief of John W. Armour, Enoch L. Waugh, and Margaret E. Marple—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: Papers to accompany H. R. 16689, for the relief of the Presbyterian Church of Greenville, Miss.—to the Committee on War Claims.

By Mr. JOHNSON of South Carolina: Paper to accompany bill for relief of William D. Willis—to the Committee on Pensions.

By Mr. KAHN: Petition of James R. Lake and 21 other prominent citizens of San Francisco, in favor of exclusion of Asiatics—to the Committee on Foreign Affairs.

Also, petition of Chamber of Commerce of San Francisco, Cal., for S. 423—to the Committee on Interstate and Foreign Commerce.

Also, petition of Woodburn Citizens' Association, in support of H. R. 17819 and 17820—to the Committee on the District of Columbia.

Also, petition of Chamber of Commerce of San Francisco, Cal., favoring American registration to the bark *Andromeda*—to the Committee on the Merchant Marine and Fisheries.

By Mr. KÜSTERMANN: Petition of Eggleston Post, Grand Army of the Republic, of Appleton, Wis., against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of Andress Post, No. 242, Grand Army of the Republic, of Algona, Wis., against abolition of pension agencies—to the Committee on Appropriations.

By Mr. LAFEAN: Papers to accompany bill for relief of Adam R. Ballinger—to the Committee on War Claims.

By Mr. LEVER: Petition of State Teachers' Association of South Carolina, for appropriation for teaching elementary agriculture in normal schools—to the Committee on Agriculture.

Also, petition of City Federation of Trades of Columbia, S. C., against S. 2926—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of American Pharmaceutical Association, indorsing H. R. 16091—to the Committee on Expenditures in the Treasury Department.

Also, petition of Logan Iron Works, against the eight-hour bill—to the Committee on Labor.

By Mr. LITTLEFIELD: Petition of citizens of Norway, Me., in favor of Sherwood pension bill—to the Committee on Military Affairs.

By Mr. LIVINGSTON: Papers to accompany bills for relief of heirs of Lydia Golasby, heirs of Larking Nash, Mrs. Susan M. Clay, heirs of James Peck, heirs of Nancy Scroggins, heirs of Elisha Washburn, Jane Holbrook, heirs of John M. King, heirs of Seaborn J. Burk, heirs of William Wilmoth, heirs of A. R. Tribble, heirs of William McConnell, heirs of Anderson Mayfield, heirs of William H. Harville, heirs of Blueford D. Smith, heirs of John C. Bowden, heirs of William Kile, heirs of Greenberry Backus, heirs of Mrs. Ellen McAllester, and heirs of Benjamin F. Crowley—to the Committee on War Claims.

By Mr. MANN: Petition of Chicago Federation of Labor, relative to operation of telegraph lines (H. R. 15123)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Anna Fruit Growers' Association, the Illinois Farmers' Institute, and Will County Germany-American Republican Club, all of Illinois, favoring postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. NORRIS: Petition of citizens of Holdridge, Nebr., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Maywood, Nebr., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Petition of De Witt S. Hooker and others, for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RYAN: Petition of National German-American Alliance, for restoration of the canteen—to the Committee on Military Affairs.

Also, petition of Local No. 17, Metal Polishers, Platers, and Brass and Silver Workers' Union, of Buffalo, N. Y., for navy-yard construction of battle ships—to the Committee on Naval Affairs.

Also, petition of Post-Office Laborers' Protective Association, for an increase of salaries—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chamber of Commerce of Buffalo, for civil-service rules governing Thirteenth Census clerks—to the Committee on the Census.

Also, petition of Merchants' Association of New York City, for a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of Musicians' Protective Association, favoring H. R. 103, against enlisted musicians competing with civilian musicians—to the Committee on Naval Affairs.

Also, petition of Fritz Pfeiffer and others, against any prohibition legislation—to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of Jacksonville Credit Association, favoring bankruptcy act—to the Committee on the Judiciary.

Also, petition of Farmers' Educational and Cooperative Union of America, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: Petition of Steam Fitters' Union No. 455, of St. Paul, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. WASHBURN: Paper to accompany bill for relief of Annie E. Tisdell—to the Committee on Pensions.

By Mr. WEISSE: Petition of American Antiboycott Association, against anti-injunction legislation—to the Committee on the Judiciary.

Also, petition of clergymen of New York City, against increase of the Navy—to the Committee on Naval Affairs.

Also, petition of National German-American Alliance, for restoration of the canteen—to the Committee on Military Affairs.

Also, petition of Washington Chapter, American Institute of Architects, against change of site of the Grant Memorial—to the Committee on the Library.

Also, petition of Irving T. Bush, against Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of A. O. Heald Post, No. 192, Department of Wisconsin, Grand Army of the Republic, of Cascade, Wis., against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of board of directors of M. and M. Association, for engineering experiment stations at land-grant colleges (H. R. 9230)—to the Committee on Agriculture.

Also, petition of National German-American Alliance, for restoration of the canteen to Army posts—to the Committee on Military Affairs.

Also, petition of citizens of Polish birth, protesting against the injustice of the expropriation bill of the Prussian Diet—to the Cmmittee on Foreign Affairs.

Also, petition of Milwaukee Association of Credit Men, favoring the bankruptcy law—to the Committee on the Judiciary.

Also, petition of Wisconsin funeral directors, against mode of burial at sea—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Military Order of Loyal Legion of the United States, against pension agencies—to the Committee on Appropriations.

By Mr. WHEELER: Petition of C. H. Clamson and 204 others, of Pennsylvania, for S. 3152, favoring dairy interests—to the Committee on Agriculture.

By Mr. WILSON of Pennsylvania: Petition of W. H. Dere and 25 others, of Montoursville, Pa., against repeal of anti-canteen law—to the Committee on Naval Affairs.

SENATE.

WEDNESDAY, *February 26, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1909, under the head of "Salaries, Office of Secretary of War," for one clerk at $1,400, and one clerk at $1,200, for the division of militia affairs in that office, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of John H. Burtis and 13 other claimants *v.* United States;

In the cause of Christopher Alexander and 18 other claimants *v.* United States;

In the cause of J. G. Le Blanc, administrator of Jean Crouchet, deceased, *v.* United States.

In the cause of the Trustees of the Methodist Episcopal Church South of Great Cacapon, *v.* United States; and

In the cause of Mrs. L. H. Rowland, executrix of Willis J. Moran, deceased, *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 17524) to provide for circuit and district courts of the United States at Dothan, Ala., in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 3726) to authorize the Twin City Power Company to build, operate, and maintain three dams across the Savannah River above the city of Augusta, in the State of Georgia, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. I present, in the nature of a petition, the report of the Columbia Heights Citizens' Association, approving of the so-called "Dolliver school bill," except that the association desires to have the appointment placed in the hands of the Commissioners of the District of Columbia instead of the Commissioner of Education of the United States. I move that the report be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. GALLINGER. I present a petition signed by a majority of the residents and property owners of Sixteenth street, requesting that the name of Sixteenth street be changed to either Avenue of the Presidents or Presidents' avenue. I notice, likewise, that some of the petitioners have suggested other names as a preference, and yet they agree to the proposed change asked in the petition. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. GALLINGER presented petitions of sundry citizens of Washington, D. C., and Goshen, Ind., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. GAMBLE presented petitions of sundry citizens of Stockholm, Vermilion, Corona, and Dunlap, all in the State of South Dakota, praying for the enactment of legislation to limit the effect of the regulation of commerce between the several States and Territories in certain cases, and also remonstrating against the repeal of the present anticanteen law, which were referred to the Committee on the Judiciary.

He also presented a petition of the Missouri River Navigation Congress, of Sioux City, Iowa, praying that an appropriation be made for the improvement of the inland waterways of the country, which was referred to the Committee on Commerce.

Mr. PERKINS presented a petition of sundry citizens of Butte County, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation requiring a hearing to be had before the Interstate Commerce Commission before a change in any interstate freight rate may become effective, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Merchants' Association of Pasadena, Cal., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Sacramento Valley Development Association, of Sacramento, Cal., praying that an appropriation be made for the improvement of the inland waterways of that State, which was referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of San Francisco, Cal., remonstrating against the enactment of legislation to prevent discriminations against sailing vessels in the coasting trade, which was referred to the Committee on Commerce.

Mr. DICK presented a joint resolution of the legislature of the State of Ohio, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

VOLUNTEER RETIRED LIST.

Joint resolution (H. J. Res. 94) passed by both houses of the Ohio legislature.

Be it resolved by the general assembly of the State of Ohio, That we respectfully ask our Senators and Representatives in the Congress of the United States to enact the bill now before Congress, introduced by Hon. BEMAN G. DAWES of Ohio, known as the "volunteer retired list," which gives the same pay as that given to the retired officers of the Regular Army, deducting therefrom any pension they may now receive, but in no case to exceed that of a captain of cavalry.

The above resolution passed the house of representatives February 3, 1908.

E. W. DOTY, *Clerk.*

Passed the senate February 17, 1908.

A. P. SANDLES, *Clerk.*

Mr. DICK presented a petition of Local Union No. 431, Iron Molders' Union of North America, of Columbus, Ohio, praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Hendrysburg, Ohio, praying for the passage of the so-called "Sherwood bill," granting more liberal rates of pensions, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Gallipolis, Ohio, praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Retail Merchants' Association of Marion, Ohio, remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Pomona Grange, No. 61, Patrons of Husbandry, of Mansfield, Ohio, and a petition of the Federation of Labor of Columbus, Ohio, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 444, International Typographical Union, of Salem, Ohio, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. CULLOM presented a memorial of the Chamber of Commerce of Decatur, Ill., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 171, International Typographical Union, of Elgin, Ill., praying for the

repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Board of Directors of the Fruit Growers' Association, of Anna, Ill., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of sundry volunteer officers of the civil war, of Saco, Me., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Workingmen's Federation of the State of New York, of Utica, N. Y., remonstrating against the enactment of legislation to abolish the present pilotage system, which was referred to the Committee on Commerce.

Mr. BURKETT presented sundry memorials of citizens of the First Congressional District of the State of Nebraska, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOPKINS presented a memorial of sundry citizens of Brooklyn, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. KNOX presented a petition of the Philadelphia Bourse, of Philadelphia, Pa., praying for the enactment of legislation providing for the retirement of district superintendents, keepers, and crews of the Life-Saving Service, which was referred to the Committee on Commerce.

He also presented memorials of General S. K. Zook Post, No. 11, Department of Pennsylvania, Grand Army of the Republic, of Norristown; Naval Post, No. 400, Department of Pennsylvania, Grand Army of the Republic, of Philadelphia; of Colonel Gus W. Town Post, No. 46, Department of Pennsylvania, Grand Army of the Republic, of Philadelphia; George B. Meade Post, No. 1, Grand Army of the Republic, of Philadelphia; of the Grand Army Association of Philadelphia; of George Smith Post, No. 79, Department of Pennsylvania, Grand Army of the Republic, of Conshohocken; Captain Davis Post, No. 148, Grand Army of the Republic, of Selinsgrove; George V. Marshall, of Pittsburg; W. H. Redheffer, of Philadelphia; Thomas H. Maginnis, of Philadelphia; George W. McCandless, of Pittsburg, all in the State of Pennsylvania, remonstrating against the abolition of the pension agencies throughout the country, which were referred to the Committee on Pensions.

He also presented petitions of H. F. Hill and sundry other citizens of Beach Haven; Grange No. 265, Patrons of Husbandry, of Colley; Grange No. 1050, Patrons of Husbandry, of Fiedler; M. S. Davis and sundry other citizens of Sandy Lake; W. J. Short and sundry other citizens of East Waterford; Grange No. 1334, Patrons of Husbandry, of Adams County; F. Pringle and sundry other citizens of Stoneboro; F. West and sundry other citizens of Callery; E. D. Follet and sundry other citizens of New Milford; C. W. Hazen and sundry other citizens of Conneaut Lake; J. F. Sutton and sundry other citizens of Mainesburg; J. S. Briggs and sundry other citizens of Woodburne; J. E. Kitchen and sundry other citizens of Pittston; J. S. Blair and sundry other citizens of Mansfield; C. F. Vernon and sundry other citizens of Clarks Mills; H. C. Turner and sundry other citizens of West Sunbury; W. L. McLean and sundry other citizens of Westfield; D. W. Coffin and sundry other citizens of Northfork; C. S. Schubb and sundry other citizens of Keermoor; F. C. White and sundry other citizens of Wysox; E. J. Reichard and sundry other citizens of Chambersburg; W. L. Biles and sundry other citizens of Wyalusing; C. A. Morris and sundry other citizens of Oliveburg; A. Z. Collins and sundry other citizens of Espyville Station; W. C. Holmes and sundry other citizens of Randolph; C. T. Brown and sundry other citizens of Vandergrift; W. P. Wingert and sundry other citizens of Luthersburg; W. H. Tingley and sundry other citizens of New Milford; W. H. Peiffor and sundry other citizens of Siegfried, all in the State of Pennsylvania, praying for the enactment of legislation providing additional protection to the dairy interests throughout the country, which were referred to the Committee on Agriculture and Forestry.

Mr. OVERMAN presented a memorial of the Merchants' Association of Wilmington, N. C., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented sundry affidavits to accompany the bill (S. 1926) granting an increase of pension to Ignatz Gresser, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 1504) granting an increase of pension to Frederick Rice, which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 1489) granting an increase of pension to John F. Blanchard, which was referred to the Committee on Pensions.

He also presented an affidavit to accompany the bill (S. 3139) granting an increase of pension to Peter Schaddle, which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 4972) granting a pension to Silas R. Anderson, which was referred to the Committee on Pensions.

Mr. McCREARY presented sundry affidavits to accompany the bill (S. 4999) for the relief of the estate of Alexander Williams, deceased, which were referred to the Committee on Claims.

Mr. RAYNER presented a petition of Taneytown Grange, No. 184, Patrons of Husbandry, of Taneytown, Md., praying for the appointment of a national highways commission, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (H. R. 15660) to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public laws, reported it without amendment.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 4469) for the erection of a memorial to John Wesley Powell, reported it without amendment and submitted a report thereon.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (S. 4094) to amend paragraph 43 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia, which was agreed to.

Mr. BURKETT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1073) to authorize the extension and enlargement of the post-office building in the city of Beatrice, Nebr., reported it with an amendment and submitted a report thereon.

Mr. OVERMAN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2244) to provide for the erection of a public building at Missoula, Mont., reported it with amendments and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 1368) to reimburse certain fire-insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900, reported it with amendments and submitted a report thereon.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 123) to establish a Government building at Lewiston, county of Nez Perce, State of Idaho, reported it with amendments and submitted a report thereon.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3160) providing for the erection of a public building in the city of Peru, Ind., reported it with amendments and submitted a report thereon.

Mr. CLAY, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 2736) to provide for the erection of a public building in the city of Lagrange, Ga.; and

A bill (S. 2732) to provide for the erection of a public building in the city of Cordele, Ga.

HEARINGS BEFORE COMMITTEE ON THE PHILIPPINES.

Mr. LODGE, from the Committee on the Philippines, reported the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Philippines be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. CARTER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 5703) authorizing the President to place on the re-

tired list of the Army, with the rank of captain, any contract surgeon who has served at least thirty years as such in the Army; and

A bill (S. 5704) authorizing the President to appoint and place William H. Crook on the retired list of the Army with the rank of major.

Mr. GALLINGER introduced a bill (S. 5705) granting an increase of pension to Genevieve Paul Hosley, which was read twice by its title and referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 5706) granting an increase of pension to Eli Conn, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 5707) granting an increase of pension to Alonzo D. Lee, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 5708) to authorize the Commissioner of Education to conduct special investigations and report and diffuse information and advice respecting the same, which was read twice by its title and referred to the Committee on Education and Labor.

He also introduced a bill (S. 5709) for extending, repairing, and improving the public building at Fort Dodge, Iowa, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5710) granting an increase of pension to Moses Lezer, which was read twice by its title and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 5711) granting a pension to Mary Jane Collins, which was read twice by its title and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 5712) granting an increase of pension to George H. Smith, which was read twice by its title and referred to the Committee on Pensions.

Mr. CULLOM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 5713) to correct the military record of William Henry Harrison Edwards (with accompanying papers); and

A bill (S. 5714) for the relief of James D. Vernay.

He also introduced a bill (S. 5715) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, which was read twice by its title and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 5716) to authorize the President of the United States to appoint John Gibbon captain and quartermaster in the Army, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CLAY introduced a bill (S. 5717) granting an increase of pension to Augusta L. B. Curry, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 5718) for the relief of the estate of Joseph V. Connerat, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. ALLISON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5719) granting an increase of pension to Elizabeth R. Allen;

A bill (S. 5720) granting an increase of pension to John D. Lankton;

A bill (S. 5721) granting a pension to Annett E. Graves;

A bill (S. 5722) granting an increase of pension to Robert F. Appleby;

A bill (S. 5723) granting a pension to Sarah B. Norris; and

A bill (S. 5724) granting an increase of pension to James A. Irvin.

He also introduced a bill (S. 5725) to remove the charge of desertion from the record of Andrew S. Abbott, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. du PONT introduced a bill (S. 5726) granting a pension to Ernest G. A. Schifferdecker, which was read twice by its title and referred to the Committee on Pensions.

Mr. FLINT introduced a bill (S. 5727) to establish an assay office at Los Angeles, State of California, which was read twice by its title and referred to the Committee on Finance.

He also introduced a bill (S. 5728) for the relief of Carlos Manjarrez, which was read twice by its title and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D, of the Twenty-fifth United States Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5730) for the relief of the legal representatives of Joseph White, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5731) granting a pension to Perry R. Nye;

A bill (S. 5732) granting an increase of pension to Ruben F. McCormick;

A bill (S. 5733) granting an increase of pension to E. J. McCormick;

A bill (S. 5734) granting an increase of pension to Charles W. Hale;

A bill (S. 5735) granting an increase of pension to Augusta E. Kellogg;

A bill (S. 5736) granting an increase of pension to Elijah E. Smedley;

A bill (S. 5737) granting a pension to Judson D. Hovey (with an accompanying paper); and

A bill (S. 5738) granting an increase of pension to Francis M. Van Tress (with the accompanying papers).

Mr. McCUMBER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5739) granting an increase of pension to C. W. McKay; and

A bill (S. 5740) granting an increase of pension to Charles H. Roth (with the accompanying papers).

Mr. BURKETT introduced a bill (S. 5741) authorizing certain extensions to be made in the lines of the Capital Traction Company in the District of Columbia, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5742) granting a pension to Lizzie C. Gregory; and

A bill (S. 5743) granting a pension to William H. Rogers.

Mr. McCREARY introduced a bill (S. 5744) for the relief of Ellenor Gibson Whitney, which was read twice by its title and referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 5745) to limit the effects of regulations of commerce between the several States and with foreign countries in certain cases, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. CLARKE of Arkansas introduced a bill (S. 5746) to validate a military bounty-land warrant location made by Horace E. Bemis, which was read twice by its title and referred to the Committee on Public Lands.

Mr. KNOX introduced a bill (S. 5747) granting a pension to Anna W. Clay, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5748) providing for the erection of two memorial arches at Valley Forge, Pa., which was read twice by its title and referred to the Committee on the Library.

Mr. NEWLANDS introduced a bill (S. 5749) to provide for continuation of the census of water powers of the United States, which was read twice by its title and referred to the Committee on the Census.

Mr. TALIAFERRO (for Mr. BRYAN) introduced a bill (S. 5750) for the relief of the city of Key West, Fla., which was read twice by its title and referred to the Committee on Appropriations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CLARK of Wyoming submitted an amendment authorizing the Secretary of the Interior to issue to the Bureau of Catholic Indian Missions a patent for and covering certain lands lying north of the Big Popoagie River, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

Mr. NELSON submitted an amendment relative to the pay of officers of the line, United States Army, intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $2,000 for the salary of the surveyor-general of North Dakota, and $5,000 for clerks in his office, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WARREN submitted an amendment authorizing the Sec-

retary of War to convey to the owners of premises which encroach upon the military reservation at Fort Marion, St. Augustine, Fla., all the right, title, and interest of the United States in and to the portions of the reservation which have been occupied by them, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BURKETT submitted an amendment proposing to appropriate $100,000 for the erection of a warehouse for the Indian Service at Omaha, Nebr., etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

AMENDMENTS TO THE OMNIBUS CLAIMS BILL.

Mr. NEWLANDS submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

ESTATE OF SAMUEL LEE, DECEASED.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (S. 5650) making appropriation to pay to the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, in full of any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein, which was referred to the Committee on Claims and ordered to be printed.

AFFAIRS IN VENEZUELA.

Mr. LODGE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the President be requested, if not incompatible with the public interest, to communicate to the Senate the correspondence with the Government of Venezuela in relation to pending controversies with that Government concerning wrongs done to American citizens and corporations in that country by said Government.

SURVEY OF CONTENTNEA (MOCCASIN) RIVER, NORTH CAROLINA.

Mr. OVERMAN submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of Contentnea (Moccasin) River, in the State of North Carolina, from the town of Snow Hill, in Greene County, to the town of Stantonburg, in Wilson County, for the purpose of estimating the probable cost of dredging and removing obstructions from the said river.

HEARINGS BEFORE COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. PENROSE submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Post-Offices and Post-Roads be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

SUPERINTENDENTS OF LIFE-SAVING SERVICE.

On motion of Mr. FRYE, it was—

Ordered, That Senate document statement of the general superintendent of the Life-Saving Service relative to district superintendents of said service be printed and 100 copies in addition to the usual number be printed for the use of the Committee on Commerce.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. M. C. LATTA, one of his secretaries, announced that the President had on the 25th instant approved and signed the following acts:

S. 57. An act granting a pension to Alvah Moulton;

S. 523. An act granting an increase of pension to John S. Hyatt;

S. 524. An act granting an increase of pension to John Lowder;

S. 638. An act granting a pension to Emily Ayres;

S. 920. An act granting an increase of pension to Martha A. Kenny;

S. 1171. An act granting a pension to Mary A. Sands;

S. 1403. An act granting an increase of pension to Martha Stewart;

S. 1404. An act granting an increase of pension to John Lourcey;

S. 1405. An act granting an increase of pension to William C. O'Neal;

S. 1406. An act granting an increase of pension to Hester Kite;

S. 1408. An act granting an increase of pension to Elizabeth Sweat;

S. 1423. An act granting an increase of pension to Nancy Motes; and

S. 1757. An act granting an increase of pension to Jane C. Stingley.

HOUSE BILL REFERRED.

H. R. 17524. An act to provide for circuit and district courts of the United States at Dothan, Ala., was read twice by its title and referred to the Committee on the Judiciary.

REPORT OF THE INLAND WATERWAYS COMMISSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Commerce and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a preliminary report from the Inland Waterways Commission, which was appointed by me last March in response to a widespread interest and demand from the people. The basis of this demand lay in the general and admitted inability of the railroads to handle promptly the traffic of the country, and especially the crops of the previous fall.

This report is well worth your attention. It is thorough, conservative, sane, and just. It represents the mature judgment of a body of men exceptionally qualified, by personal experience and knowledge of conditions throughout the United States, to understand and discuss the great problem of how best to use our waterways in the interest of all the people. Unusual care has been taken to secure accuracy and balance of statement. If the report errs at all it is by overconservatism. It contains findings or statements of fact, a number of specific recommendations, and an account of inquiries still in progress, and it is based in part on statistics and other information contained in a voluminous appendix. The subject with which it deals is of critical importance both to the present and the future of our country.

Our river systems are better adapted to the needs of the people than those of any other country. In extent, distribution, navigability, and ease of use, they stand first. Yet the rivers of no other civilized country are so poorly developed, so little used, or play so small a part in the industrial life of the nation as those of the United States. In view of the use made of the rivers elsewhere, the failure to use our own is astonishing, and no thoughtful man can believe that it will last. The accompanying report indicates clearly the reasons for it and the way to end it.

The Commission finds that it was unregulated railroad competition which prevented or destroyed the development of commerce on our inland waterways. The Mississippi, our greatest natural highway, is a case in point. At one time the traffic upon it was without a rival in any country. The report shows that commerce was driven from the Mississippi by the railroads. While production was limited, the railways, with their convenient terminals, gave quicker and more satisfactory service than the waterways. Later they prevented the restoration of river traffic by keeping down their rates along the rivers, recouping themselves by higher charges elsewhere. They also acquired water fronts and terminals to an extent which made water competition impossible. Throughout the country the railways have secured such control of canals and steamboat lines that to-day inland-waterway transportation is largely in their hands. This was natural and doubtless inevitable under the circumstances, but it should not be allowed to continue unless under careful Government regulation.

Comparatively little inland freight is carried by boat which is not carried a part of its journey by rail also. As the report shows, the successful development and use of our interstate waterways will require intelligent regulation of the relations between rail and water traffic. When this is done the railways and waterways will assist instead of injure each other. Both will benefit, but the chief benefit will accrue to the people in general through quicker and cheaper transportation.

The report rests throughout on the fundamental conception that every waterway should be made to serve the people as largely and in as many different ways as possible. It is poor business to develop a river for navigation in such a way as to prevent its use for power, when by a little foresight it could be made to serve both purposes. We can not afford needlessly to sacrifice power to irrigation, or irrigation to domestic water supply, when by taking thought we may have all three. Every stream should be used to the utmost. No stream can be so used unless such use is planned for in advance. When such plans are made we shall find that, instead of interfering, one use can often be made to assist another. Each river system, from its headwaters in the forest to its mouth on the coast, is a single unit and should be treated as such. Navigation of the lower reaches of a stream can not be fully developed without the control of floods and low waters by storage and drainage. Navigable channels are directly concerned with the protection of source waters and with soil erosion, which takes the materials for bars and shoals from the richest portions of our farms. The uses of a stream for domestic and municipal water supply, for power, and in many cases for irrigation, must also be taken into full account.

The development of our inland waterways will have results far beyond the immediate gain to commerce. Deep channels along the Atlantic and Gulf coasts and from the Gulf to the Great Lakes will have high value for the national defense. The use of water power will measureably relieve the drain upon our diminishing supplies of coal, and transportation by water instead of rail only will tend to conserve our iron. Forest protection, without which river improvement can not be permanent, will at the same time help to postpone the threatened timber famine and will secure us against a total dearth of timber by providing for the perpetuation of the remaining woodlands. Irrigation will create the means of livelihood for millions of people, and supplies of pure water will powerfully promote the public health. If the policy of waterway improvement here recommended is carried out, it will affect, for good, every citizen of the Republic. The National Government must play the leading part in securing the largest possible use of our waterways; other agencies can assist and should assist, but the work is essentially national in its scope.

The various uses of waterways are now dealt with by bureaus scattered through four Federal Departments. At present, therefore,

it is not possible to deal with a river system as a single problem. But the Commission here recommends a policy under which all the commercial and industrial uses of the waterways may be developed at the same time. To that end Congress should provide some administrative machinery for coordinating the work of the various Departments so far as it relates to waterways. Otherwise there will not only be delay, but the people as a whole will fail to get from our streams the benefits to which they are justly entitled.

The Commission recognizes that the cost of improving our inland waterways will be large, but far less than would be required to relieve the congestion of traffic by railway extension. The benefits of such improvement will be large also, and they will touch the daily life of our people at every point, uniting the interests of all the States and sections of our country. The cost and the benefits should be equitably distributed, by cooperation with the States and the communities, corporations, and individuals beneficially affected. I heartily concur in the Commission's recommendation to this end. Such cooperation should result in united effort in carrying out the great duty of improving our inland waterways. While we delay, our rivers remain unused, our traffic is periodically congested, and the material wealth and natural resources of the country related to waterways are being steadily absorbed by great monopolies.

Among these monopolies, as the report of the Commission points out, there is no other which threatens, or has ever threatened, such intolerable interference with the daily life of the people as the consolidation of companies controlling water power. I call your special attention to the attempt of the power corporations, through bills introduced at the present session, to escape from the possibility of Government regulation in the interests of the people. These bills are intended to enable the corporations to take possession in perpetuity of national forest lands for the purposes of their business, where and as they please, wholly without compensation to the public. Yet the effect of granting such privileges, taken together with rights already acquired under State laws, would be to give away properties of enormous value. Through lack of foresight we have formed the habit of granting without compensation extremely valuable rights amounting to monopolies on navigable streams and on the public domain. The repurchase at great expense of water rights thus carelessly given away without return has already begun in the East, and before long will be necessary in the West also. No rights involving water power should be granted to any corporations in perpetuity, but only for a length of time sufficient to allow them to conduct their business profitably. A reasonable charge should of course be made for valuable rights and privileges which they obtain from the National Government. The values for which this charge is made will ultimately, through the natural growth and orderly development of our population and industries, reach enormous amounts. A fair share of the increase should be safeguarded for the benefit of the people, from whose labor it springs. The proceeds thus secured, after the cost of administration and improvement has been met, should naturally be devoted to the development of our inland waterways.

The report justly calls attention to the fact that hitherto our national policy has been one of almost unrestricted disposition and waste of natural resources, and emphasizes the fundamental necessity for conserving these resources upon which our present and future success as a nation primarily rests. Running water is a most valuable natural asset of the people, and there is urgent need for conserving it for navigation, for power, for irrigation, and for domestic and municipal supply.

The Commission was appointed to obtain information concerning our waterways as related to the general welfare. Much work was done, but more remains to be done before a plan for their development can be prepared in detail. We need additional information on the flow of our streams, the condition of channels, the amount and cost of water traffic, the requirements for terminals, the area in each watershed which should be kept under forest, and the means of preventing soil waste and the consequent damage to our rivers. But it is neither necessary nor desirable to postpone the beginning of the work until all the facts are obtained. We have suffered heavily in the past from the lack of adequate transportation facilities, and unless a beginning is made promptly we shall suffer still more heavily in the future.

Being without funds or an expert staff, the Commission has confined itself to principles affecting the whole problem and the entire country. Its report is a plea, in the light of actual facts, for simplicity and directness in dealing with the great problem of our inland waterways in the interest of the people. It submits no specific plans or recommendations concerning even the most important projects. The first of these, of course, concerns the Mississippi and its tributaries, whose commercial development will directly affect half our people. The Mississippi should be made a loop of the sea, and work upon it should be begun at the earliest possible moment. Only less important is the Atlantic inner passage, parts of which are already under way. The inner passages along the Gulf coast should be extended and connected with the Atlantic waters. The need for the developing of the Pacific coast rivers is not less pressing. Our people are united in support of the immediate adoption of a progressive policy of inland-waterway development.

Hitherto our national policy of inland-waterway development has been largely negative. No single agency has been responsible under the Congress for making the best use of our rivers or for exercising foresight in their development. In the absence of a comprehensive plan, the only safe policy was one of repression and procrastination. Frequent changes of plan and piecemeal execution of projects have still further hampered improvement. A channel is no deeper than its shallowest reach, and to improve a river short of the point of effective navigability is a sheer waste of all it costs. In spite of large appropriations for their improvement, our rivers are less serviceable for interstate commerce to-day than they were half a century ago, and in spite of the vast increase in our population and commerce they are, on the whole, less used.

The first condition of successful development of our waterways is a definite and progressive policy. The second is a concrete general plan, prepared by the best experts available, covering every use to which our streams can be put. We shall not succeed until the responsibility for administering the policy and executing and extending the plan is definitely laid on one man or group of men who can be held accountable. Every portion of the general plan should consider and so far as practicable secure to the people the use of water for power, irrigation, and domestic supply, as well as for navigation. No project should be begun until the funds necessary to complete it promptly are provided, and no plan once under way should be changed except for grave reasons. Work once begun should be prosecuted steadily and vigorously to completion. We must make sure that projects are not undertaken except for sound business reasons, and that the best modern business methods are applied in executing them. The decision to undertake any project should rest on actual need ascertained by investigation and judgment of experts and on its relation to great river systems or to the general plan, and never on mere clamor.

The improvement of our inland waterways can and should be made to pay for itself so far as practicable from the incidental proceeds from water power and other uses. Navigation should of course be free. But the greatest return will come from the increased commerce, growth, and prosperity of our people. For this we have already waited too long. Adequate funds should be provided, by bond issue if necessary, and the work should be delayed no longer. The development of our waterways and the conservation of our forests are the two most pressing physical needs of the country. They are interdependent, and they should be met vigorously, together, and at once. The questions of organization, powers, and appropriations are now before the Congress. There is urgent need for prompt and decisive action.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 26, 1908.*

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. I ask that Senate bill 3023 may be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. CULBERSON. Mr. President, it is my purpose this morning to submit some remarks to the Senate on one or two phases of the general subject now before the Senate, trusting to another opportunity to express my opinion with reference to some other phases of the question.

On the 15th of January last the Senator from Oklahoma [Mr. OWEN] introduced a bill which, omitting the enacting clause, reads as follows:

That no national banking association shall make loans for the speculative buying of stocks, bonds, and agricultural products which in the aggregate exceed its unimpaired capital and surplus.

My understanding is that this bill of the Senator from Oklahoma will be submitted as an amendment to the pending bill, and if so, it will receive my cordial support.

It is my intention to submit at the proper time the following amendment to the bill:

That from and after January 1, 1909, every national bank shall have and keep on hand in its vaults the reserve of lawful money provided for by law. All laws and parts of laws which authorize national banks to have and keep part of their reserve in other national banks are hereby repealed.

It is also my intention, Mr. President, at the proper time to submit the following amendment, which I will read. Add as new sections:

SEC. 9. It shall be unlawful for any official of the United States to deposit any public money in any national bank for the purpose of being used directly or indirectly by such bank in speculative dealing in stocks or bonds or to be used by such bank directly or indirectly in supplying funds to operators on any stock exchange to be used in dealings thereon.

SEC. 10. It shall be unlawful for any national banking association, directly or indirectly, to make demand or other loans, or give credit on its books or otherwise, or furnish money to operators on any stock exchange to be used in dealings thereon. Any national banking association violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $1,000 and in addition thereto 20 per cent of the amount of each transaction, and may also have its charter annulled and forfeited.

In a consideration of the pending bill the first and most natural inquiry is, What were the conditions which suggested it and what produced those conditions? This is as necessary in order to determine its expediency, necessity, and wisdom as it is to know the effect and cause of any phenomena of whatever character before their recurrence can be prevented, or, if that be impossible, before their hurtful effect can be relieved or mitigated.

It is not an answer to this suggestion to assert, as it might with pertinency be done in some cases, that the danger is so pressing and imminent that we must apply a remedy without considering the disease, for it is admitted by those in charge of the measure that for the present the peril has passed and that the bill is intended for the future, not for the present.

The bill, moreover, Mr. President, is based upon the false hypothesis that what occurred in October can not be prevented; that it is inherent in our business system, and that the chief need of legislation is to palliate the inevitable. Indeed, the pending bill gives public notice that such panics as this, panics which are inconceivable in any other commercial country except this, may be repeated, and the operation of the bill will give additional power to those whose machinations and lawlessness inspire, create, or aggravate such calamitous financial disturbances.

Mr. President, when that is accomplished, when the demand of the great banks is met, when bondholding financiers and institutions are by law furnished other markets for their securities, it is true an indefinite promise is made that the grievances of the general public which grew out of such monetary derangement will be considered. But the public must wait, ac-

cording to this single-shotted bill, until those are satisfied who have already fattened upon a national disaster, their selfishness heightened or created.

It is, perhaps, a safe prediction to declare now that points of order will be made against substantial amendments to this bill, and, if not sustained, that the amendments will be rejected by the majority in this Chamber; and the only legislation of consequence on the subject at this session will be this measure, the effect of which will still further enrich that class whose profits during the panic were unconscionable and fabulous.

It can not be too often declared, Mr. President, nor be too deeply impressed on the American people that the recent panic can not be ascribed to natural or industrial causes. Nothing the common people did, no visitation of Providence, no failure in soil, or shop, or mine, or countingroom was responsible for it and for the havoc which hovered over the land. By some it is believed to have been deliberately fabricated for selfish purposes; by others, like the President of the United States, it is believed to have begun as a matter of speculation. Whether these beliefs as to its origin be well or ill founded, it is certain that the panic was inexcusable and unwarranted by conditions and that in some of its phases it was criminal and infamous.

If, therefore, the matters which produced it can be discovered and removed, if there were monetary surroundings and environments which enabled unscrupulous speculators to traffic in the prosperity of the people, and which the law can render impossible again, this should be done, and done now. To postpone or delay it would be an offense and a crime against the vast public interests which may be imperiled.

Turn where we may in search of natural or industrial causes for it, none can be discovered. Agriculture was remunerative; labor was employed at fair wages, and manufacturing industries were profitable. Commercial enterprises everywhere were prosperous; common carriers were taxed with business beyond their capacity, and the excess of exports over imports for 1907 was $500,000,000, more than half of which accrued during October, November, and December.

Nor, Mr. President, can any reason for the panic be found in a consideration of the volume of money in the country or in its actual circulation when the panic began in October. The total stock of money in the United States in June, 1906, using round numbers, was $3,069,000,000, which was ample to maintain the exceptional prosperity of that year, and in June, 1907, it had increased $45,000,000, making a total of $3,114,000,000.

The per capita circulation in the United States, amounting to nearly $34, was the greatest in any country except France. In June, 1906, the amount of money held in cash by the national and all other banks which made reports was $1,010,000,000, while in June, 1907, this had increased to $1,106,000,000, or a gain in one year of $96,000,000.

The same conclusion is reached, that there was sufficient money and that it was in circulation and not hoarded, if we look to the individual deposits in the banks. These deposits increased from 1906 to 1907 $267,000,000 in national banks, and in all the reporting banks $880,000,000. The individual deposits in all national banks, already exceeding $4,000,000,000, increased $50,000,000 from March 22 to August 22, 1907, immediately preceding the panic.

As indicating the sound cash condition of all national banks, they had in their vaults August 22, 1907, $26,000,000 in checks and other cash items, $170,000,000 in legal-tender notes, and $531,000,000 in specie, aggregating the enormous sum of $727,000,000 in available cash. The national banks of New York City at that time had $5,000,000 in checks and other cash items in their vaults, $45,000,000 in legal-tender notes, and $173,000,000 in specie, aggregating $223,000,000 in ready money. This was still the same general condition, Mr. President, when the stringency arose a month or six weeks later, and, obviously, therefore, the origin of the panic can not be charged to a decline in agriculture or commerce or manufacture, nor can it be attributed to an insufficient volume of money or that it was hoarded and not in circulation.

With this healthy condition in every sphere of human effort, with more money in existence and in circulation than ever before in our history, with the coffers of the banks bursting with cash, almost instantly, in October, a financial crisis was precipitated which created consternation and injury and which threatened immeasurable destruction. According to the highest banking authority in the Government, the Comptroller of the Currency, the origin of the panic was the demand for liquidation and the collapse of a desperate gambling venture in stocks in New York which involved a national bank of that city. The distrust of the depositors, which was due to the fear and to the knowledge that the banks of that city were speculating in stocks and bonds, was immediately aroused, and runs were made on a number of banks in that city, and liquidation of stock-and-bond demand loans, in which banks and stock gamblers were interested, was demanded and forced. There were disgraceful and indescribable scenes on the stock exchange.

The clearing-house banks of New York City ceased cash payments to depositors, practically suspended shipments to their interior bank correspondents on calls for their reserve, and issued sham currency in scrip and certificates in lieu of money, while coin lay in heaps around them.

This course was followed by banks of other cities and towns, portions of whose reserve were held in New York, domestic exchanges were disordered, and collections and remittances waited upon the pleasure of banks and the resumption of cash payments.

This illegal and indefensible action of banks occasioned widespread injustice and damage. Values everywhere were adversely affected, business enterprises were arrested, the confidence of the public in banks was impaired, wageworkers were compelled to discount checks for their earnings on solvent banks, and the South suffered incalculable injury from inability to handle and move the cotton crop.

This great calamity, great in its effect and still greater in what was threatened, is traceable in its inception not to an inadequate volume of money nor to the hoarding of money, but to two underlying causes, one the law governing the bank reserve and the other the participation of national banks of New York City and their associated interests in illegitimate banking, in the scandal and peril of stock gambling, which is born of avarice and greed and that most sordid and despicable of all human cravings—riches without labor.

Under the reserve law, "central reserve" national banks are those in New York, Chicago, and St. Louis where 25 per cent of the deposits is required to be kept in cash by the banks; "reserve" national banks are those of certain other cities where 25 per cent of deposits is required, half of which, however, may be kept in "central reserve" banks; and all other national banks, sometimes called "country banks," are those which are required to keep 15 per cent of their deposits in cash, three-fifths of which, though, may be deposited in "reserve" and "central reserve" banks. The operation of this law, and doubtless that was its purpose, is to concentrate money in the commercial centers, chiefly in New York, and particularly in the noncrop-moving season of the year. This movement of money to the commercial centers is accelerated and encouraged by Eastern holdings in interior banks and by the unwise and unsafe practice of reserve and central reserve banks paying interest on the reserve as deposits. As these banks which pay interest on the reserve as deposits can not afford to lose money on the transactions, they loan the deposits, taking greater risks than usual and often using them in promotive and speculative ventures, and when the need of the interior banks for their reserve is most pressing the reserve-holding banks are unwilling or unable to respond to their calls. At all times the legal reserve should be maintained in the bank of original deposit to meet the primary purpose of its creation—the protection of depositors. It will tend to give confidence to depositors and will meet any probable demand they may make for their funds. Banks which are authorized to loan 75 per cent of the money of their depositors in the case of reserve and central reserve banks and 85 per cent in the case of country banks should not be heard to complain of a requirement to retain in their vaults 25 and 15 per cent, respectively, of the money belonging to depositors to meet calls for their own. The contrary proposition, especially when deposits are not otherwise fully protected or secured—that the actual cash reserve shall be less than 15 and 25 per cent, respectively—would congest money in the trade centers, remove it from the field of local demands, is principally in the interest of larger dividends to stockholders of banks, encourages speculation, invites monetary disorders and panics, and is, in my judgment, with due respect to others, unreasonable and indefensible. Even a larger reserve is required in Great Britain and other nations, and in the case of United States deposits full security in bonds is properly exacted. The depositors should not be denied this protection and the whole country be made to incur the danger and peril of panics in order that the loaning capacity of banks may be increased 15 and 25 per cent.

Mr. President, how the existing reserve law may operate to the disorder and destruction of the business interests of the country was thoroughly disclosed in the recent stringency. On August 22, 1907, the reserve banks had with their reserve agents, the central reserve banks, $194,000,000 of their legal reserve, and the country banks had with their reserve agents, the reserve and central reserve banks, $420,000,000 of their legal reserve, aggregating $614,000,000. The national banks of New York City at that time held $213,000,000 of the reserve of

other banks, and $251,000,000 of their demand loans at that time was on stocks and bonds. When, during the panic, urgent and clamorous calls were made by the interior banks for their reserve of this vast sum of money, the New York City banks sent only $10,820,511, or 5 per cent, in liquidation of their reserve indebtedness.

Mr. ALDRICH. Of just what period is the Senator from Texas speaking?

Mr. CULBERSON. I am speaking of the period from August 22 to December 3.

Mr. ALDRICH. Does the Senator mean to be understood that the New York national banks only shipped the small amount which he has named to the country banks within that period?

Mr. CULBERSON. The Senator from Texas means to state, Mr. President, that the reserve indebtedness of the New York City banks to all other banks in the country was reduced only the net amount of $10,820,511 during that time.

All other banks holding reserve money, whether they were central reserve or reserve banks, sent only $78,000,000, or 22 per cent, in net liquidation of their reserve indebtedness. More than that, sir, instead of responding to the call of the interior banks for their reserve, the national banks of New York City sold money at extortionate rates to banks and others, increased their demand loans on stocks and bonds $50,000,000, and openly, and apparently with the knowledge of the officials of the Government, loaned money to operators on the stock exchange, much of it going indirectly from the National Treasury.

The result, Mr. President, necessarily was that the interior banks, with their reserve tied up and entangled in the meshes of speculation, were seriously and inextricably involved with the New York banks, and this panic, which, except for this entanglement, would not have occurred, or would have been but a local riot of frenzied money changers, spread through the land and became national in its iniquity and in its burden. If the bill of the Senator from Rhode Island had then been law, it would only have added to the revelry and multiplied the gains of the financiers and syndicates whose profits already ran into uncounted millions.

Mr. President, that the national banks of New York City deal in speculative stocks and bonds, often encroaching upon their reserve, and loan money to operators on the stock exchange is indisputable. The reports of the Comptroller of the Currency, when analyzed, establish it, and it is common knowledge in New York.

In August, 1907, their demand loans on stocks and bonds amounted to $251,000,000, or 35 per cent of their total loans; and in December, 1907, notwithstanding the panic, notwithstanding the demand of the interior banks for their reserve, notwithstanding the demand of the depositors, their demand loans on stocks and bonds amounted to $302,000,000, or 38 per per cent of their total loans.

In confirmation of the statement that the banks participate in stock gambling, let me submit some contemporaneous history. Before I do that, however, let me say that the four principal banks of New York City, whose operations were a matter of public concern during this panic, were the First National Bank, the Chase National Bank, which belong to the Morgan interests, and the National City Bank and the Hanover National Bank, which belong to the Standard Oil interests. These four national banks, it is said, had on deposit four-fifths of the public money deposited by the Treasury Department during the two weeks of the panic, and, according to its report, made on the 14th day of this month, the Standard Oil bank, the National City Bank, had on deposit over $13,000,000 of public money without interest.

Mr. President, coming to the contemporaneous history to which I referred, I have here excerpts taken from the New York Sun from October 23, 1907, down to and including October 26, which I will ask to be inserted in the body of my remarks without reading.

The VICE-PRESIDENT. Without objection, leave is granted to insert the excerpts to which the Senator from Texas refers.

The matter referred to is as follows:

[From the New York Sun.]

October 23, 1907:

Mr. Oakleigh Thorne, president of the Trust Company of America, said:

"A deposit of $20,000,000 by the Government would relieve the whole situation. Of course the money going into the banks would not have any direct effect on the trust companies, but indirectly it would have a great effect. At present the trust companies would be absolutely secure if they could call in their demand loans. *These loans are secured by collateral, which, while of undoubted value, is not at all readily marketable.* As it stands now these borrowers, or some of them, are unable to borrow enough to pay these loans. A deposit of the funds in the banks would make it possible for them to do this and relieve the trust companies of their burdens."

George B. Cortelyou, Secretary of the Treasury, arrived at Jersey City on the Congressional Limited last night.

It was understood to be his belief that the action he took several weeks ago in making several large deposits in various national banks throughout the country that are Government depositaries to facilitate the movement of crops will, in a measure, restrict the present money difficulties to New York.

After Secretary Cortelyou arrived at the Hotel Manhattan, Mr. Fish, subtreasurer at New York, went out to notify prominent financial men of his presence. The first to arrive was George W. Perkins, of the firm of J. P. Morgan & Co. Frank A. Vanderlip, vice-president, and George F. Baker, president, of the First National Bank, arrived later and went to Secretary Cortelyou's room. President A. B. Hepburn, of the Chase National, also came.

There were no emergency deposits of Government moneys in the New York banks. Deposits under the Secretary's former order were, however, made to a moderate extent in a few of the institutions. But as far as the day's business was concerned, there was no Treasury relief which was of any material benefit.

It was very regrettable that only a comparatively small number of the larger banking institutions appeared on the stock exchange to-day as lenders of money.

Money is now not scarce at this center—indeed, it may be said to be in relative abundance, especially in view of the deposits of public funds made during the day by the Secretary of the Treasury, and the more than likelihood that the deposits will be greatly augmented within a few hours. That money rates should have been allowed to run as high as 70 per cent to-day was an utterly censurable feature of the situation.

There was a subsequent decline to 40 per cent (for call money) on offerings made principally by the First National Bank. While the other banks were holding back, the First National loaned an aggregate of five millions.

In the opinion of bankers who favored the offering of money the situation was one that *warranted on the part of every bank in the Clearing House Association a decrease of 5 per cent in reserve.* It was argued that the theory of maintaining the reserve is very largely for protection in times of stress, and that the situation yesterday certainly justified *protection of the market, so that those banks with call loans might be able to secure the amount of the loan by the sale of securities.*

October 24, 1907:

Secretary of the Treasury George B. Cortelyou deposited substantial sums in Government money in national banks yesterday, and a group of bankers, headed by J. P. Morgan, stood behind the Trust Company of America.

Bankers were in conference with the Secretary constantly throughout the day, and there was a series of conferences at the office of J. P. Morgan & Co., participated in by the most prominent financiers of the city.

Both Secretary Cortelyou and the Morgan banking syndicates amply fulfilled the agreements made after the late bank conference the night before.

Secretary Cortelyou * * * gave assistance to the amount, it was estimated, of about $7,000,000. This money was put in national banks for one specific purpose, and the banks held it in support of the Trust Company of America or turned it over to that institution.

The Secretary did not concern himself with the stock-market operations, the scarcity of money on stock-exchange loans, or the condition of the general money market. Apparently his work was directed effectively toward "assisting in every proper way legitimate business interests," to quote the language of his statement the night before.

Across the street from the subtreasury, at the office of J. P. Morgan & Co., arrangements were made for putting into effect the agreement made the night before to support the Trust Company of America in case the institution on examination was found to be solvent. *These arrangements were carried out through the two principal banks of the so-called "Morgan interests" and the two principal banks commonly associated with the Standard Oil interests—the First National and Chase National, of the Morgan group, and the National City and Hanover National, of the other.*

The First National loaned five millions, at an average of about 50 per cent.

October 25, 1907:

The Secretary (Cortelyou), who had expected to place twenty-five millions in the national banks, found that this large amount was not needed, so that there remain of the twenty-five millions a considerable sum, which is at the disposal of national banks to-day.

In addition to the deposit of large sums in the big banks in the financial districts, Mr. Cortelyou advanced considerable amounts to the mercantile banks, of the type of the Chemical, for instance, and to smaller institutions farther uptown.

At 2.20 p. m. there appeared on the floor of the exchange, Vernon Mann, of Mann, Bill & Wise, loan brokers, and two prominent Morgan brokers—Messrs. Rogers and Atterbury. They had commissions to place twenty millions of the Morgan money.

The money was offered first in $100,000 lots, and was snapped up inside of five minutes. In the hurry to secure loans few brokers stopped to consider the money rates. (Five million was sent in by this same pool before the market closed, in addition to this twenty millions.)

The money advanced by the Morgan syndicate was loaned at rates from 10 to 50 per cent. * * * In the morning there was placed about $800,000 for the National Copper Bank at 50 per cent. * * * Vernon Mann placed three millions for the First National Bank at 50 per cent.

J. P. Morgan & Co. headed the syndicate, and there were associated with this banking house the First National Bank, the Chase National, the National City, Hanover National, Fourth National, National Park, and National Bank of Commerce.

The funds loaned by Messrs. J. P. Morgan & Co. to-day represented, as was understood, the contributions not only of the firm, but of several of the leading banks in the city to a pool formed for the purpose of relieving the money market, *and the indirect source of the supply was unquestionably the money deposited in the banks of the city to-day by the National Treasury.* Undoubtedly this relief would have been earlier extended had the banks been enabled to complete more rapidly their arrangements for depositing the necessary security with the Government for the money thus advanced. The great obstacle presented in this operation was of course the relatively sparse supply of high-grade bonds now in the possession of the banks, available for the purposes required.

October 26, 1907:
Secretary Cortelyou continued the deposit of Treasury money in the national banks. J. P. Morgan & Co. and the banks associated with that firm in the work of restoring normal conditions again supplied funds for the call-money market.

October 26, 1907:
While on Thursday it was necessary for the bankers to raise twenty-five millions in order to relieve the then acute stringency in the call-money market, and an aggregate of approximately thirty-five millions was loaned, *on the floor of the stock exchange yesterday* the Morgan syndicates put out but fifteen millions, and an aggregate of twenty millions sufficed to meet all demands.
Renewals of the syndicate money placed on Thursday were made at 20 per cent.
The First National Bank sent in the first block of two millions, which was loaned at 50 per cent. Between 1 and 2 o'clock other amounts were loaned by various institutions and banking houses—notably one million by the Chase National and $400,000 by the Liberty National—at the same figure.
The money (of the Morgan syndicate) was placed at a uniform rate of 50 per cent.
The process of depositing Government money in the banks proceeded smoothly.

Mr. CULBERSON. Now, I desire, with the indulgence of the Senate, to emphasize two or three statements which are made in these articles. One of them is this:

Money is now not scarce at this center—indeed, it may be said to be in relative abundance——

Mr. ALDRICH. What is the date of the article from which the Senator from Texas is now reading?

Mr. CULBERSON. October 23, 1907. The article continues:

Especially in view of the deposits of public funds made during the day by the Secretary of the Treasury and the more than likelihood that the deposits will be greatly augmented within a few hours.

Another of these extracts reads:

In the opinion of bankers who favored the offering of money, the situation was one that warranted on the part of every bank in the clearing-house association a decrease of 5 per cent in reserve. It was argued that the theory of maintaining the reserve is very largely for protection in times of stress and that the situation yesterday certainly justified protection of the market, so that those banks with call loans might be able to secure the amount of the loan by the sale of securities.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. CULBERSON. Certainly.

Mr. ALDRICH. I wish to ask only a simple question. Does the Senator understand the word "money," as used there, as a synonym for "currency" or for loanable capital?

Mr. CULBERSON. I would, of course, yield to the better judgment of the Senator from Rhode Island upon that point.

Mr. ALDRICH. I have no doubt it was intended there as loanable capital and not as currency.

Mr. CULBERSON. I can not myself construe this article except by its very terms, and it says:

Money is now not scarce at this center—indeed, it may be said to be in relative abundance.

Mr. ALDRICH. I suppose the Senator is quite as well aware as I am that that word is used in the press of New York and elsewhere throughout the country.

Mr. CULBERSON. Possibly so, Mr. President. Now, another extract, in passing along:

Across the street from the subtreasury, at the office of J. P. Morgan & Co., arrangements were made for putting into effect the agreement made the night before to support the Trust Company of America, in case the institution on examination was found to be solvent. These arrangements were carried out through the two principal banks of the so-called "Morgan interests," and the two principal banks commonly associated with the Standard Oil interests—the First National and Chase National of the Morgan group, and the National City and Hanover National of the other.

Here is still another of these extracts:

The funds loaned by Messrs. J. P. Morgan & Co. to-day represented, as was understood, the contributions not only of the firm, but of several of the leading banks in the city, to a pool formed for the purpose of relieving the money market, *and the indirect source of the supply was unquestionably the money deposited in the banks of the city to-day by the National Treasury.* Undoubtedly this relief would have been earlier extended had the banks been enabled to complete more rapidly their arrangements for depositing the necessary security with the Government for the money thus advanced. The great obstacle presented in this operation was, of course, the relatively sparse supply of high-grade bonds now in the possession of the banks, available for the purposes required.

Still another:

While on Thursday it was necessary for the bankers to raise twenty-five millions in order to relieve the then acute stringency in the call-money market, and an aggregate of approximately thirty-five millions was loaned, *on the floor of the stock exchange yesterday,* the Morgan syndicate put out but fifteen millions, and an aggregate of twenty millions sufficed to meet all demands.

So much for the New York Sun. Mr. President, in something more of detail, with the indulgence of Senators who honor me with their attention, let me read from the New York Herald.

[Extracts from the New York Herald.]

Cooperating with the bankers was George B. Cortelyou, Secretary of the Treasury. Mr. Cortelyou was visited by all the leading New York bankers and his assistance was extended at a critical time. There had been $8,000,000 deposited the day before, and it is understood that between eight and ten millions was made available.
The First National Bank, J. P. Morgan & Co., the Chase National Bank, and the National City Bank were among the chief lenders. A pool had been formed among several banks, and it is understood most of the fund was lent. Through the Hanover National Bank, Mann, Bill & Co., money brokers, placed $8,000,000 for a money pool. It is believed that the Hanover people lent about $5,000,000. Despite the vigorous measures of Mr. Cortelyou and the assistance of the various bankers' pools, call money ran up to 100 per cent. It was reported after the close that the Bank of Montreal's local agent lent $200,000 at 125 per cent. The demand for money was so great that almost any price could be obtained. The Morgan firm and the First National Bank and other large banks had many requests from brokers to be carried over.
After the close of the stock market, Mann, Bill & Co. made the following statement: "*Throughout the excited scenes on the stock exchange to-day, large sums of money on call were loaned by the First National Bank, the National City Bank, and the Hanover National Bank. These banks sent in sums ranging from $1,000,000 to $5,000,000. * * * At 2 o'clock the First National Bank sent in one block of $5,000,000, which was distributed among the eager borrowers.*" (Herald October 24, 1907.)

Nowhere was the absolute scarcity of money so strikingly apparent as on the stock exchange, and it was only through the drastic measures adopted by the bankers and the firm of J. P. Morgan & Co. that the situation was relieved. Between 1 and 2 o'clock, when the officers of the exchange observed that there was nothing offering in the shape of brokerage loans, they consulted among themselves. It was clear that, unless funds were obtained, and $20,000,000 was needed at 2 o'clock, something of an extraordinary nature would have to be done. * * * One of the governors made a hurried canvass of the situation on the floor of the exchange, and reported that there was about $200,000 offering, and about $18,000,000 was wanted at the moment. This information was communicated to the banks. Mr. Stillman, of the National City; Mr. Baker, of the First National, and J. P. Morgan were told precisely the dilemma in which the New York Stock Exchange found itself at that hour of yesterday. In less than five minutes the telephone bells were ringing and a money pool was formed. In this pool eight or nine banks participated under the leadership of J. P. Morgan & Co. Drastic measures were adopted, *the banks encroached upon their reserves,* and what will go down in financial history as the Morgan money pool was formed. In this pool $25,000,000 was pledged by the Morgan firm. When it came in the stock exchange a riot almost occurred. * * * Call money had touched 100 per cent in the early afternoon. * * * This rate was a surprise to many, who believed that the extraordinary action of Secretary Cortelyou in ordering a deposit of $25,000,000 would relieve the situation. * * * When money touched 100 per cent, Mr. Cortelyou was not dismayed, and it was clear that it was his judgment that the brokers ought to be restrained from any activity at a time when the funds were needed so urgently elsewhere.
The clearing house was aware that a $25,000,000 pool had been formed to take care of stock exchange business, and it is believed that the measures adopted under the circumstances were praiseworthy. It was ascertained that the National City Bank was one of the largest subscribers to the money pool, and, with J. P. Morgan & Co., furnished $10,000,000, the First National Bank, which had placed about $4,000,000 earlier in the day, subscribed $3,000,000, the Chase $2,000,000, the Fourth $1,000,000, the Bank of Commerce $2,000,000, the Hanover $1,000,000, and the Corn Exchange $1,000,000. All this money was placed at the disposal of Mr. Morgan, and through his brokers the funds were thrown on the exchange. It was found that the offerings were more than the brokers required, and the balance was placed among several different institutions at the close. *Every brokerage firm in Wall street was able to obtain all the funds required.* The money rate dropped from 50 per cent to 10 per cent under the flood of offerings. (Herald, October 25, 1907.)

Wall street brokerage houses were well provided with funds again yesterday by the bankers' pool, acting under the direction of J. P. Morgan. Upward of $10,000,000 additional was lent in the market, making $30,000,000 in all now placed on the street to aid the brokers. * * * This money was loaned at from 50 to 60 per cent. * * *

Mr. President, we have heard a good deal about money being sent to the outside to move the crops. Listen to this:

By far the most aggravating demands made yesterday upon the local banks were those from out-of-town institutions. Coupled with senseless and frightened demands from those at home, these fresh drains were felt severely. In some cases they were refused, and in others, where the banks wished to draw down currency, they were told their demands would have to wait. *In the fierce battle going on in Wall street all possible cash obtainable was called into action, and the outskirts were left to face the condition of distress as best they might.* (Herald, October 26, 1907.)
J. P. Morgan and James Stillman, two of the great bankers, have resolutely opposed all former overtures for the issuance of clearing-house certificates. * * * But in the opinion of a majority of the members last night, the time has now arrived to put aside sentiment and adopt drastic measures to relieve the situation. In anticipation of such a situation *the word went forth from high quarters that the shipments of currency to the interior and other quarters were to cease. * * * Cooperating with J. P. Morgan and Mr. Cortelyou in stemming the unnecessary demands for funds are the brokers and stock exchange leaders.* * * *
Relief came in another bankers' pool managed by J. P. Morgan & Co. On the previous day $25,000,000 had been supplied, and to furnish these funds the bankers encroached upon their legal reserves. The same was done yesterday, but the amount supplied was smaller. Morgan & Co. had at their disposal about $10,000,000, which was given to a group of brokers. The members of the pool were the stronger banks—the City, Chase, First, Hanover, Corn Exchange, Fourth, American Exchange, and Bank of Commerce—the Morgan firm also participating. Rates for call money had ranged all day between 50 and 80 per cent.

Morgan's funds were placed at 50 per cent. There was no breaking the rate, and everyone was forced to pay the same. (Herald, October 26, 1907.)

Mr. President, if this be true—and I believe it to be true—it is a discreditable story to go to the American people, a story of violated law, of business dishonesty and immorality, of the perversion of banking, and of the subordination of the Federal Treasury to powerful private interests. What we need, therefore, in my judgment, is not necessarily more currency, and especially not more bank-issued and bond-secured currency such as is contemplated by this bill—a bill which violates the fundamental principle that Government, not private corporations, should issue money; a bill which will augment the power of the great banks and give an added and speculative value to bonds in bondholding centers against less-favored communities and the vast interests of the interior. What we need, Mr. President, rather, is honest, legitimate banking, unassociated with high finance, drastic laws against the use of public funds and bank resources for promotive, speculative, and gambling purposes, and the dispersion, not the congestion, of the money of the land. When that is effected, when banks confine themselves to the business of banking, when they cease loaning their funds on the collateral of Wall street, when they no longer cast their money into the vortex of the exchange to reap the fruits of shameless usury and steady the value of fluctuating securities in which they have invested, and when the law is so reformed that the lawful money reserve of every community remains at home, a panic of banks, such as that of October, will be impossible, and an emergency currency based upon it questionable, if not wholly unnecessary.

But, Mr. President, it is said that the fiat has gone forth, and that this bill will become a law. It will not surprise me. For forty years the money power, in financial legislation, has dominated the Republic. Since the so-called act to strengthen the public credit, from the packing of the Supreme Court of the United States in the legal-tender cases, through all gradations from that time down to the law of last year, which gave to the national banks without interest the use of $250,000,000 of public money, its mastery has been complete. Perhaps its control and its dominance will continue until the end. However that may be, this bill emphasizes the flagrant and continuous injustice which the people bear in legislation which makes unearned additions to individual wealth and private fortune.

Mr. ALDRICH. Mr. President, I do not intend at this time to attempt to traverse some of the statements made by the Senator from Texas [Mr. CULBERSON], but I desire to call his attention to one fact, which I hope he may enlighten the Senate upon later on. The Senator from Texas opened his statement this morning by saying that he was in favor and should support the substitute for this bill offered by the Senator from Oklahoma [Mr. OWEN].

Mr. CULBERSON. Not at all. The Senator misunderstood me. I said I would support an amendment which I understood the Senator from Oklahoma would propose on the subject of stock gambling. Unfortunately for me, I have not had time to read the Senator's bill.

Mr. ALDRICH. It is not necessary for me, then, to go on with the statement I was about to make. I did not understand the Senator in that way. I understood him to say that he should vote for the proposition of the Senator from Oklahoma, and I was hoping that he would at some time point out the difference between that bill and the bill now before the Senate.

Mr. NELSON. Mr. President, I am fully conscious of the fact that in the matter of finance and the adjustment of our currency I am far from being an expert, and whatever I have to say on this subject I shall say with a good deal of diffidence and reservation.

To my mind the lessons conveyed by the recent panic indicate that the bill under consideration will not meet the evils disclosed by the panic. Our national banks are not only banks of issue, but they are banks of commerce, banks of discount and deposit, and the recent panic has disclosed not so much a vice in our currency system as a vice in the methods of banking. In other words, it disclosed vicious, irregular, and unlawful methods of banking.

There is no lack of currency in this country. In the panic of 1893 we had only a little more than $24 per capita, while at the outbreak of the late panic we had over $32 per capita of money among the people of the United States. It seems to me the great object to be accomplished by any system of remedial legislation is to keep the money of the country in circulation. The loanable funds of the banks are chiefly the moneys of the depositors.

Take the national banks in the aggregate. The total amount of their capital and surplus is only $1,650,000,000, and their note issue at this time, the highest in all their history, is only $690,000,000. That capital and that surplus and that note issue are only a limited part of the loanable funds of the banks. The great bulk of the loanable funds of the banks are derived from the money of their depositors.

On the 3d of December last the aggregate amount of capital and surplus of our national banks was $1,651,000,000; the total amount of individual deposits was $4,176,000,000; the deposits of other banks were $1,387,000,000, and the Government deposits, $223,000,000. A total of all kinds of deposits of $5,786,000,000, and the total of bank notes issued was $690,000,000.

It appears that the national banks practically have all their capital and surplus tied up in bonds and similar securities and other permanent investments. The total amount of such bonds and investments is $1,603,000,000, leaving only $48,000,000 of their capital, surplus, and undivided profits available for commercial loans, while the ordinary loans and discounts of the banks amounted at this time to $4,585,000,000—only $400,000,000 less than the individual deposits.

Mr. President, in my judgment the great consideration to be attained in any system of banking is to preserve such a state of confidence among the people of the country that they will not only deposit their surplus money in the banks, but will let it remain there during periods of great commercial demands. It is well known that under normal business conditions, when confidence prevails throughout the country, from 90 to 95 per cent of the business of the country is transacted by a transfer of credits. There is very little occasion for currency. But the moment a panic sets in, the moment there is a run on the banks, currency becomes scarce from two causes; first, because there is a depletion of the currency by the run of the depositors on the banks; and in the next place there is a greater demand for currency, because the people, instead of having business transactions liquidated by a transfer of credits as under normal conditions, now want the cash. On the one side greater depletion, on the other side greater demand.

To my mind we ought not to lose sight of this important question, and in order to bring before the Senate the points which I aim to make I shall refer briefly to the panic of 1893 and compare it with the panic of 1907. The panic of 1893, Senators will remember, came when we were in the midst of industrial stagnation. Many mills, furnaces, and factories were either idle or run on reduced time. Hundreds and thousands of laboring men were thrown out of employment. The railroads had greatly reduced traffic and earnings. Stagnation prevailed on all sides. But the worst of all in the panic of 1893 and the direct cause which led to the great withdrawal of funds from the banks and the channels of trade was not the lack of confidence in the banks per se, but the lack of confidence in our currency. At that time the fear was entertained throughout the country that we were liable to lapse into a state of silver monometallism. We were then purchasing silver and inflating our currency therewith at the rate of 4,500,000 ounces per month, and there was a constant and continued withdrawal of gold from the Treasury and the shipment of the same to Europe. The bankers and brokers of New York would week after week go to the subtreasury with greenbacks, draw the gold from the Treasury, and ship it to Europe, and our gold reserve was depleted to the very lowest point in our history except, perhaps, in 1894 and 1895. In short, we were seriously threatened with silver monometallism.

In the panic of 1893 what induced people to withdraw their money and hoard it was the fear that we would lapse into a state of silver monometallism; that people who deposited in the banks good money, worth a hundred cents on the dollar in gold, were liable to get it back in depreciated silver currency worth less than half that amount. The same fear induced hoarding and a disinclination to embark in industrial enterprises or ventures of any kind. In short, it was a well-grounded alarm as to the integrity of our currency.

In the recent panic there never was any question about the soundness of our currency. No man in this country doubted that the money he carried in his pocket was good money and had been ever since we passed the gold-standard law of 1900. There was no want of confidence in our currency. The lack of confidence was in our banks and their methods. The trouble was that that confidence so essential to business integrity and business prosperity, that confidence so necessary to induce depositors to let their money remain in the banks and not withdraw it, was lacking.

There is something curious about the panic of 1907 and its surroundings. During the entire year immediately preceding the panic the country was in the highest state of industrial and agricultural prosperity. We had raised a most bountiful crop throughout the country. Our cotton and wheat crop was

especially good, and prices for these products and all agricultural crops were high. The farmers were prosperous. Our factories, furnaces, mills, and shops were running at full time and had orders ahead, and to my knowledge our railroads in the Northwest were so burdened with traffic that oftentimes they could not furnish the necessary cars for shipment of crops to market as promptly as desired. Prosperity was smiling upon us on all sides and there was no lack of currency in the great Northwest. Our banks had ample currency to supply the local demand and in many instances were carrying Eastern commercial loans.

There was one thing that struck me as very strange in the midst of this prosperity, and it was this: All during last spring and early summer, and even during the preceding winter when our business men and bankers occasionally went to the East, to New York, they would come back and shake their heads and look dubious and say: "There is going to be a panic in the fall. There is going to be a financial stringency." We, who stayed at home, who did not visit the financial center of the country, could not understand it; but somehow or other those who went to the East and conferred with the wise men of the East, especially the bankers, came back impressed with the idea that we were bound, in some shape or after some fashion, to have a panic in the fall of 1907. It seems that the big financiers in New York counted upon and looked for a general financial stringency, if not panic, and it was a great mystery to us, in the midst of our great prosperity, how this could be, and we in our innocence came to look upon them as false prophets.

Now, what brought on the panic? Of course no one of us can well point out all of the causes, but in my opinion some of the most radical causes are obvious and lie on the surface. In the period immediately preceding the panic for several years the stock market of the country had been excessively inflated, both in quantity and value. It had got to be the fashion for years, whenever any industrial enterprise was contemplated and embarked in, whenever it was the purpose to build a railroad, to open a mine, or to engage in any other venture, to form a corporation and to issue as much common and preferred stock and as many bonds as could be floated and absorbed, oftentimes much in excess of the active requirement of the enterprise. There is, and for many years has been, in New York a market place for all kinds of stock—the New York Stock Exchange. There are various kinds and large quantities of stock always kept on hand and offered for sale and oftentimes gambled in in this market.

Let me classify some of them. There is one class I would term the regular stocks of good, going concerns. Another class are the stocks of promoters—men who organize new ventures and put the stocks and bonds of these new ventures on the market. It is estimated by a New York financial journal that upward of $2,000,000,000 of new stocks and bonds were put upon the market in 1907. Then there is another class, the underwriting class—the men who take great blocks of stock by the wholesale at a low figure from some enterprise or some concern—it may be a new concern or a going concern—to peddle them out and unload them on the dear public at retail at as great profit as possible. The men who handle these various kinds of stocks resort to a variety of methods to inflate and enhance their price. The greater the inflation the greater the profit.

From day to day these stocks are sold on the New York Stock Exchange, and there are a lot of brokers there who live just by this system of speculation and carry it on with borrowed money. This system of stock speculation on the New York Stock Exchange leads to an evil in connection with our banking system, already referred to by the Senator from Texas [Mr. CULBERSON]. It is the system of demand or call loans.

The business man, the merchant, or the manufacturer can not indulge in loans of that kind. These loans are not commercial loans, are not commercial paper. These loans are simply stock exchange loans on stock collaterals, to carry and float stocks. A large share of the loanable funds of the banks of New York, as appears from the report of the Comptroller of the Currency, are loans of this class. On the 22d of August last upward of 38 per cent of the loans of the banks of New York were call or demand loans, and the volume was still greater on the eve of the panic. As I have said, a merchant, a manufacturer, an ordinary business man, does not make loans of that kind—call loans. His loans are time loans. All of these call loans are loans used for stock speculation, and are to that extent a diversion from the regular channels of trade, industry, and commerce. It is estimated by a financial journal that upward of $2,000,000,000 of additional stocks and bonds, partly of new enterprises and partly of old, were put upon the New York stock market during the year 1907. It is the effort to absorb, digest, and float all this volume of inflated stocks and bonds that diverts so much money from industrial and commercial channels that in a large measure leads to financial stringency. It was the institutions that carried so many of these stock collateral loans that felt the greatest pressure and that in so many instances succumbed. These stocks were of little avail when purchasers could get no money to buy with.

Now, how did it come to pass that during the early days of last fall many of the wholesalers, manufacturers, and jobbers of New York and other eastern cities would come to the country banks of the Northwest to make their commercial time loans?

They could not get them in New York. The big banks of New York devoted so much of their loanable funds to these stock loans, these call loans, that they could not afford to loan money for the purposes of commerce or for commercial purposes, for there was more profit in these stock-call loans.

It is instructive and interesting to look back and see what started the panic in New York. I mean the immediate spark that touched it off, so to speak. You saw the first symptoms early in March. There had been, as you all know, an excessive and undue speculation and inflation in copper stocks. The copper corner partially exploded in March, and copper stocks commenced to tumble, but after that things went on at a good gait until about the 19th of October last. Then what happened? There was a man by the name of Heinze, who was operating in copper stocks and who had control of the Mercantile National Bank of New York. Heinze had been a thorn in the side of the copper trust—so called the Amalgamated Copper Company. He had fought them for years in the State of Montana. Finally he shifted his operations to New York and the battle went on. The Amalgamated Copper Company and all its allies went for poor Heinze.

I have no doubt that all they aimed at at the time was to crush him out. But unfortunately in crushing Mr. Heinze, in breaking his copper corner, they ignited the panic which began in October last and started a run on Mr. Heinze's bank, and from there the run extended to the Knickerbocker Trust Company, to the Lincoln Trust Company, to the Trust Company of America, and to other trust companies and banks in New York until within a week upward of $200,000,000 of money was taken from the banks and trust companies in New York City alone and hoarded.

What was the result? It will not do for the bankers of New York to say that it was the urgent demand for currency to move the crops that started the panic. The spark that ignited the panic grew out of that attempt—a successful attempt—to break the Heinze copper corner. It started the run on his bank and the other banks, and what made currency scarce, what brought on the panic, was the run of depositors, which in the space of a week drew over $200,000,000 out of the banks and trust companies of New York.

How was that panic met? It was met in a limited way and to a limited extent in three ways. From the 19th of October, the day the panic started with Heinze's bank, down to the 7th day of December, there were deposits of $58,000,000 of public funds in the banks. Under the system of Government deposits, which we have had for years, and with a large surplus of Government money in the Treasury and at the service of the banks, this surplus has served as an emergency currency.

It has been in the nature of emergency currency available to banks every fall, and on this occasion, from the 19th of October, the day the panic broke out, until the 7th day of December, that vacuum was attempted to be supplied as follows: There were $58,000,000 of Government deposits made in the entire country, of which New York City got about $40,000,000, and of that $40,000,000 over half went to two banks, the City Bank and the First National. Out of the $58,000,000 deposited by the Treasury during the acute period of the panic, from October 19 to December 7, $40,000,000 in round numbers went to the banks of New York City, and over half of that amount went to the two strongest and biggest banks in that city.

The vacuum was further supplied by the importation of gold. The bankers claim a great deal of credit for that, as though they had bought the gold and imported it here. As a matter of fact, those importations of gold—I have here a letter from the vice-president of the City National Bank of New York City, Mr. Vanderlip, once Assistant Secretary of the Treasury, which shows it—were brought to this country upon bills of lading for wheat and cotton, the products of our farms, and all the tangible and substantial increase we have had in our currency since the panic outside of the credit currency of national-bank notes has been the hundred millions or more of gold brought here by the cotton of the Southern farmer and the wheat of the Western farmer.

I was curious to know, and so I wrote Mr. Vanderlip:

Did you obtain that gold by borrowing it over there? Did you obtain it by selling American securities?

He said:

Nothing of the kind. We obtained it on bills of lading of American farm products—chiefly cotton and wheat.

A hundred millions came in in that way, and during that acute period to which I refer we increased our national-bank-note circulation to the extent of about $50,000,000, in round numbers. This, then, is what was done to supply the vacuum caused by the run and withdrawals of depositors—$58,000,000 of Government deposits, $100,000,000 of gold imported, and $50,000,000 of additional bank notes. But during this acute period, from October 19 to December 7, more than twice this amount had been withdrawn by depositors from the banks and trust companies.

But, Senators, did that stop the panic, the run, and withdrawal? By no means. The chairman of the Committee on Finance called attention the other day to the issuance of about $190,000,000, or perhaps it was only $150,000,000, of clearing-house certificates and about $75,000,000 of checks and other credit paper. Did that stop the panic? Did the $58,000,000 of Government deposits stop it? Did the $100,000,000 of gold imported stop it? Did the additional bank-note currency issued stop it? Did the clearing-house certificates stop it? Nothing of the kind. What stopped the panic, run, and withdrawal?

The only way the bankers stopped the panic was by breaking the law, by suspending payment, holding up the entire country. That is the modern way of stopping a panic, and it is an easy way of stopping it, if people submit to it. If the First National Bank of Alexandria, my own home, had suspended during that panic and refused to pay, as it did not do, the Comptroller of the Currency would have been swift to have put it in the hands of a receiver and wound it up. But when these great city banks all in a body resorted to this system, and held up their depositors in the manner they did, no action was taken. Senators, you can see that that system of stopping a panic was very effective, but it is the most lawless and revolutionary method of stopping a panic I have ever known.

It comes with poor grace from these big bankers to say to the American people, "You must not provide a fund for the protection of depositors; that is putting us big, strong banks on a footing of equality with the smaller and inferior banks. We big banks do not need it. Our reputation is so good that we do not need it. You will be putting a premium on poor bankers—we are so good it is not needed for us. You are putting those little inferior banks on our level." Great God! the recent panic demonstrated that the big banks were on a lower level than the small country banks. The big city banks were the originators and promoters of the hold-up and tie-up of deposits and reserves.

In my State most of the small country banks kept open shop during the panic and paid in cash all demands made upon them. It was the big banks, these banks which are now getting up on a high horse and saying "You do not want to do anything to protect the depositors," which exhibited the greatest amount of lawlessness in this case.

I am surprised—and I say it with respect, because I have the utmost respect for the chairman of the Finance Committee—that while in his very able speech he deplored the fact that the banks had acted in such a lawless manner, holding up everybody, their depositors, and the banks for which they acted as reserve agents, yet there is no provision in this bill nor do I know that he proposes any legislation to remedy a condition of that kind to prevent a tie-up of deposits and reserves in the future.

The Senator from Texas referred to another evil, not an evil in our currency system, but an evil in our banking system. Always remember, Senators, that under the national banking law our national banks perform a double function, as I said at the outset, as banks of issue and as banks of commerce or of discounts and deposit. Under our vicious system of bank reserves more injury resulted to the country in the recent panic than from any other source.

Let me explain it to you. Under our present system we have in the country three cities known as "central reserve cities," the cities of New York, Chicago, and St. Louis. Then we have in addition to that about forty reserve cities. The chairman of the Finance Committee will correct me if I have not given the right number, but I think we have about forty that are known as "reserve cities," and all the other national banks outside of the central reserve cities and outside of the reserve cities are commonly known as "country banks."

Under this system of bank reserves (and it is a kind of a lock-stitch system), the country banks are required to keep 15 per cent of their deposits as a reserve for the protection of their depositors, but of that 15 per cent they can deposit three-fifths with the banks in the reserve cities or in the central reserve cities, or in both. Then, in addition to that, from that 15 per cent is deducted the 5 per cent redemption fund on the amount of their circulation. From this you will see that a country bank depositing three-fifths of its reserves with banks in reserve cities has practically on hand in its own vaults, available for depositors, less than 6 per cent of its deposits; and this, you can see, is a most serious matter for the country bank when its three-fifths of reserves is tied up in a reserve bank that refuses to pay and temporarily suspends, as was the case in the recent panic.

Then, again, the banks in the forty reserve cities are required to keep a reserve of 25 per cent of their deposits, but they can deposit one-half of that in the banks of the central reserve cities, and from the other half is deducted the 5 per cent in the Treasury Department for the redemption of their notes. So that you see that these banks can have less than 12 per cent of the required reserve in their own vaults.

The unfortunate condition in the recent panic, and which wrought such extensive havoc throughout the country, was this system of bank reserves that I have described. The banks of New York, Chicago, and all the reserve cities held the reserve funds of the country banks, and in many instances they held a good deal more. Many banks had greater amounts of deposits than the amount required for the reserve. The banks in New York suspended and tied up in the recent panic about October 28. It was on the 19th of October that the panic broke out. On Saturday evening, the 26th of October, the banks met and decided to close up on the following Monday, and it is said that some of them kept open until noon, in order that their relatives, their cousins, and aunts could withdraw their deposits until that time.

At any rate, on the following Monday they suspended, closed up, and tied up, and the worst of it was they not only tied up the money of their local depositors in New York City—the rest of the country could have stood that—but they tied up all the reserves and other deposits which they held of the outside national banks, the deposits of all the national banks throughout the country. They not only tied that up, but they tied up the funds of the trust companies and State banks which were not reserves.

When the banks of New York tied up and suspended they forced the banks in Chicago which were in a good condition to suspend and tie up. Then the banks in St. Louis tied up and suspended, and then by and by most of the banks in the reserve cities suspended and tied up. The result was that the country banks were unable to obtain their reserves—their own moneys from the banks in the reserve cities—and this led to the temporary embargo on the movement of the crops. It was emphatically a panic of the banks, and when they suspended and tied up they had more currency on hand than they had in October, 1906.

As the Senator from Texas pointed out, and I am inclined on that point to agree with him, the bulk of the money the Treasury Department dumped into a few of the leading banks in New York City between the 19th of October and the 7th of December went into stock-exchange call loans.

In this connection I want to call your attention to those call loans. They are considered in ordinary times to be safe loans. They are based upon stock collaterals on a margin of 20 per cent, I believe. But while under ordinary conditions those loans may be safe and are easily collectible, yet in the case of a panic, a general suspension, and tie-up as they had in New York, what do those call loans amount to? A poor fellow borrowed $50,000 in a bank on a call loan and put up good stocks as collateral. The bank says, "I want you to pay that loan." The poor fellow rushed around to get the money. The banks have suspended and tied up, and he can not get the money anywhere, for it is all under lock and key. So his stock is put on the market on the stock exchange and sold at a sacrifice, and the brokers of the banks thus pressing collection buy in the stock for their principals, no doubt in many instances at greatly reduced rates. It is such practices, under such conditions, that causes the great tumble and depression in stocks.

In the case of a panic, where men can not get money to protect themselves, of what advantage is this matter of call loans? Incidentally, some strange things happened in that panic. Before I forget it I want to refer to one episode. We heard much of how certain great financiers rushed to the relief of the country in the panic. I remember one instance, and a very curious instance.

It appears that in the midst of the panic it was found that certain banks and trust companies carried stock of the Tennessee Coal and Iron Company. They had made loans on it. Those institutions in some way were pressed; they were badly crowded and they held that stock.

I remember reading in the papers at the time that there was a meeting in the house of a prominent banker in New York, an all-night meeting, in which the question was up of relieving the

monetary stringency, and it was said that at that meeting plans were adopted that would relieve the acuteness of the tension and stringency. But what was the result of that all-night meeting? The result of it was this. The next morning the people who held the stocks of the Tennessee Coal and Iron Company were given the blessed privilege of exchanging it for the 5 per cent bonds of the steel trust.

In other words, the steel trust was to relieve the financial stringency by exchanging its 5 per cent bonds for the stock of the Tennessee Coal and Iron Company, and in that way the steel trust succeeded in absorbing its only rival and competitor of any consequence. No cash passed in the transaction, and yet it was supposed to relieve the currency famine.

If they had taken that stock and paid cash for it, I can see how they might have helped the poor banks that held the stock and given them a supply of cash. They compelled the banks to exchange that stock and take the bonds of the steel trust, the 5 per cent bonds; and of course those bonds could only bring cash to the parties who thus obtained them by a sale on the New York Stock Exchange. That was the way the financial stringency was relieved in that instance. I remember reading about that incident. I was here in the city at the time. I remember that a couple of gentlemen connected with the steel trust came down here from New York at that time to bushwhack around and ascertain whether that merger would stand and would be let alone.

I think they went away satisfied. I refer to this as an incident showing how the financial stringency was relieved on this occasion, and how much credit certain men assumed for relieving the financial stringency in that way.

Mr. OWEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Oklahoma?

Mr. NELSON. Yes.

Mr. OWEN. I only wanted to call the attention of the Senator from Minnesota to the fact that the steel trust was in an excellent position to have relieved the stringency in currency, as their statements show that they had on hand many, many millions of dollars of cash.

Mr. NELSON. I think, undoubtedly, the Senator is correct. But I must hurry along, as I am taking up more of the time of the Senate than I intended.

I referred to this incident as an illustration of how some of those men succeeded in accomplishing what they could not have accomplished in ordinary "piping times of peace."

I want to impress upon your minds, fellow-Senators, the fact, and you must bear it in mind, that the recent panic was stopped not by the Government deposits, not by the importation of $100,000,000 of gold, not by the additional bank-note circulation; it was simply stopped—and no one could tell the limits of it if it had not been so stopped—by the banks suspending, tying up, and refusing to pay their depositors and the reserves and deposits of the banks throughout the country.

I have called the attention of Senators to our vicious system of bank reserves, which I have outlined to you. Unless the law is changed it will always, in case of panic, lead us to endless trouble, as in the recent panic. It leads to endless trouble in several ways.

In the first place, the country banks will, under this system, send their money—and they are encouraged to send it—to the financial centers, to New York City, for the mere bagatelle of getting 2 per cent interest. And at certain seasons of the year, owing to that reserve system, the banks in the central reserve cities, particularly in New York, are flooded with money, they are glutted with money; and when the money market becomes glutted they are anxious to make some use of it, and they put out the money on these call loans—use it to float stocks and bonds on the stock exchange, leading to great and undue speculation.

In times of normal conditions—I mean in times when there is no panic or financial stringency, in times of confidence, in times when there is no run on the banks—those loans made on stock collaterals may be all right, but not in times of panic. Many have complained of the recent panic that it reduced the value of stocks. Forced sales, with all currency tied up by the banks, necessarily had a depressing effect. Besides, for several years they had been busy in one way or another in inflating all kinds of stocks. Stocks that were paying a dividend of 5, 6, 7, and 8 per cent on their par value had been inflated to such an extent that they yielded the investors only from 3 to 4 per cent; and when good commercial loans went begging at 6 and 7 per cent, it stands to reason that such stocks as an investment ought not, under such conditions, to be much above par. Why should we expect a 7 per cent stock to be from 150 to 200 when first-class commercial loans were 6 and 7 per cent, and even higher?

It is furthermore to be observed that the stock market has become depressed and suspected, from the fact that great additions have been made to the stocks of enterprises that had previously been stocked for their full value. This has been so in the case of some railroads and industrial enterprises. By the injection of such additional stocks the liability of the corporations has been greatly increased. In the midst of prosperous times it had come to be the fashion among some of the great railroad companies of the country and among some of the great industrial enterprises, if their profits were large—as they have been in recent years—after paying all fixed charges and interest and paying a good big dividend on their stock, instead of devoting the surplus to additional equipment, to betterments, to improvements, to improving their tracks, to securing more rolling stock and more motive power and all kinds of improvement, they would do what they usually call in slang phrase "cut a melon"—distribute the extra surplus in some way to their stockholders, by the issue of new stock, and thus all the time increasing their stock liability in order to cover up the excessive earnings. In other words, they would endeavor to capitalize such extra surplus earnings.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN. I ask unanimous consent that the unfinished business be temporarily laid aside until the Senator from Minnesota shall have finished his remarks.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. The Chair hears no objection, and it is so ordered. The Senator from Minnesota will proceed.

Mr. NELSON. Mr. President, I have derived two lessons from the recent panic. One is, first of all, and I shall offer an amendment to that effect, to repeal the law relating to our vicious system of bank reserves. Allow the banks to deposit their money wherever they will, but not allow such deposits to be credited upon the required reserve fund which they are to hold for the protection of their depositors. The recent panic demonstrated beyond any peradventure, and beyond any doubt—there can be no question about it—that the greatest evil that befell the banks in the interior of the country—the country banks—was the fact that their reserves were tied up and were not available.

In the State of Minnesota, prior to the suspension and tie-up in New York, we had been moving all our crops with western money; and we had a splendid crop, too, and prices were high. Our country banks were well supplied with currency, and they were devoting that currency to the movement of our crops and to commercial purposes, for be it known that our country banks in the West do not have any of these call loans on stock collaterals. It was not until the panic started in New York and until the banks of New York and Chicago tied up over $30,000,000 of the funds of our national banks in Minnesota that our banks in the Twin Cities were forced to follow suit.

The panic started as a panic of depositors on the 19th of October, but it proved in the end to be a panic of the banks. The banks in the reserve cities were more panic-stricken than even the depositors. During the entire period of the panic they were hoarding all the money they could lay their hands on.

To my mind, in addition to repealing the law relating to reserves, to which I have called your attention, I think we ought to do something to protect our depositors. To my mind, as a matter of principle, there is no distinction between a bill holder and a depositor. Both are creditors of the bank. A bill holder is a creditor of the bank. We secure that liability, we protect that creditor of the bank, but the other creditors, who outnumber the note holders many times, we leave in the lurch wholly unprotected.

I have introduced an amendment which proposes to set aside one-third of the taxes that national banks are required to pay under existing law, under the emergency currency provided for in this bill, if it shall become a law.

I have heard some men say, "What right have you to take the money of the banks or taxes paid the Government and use it for such purposes?" The way I look at the case is this: That the right to become incorporated to do business as a national bank is not a constitutional right or privilege that a citizen can claim. The Government could refuse to incorporate banks, and none of us could say we were deprived of any constitutional right thereby. But when the Government equips individuals with the power to become an artificial being—a corporation—and gives them not only the power to issue notes, but to carry on a general banking business as banks of deposit and discount, the Government has a right to prescribe the conditions under which we shall carry on that business under such

corporate powers. The Government has the right to say, under such circumstances, not only that the bill holders shall be protected, but also that the depositors shall receive protection.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the senior Senator from Minnesota yield to the junior Senator from Minnesota?

Mr. NELSON. Certainly.

Mr. CLAPP. I call the Senator's attention to whatever force there may be in that point that it can not be applied to the Senator's amendment because, as I understand it, the Senator proposes to take the taxes already paid.

Mr. NELSON. Yes.

Mr. CLAPP. If so, any question as to what we could do with the banks' money has no earthly application to that amendment.

Mr. NELSON. I have heard the point made by some Senators that because this money has been paid by the banks into the general fund of the Treasury, therefore it is sacred and should not be devoted to such purpose. I am aware that this is an innovation. But reforms are often inaugurated to meet new evils and immediate and crying exigencies. It is the boast of the common law that for every wrong or injury there is or should be a remedy. When we establish a system of banks and equip them with such powers that they can not only do much good, but also some harm; when we allow them to be labeled "national banks," and thus hold them out to depositors as quasi-Government institutions, under which they attract depositors and secure their funds, it is our duty to see that those depositors suffer no harm. While good and sharp business men are able, as a rule, though not always, to discriminate between banks, the ordinary depositor—the plain, common man—is not possessed of such discriminating power. To him all "national banks" are good because they are Government institutions and are labeled such. He can not tell whether the banks make proper use of their deposits, and it is these common, plain people that are entitled to our care and protection.

The proposed amendment does not guarantee deposits; it simply provides a fund for their relief and protection out of which their losses may be paid.

In our own early banking history in this country Vermont, New York, and perhaps some other States had a so-called "guaranty fund." I do not recall the situation in respect to Vermont, but in respect to New York the difficulty was that the fund intended to protect depositors was in part diverted to other purposes and proved a failure, not because of the principle involved, but because of the poor administration. Besides, our banking systems in those days were, many of them, crude, and proved in many instances failures and entailed no end of losses.

We refer oftentimes to the great banks of the Old World, the Bank of France and the Bank of Germany and the Bank of England. I desire to call your attention to the fact that those great national banks are in the main banks of issue. As to commercial transactions, their business of discount and deposit is quite limited. Take the Bank of France, its discount and deposit account does not equal the account of a fourth-rate bank in the city of Chicago, where my friend, the Senator from Illinois, is from.

So with the Bank of Germany, and so even with the Bank of England. Most of the deposit and discount business is done by other banks than these great banks of issue; they confine themselves mainly to that. The Bank of England makes a considerable amount of loans, but its loans are mainly on what they call bills of exchange, issued against bills of lading for various products or articles of commerce—purely commercial transactions. Call loans on stock collaterals are practically unknown to these banks. The record of our national banks in the past, as disclosed by the report of the Comptroller of the Currency, shows that the ultimate losses to depositors has been quite limited. It is not so much the volume of the losses as the delay incident to the winding up of insolvent banks that has proved so harmful and discouraging to depositors. On page 23 of the Comptroller's last annual report it appears that during the forty-three years of the existence of our national banking system the total loss to the depositors has not exceeded over five one-hundredths of 1 per cent.

The last panic is no criterion of the amount required to pay depositors. If depositors feel confident, if depositors can be made to feel as safe about their deposits as the bill holders of the banks feel in respect to the bills, they will not only deposit their money in the banks, but they will let it remain there, and will cease to make such panicky runs, withdrawals, and hoardings as in the recent and all similar panics.

The circulation of our national banks at the present time is $690,000,000. Of this, $672,000,000 in round numbers is based upon 2 per cent bonds, paying a tax of one-half of 1 per cent a year, and $18,000,000 is based upon the higher class of bonds, paying a tax of 1 per cent a year.

On the basis of our present circulation now outstanding, the total amount of taxes outside of the emergency tax prescribed by this bill would be $3,540,000 a year. One-third of this would be $1,180,000 a year. My amendment provides that one-third of these taxes, or $1,180,000, shall be set aside as a fund for the protection of the depositors, and shall be allowed to accumulate to the extent of $20,000,000 and no more.

All sums in excess of this shall be covered into the general funds of the Treasury. When a bank fails depositors are to be paid in the first instance out of this fund, and the Government recoup from the assets of the bank whatever would be coming to the depositors if their claims had not been paid from this fund.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. NELSON. Certainly.

Mr. McCUMBER. It seems to me the Senator might well say in connection with his statement that he has removed the cause for bank failures when he has guaranteed the deposits.

Mr. NELSON. Certainly.

Mr. McCUMBER. As most of the losses are on account of runs upon the bank, necessarily if you remove the cause for the run you will remove the losses that would naturally accrue; and it perhaps would not cover one-tenth of the sum that the Senator has mentioned.

Mr. DIXON. I should like to ask the Senator a question.

Mr. NELSON. Certainly.

Mr. DIXON. I have been very much interested in his speech. Does the Senator by his amendment propose to have the Government guarantee the deposits, to set aside a fund for that purpose?

Mr. NELSON. No; my amendment merely provides a fund from which the losses of depositors are paid. I will read the amendment and you can see:

> That one-third of all taxes to be paid by national banking associations upon the average amount of their notes in circulation, pursuant to the provisions of section 4 of this act, including the taxes due and payable in the month of January, A. D. 1908, shall be, and hereby is, set apart in the Treasury of the United States as a permanent special fund, termed "Depositors' fund," to be used and expended in paying all depositors, except the United States—

I except them because they are otherwise protected. The Government is protected by the bonds deposited—

> the amount of their deposits in any such association that has become insolvent, and for which a receiver has been appointed; and whenever any such association has become insolvent and a receiver has been appointed therefor by the Comptroller of the Currency, the Secretary of the Treasury shall, as soon as practicable, under such rules and regulations as he may prescribe, pay all depositors of such association, except the United States, the amount of their then subsisting deposits out of and from the said special fund; and after making such payment the United States shall, as to such deposits, be subrogated to all the rights and remedies of the depositors, and shall be entitled to recover and receive from the assets of such association all dividends and sums which the depositors would be entitled to if not paid from said special fund as aforesaid, and the amount so recovered and received shall be placed to the credit of and be a part of said special fund. Said special depositors' fund shall not be allowed to exceed the sum of $20,000,000, and all sums in excess of that amount shall be covered into the general funds of the Treasury.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. Yes, sir.

Mr. NEWLANDS. I wish to inquire of the Senator from Minnesota whether he contemplates that this depositors' guaranty fund should be invested in any way?

Mr. NELSON. No.

Mr. NEWLANDS. Is it to be kept in cash in the Treasury?

Mr. NELSON. I would leave it in about the shape that the Government deposits are now. The Senator knows that we have nearly $250,000,000 of Government deposits that are lying around in the banks, bringing us no income at all; and while that is the case we need not worry about this small fund of $20,000,000, which is to be for the protection of depositors.

Mr. NEWLANDS. I will ask the Senator whether it would not be advisable to provide for the investment of that fund, so that it might increase by accretions of interest, and thus constitute a further guaranty to depositors, instead of allowing it to remain idle?

Mr. NELSON. That might be very likely, and I should certainly have no objection to it; but that does not reach the main question.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Montana?

Mr. NELSON. I do.

Mr. DIXON. I wish to ask the Senator from Minnesota what would be the objection to letting the national banks, which now hold $250,000,000 of Government deposits, pay 2 per cent on those deposits, and make that a fund to guarantee deposits?

Mr. NELSON. If my friend, the Senator from Montana, had been here at the last session of Congress, I know he would not have asked me that question.

Mr. DIXON. No; I would not have asked the Senator that personally.

Mr. NELSON. No. As Senators who are here now know, I made a desperate effort to get a provision in the financial bill which we passed at the last Congress for the payment of a small rate of interest—I think 2 per cent—on such deposits, but the financial men of the Senate—I am only a granger, you must remember, only a plain farmer from Minnesota—the financial men of the Senate thought I was mistaken and thought that the banks ought to keep this money without paying any interest upon it.

But with reference to this matter, in connection with what the Senator from Nevada [Mr. NEWLANDS] has suggested, I will say that we need not have any great scruples about the interest on this $20,000,000 fund for the protection of depositors so long as we have no scruples about getting interest on the $250,000,000 Government deposits which the banks have been using as an emergency currency.

Mr. NEWLANDS. I wish to ask the Senator from Minnesota whether he does not think that public sentiment and the sentiment of the Senate has been sufficiently enlightened upon that subject to insure the success of his amendment regarding interest upon these deposits if it should be again offered?

Mr. NELSON. Do not ask me any questions on that subject and I will tell you no fibs. [Laughter.]

Mr. President, before I close I will offer this amendment and ask to have it printed and lie on the table. It is an amendment repealing the two sections of the Revised Statutes relating to reserve deposits; that is, that portion of their reserves which the banks may deposit in other banks and receive credit for as though in their own vaults.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be printed and lie on the table.

Mr. CLAPP. I ask that the amendment may be read, Mr. President.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Minnesota.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 10. That sections 5192 and 5195 of the Revised Statutes as heretofore amended are hereby repealed.

Mr. NELSON. To my mind, Mr. President, there are two important remedies urgently called for to meet and cure the evils disclosed and from which we suffered in the recent panic; one evil arising from bad provisions of existing laws and the other evil for lack of any law covering the subject. One remedy is to protect the depositors, and the other is to remove the embargo as to bank reserves. I call it "embargo," for such it proved to be in the recent panic. I think it must be patent to every Senator who has kept track of the recent panic how unfortunately that system of bank reserves worked; how the tie-up in New York led to the tie-up in the large banks of the reserve cities throughout the country; how it hampered the commerce and the trade of the country, and how it affected especially the farmers of the South in handling their cotton and the farmers of the Northwest in moving their grain crops. There was as much currency in the big banks in October, 1907, as in October, 1906. The difference was that in 1907 the big banks had it tied up. In other words, we suffered from a bankers' panic.

If the Senate will kindly bear with me, I want to say a few words in reference to the pending bill. To my mind this legislation will not relieve the financial difficulty in cases like the recent panic. If the banks of New York had had the power to issue such a currency as that provided for in this bill they could not have stopped the runs and withdrawals that occurred and were impending in the recent panic; they could only have stopped it in the way they did stop it—by suspending. More than that, this currency—I do not want to use any harsh terms, but I can not help calling it "stock-exchange currency"—this currency has to pay a tax of 6 per cent. The banks that loan out that currency will naturally want to get some interest on it—at least 6 per cent—and that will make it a 12 per cent currency. That kind of a currency, on account of the high rate of interest, will not be used for ordinary commercial loans; ordinary business can not afford to pay that rate. It will be only a currency that will be used and available to fill a gap in stock speculation in the New York Stock Exchange.

More than that, when it is known that a bank has to resort to the issue of such emergency currency, that of itself will be sufficient to cast suspicion and distrust upon the bank that has to resort thereto and make depositors look upon it with suspicion and disfavor. In fact, will provoke a run.

You can all see, if you study the course of the recent panic, that it began in a run on the banks, and that that run was not stopped either by the Government deposits, by the importation of gold, or by additional bank-note circulation, but it was stopped by a general and unlawful suspension on the part of the banks in the central reserve and reserve cities. The banks were tied up till long after these accretions had been made and received.

To my mind, instead of stopping panics by a general hold-up, as in the recent panic, the best way, the sound way, the rational way is to remove the cause of panics, to remove it by engendering confidence in the depositors, so that they will feel as safe about their deposits as they do about their bank bills.

What will be the result if Congress should adopt a provision to protect depositors in the mode suggested? The result will be that not only will depositors of national banks be protected, but the State banks will secure similar legislation from their respective States which will cover not only State banks, but loan and trust companies, which in the recent trouble disclosed much weakness. The greatest havoc in the recent panic in respect to banks was among the loan and trust companies. We can not reach them directly; we can not compel the States to make their loan and trust companies keep as big a reserve as the national banks.

But if we protect depositors in our national banks, State banks and loan and trust companies will for their own protection have to adopt a similar policy, and they will be swift to secure the necessary legislation therefor.

I have some figures here, furnished me by Dun & Co., mercantile reporters, showing the number of banks, State and national, and loan and trust companies that have gone into insolvency, the amount of their capital and surplus, and the amount of their deposits. This list covers the period from the inception and outbreak of the panic in October down to near the end of December. The following are the totals of this list:

List of savings banks that have closed and suspended since the panic began, October 19, 1907.

	Capital.	Surplus.	Deposits.	Number of each class.
Total SAVINGS banks	$789,100	$490,157	$5,783,811	5 savings banks.
Total LOAN AND TRUST companies.	8,914,231	9,836,313	108,399,256	16 loan and trust.
Total STATE banks	1,687,000	1,414,730	29,313,571	30 State banks.
Total NATIONAL banks	3,290,000	3,778,977	31,004,226	15 national banks.
Total of all	14,680,331	15,560,177	174,503,834	
Greater New York	4,000,000	7,680,576	89,199,345	
Balance of country	10,680,331	7,839,601	85,304,519	
Per cent of Greater New York, as compared with all.	27.24	49.39	51	
Per cent of Greater New York, as compared with balance of country.	37	97	103	

We need have no scruples about protecting the depositors of national banks by such proposed legislation. If we do that, it will lead indirectly, and in the way I have pointed out, to the adoption of similar legislation by the various States—such a law, for example, as has recently been adopted in Oklahoma.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. Certainly, if the Senator will let me make one statement first. It is a curious thing to note—and I call attention to it—that as soon as the State of Oklahoma adopted a law to protect the depositors of its State banks, the national banks of that State applied to the Comptroller of the Currency for leave to participate with the State banks of Oklahoma in providing a fund to protect their depositors. I may say, incidentally, that I have in my committee room upstairs scores of letters from bankers and from business men throughout the country, all favoring this plan of protecting depositors. It may seem an innovation to some of you, but I am satisfied that if we can protect depositors by a fund created in this way, and then repeal the law as to bank reserves, we shall have solved the chief financial difficulties that afflicted us so sadly in the recent panic, and there will be no occasion for any emergency currency. Just think of it, to-day we have over $35.61 per capita in circulation among the people in this country, a greater amount than any other country except France, and there the system of liquidation by transfer of credits does not prevail, as

in this country, and hence more cash is required. The following table shows the amount of money in circulation each month from the 1st of July to the 1st of the following January in the years ending January 1, 1907, and January 1, 1908:

Circulation.

Date	Amount in circulation.	Per capita.
July 1, 1906	$2,736,646,628	$32.32
July 1, 1907	2,914,342,256	33.86
August 1, 1906	2,757,349,438	32.52
August 1, 1907	2,781,323,500	32.27
September 1, 1906	2,766,913,299	32.59
September 1, 1907	2,789,201,620	32.32
October 1, 1906	2,812,133,694	33.08
October 1, 1907	2,805,854,374	32.46
November 1, 1906	2,836,882,786	33.68
November 1, 1907	2,876,368,696	33.24
December 1, 1906	2,869,074,255	33.66
December 1, 1907	3,008,241,583	34.71
January 1, 1907	2,883,900,328	33.78
January 1, 1908	3,078,989,298	35.48

If we can keep this money in circulation we have an abundance, and by protecting depositors the money will be kept in use and not hoarded.

Mr. NEWLANDS. Mr. President, I wish to make an inquiry of the Senator, and this seems the opportune moment. I understood the Senator to say that if we provide for increasing the security of national-bank depositors by legislation regarding the reserves and also increasing their security by means of a guaranty fund, this action would be persuasive in securing similar legislation on the part of the States regarding State banks. I also understood the Senator to say that this is the only way by which Congress can control the action of the State banks. I wish to ask the Senator whether he does not think that under the interstate-commerce power of the Constitution it will be as competent for Congress to pass regulations and restrictions regarding State banks engaged in interstate commerce as it is unquestionably competent for Congress to provide regulations and restrictions regarding State railroads engaged in interstate commerce?

I will call the attention of the Senator to the fact that interstate commerce, so far as transportation is concerned, consists in the carriage of goods sold from the home of the seller to the place of business of the buyer in another State, and that interstate exchange consists in the transfer of the value of those goods from the buyer in one State to the seller in the other. If these are both branches of interstate commerce, one complementing the other, one accomplishing a physical transfer of the goods from one State to another, and the other accomplishing the transfer of the value from one State to another, why is it not equally competent for Congress to provide regulations and restrictions in the interest of interstate commerce that will make the State banks that are acting as the instrumentalities of the nation so conduct interstate commerce as to secure those engaged in it?

Mr. NELSON. Mr. President, the premises of the question propounded by the Senator from Nevada are so extensive and comprehensive and cover so much ground that I am not prepared to admit the validity of those premises in all their length and breadth; and on that account I am hardly in a position to answer the Senator's question.

Mr. NEWLANDS. Mr. President, without argument upon the matter—for I do not wish to divert the Senator from his discussion—I should like to call the attention of the Senator to the question, and I hope he will reflect upon it, as to whether it is not within our power not only to persuade, but to coerce State corporations engaged in interstate commerce, whatever the form of that commerce may be, whether it consists simply of transportation of or exchange.

Mr. NELSON. Mr. President, I want to say to the Senator from Nevada that I am always in favor of using moral suasion instead of drastic legislation. If we enact a provision in our national-bank laws protecting depositors, it will operate as a moral suasion on the different State legislatures, and the State banks and the trust companies will go to their respective State legislatures and say, "For God's sake save us against these national banks; they are getting all our deposits; they protect their depositors, and we have no chance; you have got to give us a similar law." That is the way it will work, and that is the way it will be. Even if the Senator is right in his premises, there is no occasion to resort to such drastic legislation.

Now, Mr. President, in connection with this matter, and before I sit down, I want to read a statement on this subject of Government deposits by ex-Secretary Gage, for many years president of the First National Bank of Chicago, one of the greatest banks in that city. I read from a hearing before the Committee on Banking and Currency of the House of Representatives. Here is what ex-Secretary Gage said:

The stumbling-block—

Speaking about one provision of the Fowler bill, so called—

The stumbling-block in the bill to most everybody, at first blush, is the guaranty of deposits. It stumbled me. I fell right down over that. I said never, never; no; that will not do. You are not going to make a black man as good as a white man by just washing him. But I reflected on this. I studied this bill, and I am persuaded that it is just, equitable, wise, and right that the creditors of the banks which come under the provisions of this bill will have their deposits guaranteed to them as will be the bank's circulating notes held by the general public. The nature of the obligation from the bank is exactly the same in principle, whether evidenced by a pass book or by the bank's notes in the form of circulating money. There is no difference in the principle.

And there is not, Mr. President. They are all debts of the bank. The note that the bank issues and the pass book or the certificate of deposit are both debts of the bank. Why should we segregate and protect one class, the less numerous class, and leave the other, the more numerous class, in the lurch, especially when, in order to maintain our currency in circulation, it is necessary to encourage the people to keep their money on deposit in the banks to the end that the latter may employ the same in commerce and trade; in other words, devote the same to commercial loans.

I said a moment ago, before the Senator from Nevada [Mr. NEWLANDS] interrupted me, that we have at the present time $35.61 per capita in circulation—the greatest amount in all our history. In the panic of 1893 we only had $24 per capita. We have more money in circulation—that is, outside of the Treasury—in this country than any other country except France, and in that country they need more money and use more money than we do, because they do not resort to the system of transfer of credits as we do in this country. They liquidate most of their smaller transactions in cash, while we, for most purposes, in ordinary times, when there is no panic, use checks.

If we can keep this great volume of money in circulation and keep it in active use, so that the banks may lend it out for commercial purposes, we shall have an abundance of currency.

A word more, in conclusion, about this bill. The currency which it provides for will be a stock-exchange currency. It will not be a currency that will be useful for commercial loans, because, with the tax and the ordinary interest, it will be too costly and too high money.

In the next place, Mr. President, I think that when the fact becomes known to the public that a bank resorts to that kind of currency in a period of financial stringency it will engender distrust and make the people suspicious of the bank. Dubious as I am about this currency, I regard it far safer and superior to any so-called "asset currency." I am utterly opposed to an asset currency.

I am old enough, Mr. President, to have lived in this country and to have had experience under the asset-currency system that we had prior to the days of the great rebellion. Even the banks themselves, clamorous as some of them are for asset currency, when the question is brought home to their doors, as in the case of the recent panic, when it is a matter of issuing currency among themselves in the shape of clearing-house certificates, they are not content to issue such certificates on the general assets of the bank. They make all the members of the clearing-house association, no matter how intrinsically good they may be, put up securities for their share of the clearing-house certificates. If that is what they themselves feel it prudent and safe to do, why should they ask the public at large to do differently?

There is one thing, Mr. President, we can say about our national bank note currency. It may lack elasticity; it may be based on a wrong plan, but this much, Mr. President, can be said in favor of that currency, that not a single bill holder has ever lost a dollar.

Let us change the law, Mr. President, so as to avoid in the future the calamities we have had in the past; protect our depositors; stop runs on the banks, and prevent the big banks in the commercial centers of the country and the reserve cities from tying up the funds of the local banks. As I have said, I was a little surprised that, while the chairman of the committee criticised the banks for their attitude in the recent panic, he has made no provision in this bill to prevent the banks from suspending and tying up the currency in the future as they did in the recent panic.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. I call for the regular order, Mr. President.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN. Mr. President, there is an amendment on the table offered by the Senator from Texas [Mr. CULBERSON], which the committee desires should be accepted.

The VICE-PRESIDENT. The Secretary will report the amendment proposed by the Senator from Texas.

The SECRETARY. On page 62, after line 3, it is proposed to insert as a new section, the following:

SEC. 124a. Every officer and employee of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government who shall, by virtue of the office or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, which information is required by law or under the rules and practices of any Department of the Government to be withheld from publication until a fixed time, who shall willfully impart, either directly or indirectly, said information, or any part thereof, to any person not entitled under the law or rules and practices of the Department of the Government to receive same, shall be punished by imprisonment for not more than ten years and may be fined in any sum not to exceed $10,000.

Section 124b——

Mr. HEYBURN. I think the Senator from Texas desired only one section adopted. That is my understanding.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has been read.

The amendment was agreed to.

Mr. BURKETT. Have all the amendments been agreed to?

The VICE-PRESIDENT. All the amendments made as in Committee of the Whole were concurred in.

Mr. BURKETT. If the Senator from Idaho will permit me, I will call his attention to the amendment to section 185. I understood the Senator was going to ask to have it disagreed to. If he has not done that, I shall ask that it be voted on separately when we come to a vote.

Mr. HEYBURN. To what amendment does the Senator from Nebraska refer?

The VICE-PRESIDENT. The amendment of the committee on lines 14 and 15, page 95. The amendment was agreed to, but, if there be no objection, the Chair will regard it as open.

Mr. HEYBURN. I ask that the amendment be read.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 95 of the bill, section 185, line 14, after the word "vessel," the Senate, as in Committee of the Whole, inserted:

To the current business of the carrier.

Mr. HEYBURN. The amendment was adopted as in Committee of the Whole and is printed in italics. It is a part of the bill.

The VICE-PRESIDENT. It was reported to the Senate and concurred in.

Mr. BURKETT. I had spoken to the chairman of the committee and he had said he would call attention to it when the bill came into the Senate, and have the amendment disagreed to in the Senate. I ask if he has done so? If he has not, I want a separate vote on it.

Mr. HEYBURN. Does the Senator from Nebraska desire to oppose the amendment?

Mr. BURKETT. Yes, sir. I want to oppose the amendment. I opposed it in the Committee of the Whole, and the chairman of the committee will remember I spoke to him about it afterwards, and he suggested that it go over and come up in the Senate, and he would ask to have it rejected.

The VICE-PRESIDENT. It was not reserved.

Mr. BURKETT. When was the amendment adopted?

The VICE-PRESIDENT. On the 24th.

Mr. BURKETT. Then I ask, Mr. President, if it is in order, to make a motion to strike out those words.

The VICE-PRESIDENT. A motion to reconsider the vote by which the amendment was agreed to would call it up for further consideration.

Mr. BURKETT. I move that the vote by which the amendment was adopted be reconsidered.

Mr. HEYBURN. I hope the motion will not prevail. The amendment was discussed at great length, extending over more than one session of the Senate, and was adopted after very full consideration.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska to reconsider the vote by which the amendment was agreed to.

The motion was not agreed to.

Mr. CULBERSON. Mr. President——

Mr. HEYBURN. I should like to make an informal inquiry of the Senator from Texas, whether or not the amendment which was adopted in his absence is the amendment as he desires it?

Mr. CULBERSON. I was endeavoring to find out.

Mr. HEYBURN. I hope we may have the indulgence of the Senate for a moment.

Mr. CULBERSON. Mr. President, I suggest to the Senator from Idaho that the amendment which has been adopted is not exactly the one that I would be glad to see adopted. I offered it on the 16th of January. What I desire to propose is to add a new section, to be known as "119a," which I will send to the desk. But before it is read I will state that it has already been adopted in the other House as section 119a, and I understand there is no opposition to it here. Consequently I ask that it be adopted in lieu of the amendment adopted in my absence a few moments ago.

Mr. HEYBURN. I suggest to the Senator from Texas that perhaps we had better move to reconsider the vote by which the amendment was adopted a few moments ago.

Mr. CULBERSON. I accept that suggestion.

Mr. HEYBURN. I therefore move to reconsider the vote by which the amendment was adopted.

The motion was agreed to.

Mr. HEYBURN. I suggest to the Senator from Texas that he withdraw the amendment which has been passed upon. The motion to reconsider was adopted, but the amendment is still before the Senate.

Mr. CULBERSON. I withdraw the amendment.

The PRESIDING OFFICER (Mr. NELSON in the chair). The amendment is withdrawn.

Mr. CULBERSON. I move to add as a new section, to be known as 119a, what I send to the desk.

The PRESIDING OFFICER. The Senator from Texas offers an amendment, which will be stated.

The SECRETARY. On page 60, after line 14, insert as a new section the following:

SEC. 119a. Whoever, being an officer or employee of the United States or a person acting for or on behalf of the United States in any capacity under or by virtue of the authority of any Department or office thereof, and while holding such office, employment, or position shall, by virtue of the office, employment, or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, which information is by law or by the rules of the Department or office required to be withheld from publication until a fixed time, and shall willfully impart, directly or indirectly, such information, or any part thereof, to any person not entitled under the law or the rules of the Department or office to receive the same; or shall, before such information is made public through regular official channels, directly or indirectly speculate in any such product respecting which he has thus become possessed of such information, by buying or selling the same in any quantity, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas.

Mr. HEYBURN. There is no objection to it.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. In order that it may be made the unfinished business, although it is not my purpose to press it to the exclusion of other things, but I think we ought to have some unfinished business, I move that the Senate proceed to the consideration of the bill (S. 3023) to amend the national banking laws.

The motion was agreed to.

Mr. ALDRICH. I ask that the bill be informally laid aside.

The PRESIDING OFFICER. The Senator from Rhode Island asks that the bill be temporarily laid aside. That request is agreed to, in the absence of objection. The bill is temporarily laid aside.

EQUESTRIAN STATUE OF MAJ. GEN. JOHN STARK.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 44) for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H. A similar bill has passed the Senate three times in former Congresses.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $40,000 for the erection of an equestrian statue of Maj. Gen. John Stark within the limits of the city of Manchester, N. H.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINING TECHNOLOGY BRANCH IN GEOLOGICAL SURVEY.

The PRESIDING OFFICER. The Calendar, under Rule VIII, is before the Senate. The Secretary will state the first business on the Calendar.

The joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey was announced as the first business in order on the Calendar.

Mr. TELLER. I ask that the joint resolution go over under Rule IX.

The PRESIDING OFFICER. The joint resolution will go over under Rule IX.

Mr. CLAPP. I suggest to the Senator from Colorado that in the absence of the Senator in charge of the bill it simply be passed without prejudice.

Mr. TELLER. I have no objection to modifying my request to that extent.

The PRESIDING OFFICER. The bill will retain its place on the Calendar.

PAY OF THE ARMY.

The bill (S. 4030) to fix the pay of the Army was announced as the next business in order on the Calendar.

Mr. OVERMAN. I ask that the bill go over without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

OCEAN MAIL SERVICE.

The bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce" was announced as the next business in order on the Calendar.

Mr. GALLINGER. Mr. President——

Mr. CULBERSON. I was about to suggest to the Senator from New Hampshire that I understood from him the other day that the bill would not be pressed at this time.

Mr. GALLINGER. I call the attention of the Senator to the fact that I secured unanimous consent yesterday to bring up the bill to-morrow after the routine morning business, so it may be passed over for the present.

The PRESIDING OFFICER. The bill will be passed over, retaining its place on the Calendar.

ROAD TO NASHVILLE (TENN.) NATIONAL CEMETERY.

Mr. BULKELEY. I ask unanimous consent to call up the bill (S. 4454) authorizing the Secretary of War to accept for the Government the Gallatin turnpike, from the city of Nashville to the National Cemetery, in the county of Davidson, State of Tennessee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to accept the donation by the county of Davidson, Tenn., of the Gallatin turnpike from the line of the corporation of Nashville, Tenn., to the entrance of the national cemetery, and to accept from the owners of the lands lying on both sides of the turnpike the donation of sufficient ground to make the roadway 75 feet in width. It authorizes him to construct upon the land a macadamized public highway. Twenty-five thousand dollars is appropriated for the construction of the boulevard.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PARK IN COEUR D'ALENE RESERVATION, IDAHO.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (S. 140) for the establishment of a park on the northern portion of the Coeur d'Alene Indian Reservation in Idaho.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MATERIAL AND EQUIPMENT FOR PANAMA CANAL.

Mr. FRYE. Is this proceeding under Rule VIII?

The PRESIDING OFFICER. It is.

Mr. FRYE. Then I ask that the joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal may be passed over without prejudice. I will call it up at an early day, for it is an important bill, but I want more Senators to be present when it is under consideration.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

PUBLIC BUILDING AT BELLAIRE, OHIO.

Mr. SCOTT. I ask unanimous consent to call up for consideration of the bill (S. 156) to provide for the purchase of a site and the erection of a building thereon at Bellaire, in the State of Ohio.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to acquire a site and cause to be erected thereon a suitable building for the use and accommodation of the United States post-office and other Government offices in the city of Bellaire, Ohio, the cost not to exceed $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CITIZENS' BANK OF LOUISIANA.

Mr. FOSTER. I ask unanimous consent for the present consideration of the bill (S. 1559) for the relief of the Citizens' Bank of Louisiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the Citizens' Bank of Louisiana $215,820.89 for a claim found due it by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASES OF PENSIONS.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (H. R. 2429) granting an increase of pension to Elizabeth H. Olcott.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—

The name of Elizabeth H. Olcott, widow of Philander W. Olcott, late of Captain Brace's company, New York Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Martha F. Allen, widow of John Allen, late of Captain Russell's company of Missouri Militia, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Jane Spears, widow of Benjamin Spears, late of Company C, Palmetto Regiment South Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Sarah A. Bradley, widow of Levi Bradley, late of Captain Moffett's company, South Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Amelia D. Robertson, widow of Benoni H. Robertson, late of Company G, Palmetto Regiment South Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Zylpha Raymond, widow of Alonzo P. Raymond, late of Company D, Mormon Battalion, Iowa Regiment of Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Henry Parish, late of Captain William Cason's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Mary A. Tyer, widow of John Tyer, late of Captain Durance's company, Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Robert A. McAulay, late of Captain Sparkman's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Louis R. Thomas, late of Captains Durance and John McNeill's companies, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Nancy Harmon, widow of John F. Harmon, late of Captain Loyall's company, Georgia Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Mary Cox, widow of James J. Cox, late of Company D, Fourth United States Volunteer Infantry, war with Spain, and pay her a pension of $12 per month.

The name of Jane Bain, dependent mother of Charles M. Bain, late of Company I, Third Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Maria E. Menges, widow of Frederick W. Menges, late of Company K, First Regiment United States Artillery, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of John C. Hall, late chaplain Seventh Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Stephen R. Clark, late assistant commissary, Second Battalion California Volunteers, California Indian disturbances, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Eliza Leedy, widow of Daniel H. Leedy, late of Company C, Third Regiment Ohio Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Nancy B. Hacker, widow of Henry C. Hacker, late of Capt. John S. Hacker's company, Second Regiment Illinois Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Mary Jane Pack, widow of Thomas Pack, late of Company F, Third Regiment Tennessee Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Leon D. Conover, late of Company A, Sixth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The name of Andrew J. Pence, late of Capt. William H. Packwood's company, Ninth Regiment Oregon Militia Volunteers, Oregon and Washington Territorial Indian wars, and pay him a pension at the rate of $8 per month.

The name of George F. Hays, late of Capt. A. D. Johnston's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Alfred H. Johnston, late of Captain Derrick's company, Georgia Volunteers, Cherokee Indian disturbance, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Narsis Burns, widow of John W. Burns, late of Company I, Second Regiment Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Mary A. Tannehill, widow of Pleasant T. Tannehill, late of Captain Moore's company, First Regiment Alabama Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Mary Ann Thompson, widow of William R. Thompson, late of Troop I, Third Regiment United States Dragoons, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Charles W. Geddes, late assistant engineer, U. S. S. General Taylor, United States Navy, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William Pritchard, late of Capt. W. H. Cone's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Sarah Luria Scannell, widow of Edward Scannell, alias Scanlan, late of Company A, First Louisiana Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Ellen L. Fitzgerald, widow of Walter M. Fitzgerald, late captain Company A, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Martha Alexander, widow of Horace M. Alexander, late of Company B, Iowa Battalion Mormon Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Sarah Smith, widow of Solomon Smith, late of Company F, Third Regiment Ohio Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Mary E. Benson, widow of William W. Benson, late of Captain Long's company, Georgia Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Harriet Hickey, widow of William Hickey, late of Captain Van Metre's regiment, Virginia Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Lucretia A. Evans, widow of Jesse B. Evans, late of Company H, Second Regiment Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Hulda Flinn, widow of Isham Flinn, late of Captain Grant's company, First Utah Cavalry, Utah Indian disturbances, and pay her a pension at the rate of $8 per month.

The name of Epsy M. Mellett, widow of Cyrus S. Mellett, late first lieutenant Company A, Palmetto Regiment, South Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Ibby M. J. Hay, widow of Jeremiah Hay, late of Captain Warner's company, Tennessee Mounted Volunteer Militia, Sabine Indian disturbances, and pay her a pension at the rate of $8 per month.

The name of Martha E. McKnight, widow of William T. R. R. McKnight, late of Company I, Mounted Arkansas Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Mary A. Crawford, widow of William Crawford, late of Company D, First Battalion Louisiana Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Louisa Porter, widow of David Henry Porter, late of Company D, Battalion Mississippi Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Harriet Ann Long, widow of Thomas C. Long, late of Company M, First Regiment Tennessee Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act granting pension and increase of pension to certain soldiers and sailors of the war with Spain and other wars, and to the widows of such soldiers and sailors."

STATUE OF MAJ. GEN. NATHANAEL GREENE.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill (S. 1761) for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, in North Carolina.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Library with an amendment, to strike out all after the enacting clause and insert:

That a statue of Gen. Nathanael Greene shall be erected on the battlefield of Guilford Court House, in Guilford County, N. C.

SEC. 2. That to pay for the construction, erection, and completion of said statue, and the preparation of a site for the same, the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War.

SEC. 3. That the site for said statue, within the limits of said battlefield of Guilford Court House, shall be selected by the Secretary of War, but no part of the sum herein appropriated shall be expended until the site so selected shall be conveyed free of cost to the United States and there shall be provided for the public use an open highway.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VETERINARY SERVICE OF THE ARMY.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 654) to increase the efficiency of the veterinary service of the Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BAILEY. As I caught the reading of the bill it prohibits the appointment to one of these positions of a veterinary surgeon who is married.

Mr. WARREN. No; it is on taking in the new veterinary surgeons, the younger men. They must be single when they enter, just the same as enlisted Army men must be.

Mr. BAILEY. Is it true that in the other branches of the military service they refuse to allow a married man to be appointed, but they allow him to marry after he is appointed? That is a difference between "before and after" that I can not quite comprehend.

Mr. WARREN. With the commissioned officers the question of marriage is not raised. Veterinarians are not commissioned officers in one sense of the word; they are more like those who might be called "warrant officers." The Senator is probably familiar with the Army regulations which provide that enlisted men when entering shall be within a certain age and shall be single men.

Mr. BAILEY. As to the enlisted men——

Mr. WARREN. As to the future, that will take care of itself.

Mr. BAILEY. That is, as to the enlisted men, but there is no prohibition of that kind as to the officers.

Mr. WARREN. No; there is not; and Army veterinarians would not be, under this bill, in all terms and ways commissioned officers.

Mr. BAILEY. But you are making them officers under the bill.

Mr. WARREN. I beg the Senator's pardon.

Mr. BAILEY. You are providing that they shall have the rank of first lieutenants.

Mr. WARREN. I beg the Senator's pardon; there is not anything which gives them rank in the bill.

Mr. BAILEY. Let me finish——

Mr. WARREN. I beg pardon; they have the allowances, but they do not have the rank.

Mr. BAILEY. Then that is an odd kind of legislation which gives a man all the privileges and allowances and denies him the rank. I am not perfectly sure myself that there is any necessity for increasing the allowances of these gentlemen to a certain rank unless it be true that their present compensation and allowance are insufficient. I believe the veterinary surgeon renders a very useful and a very important service in the cavalry branch of the military arm.

Mr. WARREN. And equally in the artillery.

Mr. BAILEY. Yes; even more so, probably, in the artillery. It is important that the horses be kept in good condition, and in order that that may be done it is important that competent men shall be in charge of them.

I am more than willing to pay these men, as I am more than willing to pay every man who serves the Government, a fair compensation for his services, but I do object to the proposition here to take men who are not to be made officers and who are not enlisted men, within the proper term, because they are not fighting men and they perform a wholly different duty, and give them all the benefits of a retirement provision of law. If the veterinary surgeons are to be entitled to this retirement I should like to hear the chairman of the Committee on Military Affairs give some good reason why the men who fight should not have the same privilege. If we begin the policy of pro-

viding for the retirement of men who are not officers, we must end by permitting the retirement of everybody in the military service.

For my part, I should love to repeal the law which retires the officers. I would make them do like every other man in this country must do—accept a fair pay for their service while they are serving the Government—and I would leave them to spend it or to save it, according to their own prudence, as the citizen who pays the taxes which are used to pay their salaries must do.

But of course I understand that we have no hope of repealing that law. When I first came to Congress I introduced a bill at every session to do it. I never could get a hearing on it. We have entered on that policy, and we shall probably not retrace our steps. Instead of repealing a bad law, we are going on making it worse, until within twenty years every man in the service of the United States, military or naval, will be entitled to the benefits of a law for his retirement, and that is to be followed in due course of time by another law pensioning and retiring everybody who performs a civil service for the United States. When we retire everybody who serves the Government I would like to know, then, who is going to provide for the people who support the Government? We will have more tax eaters in this country than we will have taxpayers if this proceeds much further.

Mr. WARREN. Mr. President, as to the objection the Senator makes regarding marriage, I have no objection to an amendment. As to their having the rank, I think the Senator will see at once that if a man who has charge of the horses of a battery or regiment of artillery or cavalry happened to be at a post where there were only a few officers, and he should rank the others they would scarcely want the veterinarian to be the ranking officer of that post—to have charge of the post—when his education is entirely of a professional character and his attention is directed only to the matter of the health, life, and well-being of the horses.

As to the matter of general retirement of Army and Navy officers, Mr. President, we will not go into that. It is a large question. But here, in this bill, we undertake to get men who are neither enlisted men nor men who are required to know the art of war; but these men for veterinary service must educate themselves, and they must be graduates from some veterinary college before they can be considered. They must accomplish this at their own expense. Take the commissioned officers in the Army: They are educated at the expense of the Government. But here are certain professional men, who study their profession and prepare themselves in the best manner possible. After these men have paid for their own education and have graduated, we propose to enter them as second lieutenants, on the same pay that they now receive, as far as that part is concerned.

Mr. GALLINGER. If the Senator will permit me, the curriculum in the colleges where these men are educated is just as thorough and complete as in medical colleges at the present time. They have got to take a course of three or four years; they study anatomy, physiology, and all collateral branches in addition to their specialty. Necessarily they have to pay a large amount of money for their education. I have not looked into this bill, but I know that is the case at the present time.

Mr. BAILEY. I must not be understood as underrating the veterinary surgeon in the part he performs in our social economy. Having a great fondness for horses, I regard him as a very useful member of society. I happen to know by personal experience and personal contact with them that many of them are gentlemen of the very highest class. The old notion of the "horse doctor" has been long since exploded.

Mr. WARREN. Just a moment further. As it is now we have two classes of veterinarians. We have the old class, or what was left of them before the act was passed four or five years ago changing their status. These under the present law can receive but $75 a month. They could not pass a technical examination of the board if they were required to do it in an up-to-date civil-service understanding of astronomy, logorithms, and so on. But they are good veterinarians, and the Government seeks to retain them, and it can not retain that class of men upon the pay. It can not employ them at $1,500 a year—the present salary of regular veterinarians—because they can not pass the examination. It can not get enough new men at $1,500, who are graduates of the colleges, to stay in the service.

We have veterinarians who will stay in the service if their pay is increased, and who are competent, and it is proposed to take those old ones who are useful into the service and place them in the same rank with the others; then allow all, after ten years' service, to be first lieutenants, as far as pay and allowances are concerned. We can not keep them unless we do this, and we can not get others for the same pay.

The retirement is another feature. If a man serves his entire life from early manhood when he comes into service in the twenties to the age of 64 at a salary of $1,500 or even $1,600, I submit that in his few remaining years, and especially if the Senator would have him married, as I certainly would, it is little enough for the Government to furnish him to retire on three-fourths pay for the few remaining years of his life.

So far as the dollars and cents are concerned, I want to say it is a matter of much interest to the Government to have a good veterinarian. Men's lives may not cost much in a money way, and when enlisted men die it is only a matter of enlisting others. I am speaking of it as a matter of money alone. But at the present price of horseflesh, which the Senator from Texas well knows, it is a very expensive matter to have some tinkerer or so-called "horse doctor" instead of an educated veterinarian attend to five hundred to a thousand horses.

This bill proposes to take the men who are now outside as employees and put them in regular service. As to the new ones, they must be graduates of colleges, as the Senator from New Hampshire has said, and after a certain number of years at $1,500 they pass to the pay of a first lieutenant, $1,600; and when they reach the age of 64, they are retired.

Mr. CLAPP. Mr. President, the Senator from Wyoming evidently thinks as Abraham Lincoln did, that the loss to the Government of a mule would be more to be deplored than the loss of a few brigadier-generals.

Mr. WARREN. I will not allow the Senator to leave it in that shape. I said as a matter of money alone the case is in favor of the mule, as the Senator mentions that, or rather the horse. But the Senator can not put words in my mouth and say I proposed that the loss of a mule would be more to be deplored than the loss of officers or enlisted men.

Mr. CLAPP. Then I will put words in my own mouth. If these men are not paid enough, I am willing to vote to raise their pay to anything that is reasonable, but for one I am not willing to start in upon the question of pensioning beyond the regular pension laws until we get ready to revise the whole subject. If it can not be met in any other way, I shall interpose an objection to further consideration of the bill at this time.

Mr. WARREN. I wish to say that I do not expect to use up the time of the Senate if there is objection. The bill is one that has been repeatedly and continuously reported, not only from the War Department, but unanimously from the Committee on Military Affairs, who studied the question thoroughly.

Mr. CLAPP. I will not interpose the objection, but I may desire to have an opportunity of offering an amendment.

The PRESIDING OFFICER. The debate is proceeding by unanimous consent.

Mr. BAILEY. I simply want to say, Mr. President, that I do not believe the Government can obtain the service of competent men without paying them adequate salaries. I am perfectly willing, I say for the second time, not only to pay these gentlemen all their services are fairly worth, but I stand ready to apply the same rule to every other man in the service of the Government. I only insist that the Government shall treat its employees as all citizens treat their employees, pay them a fair value of their services while they are at work, and then leave them to dispose of it in their own way.

If you pay these men less than the fair value of their services, reserving something of it to be given to them when they quit work, thus assuming a kind of guardianship over grown men, this kind of an injustice will frequently result. A man serves until the year before he is to retire and dies. Then the whole accumulation which the Government has been reserving out of his salary against the time when he might be paid for doing nothing lapses, and another man whose salary was reserved upon a calculation of longevity, lives double the time the calculation supposed he would live, and he gets twice as much as the Government has kept out of his salary, while the wife and children of the man who died the year before retirement gets nothing at all of what the Government had kept, and of what in justice belongs to them.

I resent the idea that the men who serve the Government shall be treated as children, incompetent to take care of what they earn. I understand, of course, that this policy, inaugurated during the war as a temporary measure, has become the settled policy of the Government with respect to the Army and Navy and the judiciary.

Mr. WARREN. Does the Senator mean as to retirement?

Mr. BAILEY. I do.

Mr. WARREN. The Senator must know that that is the rule all over the world.

Mr. BAILEY. I know that that was never the rule in this country until the war between the States. If the Senator will take the trouble to examine the debates, he will find there

was not a man who advocated that law who asserted that it was to become the permanent policy of the Government. The truth, and the whole truth, is that there were a number of venerable and excellent men long in the service of the United States who were not qualified for the great work that lay before them, and the Government, unwilling of its own motion to strip them of their command and deprive them of their offices, devised the system of retirement as an easy and graceful way for the seniors who were fit for peace to make room for the juniors who were needed in war. That was the whole argument in favor of it, and it was adopted by the American Congress with no thought that it should become the permanently established policy of the Government.

Mr. President, it is a curious kind of an argument to say that because a man has a lifetime employment assured to him the Government must take care of him after he ceases to be useful to the Government on account of his age. Nearly any other man in any employment in this world, if assured from his very early manhood of a lucrative and permanent position, would be entirely willing to inaugurate a policy of saving something each year to provide a modest competence for his old age. But in the case of the Government, and in those cases, too, where the tenure is the most secure and the salaries the largest, we adopt the policy of encouraging men to spend all they receive by promising to take care of them when they have spent all they have earned. It is an unwise and an indefensible policy.

A man comes to Congress and stays here twenty years. Very few of us are willing, while serving the people during the session, to go home and serve ourselves during the recess. Very few of us are willing to undertake the double drudgery of serving our constituents here and serving our clients when we are not required to be here. Per consequence, nearly all of the lawyers who come to Congress and serve fifteen or twenty years, at the expiration of their service and upon their voluntary or enforced retirement find their law practice gone. They find their clients with other professional advisers. They are absolutely without the means of a livelihood. Nobody proposes that they shall be pensioned. A man may stay here for forty years. He may unselfishly devote himself to the grave concerns of this people. He may—

Scorn delights and live laborious days—

as a faithful public servant must do, yet except that out of his salary he saves a competence, there is nobody to provide for him in his declining years; and I would resist the law that made such a provision. I say that the Government ought to pay its Senators and Representatives, as it ought to pay every man who serves it down to the men who fight in the trenches, the full value of their services while they work, and when any man ceases to work for this people he ought to cease to draw a salary from the Public Treasury. I believe, sir, as I have said on a former occasion, that the laborer is worthy of his hire, and I also believe that the hire is worthy of the laborer.

Let us establish the sensible rule by the Government that the most sagacious men in business and industry establish over their own affairs. Let us only employ good men; let us pay them good wages for good work, and then if they are improvident enough to spend it, let them suffer the consequence. If the Senator from Wyoming thinks—and I am sure he does, and I agree with him in that opinion—that the Government can not secure the services of competent and educated men in this day for the same salary commanded by the old-time "horse doctor," let us raise the salary, but do not let us put a premium upon extravagance by advising the spendthrifts that they can waste their wages because the Government intends to support them when they quit working.

The PRESIDING OFFICER. If there be no amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT HURON, S. DAK.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 418) to provide for the purchase of a site and the erection of a public building thereon at Huron, in the State of South Dakota.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 2, before the word "thousand," to strike out "twenty-five" and insert "ten," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of a United States post-office, land office, United States weather bureau, and other Government offices, in the city of Huron and State of South Dakota, the cost of said site, and building, including said vaults, heating, and ventilating apparatus, and approaches, complete, not to exceed the sum of $110,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BOUNDARY LINE OF ROCK CREEK PARK.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (S. 3001) to rectify the boundary line of Rock Creek Park.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Secretary read the bill, as follows:

Whereas all the tracts and parcels of land lying between Sixteenth street extended and Rock Creek, from Blagden Mill road to the District line, were one time included in the map of Rock Creek Park and were condemned for the purposes of said park; and

Whereas certain tracts were omitted from said park because of insufficiency of funds to pay for same: Therefore

Be it enacted, etc., That in order to rectify the boundary line of the east side of Rock Creek Park, in the District of Columbia, all the various small tracts and parcels of land lying between Sixteenth street extended NW., Blagden Mill road, Rock Creek Park, and the north line of the Shepherd subdivision shall be secured as hereinafter set out and shall become a part of Rock Creek Park.

SEC. 2. That the Chief of Engineers, United States Army, and the Commissioners of the District of Columbia, hereinafter referred to as the board of control of Rock Creek Park, shall cause to be made an accurate map of said parcels, showing the location, quantity, and character of each parcel of private property to be taken, which map shall be filed and recorded in the public records of the District of Columbia; and from and after the date of filing said map the several tracts and parcels of land shown thereon shall be held as condemned for public uses and the title thereof vested in the United States, subject to the payment of just compensation, to be determined by said board of control of Rock Creek Park and approved by the President of the United States: *Provided*, That such compensation be accepted by the owner or owners of the several parcels of land.

SEC. 3. That if the said board of control shall be unable by agreement with the respective owners to purchase all of the land so selected and condemned within thirty days after such condemnation, at the price approved by the President of the United States, it shall, at the expiration of such period of thirty days, make application to the supreme court of the District of Columbia, by petition, for an appraisement of the value of such land as it has been unable to purchase, the proceedings of appraisement and condemnation to be under and in accordance with sections 483 to 491, inclusive, of the Revised Code of Law for the District of Columbia, so far as the same are applicable.

SEC. 4. That to pay the expenses of inquiry, survey, assessment, cost of lands taken, and all other necessary expenses incidental thereto, the sum of $150,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That one-half of said sum of $150,000, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, with interest at the rate of 2 per cent per annum upon the deferred payments.

Mr. ALDRICH. I should like to have the preamble to the bill again read, Mr. President. A phrase in it struck me as being very peculiar.

The PRESIDING OFFICER. The preamble will be again read.

The Secretary again read the preamble.

Mr. ALDRICH. I suggest to the Senator from Montana that he move to strike out the preamble.

Mr. CARTER. We will reach that as soon as the bill has been passed.

Mr. BAILEY. Mr. President, I should like to ask the Senator in charge of the bill if this title was acquired, or if the condemnation proceedings passed to judgment and the Government failed to acquire title merely because there was an insufficient appropriation?

Mr. CARTER. That is reported as the fact by the District Commissioners and the board having the matter in charge. The original boundary on the east side of Rock Creek Park was at the point referred to—Sixteenth street. The funds available to pay for the land condemned became exhausted, leaving certain portions of the land outside of the limits of the park because payment could not be made. This is for the purpose of correcting the boundary, as it is invaded by certain private property west of that street. This bill is prepared and presented to remedy that.

Mr. BAILEY. Did the original act authorize the acquisition of this property?

Mr. CARTER. The original act so authorized.

Mr. BAILEY. Mr. President, I really think this is another

case of where a man wants to own all the land adjoining his. The District Commissioners are not any more exempt from that infirmity than are private individuals, and I suppose the next time they will buy the tract adjoining this.

Mr. CARTER. Mr. President, I perceive the logic of the Senator's remark as applied to another condition; but in this case a very cursory examination of the map will show that the fragments here and there west of Sixteenth street are in private ownership. It was originally contemplated that all west of Sixteenth street should be within that park, so that this private land is now bounded on the north and south and west by the park and on the east by Sixteenth street.

Mr. BAILEY. If this was part of the original plan, I shall not object to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CARTER. I now move that the preamble be omitted.

The preamble was rejected.

PUBLIC BUILDING AT WILSON, N. C.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill (S. 4368) to provide for the purchase of a site and the erection of a public building at Wilson, N. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment on page 2, line 1, after the word "sum of," to strike out "one hundred" and insert "seventy-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Wilson and State of North Carolina, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $75,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for opening of said proposals.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAHABA POWER COMPANY.

Mr. BANKHEAD. I ask unanimous consent for the present consideration of the bill (H. R. 16051) to authorize the Centreville Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment in section 1, page 1, line 3, before the words "Power Company," to strike out "Centreville" and insert "Cahaba;" so as to make the section read:

That the Cahaba Power Company, a corporation organized under the laws of Alabama, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the Cahaba River at Centerville, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to authorize the Cahaba Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala."

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (S. 5589) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll, at the rate per month therein specified, the following-named persons:

Mary L. Chase, widow of Washington I. Chase, late captain Company H, Ninth Regiment Maine Volunteer Infantry, $20.

Mary C. Nason, widow of Christopher C. Nason, late of Company B, Fourth Regiment California Volunteer Infantry, $16.

Orrin V. S. Van Denburg, late of Company L, Twelfth Regiment New York Volunteer Cavalry, $24.

Robert T. Sedam, late of Company C, Fifteenth Regiment Illinois Volunteer Infantry, $30.

William S. Peabody, late captain Company A, Ninety-first Regiment, and Company A, Seventy-fourth Regiment, United States Colored Volunteer Infantry, $40.

William Russell, late of Company L, First Regiment Michigan Volunteer Cavalry, $30.

Hezekiah Coe, late of Company K, Sixty-third Regiment Ohio Volunteer Infantry, $24.

Winfield S. Delenger, late of Company G, One hundred and thirteenth Regiment Ohio Volunteer Infantry, $24.

Joseph C. Bell, late of Company D, Twenty-seventh Regiment Massachusetts Volunteer Infantry, $24.

Arthur H. Parsons, late of Company G, Sixteenth Regiment Connecticut Volunteer Infantry, $24.

Samuel M. Graham, late of Company K, Twentieth Regiment Ohio Volunteer Infantry, $30.

Millie Lepard, widow of Andrew J. Lepard, late of Company A, First Regiment Connecticut Volunteer Heavy Artillery, $12.

Charles A. Hunter, late of Company E, Thirty-fourth Regiment Massachusetts Volunteer Infantry, $30.

James R. Carpenter, late hospital steward, Second Regiment Massachusetts Volunteer Heavy Artillery, $24.

Charles Snyder, late of Company H, Ninth Regiment Vermont Volunteer Infantry, $24.

Owen Jones, late of U. S. S. *North Carolina*, *Pembina*, and *Minnesota*, United States Navy, $24.

Emanuel Schamp, alias Emanuel Benton, late of Company E, Twenty-first Regiment Ohio Volunteer Infantry and Twenty-first Independent Battery Ohio Volunteer Light Artillery, $24.

Samuel S. Dotson, late of Company L, First Regiment Ohio Volunteer Cavalry, $30.

Gilalmous McCarty, late of Company I, Fifth Regiment Missouri State Militia Cavalry, $24.

Charles H. Sargent, late of Company E, Eighth Regiment Massachusetts Volunteer Infantry, $24.

George G. Sargent, late of Company C, Seventy-fourth Regiment Ohio Volunteer Infantry, $30.

R. M. Musser, late first lieutenant Company D, Fifty-third Regiment Pennsylvania Volunteer Infantry, $24.

Tristrim Glidden, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, $36.

John Cooper, late of Company D, One hundred and fourteenth Regiment Illinois Volunteer Infantry, $24.

William A. Gile, late captain Company D, One hundred and seventeenth Regiment United States Colored Volunteer Infantry, $40.

Benjamin Dye, late of Company E, Eighth Regiment Ohio Volunteer Cavalry, $30.

Cordelia A. Young, widow of Spencer W. Young, late second lieutenant Company B, Eighth Regiment Maine Volunteer Infantry, $15.

William H. Robinson, late of Company G, Fifty-fifth Regiment Ohio Volunteer Infantry, $24.

Gabriel Sams, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, $20.

Charles Gunter, late of Company G, Third Regiment North Carolina Volunteer Mounted Infantry, $24.

John H. Johnson, late of Company A, Third Regiment Tennessee Volunteer Mounted Infantry, $24.

Edwin L. Hartley, late of Company A, Seventh Regiment Connecticut Volunteer Infantry, $24.

John W. Watkins, late of Company D, Thirty-seventh Regiment Pennsylvania Volunteer Infantry, $30.

Sarah P. Brannigan, widow of Felix Brannigan, late first lieutenant and adjutant, One hundred and third Regiment United States Colored Volunteer Infantry, $17.

Edmund W. Flynn, late of Companies I and B, Fifth Regiment Wisconsin Volunteer Infantry, $24.

Lucius A. Lovelace, late of Company K, Twenty-first Regiment Iowa Volunteer Infantry, $30.

Wellington K. Moore, late of Company F, Fifty-second Regiment Illinois Volunteer Infantry, $30.

Isaac V. Du Bois, late of Company B, Ninty-fourth Regiment Illinois Volunteer Infantry, $24.

George Heminger, late of Company B, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, $30.

John F. Detwiler, late of Company H, Sixty-first Regiment Ohio Volunteer Infantry, $24.

Patrick Hughes, late of Company B, Ninth Regiment Connecticut Volunteer Infantry, $30.

Samuel W. Brown, late of Company G, Eighth Regiment Massachusetts Volunteer Infantry, $24.

Daniel H. Fairchild, late of Company F, Thirty-sixth Regiment Illinois Volunteer Infantry, $24.

Alexander L. Morton, late of Captain Stufft's independent company, Indian Scouts, United States Volunteers, $24.

William H. Warner, late of First Company, Massachusetts Volunteer Sharpshooters, $30.

John Powell, late of Company C, Thirty-eighth Regiment Wisconsin Volunteer Infantry, $40.

James H. Atwood, late of Company K, Twenty-fourth Regiment Massachusetts Volunteer Infantry, $24.

Christian Schwendener, late of Company D, Twelfth Regiment Wisconsin Volunteer Infantry, $24.

Enoch S. Eastman, late of Company K, Fourteenth Regiment New Hampshire Volunteer Infantry, $24.

George L. Freeman, late of Company B, First Regiment Oregon Volunteer Cavalry, $30.

Elizabeth S. Hensley, widow of Thomas S. Hensley, late of Company K, Thirteenth Regiment Kansas Volunteer Infantry, $12.

Samuel A. Kimball, late of Company M, Second Regiment New York Volunteer Heavy Artillery, $30.

Laura E. Pritchard, widow of Charles O. Pritchard, late of Companies B and A, Twenty-fourth Regiment Indiana Volunteer Infantry, $16.

Frank N. Burdick, late assistant surgeon, Eighty-eighth Regiment Illinois Volunteer Infantry, $12.

William Cody, late of Company G, Third Regiment North Carolina Volunteer Mounted Infantry, $24.

Irvin Allen, late of Company A, Third Regiment North Carolina Volunteer Mounted Infantry, $24.

Joseph N. Foster, late of Companies B and D, Ninth Regiment New York Volunteer Cavalry, $24.

Harrison Lyons, late of Company A, First Regiment, and unassigned Ninth Regiment, Minnesota Volunteer Infantry, $30.

Henry A. Eastman, late of Company B and captain Company E, Eleventh Regiment Connecticut Volunteer Infantry, $24.

Martha W. Hatch, widow of Moses W. Hatch, late of Company E, Fourth Regiment Maine Volunteer Infantry, $12.

Daniel Snell, late of Company A, Fifty-second Regiment Illinois Volunteer Infantry, $30.

John E. Lewis, late of Seventh Battery Wisconsin Volunteer Light Artillery, $30.

Leonard Davis, late of Company M, First Regiment Wisconsin Volunteer Cavalry, $30.

Timothy Bresnahan, late of Company I, Second and Twentieth Regiments Maine Volunteer Infantry, $20.

Nathaniel Davis, late of U. S. S. *Galatea*, *Powhatan*, and *Ino*, United States Navy, $24.

Alice J. Hackney, late of Company D, and unassigned Twenty-first Regiment Kentucky Volunteer Infantry, $16.

George H. Eastman, late captain Company B, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, $30.

John A. Wood, late of Company D, First Regiment Wisconsin Cavalry, $40.

Maggie Greenly, widow of Jesse H. Greenly, late of Company D, Third Regiment Colorado Volunteer Cavalry, $12.

Daniel Manning, late of Company I, Fifty-second Regiment Illinois Volunteer Infantry, $30.

Maria A. Edie, widow of Christopher Edie, late of Company C, Twelfth Regiment New York Volunteer Infantry, $16.

Jincy Powell, widow of Ansil D. Powell, late captain Company B, Eighth Regiment Kentucky Volunteer Infantry, $20.

Mary B. Worley, dependent mother of John W. Worley, late of Company F, Ninth Regiment Kentucky Volunteer Infantry, and Company F, Fifty-fifth Regiment Kentucky Volunteer Infantry, $12.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from North Dakota to the paragraph which will be read.

The SECRETARY. The paragraph, on page 12, from line 15 to line 18, reads as follows:

The name of Alice J. Hackney, late of Company D, and unassigned Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

Mr. McCUMBER. I move to amend the bill by striking out that paragraph.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4035) to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. OVERMAN. I should like to hear the bill read. We have just heard the title.

The PRESIDING OFFICER. The Secretary will read the bill.

The SECRETARY read the bill.

Mr. GALLINGER. Mr. President, this is a bill providing for the payment of eight claims of $200 each for the destruction of the so-called "Northern Liberty Market." Three hundred claims have been paid, and these eight persons are nonresidents and were not served with notice at the time.

Mr. OVERMAN. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. In connection with the bill, I present and ask to have printed in the RECORD a brief letter from the auditor of the District of Columbia, which explains the matter.

The PRESIDING OFFICER. Without objection, permission is granted.

The letter referred to is as follows:

OFFICE OF THE AUDITOR OF THE DISTRICT OF COLUMBIA,
Washington, February 15, 1908.

Maj. J. J. MORROW,
Engineer Commissioner, District of Columbia.

SIR: In regard to Senate bill 4035, to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897, I am advised that these claims, so far as it is now known, are all that remain unsettled of the claims arising from the destruction of the Northern Liberty Market.

With respect to one of the claims presented in the bill, I am further advised that while the original claim was presented before the auditor in due time, by reason of the negligence of the attorney representing the claimant at that time, the necessary proof was not submitted, and that the other claims mentioned therein are those of parties living outside of Washington who were not notified by advertisement and were therefore unable to present their proof within the time specified by law. In view of the circumstances, therefore, it is believed to be but a matter of simple justice to enable these parties to present their claims before the auditor of the supreme court, District of Columbia, for settlement.

Very respectfully,

A. TWEEDALE,
Auditor, District of Columbia.

MINING TECHNOLOGY BRANCH IN GEOLOGICAL SURVEY.

Mr. TELLER. When the joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey was called up, I objected to its consideration. I now wish to withdraw my objection.

The PRESIDING OFFICER. The Senator from Colorado withdraws his objection to the consideration of the Senate joint resolution which he has named.

Mr. DICK. The Senator from Colorado having withdrawn his objection, I ask unanimous consent for the present consideration of the joint resolution.

Mr. OVERMAN. I ask that the joint resolution be read.

The PRESIDING OFFICER. The Secretary will read the joint resolution.

The SECRETARY read the joint resolution.

Mr. OVERMAN. That is too important a measure, Mr. President, to take up at this time, and I object to its consideration.

The PRESIDING OFFICER. Objection being made, the bill will be passed over, retaining its place on the Calendar.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I should like to give notice, in response to several inquiries, that I shall try to get the Indian appropriation bill up to-morrow.

RED RIVER BRIDGE AT SHREVEPORT, LA.

Mr. McENERY. I ask unanimous consent for the present consideration of the bill (H. R. 16955) to extend the time for building a bridge across Red River at Shreveport, La.

There being no objection, the Senate, as in Committee on the Whole, proceeded to consider the bill. It proposes to amend section 5 of the act of Congress approved February 3, 1905,

entitled "An act to authorize the construction of a bridge across Red River at Shreveport, La.," so as to read as follows:

SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from February 3, 1908.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND WATER RESOURCES OF THE UNITED STATES.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill (S. 4171) to provide for continuation of investigations of the rivers and water resources of the United States.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Director of the United States Geological Survey to continue his investigation of the rivers and water resources of the United States, with special reference to the amount of water available for the development and maintenance of inland water navigation, irrigation, and such other water-supply development as the Government of the United States is now or may hereafter be engaged upon; also the determination of the quality and fitness of the water for use in irrigation and other industrial processes and the damage arising to said waters by reason of sewage and other pollution, and to report thereon; but this authority shall not extend to the investigation of purely intrastate problems, except such investigations as are essential to the prosecution and maintenance of inland water navigation, irrigation, or other water-supply work authorized by acts of Congress.

Mr. GALLINGER. I desire to inquire of the Senator from California as to whether or not there is a fund from which the expense of these investigations is paid?

Mr. FLINT. This bill does not carry an appropriation. An appropriation has been made each year for this purpose, but the point of order was raised in the House of Representatives that it was not within the power of the Geological Survey to carry on this work. This bill is now introduced for the sole purpose of giving the Geological Survey express authority to do the work.

Mr. GALLINGER. And there is an unexpended amount of money now in the Treasury for this purpose?

Mr. FLINT. There is an appropriation made each year for this purpose.

Mr. GALLINGER. Is there an unexpended amount at the present time?

Mr. TELLER. I think there is.

Mr. GALLINGER. If there is, of course, I see no objection to the bill.

Mr. TELLER. I do not myself believe it is necessary to pass this bill, but the Senator from California says question was raised in the House when an appropriation was made for this purpose as to whether there was any authority in the Director of the Geological Survey to carry on these investigations. He has carried them on for the last twenty years at least, and I do not think there is any question about his authority, but the bill is reported to avoid the condition that arose before, when the item was thrown out of the appropriation bill on a point of order.

Mr. OVERMAN. I understand from the Senator from California that if this bill passes no money will be required to be appropriated.

Mr. FLINT. The appropriation is made each year.

Mr. OVERMAN. I know it is made each year, but is there an unexpended balance in the Treasury?

Mr. FLINT. Yes, sir.

Mr. TELLER. Every year there is a large fund given for this purpose by a particular provision in one of the appropriation bills. The Director of the Geological Survey has been using this fund for that purpose heretofore, and he will probably get no more and no less than he has been getting.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. BURKETT. I ask unanimous consent that Order of Business 177, being the bill (S. 4032) to establish the direction and control of public education in the District of Columbia, be taken up to-morrow after the regular morning business immediately following the order made at the request of the Senator from New Hampshire [Mr. GALLINGER] providing for the consideration of the bill relative to ocean mail service, etc.

Mr. TELLER. Does the Senator want to dispose of that bill to-morrow?

Mr. BURKETT. I want to get started and do something.

Mr. TELLER. If it is proposed to consider it all day and dispose of it, I shall have to object.

Mr. FRYE and Mr. ALDRICH. The unfinished business comes up at 2 o'clock.

Mr. BURKETT. We can not take the bill up after 2 o'clock.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that Senate bill 4032, to establish the direction and control of public education in the District of Columbia be made the special order to-morrow after the disposition of the so-called "shipping bill." Is there objection?

Mr. TELLER. I understand the request contemplates merely using the time up until 2 o'clock?

Mr. BURKETT. It could not supplant the unfinished business, and that will be taken up at 2 o'clock, I will say to the Senator.

Mr. TELLER. I think if it is made the special order, there might be some such claim. I do not think that is the order the Senator wants.

Mr. GALLINGER. He wants unanimous consent.

Mr. TELLER. He wants unanimous consent simply to take up the bill.

Mr. BURKETT. That is my request.

Mr. TELLER. If the bill is made a special order, then it would have the right of way against the finance bill.

Mr. BURKETT. I only expected to ask it in that way. I understood, because I had consulted others, that there was an unfinished business before the Senate, which would be taken up at 2 o'clock. I intended to make the request simply to take up the bill to-morrow in the morning hour, if there is any time remaining after the Senator from New Hampshire gets through with his bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

Mr. BURROWS. Mr. President, I think I shall have to object at this time.

The PRESIDING OFFICER. Objection is made.

Mr. BURKETT. Then to-morrow at that time I will move, if there is any time left, that the Senate take up the bill.

DELAWARE AND HUDSON COMPANY.

Mr. OVERMAN. At the request of the junior Senator from West Virginia [Mr. SCOTT], I ask unanimous consent for the present consideration of the bill (S. 5043) authorizing and empowering the Secretary of War to convey to the Delaware and Hudson Company a right of way for railway purposes upon and across the military reservation of Plattsburg Barracks, at Plattsburg, in the county of Clinton and State of New York, in exchange for the release to the United States of all rights of said company and its subsidiary companies within the limits of said military reservation. The Senator from West Virginia is necessarily absent from the Chamber, and at his request I call up the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE CUTTER FOR SERVICE IN NARRAGANSETT BAY.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

Mr. FRYE. Will the Senator from Montana yield to me to have a small bill passed?

Mr. CARTER. I withdraw the motion.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (S. 4567) to provide for the construction and equipment of a revenue cutter for service in Narragansett Bay and adjacent waters. It will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to insert at the end of the bill the words "to take the place of the revenue cutter *Dexter*," so as to make the bill read:

Be it enacted, etc., That the sum of $225,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the Secretary of the Treasury, in constructing and equipping a steam revenue cutter for service in Narragansett Bay and adjacent waters, with headquarters at Newport, R. I., to take the place of the revenue cutter Dexter.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the construction and equipment of a revenue cutter for service

in Narragansett Bay and adjacent waters, to take the place of the revenue cutter *Dexter*."

Mr. FRYE. I am obliged to the Senator from Montana.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 27, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 26, 1908.

UNITED STATES ATTORNEY.

John T. Robinson, of Connecticut, to be United States attorney for the district of Connecticut, to succeed Francis H. Parker, whose term will expire April 1, 1908.

ASSISTANT APPRAISER OF MERCHANDISE.

Samuel W. George, of Massachusetts, to be assistant appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts, in place of Daniel F. Sprague, deceased.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

First Lieut. James Longstreet, Thirteenth Cavalry, to be captain from February 18, 1908, vice Sawtelle, Eighth Cavalry, deceased.

Second Lieut. Kenyon A. Joyce, Sixth Cavalry, to be first lieutenant from February 18, 1908, vice Longstreet, Thirteenth Cavalry, promoted.

Quartermaster's Department.

Lieut. Col. George Ruhlen, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, from February 25, 1908, vice Marshall, retired from active service.

Maj. John T. French, jr., quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, from February 25, 1908, vice Ruhlen, promoted.

Capt. William E. Horton, quartermaster, to be quartermaster with the rank of major, from February 25, 1908, vice French, promoted.

WITHDRAWAL.

Executive nomination withdrawn from the Senate February 26, 1908.

Daniel M. Sullivan to be postmaster at Cripple Creek, in the State of Colorado.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 26, 1908.

ASSISTANT SECRETARY OF THE TREASURY.

Louis A. Coolidge, of Massachusetts, to be Assistant Secretary of the Treasury.

FIRST ASSISTANT POSTMASTER-GENERAL.

Charles P. Grandfield, of Missouri, to be First Assistant Postmaster-General.

COLLECTOR OF INTERNAL REVENUE.

Ross L. Hammond, of Nebraska, to be collector of internal revenue for the district of Nebraska.

APPOINTMENT IN THE ARMY.

General officer.

Col. Daniel H. Brush, Twenty-fourth Infantry, to be brigadier-general from February 17, 1908.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Lieut. Col. William H. Bixby, Corps of Engineers, to be colonel from February 14, 1908.

Maj. Edward Burr, Corps of Engineers, to be lieutenant-colonel from February 14, 1908.

Capt. James B. Cavanaugh, Corps of Engineers, to be major from February 14, 1908.

First Lieut. Clarence O. Sherrill, Corps of Engineers, to be captain from February 14, 1908.

Second Lieut. Thomas H. Emerson, Corps of Engineers, to be first lieutenant from February 14, 1908.

Under the provisions of an act of Congress approved April 23, 1904, I nominate the officers herein named to be placed on the retired list of the Army, with increased rank from the date on which they shall be retired from active service, respectively.

Maj. Thomas Swobe, quartermaster, with the rank of lieutenant-colonel.

Capt. George L. Goodale, quartermaster, with the rank of major.

APPOINTMENTS IN THE MARINE CORPS.

To be second lieutenants in the Marine Corps from the 6th day of February, 1908:

Franklin H. Drees, a citizen of Iowa;
John Dixon, a citizen of the District of Columbia;
Henry M. Butler, a citizen of Ohio; and
Nedom A. Eastman, a citizen of New York.

PROMOTIONS IN THE NAVY.

Lieut. Gilbert S. Galbraith to be a lieutenant-commander in the Navy from the 7th day of January, 1908.

The following-named chief engineers, who were confirmed by the Senate on December 11, 1906, for advancement from the grade of passed assistant engineer, with the rank of lieutenant, to the grade of chief engineer, with the rank of lieutenant, in accordance with the provisions of an act of Congress approved June 29, 1906, to be chief engineers, with the rank of lieutenant-commander, on the retired list, from the date of their advancement, in accordance with an opinion of the Attorney-General, dated January 13, 1908:

Caleb E. Lee,
Alexander V. Fraser,
Charles H. Greenleaf,
Rudolph T. Bennett,
John J. Bissett,
Henry C. Blye,
James W. Holihan,
Jonathan M. Emanuel,
Charles H. Manning,
William A. H. Allen,
David M. Fulmer,
William L. Bailie,
Charles F. Nagle,
Robert D. Taylor, and
Robert Crawford.

The following-named passed assistant engineers, who were confirmed by the Senate on December 18, 1906, for advancement from the grade of assistant engineer, with the rank of lieutenant (junior grade), to the grade of passed assistant engineer, with the rank of lieutenant (junior grade), in accordance with the provisions of an act of Congress approved June 29, 1906, to be passed assistant engineers, with the rank of lieutenant, on the retired list, from the date of their advancement, in accordance with an opinion of the Attorney-General, dated January 13, 1908:

Henry D. Sellman,
Alexander H. Price,
Joseph S. Greene,
Daniel A. Sawyer,
James W. Patterson,
James G. Littig,
William G. McEwan, and
William H. Platt.

To be lieutenants (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years' service in their present grade:

Francis J. Cleary,
William J. Giles,
Charles A. Blakely,
Frank H. Sadler, and
Frederick V. McNair, jr.

To be lieutenants in the Navy from the 3d day of February, 1908, to fill vacancies existing in that grade on that date:

Francis J. Cleary,
William J. Giles,
Charles A. Blakely,
Frank H. Sadler, and
Frederick V. McNair, jr.

Asst. Paymaster Reginald Spear to be a passed assistant paymaster in the Navy from the 5th day of December, 1906.

Asst. Paymaster Robert B. Lupton to be a passed assistant paymaster in the Navy from the 22d day of October, 1907.

Lieut. Commander William L. Howard to be a commander in the Navy from the 28th day of January, 1908.

Ensign Kirby B. Crittenden to be a lieutenant (junior grade) in the Navy from the 1st day of November, 1907.

Midshipman Francis G. Blasdel to be an ensign in the Navy from the 31st day of January, 1907.

POSTMASTERS.

ILLINOIS.

Milton T. Hunt to be postmaster at Warsaw, Hancock County, Ill.

IOWA.

Lars E. Bladine to be postmaster at Marathon, Buena Vista County, Iowa.

William W. Hawk to be postmaster at Colfax, Jasper County, Iowa.

NEW YORK.

Arthur Hartt to be postmaster at Ravena, Albany County, N. Y.

James M. Requa to be postmaster at Tarrytown, Westchester County, N. Y.

WISCONSIN.

Walter C. Crocker to be postmaster at Spooner, Washburn County, Wis.

Robert A. McDonald to be postmaster at Grand Rapids, Wood County, Wis.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 26, 1908.*

The House met at 12 o'clock noon.

Rev. WILLIAM COUDEN, of Somerville, Mass., offered the following prayer:

Almighty God, our Heavenly Father, grant unto us the blessings of Thy love and leading for to-day. Give unto us all the power and poise of righteousness, wisdom, and peace. Especially we ask Thee to endow the Members of this House as servants of Thy people with justice and with faith, and so let Thy people praise Thee. We ask these things in the name of Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 45. An act for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H.

The message also announced that the Vice-President had appointed Mr. MCLAURIN, a Senator from the State of Mississippi, a member of the Immigration Commission, in place of Mr. Latimer, deceased.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 45. An act for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H.—to the Committee on the Library.

S. 4351. An act for the relief of the Alaska Pacific Railway and Terminal Company—to the Committee on the Territories.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On February 21, 1908:

H. R. 6231. An act to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district; and

H. R. 14638. An act to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes.

On February 24, 1908:

H. R. 9218. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of duitiable goods, and for other purposes;" and

H. R. 12420. An act to extend immediate transportation privileges to the subport of Alburg, in the customs collection district of Vermont.

H. J. Res. 130. Joint resolution providing for salaries of the Resident Commissioners from the Philippine Islands; and

H. J. Res. 139. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

SWEARING IN A MEMBER.

The Speaker laid before the House the credentials of N. B. Thistlewood, as a Member-elect of the House of Representatives from the Twenty-fifth district of Illinois, which were read by the Clerk. Thereupon Mr. Thistlewood appeared at the bar of the House and the Speaker administered to him the oath prescribed by law.

INVESTIGATION OF CONDITION OF IMMIGRANTS IN THE SOUTH.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that the Committee on Rules may be discharged from the consideration of House resolutions 115 and 209, and that the House proceed to the consideration of the resolution which I send to the desk.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the Committee on Rules be discharged from the further consideration of the resolutions referred to, and that the House proceed to the consideration of a substitute which the Clerk will report.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolutions of the House Nos. 115 and 209, have had the same under consideration and report herewith a resolution in lieu thereof, with the recommendation that the House agree to the same.

Resolved, That the Immigration Commission be requested to make an investigation into the treatment and conditions of work of immigrants on the cotton plantations of the Mississippi Delta, in the States of Mississippi and Arkansas, and upon the turpentine farms, lumber camps, and railway camps in the States of Florida, Mississippi, Louisiana, and other Southern States, and to report thereon at as early a date as possible.

The SPEAKER. Is there objection?

Mr. HARDWICK. I object.

EULOGIES ON THE LATE REPRESENTATIVE SLEMP.

Mr. JONES of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the Clerk's desk.

The Clerk read as follows:

Ordered, That at the hour of 2 o'clock p. m. on Saturday, March 7, legislative duties be suspended and eulogies on the life, character, and public services of the Hon. CAMPBELL SLEMP, late a Representative from Virginia, shall be in order.

There was no objection to the consideration, and the order was agreed to.

FIRST ASSISTANT ENROLLING CLERK.

Mr. HUGHES of West Virginia. Mr. Speaker, I offer the following privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House for the services of a first assistant enrolling clerk a sum equal to the rate of $2,500 per annum, payable monthly, until the compensation at said rate shall be provided for by law. Said clerk to be in lieu of the assistant enrolling clerk now authorized at $2,000 per annum.

Mr. TAWNEY. Mr. Speaker, I did not catch the reading of the resolution, and I desire to ask the gentleman from West Virginia how many clerks this gives the Committee on Enrolled Bills?

Mr. HUGHES of West Virginia. No additional clerk, but it is an increase of salary from two thousand to twenty-five hundred dollars.

Mr. TAWNEY. How many are there employed there?

Mr. HUGHES of West Virginia. Three; one at eighteen hundred dollars, one at two thousand, and one at three thousand.

Mr. TAWNEY. This is in the enrolling room?

Mr. HUGHES of West Virginia. Yes.

Mr. TAWNEY. How many clerks has the Committee on Enrolled Bills?

Mr. HUGHES of West Virginia. Two.

Mr. TAWNEY. I will say that my reason for making the inquiry is the fact that the matter of enrolling bills at this session of Congress has been delayed very seriously, in some cases much longer than there ought to be occasion for. The chairman of that committee informed me that it was because of a want of sufficient force.

Mr. HUGHES of West Virginia. The chairman of the committee has all the force he needs at the present time; he has one regular clerk, and we let him have one assistant, and a little later in the session when he has more bills we will allow him another clerk.

The resolution was agreed to.

ASSISTANT CLERK TO COMMITTEE ON CLAIMS.

Mr. HUGHES of West Virginia. Mr. Speaker, I also offer the following, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 236.

Resolved, That there shall be paid out of the contingent fund of the House, for the services of an assistant clerk to the Committee on Claims, a sum equal to the rate of $1,200 per annum until otherwise provided by law.

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman a question. Does this make the assistant clerk an annual clerk?

Mr. HUGHES of West Virginia. Yes.

Mr. TAWNEY. Is he now a session clerk?

Mr. HUGHES of West Virginia. No; they have no clerk at all.

Mr. TAWNEY. This is just increasing his compensation?

Mr. HUGHES of West Virginia. No; they have a clerk at $2,000 a year. This asks for an additional clerk at $1,200 a year.

Mr. TAWNEY. What is the necessity of making him an annual clerk?

Mr. HUGHES of West Virginia. I yield five minutes' time to the gentleman from Kansas [Mr. MILLER], the chairman of the Committee on Claims, and he will inform the House.

Mr. MILLER. Mr. Speaker, it is a matter of indifference to me whether the House allows an additional clerk or not. If the House wants the bills before the Committee on Claims considered at all we must have an additional clerk. Possibly one at $6 per day during the session would answer the purpose, but in order to do the work as I want it done I want to bring some one from my own district here to take charge of that work—some one in whom I have confidence—and not employ some clerk in the city of Washington, who generally is looking after bills, trying to lobby them through this House. That is why I ask for an annual clerk. If we are allowed this assistant clerk at $1,200 a year the Committee on Claims will hereafter report out all bills they consider, either favorably or adversely. We already have marked for report six bills adversely, and when the next bills come to the House those reports will come in here. I believe with this assistant clerk that we can save the United States in the neighborhood of from $10,000 to $100,000 a year.

The SPEAKER. The question is on agreeing to the resolution. The question was taken, and the resolution was agreed to.

ASSIGNING ROOMS TO COMMITTEE ON WAYS AND MEANS AND THE SPEAKER.

Mr. MANN. Mr. Speaker, I desire to give notice at this time that to-morrow immediately after the reading of the Journal I expect to call up for consideration the following House resolution, No. 217, a privileged resolution, relating to the assignment of rooms to the Committee on Ways and Means and to the Speaker:

Resolved, That the rooms in the House Office Building bearing the following temporary numbers, according to the plats accompanying House resolution No. 53, passed by the House December 19, 1907, to wit, 313, 314, and 315, and the large room at the southwest corner of the House Office Building, be, and the same are hereby, assigned for the use of the Committee on Ways and Means, and to the same committee as an additional room for temporary use the room on the House floor of the Capitol Building now occupied by the Speaker, and that the rooms now occupied by the Committee on Ways and Means are hereby assigned for the use of the Speaker.

HOMESTEAD ENTRY ON ABANDONED MILITARY RESERVATIONS, STATE OF WASHINGTON.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15859), providing for the homestead entry of certain lands in the State of Washington, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior shall cause the lands in abandoned military reservations Nos. 23 and 24, described as follows: Lots 1 and 2 in section 5 and lot 3 in section 6, of township 20 north, and the southwest quarter, the southwest quarter of the southeast quarter, and lots 3 and 4 of section 21, and the northwest quarter, the west half of the northeast quarter, lots 1, 2, and 3, and the northeast quarter of the southwest quarter of section 28, and the south half of lot 3 and all of lots 4 and 5, and the northeast quarter of the southeast quarter of section 31, the south half of the south half of the northwest quarter, the south half of the south half of the northeast quarter, and lots 1 and 2 and the west half of the northwest quarter of the southeast quarter and the southwest quarter of section 32, and the south half of lot 2 and all of lot 3 of section 33, in township 21 north, all in range 2 east of the Willamette meridian, in the State of Washington, or any part thereof, to be regularly surveyed or subdivided into tracts or lots of 20 acres each, more or less.

SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any settler who is in actual occupation of any portion of the lands described in section 1 hereof at the date of the passage of this act who has settled thereon in good faith for the purpose of securing a home, and is by law entitled to make a homestead entry, shall be entitled to enter the land so occupied, not exceeding 20 acres in a body, according to the Government surveys and subdivisions thereof, upon payment to the Government of the sum of $2.50 per acre for each acre entered by him, and upon showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States.

SEC. 3. That the following-described land, being a part of abandoned military reservation No. 24, is hereby granted to school district No. 71 of Pierce County, State of Washington, to wit: The east half of the northwest quarter of the southeast quarter of section 32 in township 21 of range 2 east of the Willamette meridian, in the State of Washington.

SEC. 4. That if any of the lands described in section 1 hereof be not duly entered as a homestead by some settler, as provided in section 1 of this act, within ninety days after the same become subject to entry under the provisions of this act, then, in that event, the Secretary of the Interior is hereby authorized to dispose of such remaining lands under the provisions of the act of Congress of July 5, 1884, entitled "An act to provide for the disposal of abandoned and useless military reservations."

With the following amendment:

Add to the end of section 3 the following: "upon payment therefor to the United States of $2.50 per acre."

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, I reserve the right to object.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to have the gentleman give us some information about this.

Mr. CUSHMAN. Mr. Speaker, the bill relates to two small abandoned military reservations in the State of Washington, containing about 1,249 acres. The War Department long ago abandoned them as military reservations and turned them over to the Interior Department to dispose of under existing law. The existing law which relates to abandoned military reservations provides that any man who settled on one of these reservations in the year 1884, to wit, twenty-four years ago, is entitled to make a homestead entry. The only change in substance which this bill makes to existing law is to reduce the term of residence required by the settler. No settlers have resided on this land for twenty-four years, but settlers have resided a number of years thereon, and this bill simply gives the right to any bona fide settler now residing on any of these lands to enter 20 acres thereof under the homestead law and get title under the homestead law upon payment of $2.50 per acre and proof of residence and cultivation.

Mr. GAINES of Tennessee. How much now will this land sell for on the market?

Mr. CUSHMAN. Probably about $20 an acre.

Mr. GAINES of Tennessee. And we are selling it now for $2.50 an acre?

Mr. CUSHMAN. Yes, to actual settlers.

Mr. GAINES of Tennessee. How far is it from Tacoma city?

Mr. CUSHMAN. About 6 miles.

Mr. GAINES of Tennessee. How far is it from water—from the ocean or from a navigable stream?

Mr. CUSHMAN. Both pieces of land front on navigable water on Puget Sound.

Mr. GAINES of Tennessee. When the gentleman gets through I desire to have two or three minutes.

Mr. CUSHMAN. Mr. Speaker, in conclusion, I desire to state that the War Department has long ago concluded they did not need the land and are willing that it should be disposed of. The bill is recommended by the Land Department of the Government and reported from the House Committee on the Public Lands with a favorable recommendation.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. GAINES of Tennessee. Mr. Speaker, I reserved the right to object. I want to heard on this for a moment. Will the gentleman yield some of his time?

Mr. MANN. Mr. Speaker, I shall object anyhow at this time.

The SPEAKER. Objection is heard.

DAM ACROSS MULBERRY FORK OF BLACK WARRIOR RIVER.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16746) to authorize T. H. Friel or assigns to construct a dam across Mulberry Fork of the Warrior River.

Be it enacted, etc., That T. H. Friel or assigns be, and they are hereby, authorized to construct, maintain, and operate a dam across the Mulberry Fork of the Warrior River, at a point within 10 miles north and within 2 miles south of its junction with the Sipsey Fork, in Walker County, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

In line 5, after the word "the," insert the word "Black."

In the second line of title, after the word "the," insert the word "Black."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I suggest to the gentleman that the title should be amended so as to read "Black Warrior River."

Mr. UNDERWOOD. I thank the gentleman for the suggestion.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize T. H. Friel or assigns to construct a dam across Mulberry Fork of the Black Warrior River."

On motion of Mr. UNDERWOOD, a motion to reconsider the last vote was laid on the table.

PROVIDING FOR SECOND DESERT-LAND ENTRIES.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16078) providing for second desert-land entries.

Be it enacted, etc., That any person who prior to the passage of this act has made entry under the desert-land laws, but from any cause has lost, forfeited, or abandoned the same, shall be entitled to the benefits of the desert-land law as though such former entry had not been made, and any person applying for a second desert-land entry under this act shall furnish the description and date of his former entry: *Provided*, That the provisions of this act shall not apply to any person whose former entry was canceled for fraud or who relinquished the former entry for a valuable consideration.

The amendment recommended by the committee was read, as follows:

After the words "was," in line 11, insert the words "assigned in whole or in part or."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BONYNGE, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS ST. JOSEPH RIVER AT OR NEAR ITS MOUTH.

Mr. HAMILTON of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17227) to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth.

Be it enacted, etc., That the city of St. Joseph, Mich., a corporation organized under the laws of the State of Michigan, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the St. Joseph River, at or near its mouth, in Berrien County, in the State of Michigan, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAMILTON of Michigan, a motion to reconsider the last vote was laid on the table.

PROVIDING FOR A TERM OF UNITED STATES CIRCUIT AND DISTRICT COURTS AT LANDER, WYO.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the following Senate bill, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4064) to provide for a term of the United States circuit and district courts at Lander, Wyo.

Be it enacted, etc., That hereafter, and until otherwise provided by law, there shall be held annually on the first Monday in October a term of the circuit and district courts for the district of Wyoming at the town of Lander, in said district.

SEC. 2. That the marshal and clerk of said district shall each, respectively, appoint at least one deputy, to reside in said town of Lander, unless he himself shall reside there, and he shall also maintain an office at that place.

The committee amendment was read, as follows:

Provided, however, That a place shall be furnished for holding of said courts without any expense to the Government of the United States.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, as I understand this bill is a bill appointing an additional term of court in Wyoming. It does not create any new division.

Mr. MONDELL. It does not.

Mr. PAYNE. There is but one district in Wyoming?

Mr. MONDELL. But one district.

Mr. PAYNE. And this is the proper geographical location?

Mr. MONDELL. The point is some 300 miles distant from the nearest point in which terms of court are now held, and the committee, after investigation, were of the opinion that the holding of a term of court at Lander would result in a large saving to the Government as well as to those who may have to come before it.

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman a question. I observe from the reading of the bill that the place for holding court is to be provided without expense to the Government of the United States. Am I right?

Mr. MONDELL. The gentleman is correct; that is the committee amendment.

Mr. TAWNEY. Who is to pay the expense?

Mr. MONDELL. Well, under the bill as it is now before the House, it would be necessary for the good people of Lander to allow the United States to hold court in their court-house.

Mr. TAWNEY. I would like to ask the gentleman if it is not a fact that this is more for the purpose of laying a foundation for a demand for a public building in the future than it is for the convenience of the public in Wyoming having business in that court.

Mr. MONDELL. I will say to the gentleman that that query that is so often made on the floor of the House in regard to bills of this sort does not apply to this bill at all. In the first place, provision has already been made for the public building at Lander, so that they could have no such object as that in view. In the second place, the town of Lander is over 300 miles from the nearest point where court is now held. A large number of cases in the Federal court originate in that region, and the committee, after careful consideration of the facts, conclude that the holding of the term of court here would be a matter of large saving to the Government.

Mr. FITZGERALD. In the last Congress the President vetoed some bills like this, basing his action upon a document prepared by the Attorney-General as to the impropriety of the Federal court being dependent on the generosity of the inhabitants of any particular place. Has the gentleman from Wyoming any reason to believe that the President has changed his mind on that question?

Mr. MONDELL. The gentleman has no information on that subject, and the gentleman regrets the amendment. But if we can have the legislation in any other form I think arrangements could be made with the good people of Lander whereby their very large and commodious court-house could be used for holding a term of the Federal court.

Mr. FITZGERALD. It is not my intention to object. I wish simply to emphasize this fact—that if the President of the United States will not approve bills in this form, and the committee will not recommend them for passage without the particular amendment to which the President objects, how does the gentleman hope to have any legislation providing for the court at Lander?

Mr. MONDELL. Well, the question of what will happen to the legislation in some other place is not one that the gentleman cares to consider or thinks ought to be considered at this time.

Mr. FITZGERALD. I will say to the gentleman it does not bother me very much, but I supposed, in view of what has happened, that perhaps the gentleman had taken the precaution to ascertain what would happen to a bill of this kind.

Mr. MONDELL. The gentleman has not.

Mr. TAWNEY. Mr. Speaker, the gentleman from Wyoming informs the House that the place for the holding of this court is to be provided at the expense of the people in the town or city in which the court is to be held. We have a statute that prohibits any executive officer or any Department of the Government from accepting voluntary service, and I think the spirit of that statute, if the letter does not, should apply to Congress as it applies to the Executive Departments, and I shall object.

Mr. MONDELL. Mr. Speaker, I trust the gentleman will not object.

The SPEAKER. Does the gentleman from Minnesota [Mr. TAWNEY] object to the consideration of the bill?

Mr. TAWNEY. I do.

PHOENIX, ARIZ., BONDS.

Mr. SMITH of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13097) which I send to the Clerk's desk.

The SPEAKER. The gentleman from Arizona [Mr. SMITH] asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13097) to enable the city of Phoenix, in Maricopa County, Ariz., to issue bonds of said municipality for the purpose of funding its floating indebtedness incurred prior to July 1, 1906.

Be it enacted, etc., That the city of Phoenix, situated in Maricopa County, in the Territory of Arizona, is hereby authorized and empowered to issue its bonds in any sum not exceeding $155,000 for the

funding of its floating indebtedness created prior to July 1, 1906, and represented by outstanding warrants bearing interest at the rate of 6 per cent per annum.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the city of Phoenix, at which election the question whether such bonds shall be issued shall be submitted to the qualified electors of said city of Phoenix whose names appear on the last assessment roll of said city for municipal taxation. Thirty days' notice of any such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said city before the day fixed for such election.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that a majority of the votes cast at such election in said city shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate not to exceed 5 per cent per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest, and shall be in denominations of $1,000 each, the principal to be due in twenty-five years from date thereof: *Provided, however,* That the common council of said city of Phoenix may reserve the right to pay off such bonds in their numerical order at the rate of $25,000 thereof per annum from and after the expiration of fifteen years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the city treasurer of the city of Phoenix, in Maricopa County, Ariz., or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the city of Phoenix at the option of the holder of said bonds; the place of payment to be mentioned in said bonds: *And provided further,* That each and every such bond shall have a facsimile of the signature of the mayor and recorder of said city of Phoenix lithographed or printed thereon.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than that specified in this act.

SEC. 6. That said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed under the limitations hereinbefore imposed and under the order and direction of said common council from time to time as the same may be required for the purposes aforesaid.

Mr. MANN. Mr. Speaker, reserving the right to object, if I understand this bill correctly it is this: That the law now prohibits the city of Phoenix from incurring indebtedness beyond a certain amount, and thereupon, in practical violation of the law, they go ahead and incur floating indebtedness, although the law does not permit, and now ask that we shall permit them to issue bonds and pay up their floating indebtedness and let them go over the same performance again if they choose to.

Mr. SMITH of Arizona. Mr. Chairman, the facts are simply these: Prior to 1906, in a fast growing village that has since become a city, the common council of the city in the general running of the same, did to some extent what the gentleman from Illinois [Mr. MANN] has said. Inadvertently the various city councils overran slightly each year, considerably some years, the amount the city took in in cash from its assessments. In 1906 the attention of the city council was called to this fact and a limitation of 70 cents on the hundred dollars had been found inadequate, and that it was required in the city charter that no indebtedness should be contracted except within the 70-cent limitation, and on that fact coming to the attention of the city council, they put it on a cash basis, and it has been on a cash basis from that day on. That leaves these warrants for services under contracts entered into by the city, many with poor men, and this debt is held almost exclusively by the people of the city of Phoenix. I am so informed by the resolution of the mayor and Chamber of Commerce of that city, and there is no objection to it from anyone there. I am pressed to take this burden off, for it is an obligation which the city ought to pay and which the city is able to pay, but with this limitation in her charter she is unable to make provision for the payment of these outstanding warrants. And I hope the gentleman will not object.

Mr. MANN. It is possible the city ought to be permitted to raise more money for its running expenses; but I do not believe that Congress ought to permit a city, where it has control, to borrow money to pay its ordinary running expenses.

Mr. SMITH of Arizona. It is not in a sense a question of borrowing money; but it is a matter as to whether or not the people who have performed services without any notice that they should, before they could get their money, have to ask Congress to permit them to provide for paying an honest debt.

Mr. MANN. That is true. That makes a strong equity on that city. That is the case of every city where its permission to incur indebtedness is limited. It sometimes falls heavily upon those who furnish the city with goods or services; but every State in the Union, I think, has a provision limiting the amount of indebtedness which cities may incur; and the same reason would apply to every city. Now, I do not think that we ought to enter into that business at this time.

Mr. SMITH of Arizona. I hope my friend will not raise an objection to this. He recognizes the difficulties under which that Territory operates.

Mr. MANN. For the present, I object.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the Army. Pending that, I ask unanimous consent that there may be an extension of forty minutes for general debate; twenty minutes on a side.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill; and, pending that, asks that the time for general debate may be extended for forty minutes—twenty minutes on a side. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to place in the RECORD a compilation of the number of soldiers killed, and the whereabouts of their graves, that fell at the battle of New Orleans in 1815. I have just received it from the Secretary of War. It has never been printed.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print in the RECORD the matter referred to. Is there objection?

Mr. PAYNE. I would like to ask the gentleman, do I understand him to say that this is a compilation of the Secretary of War?

Mr. GAINES of Tennessee. Yes; very short, and personal to me. I had sent for it. We need it here every day, and we have never had it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The compilation is as follows:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, February 24, 1908.

Hon. JOHN W. GAINES,
House of Representatives, Washington.

SIR: Referring to previous correspondence on the subject of the location of the graves of soldiers killed in the battle of New Orleans, I have the honor to inclose you herewith press copy of a report just received from the superintendent of the Chalmette, La., National Cemetery, together with two blueprints showing "The Battlefield of Chalmette" and "Operations Near New Orleans in 1814–15."

The depot quartermaster, New Orleans, La., in forwarding this report, states that every known avenue has been exhausted in the endeavor to obtain the information desired; that he caused a statement to appear in all the local press requesting that any authentic information bearing on the subject be forwarded to him, but that replies have been meager and of no consequence, beyond the fact that it may be possible to identify one, or perhaps two, of the unknown interments. He states further, however, that he has written to several parties whom he is led to believe may be able to furnish authentic data, and will forward their replies as soon as received.

As soon as any additional reports are received on this subject I will forward them to you.

Respectfully,
J. B. ALESHIRE,
Quartermaster-General, United States Army.

CHALMETTE, LA., NATIONAL CEMETERY,
Arabi, La., February 20, 1908.

The QUARTERMASTER-GENERAL, UNITED STATES ARMY,
Washington, D. C.
(Through the Depot Quartermaster, United States Army, New Orleans, La.)

GENERAL: Having reference to letter of your office 242393, dated January 22, 1908, in relation to the graves of soldiers, etc., who fell in the battle of New Orleans, I have the honor to submit the following:

Question 1. Is there any record of the interments in your national cemetery of the remains of any of the soldiers killed in the battle of New Orleans? If so, give list of names, rank, company, regiments, dates of death, and grave numbers; how the graves are marked, with copy of the inscriptions upon the monuments or headstones.

Answer. There is no record of any interments at this cemetery.

Question 2. If any of the soldiers are buried in unknown graves, state the number of remains so buried, whether interred in separate graves or mounds, and how the graves or mounds are marked, with copy of inscriptions.

Answer. There are none, so far as I can ascertain.

Question 3. Describe in detail the location of the graves, the size of the plot, and its condition, i. e., whether planted with trees, shrubs, etc.

Answer. No graves.

Question 4. If no soldiers of the war of 1814–15 are interred in the national cemetery, give all the information which you can obtain relative to their place of burial, etc., as requested in queries Nos. 1, 2, and 3.

Answer. In order to obtain intelligent information relative to replying to this question, I found it necessary to examine the official records relative to the campaign in southern Louisiana, 1814–15. The following is from appendix to Historical Memoirs of the War in West Florida and Louisiana in 1814–15, with an atlas, by Maj. A. La Carriere Latour, principal engineer in the late seventh military district, United States Army. Written originally in French and translated for the author by H. P. Nugent, esq., Philadelphia. Published by John Conrad & Co., J. Maxwell, printer, 1816. (Copies in Memorial Hall and Howard's Library, New Orleans. Not published in French.)

Appendix. Pages LVIII, LIX, LX.

Letter from Adjt. Gen. Robert Butler to Brigadier-General Parker, dated: Headquarters seventh military district, adjutant-general's office, Jackson's lines, below New Orleans, January 16, 1815.

Report of the killed, wounded, and missing of the Army under the command of Maj. Gen. Andrew Jackson, in the actions of the 23d and 28th of December, 1814, and 1st and 8th of January, 1815, with the enemy.

Action of December 23, 1814.—Killed: Artilleryman, 1; Seventh United States Infantry, 1 lieutenant (McClellan), 1 sergeant, 1 corporal, 4 privates; Forty-fourth United States Infantry, 7 privates; General Coffee's brigade volunteer mounted gunmen, 1 lieutenant-colonel (Lauderdale), 1 captain (Pace), 1 lieutenant (Samuel Brooks), 2 sergeants, 4 privates; total, 24.

Wounded: General staff, 1 colonel (Piatt); Seventh United States Infantry, 1 captain (A. A. White), 1 ensign, 1 sergeant, 2 corporals, 23 privates; Forty-fourth United States Infantry, 2 lieutenants, 3 sergeants, 2 corporals, 19 privates; General Coffee's brigade, 1 colonel, 2 lieutenant-colonels, 1 captain, 2 lieutenants, 1 quartermaster-sergeant, 3 sergeants, 2 corporals, 1 musician, 30 privates; New Orleans Volunteer Corps, 1 captain, 2 sergeants, 7 privates; volunteers of color, 1 adjutant and 6 privates; total, 115.

Missing: General Coffee's brigade, 1 major, 2 captains, 3 lieutenants, 1 quartermaster, 3 ensigns or cornets, 4 sergeants, 1 corporal, 2 musicians, 57 privates; total, 74; total killed, wounded, and missing, 213.

Action of December 28, 1814.—Killed: General Coffee's brigade, 1 private; New Orleans Volunteer Corps, 1 private; General Carroll's division of Tennessee Militia, 1 colonel (Henderson), 1 sergeant, 5 privates; total, 9.

Wounded: Marines, 1 major (Carmich); New Orleans volunteer corps, 3 privates; General Carroll's division, 1 lieutenant, 3 privates; total, 8; missing, none; total killed, wounded, and missing, 17.

Action of January 1, 1815.—Killed: Artillery, Navy, and volunteers at batteries, 8 privates; Forty-fourth United States Infantry, 1 private; General Coffee's brigade, 1 sergeant; General Carroll's division, 1 private; total, 11.

Wounded: Artillery, Navy, and volunteers at batteries, 8; Seventh United States Infantry, 1 private; Forty-fourth United States Infantry, 3; General Coffee's brigade, 2; New Orleans Volunteers, 3 privates; General Carroll's division, 1 sergeant, 2 privates; volunteers of color, 1 lieutenant, 1 sergeant, 1 private; total, 23; missing, none; total killed, wounded, and missing, 34.

Action on both sides of the river, January 8, 1815.[a]—Killed: Artillery, Navy, and volunteers at batteries, 3 privates; Seventh United States Infantry, 1 sergeant, 1 corporal; General Coffee's brigade, 1 private; Carroll's division, 1 sergeant, 3 privates; Kentucky Militia, 1 private; Major La Coste's and Dacquin's volunteers of color, 1 private; General Morgan's militia, 1 private; total killed, 13.

Wounded: Artillery, etc., 1 private; Seventh United States Infantry, 1 private; General Carroll's division, 1 ensign, 1 sergeant, 6 privates; Kentucky Militia, 1 adjutant, 1 corporal, and 10 privates; volunteers of color, 1 ensign, 3 sergeants, 1 corporal, 8 privates; General Morgan's militia, 2 sergeants, 2 privates; total, 39.

Missing: Kentucky Militia, 4 privates; Morgan's militia, 15 privates; total, 19; total killed, wounded, and missing, 71.

RECAPITULATION.

Total killed	55
Total wounded	185
Total missing	93
Total	333

Truly reported from those on file in this office.

ROBERT BUTLER.

(The recapitulation shows an error of 2; the dead should be 57, making a total of 335.)

The battle of January 8, 1815, is commonly called the "battle of New Orleans," but I have included the preceding combats, not knowing that the Department might not require them.

Of the killed, or those who died of wounds received in these battles, I have located the graves of the following:

Across the river from this cemetery, and slightly nearer New Orleans, in west side of two center pecan trees, in a row of four trees, 200 feet south of levee and a similar distance west of old fortifications, in a plot of ground 30 by 38 feet, grown with grass and weeds and surrounded by sugar-cane plantation, are 12 unknown soldiers of the war of 1814–15. The land belongs to a Mr. Norman, of New Orleans. Authority for statement of the interments: Silas Dozier, laborer of this cemetery, who claims to have often had the graves pointed out to him by John Elsie, who died about twenty years ago and was a slave of Major De La Ronde. Age at death about 110. Some of these soldiers, according to said Dozier's report of Elsie's statements, were brought from the east bank of the river and belonged to the Forty-fourth United States Infantry, were white men, and taken across and buried by marines.

Local tradition refers to five American soldiers as being killed on west bank of river January 8, 1815, and these are supposed to be included in the twelve interments. Several gentlemen of New Orleans acquainted with this land have informed me that the graves were about this point, but they could not locate the exact spot. According to Dozier's (Elsie's) statement, there are some citizens buried near pecan trees Nos. 1 and 4, but only those soldiers west of trees Nos. 2 and 3 in row. There is now no sinkage or other evidence of graves furthermore than that this plot in the center of sugar cane has been left uncultivated and is known as a graveyard. There are no headstones.

The following graves in old St. Louis Cemetery No. 1, New Orleans, La., near rear wall and close to each other, are in a dilapidated, abandoned part of cemetery near rear wall, surrounded by vaults in a similar broken condition, in the midst of brush, weeds, and neglect, and accessible only by climbing over a mound of débris formed from the burning of coffins and of sweepings of shell and earth from other parts of cemetery:

In a brick overground vault about 2 feet high, brickwork broken and in very bad condition, granite slab 2 feet 6 inches by 5 feet 6 inches leaning against brickwork instead of covering as formerly; inscription as follows:

"Erected to the memory of Oliver Parmlee, a native of New England, who was killed in the defense of the city of New Orleans in the battle with the British army December 23, 1814; age, 29."

[a] NOTE.—Of the killed, wounded, and missing on this day but 6 were killed and 7 wounded in the action on the east bank of the river, and the residue in a sortie after the action and in the action on the west bank.

Next grave to Parmlee, at right angles to same and farther from wall, in stone overground vault about 2 feet high, one side of vault broken open, and with granite slab 3 feet 6 inches by 6 feet on top:

"In memory of Dr. Asabel Brunson, a native of Halifax County, N. C. Moved with his father to Tennessee in the spring of 1805. Departed this life in the Army at New Orleans February 15, 1815, aged 26 years 4 months and 9 days."

Near wall, distance of one grave from Parmlee, in broken-brick overground vault with flat granite slab 3 feet 6 inches by 7 feet, which should cover vault, partly on brickwork and partly under reclining tree at foot of tomb; inscription as follows:

"Sacred to the memory of William P. Canby, midshipman, U. S. Navy, born at Norfolk, Va., August 30, 1796, who fell in the unequal combat between the U. S. gunboat squadron and the British flotilla at Lake Borgne, near New Orleans, December 14, 1814."

A Mr. McClellan, of 1927 Bayou road, between Roman and R——, informs me that three of the soldiers from the battle of January 8, 1815, were taken to Opelousas, parish of St. Landry, and there buried in the Catholic cemetery. He refers to the men thus:

"———— Barre: Wounded and died.

"———— Landry: Killed.

"Charles Claude: Died six months later of wounds."

He states that about thirty-eight years ago, when he last visited that cemetery, they had headstones with inscriptions in the French language. * * *

The postmaster of Opelousas states that he can not find graves nor headstones nor any church records dealing with them.

* * * * * * *

The following inscriptions are taken from tombs at cemeteries in New Orleans, of soldiers who served in the war of 1814–15, but who died later than the battle of New Orleans:

In old St. Louis Cemetery No. 2, in a brick vault about 5 feet high, in fair condition, and with stone slab, about 2 feet square, set in brickwork:

"Dominique You.

"Intrepide guerrier, sur la terre et sur l'onde. Il sut dans cent combats, signaler sa valeur; et ce nouveau Bayard, sans reproche et sans peur, aurait pu, sans trembler, voir s'ecrouler le monde."

(This I translate as follows: "Dominick You. An intrepid warrior, both on land and sea. He was in one hundred combats; distinguished himself by valor; and was a new Bayard, without fear, without reproach, could gaze on the universe being shivered into atoms without trembling.")

This is in the middle of Center avenue, and with similar tombs and shell walks all around.

Authority: "One of Jackson's lieutenants who served under Jackson at the battle of New Orleans." (Times-Democrat, December 11, 1905.)

Just inside gate in St. Louis Cemetery No. 2, on Center avenue, is a brick tomb about 10 feet high, in excellent condition, with the following inscription on marble slab set in brickwork:

"Ici repose Ursin Frederic ne a la N. O. 1er Aout, 1792, mort le 15 Sept. 1816. Veteran de 1814–1815."

In the bottom space of high brick vault in first-class condition, St. Louis Cemetery No. 1, New Orleans, not far from corner farthest from Basin and Canal streets:

"Ici repose Dominique Foster decede le 6 Janvier, 1867, a l'age de 73 ans, ne a Pensacole, Floride. Veteran de 1814 et 1815."

Similar tombs and shell walks all around both this and preceding.

The following is taken from appendix to book previously quoted, page lxxi:

"A list of killed and wounded during the bombardment of Fort St. Philip, commencing on the 9th and ending on the 18th of January, 1815:

"Captain Wolstoncraft's artillery, wounded, 3.

"Captain Bronton's infantry, wounded, 1.

"Captain Wade's infantry, wounded, 2.

"Captain Murry's artillery, killed, 2; wounded, 1."

None of these have been located by me.

There is buried in this cemetery (Chalmette), in square 107, grave No. 8795, James A. Franks, U. S. C. T. Inscription on Government headstone, "8795, J. A. Franks, U. S. C. T." Inscription on private headstone, "James A. Franks, died January 24, 1847. He was a member of the Monroe company, Second Regiment Mississippi Volunteers."

This grave is about 30 feet from west wall and near second rear circle of cemetery drive. The records do not show that the remains had been disinterred from any other place, and I assume it to be the original grave. Immediately outside west wall, and in cemetery at this point, local tradition pronounces an old burying ground, but who were buried there is unknown. Whether Franks belongs to the war of 1814–15, I do not know. If he belonged to the said war, it is possible that more of his comrades are buried here; but despite unlimited inquiries in relation to it, I have been unable to acquire any information.

No further information acquired by me relative to graves of soldiers killed in 1814–15 near Chalmette National Cemetery, New Orleans.

* * * * * * *

Question 5. What part of the national cemetery occupies the land on which the battle of New Orleans was fought; what portion of such land is outside the national cemetery reservation, by whom is it owned, what is its condition, and for what purpose used; are any of the soldiers who fell in the battle supposed to be buried in this land; and if so, are the graves identified as such, and how are they marked?

Answer. The accompanying map of the battle of New Orleans shows the line of ditch and embankments better than any description I could give. The extension (1,500 yards) into swamp is based on "Plan of the battle of New Orleans, enlarged by Aime Bercegeay, draftsman, under the direction of Louis Palms, chief clerk United States surveyor-general's office for the district of Louisiana, from the plan on page 187 in the history of the rifle brigade (the ninety-fifth), by Sir William H. Cope, Bart." (copy inclosed)—the scaling of which shows the American lines as having extended 1,500 yards inland from river. Surrounding land on all sides of cemetery belongs to the "New Orleans Terminal Company," office, New Orleans, La. The use to which the land is put is marked on map; it is all nearly level, the fall from river to rear being about 6 feet; the front is kept dry by drainage, the rear gradually becomes swamp. (Excepting parish roads, front and rear, shown on map, which are public land.) It is probable that many British soldiers are buried in this land (east of ditch), but there is no evidence that any Americans are, unless they may possibly be in the old graveyard referred to above, and the location of which is marked

on map. No marking of graves except as referred to in paragraphs indicated in preceding sentence.

I would assume all the cemetery and all the land marked on map, except possibly the strip running outside wall on west side, to be a part of the battlefield, but, with the assistance of the map, your office can form a more correct judgment.

The embankments and ditch still show as marked on map; the ditch is generally about 30 feet broad, and the embankments vary from 4 to 8 feet high; the ditch is always full of water and, during the growing season, overgrown with water lilies. Wherever the works entered cemetery they have been obliterated, but there is sufficient marking left to yet trace their course.

Nothing dealing with graves of these men, nor with the men, in records of St. Louis Cathedral.

Very respectfully, your obedient servant,

THOMAS SHEA, *Superintendent.*

The SPEAKER. The question is on the motion of the gentleman from Iowa, that the House resolve itself into Committee of the Whole House on the state of the Union.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17288), which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 17288) making appropriations for the support of the Army for the fiscal year ending June 30, 1909.

Mr. HULL of Iowa. Mr. Chairman, I yield one hour to the gentleman from Pennsylvania [Mr. DALZELL]. [Loud applause on the Republican side.]

Mr. DALZELL. For some time past we have been engaged in the nominal discussion of appropriation bills, but in point of fact in the discussion of party policies. Charges have been made, and countercharges, upon either side of this aisle, and the merits of the two great parties contending for mastery have been discussed by each speaker, eulogistically of his own party and deprecatingly of the other. The time, in my judgment, has not been misspent. Such debate is characteristic of the governmental system under which we live, a system which was intended to be and is a government by party. And while it is true that there has been, as there always will be under such circumstances, much of exaggeration and sometimes of misrepresentation, nevertheless a dispassionate review of all that is said will serve to separate the true from the false.

The most noticeable thing in the discussion thus far has been the measure of credit that our Democratic friends are willing to concede to our Republican President. The gentleman from Mississippi [Mr. WILLIAMS] is willing to do him honor in so far as he has been guided, he says, by Democratic principles. The gentleman from Missouri [Mr. CLARK] calls him one of the most extraordinary men in American history; declines to decide whether or not he is a great man; suggests that the answer be left to posterity, after the manner suggested by Lord Bacon, who, dying, left "his name and memory to men's charitable speeches, to foreign nations, and to the next age;" and then, with that kindliness which is so characteristic of him, wishes him happiness, prosperity, and length of days. The gentleman from New York [Mr. COCKRAN], with that candor and eloquence which are so characteristic of him, calls upon those who have shared his views in the past to join him in hailing the President, "on his disappearance from the field of contentious politics, as a shining ornament of popular government, a loyal exponent of truth, an intrepid champion of justice, a great hero in the glorious galaxy of American heroism."

While I am not of those who heretofore have shared the views of the gentleman from New York, I beg of him now that he permit me to be counted as one of the company that shares in his estimate of Theodore Roosevelt.

We are about to enter upon a campaign for the Presidency of the United States and for the control of this House of Representatives. The issue will be to some extent the platforms of the contending parties; to some extent, perhaps, the personality of the candidates; but mainly, I take it, the party records. And party records are to be judged not alone by party professions, or by achievements even; regard must be had to the consistency of party policies, to the measure of party loyalty thereto, and to the fidelity with which party pledges have been kept.

The Republican party invites the issue upon every ground—on that of its professions, its achievements, its consistency, and its loyalty to principles and pledges.

My eloquent friend from New York [Mr. COCKRAN] in his speech the other day did not confine himself to the discussion of such issues as seem to be of present and vital importance. He invited a review of the entire history of party differences from the beginning of the Republic to the present day. In so doing he advanced some claims so amazing in their character as to invite examination.

To Andrew Jackson, for instance, he, impliedly, at least, gives credit for the saving of the Union. To him he attributes the first declaration that the Federal Government possessed the power to prevent by force a nullification of its laws; but in that he is mistaken. Long before the time of Jackson George Washington announced the same doctrine and sent Alexander Hamilton at the head of an army to cross the Alleghenies and bring into subjection the rebels of western Pennsylvania, who sought a nullification of the revenue laws. [Applause on the Republican side.]

The doctrine of the indestructibility of the Union, which the gentleman attributes to Jackson, is the antithesis of Democratic doctrine up until 1865. Until that time Democratic doctrine continued to be the doctrine of the Kentucky and Virginia resolutions of Jefferson and Madison, namely, not only that the Union was not indestructible, but that it represented only a compact from which there existed upon the part of individual States the right to withdraw. If the gentleman from New York is correct in saying that the indestructibility of the Union was Democratic doctrine in 1861, then he has stripped the Democratic party of the South, who sought to destroy the Union, of every vestige of claim that in so doing they believed they were acting within their rights. When they made war on the Union they either believed in the doctrine of the Kentucky and Virginia resolutions or they were inexpressibly wicked and deserve the condemnation of history.

Nothing can detract from the fame of Andrew Jackson, noble and fearless patriot that he was; but it still remains a historic truth that it was a weak and paltering Democratic President who listened to the advice of his Democratic Attorney-General, that there existed no power in the Government to coerce a sovereign State, and who sat idly by while the enemies of his country, every man of them a Democrat, possessed themselves of its arms, its ammunition, and its fortifications, and desecrated its flag. And it still remains a historic truth also that it was a Republican President who, backed by the heroism of a great people, not only said the Union must and shall be preserved, but preserved it for all our people, North and South alike, the priceless heritage of our fathers; and who, not born to the purple, a plain man of the people, wears such a crown of immortality as never in all the tide of time graced the brow of king or emperor, Abraham Lincoln. [Prolonged applause on the Republican side.]

But the saving of the Union by Andrew Jackson is not the only achievement that the gentleman claims for his party.

He ventures the assertion—and it is a venturesome assertion—

That from the very first establishment of this Government there never has been a policy permanently incorporated into our political system that was not of Democratic origin.

I assert that there never has been such policy that was of Democratic origin, with the exception of the establishment of the independent Treasury system and the extension of territory in the interest of slavery.

The history of the United States is the history of the continuous struggle between two opposing schools of political thought. One school is represented by the party which has contended from the beginning that the United States is a nation, a solid, compact, sovereign State, while the other has contended that it is but a confederacy, an aggregation of sovereign States bound together by a Constitution, the terms of which are to be strictly construed. The conflict between these two schools of thought reaches back to the Revolution, prevailed in the Confederation, and made itself felt in the Convention which framed the Constitution. When the Constitution was framed and the new Government created thereby entered upon its experimental career this conflict gave rise to the two parties, which, under one name and another, struggled for mastery until a decision was rendered on the tented field in the greatest war of all time.

One of these parties was the party of Alexander Hamilton, the other that of Thomas Jefferson. One of these parties was the party of constructive statesmanship, the other the party of obstruction and criticism. He certainly is a bold man who, in the face of history, denies to-day that the permanent policies which have entered into and constitute our character as a nation are not the policies advocated by Alexander Hamilton and his followers.

Hamilton's relation to the Constitution was threefold—first, with respect to its formation; second, with respect to its adoption, and third, with respect to the rule of its construction. In its formation he bore but a comparatively small part, though

Guizot, the great Frenchman, said: "There is not in the Constitution of the United States an element of order, of force, or duration which he has not powerfully contributed to introduce into it and to cause to predominate." It can not be denied that, when made, the Constitution failed in many respects to meet his views. He regarded it as weak and, he feared, insufficient as a framework of successful government. My friend from Missouri, I think, attributes to the friends of Hamilton claims which they do not make. No man ought to deny that to James Madison rightly belongs the glorious title of father of the Constitution. [Applause.] But when it was finally framed, certainly no man did more nor any man so much as Hamilton to secure its adoption by the States. [Applause.] No treaties on statecraft in all the literature of government equals in perspicacity of thought, in clear and convincing logic, in attractiveness of style, the papers that constitute the Federalist. From out their pages their chief author stands a colossal figure in the world's history. [Applause.]

When, largely due to Hamilton's powerful influence, the Constitution was finally adopted, it was he who stamped upon it the character of nationality. His measures as Secretary of the Treasury embodied an entire system of public policy. Our system of taxation and finance to-day is his system. In the words of Webster: "He smote the rock of the national resources, and abundant streams of revenue gushed forth. He touched the dead corpse of the public credit, and it sprang upon its feet. The fabled birth of Minerva from the brain of Jove was hardly more sudden or more perfect than the financial system of the United States as it burst forth from the conception of Alexander Hamilton." [Applause.] In his first report on the public credit he advocated and sustained by unanswerable logic the policy of funding the public debt and of the assumption by the General Government of the debts of the States. Differ as men may as to these measures, there is no debatable ground as to the genius of their conception and the ability with which they were urged. Their significance was political, not commercial. To satisfy foreign creditors was to establish with them the power and importance of the Government which did them justice. To satisfy home creditors was to create friends in every State for the Central Government, which became their debtor, and to enlist the allegiance of their interest in its stability and resources. It was, in fact, to consolidate the Government and rally to its support all the elements of influence and power.

Close upon the heels of the funding system and the assumption of State debts came Hamilton's cherished project of a national bank. With its expediency or necessity we have nothing to do. The relation of the measure to constitutional construction is the whole of its importance for us.

Might this Federal Government, whose wheels were but lately set in motion, or might it not, create a bank? This was the question, for and against which men rallied with the enthusiasm of intense convictions. "Yes," said Hamilton, "though it be not written in terms, if it be useful, proper, and necessary in the enjoyment of the powers expressly granted, it is impliedly written in the Constitution." This fundamental doctrine of Hamiltonian federalism is to-day the law of the land, embodied in and justified by the clear logic of John Marshall, the greatest of American Chief Justices. [Applause on the Republican side.] Of any chief justice of any land the peer; pure, upright, fearless, and patriotic, a pioneer in an uncleared wilderness of jurisprudence, no problem ever left his great mind unsolved; no principle dear to the lovers of liberty ever passed under his pen without valuable elucidation and adornment. [Applause on the Republican side.]

It was a further part of Hamilton's comprehensive statesmanship to enlist the national resources in the protection of the varied industries of his country. The growth and production of the materials natural and capable of adaptation to its soil and their manufacture were, in his judgment, entitled to the specific aid of the General Government. "Whatever," said he, "concerns the general interest of learning, of agriculture, of manufactures, and of commerce is within the sphere of the national concerns." That Government which to-day appropriates a portion of its means to scientific research and the diffusion of knowledge; which by protection fosters its home industries; which encourages a system of internal improvements interlocking the Lakes, binding ocean to ocean and Canada to the Gulf—expansive, practical, beneficent—as clearly stands his monument as does the grandeur of London's St. Paul's proclaim the genius of Sir Christopher Wren. [Applause on the Republican side.] Architects both, each in his sphere peerless; *si quæris monumentum, circumspice.*

This policy of internal improvements, is it not a permanent policy? Is it not firmly embedded in our system, and does it not now command universal support? Was it of Democratic origin?

The constitutionality of appropriations for internal improvements was denied by Jefferson, by Madison, and by Monroe. In the last moments of his official life Madison vetoed a bill "for constructing roads and canals and improving the navigation of water courses," for the reason that Congress had no constitutional power to expend the public revenues for any such purpose. Monroe in his first annual message announced in most explicit terms the same doctrine. Andrew Jackson followed. In his first annual message he condemned the constitutionality of an internal-improvement system, and in a veto message, May 27, 1830, summed up at great length the objections to the system. The first convention of the National Republicans (Whigs) asserted in one of its resolutions that "a uniform system of internal improvements, sustained and supported by the General Government, is calculated to secure in the highest degree the harmony, the strength, and the permanency of the Republic." From 1840 to 1864 the Democratic party quadrennially condemned the internal-improvement system in every shape and form.

From the foundation of the Government until the present day the tendency of our national life has been in accordance with the principles handed down by Hamilton—toward national control of all matters that a matured and intelligent public opinion hold to be of national concern. The tendency has been aggravated by the advance in the means of intercommunication whereby matters once considered of local interest are now recognized as of continental importance.

The gentleman from New York is no more fortunate in claiming for Andrew Jackson the credit for saving the Union than he is in claiming for Thomas Jefferson the credit of the Louisiana purchase.

It would serve but little purpose for me now to go into a lengthy discussion of that question. Only a word in passing, and I know that my friend from Missouri [Mr. CLARK], who is so thoroughly posted on this question, will recognize the truth of what I say as I go along. Mr. Jefferson never dreamed of acquiring any of the territory west of the Mississippi save only the post of New Orleans. And he never dreamed even of that until the western settlers, deprived of treaty rights of deposit at New Orleans, drove him to it. It was to acquire New Orleans only that he sent Monroe to France. Both he and his Secretary of State, Mr. Madison, saw nothing but danger in any acquisition of territory west of the Mississippi. To the French minister in Washington they explained that the United States had no interest in extending its population to the west bank, "since such extension would tend to weaken the State and to slacken the concentration of its forces." "In spite of affinities in manner and language," said his Secretary of State, "no colony beyond the river could exist under the same government, but would infallibly give birth to a separate State, having in its bosom germs of collision with the East, the easier to develop in proportion to the very affinity between the two Empires."

Mr. WILLIAMS. Mr. Chairman, may I ask the gentleman from what he is quoting now?

Mr. DALZELL. I am quoting from the writings of Jefferson.

But Robert Livingston, our minister to France, availed himself of his opportunity and of Napoleon's necessity and made the purchase of the great territory now constituting so many glorious States of the Union. The purchase took Jefferson by surprise. At first he thought he would cede a part of it to the Indians in exchange for their holdings on the east side of the Mississippi and "shut up all the rest from settlement for a long time to come." Then he raised the question of a constitutional amendment. "I suppose Congress must appeal to the nation for an additional article to the Constitution approving and confirming an act which the nation had not previously authorized," he wrote Senator Breckenridge, of Kentucky. "The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive in seizing the fugitive occurrence"—mark the term, the "fugitive occurrence"—"which so much advances the good of their country, have done an act beyond the Constitution."

When these views reached Livingston in France, he immediately gave Jefferson to understand that if the business were to be done over again, it never would be done. And thereupon Jefferson took alarm and immediately sent off another letter to Senator Breckenridge, in which he said:

I wrote you on the 12th instant on the subject of Louisiana and the constitutional provision which might be necessary for it. A letter

just received yesterday shows that nothing must be said on that subject which may give a pretext for retreating, but that we should do *sub silentio* what shall be found necessary. Be so good, therefore, as to consider that part of my letter confidential.

[Laughter and applause on the Republican side.]

Was there any constitutional amendment ever afterwards suggested to indorse the Louisiana purchase? Certainly not! No such amendment was sought. Resort was had to the Hamiltonian doctrine that the Constitution created a nation with all the powers thereof. The dominant statesmen of that day held, as was subsequently held by the courts, that the United States was a sovereign nation, having and entitled to exercise all the powers of any sovereign nation, the right to make war and peace, the right to acquire territory, and, as a necessary consequence of that right, the right to govern it without limitation save in the discretion of the Congress. That is the law of the land to-day as applied with respect to our new possessions, so that not only was Mr. Jefferson not the author of the Louisiana purchase in the first instance, but the credit of having that great territory that we have to-day is due to the doctrines laid down by Alexander Hamilton in assertion of the nation's powers under the Constitution. [Applause on the Republican side.]

On January 13, 1803, Mr. Gallatin wrote to Mr. Jefferson as to the Louisiana purchase:

> But does any constitutional objection really exist? To me, it would appear, first, that the United States as a nation have an inherent right to acquire territory; second, that whenever that acquisition is by treaty, the same constitutional authorities in whom the treaty-making power is vested have the constitutional right to sanction the acquisition.

The gentleman from New York is not content with eliminating from our national history every party but his own in general terms. He enters into further particulars. He says:

> The history of the last fifty years has been the enforcement reluctantly of Democratic policies by Republican politicians.

[Laughter.]

The policies of the last fifty years, what are they?

It is no exaggeration to say that they are writ large in the world's ledger, not as belonging to the United States alone, but as bearing on the destinies of mankind. Like some great mountain peak dominating the landscape, the most conspicuous of these policies is that which in simple terms told the bondman to go free—the emancipation proclamation of the Republican politician, Abraham Lincoln. [Applause on the Republican side.]

Was the enforcement of the national authority a Democratic policy—the giant war with its awful record of human sacrifice, enforced by the hundreds of thousands of men (were they Republican politicians), who in camp, on the battlefield, and in prison, laid down their lives a willing sacrifice that the Union might endure? [Applause on the Republican side.]

Were those Democratic policies whereby a broken and disrupted Union was reconstructed, and States whose relations with their sister States had been dissolved were again brought into harmonious relations, so that together they renewed their onward march under a common flag to a common destiny?

Were they Democratic policies which wrote into the Constitution the thirteenth, fourteenth, and fifteenth amendments?

Was it Democratic policy that conferred on the black man of the South for the protection of his new-born freedom the right of suffrage?

Was that a Democratic policy which grasped anew the conception of Hamilton and in harmony therewith preserved our splendid credit both at home and abroad by the prompt payment of the national debt?

Was the establishment of the gold standard a Democratic policy? [Applause on the Republican side.]

Was the maintenance and extension and strengthening of our protective system a Democratic policy?

Were the policies Democratic that adapted our institutions to new and unprecedented conditions in carrying the civil government suitable to their needs, as well as peace and liberty and enlightenment to our new possessions in the Caribbean and in the Orient; or were they the policies of the Republican party, which has never found a problem in government, however new, that it was not able successfully to solve? [Applause on the Republican side.]

The last eleven years of Republican rule mark a new era in the history of the nation. They are crowded with achievements which have called for the highest type of constructive statesmanship. Both as to internal and external affairs they loom large in the domain of world politics. They remade the world's map. With the close of the Spanish war the United States bade farewell to all possible isolation and became an active participant in universal rule.

The war for the liberation of Cuba, hastened by the impetuosity of the Democratic party and a Republican contingent, found the nation but ill prepared to enter the contest. Lacking an organized army, lacking ammunition, lacking almost everything that should precede a campaign, President McKinley was forced to make the best of things, and he did; for no man will deny that when the war came he conducted it with an energy, a wisdom, and a discretion worthy the lofty title he bore of Commander in Chief of the Army and Navy of the United States. [Applause on the Republican side.]

With peace came Cuban independence and the redemption of our pledge that the war was for humanity and not for aggrandizement. The successful starting of Cuba on her career as a nation called for statesmanlike qualities of the highest order. Like qualities were again demanded upon the part of the Administration in power when we were compelled to take charge of the Cuban government upon failure of the Cuban people to adjust themselves to popular rule. As the liberator of Cuba and as her guardian all the world recognizes our disinterestedness, our fidelity to duty assumed, and our ability in the discharge of it.

Under Republican Administration Porto Rico has been started upon a career both of material prosperity and of intellectual and moral growth. Government has been provided for her not according to precedent, but as adapted to her conditions by the wisdom and ingenuity of Republican legislators.

The Philippines are rapidly advancing on their way in preparation for ultimate self-government. And this under Republican Administration by methods of Republican device, notwithstanding the cowardly suggestions of those who would abandon them to anarchy or plunder and the sneers of those who are as responsible for our possession of them as is the party in power.

Great contributions have been made to the maintenance of the world's peace. The blockade of Venezuela by foreign powers for the collection of debts was raised by the intervention of President Roosevelt and arbitration substituted for possible war.

In violation of all the precedents of diplomatic history, but pursuant to the dictates of humanity, President Roosevelt dared boldly to suggest the cessation of the bloody war between Russia and Japan, and as a result of his efforts brought about a treaty of peace. [Applause on the Republican side.]

And I doubt not that when his name and memory shall be the subject of men's charitable speeches, in foreign nations and the next age, not the least of his claims to a lasting place in the world's memory will be under the title of "the great pacificator." [Applause on the Republican side.]

Not so conspicuous, but no less bold and philanthropic, was his action in laying his hand on the great anthracite coal strike and rescuing our people from a calamity incapable of measurement.

It remained for a Republican Administration to enter upon the realization of the world's dream of three hundred years; the most audacious conception of engineering genius ever known, the project to connect by friendly currents, to carry the world's commerce, the waters of two oceans alien to each other since the morning stars sang together.

The Panama Canal, long discussed, was halted for half a century by the provisions of the Clayton-Bulwer treaty, which gave to Great Britain the right of joint control with us, and by the ill-fated and unsuccessful French attempt at construction.

The abrogation of this treaty, the negotiations with Colombia and with Panama, and the recognition of the independence of the latter, the final treaty whereby we acquired the Canal Zone and the right to enter upon the great enterprise, constitute so many chapters in the life of that great diplomat, the friend and pupil of Lincoln, John Hay. [Applause on the Republican side.] A diplomat who gave the lie to the maxim of Talleyrand that the office of language is to conceal thought and taught the world that truth is as essential and potential in international diplomacy as in the domain of private contract. [Renewed applause.] An author whose pen was as graceful as that of Addison, as sweetly sympathetic as that of Burns, and as virile and incisive as that of Junius. One who, with almost the modesty and sensitiveness of a woman, combined the robust fiber of the manliest of men, an object at once of both admiration and love. [Loud and long-continued applause on the Republican side.]

There are questions of a domestic nature with which the Republican party has been called upon to deal during the last eleven years, to which it has given attention, which have become embodied in legislation. I must deal with them only briefly.

We are living in an age the economic law of which is combination; a law which is the evolution of changing industrial conditions. Enterprise has outgrown the partnership, has outgrown the corporation, and seeks the aggregation of corpora-

tions. Combined wealth, so essential to the colossal enterprises of our time, is accompanied by its evils, and they can be met and curbed only by the strong arm of the law. I want to contrast very briefly the record of the Republican and Democratic parties with respect to antitrust legislation and its enforcement. The Fiftieth Congress, a Democratic Congress, presided over by that distinguished statesman, John G. Carlisle, twenty years ago, specially charged one of its committees with an investigation of trusts and instructed it to report a remedy.

That committee met and organized, took a great deal of testimony—hundreds of pages, I think—and then they made this report. I will only read a sentence or two of it:

They respectfully report that the number of combinations and trusts formed and forming in this country is, as your committee has ascertained, very large, and affects a large portion of the important manufacturing and industrial interests of the country. They do not report any list of these combinations, for the reason that new ones are constantly forming and that old ones are constantly extending their relations so as to cover new branches of business and invade new territories.

Your committee further report that, owing to the present differences of opinion between the members of the committee, they limit this report to submitting to the careful consideration of subsequent Congresses the facts shown by the testimony taken before the committee.

[Laughter and applause on the Republican side.]

The succeeding Congress was a Republican Congress, and it enacted the Sherman antitrust law. [Loud applause on the Republican side.] The New York World, a Democratic newspaper, in an article entitled "Facts," tersely recited in part the history of that law, as follows:

The antitrust law was framed by a Republican, was passed by a Republican House and a Republican Senate, was signed by a Republican President.

The law remained a dead letter on the statute books during the entire second term of Grover Cleveland, a Democratic President.

Through those four years of Democratic Administration all appeals and all efforts of the World to have the law enforced were met with sneers, jeers, and open contempt from a Democratic Attorney-General, Richard Olney, who pretended that the law was unconstitutional, and who would do nothing toward prosecuting violators of it.

The first effort to enforce the law was made by Theodore Roosevelt, a Republican President.

The first Attorney-General to vigorously prosecute offenders and to test the law was a Republican Attorney-General, PHILANDER C. KNOX.

The decision of the Supreme Court of the United States given as a finality from which there is no appeal, upholding the law as perfectly constitutional and absolutely impregnable in every respect, as the World for twelve years constantly insisted, was due to five judges, every one of whom is a Republican.

The dissenting minority of the court included every Democratic judge of the tribunal, to wit, Chief Justice Fuller, of Illinois; Mr. Justice White, of Louisiana, and Mr. Justice Peckham, of New York.

[Renewed applause.]

Mr. HULL of Iowa. Before the gentleman starts on another subject or pursues this, I desire to yield to him the remaining thirty minutes of my time. [Loud applause on the Republican side.]

Mr. DALZELL. Of course I would not be understood to insinuate that any of these justices of the Supreme Court were influenced by party consideration, but their action simply illustrates how impossible it is to get rid of early habits. [Laughter.]

But it was not Mr. Cleveland's Attorney-General alone who refused to believe that there was any efficacy in the Sherman antitrust law. Mr. Cleveland himself, in his last message to Congress, in 1896, said:

Though Congress has attempted to deal with this matter by legislation, the laws passed for that purpose thus far have proved ineffective, not because of any lack of disposition or attempt to enforce them, but simply because the laws themselves, as interpreted by the courts, do not reach the difficulty. If the insufficiencies of existing laws can be remedied by further legislation, it should be done. The fact must be recognized, however, that all Federal legislation on this subject may fall short of its purpose because of inherent obstacles, and also because of the complex character of our governmental system, which, while making Federal authority supreme within its sphere, has carefully limited that sphere by metes and bounds that can not be transgressed.

Now, then, over and against the opinion of Mr. Cleveland and his Attorney-General I want to place what Attorney-General KNOX said in his speech before the Chamber of Commerce in Pittsburg, on October 14, 1902:

If the Sherman Act exhausts the power of Congress over monopolies, the American people find themselves hopelessly impotent, facing a situation fraught with the most alarming possibilities with which neither the Federal nor the State governments can deal.

Can it be possible that the people of the United States, feeling the pressure of undoubted evils, are nevertheless totally powerless? Is it true that although they know the nature of the wrong and are seeking a remedy, the Constitution, as it stands, does not permit them to pursue it; that amendment to that charter is first necessary; that the power of Congress does not now extend over detriments injuring the entire body of citizens in their most vital concerns, because these detriments originate in the States? I do not believe we find ourselves so helpless. When the currents of monopoly evil flow out over State lines and cover the country, not only entering but largely filling the channels of interstate and foreign trade, it will not do to say that the evil is beyond the national reach.

It would seem monstrous to urge that Congress and the Executive under its authority are powerless and must sit idly by and see the channels of interstate commerce made use of to the injury of the people by monopolistic combinations.

[Applause on the Republican side.]

Without stopping to cite in detail the numerous cases which, under Republican Administrations, have, by their successful results, demonstrated the virtue of Republican legislation against trusts and monopolies, I will satisfy myself with quoting this summary from the report of Attorney-General KNOX. Speaking of these cases, he says:

Here, then, are four phases of the attack on the combination in restraint of trade and commerce—the railroad injunction suits, the cotton-pool cases, and the Northern Securities case. The first relates to the monopoly produced by secret and preferential rates for railroad transportation; the second to railroad traffic pooling; the third to a combination of independent corporations to fix and maintain extortionate prices for meats, and the fourth to a corporation organized to merge into itself the control of parallel and competing lines of railroad and to eliminate competition in their rates of transportation.

Kindred to trust evils are transportation evils—discriminations, rebates, and like devices. To meet these, the Interstate Commerce Commission was created more than twenty years ago by Republican legislation. From time to time its powers have been increased, and at the last Congress what was known as the "railroad-rate bill" was passed, empowering the Commission amongst other things to pass upon the question of reasonable rates.

This record of fidelity to party pledges on the part of the Republican party and of efficiency in things accomplished will appeal to the confidence of the people in spite of the carping criticism and unreasonable fault-finding of the Democratic party, which, when in power, did nothing to carry into effect the law. [Applause on the Republican side.]

Materially speaking the last two Republican Administrations mark the most prosperous period in our history. [Applause on the Republican side.]

And I say to my friend from Tennessee [Mr. GARRETT], whom I do not see here, but who made a most admirable speech yesterday, that I have no new speech to write, no new song to sing. I am still preaching prosperity under Republican administration. [Applause on the Republican side.] I will say something about the panic in a few moments. [Applause on the Democratic side.]

Mr. OLMSTED. They always applaud a panic.

Mr. DALZELL. I think we are hearing from our friends on the other side who rely on calamities. [Laughter and applause on the Republican side.] Now, I say that the last ten years of Republican administration have been the most prosperous in our history, and I am going to prove it.

Observe for just a moment the figures that prove my assertion. Take first the magnificent figures that represent our internal commerce. By internal commerce I mean the business that we do among ourselves in our States and Territories. I mean the free and unrestricted trade on railroad and river, on the Lakes and the Gulf, and along our seaboard, in and between forty-six great Commonwealths and our outlying possessions. That commerce is estimated to equal the enormous sum of $40,000,000 and that is double the aggregate of foreign commerce of all the other nations of the world besides. Think of it. If we bought and sold not a dollar's worth outside of our own domain, we would still be doing a business beside which the aggregate foreign trade of Germany and France and Great Britain, of Russia, China, and Japan would measure up only one-half.

We hear a great deal about the necessity for foreign trade, the desirability of conquering foreign markets, and I would not belittle that necessity nor deny that desirability; but let us never forget that the greatest market in the world, the most desirable, that most essential to our well-being and advancement and to our independence, is the great, unequaled American home market. [Applause on the Republican side.] And let us not forget either that the policy which has furnished to us and preserved that market is the policy that plants the factory beside the farm, the policy that protects every home industry. [Applause on the Republican side.]

In considering our internal commerce let it be remembered that we have more money in circulation than we ever had before. In the last five years it has increased sixty-eight and three-quarter millions of dollars. We have more national-bank capital than we ever had before. In the last five years it has increased over $24,000,000.

Our people have more money in savings banks than they ever had before. Savings bank deposits have increased in the last five years over $174,000,000 [applause], and the total of our bank deposits of every kind has increased one billion two hun-

dred and fifty millions. We have an available cash balance in the Treasury of over $260,000,000. [Applause.]

Now, how about the other branch of our commerce—our foreign trade?

Last year our exports and imports, for the first time in our history, reached the astounding figure of $3,000,000,000. Three billions of dollars! And that is three hundred and thirty-four millions more than the total of our exports and imports of the preceding year. It is about one and a third billions more than during the best year of the Cleveland Administration. During the first year of that Administration the balance of trade was against us nearly $19,000,000.

Last year the balance of trade in our favor was over $517,000,000.

During the last ten years of Republican administration the balance of trade in our favor equals ten times the aggregate balances of trade of all the years from George Washington to Theodore Roosevelt. [Applause on the Republican side.]

It is only within the last few years that we have become to any large extent exporters of manufactures, and yet last year these exports reached the sum of $600,000,000. And that was an increase over the preceding year of nearly $60,000,000.

Agricultural exports increased more than twice that much, or over $148,000,000. Together, year by year, they grow, the exports of manufactures and of agriculture. The one aids the other. New factories make new markets and new markets develop new farms, and the protective policy of the Republican party nourishes both. [Applause on the Republican side.]

And in this connection let me impress on you this important fact, that we are now the first of exporting nations. In 1865 four great nations were struggling for the world's export trade—Great Britain, France, Germany, and the United States. Great Britain stood first and the United States stood fourth. In 1885 Great Britain stood first and the United States stood third. In 1895 Great Britain still stood first and the United States stood second. In 1903, under a Republican Administration, the United States marched past Great Britain and took her place as first in rank. [Applause on the Republican side.]

And while it is true that only the comparatively insignificant amount of 5 per cent of our total production is exported, it is also true that we are year by year making further inroads into the world's markets, and that there are few places into which American enterprise has not penetrated. We are selling our products in Canada, in Germany, in France, in Great Britain, in Russia, and in the Far East.

Under the operation of the protective policy we have grown to be the greatest of manufacturing nations. [Applause.]

Let me show you what strides we have been making. In 1890 we had invested in this country in manufactures six billion five hundred and twenty millions and upward of capital; last year, only seventeen years later, we had invested over thirteen billions, or nearly twice as much, an astonishing growth in seventeen years.

In 1890 the value of our output of manufactures was over $9,000,000,000; last year it was nearly $15,000,000,000. In 1890 the number of wage-earners was four and a half millions; last year the number was nearly six millions. In 1890 the wages paid were one billion eight hundred and ninety millions and upward; last year the wages paid amounted to two billions six hundred and sixty millions and upward.

And yet notwithstanding this wonderful prosperity which, if not contributed to by, is at least coincident with, our existing tariff laws, there is a demand from some quarters for their revision. Upon that subject I shall say only a few words, and mainly for the purpose of setting at rest any doubts that my friend from Missouri may have as to my attitude. [Laughter.]

Personally, I do not believe that there is any necessity for a general revision of our tariff laws. [Applause on the Republican side.] I believe, however, that it is well to recognize the claims of those who think there should be some revision, and I am inclined to believe that unless there should be a change of sentiment in the meantime the Republican convention when it meets next June will promise that the subject shall be considered. [Applause on the Democratic side.] If the Republican party shall prevail in the next election, I believe the tariff will be revised at a special session of Congress following immediately upon the inauguration of the President.

When revised, it will be revised in strict accordance with the Republican theory of protection, so as to furnish adequate protection to every American industry and to the wage of every American workman. [Applause on the Republican side.] If there are now duties that are no longer needed for protection, they will be reduced or dispensed with. If there be places where such protection as I have described does not now exist, either by reason of the absence of duties or by reason of their being too low, in the one case duties will be added and in the other case they will be increased. [Applause on the Republican side.] In other words, the tariff will be revised up or down as may be necessary to make it really protective. [Renewed applause on the Republican side.]

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. DALZELL. Certainly.

Mr. CLARK of Missouri. Mr. Chairman, I would suggest that the choir is not ready to strike forth with the chorus—

> Sound the loud timbrel o'er land and o'er sea;
> DALZELL is converted, the country is free.

[Applause on the Democratic side.]

Mr. DALZELL. To which I say amen.

I believe, furthermore, with the chairman of the Committee on Ways and Means [Mr. PAYNE], that we need a maximum and minimum tariff in order to meet the conditions created by foreign nations which have such systems. The minimum tariff must be protective [applause on the Republican side], the maximum tariff will be in excess of that. The two will be so adjusted as to compel our entrance into foreign markets on as favorable terms as are given any other nations. [Applause on the Republican side.]

There will in no event be any tariff commission. [Renewed applause on the Republican side.] The men who made the Constitution intrusted to the representatives of the people, elected every two years, the exclusive prerogative of initiating revenue measures. During all our history the House of Representatives has jealously guarded that prerogative, never surrendered it, and, both Democratic and Republican Representatives in this respect standing on a common platform, never will. [Applause.]

What would happen to the tariff if a Democratic House of Representatives should be elected God only knows. [Laughter and applause on the Republican side.] Past experience of Democratic legislation on the subject of tariff does not afford us much hope.

And there may be danger. My friend from Missouri [Mr. CLARK] the other day marched gallantly up to the performance of his biennial task, and elected a Democratic House of Representatives. [Laughter on the Republican side.] He always does it at this season of the year. The time may vary a little, a few days, or a few weeks; it may be amid the chill blasts of winter or amid the flowers that bloom in the spring, but it is always before the first Tuesday after the first Monday of November. The gentleman is persistent as well as prophetic. He is not red-headed, but he is hopeful, and has never forgotten his boyhood lesson, "If at first you don't succeed, try, try again." [Laughter on the Republican side.]

If any such calamity as the election of a Democratic House of Representatives should be visited upon our people, I sincerely hope my friend from Missouri will be its Speaker. [Prolonged applause.] I should enjoy beyond all things to see the smile spread over his Roman countenance while his colleague from Missouri [Mr. SHACKLEFORD] denounces him as an autocrat [prolonged laughter on the Republican side] and embalms in the RECORD from day to day what he does not know about the rules of the House.

Now, we have had a panic, and gentlemen on the other side of the House seem to enjoy and to gloat over it. My friend from Missouri and the gentleman from Tennessee [Mr. GARRETT] yesterday taunted us on account of it, saying that it was a Republican panic. Well, it was not a Republican panic nor a party panic of any kind. Declamation will not fix the panic upon the Republican party or upon any party. If you gentlemen expect to satisfy the country that this is a Republican panic, the burden is on you to show the connection of that panic with some Republican act, either upon the part of the Executive or upon the part of Congress. You can not do either. First and foremost, it will be necessary that you demonstrate that it is a United States panic. Now, I assert that it is not a United States panic, but a panic that prevails the world over, and I am going to repeat the reading to-day of what my colleague from Pennsylvania [Mr. BURKE] put into the RECORD yesterday:

LONDON WORKHOUSES FULL—MANY INFIRM PAUPERS BOARDING AT SANITARIUMS AT THE SEASIDE.

LONDON, *January 29, 1908.*

Inquiries throughout Great Britain show that lack of employment is responsible for acute distress in many towns, the trades most affected being building, engineering, and shipbuilding.

Owing apparently to the slackness of trade, the forty workhouses of Greater London are filled to overflowing. The latest returns show that in these workhouses there are 80,183 boarders, and that 45,821 people are receiving outdoor relief. This gives a ratio of 26.5 paupers to the thousand of the population.

It is impossible to grant all the applications for admittance to these institutions.

So that the panic which we had and from which we are yet suffering somewhat is not a United States panic exclusively, but a panic that is world-wide in its effects. So far as the United States is concerned, I take it that it is a prosperity panic. I will read you what the Comptroller of the Currency says:

Certainly since as long ago as the date of the San Francisco catastrophe there has been no lack of warning indications of financial troubles and possible business disaster. For at least ten or twelve years there has been an era of advancing prices and great industrial, commercial, and speculative activity in all the countries in the world. Credits have increased and multiplied until the limit has been reached in the amount of the reserve money on which they must be based.

For at least two or three years, however, it has been becoming more and more evident that there must soon be a slackening of pace if we were to avoid a general and universal crisis in financial and commercial affairs. *These conditions have been world-wide and not by any means confined to the United States. Crises of more or less severity have arisen in several important countries.*

Now, that being the condition of things, all at once the country was made aware of great evils in business management. We had the insurance scandals, we had the railroad deals, we had lights turned on the methods of high finance, we had the light turned on the speculations by the copper syndicate and other syndicates, and the immense amounts of water in capital stock, and the very moment that these things came into the public view the breath of suspicion became manifest and the crisis came.

You say that it is a Republican panic because we said that the panic of 1893 was a Democratic panic, but there is no analogy between the present panic and the panic of 1893. That panic came in with a Democratic Administration, stayed with a Democratic Administration, went out with a Democratic Administration. [Applause on the Republican side.] Why, we have been eleven years——

Mr. GARRETT. Can you state with what Administration this panic will go out?

Mr. DALZELL. I am sorry I can not, but I think very soon under a Republican Administration.

Mr. GARRETT. It will go out with the Republican Administration. [Applause on the Democratic side.]

Mr. DALZELL. It will never go out with a Democratic Administration, because there will be no Democratic Administration. Whether the panic be on the way to improvement now or not, the people of this country will never seek relief by electing to office a party that is unsound on all the principles that lie at the base of good government, sound money and the protective tariff. [Loud applause on the Republican side.] Do you suppose, in the present condition of things, the people of this country are going to call into power the Democratic party, in view of its history in the past with respect to all the important legislation necessary to relief from the present condition of things? Certainly not.

I repeat, there is no analogy between this panic and the panic of 1893. That ensued from a lack of confidence in measures, this from a lack of confidence in men. Then the National Treasury was empty, now it is full to overflowing. Then bonds were issued to pay current expenses. The late bond issue was to furnish the currency the people needed. Then the balance of trade was against us, we owed foreigners; now the balance of trade is in our favor, foreigners owe us.

The most remarkable thing about the whole situation is the suddenness with which the crisis passed. That constitutes the most convincing evidence of the really prosperous condition of the country. We are now in the aftermath, but things are improving. Men are gradually being restored to work. There are no unemployed that can not readily be cared for. There are no bank failures to speak of, no savings bank or trust company failures to speak of. There are no railroads in the hands of receivers.

In my judgment, our return to normal conditions is not very far off. Whether there be necessity for currency legislation I do not pretend to know. I am in doubt. But one thing I do know, and that is that the people of this country will never trust currency legislation to a party which has in turn advocated repudiation of the national debt, fiat money, and the making of forty cents of silver a dollar by law.

The gentleman from Missouri, in the beautiful peroration in which he closed his address, called upon his Democratic brethren to rally in support of the principles of the Democratic party. The gentleman did not intend to be humorous, but he was. The Democratic party has no principles that can be identified. [Laughter and applause on the Republican side.] Even on such a well-defined issue as the tariff it is unprincipled. In the Jackson campaign of 1832 it was for "an adequate protection to American industry." In 1848 it was for free trade. In 1868 it was for a revenue tariff with incidental protection. In 1872 it trailed along under the banner of Horace Greeley, the prince of American protectionists. In 1904 it declared protection to be robbery.

Democratic principles indeed! What are they now?

They are all embodied in the "Peerless." [Laughter and applause on the Republican side.] He still believes in the free coinage of silver at the ratio of sixteen to one without the cooperation of any other nation. He believes in the government ownership of railroads. He believes in the initiative and referendum. He believes in invading the rights of the States by passing a Federal child labor law. How many other crank notions he believes in only time will tell.

You believe in him, and I am only sorry that there is even a suspicion of a difference in your ranks. The gentleman from New Jersey voiced it the other day. The Virginia Democratic Association, at a meeting in this city in October last, voiced it in a preamble and resolution which were published in the Washington Post. I will read as follows:

Whereas William Jennings Bryan, the great commoner, as well as the great uncommoner; the great advocate of free silver; the great advocate of government ownership of railroads; the great advocate of initiative and referendum; the greatest blower upon earth; the greatest standing candidate upon earth; the greatest man without a record known in American politics is threatening again to become a candidate of the Democratic party for the Presidency of the United States: Therefore be it

Resolved, That it is the opinion of this association that he stands about as much show of success as a short-tailed bull in fly time.

[Loud and continued laughter and applause.]

Gentlemen, you may have dissensions in your ranks; there is no dissension in ours. [Loud applause on the Democratic side.] I will get two cheers for that, one in advance, and will get another when I get through. We are unanimously in favor of the nomination at the Denver convention as Democratic candidate for the Presidency of the great commoner and the great uncommoner, William Jennings Bryan. [Applause.]

The Republican party has many candidates from whom to choose a President of the United States. It has only one set of principles. They are consistent with each other; they have been written in our platforms, and redeemed in legislation; they are embodied in the wise enactments of the last half century; they are progressive, meeting and solving problems as they arise. The principles of the Republican party come down to us through all the years of our history illustrated in the great measures which have contributed to our national glory and to the strength and permanency of free institutions. Through successive administrations their wisdom has been vindicated, and they will receive a new vindication and indorsement when the people speak in November next. [Loud and continued applause on the Republican side.]

Mr. HULL of Iowa. Having exhausted my time, I hope the gentleman from Virginia [Mr. HAY] will now proceed.

Mr. HAY. Mr. Chairman, I yield thirty minutes to the gentleman from Ohio [Mr. SHERWOOD]. [Applause.]

Mr. SHERWOOD. Mr. Chairman, after listening to the splendid oration of the brilliant oracle of the now silent smokestacks of Pittsburg [Mr. DALZELL], I fear the House is in no mood to hear a nonpartisan speech strictly on patriotic lines.

I am here to-day, a plain, blunt old soldier, to speak a few words for 175,000 veterans of the civil war. I have before me some of the petitions that I have received from these old soldiers in favor of the bill that I had the honor to introduce, giving to every veteran who served eighteen months at the front $1 per day. This movement is the most formidable movement among veterans since the close of the war. There never has been any movement like it. It is a spontaneous movement of the old soldiers without any organization whatever. This is the only measure that takes care of the veteran soldiers. All other bills that have been enacted by Congress were passed through committees appointed by the Grand Army of the Republic operating through committees of Congress. This bill is not a political pension bill. It is a bill that recognizes only service and merit. Because this bill did not originate with the Grand Army as a national organization, a week ago last Wednesday the National Tribune, of Washington, D. C., published the following:

That all petitions, resolutions, and memorials by posts in regard to pension legislation be required to be forwarded to national headquarters through the department headquarters, and that posts be forbidden to make separate and independent application to Congress for legislation upon the subject of pensions.

This is an extract from general orders, republished, as I learn, either by request or at the solicitation of the commander in chief. This resolution was evidently republished for the purpose of stopping these soldier petitions being sent direct to Congressmen. I have the responses from the veterans as to that resolution. Here are some that I have not had time to

tabulate since that order was issued [pointing to a stack on the desk]. Here is a resolution received to-day from a post at Gallipolis, Ohio, one of the strong posts of that State. The date is February 23, 1908, and is as follows:

At a regular meeting of Cadot Post, G. A. R., last night, the action taken by the national officers, and especially Commander in Chief Burton, in trying to defeat your dollar-a-day pension bill in Congress was discussed and heartily and unanimously condemned, while the stand you have taken is heartily indorsed, with the hope that you will succeed, notwithstanding the bill was not indorsed at the national encampment. I write this by instruction of our post.

Very respectfully, A. W. LANGLEY, *Post Adjutant.*

It is unparalleled in the history of this fraternal organization known as the Grand Army of the Republic to defy the commander in chief, but everywhere the same spirit is shown, mingled with intense feeling. Never before in the entire history of this great order of fraternity and patriotism, covering a period of forty-two years, has the commander in chief been unanimously condemned by a post of the Grand Army.

I do not envy either the heart or conscience or patriotism of any soldier of the civil war, be he private or commander, who will use his high office to defeat a measure of such conceded justice as this veterans' pension bill. It is true, it did not originate in a national encampment, but that is a matter of form only. As the head of the greatest fraternal order of valor and patriotism since the birth of history it seems to me, and I have been a member of the Grand Army from its birth up to this hour, that the commander in chief should have allowed the "old boys" of '61 to '65 the right of direct petition, at least.

I have labored side by side for the past six months with these old veterans, with whom I touched elbows at the front for four terrible years, to create patriotic sentiment for this bill. And now, when it has already received favorable consideration by a majority vote of the Military Committee of the House of Representatives, to have this high official, who, above all others, should stand for justice and equity for these brave and constant soldiers, attempt to cripple our efforts for relief, has overwhelmed me with disappointment. And if this great measure of grateful succor to the comrades is killed in this Congress the old veterans will know where to fix a part, at least, of the responsibility. I carried a gun the first year of the war (a part of the time at $11 a month), and I know the rank and file. This battle for justice and equity will go on, and I propose to stay in this fight as long as I have endurance to strive. I believe there are millions of patriotic men and women in this country who will join in this final struggle to see to it that this sad remnant of the great battalions of liberty and emancipation shall have their last days on earth made comfortable and pleasant.

I desire to call the attention of the Members of the House to this fact, that this bill can be passed by this Congress without taking a single additional dollar of money out of the United States Treasury, simply by reducing the appropriations for the Army in the bill now pending before this House, and by mustering out in accordance with a bill introduced by the minority leader [Mr. WILLIAMS] all of the Regular Army down to 35,000 men; and 35,000 is enough, if not 10,000 too many. That will save $20,000,000, and this pension bill will only take about $17,500,000 the first year and 15 per cent less every year for nine years, when the veterans who belong to the older class of soldiers will practically all be gone. You can do it also by stopping the construction of two more of the useless battle ships that are to cost $20,000,000. You can do it twice over by reducing the large appropriation for a standing army to maintain a government of force in the Philippine Islands. You can do it three times over by reducing the enormous appropriations for continuing the work on the Panama Canal, a project now liable to prove the most expensive failure in all the centuries. The projected lock canal is pronounced impracticable by the most capable engineers of England, France, Germany, and the United States.

Hence I am on solid ground when I make the statement that if you pass this bill you can do it without impairing the efficiency of the Government in the least. This will give these 175,000 worthy veterans a dollar a day pension and enable them to spend their last days in comfort and repose.

I have here petitions from the veterans of all the so-called Soldiers' Homes. It is costing, as near as I can estimate now, with the pensions that the Government is paying to the soldiers, who are the inmates of these homes, anywhere from four to ten hundred dollars each a year. At Battle Mountain, in South Dakota—the Battle Mountain Sanitarium—as I learn, it is costing over a thousand dollars a year for every soldier in that institution, and the plant and buildings have cost the Government already about $1,000,000.

Here is a petition signed by 236 veterans of the Iowa Soldiers' Home at Marshalltown, Iowa, every one of whom, if you will give him a dollar a day, will leave that so-called military prison and go home to his family and the friends of his young manhood. Here is a petition signed by 240 of the Pacific Branch, National Soldiers' Home at Santa Monica, Cal. Here is a petition signed by 50 in the National Home at Bath, Me. Here is a petition signed by 350 soldiers at Marion, Ind. Here is a petition signed by 290 soldiers of the Michigan Soldiers' Home. Here is a petition signed by 260 of the Illinois Soldiers' Home. Here is a petition signed by a number (not given) of the Soldiers' Home in Kansas. Here is one signed by 78 veterans of the Soldiers' Home at St. Joseph, Mo. Here is a petition signed by 640 veterans of the Soldiers' Home at Hampton, Va. Here is a petition signed by 100 of the Soldiers' Home at Chelsea, Mass. Here is a petition signed by 33 in the Soldiers' Home at Bennington, Vt. Here is a petition signed by 560 in the National Soldiers' Home of Tennessee. All of the above named are field-service veterans of the civil war. What they say in these petitions is, that if Congress will pass my $1 a day pension bill—

We will be enabled to return to our early homes and friends and spend the few remaining years vouchsafed us as befit soldiers.

Here is another petition signed by 67 of the Indiana Soldiers' Home.

I have here lists of the veteran associations outside of the Grand Army that have sent me petitions. There are about 600 of these associations represented. Here is a letter received this morning from the Union Veterans' Legion of Columbus, Ohio, in which they state that the Union Veterans' Legion has unanimously, after a full debate, indorsed this bill, that a movement will be made to call the attention of Representative Lyberger in the House, and Captain Moffatt in the Senate, to get a joint resolution passed in the Ohio legislature in favor of the bill.

Here is a voice from the Soldiers' Home at Washington, District of Columbia, which I will ask the clerk to read.

The Clerk read as follows:

U. S. SOLDIERS' HOME,
Washington, D. C., February 22, 1908.

Gen. I. R. SHERWOOD.

DEAR SIR: Allow me to congratulate you on the able speech delivered by you in behalf of the old veterans.

Your bill is the only real one that has ever been presented to the Congress and I hope it will have the hearty support of that honorable body.

I myself have been a member of these so-called national soldiers' homes and I must say they are not what people think they are. In fact they are anything but a home for the poor old veteran. [Applause.]

The nation is paying $100 per man to every State home in the country and I hope you will oppose this to the bitter end, for I consider it nothing but graft, pure and simple, for the poor old veteran gets little or no benefit from it.

You are simply asking for justice long delayed and I consider your bill will be a saving of millions to the Government.

Let the poor old veteran die in peace in his own home, as your bill provides and he will never cease to thank you until the end of his days.

Yours, sincerely, JAMES MCKENNA, *late U. S. A.*

Mr. SHERWOOD. Mr. Chairman, I desire to call the attention of the House to the fact that nearly all the Republicans when this patriotic question is up, involving the vital interests of 175,000 veteran soldiers, have left their seats. [Applause on the Democratic side.] I remember when I was here thirty-four years ago, as a Member of Congress, that when a Member arose to discuss the interests of the veterans of the war they all "sat up and took notice." Is it possible that patriotism is dead on that side of the House? [Laughter and applause on the Democratic side.]

Here is a voice from Michigan, a voice that is the average opinion of the veterans of that State on this question. Let the Clerk read.

The Clerk read as follows:

FRANKFORT, MICH., *February 22, 1908.*

Gen. I. R. SHERWOOD.

HONORABLE SIR: Many thanks for the copy of your bill No. 7625. The "old boys" around here feel that they can count on you as a friend indeed. I can not see why a majority of the Members should oppose this bill. Why, take into consideration the good it would do not only to the old soldiers, but to the country at large. Take any of the members from the smaller cities and see the amount of money they would have scattered in their home districts every quarter, and every one would benefit. I am told that England spends more money on public improvements during panics and hard times in order to give work and pay out her moneys when they are needed. They do not *retrench* when her people need help. The large corporations would naturally oppose your bill—it would increase their taxes and not benefit them—but they can afford it. They have become rich off the country the "old boys" saved for them.

God knows, the most of the "old boys" need it. The very ones who are not getting enough. I know several who come in under the McCumber act who are drawing their $15 per that were drafted in the spring of '65, and Lee surrendered before they ever left their own State, and those from New York received $300 bounty beside. But I do not want to *bore* you.

Fraternally, yours, E. Z. GUILD.

Mr. SHERWOOD. Here is a prolific voice from old Kentucky, giving the average sentiment of the soldiers from the Blue Grass State:

PEBWORTH, KY., *February 21, 1908.*

Hon. I. R. SHERWOOD, M. C.,
Washington, D. C.

DEAR SIR: I thank you for your noble and heartfelt speech for the old veterans who carried the banner with the stars to final victory. We old boys in the eastern part of Kentucky will long remember the name of Isaac R. Sherwood, because you are a just man. I can tell you with assurance that our Member of Congress, John W. Langley, will give you help.

I am now getting old, and the "cucumber" bill does not help me. I have tried to multiply the earth with good children, as I have nine boys, and they are all of the same grit that I am. I have resided in the log cabin over twenty-four years. All my sons are living and each has a sister apiece. [Laughter.]

Now, Mr. Sherwood, pass your bill, as before next winter many of us old boys will have crossed the dark river.

MILTON H. SMITH,
Eighth Kentucky Infantry, Pebworth, Ky.

I want to explain what is meant by the "cucumber bill." This refers to the McCumber bill, which gives a soldier a pension on account of his age. The boys out in the bushes are calling the McCumber bill the "cucumber bill," because it takes care of the green soldiers, but does nothing substantial for the veterans.

Here is a sad voice from Oklahoma, which expresses the sentiments of the veterans of that virgin State:

MIAMI, OKLA., *January 15, 1908.*

General I. R. SHERWOOD, M. C.,
Washington, D. C.

DEAR SIR: Please find inclosed petition asking for the passage of the $1.00 a day pension bill introduced by you.

I regard it as the only just bill that has been before Congress for the men that actually put down the rebellion.

I enlisted in '61 in a regiment that traveled 9,000 miles during the war, and marched 4,500 miles of the 9,000, and went through all the campaigns that the Army of the Tennessee participated in, and now there are thousands of men in my native State (Ohio) that served 100 days and never left the State that are drawing as much or more pension than I am getting. O, consistency, thou art a jewel.

Sincerely, yours.

R. M. J. SHRIVER,
Adjutant, J. B. McPherson Post No. 11.

Here is a potent voice from Pennsylvania. I have received five thousand letters of this tenor from old soldiers, from Maine to Oregon, during the past sixty days.

MERCERBURG, PA., *February 9, 1908.*

DEAR SIR: You will find inclosed a petition of old soldiers of the civil war. These soldiers are in favor of your bill to give all of the old veterans $1.00 per day. There is no one on this petition but old veterans of the civil war. We want our Representative from this district to support your bill, the Hon. Benjamin K. Focht. He must support your bill or the old boys will remember him when he comes around for reelection again. There is a large vote in connection with this petition—their sons and relations.

I am yours with respect,

HENRY C. WOLFE,
Mercerburg, Franklin Co., Pa.

Here is a voice full of pathos and patriotism from Illinois:

ROSEMOND, ILL., *February 20, 1908.*

Hon. I. R. SHERWOOD,
Washington, D. C.

DEAR SIR: I want to say that you have a great big heart and it is in the right place. All the old veterans of this vicinity are saying "God bless you" and are praying that God may put it into the heart of every Representative in Congress to vote for your bill. Look at the picture of the battle of Gettysburg. There is not a man in Congress to-day that would stand in that shower of leaden hail ten minutes for Washington City and all that there is in it. We were getting then only $13 per month. Was it for honor? No, it was for love of country and the Union of the States.

We will be here a short time only. If the Government is going to help us it must do so quickly. I served four years two months and eighteen days, and I am proud of it. Am 67 years old and getting $12 per month pension. Am living in a little one-room house with an invalid daughter to take care of. Twelve dollars per month will not pay our doctor's bills. God knows that we have no income outside of my pension. Neither of us are fit to work. What will become of us?

Truly,

W. H. REID.

Here is a voice from Indiana, and it is worth hearing. Will the Clerk please read it? It tells the average sentiment of the old veterans of the Hoosier State.

The Clerk read as follows:

BLOOMFIELD, IND., *February 5, 1908.*

Hon. I. R. SHERWOOD, *Washington, D. C.*

DEAR SIR: A short time ago I sent the names of 80 old soldiers to the Hon. John C. Chaney, of the Second Indiana Congressional district, to vote and work for the one-dollar-per-day pension bill. The old soldiers of my county ask me to say to you they are all for your bill. They think forty years is long enough to wait, while millions of dollars is being spent for army and war ships and the Panama Canal. If the Members of Congress couldn't live on $5,000 a year because living is so high, what do they expect the old soldier to do that has to live on $12 or $17 a month pension, and are all old and not able to work?

The last Congress voted themselves $2,500 more pay. They tell us to go to the soldiers' homes. Would they like to leave relatives and kind neighbors and go off to a soldiers' home and live under military rules, and be governed by some broken-down politician, or would they ask to be made comfortable at home in their last days, if they had given up from three to four years of their best manhood to save a Government that is great enough and rich enough to give them a comfortable pension?

You could not boast of your great Republican party to-day if the old soldiers of 1861 to 1865 had not made it. They told us to wait until the Government took care of the infant industries. Well, we have waited and saw these industries grow to be great giants and control the Government; and when the men behind the guns want a dollar a day pension they tell us it will break the Government up.

The time has come that there is no Republicanism or Democratism with the old soldier. We are standing up for our rights as we stood up behind the guns. The politician that thinks the old soldiers are not united will find out better on the 3d of next November if they turn down this dollar-a-day pension bill, for most all the old comrades have sons and sons-in-law who will vote as the old comrades tell them, regardless of politics. Thousands of voters that never were in the Army are coming to our rescue. They see we are poor and not able to work, and they know the promises that have been made us from year to year; and they know that millions are spent from year to year that will never do this Government any good, only to a favored few.

The old soldiers will all stand by you in your fight for your one-dollar-a-day bill. I am a Republican; but I say to you if they turn the old soldiers down in this Congress, I will vote the Democratic ticket, and I know of hundreds of other old soldiers that will do the same.

I was with Sherman through his Atlanta campaign, in all the battles with him, and was mustered out in 1865, at Washington, D. C. I am not able to work and have to live on $17 a month pension, and because I can't prove a disability to the extent of a foot or a hand off they turn me down.

Very respectfully,

ELI W. ADAMS.

[Applause on the Democratic side.]

Mr. SHERWOOD. Here is a letter from the State of Colorado in favor of this bill. I understand the governor, who is the author of this petition, is a high-class scholar, a humanitarian, and the president of the University of Colorado. It is signed by Governor Buchtel, the lieutenant-governor, all the State officers, all the members of the supreme court of Colorado, and fifty of the highest-class citizens of that State.

I have here now seven great rolls of petitions, each 500 feet long, from soldiers who fought the battles of the war of the rebellion, and I call attention to the fact again that in this great historic Chamber, supposed to be a patriotic body, only a few Members on the other side are present in their seats when the old soldiers' interests are under consideration.

Mr. ASHBROOK. And the Democrats are about sixteen to one. [Applause on the Democratic side.]

Mr. SHERWOOD. Now these petitions were prepared by the old soldiers themselves in their humble homes. Some have twenty names, some have thirty, some have forty, and some have a hundred. There are only a few of these old stalwarts left in any locality. The great majority have gone to the other shore. I have strung these local petitions together, and I will ask my friends to assist me in unrolling only one of them. You can see they are all headed differently and all prepared at home. Many of them are on cheap paper, written by trembling hands in pencil. Many of them are written on both sides. No two are alike. This, you see, is only one of seven of these great petitions. It has been unrolled and stretches up the aisle here to the back of this Hall, around the railing, and back down another aisle, with an Independent Democrat from Ohio [SHERWOOD] at one end and a Jacksonian Democrat from Wisconsin [MURPHY] at the other. [Applause on the Democratic side.] On both sides of this petition are the names of the old veterans of the war, who fought the fiercest battles the world ever saw in the greatest war of all history. Lined along the aisle are Democratic Members who are anxious to vote for this bill. [Applause on the Democratic side.] This petition and seven others like it bear the names of the men who enlisted under the call of Abraham Lincoln, whom we heard lauded to-day by the gentleman from Pennsylvania [Mr. DALZELL]. These are the heroes who made Abraham Lincoln great, and who unified this nation; men who went into the first battles of the war at Philippi and Laurel Mountain, and Carrick's Ford in West Virginia.

Some of them were with Grant at Fort Donelson. Others were at Shiloh. Thousands of them were under Rosecrans at Stone River. Thousands more were above the clouds with Joe Hooker at Lookout Mountain. Thousands were in that desperate struggle at Chickamauga, and thousands belonged to the army of the Trans-Mississippi in those great campaigns. Others lost their health in the swamps of the Chickahominy. Others were at Chancellorsville, and Seven Pines, and the great battles before Richmond.

Others stood in front of Hood's fierce battalions at Franklin, Tenn., that bleak November afternoon in 1864, where more men were killed in proportion to the number engaged than in any battle ever fought on either continent. Thousands of others were in the final charge at Nashville, in the last battle of the war west of the Allegheny Mountains. A battle of two days, fought on the snow-crowned earth, flecked with the rich, red blood of heroes.

Thousands more stood on Cemetery Hill with the gallant Hancock in the great battle of Gettysburg. Thousands and thousands of the old veterans on these petitions were with

Sherman in the feathery fringe of the skirmish smoke from Rocky Face Mountain to Atlanta in that one hundred days of constant fight.

Some went up the slopes of Kenesaw Mountain in that wild, mad charge of the 27th of June, 1864; others were in the great battles around Atlanta, and thousands more were with Sherman at Raleigh, N. C., at the final surrender. Thousands were at Appomattox when the greatest and knightliest soldier of the Union met the greatest and knightliest soldier of the Confederacy. [Applause.]

They are worn and tired and grizzled now, and I am here as an old soldier, bent and battered and bronzed, to plead their cause. [Applause.]

Is it possible that my appeals for justice for these old veterans, who in their young manhood loved their country better than life, are falling on ears of lead and hearts of stone?

I am sad to learn that the old boys are faring badly now. Some hundreds have recently lost places in the Government service. I have a list of 47 of the First United States Volunteer Cavalry, known as the "Rough Riders" in the Cuban war, who have been awarded places of honor and profit by the Administration, while my comrades of the long ago have been turned out to frost-bitten grass and cold neglect like worn-out dray horses. Here is heart-breaking news from Cleveland, the rich Queen City of Ohio:

[By the Associated Press.]

Cleveland, Ohio, Feb. 27.—Dead from lack of proper food, Russell Page, a civil war veteran, decorated by Congress for valiant service at Fort Donelson, was found yesterday in bed at his home. While Page was dying his wife was vainly searching for work. Page, who was confined to his bed as the result of a wound received in the war, was too proud to ask for aid, as was his wife.

One of the most gallant of the old heroes of the civil war starved to death—too proud to beg. What a grateful boon $1 a day pension would have been to starving Russell Page. And yet I have been told quite recently on this floor that the old soldiers have had enough.

I claim that the Government of the United States is rich enough, and should be patriotic enough, to take good care of these old soldiers, not in charity, but as a patriotic duty.

Let me call your attention to an old law, passed when the nation was weak in men and money, but strong in faith and patriotism. Here it is:

If any person, whether officer or soldier, belonging to the militia of any State and called out into service of the United States be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense. (Sec. 1639, U. S. Rev. Stat., Aug., 1813.)

This law was signed by James Madison, President in 1813. James Madison was a member of the convention that framed our Constitution; one of the greatest of the students of free and representative government, and a leader in that wonderful array of prescient spirits who set the young Republic on its great career. The law just quoted was framed when liberty, justice, and equality were sweet words, grateful to every loyal heart. We had not then departed from the simplicity of Democratic government, and the almighty dollar did not hang in the halo above the sacred altars of patriotism.

I brought these petitions for my Republican friends to see. I had hoped that our valuable floor leader [Mr. PAYNE] on the other side, that heroic figure, the modern Moses, who is attempting to lead the distracted children of the "strenuous one" out of their wilderness of bondage [laughter], would be present. I hoped that he would be here and rise in his place with that Claude Melnotte voice and that Jack Falstaff waist and Wilkins Micawber smile [laughter] and say, after seeing these great petitions, the largest ever seen on this floor: "Gentlemen, I move that House bill 7625 be put on its passage."

We on this side would have helped the Republicans to pass the bill, and it would have made him the most popular man in the United States. If he wants to take the name of this bill, I will surrender it to him. I will never make a speech in public or say a word that I introduced such a bill. If he will stand up here and help pass this bill and rally the Republicans, it would make 175,000 humble soldier homes happy. They would rise up and call him blessed, and millions of patriotic American citizens would join in the acclaim. He would immediately become a prominent candidate for President, and I will guarantee that he would beat the hefty globe trotter from Ohio in the Chicago convention on the first ballot. [Laughter and applause on the Democratic side.]

I now propose to fortify the statement I made at the outset that we can pass this bill and not take an additional dollar out of the Treasury of the United States over present appropriations. Militarism, which always means lax morals and reckless extravagance, is to-day running its usual mad riot in the United States. And it is time to call a halt.

One of the true prophets of human destiny, Count Tolstoi, of Russia, in his last great book entitled "The Slavery of Our Times," says:

Neither Parliament nor constitutional government makes a nation happy, great, or advanced, but the ideals for which they strive and the freedom necessary to obtain those ideals.

What are our ideals to-day in the United States, when in the midst of a panic and universal distress we send an immense fleet of war vessels to the Pacific, if not to teach the Republics of South America on the south Atlantic and south Pacific seas that we have abandonded the simple government of the fathers of the Republic for the military mirage of empire; that we are no longer a government of consent, resting upon patriotic love of country, but a military autocracy resting upon force—a big navy and a great standing army?

It is as true to-day as early in the last century when that greatest of Scotch-English essayists, Thomas Carlyle, said it—

A standing army means waste, depression, and moral decay. No nation can improve its morals or grow in strength when its bravest and best sons are year by year devoured in the army.

In a great little book, recently issued by Prof. J. H. McLaren, he says:

War is the universal blunder of the human race. The army is a libel upon Christian civilization. The easy victory over Spain has made America drunk with martial pride. And if present tendencies continue unopposed, the last objects to be seen upon this continent will be a sword, a canteen, a Krupp gun, and a skeleton.

New York clergymen have taken up the fight against greatly increasing the Navy as unnecessary and needlessly extravagant.

A protest signed by 250 ministers and bishops has been forwarded to Senators and Representatives at Washington voicing the objections of the clergymen.

Here is an extract from the president of the International Arbitration Committee, chairman Columbus Board of Trade:

COLUMBUS, OHIO, *February 3, 1908.*

MY DEAR GENERAL: The intelligent citizens of our powerful Republic (not made so by a large army or formidable navy) should seize this opportunity to lead the world in its efforts to get rid of the old method of attempted settlements of disputes by "trial by battle," substituting trials before courts and by international arbitration.

Our Republic should keep its standing army within the size of a necessary police force, the ordinary State constabulary and militia. All nations that act upon the idea that a large standing army and a large navy are the surest guaranties of peace are making a most expensive mistake. The history of the world testifies that large armies and navies are more apt to lead to war than to peace; that they do not settle the justice of a cause, but only prove the strength of the victors. Why, then, should our nation be spending about two-thirds of its income on its Army and Navy? Why should the call of the Army and Navy Departments for more men and more war vessels be granted? Why should so large a portion of the money of our people be spent upon the idea that in time of peace we must prepare for war? Let the other, the more Christian idea of "In time of peace, prepare to keep the peace" be the controlling motive and practice of our country. Let our country lead the world to see this better way.

W. A. MAHONY.

Justice Brewer, of the United States Supreme Court, voices the best thought of the age in a recent address. Here is a great jurist, ripe in experience, richly endowed mentally, and deep in all the sweet humanities.

I quote:

I have no hesitancy in saying that our nation is making a grave mistake in its effort to build up a monster navy. It is uncalled for. We don't need it. We are 3,000 miles from the nearest nation, and there is no danger of being molested.

The glory of this nation is not in its increase in armament, but in its present course of sweet peace.

Look at the criminal exploitation of militarism and imperialism in the Philippines. The late Republican United States Senator from Maryland, George L. Wellington, made this valuable public utterance in Baltimore January 23, 1908:

The Philippines have cost us already $800,000,000 in money and 20,000 lives. They have corrupted probably 50,000 men more who might have been useful citizens. They have made more difficult all our foreign relations. And what have we got in return? Nothing. Practically nothing. The trade with the islands, of which so much has been said, is practically nil.

Eight hundred millions of our hard earned tax money wasted, and worse than wasted, in the Philippines is not too high an estimate. The Anti-Imperialistic Society of Boston makes it still larger. Think of what continental beneficence this money would have shed in 175,000 veteran homes. It is enough to pay every surviving veteran of the civil war who served one year $1 per day for ten years.

Look at our pension list, resulting from the death and disabilities of soldiers in this cruel conquest, mounting higher every year on account of the deadly Philippine climate. Up to 1907 it amounted to within a fraction of $19,000,000. And what is our gain commercially? A mere fraction. According to official estimates, of the total of Philippine imports, amounting to $28,785,855 in 1906, there is credited to the United States only $5,155,359, leaving to the credit of other countries $23,630,496. Thus it will be seen the imports from the United

States into the Philippines amount only to about 18 per cent of the total. In respect of the exports the figures show that of the total of $33,713,357 there must be credited to foreign countries $21,634,143, so that of the products exported from the Philippines the United States consumes nearly 40 per cent. Of the $30,000,000 worth of imports into the Philippine Islands probably 65 per cent is of a class produced in the United States, over 50 per cent being manufactures and 38 per cent articles of food and animals, rice being, however, included in the last-mentioned class. The market available in the Philippine Islands for products of the United States appears to be, therefore, at the present time, about 20 million dollars, and of this the United States now supplies about 5½ millions, leaving to our rivals—chiefly the United Kingdom, Germany, Spain, and Australasia—the remainder of the field. Of this Philippine market of over 30 million dollars' worth of merchandise the United States supplies but 18⅜ per cent, while in the Hawaiian Islands she supplies about 80 per cent, and in Porto Rico 90 per cent, of the total merchandise entering those islands. These figures prove that the United States is policing these islands for the benefit of foreign countries, which supply the largest proportion of the imports into the Philippines.

There are other reliable figures which show the United States to be largely behind other countries in the sale of goods to the Philippine Islands. Thus, of fresh beef, of which nearly half a million dollars' worth is imported annually, the entire supply is drawn from Australia and none from the United States; of lard only 10 per cent comes from the United States, the remainder from China; of condensed milk, of which $265,000 worth was imported in 1905, only about $98,750 worth was from the United States and $119,000 worth from the United Kingdom; of closely woven cotton cloths, of which the imports were 3½ million dollars in 1905, less than two-thirds of a million dollars' worth was from the United States, against two million dollars' worth from the United Kingdom, which buys raw cotton from the United States, manufactures it, and ships it to our islands, selling there over three times as much as the United States. Of the total imports of cotton and cotton manufactures into the Philippine Islands, which amounted in 1905 to $6,826,845, the United States supplied the pitiful amount of $866,098; United Kingdom, $3,344,478; Spain, $965,298; and the prices at which Australian meats are laid down in the Philippines being so low as to render competition from the United States impracticable, while large quantities of pork and lard are drawn from the still nearer market of China. Eight years ago that greatest of business men in the United States, Andrew Carnegie, with prophetic ken, predicted just what has happened to us in the Philippines when he said:

> The manufacturer of Germany, France or England, the farmer of Australia and of the Baltic provinces of Russia and of the Argentine reach the Philippines at about one-half the freight cost that the American farmer has to pay on his products or the American manufacturer upon manufactured articles. Landing American products in Manila upon equal terms with the agricultural products of Australia, India, Argentina or of the manufactures of Europe simply means that American products are at so great a disadvantage, owing to the greater distance, that they are practically excluded from the new possessions.

With the accuracy of verity this prophecy of the great steel king has proved true. Had we a statesman to-day in the White House of commanding ability and moral courage, and a Congress in accord, we would give the unhappy Filipinos their immediate liberation to take their true orbit in the areas of the tropical Orient. The two representative native Filipinos in this Congress ask this boon for their bayonet-ruled people. Besides an intolerable burden, the Philippine Islands are a constant menace to national peace. And what will the verdict of history be on this exploitation of alien races in the Philippine Islands? We can write it now with unerring accuracy.

WE PAID THE BOY KING ALFONSO TWENTY MILLIONS FOR A TABLET UPON WHICH TO WRITE THE EPITAPH OF THE REPUBLIC OF GEORGE WASHINGTON AND THOMAS JEFFERSON AND ABRAHAM LINCOLN.

A body of patriotic Americans celebrated February 22, Washington's Birthday, in London. The Hon. R. Newton Crane, a high-class scholar and experienced diplomat, in a speech expressed strong disapproval of the voyage of the American fleet to the Pacific, and said that he feared when it reached San Francisco it would excite passion which might result in war.

How many millions of dollars of the people's hard-earned tax money will be burned up in cannon shots and smoke and fizz in this criminal continental folly no one in Washington seems to know; but already we know enough to know that the millions, worse than wasted in this ill-timed cruise, would have enabled the Government to have paid every veteran of the civil war $1 per day for a whole year—money that would have shed a wholesome and grateful beneficence in 175,000 patriotic homes. If war should come, a great, brave people would again send their sons to the front, and the National Guard and the volunteers would fight our battles. Every battle for liberty and humanity since Christian civilization was born in the womb of the dead centuries has been fought by volunteers.

The founders of this Republic were men of peace. They had no use for the pomp and pageantry of war. The mother of George Washington refused to let her boy join the British navy and wear the splendid uniform of an officer, but sent him off to survey the wilderness as a civil engineer.

"When This Cruel War is Over" was sung at every fireside from '62 to '65, and was caught up and reechoed back from every camp and bivouac. American ideals were the ideals of peace; Abraham Lincoln, and not Napoleon Bonaparte, was the idol of every true soldier's heart.

Here is a petition that should command the serious attention of every Member on this floor:

To the Representatives and Senators in Congress:

> We, the undersigned members of faculties in universities and colleges, and educators, earnestly protest against the extravagant demand for an addition of over $40,000,000 in the form of four new battle ships, cruisers, etc., inasmuch as no danger threatens the country not known last April, when President Roosevelt told the world: "We are no longer enlarging our Navy. We are simply keeping up its strength." Sixty-five per cent of the national income is now expended on war. The increase of our naval budget has recently been used in the French assembly as a reason for increasing its own; is largely responsible for the increase of armaments among Asiatic nations, and is well-nigh certain to retard that reduction in the armaments of the world for which we have so long been waiting.
>
> The growing discontent throughout the world at the appalling increase of waste of national resources must be heeded. We feel that this protest is the more necessary inasmuch as there are various new and effective methods now available for promoting international friendship and rationally settling difficulties which these new demands seem to ignore.

This petition is signed by 286 high-class scholars, university presidents, and humanitarians. Among the number I note: John H. Finley, president of the College of the City of New York; Clarence D. Ashley, dean of the law school, New York University; Henry W. Leipziger, supervisor of public lectures; John Bates Clark, Columbia University; George W. Kirchwey, dean of the law school, Columbia University; Charles P. Fagnani, Union Theological Seminary; Joseph French Johnson, New York University; M. B. Coles, Normal College; Cecile Freese, Horace Mann Schools; Edmund Burke, College of the City of New York; F. M. McMurry, teachers' college, Columbia University; William E. B. Starkweather, College of the City of New York; H. C. Bumpus, American Museum Natural History; Frederick Dielman, College of the City of New York.

The greatest statesman of the humanities of all civilizations is that world-famous Virginian, Thomas Jefferson. We need his prescient spirit now to save the Republic of Washington and Jackson and Lincoln from Hamiltonism, as now exploited with every waning moon in sky-rocket rhetoric and sentences loaded with dynamite and disaster.

In 1801 Thomas Jefferson wrote:

> Hamilton is ardent for the introduction of monarchy; eager for armies, making more noise for a great naval establishment than better patriots who wish it on a financial scale only commensurate to our wants and our means. This class ought to be tolerated, but not trusted.

Here is a fateful admonition for this very hour. And I call up Jefferson again, because his voice in the last year of the eighteenth century should be the voice of this Republic to-day.

In 1799 Jefferson wrote to Eldridge Gerry these words of supreme wisdom that every patriotic American should pause and ponder well. I quote:

> I am for relying for internal defense on our militia solely till actual invasion, and for such a naval force only as will protect our coast harbors from depredations, and not for a standing army in time of peace which may overcome the public sentiment; nor a navy which by its own expenses and the external wars in which it may implicate us will grind us with public burdens and sink us under them.

Let us not fail to note that all the great students and scholars and humanitarians on both sides of the Atlantic are to-day for peace and arbitration. The ethical movement of the age is against standing armies and big navies. No man of heart or capable thought believes that a big army and navy are messengers of peace. Even an ordinary dog fancier knows better. He knows that peace among the canine tribe would never be promoted if every man should breed and train a fighting bulldog. And the dogs of war, whether canine or human, are just the same. [Applause and laughter.]

The commerce of peace has wings of white, and her mission is the uplifting and betterment of man. She would never crimson the ocean with blood and our fair land with ghastly skeletons. We need no big standing army in times of peace. Cut down the army to the peace basis before the Spanish-American war. Give the $20,000,000 thus saved to the veterans that made the Union of these States permanent forty-three years ago.

The people whom I represent, living along the southern shores of Lake Erie (Toledo), want peace, and repose, and a fair chance in life's industrial battles. We are opposed to wasting the energies of business and commerce in idle armies that consume our substance and produce nothing. We know the better way and we like it.

England and the United States for the past eighty-five years have shown the better way, on 3,000 miles of Canadian border, by an exchange of notes by which the "fleet," the "navy" of both countries, on all the Great Lakes is limited to six vessels, none to be over one hundred tons burden; and the land border does not have a "fort" or Chinese wall to "protect" its citizens. By this effective, inexpensive, humane agreement vast sums that might have been spent on armies and navies are used to promote the benign pursuits of peace.

No black-nosed cannon, on either shore, point threatening messengers of death at the great steel freighters that plow these placid waters, and no armored ships of war with idle guns and idle men will ever be needed to protect the freighted transports of peace, amity, and prosperity. What we ask, what we have a right to demand, is that a part of the millions now wasted on armored ships of war and idle armies be devoted to the improvement of our rivers and harbors, to give impetus and opportunity to the advancing empire of a wholesome and beneficent industrial life.

Who says we can not afford to do justice to the veterans because reckless extravagance and criminal waste have caused a disastrous money panic, resulting in failing revenues? Cut down the enormous expenses and the way is easy. In 1890 the total appropriations for the support of the Government totaled $385,522,367. In 1907 the total expenditures amounted to the enormous sum of $944,848,268. This includes the big deficit of $24,051,257 reported to the present Congress. Here is the startling increase of $459,325,901 over the appropriations for 1890 for a single year. These figures indicate a criminal waste of the people's energies, of not less than $300,000,000 for one year alone. And the indifference of the masses of our people to this unparalleled extravagance is one of the most discouraging features in the decadence of patriotic devotion to public duty.

And now we are told by the party and the officials who are solely responsible for this $300,000,000 criminal waste that we can not afford $17,500,000 for the sad-faced old veterans of the civil war.

The safety of the Republic is in patriotic hearts and homes, and not in professional soldiers trained to kill for hire. A citizen soldiery established the Republic and a citizen soldiery preserved it from dissolution.

The hour is due to strike the death knell of militarism and imperialism—twin devils of rapacity and greed. The hour has come to call back the Republic of our fathers to its own. The hour is at hand to cast off the greed of empire and return once more to the plain simplicity of Jeffersonian Democracy. It was in the first year of the nineteenth century that the author of the Declaration of Independence rode up to our National Capitol on horseback to kill the deadening power of Federalism and start the new Republic on its true career. Let us hope and pray that in this epoch-making year a second Jefferson will arise, inspired with the same irrepressible genius of Democracy, and redeem this nation from imperialism and militarism and vampirism now sucking drop by drop the life blood of a great, brave, patient people.

Mr. HOUSTON. Mr. Chairman, the discussions in this House of late have taken somewhat a varied range. However, in the main they have been directed to conditions rather than to principle and theory. There is a distinction between the Republican doctrine and the Democratic doctrine which reflects upon this very question. It is an underlying principle of Republicanism, if I understand it, that by legislation you can create a condition, that by the exercise of the law-making power you can create value and wealth and make a nation rich and prosperous by enacting laws, as against the Democratic doctrine which believes that the real function of government only is to insure to every man an even chance in the world, that believes in no protection except that protection which guarantees an open field and a fair fight to everyone, and the opportunity for every American citizen to work out his own salvation and accomplish his own destiny. [Applause on the Democratic side.]

But the party that believes that by the exercise of the law-making power you can create conditions, that you can set aside the laws of nature and act in the face of Providence itself—on that party I say to-day rests the responsibility of accounting for conditions that exist at the present time. We have had much discussion heretofore by Republicans in regard to conditions. They have dwelt upon conditions that have existed for the last ten years or more. The excellent speech of the gentleman from Pennsylvania [Mr. DALZELL], to which we have just listened, recalls to our minds a speech by that same distinguished gentleman two years ago, when he dwelt upon conditions then existing, when, in his own language, he caught his lesson from the open furnaces in the land. To-day he is not looking into those open furnaces for instruction upon economic questions, but he has gone back one hundred years ago and seems to be getting his lessons from the theories and principles taught by Alexander Hamilton. It is not the discussion of present conditions that enlists his attention so much as the discussion of principles, and I commend the course to the gentleman and to that party. I believe that more good would be accomplished, that sounder philosophy would be reached, if they would discuss principles more and stand by natural and just principles more than they do by circumstances and conditions that are produced by causes beyond human control.

But, Mr. Chairman, I was very much impressed with the utterances of the distinguished gentleman from Pennsylvania in regard to tariff revision in the speech just delivered to-day. He says he is not yet persuaded or convinced that it is right to revise the tariff even now, but, in recognition of the sentiment that he has located somewhere, that he has found to exist somewhere in the minds of American people, he believes it would be right to recognize the claims of those who think there should be revision, and indicates that his party, if there is no change of this sentiment, may promise to consider it. That, if it means anything, means that his party will yield to that doctrine that has ever controlled that party, that of expediency, rather than to stand by an honest conviction of what is right. [Applause on the Democratic side.]

Mr. Chairman, since the statement made by him that he may favor some sort of tariff revision, since there has been heard the voice that comes up from all over the land in favor of tariff revision, since we have the promise from the stand-patters themselves that some time in the distant future they will revise the tariff, it is not necessary to dwell upon the question or to discuss the reason of the Democratic faith on this question. What is needed is exhortation to act, to do the things that they confess themselves ought to be done, and to perform the duties that they say should be performed.

I shall not dwell upon this question, but simply allude to the fact that the conditions of to-day resulting from a half century of protection has convinced this country that there ought to be a revision. As I said, it is not argument that is needed, but exhortation, and I want to say right here it is a hopeless task to induce a protectionist to go forward in the support of that doctrine that gives an open field and fair fight to all people alike. When they are told what they ought to do and what is right they remind us very much of the young man in the Scriptures who sought instruction in righteousness and when he received that instruction "he went away sorrowful." We have conditions built up under this system that threaten the very stability of our Government, that defy regulation, and so far have staggered the enforcement of the law. The party of protectionism, the party of Republicanism, has been diligent in seeking to divert the public mind from the fact that these great institutions are a result of a protective system fostered and maintained by them.

They are ingenious in argument to show that the trusts are not the result of the tariff. One argument that has been so familiar to us all for the past several years is their reference to the Standard Oil trust. They have talked loud and long, saying that it was not affected by the tariff, but we have had some late discussion on this floor that reveals the fact that that trust has received more support, more help from protection perhaps than any other trust that exists in this land. I allude to the speech made by the distinguished gentleman from Wisconsin [Mr. KÜSTERMANN] and I want to reiterate and reproduce some of the points of that speech coming from a Republican source. I want to call attention to the evolution that is going on in the mind of that distinguished gentleman. He voices his faith in the protective system. He even goes so far as to say that the Dingley tariff bill is a perfect piece of legislation. It would seem there was no hope for a man of that kind. It would seem he was in outer darkness, but being an earnest and sincere man he has received some light and he acknowledges it, and says now that—

many of the schedules ought to be revised and some tariff rates ought to be wiped out altogether.

He says—

when the steel trust of our country, with an actual capital of $360,000,000 and capitalized at $1,600,000,000, earns a profit of $180,000,000 in a single year, the time has arrived when that industry can stand on its own feet; no more protection is needed to help it along.

Then follows loud applause on the Democratic side. Now this is a conclusion the force of which is so irresistible that

a Republican can see it, and further on he says that "the oil trust's profits have been so enormous they can hardly be expressed in figures taught in our common schools." Then he proceeds to call attention to a proviso hid away in the provisions of the Dingley bill that affords a rate of protection to the manufacturers of petroleum and its product greater than is enjoyed by many of the protected interests of this land. I have been much impressed with the evolution that is going on in the minds of Republicans, especially in the State of Wisconsin, whence comes my good friend. Several distinguished Republican members of this Congress from Wisconsin have given utterance to sound doctrine along different lines that shows their sympathy in the struggle between the special interests and the mass of the people to be on the side of the people. One of the evidences of dawning light upon the Republican mind is that to-day they are willing to confess that the panic that began a few months back is not due to Republican rule. They can account for it from natural causes. They recognize the existence of the laws of nature and the laws of cause and effect, and, I say, can satisfy themselves perfectly that no Republican legislation is at all responsible for that panic. They are fertile in resource and they can show this with great ingenuity, but this puts upon them a Herculean task, because it so happens that most of the panics that have occurred in this country have occurred during a time when the Republican party was in power. In support of this I desire to insert here an extract from the Commoner that contains some historic data that is very instructive to the country and I hope will be profitable to the grand old party.

[Extract from The Commoner.]

The truth is that every panic since the civil war originated under Republican rule and developed under Republican legislation.

The great panic which gave "Black Friday" to history occurred during the month of September, 1869, when the Republican party was in power.

The great panic marked by the failure of Jay Cooke & Co. occurred in September, 1873. Then the Republican party was in power and eleven months prior to the beginning of that panic that party had been re-elected to power.

The "panic of 1893" began long prior to that year and, indeed, long prior to the Presidential election of 1892; and it is a fact, although Republican orators and Republican organs try to forget it, that the so-called panic of 1893 began and played its greatest havoc under that famous tariff law known as the McKinley bill.

It may be well for Commoner readers to keep readily at hand some of the facts and figures relating to this question.

The Republican party was restored to power March 4, 1889.

The McKinley tariff bill became a law October 6, 1890, and remained in effect until August 27, 1894.

The Wilson tariff law, enacted by a Democratic Congress, went into effect August 27, 1894.

If anyone will take the trouble to examine the Republican campaign text-book for 1904, pages 125, 126, and 127, he will find considerable space devoted to a statement of business disasters from July 18, 1893, until November 13, 1894. The Republican managers expected their readers to remember that the Cleveland Administration was inaugurated March 4, 1893, and that all these disasters occurred under Democratic administration; but they expected their readers to forget that the Republican tariff law was in force up to August 27, 1894, or covering more than twelve months of the sixteen months' period of business disasters as described by the Republican text-book.

In their references to the panic of 1893 Republican orators and organs habitually overlook the date when the McKinley law ceased and the Wilson law went into effect. But when in their tariff discussions they are required to face the fact that that panic played its greatest havoc during the life of the Republican tariff law they answer that it was the anticipation of tariff legislation growing out of Democratic victory in 1892 which brought on these business disasters. For this reason in their list of business disasters they place July 18, 1893, as marking the beginning of that great panic.

Let it be remembered that the McKinley tariff bill became a law October 6, 1890, and that the first indications of the so-called panic of 1893–94 were given November 11, 1890, a litle more than thirty days after the McKinley tariff bill became a law. From that date the panic raged.

The Harrison Administration was inaugurated March 4, 1889, and when the first indications of this panic were given President Harrison had not exhausted the half of the term for which he was elected. It is admitted by every one familiar with the facts that President Harrison's Administration had plates prepared for the bonds, and Mr. Harrison's Secretary of the Treasury made a visit to New York for the purpose of negotiating the bond deal. He was wired by Mr. Harrison to return to Washington. Mr. Harrison said that he had concluded not to have any bond issues under his Administration, and in order to avoid the stigma the Harrison Administration warded off the bond issue and unloaded it on the incoming Cleveland Administration.

It may not be out of place to point out that when the Democratic Administration surrendered the reins of government March 4, 1889, there was in the Federal Treasury the largest surplus in history. When the Republican party went out of power March 4, 1893, there was a large deficit, and the incoming Administration was finally persuaded to make the bond issues which its Republican predecessor had at one time thought to be necessary, but had skillfully avoided.

The claim that the business disasters of the period referred to were due to the popular fear of tariff legislation to be enacted by Democrats is, as has been said, met by the fact that this panic began two years prior to the Presidential election day of 1892. The following will serve as reminders on this point:

November 11, 1890, the reports showed financial distress in New York. The New York Clearing-House Association voted its certificates to banks in need of assistance.

The Boston Clearing-House Association did the same thing November 17. Barker Bros. & Co., big bankers in Philadelphia, suspended at that time, with liabilities placed at $5,000,000.

November 19, 1890, there was a run on the Citizens' Savings Bank of New York, and a receiver was appointed for the North River Bank.

November 22, 1890, the United Rolling Stock Company of Chicago assigned, with liabilities at $6,851,000.

November 28, 1890, B. K. Jamieson & Co., the Philadelphia bankers, failed, with liabilities at $2,000,000.

December 6, 1890, the Oliver iron and steel mills of Pittsburg shut down, discharging 2,000 employees. On the same date the cotton firm of Myer & Co., of New Orleans, failed, with liabilities at $2,000,000.

January 3, 1891, the Scottdale rolling mills and pike works and the Charlotte furnace and coke works in Pennsylvania closed, throwing 10,000 employees out of work.

January 18, 1891, the American National Bank at Kansas City suspended, with liabilities at $2,250,000.

May 8, 1891, the Spring Garden National Bank at Philadelphia closed its doors, and the Pennsylvania Safe Deposit and Trust Company made an assignment.

The Homestead strike and other strikes during 1892, and prior to election day, are well remembered by the people.

The record discloses that the first indications of the so-called panic of 1893 were given November 11, 1890, a little more than thirty days after the McKinley tariff bill became a law. From that date the panic raged, and while its effects were felt for several years it reached its worst stage in 1893 and during the early days of 1894, during all of which time the Republican tariff law was in effect.

The late Thomas B. Reed, after his retirement from the Speakership, delivered a speech in New York in which he said: "Another thing which led this whole country into the error of 1892 was the history of the last thirty years. During all that time we have been prosperous." The New York World called this "cold, colossal, and impudent falsification of history," and said that it must have astonished those among his hearers whose memories were more than one year long. Then this New York paper gave Mr. Reed these interesting reminders:

"The panic of 1873, under Republican rule and twelve years of high tariff taxation, was the most disastrous and the period of business depresion for five years thereafter was the most severe of any in history. It was officially estimated that 3,000,000 workingmen were out of employment. Bankruptcy was widespread. A tidal wave of ruin and distress swept over the country.

"From 1881 to 1886, under two Republican tariffs, there were labor strikes involving 22,304 establishments and 1,323,203 workmen. Of these strikes 9,439 were for an increase of wages and 4,344 against reductions of wages.

"Mr. Reed's party tinkered the tariff in 1883. In that year there were 9,184 business failures, involving $172,874,000. In 1884 there were 10,968 failures, involving $226,343,000. In the next year, still under the Republican tariff and currency laws, there was a general business depression. More than 1,000,000 men were out of employment.

"In 1890 the McKinley bill was passed, and there were 10,673 failures in that year, and 12,394 the next, with liabilities in each year amounting to nearly $200,000,000. The tariff was raised to nearly 50 per cent, but wages either stood still or declined, while the prices of necessaries advanced. The protected manufacturers kept all their 'bonus' as usual.

"Tramps and trusts, the twin products of a monopolists' tariff, were practically unknown in this country until we had endured uninterrupted Republican rule for a dozen years.

"The worst labor troubles, the bloodiest riots, the most destructive strikes, the most brutal lockouts ever known in any country have occurred here under the high tariffs, bought, made, and paid for by the contributors of the Republican campaign funds."

We have enjoyed, Mr. Chairman, a prosperity for the few years that has misled many who, realizing the prosperity, have overlooked the real cause of that prosperity.

They have been listening to the Republican voice perpetually claiming credit for all the blessings of nature, and especially for this prosperity, until they have been misled, and it requires a rude shock to awaken them. We have had that shock lately. The American people, while we have had this prosperity, have not had a fair showing with it. While the industrious laboring man has been able to earn his bread and feed his family, yet those in the protected class have had the lion's share. They have grown rich to an extent which staggers the mind to contemplate. In this connection it is natural for our minds to revert to the speeches made by distinguished Republicans during the Fifty-ninth Congress. We all remember how the distinguished gentleman from Indiana [Mr. LANDIS] rung the changes upon existing conditions at that time, how he dwelt upon the word "prosperity," how he reiterated with so much unction the phrase "All kinds of work for all kinds of men." I want to put in comparison with that speech some of the utterances lately made by distinguished Republicans. Mr. Shaw, late a member of the President's Cabinet, said that "thousands of cars and railroad engines are standing idle, and that thousands of employees are out of work;" that "one-fourth of the population in several of the large cities are idle;" that "free soup houses exist in every industrial center," and that "farm products have decreased in value."

General Black, who was high authority among Republicans about the time of their nominating convention four years ago, says:

There are furnaces with their fires out and idle railroad trains with workmen sleeping in the cars.

And he alludes to the fact that "the cry of the striker is abroad in the land."

From the newspapers we see accounts of bands of unemployed labor organizing, and we learn that Coxey's army is again about to be on the march. A few days ago the police of Philadelphia fired into a so-called mob to quiet them, composed of the unemployed of that city. The Chaplain of this House recognizes the condition and prays for help and employment for the

vast army of unemployed in this land. Was the prosperity that has so quickly changed to these conditions a healthy prosperity? It was extolled in high degree by the brilliant speeches that we listened to in the last Congress. I say brilliant, for they were brilliant in that they put the color of the rose upon many things that wear a different aspect now. Speeches were made that spread an artificial glow upon the protective system, that to the superficial listener made it appear attractive; but, Mr. Chairman—

> Not florid prose nor honeyed lines of rhyme
> Can blazon evil deeds or consecrate a crime.

A man whose power of speech can hide the deformity and conceal the unjust tariff system of to-day will be a conjurer of the language, indeed. So the gentleman from Indiana [Mr. LANDIS] and the gentleman from Pennsylvania [Mr. DALZELL] and others, charming as was their style of oratory, gifted in speech as they were, could not cover up the deformity or long conceal the wrongs of the American protective system.

The votaries of this system are ever on the watch to use every argument to delude the taxpayers of the nation into a support or toleration of their methods of taxation. Some of them are now even seeking to make use of the very conditions that are the result of the system, to show that it is unwise and dangerous to pursue honest methods to correct existing evils. They even attribute the late panic to the fact that there has been a disposition in some quarters to enforce the law and punish crime. These are some of the so-called conservatives. They arrogate to themselves the thought that they comprise the safe and sane class. These are they who complain about disturbing business conditions and disapprove with so much dignity all kinds of radicalism. Some of these are insisting on holding onto the present conditions, because they are beneficiaries of the system that has worked so much injury. We hear so much said about radicals and conservatives lately. These would make it appear a contest between a party of radicals and a party of conservatives, judging from the talk we hear.

Mr. GOULDEN. I would like to ask the gentleman a question. Where does he put the stand-patter in his category in this particular connection he is now outlining? Are they conservatives or radicals?

Mr. HOUSTON. Now, Mr. Chairman, I would say that the doctrine of the stand-patter to-day is to do nothing. The doctrine of the conservative is to go slow and say "Let us not be rash." The stand-patters are the men that have inspired the utterance that there is danger of radicalism in this country. They have inspired the doctrine and have taught this faith, that we must be conservative, we must be careful, or else we will ruin the business interests of the country. They have built up the protective system. They are the strength of the protective system, and their hope is in the Republican party, and they are the ones, I say, that are preaching the gospel of conservatism, because they want to fatten upon the spoils of that system. [Applause on Democratic side.]

Mr. GOULDEN. I understand the gentleman, then, to say briefly that they are neither fish, flesh, nor fowl?

Mr. HOUSTON. Well, sir, it is right hard to tell what they are. They teach conservatism, but, as a matter of fact, they are the most radical men we have in all this country. I call a man who can favor the protective system of to-day and stand by it a radical, if I know what radicalism means. [Applause.]

It is noticeable that those who use these terms so much denominate themselves conservatives. This is a case that truly illustrates "the wolf in sheep's clothing." They favor a protective system that levies tribute upon the many for the benefit of the few, and to perpetuate that system they preach conservatism, which is but a pretext to delay and to prevent a reduction of the tariff or the correction of other evils upon which they thrive. They realize the complaint coming up from every quarter of this land asking for a reduction of the tariff duties and the righting of other great wrongs. They can not meet this demand by argument or reason to show it is not just. In fact, they confess a need for revision, but in order to delay revision they become eloquent in their plea for conservative action in this line, for the pretended fear that radical action would "distract business interests."

The man or the party that advocates the golden rule—that it is right to "do unto others as you would be done by"—is to them a "radical." A man that favors the enactment of law to regulate and control public carriers by just rules is an extremist and threatens to destroy the commerce of the country. [Applause.] The man that would prosecute a corporation and men for crimes worse than robbery is a dangerous man to be clothed with official power; and a President that gives countenance and support to the investigation and correction of wrongs and violations of law, if the wrongdoer is a corporation or has money enough to affect Wall street, then such a President is a menace to the country. To these men an earnest patriot is an old fogy; an officer that will discharge his duty without fear or favor is a dangerous member of the public service; an allusion to the Declaration of Independence indicates an agitator; the advocate of equal and exact justice is a disturber of the peace; and a reformer is an anarchist. Really, these representatives of special interests are unhappy, not from fear of the bogies they raise up to frighten and mislead the unwary, but for fear that the people are awake to their misdoings and their reign of extortion is coming to an end. [Applause.] One thing that adds to their grief is the fact that they are the very men that furnished the corruption fund and the boodle that paid the expenses of the campaign in which the President was elected. They nurtured and sustained him; they placed him where he is, and now—

> Keen are their pangs, but keener far to feel
> They nursed the pinion that impelled the steel.

[Applause.]

The worst radicalism that this country has known is that pursued by the high protectionists and by the trusts that have grown up under this class legislation. When a Republican tariff commission of 1882–83 recommended a reduction of tariff duties of 25 per cent and no reduction was made, but a higher rate followed, that resulted in 1897 in the Dingley bill; this was radicalism in the extreme; and when combinations are formed that are able to set aside the laws of supply and demand and fix their own price for an article or product, this is radicalism run riot. Mr. Chairman, those who represent a class, whether it be capital or labor, may be dangerous in their radicalism, but those who advocate the interests of the whole people and are seeking to right wrongs affecting the whole country are not the radicals that we have cause to fear.

The public is aroused. Republicans and Democrats alike are seeking to cleanse the conditions, and this has resulted in prosecuting some of the criminals who have committed the gravest crimes. But the cry is heard, "let us be conservative and go slow." [Applause.] These would stop the enforcement of the law upon the plea that it would disturb business conditions if you prosecute crime and enforce the law. This system of reasoning is consistent with that system that favors the method of creating wealth by levying tribute and the theory of making the country rich by the exercise of the taxing power. The crimes committed by those upheld by the fostering care of the Government have shocked the sense of the nation. They have caused inquiry, they have created a demand that methods be changed, crimes punished, and the law enforced. In response to this demand the President has taken action to enforce the law and to punish the malefactors in some instances. And to the extent that he has done this he has done well, and he has responded to the call of the conscience of the nation in so doing. He has accepted doctrines and taken precepts from Democratic authority, and should be commended by all men of all parties to the extent that he has put these principles into execution. [Applause.]

He is to be condemned because he has failed to do all that should have been done in this direction. It is a strange spectacle for a great political party to be so entwined with depredators that a proposition to punish crime and enforce the law against these evil doers should bring consternation and dismay to the leaders of that party, but such seems to be the state of affairs. When the President began to prosecute criminals, to correct wrongs that have grown up under the legislation of the Republican party and the fostering influence of protection, it caused such a shock that it convulsed the Republican party, if not the nation. All honor to the President for the lessons he has learned and for the courage he has shown in some instances in putting them into execution. There are some distinguished Republicans standing by him. But those others who have made tardy motion to follow after the President will, I fear, need the prayers of all the saints to give them the grace and the courage to follow in his lead.

"The trembling soul that halts and faints," etc. [Applause.] They are trying to assume an air of righteousness; they are whistling to keep their courage up. They have all of a sudden grown to approve the policies outlined in the President's late message. They stand upon the floor of the House and say, "We endorse them," yet I call attention to the fact that the President's first message lay upon the table for two long months without any fervid encomiums from Republican orators. They were as silent as the tomb of the Capulets. But when the second came, it got too hot for them; the light seemed to break in upon their benighted vision. It was a most remarkable spectacle presented in this House when this message was read, and I wish the American people could have seen that spectacle just as it

occurred. When the clerk read the sound utterances of that paper, they met a responsive chord in the hearts of the Democrats on this floor. They began to applaud it, but several rounds of applause had been given by them before the Republicans could adjust themselves to the embarrassing situation of approving sound doctrine. As its reading progressed their embarrassment increased because its notes grew clearer. The usually beaming and florid face of their distinguished leader was "sicklied o'er with the pale cast of thought." They looked like orphans out in the cold, but with what grace they could muster they began to fall in after the lead of the doughty champion from Iowa [Mr. HEPBURN]. They began with faint approval until finally they brought themselves to loud applause which was re-enforced by the same champion in his speech a day or two later in which he bore testimony by word of mouth that the Republicans were behind the President and would stand by his message. I am afraid you will stand a long ways behind him. [Applause.]

But that party is shifty, if not graceful; they can trim their sails to meet an adverse wind. But they have got an elephant on their hands. Oh, if they could only turn him loose! They are like the boy yoked with the calf—they want somebody to "head us."

Democracy has furnished the sound doctrines, and if the President has profited thereby it is well for the country, and we do not abandon them because he has subscribed to them now. President Lincoln once said:

> I must stand with anybody that stands right; stand with him while he is right and part with him when he goes wrong.

Now, Mr. Chairman, we naturally feel a great pride in the party of Jefferson and Jackson, and we would love to see honor to whom honor is due, but far above this sentiment is our desire to see our country's best interests subserved, and we welcome the champion of these principles, although he comes from the ranks of that party that has eschewed these doctrines in the past. In all frankness, we give approval and applause to those utterances of the President that in such vigorous terms advocate the cause of the people against these combinations that have sprung up under the fostering care of Republicanism. We will stand by our colors and welcome the volunteer service that comes from any and every quarter for the doctrines that we believe are just and for principles that we believe are everlasting. But this same ingenuity that has so subtly promoted the interests of the classes is active now in originating devices and doctrines to perpetuate their power and continue their reign of depredation. They use the words "safe and sane," "conservatism," and "due regard for business interests" with so much dignity and earnestness that one unacquainted with the facts and the knowledge of the source from whence these expressions come would think that the wise, patriotic, and sober-minded part of our people were about to be the victims of an upheaval caused by cranks and fanatics; but when we realize, as every thoughtful man must, that much of this cry of danger comes from those who are fattening upon the abuse of governmental powers, and that they are now attempting to disarm the honest reformer by this cry of radicalism, then we know that the chief danger lies not in the so-called radicals, but in the miscalled conservatives. [Applause.]

When, twelve years ago, W. J. Bryan began to call attention to the wrongs and dangers of the great monopolies and combinations then looming up in this country, he was denounced as a socialist and an anarchist, but he has been steadfast in his arraignment of these wrongs, until to-day he is indorsed and supported by the American people; Democrats and Republicans alike approve his advocacy of honest methods and fair dealing. [Loud applause on the Democratic side.] Many who are now appropriating some of these doctrines as their own were a few short years ago denouncing them as demagogy and socialism. Notwithstanding this, we must still remember that "The vilest sinner may return," and we welcome them with that charity that will cover a multitude of sins, if they will but repent and turn from the error of their way. [Applause.]

But it is said by some of these conservatives, whom the distinguished gentleman from Nebraska [Mr. HITCHCOCK] has so properly denominated "assistant Republicans," that Democrats are too loud in their applause of the President. They are pathetic in their solicitude for fear Mr. Bryan has been too outspoken in his commendation of the President's late message; they are afraid these words of approval will come back to discomfort and annoy us in the coming campaign. Some of these are the same that have time and again been so uneasy for fear Mr. Bryan had expressed his views to such an extent that it would injure him, so afraid that he had been indiscreet. They have been so deeply concerned, so solicitous about his welfare; they have made known to all the world their grave apprehension and deep regret. I trust such things will deceive the American people no longer.

Mr. Speaker, I want to say here and to emphasize the statement that I do not include in this class all of those who are advocating conservatism at the present time, for in this class are many earnest and patriotic Democrats who sincerely fear extreme action may be taken. They have heard the murmur of complaint and they are afraid the remedies will be too drastic. I think these fears are groundless. To my mind there is much more danger of hesitation and failure to fully correct these evils. And I desire to say further that I do not favor such action as would fail to fully recognize the rights of all men, rich or poor, of corporations or of individuals, nor does the Democratic party favor any such doctrine [applause]; but I am for that radicalism, if you call it such, that will take positive action and will not compromise or temporize with extortion or crime. [Renewed applause.]

I have no fear of that radicalism that demands in behalf of the people simple justice and no more; I very much distrust a conservatism that would be content with less.

Mr. Bryan was right when he commended certain parts of the President's message. Much of it was sound; some of it was utterly wrong. When the Republican party, being in power and able to act, was standing still and doing nothing under the conditions that exist to-day, there was need for a message, a call to action, to duty. They have had that call and they feel the force of it and of the circumstances that made it necessary. It is a rebuke that in their inmost hearts they feel, no matter how serene they may appear nor with what sang-froid they may seek to hide their chagrin. They now say that the Republican party is behind the President and that message. They were mighty slow to fall into ranks, and they do not impress one now with the appearance of a charging column, rushing shoulder to shoulder in support of their leader. We do not see evidences of that "swelling of the heart," etc.

I wish, Mr. Chairman, that the conviction of the President to sound doctrine was more thorough. He has shown some noble impulses, but he has been unable to shake off that "body of death" of Republicanism. It would seem that a spirit like his would scorn the system that gathers spoils from the foul foray of protectionism, especially in view of his past utterances on that subject. [Applause.]

He seems—

> ——— A warrior tried.
> He can boldly speak and fairly ride.

But the President of a great nation that can support or tolerate the system of taxation that produces and promotes the very evils that he so loudly condemns, and advise a postponement of their correction, is still, notwithstanding his bold and fervent speech, politically in the "gall of bitterness and the bonds of iniquity." [Applause.]

I would speak in no disrespect of the President, but would show the deference and regard due to him and to his exalted position. There are many things about him to admire.

> I grant him brave,
> But wild as Bracklin's thundering wave.

Many noble impulses seem to spring from his strong mind, but sometimes it is as the garden of the sluggard in which the vile and filthy weeds spring up to choke out the fair and wholesome blossom. [Applause.]

> Wildly while his virtues gleam,
> They make his *errors* darker seem,
> And flash along his spirit high
> Like lightning o'er the midnight sky.

He is a striking example of the imperfections of human nature. He is a mixture of strength and weakness. He illustrates that mankind is "unco' weak and little to be trusted." Paul Morton was too close to him for the balance to be "rightly adjusted." And many other wrongdoers have not received at his hands the punishment they deserved. His administration is a mixture of good and bad policies.

"I wish the good were not so few, I wish the bad were fewer." The Democrats are ready to cooperate with the President and to enact legislation to carry out many of the suggestions made in his message. We challenge you on the other side to make good your assertion that you will support the President in his message. The leader of the Democrats has pointed out with clearness the issues recommended by him that we will stand by you in enacting into law. We are ready to join hands. How can you, if you are sincere, refuse to come to the mark and here now, before this Congress adjourns, pass the laws that you say you favor and that the country so much needs. The country will want an answer to this question.

There are many evidences of improvement. The skies look brighter and the way seems clear. A few days ago Senator BEVERIDGE, in speaking of present conditions, said:

This period will be called in history the renaissance of American conscience. The tricks of politics no longer deceive the people. It will not do in these days to talk about any human brotherhood; it will not do to denounce our political opponents. You can not take the people's mind in that way from the burning questions of the day. The old and disgraceful political devices can no longer win elections. A ticket nominated by money or intrigue now means certain defeat at the polls.

Let us hope that this is true; and it augurs well for the truth of the statement that it comes from a prominent man in that party that has thrived by the use of the very means he so lustily condemns.

It seems from the signs of the times that this year Democracy is to be at the full tide and that success awaits us in November. The party has had of late many "counsels sweet" and many "lengthened sage advices" as to whom we should nominate for President, but that question is already answered, the choice is already made. The great Democratic heart of this country throbs with but one emotion on this point. Instinctively and naturally it turns to that man who has fought its battles for the last dozen years and who has never swerved from the helm when the tide swelled high; who in the unequal contest against the Republican party, entrenched in position, power, and wealth, and crippled and wounded by members of his own party, has still in defeat never faltered, but steadfastly stood for the rights of his fellow-men. Those who have fattened upon the power and advantage given by unjust laws have used every argument that ingenuity could devise or cunning invent to compass his defeat then as they are doing now. When they can find no reason why, by reason of his character, his fidelity, and his ability, he should not be chosen as nominee, then they resort to the sordid argument that he can not win. Thus they would tempt us to sacrifice the cause of right and justice for a base barter for votes—to sell the birthright of Democracy for the spoils of office, for a place at the pie counter. Mr. Chairman, it is pleasing to win laurels, to gain victories; it is good to succeed; but it is better to stand for the right, to be faithful and true. Again Abraham Lincoln said:

I am not bound to win, but I am bound to be true; I am not bound to succeed, but I am bound to live up to the light I have.

This argument of anything to win is offered by those of this commercial age who would tempt us to surrender all for place and power. They tell us that he is battered over with defeat and is unfit for leader. When did it come to pass that the scars of noble battle are a badge of discredit? When the time shall come that the fact of a lost campaign is a reason to mark a man or a cause as unworthy, then shall Democracy be compelled to lower its colors; then, and not till then, will she "Close her bright eye and curb her high career" because of the defeats she has sustained in the past. But, sir, I stand for a different doctrine. I believe that no question is ever settled until it is settled right. That—

Truth crushed to earth shall rise again.

That—

Freedom's battle once begun,
Though baffled oft, is ever won.

And while our leader is not infallible and has uttered views on some subjects that we may not agree with, yet to-day he is in harmony with his party on every material issue. His candor in expressing his views on public questions commends him to the confidence of those who may not agree with him on all subjects. It is a testimonial to his courage and honesty that he does not refuse to express his honest convictions on questions affecting the welfare of the country. Absolutely candid has he been with the American people. He has bared himself to public scrutiny and discussed more freely public questions than any American statesman of the present or past. He has not spared himself from critical dissection, and after all this crucial experience he is less vulnerable and has committed fewer mistakes than most public men, and to-day he stands out simple, great, and good, the favorite of his party, respected and beloved by his fellow-men and the ideal American citizen of to-day. [Loud applause on the Democratic side.]

Mr. HAY. I yield to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS of Georgia. Mr. Chairman, I was very much amused just now when the distinguished gentleman from Pennsylvania [Mr. DALZELL] was making his campaign speech to notice that he claimed everything for the Republican party with the exception of the panic, and he let that go begging for a "daddy." This panic was born in your own household. [Applause on Democratic side.] You should not be ashamed of your own child. [Applause.] It is yours—it favors you—and it is the general opinion of the whole country that, though it is ugly, it is yours, and that you should not be robbed of the credit of its fatherhood. [Applause.] You should not be so unfatherly as to try to disclaim this "lone child" of your household. [Applause.] We of this side are inclined to agree with you that if this "child" which you are trying to disclaim is not an orphan now it soon will be, for the death knell of your party has already been sounded. [Applause, minority.]

Some men who have occupied positions in this body have been criticised for neglect of duty. I am one of the few, if indeed there are others, who have been criticised by a few narrow-minded men who are my political foes for manifesting too much zeal and displaying too much activity in the interest of my district and constituents. This charge is not one of the things that I "view with alarm." It is one to which I "point with pride." [Applause.] Bills can not become laws unless they are introduced.

When my people selected me to represent them here I felt that they had honored me greatly. The position itself I did not value so highly as the expression of confidence that my election implied. There are a quarter of a million people in my district and quite a number of able men. It is the empire district of the Empire State of the South. I did not flatter myself with the idea that I had been chosen because of superior ability. I took my election to indicate a feeling of confidence among my people that I would be true to their interests at all times and under all circumstances; and that I would work tirelessly to accomplish good results for them. This I have done, and this I propose to do to the end. [Applause.]

I am not one of those who think that membership in this House is a privilege to be complacently enjoyed. I think it involves duties that must not be shirked; work that must not be evaded; obligations that must be met. I am one of those who believe that the characterization of a public official as a public servant is not the insincere utterances of a demagogue endeavoring to delude the people, but is a sober statement of fact. If I do the best I can to serve my people and fail, it will be my misfortune, not my fault. If I do not try, I will add to popular condemnation, which is bad, the condemnation of my own conscience, which is worse. I believe in effort, and will continue my efforts as long as I am here. [Applause.]

So much by way of personal explanation. I rise to discuss a bill introduced in the interest of the people of my district and the millions who live in other districts in the South, for the establishment of a subtreasury in a section where subtreasuries can not be found. [Applause.]

The bill is as follows:

A bill (H. R. 7563) to locate a subtreasury at Savannah, Ga.

Be it enacted, etc., That there shall be appointed immediately an assistant treasurer of the United States, to be located in the city of Savannah, in the State of Georgia; and such assistant treasurer shall be appointed in like manner, for like time, and be subject to all the provisions of law to which the other assistant treasurers of the United States are subject.

SEC. 2. That there shall be prepared within the United States custom-house located in said city suitable and convenient rooms for the use of the assistant treasurer herein authorized, and sufficient and secure fire-proof vaults and safes for the keeping of the public moneys collected and deposited with him; and the said assistant treasurer shall have the custody and care of said rooms, vaults, and safes as may be temporarily assigned to him, and he shall perform all the duties required to be performed by other United States assistant treasurers in reference to the receipt, safe-keeping, transfer, and disbursement of such moneys.

SEC. 3. That the assistant treasurer authorized by this act to be appointed shall receive a salary of $5,000 per annum, to be paid quarter yearly at the Treasury of the United States, which shall be in full for his services.

SEC. 4. That there shall be employed in the office of said assistant treasurer one cashier and one chief clerk, at a compensation of $2,000 per annum each; one clerk, at $1,800 per annum; one clerk, at $1,600 per annum; one messenger and one watchman, at $720 per annum each, which officers shall be appointed in the same manner as is now provided by law for the office of other subtreasurers, and their salaries shall be payable in regular monthly installments at the Treasury of the United States and shall be in full for their services.

SEC. 5. That there shall be appropriated and paid, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, to be expended under the direction of the Secretary of the Treasury in such repairs and alterations as may be necessary to put in good condition for immediate use such offices, rooms, vaults, and safes herein mentioned as may be required, and in the purchase of any additional furniture and fixtures, and in defraying any other incidental expenses necessary to carry this act into effect.

I wish to add that this bill was introduced by me upon the combined requests of the officers of the municipality and the trade bodies of the city of Savannah, Ga.

A passenger may take a train at Boston, where a subtreasury is located, and in six hours can reach the subtreasury in New York. In a little over two hours more he can see the subtreasury at Philadelphia and in another two hours or a little over another at Baltimore, and another hour's ride will bring him in sight of the massive Treasury building here.

Then, if he is going southward, he has seen the last of Uncle Sam's strong boxes for many hours and many miles. He has

passed them an average of three hours apart north of the Potomac. He will then take a faster train than the one he has been riding on and not see another until more than a day has elapsed, and, after seeing this one, will reach the shores of the Pacific before he sees another.

Why is this difference? Is the country he is passing through uninhabited? It has about one-third of the population of the entire United States. It has a larger population than any nation in Europe except six, and it is growing so rapidly that it wil pass two of these six in a quarter of a century. Is it unprogressive? If so, Americans must import all their energy from abroad, for it is the purest-blooded American of any section of the Union. It is not unprogressive. It is growing more rapidly in wealth and in all those lines of development that wealth opens and grows from than any other part of this broad land. [Applause.]

Why is it that subtreasuries are so much needed at the North and not needed at the South? I confess that I do not understand, but it looks as if what was good for one section was considered not good for another; or else the interests of one have been attended to at the expense of the other. [Applause.]

The States that border on the Atlantic north of Washington, including Pennsylvania, have a population of 22,419,474 and have four subtreasuries—one for each 5,604,869 people.

The States bordering on the Atlantic south of Washington and on the Gulf, including also West Virginia, Tennessee, Kentucky, Arkansas, Oklahoma, New Mexico, and Arizona, having a population of 23,190,271, have only one subtreasury.

The balance of the Union, having a population of 30,260,923, has four subtreasuries—one for each 7,565,231 people.

Divided in area the first-named group of States, with 183,675 square miles, have four subtreasuries. This is equal to a territory 428 miles square, or four blocks 214 miles square each. A subtreasury in the center of each of these blocks would leave no part of this territory more than 151 miles distant from it. As this section has four subtreasuries it would have one for each of four blocks.

The second group is over six times as extensive as the first, having 1,120,400 square miles—an area equal to a block 1,058 miles square. A subtreasury in the middle of such block would be 748 miles distant from its most remote part.

The balance of the country has an area of 1,724,644 square miles, which would be equal to 1,312 miles square. As this has four subtreasuries, it could be divided into four blocks of 656 miles square each, with each having a subtreasury. A subtreasury in the center of each of these blocks would be not more than 464 miles from the most distant part.

The South, which produces 80 per cent of the world's cotton, is not fairly represented in the location of subtreasuries even in proportion to its wealth, accepting the census of 1900 as a basis of comparison, and this basis would not be fair to this section, for the South has made greater gains than any other part of the country during the last seven years. Judged even by the census of 1900, the North Atlantic States, with Delaware and Maryland added, had four subtreasuries and a combined wealth of $33,835,566,694—a subtreasury for $8,458,891,673. The States composing the Southern and South Central divisions, with New Mexico and Arizona substituted for Delaware, Maryland, and the District of Columbia, had only one subtreasury, though their combined wealth reached a total of $12,958,843,128; while the balance of the country, with a combined wealth of $40,794,159,180, had four subtreasuries—one for each $10,198,539,795.

The South furnished more than one-third of the exports of the country last year, and between one-fourth and one-fifth of the whole of the country's trade flowed through southern ports, but it had only one subtreasury out of nine. It is unjust to that great section of the country, and to the South's patriotic citizens. We should be given more recognition. [Applause.]

But the bill that I am discussing relates to a particular part of the South which has fared worse than the section taken as a whole, *for it has no subtreasury at all.* This section includes ten States, with a population of 16,339,740. Of these States Virginia, West Virginia, Kentucky, and Mississippi, and West Tennessee would not be benefited by this bill, because they are convenient to Baltimore, Washington, Cincinnati, New Orleans, or St. Louis. But the States of North Carolina, South Carolina, Georgia, Florida, and Alabama, with middle and East Tennessee, remain as a group that should have this convenience.

These States at the present time have a population of more than 10,000,000; they cover an area of more than 280,000 square miles; their combined wealth amounts to more than $4,000,000,000, and one-twelfth of the total of exports from the entire country goes through their ports. [Applause.]

Except in these States there is no nook or corner of the United States east of the Mississippi River that is not within ten hours' ride of a subtreasury. Many parts of these States are more than twenty-four hours distant. This is not on account of a lack of railroads. They are well supplied. It is not because their railroads make poor time. They average with the railroads of other sections in this respect. It is solely because a wide stretch of country has been neglected, and grossly neglected without reason and without excuse. [Applause.]

A subtreasury located in this section, where it would be most accessible to all parts, would not be as near as Washington or Baltimore to Virginia; as near as Baltimore, Washington, or Cincinnati to West Virginia; as near as Cincinnati to Kentucky; as near as Cincinnati, St. Louis, or New Orleans to West Tennessee, or as near as New Orleans to Mississippi. So these States and their cities may be eliminated from consideration, and, in Alabama, Mobile would be eliminated by its proximity to New Orleans.

I believe Savannah should be selected as the location for the subtreasury to serve this section because it is a seaport, because it does a larger business than any other city in that section, and because it is more centrally located for this territory than any other seaport or than nearly any of the other larger cities. The Government has a magnificent custom-house at Savannah, and the cost to fit up quarters for it would be only nominal, which fact should strongly appeal to you.

All the subtreasuries except three are located at seaports, because at the ports is handled not only all the local business, but the business of interior cities as well. In value of exports Savannah is the seventh port of the United States, being surpassed only by New York, Galveston, New Orleans, Baltimore, Boston, and Philadelphia. At all these ports except Galveston subtreasuries are already located, and one is located at San Francisco, which does a much smaller exporting business than Savannah.

In the above statement only the foreign business is counted. Half as much more is shipped through the port of Savannah to the large seaports of the North, to be shipped through them abroad. If this were credited to Savannah she would be a larger exporting port than Philadelphia, and in some years larger than Boston. [Applause.]

These statements refer to the present time. Savannah's exports increased from $20,913,335 in 1885 to $63,039,824 in 1907—a gain of over 200 per cent in twenty-two years. None of the Atlantic ports which now surpass Savannah in exports are gaining half so rapidly. If the gains of the past continue into the future, Savannah in fifteen years will be second only to New York among the Atlantic ports in the value of her exports. I wish to emphasize the additional fact that Savannah has never had a bank failure. [Applause.] She has weathered many panics, too.

The following table shows the value of exports, and of exports and imports combined, through ports south of the Potomac and east of the Mississippi, for the year ending with June 30, 1907:

	Exports.	Exports and imports.
Savannah	$63,039,824	$65,243,691
Mobile	24,468,719	28,419,079
Pensacola	19,218,433	19,825,341
Wilmington	18,563,468	19,379,344
Newport News	14,932,671	17,878,590
Brunswick	11,225,477	11,234,870
Norfolk and Portsmouth	8,859,448	9,305,126
Fernandina	8,655,234	8,791,161
Pearl River	8,645,919	8,697,883
Tampa	3,239,539	7,425,078
Charleston	1,082,466	4,611,019
Key West	1,000,182	2,040,789
St. Marks	1,683,123	1,691,035
St. Johns	783,799	1,110,236
Richmond	18,474	890,667
Apalachicola	329,522	329,524
Petersburg		90,556
Beaufort, S. C.	75,210	75,233
Pamlico		60,236
St. Augustine		39,508
Georgetown	34,732	34,732
Alexandria		9,166
Albemarle		1
Total	185,412,270	207,212,888
Near subtreasury	56,424,631	65,283,071
Total	128,987,639	141,924,797
Savannah	63,039,824	65,243,691

The amount deducted from the total is that of the exports and combined exports and imports of the cities of Virginia, that would be in closer touch with Washington; and, Mobile and

Pearl River, that would be in closer touch with New Orleans than with any city in this section, in which a subtreasury might be located. Taking these out, we find the foreign trade of Savannah nearly as large as that of all the others combined and nearly twice as large as that of all the other Atlantic ports in this section combined.

If the subtreasury should be located on the seacoast, Savannah would have no competitor. The next most important ports, valued by foreign business handled, are Pensacola and Wilmington. Neither has a foreign trade one-third as large as that of Savannah. Neither has much more than one-third as many people or one-third as much business.

The only seaport in this section that is nearly as large as Savannah is Charleston, but Savannah handles over fourteen times as much foreign business as Charleston, and her bank clearings are over three times as large as the clearings of Charleston.

But whether we consider seaports or interior towns, Savannah is, in business, the first city of this section. [Applause.] The following figures show the average of the annual bank clearings of the leading cities of that section during the last three years:

Savannah	$233, 289, 066
Atlanta	225, 529, 782
Nashville	189, 088, 197
Birmingham	98, 811, 886
Augusta	91, 212, 123
Knoxville	70, 737, 960
Charleston	68, 299, 289
Jacksonville	67, 533, 360
Chattanooga	64, 332, 973

So much for Savannah's present stand. What about her future place among the cities of the South? We can only judge by the past. I have already shown you that Savannah's foreign trade gained over 200 per cent in twenty-two years. Her cotton trade has more than doubled in number of bales in ten years, and has more than doubled in value in seven years. Her shipments of lumber have more than doubled in eight years. It is the first naval-stores port of the world and a close second in cotton and lumber. Her banking capital has increased 50 per cent in six years. Her bank deposits have increased more than 50 per cent in six years, and the banks have doubled their loans and discounts in seven years. The tonnage of vessels entering or leaving the port has increased 800 per cent in twenty-five years. [Applause.]

Savannah had two and a half times as many manufacturing industries in 1905 as in 1900, and the capital invested in them increased 113 per cent. The value of her buildings erected in 1905 was nearly 50 per cent greater than in 1900. Her postoffice receipts increased more than 50 per cent during this time. The four systems of railroads that send a large part of their business through her port reach into ten States and have a trackage of 15,630 miles. It is no dead city that I am asking you to locate a subtreasury in, but one of the most prosperous and most progressive cities in the whole country. [Applause.]

And it is a city that has furnished more money than any east of the Mississippi River, perhaps more than all southern towns east of the Mississippi River combined, *to help the farmers grow and market their crops.* On this subject I can not do better than quote from a booklet prepared recently by the mayor of the city, the presidents of the chamber of commerce, the board of trade, the cotton exchange, and the clearing-house association. These gentlemen say:

During the spring and summer months large sums of money are advanced to the farmers direct or through interior banks, to plant and raise the crops, and later to move them.

The million and a half bales received by Savannah come principally from Georgia, Alabama, South Carolina, Florida, Mississippi, and Tennessee. The interior banks in these States are the intermediaries between the planter and the shipper at interior points and the Savannah banks. For instance, the interior merchants either send their cotton to a Savannah factor for sale, or sell it to the Savannah exporters, or sell it abroad themselves. In each case Savannah has to furnish the money. If it is sent to Savannah for sale, it is drawn against; if sold to a Savannah exporter, it is drawn against. But if sold abroad, which constitutes a large part of the business, the foreign exchange is generally sold to some banker in New York. Against this sale of exchange the interior shipper gives the interior bank his foreign draft, with a railroad bill of lading for the cotton attached, and gets from his bank the value of the foreign exchange. These documents are sent to the Savannah banks to have the railroad's bill of lading exchanged for a port bill of lading. Now, a steamer is not over ten days loading, and to fill their freight engagements the interior merchants send their documents forward in order to give the actual cotton time to get to port for the steamer. This frequently has to be done before the steamer has arrived. The banks in Savannah then have to hold these documents until the steamer has arrived, in order to get a port bill of lading. In the meantime the Savannah bank has to send cash by express to the interior bank. Now, on arrival of the steamer port ladings have been received; these documents are all sent to New York, with requests that money be expressed on receipt of the documents. This takes from five to six days. With a subtreasury in Savannah the New York bank could deposit with the subtreasury in New York the amount of the draft, with instructions, by wire, to pay the Savannah bank the same day, and thus save from two to three days.

The Government gets a lower rate of expressage than the banks, and this would be another benefit.

During the busy season the banks are sometimes compelled, owing to the volume of business and delayed steamers, to advise their interior correspondents to hold up their documents. From two to three days' saving would, therefore, mean a great deal to this portion of the country.

We wish to emphasize just here that this is not a local situation applicable to Savannah alone, but the relief given by the establishment of a subtreasury at Savannah would assist the whole adjacent country.

The same conditions could not exist at an interior city, for the documents referred to can never go there for final adjustment.

We need a subtreasury in Savannah, and we need it badly. I hope you will give it to us.

I have presented the claims of Savannah for a subtreasury as well as I have been able. In doing this necessarily I talked about the city itself, but I am not acting solely in the interest of its people. The people on the farms and the wage-earners, all of whose interest I will help to guard and further while I am here, would derive as much benefit as those in the city from the establishment of a subtreasury there. It would put more money in that section of the country and there would be less danger of panics in that section in the future.

The man behind the plow has made Savannah, and, in turn, has been benefited by the energy of the people who have gathered there to help in the exchange of farm products for the products the farmer needs. A lawyer is earning his fees throughout the year, and in spring, summer, autumn, and winter seeds of disease are producing a harvest that keeps the doctor busy and keeps a stream of dollars coming in to support him. The merchant sells his goods every day and the manufacturer's product is daily placed on the market. Every one but the farmer has a comparatively steady income flowing in throughout the year, but the farmer has no money except during the last three months of the year, unless he has saved from some previous year. Others may keep out of debt by having a week's income ahead, for by the time that is spent more will be in hand; but the farmer must have enough on hand in December to last him until September, or he will have to go in debt.

Many of the farmers of my district can look the world in the face without fear or anxiety. Their barns are full and they have deposits in the banks, and they have their cotton stored away, holding it for higher prices. But there are many others who have to go in debt to a greater or less extent every year. These directly or indirectly get their advances from Savannah to a greater extent than from any other city, and feel it keenly when Savannah has not plenty of money. Here again the necessity of the subtreasury is seen. They would be benefited by anything that would keep the money of Savannah from being tied up, as much of it often is, in paying for products and receiving pay in return only after the delay of the mails. This trouble would be greatly reduced by the establishment of a subtreasury in Savannah, and the farmers would be benefited fully as much, if not more, than the people of Savannah.

Even those farmers who owe nothing and have money in banks would be benefited, for the interests of mankind are so interlinked that all must share somewhat in the misfortune of others. The farmers who must sell their cotton as soon as it is picked and ginned depress the price offered to their more fortunate neighbors who are out of debt. So in introducing and advocating this bill I am acting in the interest of all and to the hurt of none. [Applause.]

I do not want you to get the impression that we have not felt the panic in Georgia. We have felt it, and felt it severely, too. Ordinarily the South is independent, and is becoming more and more so each year as her great possibilities are being developed, yet the panic that is now upon us has seriously interfered with all business interests in that section.

Manufacturers, bankers, farmers, merchants, laborers, in fact, every class, have felt the effect of this panic. In many instances there have been failures. I know of many sad cases of this kind in my district, and the thought of the hard times that my people and friends are seeing is painful to me. I have felt it keenly myself and am feeling it with my people.

What now most seriously concerns me is the fact that a great many of the large corporations and industries of the South are taking action to cut the wages of the laboring men and the wage-earners. Of course conditions are bad, but I can not see how these large institutions can expect the laboring men and wage-earners to live on less than they are now getting, with prices of provisions and living expenses so high. These institutions should forego dividends rather than take the necessaries out of the homes of our worthy wage-earners.

The country generally understands that this is a Republican Administration and a Republican panic. You Republicans are strongly in the majority in this Congress and you are absolutely controlling all legislation, and if relief is not given to the people it can not be charged up to the Democratic party, because we

are in the minority and you who are in control of this House and in control of this Congress, with a large Republican majority, will neither give relief to the people nor let us give relief. [Applause on the Democratic side.]

I believe that the Government has the right to issue money and that in such a crisis as this it should issue paper money in sufficient amount to relieve the panic-stricken country, to reestablish confidence, and to put business back upon a normal basis. It has been the policy of this country for many years to permit the stock gamblers and money sharks of Wall street to control absolutely the financial policy of the country. It is high time that the people were waking up to this awful situation and demanding that such legislation be passed that will divorce our financial system from New York. It is a known fact that Wall street controls and dictates the policy of our financial system and controls the money of the Government. It is aimed by his bill, which shows the earmarks of "the sys-

It is deplorable that the Government will permit such a state of affairs as exists under our present system, which has proven a failure on more occasions than the present. It is so adjusted, unfortunately, that one man in Wall street can press a button and almost instantly throw the whole country into a financial panic. The unscrupulous money sharks of Wall street, taking advantage of the assistance of the present Administration, undoubtedly created this panic with a view to squeezing the people. [Applause.] Through the great loss that the people will sustain throughout the whole country these criminal panic producers will reap millions of ill-gotten money. [Applause.]

The plan that is proposed by Senator ALDRICH is, in my opinion, a most objectionable one and will continue to give this same den of thieves on Wall street the same opportunity to pilfer the pockets of the people, and we will have no relief. [Applause.] tem" on its face, to more than ever make New York the money center of the country. [Applause.] That will operate to the hurt of the banks elsewhere, and especially the country banks of the South. [Applause.]

The Government should exercise its right to issue money and do it in sufficient volume to adequately respond to our ever-increasing needs. The country is badly in need of another Jackson as President. I have introduced a resolution in Congress urging that the Secretary of the Treasury be directed and required to at once issue paper money to the amount of $103,318,984, and to immediately put it into circulation in the United States, to temporarily relieve the panic. There is no doubt in my mind but that the Secretary has the right, as the law now stands, even without this resolution, to issue this amount of money, and he ought to be compelled to do his duty. The laws authorizing this issue have been on the statute books for many, many years, and this amount remains unissued under that authority. If my resolution is passed, and if the Secretary of the Treasury would issue this money, it would be a great relief to the people who are suffering from the effects of this panic from one end of the country to the other. [Applause.]

People in every quarter of the country are demanding relief, and this Congress would do well, instead of passing bills providing for enormous expenditures for larger navies and larger armies, to turn its attention to the financial question and give some relief. It is a matter upon which party issues should be thrown aside and Representatives in Congress should be actuated by a patriotic sense of duty to the country and should take up this matter and see that some relief is given as quickly as possible.

With these few remarks on the financial question I am going to leave it until a later date, when I hope again to get the floor and address the House on this important question.

While I have the floor I wish to express my hearty indorsement of the bills introduced by Mr. DAVIS of Minnesota and Mr. WILEY of Alabama, providing for Federal aid, through State control, to agricultural and industrial schools. I shall have something to say about these bills later.

Legislation has heretofore operated, as a rule, to benefit other classes and add to the burdens borne by the farmers and wage-earners. We have taxed the farmers and laborers to raise money to divide among the manufacturers. I said "we," but I did not mean it. I have not done this, nor have my friends on the Democratic side of the Chamber. I said "we," but I meant you Republicans have done it. [Applause.]

Legislation has built up the cities at the expense of the country, and it is high time we were endeavoring to do something for the country. [Applause.] The proper education of our young men and women, fitting them for the duties of life, is the salvation of our nation. [Applause.]

I have introduced a bill to provide for the acquisition of ground to increase the efficiency of the marine hospital at Savannah; and another to provide for the deepening of the harbor and improving the navigation of the Savannah River from its mouth to Augusta. Much that I have just said of Savannah as a shipping center, and as a great, progressive city, applies with as much force to the advocacy of these bills as to the one I have been supporting to-day. Another bill that I have introduced—for drainage and reclamation, or rather for a preliminary investigation looking to drainage and reclamation of the swamp and wet lands in my district—will, if it results in such action as I ask, improve the health of that country and add to the productive area of the First Georgia District nearly a million acres of the most fertile lands in the United States. There is as much reason for the drainage of low lands as there is for the irrigation of the arid lands. These are among the efforts that I am making to look after the interests I was sent here to look after. If I succeed, I will be glad. If I fail, I will not reproach myself for not trying to do my duty by those who have intrusted me with the responsibilities of this high office. [Applause.] I went to work the first day I arrived and will work faithfully in the interest of my district and the people I represent until Congress adjourns. My own conscience as to what my duties are is what I go by, and not by the whims and demagogic criticism of my political enemies. [Prolonged applause.]

Mr. HAY. I now yield to the gentleman from New York [Mr. FORNES].

Mr. FORNES. Mr. Chairman, I have heard it stated many times that prosperity has returned. I received to-day an article published in a Republican paper, in a Republican city, that I have not time to read, but I will ask unanimous consent to have it inserted in the RECORD.

There are those who claim that prosperity has returned and that its return is due to the efforts of the Republican party. I have here a definition from its own source, from a paper that claims it has the largest circulation in that city, and if they peruse it, I think, perhaps, they may change their views. I trust, as a New York merchant, that they will. [Applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. FORNES. The article is from the Philadelphia Inquirer, and I ask that it be inserted at this place.

The article is as follows:

[The Philadelphia Inquirer, Tuesday, February 25, 1908.]

A FEW WORDS WITH CONGRESS—LOOSEN UP THE TREASURY PURSE—PUT THE UNEMPLOYED AT WORK.

We would like to have a few words with Congress this morning.

That means, of course, the Republican majority, for the Republicans are largely in control of both House and Senate. They are, therefore, responsible to the country.

The Inquirer is a sturdy Republican journal, always the advocate of Republican principles and doctrine. It not only enjoys a greater circulation than any other newspaper in Pennsylvania, but there is no Republican journal throughout the United States that begins to compare with it in respect to the multitude of readers reached every day in the year. We may be pardoned, under such circumstances, if we feel that we have a right to speak in behalf of the Republican masses.

A period has been reached in this country where industrial depression has become a most serious matter. The army of the unemployed in every city in the land has been swelled to enormous proportions.

These men who want work and can not get it do not care for theories.

They want bread.

They look to municipal authorities for aid, but most of all to the Congress of the United States.

Now, it so happens that this is the Presidential year. That is unfortunate, for always in a Presidential year certain Republican leaders in Washington become impressed with a species of terror that a part of the Democratic campaign may consist of the cry of "extravagance." As a consequence they are seized with a spasm of economy. They insist that not a dollar that can be held back in any possible way shall be expended. They sharpen the pruning knife and slash ruthlessly. They argue among themselves that this is good politics.

We must beg to differ with them. It is not good politics. It is the very reverse.

For be it understood that these tens and scores of thousands of the unemployed are not bothering themselves about theories.

They are facing actual conditions.

They know that the United States Treasury is stuffed with surplus millions of dollars.

They can not understand why, in times of such pressing need, the padlock should be double locked.

The nation is itself prosperous. It is only they themselves who do not share in the prosperity of the Government. They may be told that current expenses may exceed the current receipts of the next few months. That makes no impression, for they know that such a deficit can be but temporary, and meanwhile they have been taught to believe that a surplus is intended for use in times of depression, in precisely such times as are now upon us.

Here is the question which the gentlemen who make laws in Washington must answer:

What effect will the tightening of the purse strings, to meet a fancied political emergency, have upon the citizens of the United States, and especially citizens in those sections where there is a congestion of unemployed labor?

Will it make votes for the Republican party at the coming election to throw out every possible appropriation for public works that can be postponed?

Can the Republican orators go upon the political stump and argue as their best card that the Republican Congress is meeting the conditions that obtain in the country by halting every progressive step and thus actually swelling the ranks of the idle?

We greatly fear that such an argument will produce anything but favorable results. It is not miserly, cheeseparing economy on the part of a great and wealthy nation, with millions of dollars lying dormant in the Treasury, that will appeal to the multitudes. What these multitudes wish to hear and will expect to hear is that the Government has loosened up on the purse strings and that by plunging into public works in a systematic manner will be able to find employment for many thousands of the unemployed who are now crying for bread.

The cry of "Extravagance!" Who is going to listen to the cry of "extravagance?"

Certainly not the wage-earners.

What do they care about any such theory as that when the Treasury is bursting with useless money? "Give us work!" That is going to be their response to the political speakers, and there is no getting away from it.

It is conceded very generally in these days, after years of academic discussion, that there is no greater public enterprise before the country than the development of the waterways.

Senator KNOX recently delivered an address in Pittsburg on this subject, which is far above anything yet said in this line. His argument was perfect. He showed conclusively and convincingly that if the Government would go to work at once to develop these highways of commerce the investment, no matter how large it might be, would bring forth vast profits. Freight rates would be lowered. New manufacturing plants would spring up where the hum of the wheels of industry is now unheard. He did not believe in a policy which dug out a harbor or a river channel one year and then practically abandoned the work until another opportunity should arise. It was his argument that a system of development as wide and as universal as the demands of commerce require should be entered upon as the most pressing and most important enterprise in which the Government could embark. He would not go at it by piecemeal. He would develop on a grand scale, because the sooner the vast work is accomplished the sooner will the country and the people reap the benefits.

That scholarly and thoughtful address was such a magnificent presentation of burning facts, so fully met the requirements of the nation, that it was ordered printed by a vote of the Senate, although the speech had been delivered in a far-away city. Such action was almost, if not quite, unprecedented.

Now, if it is conceded—and by this vote of approval the Senate did so concede—that Congress must provide for the development of the waterways of the nation, why not enter upon the work at once—not by appropriating a million dollars next year and two millions the year after, and taking the vast improvement up in a haphazard way, but by going at it as a whole with the intention of finishing the entire system by the time the Panama Canal, with its 35-foot channel, is ready for business?

One bill before Congress sets aside $50,000,000 a year for the next ten years for this development. Senator KNOX proposes a bond issue that will provide sufficient funds for the immediate and continuous and speedy prosecution of the scheme for national expansion of commerce.

We believe in the KNOX argument.

And let us tell our Congressional friends that if they are looking for an argument in the Presidential election they can appeal to the multitudes in no better way than by adopting the policy of the immediate development of the waterways and by putting thousands of the unemployed at work.

Again, what is all this talk about building only two battle ships when the Navy Department asks for four? Isn't it good plain common sense to keep the shipyards at work? We have got to have those ships anyhow, and why not construct them in this time of depression? Suppose we do cut into the surplus a little, what of it? Again we ask, what is a surplus for?

It is a serious and indefensible blunder, and we can not repeat this too often, to tie up the purse strings. The nation is confronting splendid enterprises which make for progress and prosperity. We have talked about them long enough. Why not go at them at once—now—and put the unemployed laborers at work?

Mr. HAY. Mr. Chairman, I had agreed to yield the balance of the time to the gentleman from Mississippi [Mr. HUMPHREYS], but I do not see him here and have not seen him for some time. If he is not here, I have no further use for the time.

Mr. WILLIAMS. Mr. Chairman, if the gentleman has a little time, I should like just a moment for the purpose of requesting the insertion in the RECORD of some documents which I have here.

Mr. HAY. I yield to the gentleman.

Mr. WILLIAMS. In connection with the question of the International Paper Company—the paper trust and wood-pulp trust—I desire to have inserted in the RECORD, as a part of my remarks, a report made by Mr. Herman Ridder, president of the American Newspaper Publishers' Association, bearing upon that question and upon the course of conduct being now pursued by the paper trust in keeping up the price of print paper.

The report is as follows:

AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION,
New York, February 19, 1908.

DEAR SIR: At the suggestion of the subcommittee on paper of the American Newspaper Publishers' Association I submit the following for the information of publishers and for such comments as may seem proper to them.

Yours, faithfully, HERMAN RIDDER, *President.*

It is important that newspaper publishers who are paying excessive prices for news-print paper, should know that during the month of January the paper mills in this country in the aggregate have not been running more than 60 to 65 per cent of the usual time. The International Paper Company has shut down. Wilder Mill, Franklin Mill, and Umbagog, Piercefield, and Herkimer had been shut down in 1907. Dispatches from these places say similar orders have been sent to numerous other mills of the company in New England, and that the adoption of this general policy of curtailment is due to the fact that storehouses have been filled with the finished product, and that for a time the production has been greater than the needs of the trade. The fact is that newspaper publishers everywhere have been reducing the size of their issues and have been lopping off returns to prevent waste. In addition, the enforcement of the new postal regulations against illegitimate mail-order publications has materially reduced the consumption of news-print paper. Canadian mills are pushing their capacity to the utmost and are underselling American mills in the United States market, notwithstanding the duty of $6 per ton against the Canadian mills.

The Fiber and Manila Association in December, 1907, curtailed the output of manila paper to the extent of 15,000 tons in an effort to maintain the inflated prices of last year. Jobbers who had refused to replenish their stocks at the high prices were asked to place new orders upon a guaranty that the high prices would be maintained for sixty days. Other divisions of the American Paper and Pulp Association making other kinds of paper have been holding meetings and devising means to curtail production and to maintain the high prices obtained by combination. Nevertheless, the president of the American Paper and Pulp Association, Mr. David S. Cowles, in opening the annual meeting of that body on Thursday, February 6, 1908, said: "The present condition of business is one which requires very careful handling. It has been plunged from a great condition of prosperity to a condition of great depression." Trade authorities concede that the domestic pulp market is demoralized, and that the agreements of some of the groups necessary to maintain paper prices are things of the past.

The proceedings at the recent meetings of the various groups of paper makers have not been disclosed to the public, but the effort to maintain excessive news-print prices are continued in face of considerable declines in the prices of raw materials. The programme thus far indicated provides for running on part time and for adherence to combination prices, upon the calculation that the savings in the lower cost of raw materials will offset the losses due to running the mills on part time. Thousands of paper makers have been thrown out of employment while this scheme of embarrassed or sickly operation or complete suspension is carried out. Paper makers might revive their business by reducing prices. They might relieve the distress of their own laborers for whose benefit they obtained a tariff on paper. They have decided upon the policy of curtailment in production, high prices to customers, and idleness for their employees.

Mr. WILLIAMS. Mr. Chairman, in addition to that I should like to insert in the RECORD a reprint of an editorial lately written by Mr. Samuel Gompers, and published in the American Federationist of February, 1908, in relation to the injunction upheld by Judge Gould against the American Federation of Labor, because they had published the name of a firm under the heading, "We do not patronize."

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The document is as follows:

FREE PRESS AND FREE SPEECH INVADED BY INJUNCTION AGAINST THE AMERICAN FEDERATION OF LABOR—A REVIEW AND PROTEST.

[Editorial by Samuel Gompers, from American Federationist, February, 1908.]

Justice Gould, of the supreme court of the District of Columbia, issued an injunction on December 18, 1907, against the American Federation of Labor and its officers and all persons within the jurisdiction of the court.

This injunction enjoins them as officials or as individuals from any reference whatsoever to the Buck's Stove and Range Company's relations to organized labor, to the fact that the said company is regarded as unfair—that it is on an "unfair" list, or on the "We don't patronize" list of the American Federation of Labor. The injunction orders that the facts in controversy between the Buck's Stove and Range Company and organized labor must not be referred to, either by printed or written word or orally. The American Federation of Labor and its officers are each and severally named in the injunction. This injunction is the most sweeping ever issued.

It is an invasion of the liberty of the press and the right of free speech.

On account of its invasion of these two fundamental liberties this injunction should be seriously considered by every citizen of our country.

It is the American Federation of Labor and the American Federationist that are now enjoined. To-morrow it may be another publication or some other class of equally law-abiding citizens, and the present injunction may then be quoted as a sacred precedent for future encroachments upon the liberties of the people.

With all due respect to the court, it is impossible for us to see how we can comply with all the terms of this injunction. We would not be performing our duty to labor and to the public without discussion of this injunction. A great principle is at stake. Our forefathers sacrificed even life in order that these fundamental constitutional rights of free press and free speech might be forever guaranteed to our people. We would be recreant to our duty did we not do all in our power to point out to the people the serious invasion of their liberties which has taken place. That this has been done by judge-made injunction and not by statute law makes the menace all the greater.

There is no law in our country—and we feel safe in saying that no law could be passed by the consent of the people—which would deny to the humblest citizen the right of free expression through speech or by means of the press, and yet this is now attempted by injunction.

There is no disrespect to the judge or the court when we state with solemn conviction that we believe this injunction to be unwarranted.

Suppression of freedom of the press is a most serious thing, whether occurring in Russia or in the United States. It is because the present injunction commands this that we feel it our duty to enter an emphatic protest.

It has long been a recognized and an established principle that the publisher should be uncensored in what he publishes, although he may be held personally and criminally liable for what he utters. If what is published is wrong or false, it is within the power of the courts to punish by using the ordinary process of law, but not by a judge-made injunction.

The publication of the Buck's Stove and Range Company on the "We don't patronize" list of the American Federation of Labor is the ex-

ercise of a plain right. To enjoin its publication is to invade and deny the freedom of the press—a right which is guaranteed under our Constitution.

The right to print, which has grown up through the centuries of freedom, has its basis in the fundamental guaranties of human liberty. It has been defended and upheld by the ablest minds. It ought not to be forbidden by judicial order.

The matter of attempting to suppress the boycott of the Buck's Stove and Range Company by injunction, while important, yet pales into insignificance before this invasion and denial of constitutional rights.

We shall consider this question fully, and we urge the most serious and careful thought on the subject by our fellow-workers and fellow-citizens.

For years we have pointed out the fact—and we believe the greater part of the intelligent public are in entire accord with us—that the injunction process was originally intended to apply to property rights only, and never was intended to interfere with personal rights—personal liberty. In fact, it never is applied to the personal rights and liberties of citizens other than if these citizens are wage-workers.

We discuss this injunction and feel obliged, as a matter of conscience and principle, to protest against its issuance and its enforcement, yet we desire it to be clearly understood that the editor of the American Federationist does not consider himself thereby violating any law of either State or nation, nor does he intend or advise any disrespect toward the courts of our country. And yet inherent, natural, and constitutional rights and guaranties must be defended and maintained.

The men composing the organizations federated in the American Federation of Labor are as law-abiding, as honorable, and as upright as can be found in any walk of life.

We feel it our solemn duty to defend our unions and the men connected with our movement from any insinuation that they are lawless or that they are associated together for any unlawful purpose.

Though the wageworkers or their chosen representatives may be the pioneers in this protest, though they may be misunderstood, aye, even persecuted, for conscience sake, yet will their labors bear fruit, and coming generations of our people will thank those who, at this time, had the clarity of vision to see the right and the courage to strive manfully for the protection of our liberties against aggression.

This injunction against the American Federation of Labor contains many points with which we have hitherto been obliged to deal at long range.

We had hoped that the application for this injunction would be denied on the ground that there was no real basis of complaint in the plaintiff's allegations against the American Federation of Labor. The American Federation of Labor was represented by able attorneys and their arguments showed clearly that there was nothing unlawful in the fact that large numbers of wageworkers simultaneously declined to purchase the Buck's stoves and ranges.

The plaintiff for the Buck's Stove and Range Company, also its president, is no other than Mr. Van Cleave, also president of the National Association of Manufacturers. The recent contemptible attacks of the manufacturers' association's hirelings upon the character of the men of labor are still fresh in the public mind. The application for an injunction against the publication as "unfair" of the Buck's Stove and Range Company by the American Federation of Labor savored very much of an attempt to use the courts in the prosecution of the manufacturers' association's avowed union-crushing campaign.

We do not for an instant insinuate or affirm that Justice Gould knowingly lent himself to the machinations of the manufacturers' association, but we feel convinced that he was not at all familiar with the unscrupulous means which the manufacturers' association adopts in order to accomplish its purposes, or he might have hesitated to accept in good faith the allegations of the Buck's Stove and Range Company in regard to its treatment by the American Federation of Labor.

It is quite true that certain union employees to whom the Buck's Stove and Range Company declined to concede the prevailing hours of labor made this fact known to their fellow-workers through the columns of the American Federationist and through many other publications in various parts of the country, and the American Federation of Labor indorsed their position and published the same.

The entire procedure was truthful, fair, and honorable. We had a right to inform the public as to the facts in the case. Wageworkers and, indeed, many others prefer to give their patronage to firms which employ union labor and whose product, for that reason, is likely to be of a more satisfactory quality to the consumer.

If the champions of the nonunion shop are so proud of their stand in the matter and so convinced of their own fairness and wisdom we really fail to see why they should object to the publication of that fact.

If, as they claim, the public is with them and disapproves of unions and their method of "collective bargaining," we should think that the publication of the fact of a firm declining to pay union wages or concede union hours would be its best possible advertisement and one that would be eagerly sought. Not so, it seems. The Buck's Stove and Range Company, judging from the terms of the injunction, desires to stifle the voice of labor and enforce a continuous and unbroken silence on the subject of its bad standing with union workmen.

In the application for the injunction it was alleged by the Buck's Stove and Range Company that its business has suffered seriously from the refusal of union workmen and their friends to purchase its stoves and ranges. But would not absolute silence on our part as to its hostile attitude toward certain union employees be dishonest? Why should we encourage our members and friends to buy the Buck's stoves and ranges under the apprehension that this company deals fairly with union labor? Could not union employers then accuse us of unfair discrimination, of trickery and humbug?

If Mr. Van Cleave's opposition to the union shop is a matter of honest and conscientious conviction we should think he would writhe in pain under an injunction which prevents the publication of that fact.

The injunction is printed in full in this issue of the American Federationist. We hope our readers will study carefully every word and every phrase. It is a most remarkable injunction.

Justice Gould seems to base this injunction on the assumption that there has been a combination of numbers of wage-earners "conspiring" to commit unlawful acts. Such is not the fact. The public should understand clearly the difference between combinations for unlawful purposes and the voluntary associations of wage-earners for entirely lawful and proper purposes.

Let us for a moment consider what are some of the aims and purposes of our labor movement: To render means and opportunity of employment less precarious; to improve the standard of life; to uproot ignorance and foster education; to establish a normal workday; instill character, manhood, and an independent spirit among our people; to establish the recognition of the interdependence of man upon man, and that no man can be sufficient unto himself; that he must not shirk a duty to his fellows; to take children from the factory and the workshop, the mill, the mine, and to give them the opportunity of the school, the home, and the playground. In a word, to lighten toil, brighten man, to cheer the home and the fireside, to contribute our effort to make life the better worth living. To achieve these ends, all honorable and lawful means are not only justifiable, but commendable, and should receive the sympathetic support of every right-thinking American, rather than bitter, relentless antagonism.

But, to return to the consideration of the injunction, Justice Gould quotes Judge (now Secretary of War) Taft's definition of a boycott as follows:

"A boycott is a combination of many to cause a loss to one person by coercing others, against their will, to withdraw from him their beneficial business intercourse through threats that unless these others do so that many will cause serious loss to them."

Justice Gould adopted this definition in preference to that found in the Cyclopædia of Pleadings and Practice, and seemed to feel that Judge Taft furnished an illustrious precedent for the granting of this injunction.

True, Secretary Taft has an injunction history (see American Federationist editorial, October and November, 1907), but since he has become a candidate for President he does not seem proud of that record. He has recently tried to "explain" and not very successfully, because he, like many other injunction judges, did not think it necessary, before granting sweeping injunctions, to acquire a knowledge of modern economics and the proper application of judicial principles thereto. Is Judge Taft the highest authority on what constitutes a boycott or grounds for an injunction of this character?

The very injunction proceedings from which Justice Gould quoted Judge Taft, and other precedents he mentions, were cases in which the injunction privilege was abused by being wrongfully applied. Two wrongs do not make a right in an injunction any more than other affairs of life.

Secretary Taft says a boycott is a combination of many to cause a loss to one person by coercing others against their will to withdraw from him their beneficial business intercourse by threats.

We defy anyone to prove a single instance in this case where men or organizations combined to "coerce" others against their will to withdraw patronage from the Buck's Stove and Range Company. Neither coercion, threats, nor conspiracy in the unlawful sense have been resorted to, yet the whole injunction is based upon this wrong assumption.

Our unions and the men of labor are doing a public service in informing fellow-workers and friends of the fact that certain employers refuse to recognize the associated effort of the workers. This very class of employers *organize themselves* into combinations and vigorously use the secret blacklist to hound good citizens and union men from employment. They use every weapon, lawful and unlawful, to crush unions. No wonder they are ashamed to have their tactics made public.

The members of organized labor are not themselves *obliged* to refrain from dealing with the firms on the "We don't patronize" list of the American Federation of Labor. The information is given them. There is no compulsion. They are entirely free to use their own judgment.

It must be remembered, however, that for the one firm which declines to employ union labor there are probably a score in the same business which prefer it on account of its greater skill and reliability and for many other sound economic reasons. Such firms are conceded to turn out a higher quality of product than nonunion concerns. The members of organized labor naturally desire to expend their earnings to the best advantage when purchasing and wish to be informed as to what firms do and do not employ union labor. In purchasing it is often a question of the *quality* of the goods offered. The "boycott" is a letting alone of undesirable goods.

No person can be compelled to buy an article. If the purchaser chooses to let alone certain products for any reason or for no reason, there is no way of compelling him to buy.

This injunction can not compel union men or their friends to buy the Buck's stoves and ranges. For this reason the injunction will fail to bolster up the business of this firm, which it claims is so swiftly declining.

Individuals as members of organized labor will still exercise the right to buy or not to buy the Buck's stoves and ranges. It is an exemplification of the saying that "You can lead a horse to water, but you can't make him drink," and more than likely these men of organized labor and their friends will continue to exercise their right to purchase or not purchase the Buck's stoves and ranges.

It may not be amiss here to say that in all these proceedings, whether before the court or in the contest forced upon labor by the Buck's Stove and Range Company, no element of personal malice or ill will enters. Labor is earnestly desirous of entering into friendly relations with employers, and this is none the less true of its desire to reach an honorable adjustment and agreement with the Buck's Stove and Range Company. So long, however, as that company continues in its hostile attitude to labor, denying it the right to organize, discriminates against union members, and refuses to accord conditions of employment generally regarded as fair in the trade, it must expect retaliatory measures; these measures always, however, within the law and for the purpose of ultimately reaching an honorable, mutually advantageous agreement.

The publication of the Buck's Stove and Range Company on the "We don't patronize" list of the American Federation of Labor is only an incident in the history of the case. These stoves might have been let as severely alone by purchasers if they had never been mentioned on that list. It is not the matter of removing that firm from the list against which we primarily protest, it is this injunction invading the freedom of the press.

Justice Gould, in one portion of his opinion, says:

"Defendants [the American Federation of Labor] have the right either individually or collectively to sell their labor to whom they please, on such terms as they please, and to decline to buy plaintiff's stoves; they have also the right to decline to traffic with dealers who handle plaintiff's stoves."

Here he states precisely the whole case of the American Federation of Labor. This is what we have done. This is the sum total of labor's offending. The publication of the Buck's Stove and Range Company and other firms on the "We don't patronize" list is merely giving truthful information at the request of our members as to whether or not certain firms employ union men and concede the other conditions of employment usually granted by those concerns which recognize union labor.

It would seem that having made the above-quoted statement Justice Gould would have found in it the reason for a refusal to issue the injunction. He, however, goes on to assume that there has been some

unwarrantable interference with the plaintiff's business, though neither in his opinion nor in the injunction itself does he make it clear how he arrived at the conclusion that the union course was any other than as indicated in his own language.

We wish to point out that *there exists no law under which we could have been haled before any court* for the exercise of free speech and freedom of the press in order to explain to our fellow-workers and friends the circumstances under which the Buck's Stove and Range Company manufactures its goods, and its attitude toward labor. Yet, under the terms of this injunction we are peremptorily cut off from the exercise of these rights.

We have had occasion in the past to call attention to the fact that the danger of the injunction, as used in labor cases and in no other, is that persons are often forbidden the doing of perfectly lawful things—are enjoined from the exercise of their rights as citizens, and then found in contempt and punished if they fail to submit to the course laid down in the injunction mandate.

It is puzzling to be *charged* with coercion, conspiracy, and what not, and enjoined from the exercise of free speech and free use of the press just as if we had been guilty of those things of which we are entirely innocent.

It is true that there do exist illegal combinations and conspiracies for the the purpose of unwarrantable interference with business, or even its destruction, but these are not organized by wage-workers. The criminal conspiracies in restraint of trade are organized by pirate trusts, by rascally promoters, by unscrupulous manipulators of finance.

The air is filled with the lamentations of the innocent victims of such conspiracies, but do we ever hear of these pirates in the business world being enjoined from continuing their depredations or threatened with contempt proceedings if they do not desist from their unlawful practices, which even involve property rights? Never! These injunctions are applied to wage-workers exclusively, though they involve personal rights and liberties. It is this denial of equality before the law against which we protest.

In making these statements we are not indulging in unjustifiable or disrespectful criticism of the judge who issued this injunction. We assume that he acted in accordance with the dictates of his conscience and his best judgment.

One point we have been making for years in regard to other injunctions is equally applicable to this case. We contend that the *power* to issue injunctions involving personal rights and liberties *should not be left to the discretion of any judge,* no matter how wise, how discreet, or how learned.

President Roosevelt in his recent message to Congress made the following comment on the abuse of the injunction power:

"Instances of abuses in the granting of injunctions in labor disputes continue to occur, and the resentment in the minds of those who feel that their rights are being invaded and their liberty of action and of speech unwarrantably restrained continues likewise to grow. Much of the attack on the use of the process of injunction is wholly without warrant; but I am constrained to express the belief that for some of it there is warrant. This question is becoming more and more one of prime importance, and unless the courts will themselves deal with it in effective manner, it is certain ultimately to demand some form of legislative action. It would be most unfortunate for our social welfare, if we should permit many honest and law-abiding citizens to feel that they had just cause for regarding our courts with hostility. I earnestly commend to the attention of the Congress this matter, so that some way may be devised which will limit the abuse of injunctions and protect those rights which from time to time it unwarrantably invades. Moreover, discontent is often expressed with the use of the process of injunction by the courts, not only in labor disputes, but where State laws are concerned."

We earnestly hope that public opinion on this subject will be so compelling, so widespread, and so intense that Congress will at an early date crystallize into statute law the expression of this feeling by enacting the American Federation of Labor bill "to limit and regulate injunctions" which is designed to restrain the improper use of the injunction power and to protect rights which have been unwarrantably invaded.

It is our earnest hope that our protest of to-day in behalf of justice and right may find expression in the laws of to-morrow.

We have already stated that the case of the Buck's Stove and Range Company against the American Federation of Labor and its officers is represented by able counsel. Additional counsel, foremost at the bar of our country, has been added. Regardless of any phase which the case may assume, it will be continued by the American Federation of Labor until a final decision has been rendered by the Supreme Court of the United States.

We repeat here what we have elsewhere said, that when the true historian shall present to the world the great struggles of the past and of the present; when the tinsel and false coloring shall have been removed from the real figures and events, there will be revealed to mankind's astonished gaze the continuous struggle of labor against tyranny, brutality, and injustice; the struggle for the right, for humanity, for progress, and for civilization. The trade unions and the federation of our time are in their very essence, the continuity of the historically developed progress of labor through the ages. We can not stop; we must go on.

In the official organ of the National Association of Manufacturers, one of the counsel for the Buck's Stove and Range Company declares that punishment for violation of the injunction issued by Justice Gould against the American Federation of Labor applies particularly to those within the territorial limits of the District of Columbia who violate the terms of the injunction; that those who violate the terms of the injunction in any other part of the country outside of the District of Columbia can be punished only when they thereafter come within the territorial limits of the District of Columbia. Counsel for the American Federation of Labor assure us that this construction of the court's order is accurate.

Mr. HULL of Iowa. Mr. Chairman, I understand the gentleman from Virginia [Mr. HAY] had three minutes of time that I could have controlled, but he does not desire to use it. I wish to yield that three minutes to the gentleman from Illinois [Mr. BOUTELL].

Mr. BOUTELL. Mr. Chairman, I should like to invite the attention of this House and of the country to a noteworthy event that has just happened in the United States Treasury, an event so extraordinary that it will be chronicled and commented upon with surprise and amazement in every financial center in the world, and an event which all the citizens of our Republic, without regard to party affiliations, may well contemplate with satisfaction and pride.

Through the courtesy of Mr. Treat, the Treasurer of the United States, I have just received the announcement by telephone that for the first time the gold coin and bullion in the United States Treasury has reached and passed the sum of one thousand million dollars. [Applause.] This coin and bullion is divided into $150,000,000 in the reserve fund, $829,651,869 in the trust fund, and $20,821,162.45 in the general fund.

These figures are, of course, simply bewildering, and we can not grasp their full significance without apt and illuminating comparisons. It may be said, in the first place, that so far as we have any historical records, this is far and away the largest store of gold that was ever collected at any one time in any one place and under one control. [Applause.] It was only a short time ago, at the close of the Fifty-ninth Congress, that I called attention to the fact that the gold coin and bullion in the Treasury had then for the first time reached and passed the $900,000,000 mark; so that in less than two years this store of gold in the United States Treasury has increased $100,000,000. If we compare this with the store of gold at various other periods in the history of the country, we can realize the enormous strength of the Treasury of this nation at the present time. The total store of gold in the United States Treasury at the close of the fiscal year 1893 was, in round figures, $189,000,000; in 1894 the total was $131,000,000, and in 1895 the total was $156,000,000. To-day the sum is $1,000,473,031.45. Such a showing as this, with our 2 per cent bonds selling above par, shows that the condition of the United States to-day is financially impregnable. [Applause].

Mr. SMITH of Arizona. Mr. Chairman, before the general debate closes I should like about a minute.

The CHAIRMAN. The Chair understood the gentleman from Virginia [Mr. HAY] not to claim any further time, but of course he can do so.

Mr. HAY. I yield to the gentleman five minutes.

Mr. SMITH of Arizona. Mr. Chairman, this is in the nature of a personal privilege. The other day, in the debate in the Committee of the Whole on the legislative appropriation bill, I said that the judges of the Arizona courts received certain compensation, as I had been informed, through the boards of supervisors of the different counties. When I made that statement I believed it, having been informed that that was the fact. I have a letter to-day from Chief Justice Kent, who corrects that statement, and I wish to correct the mistake that that may have created in the minds of gentlemen of the House.

The legislature of the Territory passed a law giving to these Federal judges the extra compensation, and not the counties in which they hold their courts. As some criticism was made of the judges receiving such funds, Judge Kent called my attention to the misstatement of facts that I had made and informed me of the real condition. I take occasion thus publicly to let the facts be known to the committee.

Mr. HAY. Mr. Chairman, I now yield the balance of my time to the gentleman from Connecticut [Mr. HILL].

Mr. HILL of Connecticut. Mr. Chairman, supplementing and bearing upon the statement just made by the gentleman from Illinois [Mr. BOUTELL], I desire to say that within the past few days I have been looking into the possibility of still further increasing that stock of gold, and I find that, beginning with the panic month of October, this country has sold over $792,000,000 worth of its products, the exports being increased enormously in the liquidation of the debts which existed at the time of the panic, and that during the last three months alone the balance of trade in favor of the United States has been $328,000,000, reaching the enormous sum of $120,000,000 in January.

When a distinguished English financier was in the House the other day I asked him this question: "You have sent us $106,000,000 of that balance; how are you going to pay the remainder?" He replied: "I think it will probably be met in the absorption of dividends on foreign investments in this country and the cancellation of maturing short-term railroad loans." We have only to liquidate and sell our products at a fair price at the rate we have been doing, and we will not only maintain the stock of gold we now have, but we will add largely to it from the reserves of Europe. We have the natural resources in this country, and it is only a question of whether we will sell at a fair price now; and in proof of that I want to call attention to a statement recently made by Sir Felix Schuster, of London, that prices and interest rates in Europe were dependent on the manner in which Congress shall legislate on the currency propositions now pending before

it. He says: "If the effect of that legislation be to largely increase the currency on the basis of securities, either Government or otherwise, without any relation to gold, then we may again have an outburst of speculation which may not only prevent prices from falling, but may increase them, and thus bring about a worse condition of affairs than that which we have recently witnessed."

Is it not better by far to liquidate now and at fair prices, to turn the yellow tide again this way, to build up our reserves, and develop our industries? For the surplus products must be sold at some time and at a price in competition with the world. The gold of Europe is ours if we will take it.

The CHAIRMAN. General debate is exhausted and the Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

Washington-Alaska military cable and telegraph system: For defraying the cost of such extensions and betterments of the Washington-Alaska military cable and telegraph system as may be approved by the Secretary of War, to be available until expended from the receipts of the Washington-Alaska military cable and telegraph system that have been covered into the Treasury of the United States, the extent of such extensions and the cost thereof to be reported to Congress by the Secretary of War, $200,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph, and I would like to call the attention of the chairman to this fact: This is for the Alaska military cable and telegraph and provides that it shall be available until expended. The title of the bill is to make "appropriations for the support of the Army for the fiscal year," and so forth. The Constitution of the United States provides that no appropriation for the support of the Army shall be made for a longer term than two years. While I have great respect for the Committee on Military Affairs, I doubt whether a bill reported from that committee can override the constitutional provision.

Mr. HULL of Iowa. I very cordially indorse the well-grounded doubt expressed by the gentleman from Illinois, but I want to say that the Military Committee has no disposition whatever to override that provision of the Constitution; but, Mr. Chairman, the conditions in Alaska relating to this work are such that limiting it to the fiscal year would make it utterly useless.

Mr. MANN. I have no objection to changing it so that it shall be available through the next fiscal year. This appropriation, I fear, would be unconstitutional and would not be available at all.

Mr. HULL of Iowa. We have had it in here before, and it has not worked that way.

Mr. MANN. But the attention of the Comptroller has not been called to the language of the Constitution. The next Administration might read the Constitution. [Laughter.]

Mr. HULL of Iowa. The gentleman from Illinois need not be uneasy about a future change. In these conditions in Alaska they must have more than the fiscal year. This is the ordinary way in which the appropriation has been made. The season up there is only about four months in length. Now, this is in one sense military, although not really for the support of the Army.

Mr. MANN. It is under a bill which is entitled "for the support of the Army," and if it is not for the support of the Army then, of course, it has no place in the bill.

Mr. CRUMPACKER. It may be subject to a point of order, but I do not believe it is subject to the Constitutional objection the gentleman from Illinois [Mr. MANN] makes, because it is not for the support of the Army any more than the maintenance of a fort would be for the support of the Army or a barracks or anything of that kind—a permanent structure, for instance. It strikes me that there is serious doubt about this provision being in conflict with the Constitution, but is is doubtless subject to a point of order for one reason or another.

Mr. MANN. I thought perhaps the Committee on Military Affairs were the best judges of what their bill was for. They have entitled it "A bill making appropriations for the support of the Army for the fiscal year ending June 30, 1909," even to the extent of omitting the ordinary formula, "and for other purposes."

Mr. CRUMPACKER. The gentleman knows that the title of a bill has——

Mr. MANN. Oh, I understand.

Mr. CRUMPACKER. Little or nothing to do with the interpretation of its provisions.

Mr. MANN. I know also that this committee has no jurisdiction to report anything in this bill that is not for the support of the Army.

Mr. HULL of Iowa. I want to say that this telegraph was simply for connecting the different posts and in the interest of economy as well as in the interest of good administration. There are large distances between the posts there, with small detachments of troops in each. It is true this telegraph company, operated by the Signal Corps of the Army, does do business outside of the Army, and it is for the great benefit of the people who are settled in Alaska that they may be permitted to use it for that purpose. It is true that it operates at something of a profit over the cost of maintenance, but not cost of operation, and the amount received from the civilians who use it goes a long way toward paying the entire expense of its operation.

Mr. CRUMPACKER. It is like a military road.

Mr. HULL of Iowa. I understand so.

Mr. CRUMPACKER. A military road may be constructed and maintained, and there might be no Army in the country at all; yet the Government would have authority, it seems to me, to establish and maintain military roads, and an appropriation of this character would not be open to that constitutional objection——

Mr. MANN. Of course, as far as this particular item is concerned, it is subject to a point of order from half a dozen different objections.

Mr. CRUMPACKER. That may be true.

Mr. MANN. I do not wish to make the point of order on that, but when the bill purports to be for the support of the Army and contains a provision in direct conflict with the Constitution, I think we ought to correct it, at least to make it conform with the Constitution.

Mr. HULL of Iowa. If the gentleman wants to strike out the words "to be available until expended" and make it for the fiscal year ending June 30, 1910——

Mr. MANN. As far as I am concerned I have no objection, and if the gentleman cares to offer that amendment I will withdraw the point of order.

Mr. TAWNEY. Mr. Chairman, there is another objection to this provision, that I called attention to in the last session, and that is that it makes a permanent and definite appropriation. I do not see why that work can not be estimated for and paid out of the Treasury just the same as any other item. The geological survey that is being made in Alaska——

Mr. MANN. This does not make a definite appropriation as I understand it. It provides for $200,000 of appropriation to be paid from the receipts, etc.

Mr. TAWNEY. Is not that an appropriation of the receipts?

Mr. MANN. It is not definite.

Mr. TAWNEY. The amount is fixed.

Mr. MANN. From money now in the Treasury.

Mr. PARKER of New Jersey. It is from money now in the Treasury, not future receipts.

Mr. TAWNEY. What is the necessity of making it a payment out of the specific receipts?

Mr. MANN. That is mere advertisement on the part of the committee—that that money comes in from that source.

Mr. HULL of Iowa. No; it was started that way from the beginning. I don't remember whether the gentleman from Minnesota [Mr. TAWNEY] wanted to confine it to what they had received or not, but some Member of Congress did when we originally started it and it was offered on the floor. The Committee on Military Affairs did not report it, and after a full discussion it was adopted in this manner and it has been carried in the same manner since, and I think it is as definite as you can make anything that might in the future grow to larger proportions than now contemplated, because as that great territory is opened up and new settlements are made, new small posts established to preserve peace, there will be an extension of this line of work. It seems to me it is as definite as you can make it.

Mr. FITZGERALD. This extension is not for military purposes.

Mr. HULL of Iowa. Partly military and partly to connect up what we have there now.

Mr. FITZGERALD. After they have spent $500,000 for that purpose, as they have, does the gentleman not think they have built all the lines that are required for military purposes, and is not this clearly intended for the commercial interests of Alaska?

Mr. HULL of Iowa. I think not, so far as it is going yet, but undoubtedly it does benefit the commercial people there; but it is made necessary by the condition of the United States posts in Alaska.

Mr. FITZGERALD. The Department is asking about the balance they claim is to their credit each year.

Mr. HULL of Iowa. No; the Department asked $400,000, and provided that it should run over another fiscal year, and we believed it was better for Congress to retain control each year and only give what they claimed they needed for next summer's work.

Mr. FITZGERALD. Has the gentleman from Iowa any estimate of what it will cost to complete this telegraph for military purposes as distinct from purely commercial purposes?

Mr. HULL of Iowa. I think no one can give that information yet, but it is always in the power of Congress to stop work if it desires so to do, and, as I said a while ago, as long as that great Territory, in so large a measure unoccupied, is being gradually opened up and developed, the first thing to be done by the United States is to place some troops, some detachments, there to preserve order, and as they expand in their settlement they may expand in the desires for additional lines. But refusing to grant a larger sum, that would carry for at least two fiscal years, it is controlled by Congress all the time as to whether they will continue to make the appropriation.

Mr. FITZGERALD. But the gentleman gives more for the ensuing fiscal year——

Mr. HULL of Iowa. For the ensuing fiscal year they asked for enough for at least two fiscal years, to be made available until expended. Mr. Chairman, I want to say, while I entered upon this line of legislation with a great deal of reluctance, yet the more I become familiar with the conditions in Alaska and with the conditions under which our people are struggling to develop and open and civilize it the more I become convinced that the small sums of money which Congress gives each year to aid in its development—for they have not the Territorial government and right of taxation they have in other Territories—these small sums do more good in advancing our civilization and helping our people than any like sums of money that are appropriated by the Congress.

Mr. TAWNEY. I would like to ask the gentleman from Iowa if there is a provision in the bill providing and authorizing the construction of military roads and appropriating money in Alaska for that purpose?

Mr. HULL of Iowa. Yes, sir; there is, and I think I can convince the gentleman when we come to that that it is exceedingly desirable.

Mr. TAWNEY. I have no question about that, but this fact has been brought to my attention, and I did not know but what the same thing would apply to the work that is done in extending cables in Alaska which is provided for in this paragraph. The gentleman knows that during the summer months in Alaska they have practically twenty-four hours of daylight, but under a recent ruling of the Attorney-General the men who are in charge of this work can work their men only eight hours. The men are up in the wilds in Alaska and they have nothing to do, but they are absolutely prohibited, although the men are perfectly willing to work and the Government would be willing to pay them for their overtime or the time that they work over eight hours, and I think there ought to be some provision, both in respect to this paragraph and in respect to the other one in regard to the construction of roads, allowing the men in charge of that work to employ the men engaged in it for more than eight hours if we pay them for the overtime.

Mr. HULL of Iowa. That is one of the fields of legislation I do not care to enter at this time.

Mr. TAWNEY. Well, I think it is a matter we ought to consider, both from the standpoint of the men and from the standpoint of the Government. It is a matter of humanity to the men the Government employs in this wild and uncivilized country. The work that is being done up there by the Government is costing the Government a great deal more in consequence of this decision, and it is taking a great deal more time, and thereby delaying these improvements that otherwise would be made, and I think you can not compare work of this character in Alaska with the Government work in the States.

Mr. HULL of Iowa. I fully agree with the gentleman on that.

Mr. TAWNEY. There are only a few months in the year when they can work, and these men ought to be permitted to work overtime when willing to do so. There is not any analogy at all with the conditions that have influenced Congress heretofore in the enactment of laws prohibiting men being employed more than eight hours.

Mr. HULL of Iowa. I want to say to the gentleman that we have had absolutely no information on that subject and no request on the part of the Department for any change in the present method of employment, and I think it would be very ill advised to undertake, without any more information than the committee has now, to go into that question and complicate our legislation with another question that is far reaching in many ways.

Mr. CRUMPACKER. A proposition of that kind would be in many ways an amendment of existing law and subject to a point of order.

Mr. TAWNEY. I realize that. I will say to the gentleman that the gentleman in charge of this work, who is now in the city of Washington, and whom I know very well, called on me a few days ago and said that he had informed the Committee on Military Affairs of the condition in regard to the employment of labor up there, but did not know whether the committee would recommend any change in the existing law in that respect or not, and I supposed from that that the committee had been fully informed.

Mr. HULL of Iowa. He informed the committee as to the conditions of labor in Alaska, and stated the great expense and the great difficulty of laboring men contenting themselves there, but he did not ask us to change the law abrogating the eight-hour system, that I can remember now, at all.

Mr. TAWNEY. I do not know that he did ask your committee to change it.

Mr. HULL of Iowa. That matter was not brought to our attention at all.

Mr. TAWNEY. He refrained doubtless, as I recall the conversation, from making any recommendation in regard to the change, for the reason that the gentleman now says no change will be made.

Mr. HULL of Iowa. It seems to me we ought to have more information than we can possibly get during the discussion of this bill before we would enter on that line of legislation.

Mr. TAWNEY. We are not entering upon any particular line of legislation, and there is no information that we do not now have that we could obtain. We know that during the few months that the employees of the Government engaged in the construction of these roads in Alaska can work they have practically daylight for twenty-four hours, and it is absolutely a hardship that we impose upon those men by not allowing them to work more than eight hours, and allowing them to stay up there in that wilderness for sixteen hours out of twenty-four without anything to do, and I thought it would be in the interest of the men, as well as the interest of the Government, to make some provision to allow them to work overtime.

Mr. HULL of Iowa. I think we had better let it alone.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. MANN. Mr. Chairman, I make the point of order on the words "available until expended," lines 14 and 15, page 5, and then the gentleman can offer his amendment afterwards.

The CHAIRMAN. Does the gentleman from Iowa [Mr. HULL] admit the point of order is well taken?

Mr. HULL of Iowa. It is the same language that has been carried in the bill. If it is regarded obnoxious to the rule I have no objection to its going out.

The CHAIRMAN. The Chair will have to sustain the point of order.

Mr. HULL of Iowa. I want to offer an amendment, Mr. Chairman, "to be available until the close of the fiscal year 1910."

Mr. TAWNEY. It will be available under the general law until that time. The covering-in act makes it available.

Mr. HULL of Iowa. Not unless it is contracted for before the close of the fiscal year.

Mr. TAWNEY. If the obligation is created during the fiscal year.

Mr. HULL of Iowa. They would have to employ men and enter into contracts with them before the close of the next fiscal year to make a dollar of this available after the 30th of June, 1909. They do not do it by contract. They do it under the supervision of Army officers.

The CHAIRMAN. The Clerk will report the amendment.

Mr. HULL of Iowa. Insert "to be available until the close of the fiscal year 1910."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 14, after the word "War," insert "to be available until the close of the fiscal year 1910."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. I wish to suggest to the gentleman from Iowa [Mr. HULL] that he strike out the part that provides that it shall be payable from the receipts of this system. Of course that is merely language——

Mr. HULL of Iowa. I care nothing about that one way or the other, so that it is appropriated; but this gives us more in detail what they are doing there, and it is worth something, I think, to get it.

Mr. FITZGERALD. The language that I refer to does not interfere with that. There is one part that requires a report to be made, but this language, to the effect that it is to be

expended out of the receipts of the system, merely confuses people into believing that it is not actually costing the Government anything, when, of course, it does.

Mr. HULL of Iowa. Of course it costs the Government just the amount. Let it go in this year. It is the usual language, and it strikes a responsive chord in the hearts of most everybody that we are helping Alaska and Alaska is helping herself.

Mr. FITZGERALD. I move to strike out, Mr. Chairman, commencing on line 15, with the word "from," down to and including the word "States," in line 17.

The Clerk read as follows:

Page 5, lines 15, 16, and 17, strike out the words "from the receipts of the Washington-Alaska military cable and telegraphic system that have been covered into the Treasury of the United States."

Mr. HULL of Iowa. I do not care to discuss it; I only hope the motion will not be adopted.

Mr. FITZGERALD. Mr. Chairman, the reason for this amendment is this: Reading the provision in the bill, it would assume that there is no charge on the Treasury of the United States. As a matter of fact, there are many charges in addition to those contemplated in this appropriation upon the expenditures from the receipts.

The entire cost of the system, the operation of it, is paid out of the receipts of the system. An examination of the hearings discloses that up to date there have been turned into the Treasury some six hundred and odd thousand dollars, and that the Department has come and consistently asked not only that all the money covered into the Treasury be appropriated, but, as stated here, very nearly $200,000 more. The impression that would be received would be that we were paying for all of this out of the receipts, when as a matter of fact we are not. The gentleman from New Jersey [Mr. PARKER] shakes his head, and says they ask for no more than the receipts. Of course I make that statement upon the assertion of the gentleman from Iowa, that they ask double the amount that is given in the bill; and if the gentleman will be patient for just a moment, I will explain that.

Mr. PARKER of New Jersey. Two hundred and thirty-eight thousand dollars of net receipts are lying there, and it would be an appropriation of $200,000. There are receipts going in every month, net receipts after payment for these things. Our idea was that these were net receipts after paying all expenses covered into the Treasury, and that these receipts from time to time, as appropriated by Congress, and only these receipts, should be available for extensions and betterment of the line.

Mr. FITZGERALD. Now, Mr. Chairman, if the gentleman will just permit me to continue what I was stating. Up to December 1 there had been received $607,600. That is, the Treasury had received that amount from these receipts. Congress heretofore has appropriated $366,000 of the $607,000. This year the Department asked for $400,000, which was in excess of the amount.

Mr. YOUNG. If the gentleman will permit me, I will explain that that was to cover all the expenses for two years.

Mr. HULL of Iowa. The gentleman is mistaken in that.

Mr. FITZGERALD. I think I have the facts very clearly in my mind. I am familiar with this appropriation. There have been several appropriations to extend this system, aggregating $369,000. The net receipts turned into the Treasury Department are $607,000. The Department asked the committee to give $400,000.

Mr. KAHN. Two hundred thousand dollars.

Mr. FITZGERALD. Well, the gentleman from Iowa stated that the Department had asked double the amount that the committee had given.

Mr. HULL of Iowa. I was mistaken in that.

Mr. FITZGERALD. And that confirmed the statement I made at first, that the Department would consistently ask each year an amount of money to extend this system that would be equal to any supposed balance that might exist in the Treasury. It is a vicious way to legislate, to be pretending to do work out of receipts upon the theory that it does not cost the Government anything. We should appropriate out of the general funds the money required for this work, and not create additional, separate funds in the Treasury.

Mr. CRUMPACKER. The gentleman has in mind the receipts of this cable go into the general fund of the Treasury, and this provision gives or assigns in advance this particular fund to do this particular work. Now, if the Federal Government should become insolvent, and that be a percentage of its obligation, this particular work is protected. I suppose that is the purpose of putting it in this bill.

Mr. FITZGERALD. I do not understand the purpose except this. I am of the belief that the language is framed in this way to mislead Members of the House into the belief that it is not a charge upon the general fund in the Treasury. This House should be frank enough to appropriate for this extension out of the general fund in the Treasury and not create independent, separate funds, and create the impression that the business is done without any expense to the Government.

Mr. PARKER of New Jersey. Mr. Chairman, these words are used only to assure the Members of the House that in appropriating whatever amount we do appropriate for this very year we do not exceed the net profits that have been made already from these lines.

Mr. SHERLEY. Does the gentleman mean by that that the justification of the appropriation is to be based on the fact that you are getting that money from the lines?

Mr. PARKER of New Jersey. Oh, no; not entirely. But when they first came for these appropriations for extending telegraph lines we thought it was something that would commend the appropriation to the House—to be able to tell them that the Government was not going into unknown expenditures in extending telegraph lines through Alaska, but was making the extension out of net receipts already received from the telegraph lines, and that is true. We have $238,000 there now of net receipts. We propose to appropriate $200,000 to the very best work, I think, almost that the Government can do, in the opening of this Territory to civilization and putting every camp into military communication.

Mr. FITZGERALD. Does the gentleman believe that the extension of this military telegraph system should depend upon the profits that are derived from its operation?

Mr. PARKER of New Jersey. Not at all; but we think that is a justification of the expenditure, and also that it does no harm in the bill. It is a limitation upon the expenditure.

Mr. FITZGERALD. Oh, no; the amount of money appropriated is the limitation.

Mr. HULL of Iowa. This is a limitation, if there is not that much received.

Mr. FITZGERALD. But the gentleman says there is that much already in the Treasury, so it must be there; and the amount named is the limitation, not the language to which objection is made.

Mr. PARKER of New Jersey. Some other year there might not be the amount there; and if the amount was not there, they would not get the money.

Mr. FITZGERALD. It must be there, for the committee says it is there, and the officials say it is there. Otherwise the committee would not be reporting to appropriate out of a specific fund money that it believed did not exist.

Mr. OLMSTED. Mr. Chairman, I merely wish to call the attention of the gentleman from New Jersey to the fact that this section does not refer to the profits derived from the operation of this telegraph and cable line, but to the receipts. I understood from the remarks of the chairman of the committee that the receipts from commercial sources were not equal to the cost of operation.

Mr. HULL of Iowa. I do not regard this as profits, because we pay the Signal Corps, officers and men, out of the appropriation for the Army, and that is not taken into consideration; but this amount that is turned over is the amount of net profits, exclusive of the Signal Corps operation.

Mr. OLMSTED. What you mean is——

Mr. HULL of Iowa. What I mean is that if you were to deduct from these receipts the pay of the officers and enlisted force of the Signal Corps that operate these lines almost exclusively, that would then be a charge upon the receipts that, in my judgment, would not leave any net receipts.

Mr. OLMSTED. What you mean is that for the purposes of the post the Government must maintain this line anyway, and what they get from commercial use is so much velvet, so to speak.

Mr. HULL of Iowa. Is clear profit.

Mr. MANN. Does the gentleman mean that the receipts are not covered into the Treasury, but that a part of them are used without being appropriated for by Congress?

Mr. HULL of Iowa. All the money that is received is covered into the Treasury, except that which is probably used there for the actual daily expenses.

Mr. MANN. That is the very question. The gentleman from Iowa and the gentleman from New Jersey both referred to "net receipts." What authority have these officials to use any portion of the money that is paid to the Government of the United States, for any purpose, without being appropriated?

Mr. HULL of Iowa. I will read what it says here. On page 32 of the printed hearings on the Army appropriation bill

General Allen was asked what further expenditures would be made in the way of extension, and he replied:

That will depend on the development in Alaska. We have had two appropriations, one for $179,000 and one for $190,000, and are now asking for $200,000 more for further extensions and betterments of that system. The receipts from the cable in Alaska have thus far been $607,600. That much money was turned into the Treasury since 1904.

The CHAIRMAN. That is the gross receipts?

General ALLEN. Yes, sir. All money received is turned in. The expenses of the Alaskan system are paid from funds appropriated. As already stated, up to December 1 there had been received $607,600 and $369,000 had been appropriated, leaving a balance of $238,000 more money turned into the Treasury than has been reappropriated. The people there are now asking you to give them this year $200,000 to further extend the system.

Mr. MANN. So the use of the term "net receipts" by the gentleman from New Jersey [Mr. PARKER] was inadvertent?

Mr. PARKER of New Jersey. Not exactly.

Mr. MANN. Absolutely; because without the appropriation there could not be any such thing as net receipts.

Mr. PARKER of New Jersey. That is true in that sense.

Mr. HULL of Iowa. No; there could not be any such thing as net receipts, for the reason that the expense of the Signal Corps is not provided for in this special appropriation at all, but is carried in the pay of officers and men.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

To reimburse officers traveling on duty in connection with the Washington-Alaska military cable and telegraph system since January 1, 1904, for money paid by them for traveling expenses in excess of the mileage allowed them by law, $2,500.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph, which seems to be a claim.

Mr. HULL of Iowa. There is no doubt but that the point of order if insisted upon is good. It is not a claim, for this reason: An officer is ordered to go from one point to another, for which he gets mileage, and that is authorized by law. He would not have any claim on the Government except an equitable claim for any extra compensation, but matters of fact have been brought to our attention and I want to call the attention of the House to one, and there are many cases of this sort. Here is a case of an officer going on one trip where he was compelled to go in the performance of his duty. His mileage amounted to $4.60 and his expenses amounted to $90. If he had refused to go he would have been court-martialed.

The committee believes that taking the estimates of the Signal Corps of the money that is actually due, that they have been compelled to pay, where it has bankrupted officers in the service in Alaska, it ought to be reimbursed, and in another place in the bill we have made a provision covering travel in Alaska of $4.50 a day and expenses besides transportation. They are compelled to go with dog sleds. In trips of only a short distance it takes three or four days to make them, and it can not be done for less than $4.50 a day for subsistence alone, and when they have to employ dog sleds it costs excessively.

Mr. FITZGERALD. Why is the limitation not contained in this paragraph that is found on page 20 that puts a limitation on it?

Mr. HULL of Iowa. This is for money already expended, and it is to reimburse the men on the basis of their expenses. If it shall pass, we give them compensation in another provision for the future.

Mr. SLAYDEN. Mr. Chairman, these cases appealed particularly to the committee, and there can be no better statement of it than occurs on page 33 of the hearing, where General Allen tells of an officer who was sent out on duty and received $4.50 mileage and was compelled to pay out of his own pocket $90. There were several instances of that kind.

Mr. OLMSTED. May I ask the gentleman a question?

Mr. HULL of Iowa. I will yield to the gentleman.

Mr. OLMSTED. What is the mileage allowed by law?

Mr. HULL. Seven cents. Now, if the committee will pardon me, I would like to have a letter read simply for information of the committee from the Chief Signal Officer, General Allen.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF SIGNAL OFFICER,
Washington, February 4, 1908.

MEMORANDUM FOR THE CHAIRMAN OF THE COMMITTEE ON MILITARY AFFAIRS, HOUSE OF REPRESENTATIVES.

Under date of March 6, 1906, while the Army bill was pending in Congress, Secretary Taft addressed a letter to the President of the Senate asking that provision be made for the payment of actual expenses to officers of the Army, contract surgeons, and dental surgeons when traveling on duty without troops in Alaska. As no action was taken at that time, under date of December 11, 1907, the letter was again forwarded to the Speaker of the House of Representatives recommending the insertion of such a provision in the Army appropriation bill for 1909. This letter is printed as Document No. 316, first session, Sixtieth Congress, House of Representatives.

There are a large number of cases in which officers have been required to expend very considerable amounts in excess of that received by them for mileage.

As an example may be mentioned the case of Captain Hartmann, whose trips in winter cost him $150 and $175 in summer, for which he received $24.

Lieutenant Voris's actual expenses from St. Michael to Nome and return were $207, for which he received $36.20. He was ordered to make two such trips each year, aggregating a loss, in his two years' service, of $683.20.

Each trip made by Lieutenant Hemphill inspecting the stations in the fourth section cost him $150, for which he received $57. On his inspections of stations in the third section his expenses were $300, for which he received $100.

Captain Clifton was recently ordered to make a trip, for which he says his expenses will be $100, and on his asking that some provision be made for reimbursing him, was informed that the Secretary of War had recommended to Congress that an appropriation be made for the payment of actual expenses, and unless some such action was taken there was no other way to afford him relief.

Captain Black left Valdez January 11, 1908, to make a trip of 1,150 miles by dog team to inspect the lines and stations. He estimates that he will be absent on this trip eighty-five days. His minimum expenses, estimated at $4.50 per day, would be $382.50, for which he would receive $46.

The journeys of these officers to inspect the lines and offices is absolutely necessary for the efficiency of the system, and unless some provision is made by legislation for paying their actual expenses there is absolutely no way by which they can be relieved from this excessive tax on their actual pay.

JAMES ALLEN,
Brigadier-General, Chief Signal Officer of the Army.

Mr. FITZGERALD. Mr. Chairman, why is not the money to be paid out of the receipts of this system?

Mr. HULL of Iowa. Because it is paid as the gentleman desires, out of the Treasury.

Mr. FITZGERALD. It is so inconsistent that I thought that perhaps there would be an amendment offered.

Mr. MANN. Mr. Chairman, I want, if I can, to obtain some information. This is a proposition to pay these gentlemen's traveling expenses in Alaska?

Mr. HULL of Iowa. Yes.

Mr. MANN. They got their traveling expenses on their way to Alaska?

Mr. HULL of Iowa. Yes.

Mr. MANN. How much?

Mr. HULL of Iowa. Seven cents a mile.

Mr. MANN. It cost them nothing.

Mr. HULL of Iowa. Didn't it?

Mr. MANN. They get transportation for nothing.

Mr. HULL of Iowa. They paid their fare. If furnished transportation, they would get 4 cents a mile for other expenses.

Mr. MANN. Did they not travel on passes?

Mr. HULL of Iowa. No; they are not allowed passes.

Mr. MANN. Not always?

Mr. HULL of Iowa. Not at all now.

Mr. MANN. Oh, the railway rate law does not apply to the steamships engaged in this business. You propose to pay the officers on their way from Seattle to Alaska 4 or 7 cents a mile, 4 cents with transportation and 7 cents a mile without, and it is net profit mostly. Now, by this amendment, as soon as he strikes the shore of Alaska, where his expenses are greater than the transportation, you propose to pay him $4.50 a day expenses besides his transportation. Is that correct?

Mr. HULL of Iowa. Mr. Chairman, I think the gentleman makes a wrong statement——

Mr. MANN. Not intentionally.

Mr. HULL of Iowa. Of course not; but I hardly think the gentleman would find 7 cents a mile any large source of profit. In the first place, if the Quartermaster's Department furnishes the officer transportation, he then gets 4 cents a mile for sleeping car and meals. There is no such thing, I think, and has not been for a couple of years, as passes to officers or even to Congressmen.

Mr. MANN. Oh, I take it that the gentlemen in this House who have made trips to Alaska on board the steamboats in the last few years have not paid their steamship fare.

Mr. HULL of Iowa. No; they paid for their meals, however.

Mr. MANN. I don't know; I have not been there.

Mr. HULL of Iowa. They paid so much a day for board.

Mr. MANN. I think I am a good guesser on that subject.

Mr. HULL of Iowa. If the gentleman had better terms than I had when I went there, I want the company to pay back some of the money that I paid when I went there. It is not fair to treat people differently. [Laughter.]

Mr. MANN. Does the gentleman say that he paid his steamship fare on the trip from this country to Alaska?

Mr. HULL of Iowa. I said I paid for my meals. They gave me transportation, as they did the other gentlemen, but I did not have to go. When you order soldiers there, they have got to go, and the companies do not hunt them up to give them

transportation. They were hunting up Members of Congress and persuading them to go, believing it would develop a wider knowledge and better information about Alaska.

Mr. TAWNEY. It was for educational purposes. [Laughter.]

Mr. HULL of Iowa. It was for educational purposes.

Mr. CRUMPACKER. Does this appropriation cover Members of Congress?

Mr. HULL of Iowa. No.

Mr. CRUMPACKER. Then how does that have any bearing on it?

Mr. HULL of Iowa. This is brought in as an illustration of what had happened. But I think the gentleman is mistaken, Mr. Chairman, as to even the $4.50 a day being any profit under any conditions to these parties, and I think it will take all of that to the very last cent. I will say to him that the 7 cents a mile, and especially if the officer's wife accompanies him across the country, will not pay the expense that he is put to in moving to Alaska.

Mr. MANN. There is no doubt about that, but that is not the case at all. Officers connected with this military cable travel back and forth between Alaska and this country and then a little in Alaska. Now, we propose to give them, under this proposition, the profit that is made when they travel between this country and Alaska and then pay their expenses in Alaska, so that they will keep the profit. It probably is not very great. I appreciate the hardship if the officer is stationed in Alaska and is compelled to travel around.

Mr. HULL of Iowa. My judgment is, Mr. Chairman, that it is not liable to that abuse. It is subject to a point of order. There is no doubt about that.

Mr. MANN. There is no question about that.

Mr. HULL of Iowa. No question in the world.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

For pay of enlisted men of all grades, including recruits, $10,000,000.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. I offer this pro forma amendment merely for the purpose of asking one or two questions of the chairman of the Committee on Military Affairs, the gentleman in charge of this bill. I have here the current number of Everybody's Magazine, in which the leading article is entitled "The lamb rampant," and it means by that the American nation, depicting us, from a military point of view, as a lamb which is shaking its tail in the face of the European nations. Now, the gentleman who writes this article is Lieut. Hugh Johnson, an officer of the Army of the United States. Therefore his remarks are entitled to respect. The article itself, I think, is one proper to be discussed on the floor of the House, because not only are the American people entitled to know our elements of weakness as well as those of strength, but so far as the foreign nations are concerned they probably already know a good deal more about our military defenses and preparations than does the average citizen of the United States.

So I think I am committing no impropriety in bringing this article to the attention of the Committee on Military Affairs and of the House. Now, the author of the article deals with a supposed invasion of the United States by two foreign nations with whom we are happily at peace and intend to remain so, and the tenor of the article is something like the famous English book entitled the "Battle of Dorking." It attempts to show what would happen in case our country is invaded, and the result prophesied by Lieutenant Johnson is dire disaster, owing, as he says, to our complete lack of preparation. He takes up first of all the lack of men in the Army, and he has put in here a number of pictures which are very instructive. Here is the first one, which is entitled "One hundred and fifty-eighth Company Coast Artillery, at the Presidio, San Francisco. This picture shows the command at Saturday morning inspection. There should be 109 enlisted men and 3 officers." As a matter of fact there are 11 men. Here is the next, "One hundred and Fortieth Company Coast Artillery," showing 6 men. "This small number is not unusual—it is the company normally present for parade and drill (infantry) when furnishing guard and fatigue drills. There should be 109 enlisted men and 3 officers." The next is "Third Battalion, Eleventh Infantry. There were 7 privates and 4 noncommissioned staff officers in this 'battalion' at Fort D. A. Russell, Wyo., when the command was inspected recently by the Chief of Staff of the Army. There should be 512 enlisted men and 15 officers."

Here is a picture of a coast-guard gun, and he says "wooden blocks in the above photograph show places made vacant by men discharged during the year, who declined to reenlist, and whose places could not be filled by recruiting." Now, I would like to ask the chairman of the committee whether, so far as he knows, there is any accuracy in these statements.

Mr. HULL of Iowa. Mr. Chairman, I think it is accurate, so far as the number of men are concerned. There is a wonderful shortage of the little army that is authorized by the order of the President fixing the minimum under the law. We are 22,000 men short, and the fact that all the long-term men are sent in the regiments that go to Alaska, go to the Philippines, or go to Cuba and the skeletons are kept at home—and this does not apply to coast defense so much as to the regular line of cavalry and infantry—until now we have a great many companies where it is like Artemus Ward's celebrated army, composed exclusively of officers. We have companies with three privates, with commissioned officers, and a few noncommissioned officers, and one of the provisions of this bill is to cure that by making it an inducement for the best class of men to enlist and give them more pay. If that should remain, in my judgment, in six months from now we will have an army of 62,000 enlisted men. They will be licked into shape very rapidly by these older noncommissioned officers and the few privates who are left to help us out in the work, and we will have an army that can be expanded up to 100,000 men and made effective in a very short time. Now, your accumulation of ammunition——

Mr. HARRISON. I was going to come to that in a few moments. I beg the gentleman's pardon; I will be glad to hear from him on that.

Mr. HULL of Iowa. If we increase our Army on the terms of this bill, I have no hesitation in promising the country in six months from the time it becomes a law the Army will be recruited to its full number.

Mr. TAWNEY. Will the gentleman permit a question right there?

Mr. HULL of Iowa. Yes.

Mr. TAWNEY. The gentleman from Iowa says that if the provision for the increase of pay of enlisted men remains in this bill we will be able to recruit our Army up to the limit.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HULL of Iowa. I ask unanimous consent that the time may be extended for five or ten minutes.

The CHAIRMAN. For five or ten minutes?

Mr. HULL of Iowa. For ten minutes.

The CHAIRMAN. Is there objection to the request? [After a pause.] None is heard.

Mr. TAWNEY. I want to ask the gentleman from Iowa——

Mr. HULL of Iowa. This comes out of the time of the gentleman from New York.

Mr. HARRISON. The gentleman is quite willing to yield to the gentleman from Minnesota to interrogate the chairman of the committee.

Mr. TAWNEY. I want to ask the gentleman whether it is not entirely possible to accomplish what he desires, without this provision being carried in this bill, by his committee bringing in a bill for an increase in the pay of the enlisted men in the Army and passing that bill and let it become a law instead of carrying it in this appropriation bill.

Mr. HULL of Iowa. Oh, there is no question but it would have the same effect exactly if the separate bill should become the law.

Mr. SLAYDEN. May I ask a question of the chairman of the committee?

Mr. HULL of Iowa. Certainly.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman, the chairman of the committee, if it is not true that within the last three months enlistments have increased very rapidly? Is it not true that this panic, for which we have heard no political party is responsible, has had the effect of filling up the depleted ranks of the Army very rapidly?

Mr. HULL of Iowa. I will answer that I have had that impression, but I have interviewed the present Adjutant-General of the Army, who to my mind is one of the ablest and most painstaking officers we have connected with the Military Establishment, General Ainsworth, and he said that the enlistments have increased very rapidly, and that they always increase rapidly at this season of the year. He referred to the large increases as "snowbirds," that are not as desirable a class as many others, and that they come into the Army in the winter and desert in the summer. Now, we want to get rid of the "snowbirds" as fast as we can and get the same class of men in the Army that we had before the Spanish-American war, when one of the attachés representing England, who was on the battlefields of Cuba, said that, man for man, our little Army of 25,000 men was unexcelled among all the nations of the earth.

Mr. FITZGERALD. Does the gentleman from Iowa [Mr. HULL] attribute the inability to recruit men entirely to the low

pay or does not he believe that the way the Army has been worked, to an excessive degree, has resulted in men refusing to enlist?

Mr. HULL of Iowa. I think the overwork of the Army has had something to do with it, but above all the things that have contributed to the lack of enthusiasm for enlistment is the fact that our noncommissioned officers have such a low rate of pay that they themselves would not reenlist, and when we have raised them to the standard they should occupy, with their influence over the men and their association with them, their knowledge of how to treat the men, it will make such a marked improvement in the administration of affairs in the Army that we will have no further trouble in the future.

Mr. FITZGERALD. My information is that a considerable number of the men are so disappointed at the way they are compelled to work under the new system that they leave the Army as quickly as they can and refuse to go back.

Mr. HARRISON. Mr. Chairman, it was for the very purpose of eliciting this information that I introduced the subject this afternoon, and I was glad to hear what the chairman on Military Affairs had to say. I sincerely trust that this provision, increasing the pay of enlisted men, will become law, and that it will have the result of filling up the depleted ranks in our Army. This author, however, in writing this article, has, in the first place, taken no account of the American Navy. Even supposing our Navy were outmaneuvered or——

Mr. SHERLEY. Is this a criticism of the Army?

Mr. HARRISON. It is a criticism of our unpreparedness for war.

Mr. SHERLEY. Perhaps the reason there is no criticism of the Navy is on account of the reception that similar criticism has received heretofore. Does the gentleman think it proper for an officer to criticize the Army?

Mr. HARRISON. I would prefer to have the gentleman express his own opinion on that.

Mr. SHERLEY. I think there is no objection to an officer of the Army or the Navy criticising what is wrong in the service, in order that it may be remedied. There has been so much talk the other way, that there is something sacred about our military and naval service, I thought the gentleman might enlighten us on that.

Mr. HARRISON. Mr. Chairman, the author of this article fails to take into account what I consider the most important fact in the whole situation. If our territory were threatened for an instant by a foreign foe, millions of men would spring to the defense of the country. Every able-bodied man in the United States would at once offer his services, and our Army, from being one of the smallest standing armies in the world, would become one of the biggest and most important armies the civilized world has ever seen. I think we need have no fear for want of men. The United States breeds a fine race of men and the best soldiers the world has ever seen, but there is another side of this article that I want to take up in the few moments that are left to me by the courtesy of the committee, and that is the shortage of guns, ammunition, and equipment. Here is a picture of a 12-inch coast-defense gun.

The author says:

To erect a plant for the manufacture of this most necessary gun would take from two to three years. To make the gun takes eighteen months; to erect a plant for making the gun carriage would take a year; to make the carriage takes about eight months. With present facilities, from eight to twelve guns could be made in a year.

Then there is a picture of a depleted battery of horse artillery. He says that the material shown consists of 2 guns, 2 caissons, 2 kit wagons, and 55 horses. There should be 4 guns and 190 men.

Here is a picture of Field Artillery in action, of which he says:

We have about 200 of these guns, about one-sixth of the number that we had during the civil war. Six of these batteries complete were bought abroad at a comparatively recent date. Now they can be made at Bethlehem and other steel works and assembled by the Government. The assembling requires four months for each gun, and we could, after the first four months, turn out seventeen a month.

Now, the author very justly says if a foreign military government proposed to attack the United States with the fine modern steamships that are now used they might land and supply troops on either the coast of the Atlantic or the Pacific oceans in ten days, while it is going to take eight months at least, and perhaps two years, for our Government to prepare the guns necessary to resist the advance.

Later in the article he gives us a picture of what would happen in our Army in the event of war:

Arms and equipment will not be forthcoming. Equipment for even one-fifth enough infantry does not exist. Rifles, hardtack, guns, shrapnel, saddles, uniforms, tents, clothing, haversacks, belts, bayonets, sabers, all the jumbled circumstance of war will have to be manufactured after the outbreak of hostilities.

Now, Mr. Chairman, it seems to me that this is a very grave question, and as this magazine is very widely circulated, it is calculated to produce some apprehension on the part of the public. I do not think anybody should be condemned for offering criticism in these matters, and especially when such criticism has a bearing on the equipment of our Army and the national defense. I hope the chairman of the committee has some response he will care to make to this line of criticism.

Mr. HULL of Iowa. A reply to that article belongs to the Committee on Appropriations, all that part referring to the coast defense.

Mr. FITZGERALD. The gentleman is mistaken. The men to man the guns depend upon the gentleman's committee.

Mr. HULL of Iowa. The part referring to the small guns and infantry belongs to the Committee on Military Affairs. The article is not correct. So far as the infantry and cavalry are concerned, we have an accumulation now of over 600,000 guns, not all of a modern type, but with the Krag-Jörgensen, which, with a little addition, is substantially as good as the other, and could be used with the other.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TAWNEY. I ask that the gentleman's time may be extended five minutes.

There was no objection.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. HULL of Iowa. One minute, until I get through with this, if my friend will wait. General Crozier reports that in another year they will have enough guns to equip the entire Regular Army and militia with new guns and have, with Krag-Jörgensens, over 600,000 stand.

Mr. YOUNG. That is right.

Mr. HULL of Iowa. He is accumulating ammunition at the rate of 14,500,000 rifle ball cartridges each year, and could largely increase that if necessity became apparent. He wants a total reserve of 180,000,000 rounds to completely equip and arm 600,000 men. But I want to say that we are only working about one-third of the time now in the manufacture of our ammunition and our guns; but by putting on two more shifts we could equip a regiment a day, not everyone with the modern arms, but with the aid of the Krag-Jörgensens, which is only different in the range of the ball and the trajectory.

In other words, the new rifle, shooting 2,000 yards, is more likely to hit an intermediate object than is the Krag-Jörgensen. In other words, it has a flatter trajectory. The Krag-Jörgensen bullet, on account of a smaller powder charge behind it, must go higher up into the air to reach a given point; but this difference is not great, and the Krag-Jörgensen is a very accurate rifle and an exceedingly efficient weapon. We have 400,000 Krag-Jörgensens and 331,000 of the new rifle, so that we have more than 700,000 rifles to-day which are modern in all respects. We have an accumulation of ammunition that would be ample, so far as the smaller arms are concerned, for an army of four or five hundred thousand men, and they could be kept going by the increased output of the enlarged force of workmen that would at once go to work. So that I do not anticipate danger in that respect. The Committee on Military Affairs took up the question as to the deterioration of ammunition. We were fearful to accumulate such a large amount, but we were assured by General Crozier that under the modern processes of the manufacture of ammunition and the care that is taken they have not been able to detect the slightest deterioration in the ammunition which is accumulated; and it is intended by the committee to give to this Ordnance Department, as we have been doing for the last eight years, every dollar that they ask for munitions of war, so that this Government will be prepared in case of the outbreak of hostilities.

Mr. HARRISON. Mr. Chairman, I thank the committee for extending to me sufficient time in which to carry on this discussion, and I thank the gentleman from Iowa [Mr. HULL], chairman of the Committee on Military Affairs, for the statement he has made. I think it is due to the public that some answer should be made to an article of so disquieting a nature in a leading magazine, and I think the gentleman has satisfactorily answered many of the criticisms therein.

Of course our Army is not perfect, and of course we have not an army to-day which is equal to some of the armies of foreign nations; but I thank heaven we have not, and I thank heaven that we are not groaning under the military burdens of foreign monarchies, and that the best muscle, brawn, and brain of this country are not tied up in doing empty military service and in dress parade. The American people are best employed as they are employed now, in furthering the industries and prosperity of this country, and not in senseless mili-

tary displays. But it is a thing to cause apprehension to suggest that we have not enough equipment, even though we have men enough for an effective army, and it seems to me that in time of peace we can not be too careful in preparing for war, and that our preparation must be especially directed to acquiring sufficient arms and equipment.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, if there be no objection, and the Clerk will read.

The Clerk read as follows:

That hereafter the monthly pay of enlisted men of the Army during their first enlistment shall be as follows, namely: Master electricians, master signal electricians, $75; engineers, $65; regimental sergeants-major, regimental quartermaster-sergeants, regimental commissary-sergeants, sergeants-major senior grade Coast Artillery, battalion sergeants-major of engineers, post quartermaster-sergeants, post commissary-sergeants, post ordnance-sergeants, battalion quartermaster-sergeants of engineers, sergeants first class Hospital Corps, electrician sergeants first class, sergeants first class Signal Corps, and first sergeants, $45; battalion sergeants-major of infantry and field artillery, squadron sergeants-major, sergeants-major junior grade Coast Artillery, battalion quartermaster-sergeants, field artillery, and master gunners, $40; electrician sergeants second class, sergeants of engineers, ordnance, and Signal Corps, quartermaster-sergeants of engineers, and color sergeants, $36; sergeants and quartermaster-sergeants of cavalry, artillery, and infantry, sergeants of the Hospital Corps, firemen, and cooks, $30: *Provided*, That mess sergeants shall receive $6 per month in addition to their pay; corporals of engineers, ordnance, Signal Corps, and Hospital Corps, chief mechanics, and mechanics Coast Artillery, $24; corporals of cavalry, artillery, and infantry, mechanics of field artillery, blacksmiths and farriers, saddlers, wagoners, and artificers, $21; privates, first class, of engineers, ordnance, Signal Corps, and Hospital Corps, $18; privates Hospital Corps, $16; trumpeters, musicians of infantry, artillery, and engineers, privates of cavalry, artillery, infantry, Signal Corps, and privates second class, engineers and ordnance, $15.

Mr. TAWNEY, Mr. HAY, and others reserved a point of order.

The CHAIRMAN. The point of order is reserved by several gentlemen.

Mr. HULL of Iowa. There is no doubt that this paragraph is subject to a point of order, Mr. Chairman.

The CHAIRMAN. Is the point of order made?

Mr. HAY. Reserving the point of order, I desire to make a statement—that is, if the gentleman in charge of the bill wishes to go on any longer this evening. It is now 10 minutes after 5 o'clock.

Mr. HULL of Iowa. We will only go on a few minutes longer.

Mr. HAY. Mr. Chairman, I simply want to state the purpose, as I understand it, of this appropriation. It is to keep the noncommissioned officers in the Army. The pay of noncommissioned officers has been increased very materially. According to a statement made in the Adjutant-General's office, there are 16,248 noncommissioned officers, and the increased pay under this provision is largely on account of these officers. Undoubtedly the purpose for which the provision is put in will be carried out. The noncommissioned officers will, in all probability, stay in the Army, but the slight additional pay of $2 a month given to the private soldier will not, in my judgment, keep the private soldier in the Army. Officers of the Army of very high rank and of long experience tell me that on account of the way in which the private soldier is worked it is hopeless to expect him to remain in the Army.

These men do not enlist to work, and with their practice marches and their garrison schools they are kept at work all the time. You will not be able to get a man to enlist in the Army as a private soldier for $15 a month. It is true that under the provisions of this bill a man at the end of his first enlistment will get an increase of $3 on account of it. But we are also told by Army officers that if the soldier is not made a noncommissioned officer by the end of his first enlistment he is not of much account as a soldier. Therefore I say that the increase of $2 a month provided for in this bill will not suffice to keep the Army up in point of numbers as high as it ought to be kept.

Now, further, these practice marches, these garrison schools, instead of being done away with in the Army, are insisted upon more and more by the gentlemen who now control the policy of the Army, so that I do not believe that any good result will come as far as the private soldier is concerned from an increase of pay. I do believe, however, that the 16,248 noncommissioned officers will be kept perhaps in the Army and will serve as a nucleus around which, in time of war, if necessary, a good, serviceable Army can be built up.

I want to call attention again to the fact that in this legislation we are not only increasing the pay of the Army $3,900,000, but that increase will become larger every year under the provisions of this bill, for up to the seventh enlistment the noncommissioned officers' and privates' pay increases. Next year it will be $4,500,000, and the year after that it will be over $5,000,000, and so on, and in time of war, if we have a large Army, the expense to this country will be incalculable.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HULL of Iowa. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Iowa asks that the time of the gentleman from Virginia be extended five minutes. Is there objection?

There was no objection.

Mr. HAY. During the civil war the private soldier up to the 1st of May, 1864, received $13 a month. From the 1st of May, 1864, down to January, 1870, the private soldier received $16, and then it was put back to $13 a month. So that even in that war the amount that was paid to the private soldier was comparatively small. But if this provision prevails, and there should be a war, the expense to this country would be enormous. I think Members of the House ought to think of all these matters before they vote these provisions into the bill.

I believe something should be done to encourage enlistment in the Army, and I for one would not take the responsibility of making a point of order against this provision in the bill; nor do I think it would be right after this length of time, although it may now be inopportune, to increase the pay of the enlisted man. I believe that, so far as the noncommissioned officers are concerned at least, the pay ought to be increased—whether to the extent that is provided for in this bill I am not prepared to say, because you will see, if you examine it, that the increased pay amounts in a great many instances to nearly 100 per cent. For instance, the first sergeant now receives $25 a month, and under the provisions of this bill he receives $45 a month; and so I might go through the whole gamut of noncommissioned officers and show in almost every instance an increase very much larger than it ought to have been. However, I will not undertake to offer now, nor could I offer, intelligent amendments along that line.

I have simply made this statement so that Members—and particularly this side of the House—should know what we are doing when we vote this appropriation into the bill.

Mr. MANN. Can the gentleman give us a more definite idea of the salary or pay for the officers whom he thinks has been increased too much?

Mr. HAY. I think that they have all been increased, a great many of them more than 100 per cent.

Mr. HULL of Iowa. Not so much as that.

Mr. HAY. Not all of them. The first sergeant has been increased $25 to $45.

Mr. HULL of Iowa. That is not 100 per cent.

Mr. HAY. And finally the pay will be $56 a month under the provisions of this bill, if he serves nine years.

Mr. MANN. Does the gentleman think that the increase from $13 to $15 for the enlisted man is excessive?

Mr. HAY. I do not think so, but I do not think that it will subserve the purpose for which it is done.

Mr. MANN. Take the corporals. Of course we can not tell from reading the bill what the increase is. I have examined some of the figures as to what the present pay is, but the man does not live on this earth, in my judgment, who can tell what the pay of any officer of the Army is in the end.

Mr. HAY. The gentleman is correct about that—either noncommissioned or commissioned.

Mr. MANN. Take the corporals. Can the gentleman give us any idea of what the increase for the ordinary corporal is—whether it is a proper increase?

Mr. HAY. I think the increase to the corporal is not too large. It is something like 40 per cent; but the gentleman must remember that at the end of each year, if the corporal reenlists, there is added to his pay $3 per month, and not only that but he gets three months' pay as a bounty for reenlisting, under the provisions of this bill.

Mr. MANN. I understand.

Mr. HAY. So that everything has been done along this line as has been done in the Navy to try and get these men to reenlist, to stay in the Army.

Mr. MANN. I figured the other day, myself, that an enlisted man under this bill might receive $30 a month.

Mr. HAY. That is true; at the end of the seventh enlistment.

Mr. HULL of Iowa. The enlisted man gets $25.

Mr. MANN. Oh, yes; and $5 extra pay if he is some character of a marksman, or something of that kind, so that he can get $30 a month.

Mr. HAY. Yes; that is what he can get.

Mr. HULL of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. DALZELL] having taken the chair, Mr. SHERMAN, Chairman

of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17288, the Army appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Without objection leave of absence was granted as follows:

To Mr. GRANGER, for one week, on account of sickness.

To Mr. MILLER, for ten days, on account of important business.

To Mr. BURGESS, for ten days, on account of important business.

COMMITTEE APPOINTMENT.

The SPEAKER pro tempore announced the following committee appointment:

Mr. THISTLEWOOD, to the Committee on Levees and Improvements of the Mississippi River, and to the Committee on Manufactures.

PRELIMINARY REPORT OF THE INLAND WATERWAYS COMMISSION.

The SPEAKER pro tempore laid before the House a message from the President of the United States, transmitting the preliminary report of the Inland Waterways Commission, which, together with the accompanying documents, was referred to the Committee on Rivers and Harbors and ordered to be printed.

[For message see Senate proceedings.]

UNITED STATES COURT AT LANDER, WYO.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4064) to provide for a term of the United States circuit and district courts at Lander, Wyo., which I send to the desk and ask to have read.

The SPEAKER pro tempore. The bill has already been read. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I will object for this evening.

The SPEAKER pro tempore. The gentleman from Mississippi objects.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 6515. An act for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased.

ADJOURNMENT.

Then, on motion of Mr. HULL of Iowa (at 5 o'clock and 30 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting, with a copy of a letter from the governor of Porto Rico, the annual report of the auditor of Porto Rico for the year ended June 30, 1907, was taken from the Speaker's table, referred to the Committee on Insular Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MORSE, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 4046) to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin, reported the same with amendments, accompanied by a report (No. 1086), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WASHBURN, from the Committee on Patents, to which was referred the bill of the House (H. R. 17703) to repeal section 4885 of the Revised Statutes and to substitute another section therefor, reported the same without amendment, accompanied by a report (No. 1087), which said bill and report were referred to the House Calendar.

Mr. McGUIRE, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3409) to extend the time of payments on certain homestead entries in Oklahoma, reported the same with amendment, accompanied by a report (No. 1089), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 17983) for completing the pediment of the House wing of the Capitol, reported the same with amendment, accompanied by a report (No. 1090), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McKINLEY of Illinois, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 17296) providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States, reported the same without amendment, accompanied by a report (No. 1106), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 712) granting a pension to Agnes Lange Smith, reported the same without amendment, accompanied by a report (No. 1080), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4376) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1081), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4740) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1082), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5110) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1083), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10377) granting an increase of pension to John McNally, reported the same without amendment, accompanied by a report (No. 1088), which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 406) granting a pension to Calesta Clark, reported the same without amendment, accompanied by a report (No. 1091), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1746) granting a pension to Elmer Honnyman, reported the same without amendment, accompanied by a report (No. 1092), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5255) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same with amendments, accompanied by a report (No. 1093), which said bill and report were referred to the Private Calendar.

Mr. HULL of Tennessee, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1399) granting a pension to William R. Phillips, reported the same with amendments, accompanied by a report (No. 1094), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2032) granting a pension to Roy L. Jones, reported the same with amendments, accompanied by a report (No. 1095), which said bill and report were referred to the Private Calendar.

Mr. BARCLAY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9621) granting a pension to John Hearn, reported the same with amendments, accompanied by a report (No. 1096), which said bill and report were referred to the Private Calendar.

Mr. HULL of Tennessee, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10848) granting an increase of pension to Martha A. Simms, reported the same with amendments, accompanied by a report (No. 1097), which said bill and report were referred to the Private Calendar.

Mr. LANING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13584) granting an increase of pension to Gay Warren Schell, reported the same with amendments, accompanied by a report (No. 1098), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13887) granting a pension to John Lichtenberger, reported the same with amendments, accompanied by a report (No. 1099), which said bill and report were referred to the Private Calendar.

Mr. WHEELER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14368) granting a pension to Sterling A. Galt, reported the same with amendments, accompanied by a report (No. 1100), which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15531) granting an increase of pension to Rebeckah Williams, reported the same with amendments, accompanied by a report (No. 1101), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15810) granting an increase of pension to Wyatt Robinson, reported the same with amendments, accompanied by a report (No. 1102), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15904) granting an increase of pension to Margaret E. McGuire, reported the same with amendments, accompanied by a report (No. 1103), which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17483) granting an increase of pension to T. R. Hobbs, reported the same with amendments, accompanied by a report (No. 1104), which said bill and report were referred to the Private Calendar.

Mr. WHEELER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17763) granting an increase of pension to Charles Phorazyn, reported the same with amendments, accompanied by a report (No. 1105), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 16040) granting an increase of pension to Calvin Gunn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17958) for the relief of the heirs of A. H. Redus—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 12110) granting a pension to Charles R. Davis—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12343) granting a pension to Blanche Tolen—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. THISTLEWOOD: A bill (H. R. 18117) to provide for the erection of a public building at Murphysboro, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 18118) fixing the compensation of gaugers, storekeeper-gaugers, and storekeepers at the port of San Francisco—to the Committee on Ways and Means.

Also, a bill (H. R. 18119) fixing the compensation of assistant weighers at the port of San Francisco—to the Committee on Ways and Means.

By Mr. BATES: A bill (H. R. 18120) to establish a naval station at Pearl Harbor, Hawaii—to the Committee on Naval Affairs.

By Mr. CONNER: A bill (H. R. 18121) for extending, repairing, and improving the public building at Fort Dodge, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. MOON of Pennsylvania: A bill (H. R. 18122) to increase the pensions of those who have lost limbs in the military or naval service of the United States during the war of the rebellion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18123) to amend the act of March 2, 1903, increasing the pensions of those who have lost limbs or been totally disabled in them in the military or naval service of the United States—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 18124) to amend sections 1 and 3 of an act passed August 13, 1888, and being an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875—to the Committee on the Judiciary.

By Mr. PATTERSON: A bill (H. R. 18125) to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases—to the Committee on the Judiciary.

Also, a bill (H. R. 18126) to regulate interstate commerce in intoxicating liquors—to the Committee on the Judiciary.

By Mr. BOOHER: A bill (H. R. 18127) to protect interstate shippers of fruits, vegetables, etc., and for other purposes—to the Committee on the Judiciary.

By Mr. HUGHES of West Virginia: A bill (H. R. 18128) to provide for the erection of a public building in the town of Point Pleasant, W. Va.—to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY (by request): A bill (H. R. 18129) providing for the establishment of a public park at Fort Thayer, in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. POU: A bill (H. R. 18181) for the relief of the State of North Carolina—to the Committee on Claims.

Also, a bill (H. R. 18182) to empower the Secretary of War to audit the claim of the State of North Carolina for rent due for the use of the Russell Barracks at Raleigh—to the Committee on Claims.

By Mr. CARLIN: Joint resolution (H. J. Res. 144) asking for estimates for deepening the channel of Upper Machodoc Creek between Donothon and Brick House Wharf, in King George County, Va., so as to make it conform to the depth of the channel below these points—to the Committee on Rivers and Harbors.

By Mr. HULL of Iowa: Order (No. 4) providing an amendment to the Army appropriation bill—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 18130) for the relief of Jose Antonio Barreras—to the Committee on Claims.

Also, a bill (H. R. 18131) for the relief of Rayes Salas—to the Committee on Claims.

Also, a bill (H. R. 18132) for the relief of Pedro Salazar y Garcia—to the Committee on Claims.

By Mr. ANTHONY: A bill (H. R. 18133) for the relief of John W. Moore—to the Committee on Military Affairs.

By Mr. ASHBROOK: A bill (H. R. 18134) granting a pension to Caroline M. Douglas—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 18135) for the relief of Mrs. J. W. Yates—to the Committee on War Claims.

By Mr. BRICK: A bill (H. R. 18136) granting an increase of pension to Alfred Sanders—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 18137) granting an increase of pension to Charles L. Jepson—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 18138) granting an increase of pension to W. A. Harper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18139) granting an increase of pension to Henry C. Fellows—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 18140) authorizing the President to appoint William Charles Furer to the corps of civil engineers of the United States Navy—to the Committee on Naval Affairs.

By Mr. CAMPBELL: A bill (H. R. 18141) granting an increase of pension to James P. Lewman—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 18142) granting a pension to Ellen A. Mealia—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 18143) granting an increase of pension to Frank Cullen—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 18144) for the relief of Benjamin F. Whitlock—to the Committee on Military Affairs.

By Mr. DENVER: A bill (H. R. 18145) for the relief of Asher E. Brooks—to the Committee on War Claims.

Also, a bill (H. R. 18146) to correct the military record of Thomas J. Sutton—to the Committee on Military Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 18147) granting a pension to James M. Wiley—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 18148) to retire Lieut. Col. William H. Corbusier, deputy surgeon-general, United States Army, with the rank of brigadier-general—to the Committee on Military Affairs.

By Mr. FULTON: A bill (H. R. 18149) for the relief of Lillie Small Rib—to the Committee on Indian Affairs.

By Mr. GARNER: A bill (H. R. 18150) for the relief of the heirs of John P. Kellam—to the Committee on War Claims.

By Mr. HALE: A bill (H. R. 18151) granting a pension to Amos K. Capps—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18152) granting an increase of pension to Norman Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18153) for the relief of William Spear—to the Committee on War Claims.

Also, a bill (H. R. 18154) to correct the war record of Wilson W. Duncan—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 18155) for the relief of the estate of W. G. Chesher, deceased—to the Committee on War Claims.

By Mr. HINSHAW: A bill (H. R. 18156) granting a pension to Dewey Shaw—to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 18157) for the relief of Mary A. Smith—to the Committee on War Claims.

By Mr. ADDISON D. JAMES: A bill (H. R. 18158) granting a pension to Elizabeth Euphemia McIntire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18159) granting an increase of pension to John Martin—to the Committee on Invalid Pensions.

By Mr. KIMBALL: A bill (H. R. 18160) granting an increase of pension to Michael Laughlin—to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 18161) for the relief of Willard W. Alt, of Hyannis, Nebr.—to the Committee on Claims.

Also, a bill (H. R. 18162) for the relief of Williard W. Alt, of Hyannis, Nebr.—to the Committee on Claims.

By Mr. LANDIS: A bill (H. R. 18163) for the relief of Theophilus Fiske Mills—to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 18164) granting a pension to George C. Middaugh—to the Committee on Pensions.

Also, a bill (H. R. 18165) granting a pension to William X. May—to the Committee on Pensions.

Also, a bill (H. R. 18166) granting an increase of pension to Jesse Tuggle—to the Committee on Pensions.

Also, a bill (H. R. 18167) granting an increase of pension to W. H. Nesbitt—to the Committee on Pensions.

Also, a bill (H. R. 18168) granting an increase of pension to William Pack—to the Committee on Pensions.

Also, a bill (H. R. 18169) granting an increase of pension to William Miles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18170) to correct the military record of Martin Lunsford—to the Committee on Military Affairs.

By Mr. LINDBERGH: A bill (H. R. 18171) granting an increase of pension to Elijah T. Sexton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18172) granting an increase of pension to Giles A. Woolsey—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 18173) granting a pension to Charlotte R. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18174) granting an increase of pension to Walter A. Finney—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 18175) authorizing the appointment of Capt. James H. Sands, United States Army, retired, to the rank and grade of major on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 18176) granting an increase of pension to John Magee—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 18177) granting a pension to Stephen Anderson—to the Committee on Invalid Pensions.

By Mr. PARKER of South Dakota: A bill (H. R. 18178) granting an increase of pension to Morris Joseph James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18179) granting an increase of pension to Abram Kelder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18180) granting an increase of pension to Josiah H. Gordon—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 18183) granting an increase of pension to James A. McVicker—to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 18184) granting an increase of pension to Llewelyn Brensinger—to the Committee on Invalid Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 18185) for the relief of the heirs of George Kinnard, deceased—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 18186) for the relief of the heirs of J. L. F. Cottrell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18187) granting a pension to Nicholas Coleman—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 18188) granting an increase of pension to Eugenius Jenkins—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 18189) to correct the military record of Chester L. Posson—to the Committee on Military Affairs.

By Mr. WASHBURN: A bill (H. R. 18190) granting an increase of pension to George N. Whitney—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 18191) granting an increase of pension to Henry Bramer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18192) granting an increase of pension to George H. Daubner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18193) granting an increase of pension to Elon J. Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18194) granting an increase of pension to John Kaeserman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18195) granting an increase of pension to James P. Mallison—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Petitions of Atchison Council, No. 99, of Atchison, Kans., and Sunflower Council, No. 1, of Salina, Kans., United Commercial Travelers, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTHOLDT: Petition of St. Louis Cotton Exchange, against the passage of bill to prevent trading in cottton futures—to the Committee on Agriculture.

Also, petition of St. Louis Harbor, No. 28, of the American Association of Masters, Mates, and Pilots, against the bill to remove discrimination against American sailing vessels in the coastwise trade—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of St. Louis Union, No. 18, of International Brotherhood, and of the Typographia, No. 37, of Brooklyn, in favor of removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of National German-American Alliance, against any interstate liquor bills—to the Committee on the Judiciary.

Also, petition of National German-American Alliance, in favor of restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of William Angemuth and 17 other citizens of St. Louis, against a further extension of the right of naturalization—to the Committee on Immigration and Naturalization.

By Mr. BURKE: Petition of Allis-Chalmers Company, for forest reservations in White Mountains—to the Committee on Agriculture.

Also, petition of George D. Wetherill & Co., against legislation inimical to the paint industry—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. M. Nesbit, favoring increase of salaries in Patent Office—to the Committee on Patents.

Also, paper to accompany bill for relief of Medal of Honor Legion of the United States—to the Committee on Invalid Pensions.

Also, petition of American Association of Masters, Mates, and Pilots, against the Littlefield pilotage bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURLEIGH: Petition of Ira P. Wing and others, of Monston, Me., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. CALDER: Petition of Rochester Credit Men's Association, for maintenance of the bankruptcy law—to the Committee on Banking and Currency.

Also, petition of Nelson H. Henry, adjutant-general of New York, against leaving out of the Army appropriation bill the $1,000,000 item for general maneuvers—to the Committee on Military Affairs.

Also, petition of the Washington Board of Trade, against S. 4032 and H. R. 10520, known as the "Dolliver" and "Burleson" bills, affecting the Washington public schools—to the Committee on the District of Columbia.

Also, petition of eleventh assembly district Republican committee, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. CAPRON: Petition of Retail Druggists' Association of Providence, R. I., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CARLIN: Paper to accompany bill for relief of estate of T. B. Robinson—to the Committee on War Claims.

By Mr. DAVIS of Minnesota: Petition of Red Wing (Minn.) Commercial Club, favoring H. R. 534, relative to establishment of agricultural and industrial high schools—to the Committee on Agriculture.

Also, petition of National German-American Alliance, for restoration of Army canteen—to the Committee on Military Affairs.

By Mr. DAWSON: Petition of Farmers' Grain Dealers' Association of Iowa, favoring the Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of New York Branch of American Federation of Labor, against any legislation that will impair the present efficient pilotage of the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Board of Trade and Transportation, drug-trade section, against S. 42, S. 3043, H. R. 6089, and H. R. 12675—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Petition of Wallace P. Groom, urging currency legislation—to the Committee on Banking and Currency.

Also, petition of American Free Art League, for repeal of duty on art works—to the Committee on Ways and Means.

Also, petition of Rochester Credit Men's Association, for maintenance of the bankruptcy law—to the Committee on the Judiciary.

By Mr. ESCH: Petition of Eagle Post, No. 52, Department of Wisconsin, Grand Army of the Republic, against abolition of pension offices—to the Committee on Appropriations.

Also, petition of Emily D. Richter and others, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of Rochester Credit Men's Association, in favor of the continuance of the present bankruptcy law—to the Committee on the Judiciary.

Also, petition of American Pharmaceutical Association, favoring H. R. 16091—to the Committee on Expenditures in the Treasury Department.

Also, petition of Local Union No. 1, of International Stereotypers and Electrotypers' Union, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. FORNES: Petition of Walter Phillips, of New York City, against clause in copyright bill inimical to musical composers—to the Committee on Patents.

Also, petition of Wilson H. Henry, adjutant-general of New York State, for appropriation to maintain militia maneuvers to be restored to Army appropriation bill—to the Committee on Militia.

Also, petition of George Zabriskie, attorney at law, of New York City, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Rochester Credit Men's Association, of Rochester, N. Y., for the maintenance or amendment, in certain particulars, of the present bankruptcy law—to the Committee on the Judiciary.

Also, petition of American Free Art League, for removal of duty on art works—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Hamilton Club, of Chicago, that civil-service rules apply in appointment of Thirteenth Census employees—to the Committee on the Census.

By Mr. GOULDEN: Petition of John J. Murphy, of New York City, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Lake Seamen's Union, Chicago, Ill., favoring H. R. 14941, to overcome the undermanning evil now prevalent on steam vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRAHAM: Petition of Joseph M. Nesbit, for increase of salaries of employees in Patent Office—to the Committee on Patents.

Also, petition of Paul Coleman, favoring prohibition legislation—to the Committee on the Judiciary.

Also, petition of Allis-Chalmers Company, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. GRANGER: Petition of town council of New Shoreham, R. I., favoring bill promoting efficiency of the Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Portsmouth Grange, No. 29, Patrons of Husbandry, Rhode Island, for legislation creating a national highway commission—to the Committee on Agriculture.

By Mr. HAYES: Petition of Local Union No. 18, of International Typographical Union (mailers), for repeal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Sacramento, Cal., for appropriation for irrigation and drainage in California—to the Committee on Irrigation of Arid Lands.

Also, petition of Chamber of Commerce of San Francisco, Cal., for H. R. 4407, registration of barkentine *Andromeda*—to the Committee on the Merchant Marine and Fisheries.

By Mr. HIGGINS: Petition of Company H, Second Regiment Connecticut National Guard, of Middletown, Conn., for H. R. 14783, promoting efficiency of militia (previously referred to the Committee on Military Affairs)—to the Committee on Militia.

By Mr. HUMPHREY of Washington: Petition of Fremont Baptist Church, of Seattle, Wash., making it a condition precedent to payment of any appropriation for the Alaska-Yukon-Pacific Exposition, at Seattle, in 1909 that the gates shall be closed on Sundays for the whole period of the fair—to the Select Committee on Industrial Arts and Expositions.

By Mr. KELIHER: Petition of Commonwealth Lodge, No. 18, I. O. B. A., of Boston, against any immigration legislation providing for an educational test, increase in head tax, and money-in-the-pocket feature in legislation—to the Committee on Immigration and Naturalization.

By Mr. KIMBALL: Paper to accompany bill for relief of Mrs. Julia E. McClure—to the Committee on War Claims.

By Mr. LAFEAN: Paper to accompany bill for relief of John Englebert (H. R. 18063)—to the Committee on Invalid Pensions.

By Mr. LANGLEY: Paper to accompany bill for relief of Zera Welch—to the Committee on Claims.

By Mr. LINDSAY: Petition of Roy Upham and others, for prompt enactment of Mr. DALZELL's postponed amendment (H. R. 6089) to the pure-food act—to the Committee on Interstate and Foreign Commerce.

Also, petition of mass meeting of the Clan-na-Gael at Bijou Theater, Brooklyn, February 23, 1908, against ratification of a treaty of arbitration with England—to the Committee on Foreign Affairs.

Also, petition of New York branch of American Federation of Labor, against legislation to do away with the bar-pilotage system of the country—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Bohemian Freethinkers' Association, against placing the motto "In God we trust" on the coins—to the Committee on Coinage, Weights, and Measures.

Also, petition of Day, Adams & Co., favoring H. R. 10457, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Rochester Credit Men's Association, favoring the bankruptcy act—to the Committee on the Judiciary.

By Mr. LITTLEFIELD: Petition of Eugene F. Smith and others, for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. MANN: Paper to accompany bill for relief of William P. Williams—to the Committee on Claims.

By Mr. MOON of Pennsylvania: Petition of Philadelphia Bourse, for S. 25 and H. R. 6169, retirement of superintendents, keepers, and crews of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Petition of citizens (legal voters) of the State of Nebraska residing at Atlanta, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. OLCOTT: Petition of clergymen of New York City, against the building of more battle ships—to the Committee on Naval Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of Stephen Anderson—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: Paper to accompany bill for relief of Franklin H. Singer—to the Committee on Invalid Pensions.

By Mr. RIORDAN: Petition of Clan-na-Gael, Brooklyn, N. Y., against treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of American Newspaper Publishers' Association, for repeal of duty on paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Rochester Credit Men's Association, for maintenance of the present bankruptcy law—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Polish organizations and Polish

press of the United States of America, against the Polish expropriation bill by the Prussian Diet—to the Committee on Foreign Affairs.

Also, petitions of United Trade and Labor Council and Lake Seamen's Union, of Buffalo, N. Y., for H. R. 14941, relative to undermanning evil on steam vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Metropolitan Association of Retail Druggists, for S. 4700 and H. R. 14639—to the Committee on the Post-Office and Post-Roads.

By Mr. SABATH: Petition of citizens of Brooklyn in mass meeting, Sunday evening, February 23, Bijou Theater, Brooklyn, under auspices of Clan-na-Gael, against ratification of a treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. SHEPPARD: Paper to accompany bill for increase of pension to Henry Welch (H. R. 18100)—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Petition of Ocean Side Grange, Patrons of Husbandry, of Hampton, N. H., for a national highway commission—to the Committee on Agriculture.

By Mr. WALDO: Petition of drug section of New York Board of Trade, against H. R. 6089 and S. 42—to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *February 27, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Trustees of Andrew Chapel, Methodist Episcopal Church South, of Fairfax County, Va., *v.* United States;

In the cause of Wynona Ambrose Dixon *v.* United States;

In the cause of the Trustees of the Jerusalem Baptist Church and the Vestry of the Zion Protestant Episcopal Church, of Fairfax County, Va., *v.* United States; and

In the cause of the Board of Commissioners of the Judah Touro Almshouse Fund, of New Orleans, La., *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

CONSOLIDATION OF PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the following communication, which was read:

OFFICE OF THE ENGINEER COMMISSIONER
OF THE DISTRICT OF COLUMBIA,
Washington, February 25, 1908.

Hon. CHARLES W. FAIRBANKS,
President of the Senate, United States Senate.

SIR: The Commission created by act of Congress, approved June 20, 1906, consisting of the Superintendent of Schools of the District of Columbia, the Supervising Architect of the United States Treasury, and the Engineer Commissioner of the District of Columbia, to report to Congress a general plan for the consolidation of public schools in the District of Columbia, and for other purposes, has the honor to submit herewith its report.

Very respectfully,

A. T. STUART,
Superintendent of Schools.
JAMES KNOX TAYLOR,
Supervising Architect, United States Treasury.
JAY J. MORROW,
Major, Corps of Engineers, United States Army,
Engineer Commissioner, District of Columbia.

Mr. GALLINGER. Mr. President, that is a very important report. I ask that it may be printed as a document, with illustrations that will be supplied, and that 500 additional copies of the report be printed for the use of the document room.

The VICE-PRESIDENT. Without objection it is so ordered. The communication, with the accompanying report, will be referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16078. An act providing for second desert-land entries;

H. R. 16746. An act to authorize T. H. Friel or assigns to construct a dam across Mulberry Fork of the Black Warrior River; and

H. R. 17227. An act to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the New York Branch of the American Federation of Labor, remonstrating against the enactment of legislation which will interfere with or impair the present efficient pilotage system of the country, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of the State of New York, praying for the enactment of legislation authorizing that at least two of the four new battle ships whose construction has been requested by the General Board of the Navy be built at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Commandery of California, Military Order of the Loyal Legion, of San Francisco, Cal., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Plains Mercantile Company, of Plains, Kans., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented a petition of Middlesex Lodge, No. 329, International Association of Mechanics, of New Brunswick, N. J., praying for the enactment of legislation providing for the construction of the next first-class battle ship at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Sparta, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Little Falls, Hoboken, Newark, and Summit, all in the State of New Jersey, praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PLATT presented a petition of the Trades Assembly of Glens Falls, N. Y., praying for the enactment of legislation providing for the construction of all battle ships at Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Workingmen's Federation of the State of New York, of Utica, N. Y., remonstrating against the enactment of legislation to abolish the present pilotage system of the country, which was referred to the Committee on Commerce.

He also presented a memorial of John L. Thompson, Sons & Co., of Troy, N. Y., remonstrating against adoption of certain amendments to the present pure-food and drug law relating to standards for foods and drugs, which was referred to the Committee on Manufactures.

He also presented a memorial of the Jobbers' Exchange of Grovers, of Binghamton, N. Y., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Albany County Woman's Christian Temperance Union, of Cohoes, N. Y., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of Bidwell-Wilkeson Post, No. 9, of Buffalo; of Chapin Post, No. 2, of Buffalo, of the Department of New York, Grand Army of the Republic; and of the memorial and executive committee, Grand Army of the Republic, of Brooklyn, all in the State of New York, remonstrating against the amendment of legislation to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 314, American Federation of Musicians, of Elmira, N. Y., praying for the enactment of legislation to prohibit Army and Navy musicians from entering into competition with civilian musicians, which was referred to the Committee on Military Affairs.

He also presented the petition of Howard C. Wicks, of Herkimer, N. Y., praying for the passage of the so-called "Kittredge copyright bill," which was referred to the Committee on Patents.

Mr. LONG presented a petition of the Citizens' Industrial Club of Independence, Kans., praying that an appropriation be made for the purchase of a site and the erection thereon of a public building at that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of Lincoln Post, No. 1, Department of Kansas, Grand Army of the Republic, of Topeka, Kans., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of Local Lodge No. 340, Brotherhood of Locomotive Firemen and Engineers, of Newton, Kans., praying for the passage of the so-called "La Follette employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Parkersville, Yates Center, Hutchinson, Riley, and Lawrence, all in the State of Kansas, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry volunteer officers of the civil war, of Wichita, Kans., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Arkansas City, Chanute, Concordia, Ematon, Emporia, Fort Scott, Freeport, Holton, Howard, Independence, Lawrence, Lyons, Manhattan, Newton, Olathe, Oneida, Ottawa, Rosedale, and Wichita, all in the State of Kansas, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented sundry papers to accompany the bill (S. 608) relating to proof of signatures and handwriting, which were referred to the Committee on the Judiciary.

He also presented a memorial of Sunflower Council, No. 31, United Commercial Travelers, of Salina, Kans., remonstrating against the enactment of legislation to secure the use of United States rural mail equipment and to place the rural service on a paying basis, and also against the consolidation of third and fourth class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM. I present a petition of the Rock River Conference of the Methodist Episcopal Church, of Galena, Ill. It is brief, and I ask that it be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

GALENA, ILL., *February 24, 1908.*

Hon. SHELBY M. CULLOM,
Senator from Illinois.

DEAR SIR: The Rock River Conference of the Methodist Episcopal Church, consisting of 336 ministers, representing 400 churches, with over 60,000 communicants, at its last regular session adopted the following attached resolutions, and instructed me as its secretary to forward them to you:

"Whereas the testimony in the hearing in the matter of the protest against the seating of Mr. REED SMOOT before the Committee on Privileges and Elections of the United States Senate revealed the fact that Joseph F. Smith, president of the Church of Latter Day Saints, commonly known as the 'Mormon Church,' and other officials and members of that church, continue to live in polygamy (a polygamous child having been born to President Smith since he gave his testimony before the Senate committee) in violation of the pledge given to the nation in 1891 by the apostles of the church, that polygamy and polygamous practices should cease if amnesty were granted their people for past violations of laws prohibiting polygamy and polygamous practices; and

"Whereas the defiant and persistent violation of laws by Mormon polygamists shows that the States in which Mormons are in power are not and will not be able to cope with this evil; and

"Whereas President Roosevelt in his message to Congress, December, 1906, said: 'It is neither safe nor proper to leave the question of polygamy to be dealt with by the several States; power to deal with it should be conferred on the National Government;' and the President recommended submission of an amendment to the Constitution of the United States prohibiting polygamy: Therefore be it

"*Resolved by the Rock River Conference of the Methodist Episcopal Church*, That we respectfully request the Hon. SHELBY M. CULLOM and Hon. ALBERT J. HOPKINS, members of the National Senate from the State of Illinois, of which the ministers and members of the Methodist churches of this conference are citizens, to introduce, advocate, and vote for an amendment to the Constitution of the United States prohibiting polygamy and polygamous cohabitation, the same to be submitted to the several States for ratification.

"*Resolved*, That a copy of these resolutions be sent by the secretary of this conference to the Hon. SHELBY M. CULLOM and ALBERT J. HOPKINS, Senators from the State of Illinois."

Attest:

J. A. MATLACK,
Secretary Rock River Conference.

Mr. ELKINS presented a petition of the Western Fruit Jobbers' Association of Omaha, Nebr., praying for the enactment of legislation to empower the Interstate Commerce Commission to name and establish minimum as well as maximum freight rates governing interstate shipments, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Federation of Labor of Chicago, Ill., praying for the enactment of legislation requiring telegraph companies to show on each telegram delivered by them the time it was filed for transmission, and also to prevent the mailing of telegrams by telegraph companies which are accepted for telegraphic transmission, which was referred to the Committee on the Judiciary.

He also presented sundry papers to accompany the bill (S. 5313) granting an increase of pension to Cassius C. Wertz, which were referred to the Committee on Pensions.

Mr. WARREN presented a petition of the Cattle and Horse Growers' Association of Albany County, Wyo., praying for the enactment of legislation placing the leasing of public grazing lands of the country under Federal control, which was referred to the Committee on Agriculture and Forestry.

Mr. ANKENY presented petitions of Local Union No. 388, International Typographical Union, of Walla Walla, Wash., and a petition of Local Union No. 410, International Typographical Union, of Everett, Wash., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the Central Labor Council of Seattle, Wash., praying for the enactment of legislation placing under Government inspectors the telegraph offices in every city of the United States of 50,000 inhabitants or more, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of the Connecticut Hardware Association of Meriden, Conn., remonstrating against any change being made in the present postal laws which would allow postmasters to furnish lists of patrons of the rural free-delivery routes to any person or firm for any use whatever, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP (for Mr. KITTREDGE) presented a petition of sundry citizens of Mitchell, S. Dak., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. McLAURIN, from the Committee on Commerce, to whom was referred the bill (H. R. 16621) to extend the time for the construction of a dam across Savannah River at Cherokee Shoals, reported it without amendment.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2938) to provide for the erection of a public building at Lander, Wyo., reported it with an amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 649) to provide for the purchase of a site and the erection of a public building thereon at Rock Springs, in the State of Wyoming, reported it with amendments and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. TALIAFERRO on the 22d instant, proposing to appropriate $125,000 for a light vessel on St. John's River Bar, Florida, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. FOSTER, from the Committee on Military Affairs, to whom was referred the bill (S. 1669) granting on honorable discharge to Benjamin Warner, reported it without amendment and submitted a report thereon.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the bill (S. 4713) to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon, reported it without amendment and submitted a report thereon.

Mr. BROWN. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 4085) to authorize the Secretary of the Interior to issue patents to Indians of the Santee tribe for lands assigned under the treaty of April 29, 1868, to report it adversely and to move its indefinite postponement, as a similar bill has been passed.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the bill (S. 4084) to authorize the capitalization and payment of funds due the Winnebago tribe of Indians and to enable them to sell and convey their allotted lands in Ne-

braska, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2317) for the erection of a public building at Appleton, Wis., reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5363) to provide for the purchase of a site and the erection of a public building thereon at Franklin, La., reported it with an amendment and submitted a report thereon.

Mr. PLATT, from the Committee on Naval Affairs, to whom was referred the bill (S. 2232) to correct the naval record of Charles C. Lee, reported it with an amendment and submitted a report thereon.

Mr. DICK, from the Committee on Naval Affairs, to whom was referred the bill (S. 568) for the relief of Capt. George Van Orden, United States Marine Corps, reported it without amendment and submitted a report thereon.

Mr. SIMMONS, from the Committee on Cemmerce, to whom was referred the bill (S. 9079) to extend to Port Arthur, in the State of Texas, the privilege of immediate transportation without appraisement of dutiable merchandise, reported it without amendment.

HARBOR OF WILMINGTON, CAL.

Mr. PERKINS. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 58) authorizing the Secretary of War to establish harbor lines in Wilmington Harbor, California, to report it favorably without amendment, and I submit a report thereon. I call the attention of my colleague, the junior Senator from California, to the report.

Mr. FLINT. I ask unanimous consent for the immediate consideration of the joint resolution.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 54) authorizing the Secretary of War to establish harbor lines in Wilmington Harbor, California, reported adversely thereon, and the joint resolution was postponed indefinitely.

TRINITY RIVER (TEXAS) IMPROVEMENT.

Mr. CLARKE of Arkansas. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. J. Res. 120) authorizing the Secretary of War to apply the unexpended balance of the donation made by the citizens of Dallas, Tex., under the provisions of the river and harbor act of March 3, 1905, to work in construction of Lock and Dam No. 2, in section 1, of Trinity River, to report it favorably without amendment.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

Mr. CULBERSON subsequently said: Before passing from the order of reports of committees, the Committee on Commerce this morning reported a short joint resolution, H. J. Res. 120, for which I ask present consideration.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAUNCH FOR CUSTOMS SERVICE.

Mr. DEPEW. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5476) for the purchase or construction of a launch for the customs service at and in the vicinity of Portland, Oreg., to report it favorably without amendment, and I submit a report thereon. I call the attention of the Senator from Oregon [Mr. FULTON] to the report.

Mr. FULTON. I ask for the present consideration of the bill.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FUNERAL EXPENSES OF THE LATE SENATOR ASBURY C. LATIMER.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. TILLMAN on the 25th instant, reported it without amendment, and it was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice-President in arranging for and attending the funeral of the late Senator Asbury C. Latimer, from the State of South Carolina, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

HEARINGS BEFORE COMMITTEE ON THE PHILIPPINES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported yesterday by Mr. LODGE from the Committee on the Philippines, reported it without amendment, and it was considered by unanimous consent and agreed to.:

Resolved, That the Committee on the Philippines be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

HEARINGS BEFORE COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. PENROSE, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Post-Offices and Post-Roads be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

SURVEY OF CONTENTNEA (MOCCASIN) RIVER, NORTH CAROLINA.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the concurrent resolution submitted yesterday by the Senator from North Carolina [Mr. OVERMAN], to report it favorably without amendment, and I ask for its present consideration.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of Contentnea (Moccasin) River, in the State of North Carolina, from the town of Snow Hill, in Greene County, to the town of Stantonburg, in Wilson County, for the purpose of estimating the probable cost of dredging and removing obstructions from the said river.

PIGEON RIVER (MICHIGAN) IMPROVEMENT.

Mr. SMITH, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 59) directing an examination of Pigeon River at Port Sheldon, Mich., reported the following concurrent resolution as a substitute:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Pigeon River from its mouth in the vicinity of Port Sheldon, Mich., for 4 miles, with a view to providing a 10-foot channel and turning basin, and to submit estimates for the same.

COOSA RIVER (ALABAMA) IMPROVEMENT.

Mr. SMITH, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 60) to provide for a survey of a portion of Coosa River, Alabama, reported the following concurrent resolution as a substitute:

Resolved by the Senate (the House of Representatives concurring), That for the purpose of ascertaining the practicability and cost of improving navigation on Coosa and Alabama rivers by means of storage reservoirs at, near, or above the sites selected for locks and dams Nos. 12, 14, and 15 by cooperation with the Alabama Power Company, or any other corporation duly organized under the laws of the State of Alabama, in the development of water power for industrial purposes, the Secretary of War is hereby authorized to cause a survey to be made of that portion of Coosa River above and below the sites selected for locks and dams Nos. 12, 14, and 15, and to submit to Congress as early as practicable a report giving the results of said survey, including plans and estimates of the whole cost of the work and the proportion thereof which should be borne by the United States; and that the cost of said survey shall be paid from funds heretofore appropriated for examinations, surveys, and contingencies of rivers and harbors.

INTERSTATE-COMMERCE REGULATIONS.

Mr. FULTON. Mr. President, before passing from the order of reports of committees I wish to say just a word. I ask the attention of the Committee on Interstate Commerce to a little bill that is very dear to me, which was referred to that committee on the 4th day of December last, and so far as I can discover it has been slumbering there without a particle of disturbance ever since.

Mr. President, I do not doubt that the committee is disposed to treat the bill with utmost good faith. It is Senate bill 426. It proposes to amend the interstate-commerce law to this extent, that when a notice shall be given by a transportation

line of its intention to increase a rate or change a practice, a shipper shall have a right to protest, and thereupon the change shall not be made without a hearing.

I understand that the Interstate Commerce Commission has recommended an amendment to the effect that it be left to the discretion of the Commission as to whether or not a stay of proceedings shall be granted. I am perfectly content to accept that amendment. I only wish to urge the committee to take up the measure and give it that degree of attention which its importance demands and which the great body of the people are petitioning shall be done. I am receiving petitions and letters every day urging that some action be taken in this matter.

Mr. CLAPP. Will the Senator pardon me for a moment?

Mr. FULTON. Certainly. I am glad to yield. The Senator is a member of that committee, and I should like to hear a voice from it.

Mr. CLAPP. Knowing the intense interest of the chairman of the committee in that bill, I hardly think it proper that the subject should be brought up at this time. It seems to me the Senator's remarks ought to be withheld until the chairman can be here.

Mr. FULTON. I was approaching the proposition of the absence of the chairman of the committee. I see that he is absent just at this moment from the Chamber, and for that reason I hesitated about bringing the matter up, but, realizing that the committee meets to-morrow, I can not refrain from expressing the hope that the committee will take up the bill and give it consideration with a view of reporting it back to the Senate before the expiration of the present session. I do not wish, of course, to question the perfect sincerity and good faith of the committee. I know that it has a vast amount of work to do; but, Mr. President, people are asking for this bill, and I think I am justified in thus calling the attention of the committee to it. Indeed, I can not consent that it shall be much longer retained by the committee.

Mr. CLAPP. Mr. President, in the absence of the chairman, it seems only proper that I should state that parties in favor of the bill, and I think some, perhaps, who have objections to the bill, desire to be heard, and the chairman has arranged to give them a hearing. The committee is working on the bill in connection with its other work, and I think is moving the matter along as rapidly as it can be moved in view of the fact that parties have desired to be heard upon it before it is reported.

Mr. FULTON. The Senator's remarks are quite pertinent and proper. Parties are entitled to be heard and to be given a reasonable length of time. I submit that they can not be heard unless the committee meets and gives them a hearing.

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. FULTON. Certainly.

Mr. CULLOM. I only wish to say a word in reference to the bill the Senator refers to. I happened to be acting as chairman at the last meeting when the bill was considered or, at least, brought up. The subcommittee which have the bill in charge was at one time ready to report, as I understood it, and was prevented from doing so on account of the desire on the part of people to be heard, and they took the bill back to hold it until the hearing was over. They fully intended to report it just as soon as they could after that. So I want to assure the Senator from Oregon there was no sort of feeling on the part of anyone as far as the committee is concerned.

Mr. FULTON. I am sure of that. It is only that in the multitude of business I am afraid this little measure will be lost sight of, and I wanted to call the attention of Senators to its importance. I am glad to be assured that the bill will be given consideration, and I hope it will be shortly reported.

BILLS INTRODUCED.

Mr. ANKENY introduced a bill (S. 5751) to authorize the President of the United States to confer an additional grade on retired officers who have two or more recommendations for the medal of honor from corps and division commanders for gallantry in battle and who have thirty-one years of service, including four years in the civil war, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 5752) authorizing the appointment of Maj. James H. Spencer, United States Army, retired, to the rank and grade of colonel on the retired list of the Army, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CLARK of Wyoming introduced a bill (S. 5753) to amend the act of April 20, 1906, entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. BURROWS introduced a bill (S. 5754) for the relief of Charles A. Miner, which was read twice by its title and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 5755) granting an increase of pension to Laura H. Snider, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5756) to remove the charge of desertion from the military record of Solomon M. Bennett, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5757) granting an increase of pension to Beatrice Paul Marmion, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 5758) to restore John F. Lewis to the United States Army, with the rank of captain of infantry, and place him upon the retired list, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. TAYLOR introduced a bill (S. 5759) granting an increase of pension to A. F. Broyles, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5760) for the relief of R. R. Robinson;

A bill (S. 5761) to carry out the findings of the Court of Claims in the case of Laura E. Raulston, administratrix of James W. Raulston, deceased;

A bill (S. 5762) for the relief of Nancy Walden;

A bill (S. 5763) for the relief of the heirs of Simeon Graves, deceased;

A bill (S. 5764) for the relief of the heirs at law of Robert Worthington;

A bill (S. 5765) for the relief of P. H. Schoolfield;

A bill (S. 5766) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of W. W. Sharp, deceased;

A bill (S. 5767) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of John Henson, deceased;

A bill (S. 5768) for the relief of Nathaniel R. and William C. Carson;

A bill (S. 5769) for the relief of Samuel Y. B. Williams;

A bill (S. 5770) for the relief of the estate of W. G. Hoge, deceased;

A bill (S. 5771) for the relief of Ruth Holder;

A bill (S. 5772) for the relief of Lovenia Hodges (née Grant); and

A bill (S. 5773) for the relief of the estate of John A. Heard, deceased.

Mr. FOSTER introduced a bill (S. 5774) for the relief of John M. Kelly, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Commerce:

A bill (S. 5775) appropriating $250,000 to prevent the banks of the Mississippi River in front of the city of New Orleans, La., from caving and to construct levees along said river front; and

A bill (S. 5776) authorizing the Mississpipi River Commission to investigate the necessity, urgency, and practicability of divorcing the Mississippi River from the Red and Atchafalaya rivers.

Mr. TILLMAN introduced a bill (S. 5777) providing for publicity in connection with contributions made to national and Congressional committees in order to influence elections in two or more States or Territories where Representatives or Delegates to Congress are to be voted for, which was read twice by its title and, with the accompanying papers, which were ordered to be printed, referred to the Committee on Privileges and Elections.

Mr. TALIAFERRO (by request) introduced a bill (S. 5778) to authorize the President of the United States to confer an additional grade on retired officers who have two or more recommendations for the medal of honor from corps and division commanders for gallantry in battle and who have thirty-one years of service, including four years in the civil war, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. OWEN introduced a bill (S. 5779) appropriating money for the maintenance and establishment of public schools for all children of scholastic age in the Quapaw Agency, Ottawa County, Okla., which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. ELKINS introduced a bill (S. 5780) for the relief of the heirs of John W. Warwick, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5781 granting a pension to Benjamin Brown; and

A bill (S. 5782) granting an increase of pension to William Large.

Mr. CULBERSON introduced a bill (S. 5783) for the relief of Frank H. Church, administrator of the estate of Cornelius Clay Cox, which was read twice by its title and referred to the Committee on Claims.

Mr. PAYNTER (by request) introduced a bill (S. 5784) for the relief of the estate of Granville Smith, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. FRAZIER introduced a bill (S. 5785) granting a pension to Willis J. Freeman, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 5786) granting an increase of pension to David Jewell, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 5787) to amend section 4463 of the Revised Statutes of the United States, which was read twice by its title and referred to the Committee on Commerce.

Mr. PERKINS introduced a bill (S. 5788) for the relief of the estate of Julius Jacobs, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 5789) granting an increase of pension to John A. Quilty, which was read twice by its title and referred to the Committee on Pensions.

Mr. GORE introduced a bill (S. 5790) for the relief of Lillie Small Rib, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. BAILEY introduced a bill (S. 5791) to provide for the purchase of a site and the erection thereon of a public building at Mineral Wells, Tex., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also (by request) introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5792) for the relief of the heirs of Dr. James Gower, deceased;

A bill (S. 5793) for the relief of H. Polkinghorne, jr., or his heirs or legal representatives;

A bill (S. 5794) for the relief of Mrs. S. E. Underwood, formerly widow of Samuel Ward, and the heirs of Samuel Ward, deceased; and

A bill (S. 5795) for the relief of the heirs of William Stansbury, deceased (with accompanying papers).

Mr. BORAH introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5796) granting an increase of pension to Louisa S. Holden;

A bill (S. 5797) granting an increase of pension to Chester H. Felton;

A bill (S. 5798) granting an increase of pension to John Eger; and

A bill (S. 5799) granting an increase of pension to Asa G. Reyburn.

Mr. TAYLOR introduced a joint resolution (S. R. 61) for the relief of the enrolled militia of Memphis and the western district of Tennessee, which was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LONG submitted an amendment providing that the paymasters' clerks now in the service of the United States Army shall hereafter be known as "paymasters' assistants, United States Army," etc., intended to proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to increase the number of Assistant Attorneys-General, Department of Justice, from five to seven, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to appropriate $2,500 for salary of file clerk in the office of the Secretary of the Senate, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. LONG submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were referred to the Committee on Claims and ordered to be printed.

Mr. CULLOM. I submit two amendments, intended to be proposed to House bill 15372. I hope that these amendments will be embodied in the bill known as the "omnibus claims bill." I move that they be printed and referred to the Committee on Claims.

The motion was agreed to.

EFFICIENCY OF THE ARMY.

Mr. FORAKER submitted an amendment intended to be proposed by him to the bill (S. 2218) to increase the efficiency of the Army of the United States, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Military Affairs.

METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2872) to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901.

The amendment of the House was, on page 2, line 3, after "act," to insert the following proviso:

Provided, That when retired the present chief engineer of the fire department of the District of Columbia shall receive as retired pay a sum equal to one-half the sum allowed by law at the date of retirement.

Mr. GALLINGER. I move that the Senate agree to the amendment made by the House of Representatives to the bill.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 16078. An act providing for second desert-land entries was read twice by its title and referred to the Committee on Public Lands.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 16746. An act to authorize T. H. Friel or assigns to construct a dam across Mulberry Fork of the Black Warrior River; and

H. R. 17227. An act to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth.

OCEAN MAIL SERVICE.

The VICE-PRESIDENT. The morning business is closed.

Mr. GALLINGER. I ask the Chair to lay before the Senate Senate bill 28, which was made a special order.

The VICE-PRESIDENT. The Chair lays before the Senate the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign countries and to promote commerce."

Mr. GALLINGER. Mr. President, I have made inquiry on both sides of the Chamber and so far have not found any Senator who desires to be heard on this bill, with the exception of the Senator from Nevada [Mr. NEWLANDS]. Very likely there may be other Senators who wish to speak.

Mr. SIMMONS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. GALLINGER. With pleasure.

Mr. SIMMONS. I desire at some time to submit some remarks on the bill, but I am not prepared to do it to-day.

Mr. GALLINGER. Mr. President, I have no desire to hasten the bill inordinately or improperly, and yet I am going to venture to ask unanimous consent that the final vote be taken on the bill, amendments pending, and amendments to be offered, on Thursday next, March 5, before the hour of adjournment on that day.

Mr. SIMMONS. I ask the Senator if he will not give a little more time, and make it Thursday of the following week?

Mr. GALLINGER. I did not hear the Senator.

The VICE-PRESIDENT. The Senate will be in order.

Mr. SIMMONS. I suggest to the Senator from New Hampshire to defer it a little longer than that time. I expect to be out of the city for several days the first of next week.

Mr. GALLINGER. Would the succeeding Monday suit the convenience of the Senator?

Mr. SIMMONS. Yes; I would not object to that.

Mr. GALLINGER. Then I would make it Monday, the 9th day of the month.

Mr. CULBERSON. Mr. President, I have no disposition, and I do not believe there is any disposition on the part of any Senator in the Chamber on either side, to unnecessarily defer action on the bill. But the bill has been reported to the Senate at such a time that it has been impracticable to confer with Senators to see who, if any, desire to speak upon it. I ask the Senator from New Hampshire if he will not defer his request until some inquiry can be made on that subject?

Mr. GALLINGER. I will be pleased to do so, Mr. President; and in the meantime I will ask unanimous consent that on Monday next, after the routine morning business, the bill may be laid before the Senate for further consideration.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the bill be laid before the Senate for consideration immediately after the close of the routine morning business on Monday next. Is there objection? The Chair hears none, and it is so ordered.

DONATION OF CONDEMNED CANNON.

Mr. SMITH. I ask unanimous consent to call up the joint resolution (H. J. Res. 102) authorizing the Secretary of War to furnish three condemned cannon to the mayor of the city of Detroit, Mich., to be placed on the base of the statue of the late Maj. Gen. Alexander Macomb, United States Army.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATERIAL AND EQUIPMENT FOR PANAMA CANAL.

Mr. FRYE. Mr. President, I understand that we are now considering the Calendar under Rule VIII?

The VICE-PRESIDENT. The Calendar under Rule VIII is in order.

Mr. FRYE. I ask that order of business No. 204, being Senate joint resolution No. 40, to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal, may be passed over without prejudice. I give notice that I shall call it up for action at the earliest possible day.

The VICE-PRESIDENT. Without objection, the joint resolution referred to by the Senator from Maine will be passed over without prejudice.

Mr. GALLINGER. I call for the regular order, Mr. President.

The VICE-PRESIDENT. The Secretary will state the first bill on the Calendar.

MINING TECHNOLOGY BRANCH IN GEOLOGICAL SURVEY.

The joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey was announced as first in order.

Mr. KEAN. Let that go over, Mr. President.

The VICE-PRESIDENT. The joint resolution will be passed over without prejudice.

PAY OF THE ARMY.

The bill (S. 4030) to fix the pay of the Army was announced as next in order.

Mr. KEAN. Let that go over, Mr. President.

The VICE-PRESIDENT. The bill will be passed over.

OCEAN MAIL SERVICE.

The bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President.

The VICE-PRESIDENT. The bill will be passed over.

TRACK CONNECTION WITH THE WASHINGTON NAVY-YARD.

The bill (S. 3976) to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States navy-yard in the city of Washington, D. C., was announced as next in order.

Mr. GALLINGER. It is very important that that bill should be acted upon to-day. The Senator from Montana [Mr. CARTER] is not now present, and I ask that it may temporarily go over, to be recurred to.

The VICE-PRESIDENT. It will be so ordered.

JURISDICTION OF CIRCUIT COURTS.

The bill (S. 2695) to amend the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," and the acts amendatory thereof, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," and the acts amendatory thereof, by adding the following to section 1 of that act as amended:

When a State contains more than one district or a district contains more than one division and there are two or more defendants residing in different districts or divisions of the same State, the action may be brought in either division or district in which either of the defendants may reside, and an alias writ may be issued by the clerk against the defendant or defendants residing in the other district or division of the State than that of the court in which the action is brought, directed to the marshal of any other district of that State in which any defendant resides; and such alias writs, when executed and returned into the office from which they issue, shall constitute proper service, and upon judgment or decree rendered therein execution may be issued, directed to the marshal of any district in the same State.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL LAND DISTRICT IN SOUTH DAKOTA.

The bill (S. 4132) creating an additional land district in the State of South Dakota was announced as next in order.

Mr. KEAN. Let that go over, Mr. President.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from New Jersey.

PACIFIC PEARL MULLETT.

The bill (S. 1517) for the relief of Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett, was announced as next in order.

Mr. BURKETT. Mr. President, when that bill was last reached on the Calendar I asked that it might go over. I did so because I know something of the case, and I wish to say just a word about it. I think the bill ought to go over to a day when we can give it enough time to have the report read. This is a claim which has been standing for a long time. Congress did at one time appropriate a certain amount of money in full of this claim, and the money was accepted. This claim has also been before the courts in one form or another, and it has been thrown out there. Therefore it seems to me that we ought not to consider the bill until we can give it time enough to have the report read. I have not read the report, and I have not given the matter any attention for a number of months, or years, perhaps, but I know that that condition pertains, and I therefore ask that the bill go over under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Nebraska.

H. A. ELDRED.

The bill (S. 2729) for the relief of H. A. Eldred was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and is hereby, authorized to negotiate with the allottee or allottees upon whose land the improvements heretofore made by H. E. Eldred, of Mendocino County, State of California, in the Round Valley Indian Reservation, have been placed, not to exceed 11 acres in area, for the sale of such land to the said H. E. Eldred upon terms to be agreed upon by the allottee or allottees and the said Eldred and to be approved by the Secretary of the Interior, and for the purpose of carrying out the provisions of this act, the restrictions, if any existing as to the alienation of any land in such allotments, are hereby removed, to the extent that said allottee or allottees may convey said 11 acres to the said Eldred.

SEC. 2. This act to take effect and be in force from and after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to negotiate for the sale of certain Indian lands to H. E. Eldred."

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I ask the Senate to proceed to the consideration of House bill 15219, being the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909.

The VICE-PRESIDENT. The amendments reported by the committee will be considered from the beginning, the Senate

having reconsidered its action agreeing to the amendments extending to the amendment on page 6 of the bill.

The first amendment of the Committee on Indian Affairs was, under the subhead "President," on page 2, line 13, after the word "dollars," to insert "of which $15,000 shall be immediately available," so as to make the clause read:

To enable the President to cause, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, $75,000, of which $15,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Secretary," on page 3, line 1, after the word "purchase," to insert the following proviso:

Provided, That hereafter supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided.

Mr. TILLMAN. Mr. President, the other day, when this bill was taken up, I called attention to this remarkable provision, especially the words "and other works for irrigation." The whole provision is very loosely drawn, and as it is stretchable to almost any degree of Executive discretion and changes existing law, unless the chairman of the committee can give a very cogent reason why it should go in, I am going to make a point of order against the amendment.

Mr. CLAPP. Mr. President, I explained this matter the other day, but as some Senators are now here who were not here then, I shall make the explanation again. This is not a new feature in legislation. There are two classes of supplies which the Indian Office has to purchase. One is the regular supplies for the Indian schools and agencies, in relation to which there is a provision of law, that wherever the amount exceeds $500 at any time notice also must be given. The Indian Office is also carrying out some irrigation plans on a small scale in connection with Indian reservations, and in the law making appropriations for the Indian service for the year ending June 30, 1908, there is found this provision:

Provided, That hereafter supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising, as hereinbefore provided.

For some reason, I do not undertake to say why, that provision was omitted from the bill as it came to the Senate from the House of Representatives, and at the suggestion of the Indian Office, the suggestion being found on page 8 of the report on this bill, the Senate committee inserted the provision. The language of the suggestion of the Department is as follows:

Authority has been conferred in the appropriation acts for twelve or fourteen years for the Secretary of the Interior to purchase supplies, let contracts, and employ labor for irrigation, and a similar provision was in the estimates.

This authority is of great convenience, especially in reservations remote from trade centers, as the laws governing this Office in procuring supplies and materials require that the advertising shall run for a period of three weeks. The present form of the provision seems to be what is needed.

I do not know that I care to add anything to that. It has been the law for some time. It was left out in the House bill, and the Senate committee inserted it partly because it had been the law and partly at the request of the Department.

Mr. CLARK of Wyoming. Mr. President, I should like to ask the chairman of the committee this question: Has it been the custom in years past that the Secretary of the Interior has been allowed unlimited authority under the law for the letting of contracts for the construction of these irrigation works upon Indian reservations?

Mr. CLAPP. The first part of the Senator's question I was not able to hear.

Mr. CLARK of Wyoming. I ask for information whether or not is has been the custom for the law to provide that the Secretary of the Interior may go on with the construction of these large irrigation works on Indian reservations with no more restriction than is proposed in this amendment?

Mr. CLAPP. Substantially; yes.

Mr. CLARK of Wyoming. Well, does not the chairman of the committee think it would be well to limit the amount to some reasonable figure? Some of these irrigation works which we are now constructing on Indian reservations run up into the hundreds of thousands of dollars for an individual enterprise.

Mr. CLAPP. Yes.

Mr. CLARK of Wyoming. And does the chairman of the committee think that that discretion should be lodged absolutely in the Secretary of the Interior? I suppose that it is inserted for the purpose of providing for the smaller contingencies of such works and the smaller expenses; but, as I read this amendment, there would be nothing in the world to prevent the Secretary from making all sorts of contracts, even up to the limit of the work provided by Congress.

Mr. CLAPP. I call the Senator's attention again to the fact that, while this provision appears in the bill as an amendment, it is simply a repetition of the provision which has heretofore existed, especially in the bill of last year. As to whether it is wise to give the Secretary that latitude is a question the Senate must determine. For myself, realizing that these enterprises are conducted, as a rule, at a distance from any center, frequently at some distance from any railroad station or depot, and that it is difficult to anticipate the amount which may be required—personally I would be in favor of giving the Secretary this latitude. It is, however, purely a question for the Senate.

Mr. CLARK of Wyoming. In view of the circumstances he has mentioned, would the Senator object to an amendment fixing a limit at $10,000?

Mr. CLAPP. Personally I would not object; but I do not know whether it would embarrass the Department. We might fix that limit for the present, and if the Department feels that it would be thereby embarrassed, it could bring the matter specifically before us before the bill is finally passed. If the Senator desires to make the amendment, I will not interpose any objection.

Mr. TILLMAN. Mr. President, the fundamental question involved here is whether or not it is a wise governmental policy to put such discretion in the hands of any officer. I do not see the cogency of the argument that the remoteness of these works and the lack of facilities for publicity makes it necessary for the amendment proposed by the committee. There is no hurry. There is no life and death matter involved, and the safe and reasonable and customary method of advertising for bids can do no harm. Therefore, I do not think that after reflection the Senator from Wyoming will consider that even $10,000 is a proper limit. The law as it is cited on the preceding page provides for advertising in contracts for anything exceeding $500; and that has been the law time out of mind. If we put a bad provision in the bill last year, there is no reason why we should reenact it. Naturally, the Indian Department would like a free hand and be permitted to make contracts for supplies without any supervision. Do they make specific, definite, and detailed reports to anybody?

Mr. CLAPP. Certainly; they make reports to the Department showing the details of every expenditure. Nor must it be understood that this provision was only in the bill of last year. I have not the other laws before me. I have simply the statement, however, of the Department that it has been the law for a number of years.

Mr. TILLMAN. It is a little odd that, when the House in making up this bill, with the last year's appropriation bill before it, should see fit to strike this out, we should simply put it back because it had crept into the other appropriation bills. Therefore I will insist on the point of order that the amendment changes existing law and is likely to increase expenditures, and let the President rule on it.

Mr. CLAPP. I think the Senator is making a mistake. It would very much embarrass the Department.

Mr. TILLMAN. In what way?

Mr. CLAPP. We already concede a latitude to the Department, small though it be.

Mr. TILLMAN. Of $500.

Mr. CLAPP. Yes.

Mr. TILLMAN. Do you want to concede them a latitude of $500,000? That is what this would do.

Mr. CLAPP. Does the Senator say the amendment does that?

Mr. TILLMAN. Do you want to do that?

Mr. CLAPP. I am not making that point. I have agreed, so far as I am personally concerned, to the limitation of $10,000; but if that is too much there should be, instead of striking this provision out and, no matter what the contingency might be, leaving the Department powerless to proceed until they advertised three weeks, we ought at least in this bill to give them as much latitude as we give them in the purchase of those supplies, the amount of which would be anticipated for months.

Mr. TILLMAN. This relates specifically to irrigation works, and irrigation works are very slow-motion affairs. They never get into a fever. There is not any exigency or emergency about them.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Wyoming?

Mr. TILLMAN. Certainly.

Mr. CLARK of Wyoming. I hope the Senator from South Carolina will not make the point of order, whether it be well or ill taken, for there are certain contingencies in which, in my judgment, the Secretary of the Interior should be allowed to act quickly. As the Senator in charge of the bill has stated, some of these works are in places remote from supplies, or remote from places where advertisement can promptly be resorted to. For instance, in case of a freshet washing away part of the irrigation work, where, in order to prevent further disaster, immediate action should be taken, I think that the Secretary should be allowed to expend more than $500. I do not think, however, that he should be given unlimited control over the funds, and, therefore, I propose an amendment after the word "irrigation," in line 4, page 3, to insert, "not to exceed the sum of $5,000 in any one purchase or contract." I can well imagine that there might be cases when the discretion of the Secretary ought to be exercised at once, and for that reason I offer the amendment.

Mr. TILLMAN. Well, $5,000 is too much, but if the Senator from his knowledge of conditions and experience in such matters feels that that is essential, I do not want to obstruct any reasonable legislation here that will be in the interest of economy and of prompt action. Suppose the Senator puts it at $2,000? That would stop lots of breaks in a ditch.

Mr. CLARK of Wyoming. It would not stop very many breaks very rapidly in large irrigation works.

Mr. TILLMAN. From what I saw out there they do not often break.

Mr. CLARK of Wyoming. The Senator is mistaken. They very often break, and it has occurred to me, Mr. President, that the Secretary might well be allowed to use his discretion within the limits proposed by my amendment.

Mr. TILLMAN. I yield to the superior discretion and wisdom of my friend from Wyoming.

The VICE-PRESIDENT. Does the Senator from South Carolina withdraw the point of order?

Mr. TILLMAN. I withdraw the point of order upon the understanding that the amendment offered by the Senator from Wyoming fixing the limit at $5,000 goes in.

The VICE-PRESIDENT. The Senator from South Carolina withdraws his point of order. The Senator from Wyoming proposes an amendment to the amendment, which will be stated.

The SECRETARY. On page 3, line 4, in the committee amendment, after the word "irrigation," it is proposed to insert the words "not to exceed the sum of $5,000 in any one purchase or contract."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 3, after line 8, to insert:

Hereafter when the Secretary of the Interior deems a new bond necessary he may, in his discretion, require any disbursing officer under the jurisdiction of the Office of Indian Affairs to execute a new bond, with approved sureties, in such amount as he may deem necessary, and when accepted and approved by the Secretary of the Interior the new bond shall be valid and the surety or sureties of the prior bond shall be released from liability for all acts or defaults of the principal which may be done or committed from and after the day on which the new bond was approved.

Mr. GALLINGER. I will ask the Senator in charge of the bill if in line 11 it would not be better to insert the word "Commissioner" for "Office," so that it would read "under the jurisdiction of the Commissioner of Indian Affairs" instead of "under the jurisdiction of the Office of Indian Affairs." Would that not be better?

Mr. CLAPP. There would certainly be no objection to it.

Mr. GALLINGER. I suggest that change, Mr. President.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 3, line 11, after the words "of the," it is proposed to strike out the word "Office" and insert the word "Commissioner."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 3, after line 18, to insert:

The Secretary of the Interior shall take possession of all buildings now or heretofore used for governmental, school, or other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States to the credit of the respective tribes: *Provided*, That in the event said lands are embraced within the geographical limits of a State or Territory of the United States such State or Territory or any county or municipality therein shall be allowed one year from date of establishment of said State or Territory within which to purchase any such lands and improvements within their respective limits at not less than the appraised value. Conveyances of lands disposed of under this section shall be executed and delivered in like manner and with like effect as herein provided for other conveyances. And this provision shall apply to the Five Civilized Tribes.

Mr. TELLER. Mr. President, I want to ask the Senator who has this bill in charge whether the statement in the amendment is not rather too broad, and whether there should not be something to limit it. As I understand, it is intended to relate to tribal property, property in reservations, so that it shall not be applied to schools outside of reservation schools. I believe that is the intention of it, but it seems to me the terms are very broad.

Mr. CLAPP. There would be no objection whatever to making it more definite. This was an old law. It was passed some years ago. Afterwards it was amended so as not to take effect for one year after the dissolution of the tribal governments. Then the Department recommended that the original law be amended. By repealing the amending law it would have complicated the appearance of it, so the original law was reenacted. Now it reads:

Shall take possession of all buildings now or heretofore used for governmental, school, or other tribal purposes.

Mr. TELLER. If the Senator who has the bill in charge thinks that is sufficiently limited, I do not wish to interfere.

Mr. CLAPP. I have no pride of opinion in the matter.

Mr. TELLER. I want the Senator's opinion that it is only confined to schools on the reservations and not intended to relate to those outside.

Mr. CLAPP. It was not intended to, and I do not think it could be so considered, so far as the words "governmental or other tribal purposes" are concerned. But I am perfectly willing to have language put in that will make it plainer, if the Senator will suggest it.

Mr. TELLER. With that understanding, I do not want to interfere with this wording.

Mr. OWEN. I move to strike out the words "governmental, school, or other."

The VICE-PRESIDENT. The Senator from Oklahoma proposes an amendment to the amendment, which will be stated.

The SECRETARY. On page 3, line 20, in the committee amendment, it is proposed to strike out the words "governmental, school, or other," so that it will read:

The Secretary of the Interior shall take possession of all buildings now or heretofore used for tribal purposes.

The VICE-PRESIDENT. The question is on the amendment to the amendment.

Mr. TELLER. Mr. President, before this amendment is agreed to I will say that that will very materially change this provision.

Mr. CLAPP. Yes, and I think when it goes into operation the Senator from Oklahoma will very seriously regret having made the change. However, it affects his State more than any other, and I have no objection to it.

Mr. TELLER. Under the amendment which the Senator from Oklahoma proposes, if it should be agreed to, I think that the authority given later in this provision would enable the Secretary of the Interior to sell the property at Carlisle, Haskell, and other schools in several other sections of the country, which I do not believe we want to give him authority to do at this time.

Mr. OWEN. I simply made the suggestion to conform to the objection made that the language was too broad. It really being the purpose to confine it to the tribal property, I moved to strike out the other qualifying words, "thereby confining it to tribal property."

Mr. CLAPP. I suggest, Mr. President, if it would not meet every objection to simply strike out the word "governmental," so that it would read, "now or heretofore used for school or other tribal purposes."

Mr. OWEN. I ask the Senator from Minnesota if that would not include the Carlisle school?

Mr. CLAPP. Certainly not. Even leaving in the word "governmental," reading "for governmental, school, or other tribal purposes," I think it would exclude every Federal school anyway, and if we strike out the word "governmental" that would absolutely exclude Federal schools.

Mr. OWEN. If we use the word "tribal purposes" would it not include the schools?

Mr. CLAPP. No, sir.

Mr. OWEN. Is not that a tribal purpose?

Mr. CLAPP. Does the Senator mean as to his State?

Mr. OWEN. I mean as to any State. If this is intended to apply to tribal purposes only, why not confine the language to tribal purposes?

Mr. CLAPP. If the Senator from Oklahoma, whose State is most vitally interested in the passage of this provision, desires to strike out the word, for one I shall interpose no objection.

Mr. OWEN. I only want to ask the Senator what is the scope of the present language. If it includes some other buildings than tribal buildings I want to know what they are.

Mr. CLAPP. Under its present scope it would include anything—"governmental, school, or other tribal purposes."

Mr. OWEN. What are the things intended to be included?

Mr. CLAPP. I understand that the Creek Nation had a capitol building there which was used for tribal purposes.

Mr. OWEN. "Tribal purposes" would include that.

Mr. CLAPP. That would be included.

Mr. TELLER. Do you want to authorize the Secretary to sell that property?

Mr. OWEN. I have no objection to its being sold, if it is a part of the tribal property. I think it ought to be disposed of. But I think this clause ought to be limited in such way that the Secretary shall confine his operations with regard to these properties to the distinct contracts and agreements between the United States and the Five Civilized Tribes, or any other Indian tribes that may happen to be within the State of Oklahoma or any other State. I only suggest that because, if this language is intended to cover something else that does not clearly appear as under the term "tribal purposes," I want to know what it is?

Mr. TELLER. I do not know what is the intention of that provision. It is in the law now and has been——

Mr. CLAPP. It was first, so far as I recall, used with reference solely to the Indian Territory. I think it was in what is known as the "Five Civilized Tribes bill." It was section 15:

The Secretary of the Interior shall take possession of all buildings now or heretofore used for governmental, school, or other tribal purposes, together with the furniture therein and the land appertaining thereto.

Then that was amended afterwards by this proviso:

Provided, That this section shall not take effect until the date of the dissolution of the tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes.

Now the Department asks—

To relieve this difficulty I respectfully ask that Senate bill No. 4644, to provide for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, be amended by adding a paragraph, which shall read:

"SEC. 10. That section 15 of the act entitled 'An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes,' approved April 26, 1906, shall become operative immediately upon the approval of this act."

To avoid the circumlocution of going back and amending the old law, the committee inserted in the bill this provision, which will, of course, become operative upon the approval of the act.

Mr. CURTIS. I want to state to the Senate that when the Commisssioner was before the committee he suggested that this item was only intended to apply to tribal buildings located in that part of the country heretofore known as the "Indian Territory." But the committee thought it better to make it general.

Mr. TELLER. If that is so, it seems to me we ought specifically to limit it to that section. There is a very valuable school in Kansas. There are two very valuable schools in Colorado. I should not like to have them interfered with.

Mr. CURTIS. The Commissioner would not take charge of and sell the school in Kansas or the school in Pennsylvania so long as we continue to appropriate a year in advance and provide for the maintenance of the schools there; and so far as I am concerned, representing in part, as one of the Senators from that State, the great State of Kansas, I am not afraid of this provision applying to the Haskell School.

Mr. TELLER. I do not see any objection to this provision if it applies only to the schools on reservations, and I suggest that perhaps we had better put in, after "school," the words "on Indian reservations."

Mr. CLAPP. Does the Senator move that?

Mr. TELLER. I move that as an amendment.

The VICE-PRESIDENT. The Senator from Colorado proposes an amendment which will be stated.

The SECRETARY. After the word "purposes," in line 21, page 3, insert "on Indian reservations."

Mr. TELLER. Let it come in after the word "school."

Mr. OWEN. I should like to call the attention of the Senator from Colorado to the fact that the lands embraced in eastern Oklahoma, which formerly might have been called "reservations" are not reservations. They are a part of the State of Oklahoma, and they are owned by the citizens of the State of Oklahoma.

Mr. TELLER. That would not interfere with it at all?

Mr. OWEN. Yes; it would prevent the sale of those public buildings which are intended to be sold by this act, and to which I have no objection. I only wanted to narrow the language so that it would apply only to those buildings which have heretofore been used for tribal purposes.

Mr. TELLER. I am perfectly willing to accept any amendment to my amendment that the Senator from Oklahoma will propose which will accomplish the purpose.

Mr. CURTIS. I suggest that if you add, after the word "buildings," in line 20, "in the eastern division of Oklahoma" the provision would then apply only to what was formerly the Indian Territory, and you could strike out the last part of line 11, and also line 12, on page 4. Then the item would apply only to buildings that are now located in that part of Oklahoma which formerly was in the Indian Territory.

Mr. OWEN. With the permission of the Senator from Colorado, I would suggest, therefore, the insertion, after the word "buildings," of an amendment to read:

On the lands formerly occupied by the late Five Civilized Tribes.

Mr. CURTIS. Why put in the word "late?"

Mr. OWEN. Because they are dead.

Mr. CURTIS. The law says they are not.

Mr. OWEN. The law is mistaken if it says so.

Mr. CURTIS. I do not agree with the Senator from Oklahoma on that proposition.

Mr. OWEN. I am ready to debate that with the Senator from Kansas.

The VICE-PRESIDENT. The Chair will call the attention of Senators to the fact that they must address the Chair before speaking.

Mr. CURTIS. I beg the Chair's pardon.

Mr. CLAPP. I do not believe Senators can improve any on this language—"used for governmental, school, or other tribal purposes." I have no objection to fixing it in any way Senators see fit.

Mr. TELLER. I should like to ask the Senator if he does not consider the school at Grand Junction, Colo., a governmental school?

Mr. CLAPP. Not in connection with the language "governmental, school, or other tribal purposes." It must relate to those schools that are associated with tribal governments.

Mr. TELLER. That might be the meaning, and yet somebody might think it meant something else.

Mr. CLAPP. I think the suggestion of the Senator from Colorado to use the words "on reservations," after "schools," or perhaps the suggestion of the Senator from Kansas to insert "in the eastern division of Oklahoma" would cover it beyond any question.

Mr. TELLER. Suppose you insert both?

Mr. CLAPP. Well.

Mr. GAMBLE. I suggest that an amendment be made in lines 11 and 12, page 4, by inserting:

And this provision shall apply solely to the property heretofore belonging to the Five Civilized Tribes.

Then it would confine it to the property and the tribes for which the original amendment is proposed by the committee.

Mr. TELLER. It would be entirely satisfactory to me to make that amendment, and I withdraw my amendment.

The VICE-PRESIDENT. The Senator from South Dakota proposes an amendment, which will be stated.

Mr. OWEN. Mr. President, I should like to know what disposition was made of the amendment proposed by the Senator from Oklahoma.

The VICE-PRESIDENT. Will the Senator from Oklahoma restate his proposed amendment?

Mr. OWEN. After the word "buildings" insert:

On the lands heretofore belonging to the late Five Civilized Tribes.

The VICE-PRESIDENT. The Senator from Oklahoma proposes an amendment, which will be stated.

The SECRETARY. On page 3 of the bill, line 20, after the word "buildings," it is proposed to insert:

On the lands heretofore belonging to the late Five Civilized Tribes.

Mr. LODGE. Mr. President, I know nothing of the merits of the controversy here as to the late Five Civilized Tribes or whether the word is appropriate, but the Senator from Kansas, who is very familiar with the subject, states that the tribes are still recognized as in existence by law. If that is the case, of course such language as this would be contradictory and out of place. I should like to have that point settled before we are called upon to vote on the amendment.

Mr. OWEN. Mr. President, I decline to leave out the word "late," and I am prepared to defend my amendment before the Senate.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. Certainly.

Mr. CURTIS. I move to amend the amendment by striking out the word "late."

The VICE-PRESIDENT. The Senator from Kansas proposes an amendment to the amendment of the Senator from Oklahoma, which will be stated.

The SECRETARY. Before the words "Five Civilized Tribes" it is proposed to strike out the word "late."

Mr. OWEN obtained the floor.

Mr. CLAPP. Will the Senator pardon me for a moment?

Mr. OWEN. Certainly.

Mr. CLAPP. I do not know whether it is the purpose of the Senator from Oklahoma to enter at length upon a discussion of the legal status of those tribes. I want to state to him—it may be entirely unnecessary—that at 2 o'clock the Senator from Kentucky [Mr. MCCREARY] will take the floor, and the bill will be laid aside at that time.

Mr. OWEN. There is an abundance of time, I take it, to consider this question. It is an important question. It is an important question to me. Am I, a Senator of the United States, a member of a living Indian tribe, and under the supervisory control of the Secretary of the Interior?

Mr. CURTIS. Your property is under the control of the Secretary of the Interior, and you know it.

Mr. OWEN. I deny it.

Mr. CURTIS. Well, it is. The Supreme Court has so decided.

Mr. OWEN. The Senator from Kansas says that my property is under the control of the Secretary of the Interior.

Mr. CURTIS. I do not desire to make it that broad.

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. With great pleasure.

Mr. CURTIS. I mean the property you own as a member or as a former member—if you want to put it that way, I say now as a member—of the Cherokee tribe of Indians. The Secretary of the Interior has no interest in your property that you hold other than as a member of the Cherokee tribe, but as to the land you own as a member of the Cherokee tribe of Indians, under existing law, you are still under the control of the Secretary of the Interior. I think you ought not to be, but you are.

Mr. OWEN. I agree with the Senator from Kansas that I ought not to be. I disagree with him in his proposition that I am.

Mr. President, it is true that I was an adopted member of the late Cherokee tribe of Indians; that I was a member of that tribe by blood. It is also true that by the act of March 3, 1901—an act which I had the honor to write—every Indian in the Indian Territory was made a citizen of the United States, with all the rights, with all the privileges, with all of the immunities of any other citizen of the United States; not some of the rights, not some of the privileges, and not some of the immunities; and one of the rights of a citizen of the United States is that he shall have the free right of contract. That right did not depart from me merely because the Cherokee Nation, under an agreement with the United States, conveyed to me a so-called "allotment."

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. With pleasure.

Mr. CURTIS. Did not the Senator from Oklahoma participate in the campaign that approved the agreement between the Cherokee Nation and the United States, and did not that——

Mr. OWEN. He might have done so, but did not.

Mr. CURTIS. And did not that agreement which your people adopted provide that the restrictions should be retained on your homestead for twenty-one years and should be retained on the surplus lands until five years after the date of the patent?

Mr. OWEN. I am quite content that the Senator from Kansas brings to the attention of the Senate this so-called agreement. It was an act of Congress which was passed on July 1, 1902. The act required the approval of the citizens of the United States, who at that time had certain property rights under the term "Cherokee Nation." They were no longer Indians. The Supreme Court of the United States has passed upon this question in the most elaborate review in the so-called "Albert Heff case."

Mr. CURTIS. Oh, Mr. President——

Mr. OWEN. I will not yield to further interruptions at this time.

Mr. CURTIS. I should like to ask the Senator a question.

Mr. OWEN. I decline to yield to further questions at this time.

The VICE-PRESIDENT. The Senator from Oklahoma declines to yield.

Mr. OWEN. I will yield to the Senator from Kansas.

The VICE-PRESIDENT. The Senator from Oklahoma yields to the Senator from Kansas.

Mr. CURTIS. I have no question to ask the gentleman.

Mr. OWEN. By the act of July 1, 1902, these so-called "Cherokee Indians," who were then and there citizens of the United States holding certain property rights, it is true, agreed by their act confirming the act of Congress to the distribution of this property, making the United States the trustee for the distribution, and by that act it was expressly stipulated that the tribe itself should be made up as of the 1st of September, 1902. The property was to be distributed as of that date. The Cherokee Nation as of that date and now has no legislature. The Cherokee Nation has no executive department. The Cherokee Nation has no judiciary department. It has no function of government. Its laws can not be enforced in any forum. But nevertheless thereafter this so-called "government" was attempted to be revived by an act of Congress of March 3, 1906, by which the tribal government was nominally continued, there being no tribal government.

The phraseology which has been in use in the Department of the Interior for all these years when a tribe ceased to have a governmental function was "late tribe." They speak of the "late Delaware Indians." As United States Indian agent years and years ago, I used to make payments to the "late Delaware tribe," using that term to describe a community of people which still had tribal property, but which had no governmental function, and which had no life as a government. And therefore I say that while the law nominally continues these tribes, the true designation of the tribes is the "late Five Civilized Tribes," because they are no longer governments. They serve no longer a use. I think that this matter ought to be correctly written in our law. It ought not to appear here that the Five Civilized Tribes are really governments when in point of fact they do not exist as governments.

I do not introduce the word "late" in any arbitrary spirit. I do it because there is a vital distinction between a living governmental organism and a tribe which is dead and which is only used as a designation to describe a community of people who have certain undistributed property rights.

The United States was made trustee for the distribution of this property. It has now allotted nearly all of these lands. The allotments are almost complete. And why shall we go on with this fiction, speaking of this tribe as if it was a living governmental organism and as if it might afford protection to its citizens and demand allegiance from them? The Cherokee Nation can demand no allegiance from me. I owe the Cherokee Nation as a government no allegiance. The only allegiance on earth that I owe is to the Government of the United States and to the State of Oklahoma. I want this distinction clearly kept in mind, and I appeal to the Senate that my suggestion with reference to the word "late" is justified by precedents, is justified by good principles of law, and ought to be included in this language.

I do not want to take up the time of the Senate uselessly in discussing this matter. I say the Supreme Court has passed upon it. If it is necessary to show those decisions of the Supreme Court, I am prepared to do it. I do not want to take up the time with regard to it, but I shall insist that this is right—that the word "late" should be included.

Mr. CURTIS. Mr. President, I desired to interrupt the Senator from Oklahoma [Mr. OWEN] so that he might be able to make a correct statement to the Senate as to the position of the Five Civilized Tribes and that he might distinguish between the decision of the Supreme Court in the Heff case and other decisions; but he did not care to yield for the question. The distinguished Senator says that as an agent he paid the Delawares as "late" Delawares. Why not tell the Senate how it happened? When he made that payment to the Delawares they had been swallowed up by the Cherokee tribe, of which he is a member, and so far as the Delawares were concerned they were out of business and were then a part of the Cherokee tribe. That is why he paid them as the "late" Delaware Indians.

The distinguished Senator from Oklahoma is too good a lawyer to claim for one minute that the Heff case affected in any degree the property rights of the Indian. I have here a decision in the case of McKay *v.* Agnes Kalyton, by Louis Kalyton, her guardian, reported in 204 United States Supreme Court, in which the court holds that the Government of the United States continues to control the lands of the Indians until the expiration of the trust period, just as I claim it controls the lands of the Indians in that part of Oklahoma formerly the Indian Territory, until the restrictions are removed, or until the ex-

piration of the restriction period, and Congress has full control over their property until that time. The Supreme Court so holds in this case, and it refers to the decision in the Rickert case with approval. Here is what they say about the Heff case, and if the distinguished Senator from Oklahoma has not read it, I submit it to him for his careful consideration:

> Nor are the principles which were thus announced as to the nature and character of an allotment of Indian lands and the interest of the United States therein as trustee before the expiration of the period for their final disposition in any way affected by the decision in the matter of Heff (197 U. S., 488), dealing with the subjection of allottee Indians in their personal conduct to the police regulations of the State of which they had become citizens.

That is what the Supreme Court decided in that case.

The Heff case applied only to the person and to the police regulations of the State and not to the property of the Indians.

It is true that Congress fixed a time for the expiration of the tribal governments in Oklahoma—the Five Civilized Tribes. But before that time arrived Congress, as it had a right to do, passed a joint resolution extending the life of the Five Civilized Tribes, and the Five Civilized Tribes are still in existence. They have their chiefs. They have their councils. Those chiefs must sign the patents or deeds to the land allotted to the members of the tribe. It was extended by a joint resolution, and so far as concerns the lands owned by the distinguished Senator from Oklahoma which he derived from the Cherokee Nation, they are still under the control of the Secretary of the Interior, unless he has had the restrictions removed. Under the law he has a right to file an application to have those restrictions removed, and there is a law, which has not been decided unconstitutional, prohibiting the full bloods of the very tribe to which the distinguished Senator belongs from selling their lands for twenty-five years.

The Government still has control of those lands, and I think it would be a very serious mistake for the Senate to say that the joint resolution it passed on the 2d of March amounted to nothing by declaring that the Five Civilized Tribes are "late" tribes. The joint resolution to which I call the attention of the Senate is as follows:

> *Resolved, etc.*, That the tribal existence and present tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations of Indians in the Indian Territory are hereby continued in full force and effect for all purposes under existing laws until all property of such tribes, or the proceeds thereof, shall be distributed among the individual members of said tribes unless hereafter otherwise provided by law.

That is the law of the land to-day, and it applies to the Five Civilized Tribes, and the Five Civilized Tribes are in existence as much to-day as they ever were, except the acts of their legislature must be approved by the President.

Mr. OWEN. Mr. President, as I may have seemed somewhat discourteous to the Senator from Kansas in not yielding promptly to a question when I wanted to make an argument a while ago, I took some pains not to interrupt him and now express my sincere regret at any apparent lack of consideration.

The Senator from Kansas lays great stress upon the reason for the use of the term "late Delaware tribe," because they were absorbed by the Cherokee Nation. Quite right; the argument is sound, and applies with equal force to the Cherokee Nation, whose citizenship has been absorbed by Oklahoma absolutely.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. I will yield.

Mr. CURTIS. Not absorbed in the same way. The lands have not been absorbed. The Delawares, when they bought into the Cherokee Nation, bought simply the right to participate as members of the tribe.

Mr. OWEN. And the Cherokee people, when they became citizens of Oklahoma, owed their allegiance to Oklahoma. Oklahoma has control of their property, of their lives, and may take their lives under the law of Oklahoma. Oklahoma is the sovereign over the Cherokee individuals who formerly were Cherokee citizens, but who are now citizens of Oklahoma.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield?

Mr. OWEN. I yield.

Mr. CURTIS. The distinguished Senator will admit that Oklahoma has no right to tax the lands of the civilized tribes that were exempt by the agreements with them.

Mr. OWEN. I emphatically deny the proposition.

Mr. CURTIS. The Supreme Court decided that very point in the Rickerts case; that is, that States had no right to tax property during the restriction period.

Mr. OWEN. Mr. President, there is a distinction between the citizens of the five tribes and the citizens of Indian blood in Kansas, and I wish to call the attention of the Senator from Kansas to that distinction. The distinction is this: When the Kickapoos of Kansas were allotted they were aliens, they were not citizens of Kansas. The United States dealt with them as aliens and as wards, and the United States did have a supervisory control of them.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. Certainly.

Mr. CURTIS. Does not the Senator from Oklahoma know that under the very act by which they were allotted a man who had become a citizen of the United States might be allotted? Does not the Senator know that the very act that he secured the amendment to, the act of 1887, provided that if a man left the reservation and became a citizen of the United States he did not lose his right to the tribal property?

Mr. OWEN. Yes; but that does not affect the argument. The argument which I make is that while United States citizens may be given these privileges, the decision of the court to which the Senator appeals goes to the individual who was an alien and who received his citizenship after he had received a grant of land with that condition attached to it.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Montana?

Mr. OWEN. Certainly.

Mr. CARTER. Mr. President, I was in sympathy with the declaration of the Senator from Oklahoma to the effect that he did not consider himself under the control of the Secretary of the Interior.

Mr. OWEN. I said it very deferentially.

Mr. CARTER. Such control would have been more odious in former days than at present, but it is intolerable at any time in so far as the Senator is concerned.

I desire now to point out to the Senator from Oklahoma and likewise to the Senator from Kansas what I conceive to be a clear misunderstanding, both being right, but not understanding each other. That apparently paradoxical condition seems to me to present the case fully.

The Senator from Oklahoma says that by virtue of certain acts of Congress the members of the Five Civilized Tribes became full and unquestionable citizens of the United States and are such now. That is a personal status, and with that status the Senator from Kansas does not take issue at all.

On the other hand, I think the Senator from Oklahoma will admit that in so far as the members of the Five Civilized Tribes received property, which had theretofore been held in common, they received the realty subject to conditions, and the conditions run with the title and do not affect the citizenship of the individual owning the land except to the extent of the limitation upon his action with reference to particular property.

Now, is the case different from this? A lot of land may be purchased by a citizen in the District of Columbia, the original owner fixing to the title of that property a restriction to the effect that intoxicating liquors shall never be sold upon the premises. That restriction does apply to certain lands in the District of Columbia to-day. The purchaser of a lot of land subject to that restriction does not lose his citizenship of the United States, but he buys the land subject to the restriction attached to the title. I ask the Senator if that is not the case with reference to citizenship and former tribal property in Oklahoma in so far as these tribes are concerned?

Mr. OWEN. It is not.

Mr. CARTER. I shall be glad to have the Senator point out the difference.

Mr. OWEN. I shall explain it to the Senator. I thank him for the effort to elucidate the differences between the Senator from Kansas and the Senator from Oklahoma. His intention was good, and what he says applies with force and is right in other cases than the one which I am now about to present.

The difference is that when this agreement in 1902 was made between the so-called "Cherokee tribe" and the United States it was not made, in fact, with a lot of Indians nor with an Indian government; it was made with a certain number of United States citizens, armed with all the rights, privileges, and immunities of citizenship. They were citizens of the United States. I wish particularly to exclude the idea of Indian when you consider this matter, because there is no Indian within the meaning of the law in the limits of the Five Civilized Tribes. An Indian, under the law, means a ward. An Indian means a subordinate under the law. It means an alien under the law. Am I an alien?

I will discuss the Senator's question, Mr. President. I will not forget the distinction he makes, and I will answer it. But

now I call your attention to the fact that there was no Indian within the limits of the Five Civilized Tribes when this contract between the United States and the Five Civilized Tribes was made.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. I yield.

Mr. CURTIS. You admit, do you not, that there was a tribe of Cherokees there?

Mr. OWEN. No; I admit nothing of the kind.

Mr. CURTIS. You admit, do you not, that they had property—money and land?

Mr. OWEN. Certainly I do.

Mr. CURTIS. Who had the money and land if the tribe did not have it?

Mr. OWEN. There was no tribe. They were United States citizens and were not a tribe.

Mr. CURTIS. Mr. President, were they not known as a tribe?

Mr. OWEN. It is that error of designation I am trying now to correct.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to his colleague?

Mr. OWEN. With pleasure.

Mr. GORE. I merely desire to suggest it might be well for the Senate to recognize the belligerent rights of these two Indians. [Laughter.]

Mr. OWEN. Mr. President, I was not an alien in the year of our Lord 1902. I was a full citizen of the United States, and I had no more rights as a citizen of the United States than did any other man who belonged to the so-called and pretended tribe of Cherokee Indians. There was no tribe and there was no Indian within the meaning of the law, because an Indian is an alien.

Mr. CURTIS. That can not be so, Mr. President.

Mr. OWEN. It is so, and the Senator from Kansas can never deny a truth so patent.

Mr. CURTIS. The Supreme Court say——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. With pleasure.

Mr. CURTIS. The act of 1887 recognizes that an Indian may become a citizen of the United States and enjoy all the rights and privileges and still be a member of his tribe.

Mr. OWEN. Yes; in the Albert Heff case John Butler was a Kickapoo Indian and a member of his tribe, and the United States undertook to assume jurisdiction over his appetite for liquor while the State of Kansas had jurisdiction over his person otherwise; and the interesting distinction was brought about that it was necessary and essential in order to have both jurisdictions to vest, that the aforesaid John Butler should be separated for the purposes of the State courts as to his person from the aforesaid appetite for intoxicating liquor for Federal purposes—[laughter]—a distinction which shows the absurdity of the contention of the Senator from Kansas. John Butler was subject to the laws in Kansas; he owed allegiance to the laws of Kansas which had jurisdiction over his life and over his property; and the only benefit of keeping John Butler a member of the Kickapoo tribe is to pay the salary of the Indian agent, who is a holder of office.

Mr. CURTIS. Oh, Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. Yes; I yield.

Mr. CURTIS. You do not have to yield.

Mr. OWEN. I will yield.

Mr. CURTIS. Mr. President, the distinguished Senator from Oklahoma referred to the Heff case. He knows that was applied to the police powers of the State. He knows also that the Supreme Court has decided that the allottee, who may become a citizen of the United States by that allotment and enjoy all the rights and privileges, still holds his land as a member of the tribe, subject to the restrictions placed thereon by the act giving him the land. I have not contended that Congress was trying to exercise any right over the individual, but that Congress has the right to control his property until the restrictions are removed.

Mr. OWEN. I am sure that the Senator from Kansas, Mr. President, believes that Congress has the right to control my property, but the Senator from Kansas is mistaken with regard to it, because if I have the right of contract I can give away my property.

I want to call the attention of the Senator from Montana to the distinction. I agree with the Senator from Kansas that when I receive a limited title forbidding me by act of the grantor to divest myself of the legal fee for five years, the legal fee will remain vested in me for five years; but what I call your attention to now is the vital distinction in this case. If I am a free man, if I am a citizen of the United States, with all the rights, privileges, and immunities of citizenship, I can dispose of my equity and I can give my bond for title, and there is no power in the Federal Government to stop it.

AMENDMENT OF THE NATIONAL BANKING LAWS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3023.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. McCREARY. Mr. President, the last panic, with its disastrous consequences, depreciated values, stoppage of industrial and commercial development, and enforced idleness, came suddenly and at a time when people were prosperous and when the Government in its resources, the banks in their affairs, and business in its activities never seemed sounder and stronger. Some persons say we faced a crisis unequaled in our history, and the distinguished chairman of the Committee on Finance [Mr. ALDRICH], who reported the bill now under consideration, said:

> The financial crisis from which the country has just emerged, which terminated in a serious panic in October, was the most acute and destructive in its consequences of any which has occurred in the history of the country.

There has never been a monetary system in our country which was entirely free from financial disturbances. There were financial panics in 1837 and in 1857 and in 1873 and in 1893, but the conditions at the time each of these panics occurred were entirely different from the conditions which preceded the late panic.

The amount of money in actual circulation in our country is greater per capita than in any other commercial country in the world, except France, where business conditions are very different from ours and where business is done largely upon bank notes instead of upon bank credits, as in our country. In 1907, just previous to the commencement of the panic, the amount of money in circulation in the United States outside of the Treasury was $2,805,854,374, or $34 per capita, being the largest amount per capita up to that time in the history of our country, and nearly double what it was in 1896. We have twice as much money per capita as Great Britain, seven times as much as Japan, four times as much as Russia, and $7 per capita more than Germany. Six thousand six hundred national banks held $1,106,500,000, and 11,000 State banks and trust companies held a large part of the remainder. Deposits in our national banks, State banks, savings banks, and trust companies had increased, in round numbers, from five billions to thirteen billions. I might also state, to show the remarkable condition of the crops of the country, that in 1907 there were 13,500,000 bales of cotton produced, which sold at an average of 12 cents per pound, being the largest number of bales ever produced in the Southern States in one year, and there were produced in the United States 735,000,000 bushels of wheat, and all other farm products were produced in 1907 in the same abundance; and when the panic broke upon the country we were enjoying unrivaled prosperity, and all the products of the fields, factories, and mines were selling for the highest prices they had commanded in many years.

THE PANIC.

The wonder of the times, therefore, is, What produced the panic? I should say the panic was produced by overtrading, unbounded speculation, unlimited gambling in stocks, hazardous business enterprises, combinations and consolidations that enriched the promoters and impoverished the people and destroyed public confidence, and caused money to be hoarded, and made depositors withhold money and withdraw money from the banks because afraid of the banks, and made banks withhold money and refuse to pay it out because afraid of depositors, and because, in many instances, their part of the reserves had been sent to eastern cities and were not available.

There were never in the history of our country more heroic efforts made to avert or lighten the disastrous effects of a panic than were made in the last three months of the year 1907.

The Secretary of the Treasury deposited in banks of New York, and other banks, $70,000,000. Clearing-house certificates were issued to about $190,000,000, pay checks were issued by banks and individuals amounting to $75,000,000, enlargement of bank-note circulation took place amounting to $94,000,000, importations of gold, resulting in an enlarged issue of gold cer-

tificates amounting to $66,000,000, making an increase in the amount of currency and substitutes for currency amounting to nearly $500,000,000. This increase of currency and prompt and courageous action of New York bankers in helping banks that were assailed stopped the panic and saved the country from a serious and ruinous crisis.

DUTY OF CONGRESS.

Mr. President, I believe it is the imperative duty of Congress to provide some means of avoiding or meeting successfully another financial panic. There are still traces of the panic of 1907. While general conditions have improved and hoarded money is again in the usual channels, there is still anxiety and disquiet in financial and industrial circles, and prompt and satisfactory action by Congress will be of immense benefit in every part of our country.

I do not believe we should at present undertake to revise the whole monetary system of the United States. This is the worst possible time to undertake such a task. Our financial system should be reformed when everything is normal and satisfactory, and not when we have just emerged from the dangers of a financial revolution. Any very radical change at this time might bring serious injury. In the future and at another session of Congress, when times are propitious, I believe there should be a revision of our entire monetary system.

I am not in favor of the proposition advocated by some persons to establish a great central bank of issue, such as they have in England, France, and Germany. Neither am I in favor of the bill presented by the American Bankers' Association or of the bill known as the "Fowler bill." This bill in its entirety provides for the early retirement of all bond-secured currency and, at a later period, for the retirement of all Treasury notes, and in their stead would provide, under certain restrictions, for the issue of "national-bank guaranteed credit notes" through the respective national banks up to the amount of their paid-in capital, and for further issue, if recommended by the board of managers of the respective redemption districts. While there are other objections to this bill, it is such a complete revision of our monetary system that it is objectionable at this time. I shall not, however, consume time by attempting to discuss these financial measures.

FIVE HUNDRED MILLIONS OF DOLLARS OF UNITED STATES NOTES.

The expedient resorted to by the Secretary of the Treasury, by financial institutions, and by individuals to increase the volume of currency in the panic of 1907 furnishes a good object lesson and suggests legislation to authorize additional notes to be used in emergencies. I believe that the authorized issue should be in United States notes instead of national-bank notes. According to my old-fashioned Democratic belief, it is the constitutional function of the Government of the United States to issue money to be used by the people. We depend upon the Government and not upon the banks to uphold our currency, and the bank note has its present value because the United States is behind it. Therefor in emergencies United States notes and not bank notes should be provided. Albert Gallatin, who was Secretary of the Treasury for two terms under Jefferson and also under Madison, said:

> The right of issuing paper money as currency, like that of issuing gold and silver coins, belongs exclusively to the nation, and can not be claimed by any individual.

Thomas Jefferson and Andrew Jackson upheld the doctrine that our money should be gold and silver and paper money, issued by the Government.

To express my views more at length, I am in favor of a bond-secured emergency currency with an interest charge sufficiently high to compel contraction of such issue after the emergency has passed. I believe that whenever, in the judgment of the Secretary of the Treasury, business conditions require it, he should deposit in national banks and in State banks and savings banks $500,000,000, or so much thereof as may be deemed necessary and proper, the deposits to be apportioned among the several States in accordance with their population, and the Treasurer of the United States, with the approval of the Secretary of the Treasury, may accept as security for the deposits United States bonds, State bonds, county or municipal bonds, and the Secretary of the Treasury shall immediately cause to be prepared United States notes to the extent of $500,000,000, and these notes shall possess all the legal qualities and be uniform in all respects with United States notes now outstanding, and each bank receiving deposits shall pay interest monthly at the rate of one-half of 1 per cent per month for the first six months, and at the rate of three-fourths of 1 per cent thereafter, as set forth in the substitute offered by the Senator from Texas [Mr. BAILEY] for the bill now under consideration.

There are now in circulation $350,000,000 of Treasury notes not costing the Government anything and performing all the functions of money, and these could be added to the $500,000,000 emergency currency without in any way disturbing our monetary system.

If use is made of the Treasury for the solution of the currency question, it may be again asserted, as it has already been asserted, that the Government will be put into the banking business. The Government is already heavily in the banking business. It is the custodian of coin and bullion against which it has issued its warehouse receipts for both gold and silver, and which are known as "certificates." It also has outstanding notes, those of 1890, for purchase of silver bullion, and also the greenbacks, against which the reserve fund of $150,000,000 was provided as an earnest of the intention to redeem them in gold upon demand. It therefore is in the position of being a depository with notes outstanding. It is also a large lender of money. This is shown by the $245,000,000 deposited with the national banks throughout the country subject to call, and these deposits are nothing more nor less than loans to the banks.

Mr. President, I have shown what I am in favor of as regards furnishing an emergency currency. The bill under consideration, reported by the majority of the Committee on Finance, seeks to provide a currency to meet an emergency like that which lately occurred. I have great respect for the Senators who compose that committee, and, while I agree with the minority of the committee, I can not say that the bill, as reported by the majority of the committee, if enacted into law, would be valueless in time of financial depression, or that it would fail to accomplish at least a part of the results for which the chairman so forcibly contended. This bill provides for a possible issue in emergencies of five hundred millions of *national-bank notes* redeemable by the United States in lawful money upon presentation at the Treasury.

They are to be issued to any applying association if, in the judgment of the Secretary of the Treasury, business conditions in the particular locality of the bank demand additional circulation, and for the security of the Government the banks are required to deposit in the Treasury State bonds, county bonds, municipal bonds, or first-mortgage bonds of any railroad company which has paid dividends of not less than 4 per cent per annum regularly for a period of not less than five years previous to the deposit of the bonds. Some of the important objections to the bill are that it relinquishes the sovereign right of the United States Government to issue and circulate money.

It greatly enlarges the power of national banks, which, already, under existing law, have the power to take out additional circulation in the form of national-bank notes to the amount of hundreds of millions of dollars. It discriminates against United States bonds, and they are not permitted to be used as a basis for emergency currency notes, while this privilege is given to railroad bonds. I do not believe that railroad bonds should have this public function, but that United States bonds should have it, and other bonds provided for as already referred to by me.

The requirement as to railroad bonds, mentioned in the Aldrich bill, that the railroad issuing them must have paid dividends of not less than 4 per cent per annum regularly and continuously on its entire capital stock for a period of not less than five years previous to the deposit of the bonds, discriminates in favor of the railroads of the East. I know of no railroads in the South that pay dividends as provided in this bill. There may be such roads, but I have seen no report that indicates such railroads.

Besides, the Secretary of the Treasury would have great difficulty in determining the value of railroad bonds. Their value often fluctuates. The value of nearly all railroad bonds has been reduced in the last few months.

Another strong point in opposition to national-bank currency being used as emergency currency is national-bank currency can not be successfully employed as emergency currency because it can not be ordered, printed, signed, and placed in circulation rapidly enough to check or prevent a panic. Panics develop rapidly and quick and decisive action at the beginning of the financial disturbance is absolutely demanded. The Government currency is the best emergency currency, and it should be printed and stored in large quantities ready to be issued when Government bonds, State, county, or municipal bonds are presented according to law. This kind of currency will help to restore confidence, and I may say in this connection that clearing-house certificates and pay checks issued during the recent panic were viewed as signals of distress, and they disturbed confidence and increased the alarm and caused lawful money to be withdrawn from circulation.

The bill under consideration has aroused opposition in various financial circles. A joint meeting of the council of administration of the American Bankers' Association and the legisla-

tive committee of that body, held at the Union League Club, New York City, January 27, 1908, put the organization on record as disapproving the provisions of the Aldrich financial bill, and this is the resolution which was concurred in by the chairmen of the individual groups of the association in every county of the State:

Resolved, That the bankers of the State of New York unequivocally disapprove of the provisions of the Aldrich bill; that they do not approve of a bond-secured emergency currency; that they demand an elastic currency based on bank assets, as provided in the measure of the currency commission of the American Bankers' Association.

The committee on bankruptcy and commercial law of the Merchants' Association of New York made a report against the bill to amend the national banking laws introduced by Senator Aldrich, and among the resolutions approved by unanimous vote of the board of directors is the following:

The high tax which this bill proposes to levy upon the issue of emergency currency, and which, in the last analysis, would be paid by the borrower to the banks, when increased, as it would be in practice, at least one-third by reserve requirements, is not only unnecessary but oppressive; and in this and other States would provoke an immediate disregard of the statutes against usury. It is not becoming that a great nation should fill its coffers from the necessities of borrowers; and it is manifestly improper to pass one law which offers inducements to the violation of another.

The committee further declared that—

It is the unanimous opinion of your committee, as evidenced by the signatures hereto, that rather than accept legislation of the character of the Aldrich bill, which we feel in its ultimate results will be most disastrous to the commercial interests of the country, it would be preferable to have no legislation at all, in spite of the manifest necessity of some relief of the present intolerable situation.

The Trades' League of Philadelphia adopted February 13, 1908, resolutions reported by a special committee on banking and currency, as follows:

Resolved, That the Trades' League of Philadelphia is unalterably opposed to the passage of the Aldrich currency bill, for the reason that it provides for additional bond-secured currency based on a deposit of State, municipal, and railroad bonds, which the country banks do not generally possess, and imposing a rate of interest which few commercial banks can afford to pay, thereby creating a fictitious value for certain bonds, favoring special financial interests, and ignoring the agricultural, manufacturing, and commercial needs of the country.

NATIONAL BANKS.

My desire to have United States notes instead of national-bank notes for emergency currency is not prompted by prejudice against national banks. The plan I am advocating makes national banks important factors in the emergency currency problem, for it authorizes national banks to obtain United States notes by depositing in the United States Treasury proper collateral.

I have no sympathy with those who try to discredit national banks. Neither do I indorse the statement made by some persons that the national banking system was conceived and established by Secretary of the Treasury Chase simply to raise money by the sale of United States bonds during the civil war. Any person who will study the origin and history of national banks will be convinced that while Secretary Chase desired to raise money by the sale of United States bonds, his first object was to have a safe, sound, and uniform currency that would circulate at par, not only during the war, but also in time of peace in all sections of the country; and the fact that national banks have lasted forty-five years, through Democratic as well as Republican administrations, proves that the plan he formulated has given reasonable satisfaction. If the national-bank system had not been reasonably satisfactory one party or the other would have tried to repeal it.

There are now nearly 7,000 national banks in the United States with a capital of about $800,000,000 and deposits of thirteen hundred millions of dollars. This system has helped to maintain sound money and unquestioned credit at home and abroad.

When the act of March 14, 1900, authorizing the conversion of 3 per cent, 4 per cent, and 5 per cent bonds into 2 per cent consols, of which there have been issued $595,000,000 worth, there was doubt and apprehension on the part of financiers, Congressmen, and Government officials as to the ability of the Government to sell at par bonds bearing a rate of interest so low as 2 per cent, and the financial world was surprised when these bonds were sold at a premium, and I know of no other nation that maintains so low a rate of interest on its securities as this. The magnificent result to which I have referred could not have been attained if it had not been for the generous support of the national banks, and they have been of great benefit to the borrowers in reducing the rate of interest on loans and in reducing annual interest charges of the Government. In 1864 the annual interest charge of the Government amounted, in round numbers, to $53,000,000, while in 1907 it was but $24,000,000. This reduction, of necessity, greatly aided the United States Government in placing its securities on more favorable terms than any other nation. A conspicuous instance occurred but recently, when Secretary Cortelyou sold United States 2 per cent Panama bonds at 104, while New York City 6 per cent bonds sold at only 104 and a fraction.

BANK RESERVES.

In providing a remedy for future panics, I believe we should also strive to eradicate, as far as possible, the cause or causes which helped to produce the late financial disturbance or panic. I believe that one of the most important causes of the late panic was that too small a percentage of the legal bank reserves were held in the banks to which the reserves belonged. The national-bank act provides that the banks in the small cities and towns shall retain 15 per cent of their deposits as a reserve, and the larger banks in the larger cities, known as "reserve cities," are required to keep 25 per cent of their deposits as a reserve. The act also provides that a bank not in a reserve city may deposit three-fifths of its lawful reserve in a bank in a reserve center, retaining only two-fifths in its own vault.

To state it in another way, a bank in one city can not loan its lawful reserve to its customers in that city, but it can deposit three-fifths of it in a bank in New York City and get interest on it at 2 or 3 per cent. In the spring and summer of last year, when there was no special demand for money in the South, the banks in that section of the country sent a large part of their reserves to the reserve banks in New York City, because they could get interest, and when the time came to move the crops in the fall, when money was needed and the New York bankers could not respond and arbitrarily refused to pay currency to their customers, and three-fifths of the reserves of banks were locked up or not obtainable, the people became alarmed and withdrew their deposits as fast as possible, and hundreds of millions of dollars were hoarded and taken out of circulation when most needed in the channels of business and trade, and this system of country banks depositing most of their reserves in New York City and other cities where there are central reserve banks greatly helped to precipitate the recent panic. The reserve banks had with their reserve agents, the central reserve banks, August 22, 1907, $194,000,000 of their legal reserve and the country banks had with their reserve agents, the reserve and central reserve banks, $420,000,000 of their legal reserve, aggregating $614,000,000, and the national banks of New York City at that time held $213,000,000 of the reserve of other banks, and it has been stated that when during the panic urgent demands were made by the country banks for their reserve the New York City banks sent only $10,820,511, or about 5 per cent, in liquidation of their reserve indebtedness.

Mr. CLAPP. Mr. President, will the Senator pardon a question?

Mr. McCREARY. Certainly.

Mr. CLAPP. It is not asked in any spirit of criticism, but for the purpose of information. Can the Senator state what proportion of the money held by the New York banks, say on the 1st of October, consisted of or was within the limit of the reserve loans deposited there?

Mr. McCREARY. I have stated that, but I will refer to it again.

Mr. CLAPP. Not the amount of reserves, but what proportion they bore to the total amount that the outside banks had on deposit in New York at that time.

Mr. McCREARY. The national banks of New York City at that time held $213,000,000 of reserve of other banks.

If this reserve money, or the greater part of it, had been kept at home in the vaults of the banks in which it belonged there would have been millions of ready cash available, and country banks would not have been forced to pay only small amounts across their counters and deny to their customers money to move the crops, for reserves are held not only as a guaranty of solvency, but in emergencies and times of stress I doubt not that reserves may, at least in part, be used to pay depositors.

I regret that the Senator from Rhode Island [Mr. ALDRICH] eliminated from his original bill the provision requiring national banks to hold at least three-fifths of their reserve in their own vaults. This was a wise and, I think, much-needed provision. I shall vote for the amendment now pending to require national banks to keep in their own vaults at least two-thirds of the reserve which the law now requires them to hold, and in no case allow them to keep more than one-third of such reserve with their reserve agent or agents.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. BOURNE in the chair). Does the Senator from Kentucky yield to the Senator from Utah?

Mr. McCREARY. I do.

Mr. SMOOT. I should like to ask the Senator if his idea is

to have the banks outside of reserve cities carry two-thirds or 10 per cent of their reserves in their vaults in lawful money of the United States

Mr. McCREARY. I thought I had answered that question very clearly.

Mr. SMOOT. That is the position that the Senator takes?

Mr. McCREARY. I am in favor of an amendment which is now pending to require national banks to keep in their vaults at least two-thirds of the reserve that the law now requires them to hold, in no case allowing them to keep more than one-third of such reserve with their reserve agent or agents.

Mr. SMOOT. I understood that to be the position the Senator has taken, but is he not aware of the fact that if that is required it will lock up a great deal of money that is now in circulation? And not only would it lock it up, but there is not money enough to comply with such a law.

Mr. McCREARY. I believe that the amount of what we call "reserve" sent to New York and other places when not needed, and which could not be obtained by the banks when it was needed for moving the crops, helped very much to bring on the panic.

Mr. SMOOT. I believe, Mr. President, that that is correct, so far as that is concerned; but I believe if the Senator studies carefully the provision he now speaks of he will see that it would be impossible to enforce it with the amount of money we have in circulation to-day. I am in full sympathy with the Senator in seeking to require a greater deposit in the banks outside of reserve cities, and I should like to see 20 per cent instead of 15 per cent required; but I do believe the proper way to do that is to require them to keep the bonds as provided in this bill instead of tying up the money in their safes and thereby withdrawing it from business and circulation.

Mr. McCREARY. I do not believe the existing law requires the national banks to keep in their vaults a sufficient amount of their reserve. Therefore, as I said before, I am in favor of an amendment requiring the national banks to keep in their own vaults at least two-thirds of the reserve which the law now requires them to hold, in no case allowing them to keep more than one-third of such reserve with their reserve agent or agents.

INTEREST ON DEPOSITS.

Mr. President, I am in favor of amending the national banking laws so as to require the Secretary of the Treasury, in distributing the deposits of public money in national-bank depositories, to make the distribution according to population as shown by the last census, and I am in favor also of requiring the banks receiving such deposits to pay to the Government of the United States interest on the deposits at a rate not less than 2 per cent per annum nor more than 4 per cent per annum.

The act of March 4, 1907, required the Secretary of the Treasury to distribute all public money as equitably as possible among the different States and sections of the United States. The distribution does not appear to have been made as equitably and impartially as might have been, the eastern banks, and particularly banks in New York, receiving considerably more than they were entitled to. The strain on the southern and western banks would have been much less severe during the last financial disturbance if the deposits had been equitably and fairly distributed, as required by law. I have read the reports of the Comptroller of the Currency and the answer of the Secretary of the Treasury to criticisms and demands for information made in this Chamber, and I believe the attention which has been given by the Senate to this subject will be in the interest of an equitable distribution of the public deposits in the future. If the public money is not equitably distributed, the law should be so amended as to compel an equitable distribution of the public deposits among the different States.

In many of the States banks receiving deposits of State money pay interest on the amount deposited. The same rule should apply when the United States Government deposits Government money. There are $245,000,000 of public money now in these depositories without interest, and banks receiving money loan it to the people for a good rate of interest, usually 6 per cent. In this way they make a large profit. The deposits, of course, are subject to the call of the Treasury Department, but so is a large part of the money deposited by private customers. These depositories are also fiscal agents of the Government, and the distribution helps them in business and makes such banks more conspicuous. They should be required to pay at least 2 per cent on the public money deposited.

Mr. President, I regret as much as any person the panic which has now gone into history as the panic of 1907, and I am ready to do all in my power to prevent or guard against another panic. Experience in the last crisis shows necessity for wise and remedial legislation by Congress. It has been well said—

Our country has a banking power and wealth of resources and a volume of commercial industry equal to all the commercial world besides.

We should strive to advance all the interests of our country and lift it to a higher eminence than it has ever occupied before.

TRACK CONNECTION WITH THE WASHINGTON NAVY-YARD.

Mr. CARTER. Mr. President, I ask for the present consideration of Senate bill 3976.

Mr. CLAPP. Just one moment, Mr. President.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. Certainly.

Mr. CLAPP. I think the bill now under consideration ought to be temporarily laid aside, and I make that request.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent that the unfinished business may be temporarily laid aside. Without objection, it is so ordered. The bill for which the Senator from Montana [Mr. CARTER] asks consideration will now be stated by title.

The SECRETARY. A bill (S. 3976) to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States navy-yard in the city of Washington, D. C.

Mr. CARTER. Mr. President, there is a motion pending to reconsider the vote by which that bill was passed. I now move that the votes by which the bill was ordered to a third reading, read the third time, and passed be reconsidered.

The motion was agreed to, and the Senate resumed the consideration of the bill.

Mr. CARTER. Mr. President, this bill is a substitute for a bill introduced at the request of the Secretary of the Navy. The original bill extended for two years the time for the removal of the tracks from certain streets in the vicinity of the Washington Navy-Yard. Under existing law the removal of those tracks is required on the 28th day of this month. Unless the time is extended or some other means provided before such removal, the navy-yard will be left without any track connection. The Committee on the District of Columbia deemed it unwise merely to extend the time for continuing the surface tracks on the streets, without at the same time providing for the construction of some permanent connection between the railroad and the navy-yard. The bill as passed made such provision. It arbitrarily required the railroad company to build a connection along the Anacostia River between its main line and the navy-yard.

After the passage of the bill we were advised by the Secretary of the Navy that the railroad company would not undertake to construct that proposed connection in conformity with the terms of the bill. Hence, the reconsideration of the vote by which the bill was passed. We have since made certain amendments, which, if added, will probably result in the construction along the river front of the track to connect permanently with the navy-yard. I now offer the amendments, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. In section 1, page 2, line 12, after the word "southwestwardly," it is proposed to insert "across square south 1067;" so as to read:

That the Philadelphia, Baltimore and Washington Railroad Company be, and it is hereby, authorized and directed to construct a single branch track or siding from its present main line, at some point, to be approved by the Commissioners of the District of Columbia, between the bridge over the Anacostia River at Pennsylvania avenue SE., and 1,000 feet westerly therefrom; thence extending by curve in a southwestwardly direction across square south of 1080, to Fifteenth street east; thence southwestwardly across square south 1067 on a line generally parallel to the center line of Water street, at such distance between the center line of Water street and the present approved north bulkhead line of the Anacostia River as shall be approved by the Commissioners of the District of Columbia, etc.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 23, to strike out:

In case it shall be determined at any future time to locate or carry any public street or highway across said track, the cost and expense thereof shall be borne and defrayed by the Philadelphia, Baltimore and Washington Railroad Company, its successors and assigns, in the manner provided in section 10 of the act of Congress providing for a Union Station in the District of Columbia, and for other purposes, approved February 28, 1903.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 9, after the word "empowered," to strike out "whenever they consider it a public benefit" and insert "upon request of the railroad company," so as to read:

SEC. 3. That it shall be the duty of the Commissioners of the District of Columbia, and they are hereby authorized and empowered, upon request of the railroad company, to grant the Philadelphia, Baltimore and Washington Railroad Company permission to lay, maintain, etc.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 24, after the word "authorized," to strike out "and the connections necessary at or in the navy-yard" and insert "to a connection with the track system of the navy-yard," so as to make the section read:

SEC. 4. That the entire cost and expense of obtaining the necessary right of way and the entire cost and expense of constructing the branch track herein authorized to a connection with the track system of the navy-yard shall be paid and defrayed by the Philadelphia, Baltimore and Washington Railroad Company, but the said Philadelphia, Baltimore and Washington Railroad Company shall not acquire any riparian rights by reason of the location of said track through public space or through any right of way necessary to be acquired.

The amendment was agreed to.

The next amendment was, in section 5, page 5, line 10, after the word "highway," to insert "or public space;" in line 11, after the word "approved," to strike out "route" and insert "line;" in line 13, after the word "way," to insert "not exceeding 66 feet in width;" in line 14, after the word "that," to strike out "said" and insert "such;" in line 22, after the word "hereby," to strike out "continued" and insert "reenacted;" on page 6, line 4, after the word "to," to strike out "said" and insert "such," and in line 5, after the word "and," to strike out "the" and insert "any;" so as to make the section read:

SEC. 5. That where the line as approved by said Commissioners lies within the bed of any public highway or through any public space, said company is hereby given the right to occupy such portion of said highway or public space as may be approved by said Commissioners, and where such approved line crosses private property, the said railroad company is hereby authorized to acquire a sufficient right of way not exceeding 66 feet in width by purchase, and in the event that such right of way can not be purchased at a price satisfactory to said railroad company, authority is hereby conferred upon said railroad company to condemn the land necessary for such right of way, in the manner and by the method and processes provided by sections 648 to 663, both inclusive, of the Revised Statutes relating to the District of Columbia, which said sections, despite any repeal thereof, are hereby reenacted in full force and effect, for the purposes contemplated by this act, and are especially enacted to like effect as if the same were incorporated herein at length: *Provided,* That in every case where an assessment for damages or an award shall have been returned by the appraisers, the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land covered thereby, irrespective of whether exceptions to such assessment or award shall be filed or not, and any subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of compensation to be paid.

The amendment was agreed to.

Mr. CARTER. I offer the amendment I send to the desk.

The SECRETARY. At the end of section 4, on page 5, it is proposed to insert:

Provided, That upon the completion of the branch track herein authorized and directed to be constructed within the time and in the manner herein required, the United States shall pay to the Philadelphia, Baltimore and Washington Railroad Company, its successors or assigns, the sum of $25,000, or so much thereof as may be necessary to reimburse said company for money paid by it for and in securing the necessary rights of way in conformity with this act, and for such purpose the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1909, and for other purposes.

The VICE-PRESIDENT. The pending question is on the amendment offered by the junior Senator from Kansas [Mr. CURTIS] to the amendment proposed by the Senator from Oklahoma [Mr. OWEN], which will be stated.

The SECRETARY. Before the words "civilized tribes" it is proposed to strike out the word "late."

Mr. OWEN. Mr. President, the Senator from Kansas [Mr. CURTIS], in support of his contention that the Albert Heff case is of no value in the matter before the Senate, quoted the case of McKay *v.* Kalyton, at the October term, 1906, 204 United States. In that case it was held:

The United States has retained such control over the allotments to Indians that, except as provided by acts of Congress, controversies involving the determination of title to, and right to possession of, Indian allotments while the same are held in trust by the United States are not primarily cognizable by any court, State or Federal. (McKay *v.* Kalyton, 204 U. S., p. 458.)

The case referred to by the Senator from Kansas is one where the land was held in trust by the United States, but in the case which I am now speaking to the title is not held by the United States in trust, but on the contrary. I call the attention of the Senate to the act of July 1, 1902, page 3, section 21, known as the "Cherokee allotment act:"

Allotment certificates issued by the Dawes Commission shall be *conclusive evidence of the right of an allottee to the tract of land described therein,* and the United States Indian agent for the Union Agency shall, under the direction of the Secretary of the Interior, upon the application of the allottee, place him in possession of his allotment, and shall remove therefrom all persons objectionable to him, and the acts of the Indian agent hereunder shall not be controlled by the writ or process of any court.

In other words, this title to the land passes from the Cherokee people, who owned the land, by virtue of the certificates of allotment, directly to the individual citizen of the United States who was a member of the late Cherokee tribe of Indians.

Therefore this case is not a parallel at all, and that is the distinction I am trying to make here. *Where the United States is a trustee for the title, the United States may defend its position as trustee* and do whatever is necessary for the maintenance of the right of the trustee, and may forbid taxation when the land is held by the United States as trustee; but when the United States is not a grantor of the land, where the Cherokee people were the grantors of this land, it is different. The Cherokees have owned the land for three-quarters of a century. They bought that land from the United States and they paid for it. It was their own. This land was owned by a given number of United States citizens, and they, by a contract with the United States, agreed to distribute among themselves the owners of that property, and this contract is in the form of statute. Those people were United States citizens and were not a tribe of Indians, because the tribe so called had lost its authority. I call the attention of the Senate to the fact that the Supreme Court holds that when a tribe is given citizenship of the United States as a tribe it ceases to have governmental functions and it ceases to be a tribe within the meaning of the law. The word "tribe" is then used merely as a convenient designation for a given number of persons. The old name which they have borne is continued, and because they were once a Cherokee tribe they continue to be spoken of as the Cherokee tribe, although their legal status is absolutely different.

Whenever the Cherokee people lost their governmental function as a tribe; when they could exercise no dominion over the membership of that tribe; when they could afford no protection to the membership of that tribe, and the individual owend no allegiance to the government of the tribe, that tribe was dead as a governmental organism, and the citizens of the Cherokee tribe now owe no allegiance whatever to that so-called tribe. They owe their allegiance to the State of Oklahoma. Oklahoma has the power of life and death over the members of the late Cherokee tribe of Indians. There is no Cherokee tribe except for convenience of designation, and there is no membership of that tribe except as a method of convenient designation. Those people are citizens of the State of Oklahoma, owing their allegiance to the State of Oklahoma, and Oklahoma owes them the duty of protection, and the duty of protection carries with it the power of protection.

All this debate with regard to those people springs from the desire of the officers of the Federal Government to exercise power over those individual members of the late Five Civilized Tribes, and to maintain that Bureau of the Government which calls for a tremendous appropriation here in this very appropriation bill, hundreds of thousands of dollars to carry on this Bureau of Government in the discharge of the duty of the United States in the first place as trustee to distribute this property.

It has been ten years, ten long years, since the Choctaws and Chickasaws agreed by contract with the United States for the distribution of this property, and still the people of those former tribes await the settlement of this matter, and hundreds of thousands of dollars are being appropriated here now in this very Indian appropriation bill to carry on this business not of protecting the Indians, but of protecting Government employees who find a convenient berth in Oklahoma.

I wish to call attention specifically to the Albert Heff case and to show the important significance of the decision of the Supreme Court, because all of the contention which has been made here in opposition to this argument which I submit was made by the Solicitor-General of the United States, Henry M. Hoyt, in the Albert Heff case. He argued that the tribe was a continuing existence. He argued that because a man was a member of this tribe the United States had jurisdiction over him.

The court held the contrary, that the Government had no jurisdiction, and said this:

It is said that commerce with the Indian tribes includes commerce with the members thereof, and Congress having power to regulate commerce between the white men and the Indians *continues to retain that*

power, although it has provided that the Indian shall have the benefit of and be subject to the civil and criminal laws of the State and shall be a citizen of the United States, and therefore a citizen of the State.

There was the contention, and what does the Supreme Court say in answer to that contention? They say:

But the logic of this argument implies that the United States can never release itself from the obligation of guardianship; that so long as an individual *is an Indian by descent*, Congress, although it may have granted all the rights and privileges of national and therefore State citizenship, the benefits and burdens of the laws of the State, may at any time *repudiate this action* and *reassume its guardianship* and prevent the Indian from enjoying the benefit of the laws of the State and release him from obligations of obedience thereto. Can it be that because one has Indian—and only Indian—blood in his veins he is to be forever one of a special class over whom the General Government may in its discretion assume the rights of guardianship which it has once abandoned, and this whether the State or the individual himself consents? *We think the reach to which this argument goes demonstrates that it is unsound.*

That is the language of the Supreme Court.

But it is said that the Government has provided that the Indians' title shall not be alienated or encumbered for twenty-five years—

That was in case of a grant from the Government itself, not a grant from United States citizens owning certain property in common and who were granting the title to themselves directly—

and it is also stipulated that the grant of citizenship shall not deprive the Indian of his interest in tribal or other property, but these are mere property rights, and do not affect the civil or political status of the allottees. In United States *v.* Rickert (188 United States, 432) we sustained the right of the Government to protect the lands thus allotted and patented from any encumbrance of State taxation.

In the Rickert case the United States was trustee of the title. In Oklahoma, in the Five Tribes, the United States is not trustee of the title. But these lands go direct to the people who owned them, who are United States citizens, to the individual member of the community, and the allotment certificate vests him with all the right to that land, and he does not even need a patent. As far as I am concerned I should be entirely content to abandon the issuance of patents to the lands in that country. We do not need any of those patents. A patent is merely an evidence of title. A patent is not title. You may take a patent and put it in the fire and burn it up and the title will remain. A patent is merely a piece of paper intended as evidence of title. The title itself is vested by virtue of the law, which places the right to the property in the hands of the individual and in his ownership.

The Supreme Court goes on to say in this case:

But it is unnecessary to pursue this discussion further. We are of the opinion that when the United States grants the privileges of citizenship to an Indian, gives to him the benefit of and requires him to be subject to the laws, both civil and criminal, of the State, it places him outside the reach of police regulations on the part of Congress; that the emancipation from Federal control thus created can not be set aside at the instance of the Government without the consent of the individual Indian and the State, and that this emancipation from Federal control is not affected by the fact that the lands it has granted to the Indian are granted subject to a condition against alienation and incumbrance, or the further fact that it guarantees to him an interest in tribal or other property.

Mr. President, in this case, where the tribe by its own act terminated the social compact which bound the people together as a tribe, where every single governmental function has departed, where the so-called "chief" is nothing but a clerk of the Interior Department, where he has no executive power whatever except to sign his name to these so-called "patents," where he is made subservient by his salary to the power that pays him—I say the proper designation for such a tribe is the late Five Civilized Tribes, because the word "late" has been ordinarily used by the Government to describe a tribe which has lost governmental functions.

The Senator from Kansas [Mr. CURTIS] asked me whether or not the State of Oklahoma has a right to tax these lands. I assert that undoubtedly it has the right to tax those lands notwithstanding the fact that these United States citizens, called members of the Five Tribes, agreed with the United States before Oklahoma was established that the land should not be taxable. But when a State is established, and when these individuals themselves establish the State, and when they become members of the State, owing allegiance to the State——

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. Certainly.

Mr. McCUMBER. I desire to see whether I understand the Senator. Does he state that the State of Oklahoma has power to levy a tax before the expiration of the period of restriction?

Mr. OWEN. Undoubtedly.

Mr. McCUMBER. That is his position?

Mr. OWEN. Certainly.

Mr. McCUMBER. Is not that absolutely overruled in the Rickert case?

Mr. OWEN. It is not, for the reason that in the Rickert case the United States was trustee of the title and in this case there is no trustee of the title. The title to the land which I have in Oklahoma as an allottee is in me direct and there is no trustee.

Does the Senator recognize the distinction between a case where the United States is trustee and where the United States is not trustee? The distinction is so plain that no man need to err therein.

Mr. McCUMBER. I should like to ask the Senator wherein there is a distinction between the Sisseton and Wahpeton tribes, under the law as it then existed, and the Five Civilized Tribes?

Wherein did one tribe differ from the other? Both had practically the same grants; both had practically the same laws relating to their citizenship and the rights and immunities of that citizenship. Then wherein was there a trustee over the Sisseton tribe different from that over the other tribes?

Mr. OWEN. I will ask the Senator a question, and that is, whether or not these allotments were made to the United States in trust for the Wahpeton and Sisseton members?

Mr. McCUMBER. They were not. It was a direct deed, a patent to the allottees with a restrictive clause in it; nothing more or less. There was nothing else than the restriction on sale.

Mr. OWEN. Then the United States is not a trustee in that case. Is that the Senator's contention?

Mr. McCUMBER. I was simply trying to get the position of the Senator, not desiring to take part in the argument at this time. My position is that there was a trusteeship over the person and over the property during that period.

Mr. OWEN. The Senator from Kansas [Mr. CURTIS] does not insist upon a trusteeship of the person, I believe.

Mr. CURTIS. I said the Government is exercising a trust over the property.

I do not say that the Government is exercising a right over the personal conduct of the individual member of a tribe, so as to interfere with the police power of the State. But I insist that, under the law, the Government still controls the property until the restriction period has expired, and the Senator from Oklahoma has an allotment subject to certain restrictions, and his lands can not be sold for a certain length of time.

Mr. OWEN. The distinction is this: The Wahpeton and Sisseton Indians were blanket Indians. In the case of the Wahpeton and Sisseton Sioux the United States was the supervising power. They were aliens, and in this case the citizenship of the Cherokee Nation, for example, comprised not Indians within the meaning of the law, but comprised citizens of the United States, who had the right of contract before they entered into the contract of July 1, 1902, by the approval of this act of Congress distributing that so-called "tribal property," and being citizens of the United States and being the grantors themselves to their individual members as grantees, they might impose, if you will, a restriction upon the title; but the United States, having nothing whatever to do with the ownership of the property, has no right whatever to impose a condition upon the grantee.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. Certainly.

Mr. CURTIS. Did not the Supreme Court in the case of Stevens *v.* The Cherokee Nation decide that the land and money of the tribes were common property, tribal property, and tribal money?

Mr. OWEN. In the Stevens case, which arose with regard to the constitutionality of an act of Congress providing for the making up of the rolls of the Cherokee people, the court held that that act was constitutional. The United States was obliged to distribute the property to do away with those old tribal governments.

Mr. CURTIS rose.

Mr. OWEN. Allow me to complete my answer. Then I will yield to another question.

The United States in that case was obliged to distribute this property in order to do away with these old tribal governments. It was the intention of the act of 1893, in establishing the Dawes Commission, to do away with these so-called "tribal governments." The act of 1897 did away with their judicial authority, and the act of 1898 did away with what remained of the tribal authority; and I think no one is more familiar with the destructive force of that act than the gentleman who drew the act and who now represents here in part the State of Kansas.

Those tribal governments were intended to be destroyed by the Curtis Act, so called, and they were destroyed by the

Curtis Act; and as soon as that transpired, being interested in those people, I undertook to secure for them full citizenship, so that they might be able to defend themselves without being subject to the supervisory control of the Interior Department; and it was done by the act of March 3, 1901.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. Certainly.

Mr. CURTIS. The Senator admits, does he not, that there is quite a large amount of property there to be distributed?

Mr. OWEN. I admit that there is a large amount of property there yet to be distributed, and the owners of that property yet to be distributed are citizens of the United States. They are not Indians. They do not comprise a tribe of Indians, because the true meaning of "a tribe" is a community having the power of government in some degree, and therefore in order to be a living governmental organism must exercise some control over its membership.

Mr. CURTIS. They still have legislatures and chiefs, do they not?

Mr. OWEN. I have already stated that they have chiefs appointed by the Secretary of the Interior and a legislature under the same dominating force who do not represent those people and whose sentiments are not the sentiments of those people. They have joined the great army of sinecures, and their sympathies are with the salaried class, who have a good reason to wish to continue for a long time the winding up of affairs in Oklahoma; and it is against that long-continued winding up of affairs in Oklahoma that I am protesting.

The only way they can continue to exercise supervisory control is by maintaining this theory that there is a tribe down in that country, that these dead governments are living governmental organisms, and since they are not, since they have no functions, since their laws can not be carried out, since they have no laws, I insist upon it that the word "late" is a proper description, and I insist upon it, moreover, that it is a highly necessary description, unless it is intended by the United States to attempt to perpetuate this bureaucratic government in Oklahoma for some period of years longer. Our people desire peace. They desire the opportunity to be free, to develop their own affairs, and they want to be delivered from this attempted supervisory control.

There is a case before the Supreme Court which will be decided before very long, to determine whether or not this power can be extended for twenty-five years over those of our citizens who happen to be of a larger measure of Indian blood, those who are classed as full bloods. We expect a decision by the Supreme Court before very long on that question. I, for one, have not the slightest doubt that it will be decided that the United States had no right to extend the restrictions on these lands in Oklahoma.

Mr. CLAPP. Will the Senator yield to me for a moment?

Mr. OWEN. Certainly.

Mr. CLAPP. I fully sympathize with the Senator in his general proposition, but I shall vote for the amendment of the Senator from Kansas. When we passed the act two years ago there was some question—I think perhaps the importance of it was exaggerated—as to the legal effect of discontinuing the tribal government, with reference to some existing or pretended land grant. It may have been exaggerated, and I think perhaps it was. In view of the action of the Senate at that time, I should not want in this bill, in this way, to declare that those tribal governments should no longer exist. While in sympathy with the Senator on the main question, I will vote for the amendment.

Mr. OWEN. Mr. President, it is true that there was a pretext offered for extending the tribal existence of the so-called "Five Civilized Tribes," and the absurdity of that extension will appear in a moment.

Here is a community of people who by their own vote dissolve the social compact that binds them together. They have no executive authority; they have no judiciary; they have no legislative authority; they have no forum in which any law could be enforced if they should pass one, and they are forbidden to pass any kind of a law, except a resolution of adjournment, without the approval of the Secretary of the Interior. They have absolutely no power on earth. They do not comprise any organized community in any sense of the word.

It is on account of the so-called "land grant" of the Missouri, Kansas and Texas Railroad that this was extended—a land grant which on its face is absolutely preposterous; a land grant that no lawyer would for a moment say had the slightest value or color of right. I am not going to take up the time of the Senate in discussing that land grant. I only say that it was an obvious pretext, and the real purpose of extending the tribe, so called, was to maintain this bureau government, against which I now protest.

But more than that, I want to call the attention of the Senate to the gross absurdity of this proposition. Here is a community of United States citizens who by their own vote dissolved the so-called "tribe," and having dissolved the tribe and terminated their social compact that made it a tribe the United States comes along after two or three years and passes an act declaring that the tribal life is extended, and proposes to make me a citizen of the late tribe—a member of an extinct Indian tribe. They drag the Cherokee Nation from the cerements of the grave, give it vitality, and make me a member of it. I earnestly submit such a proposition violates every sentiment of reason and common sense.

The argument shows how preposterous this proposition is, and how anyone can justify himself in saying that this is a living, governmental organism now passes my comprehension.

Mr. McCUMBER. Mr. President, I do not think that very many of the Senators are wasting a great deal of sympathy upon the Senator from Oklahoma. I do not think he needs any. I think he is thoroughly able to take care of himself. Nor do I think that anyone has wasted any sympathy upon the white men of Oklahoma who still take the name of Indians because there may be a sixteenth or a thirty-second amount of Indian blood in their veins. But there is some sympathy in the United States for the full-blood Indians, for the real Indian, and there are a great number of them in the new State of Oklahoma. If the reports that we get from that section are correct, and the report that we get from the special committee that investigated the affairs down in New Mexico is one-tenth of it correct, it seems to me that sympathy is not in the slightest degree wasted.

It may be possible that we have legislated the Indian out of the control of Congress. If we have done so, then nine-tenths of the bill which the Senator from Oklahoma is supporting here to-day is a mere nullity, and there is nothing left for Congress to do except year after year to vote the proper annuities that shall go to those Indians under previous contracts or under treaties that were made years ago. That would be the sole function of Congress, so far as it relates to Indian matters, provided they are not the wards of the Government at the present time. But if we are assuming that they are wards of the Government, as every Indian appropriation bill has assumed, notwithstanding any of these laws, it seems to me that we are not doing anything so wonderfully ridiculous if we are consistent and declare that they are wards of our Government for the purpose of protecting their property interest, and that is as far as any bill that I know of proposes to go.

Mr. OWEN rose.

Mr. McCUMBER. Does the Senator wish to ask me a question?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. With pleasure.

Mr. OWEN. The mere continuance of a policy does not justify it. I ask the Senator from North Dakota if he is referring to the so-called "restrictions" bill?

Mr. McCUMBER. I refer to that in connection with other provisions in the bill. For instance, we are educating those people. We are spending thousands, even millions, of dollars in the education of those Indians. On what assumption? On the assumption that they are the wards of the Government and need the assistance and the education which alone the Government could give them.

Mr. OWEN. Mr. President, the appropriation for the schools in Oklahoma, while the State is organizing, I think is justified because it goes to the education of white people and not of the Indian people. The Indians have their own money for their own schools, and have been conducting their own schools abundantly for a long period of time—for seventy-five years.

Mr. McCUMBER. We all understand that; but the provision of this bill relates to the education of Indians all over the United States who are declared to be citizens just as fully as the Indians of Oklahoma have been declared to be citizens.

Mr. OWEN. I am in favor of educating the poor whites. I am in favor of educating anybody who is poor. I do not believe money can be better expended than for that purpose. But because of sympathy with the person I do not think it wise or just that the Federal Government should invade the rights of a State and undertake to take charge of hundreds of thousands of people who are citizens of a State and who owe their allegiance to the State and who will be taken care of by the

State if they should be pauperized in any way. The State of Oklahoma will take charge of its own poor, and it will educate its own children.

Mr. McCUMBER. I am not considering the question whether Oklahoma will educate its own citizens. The Government of the United States, being unable to grant lands, as it has done to other States, granted in lieu, I think, $5,000,000 in the act which allowed Oklahoma to come into the Union. This bill is made up of appropriations for the purpose of educating the Indians all over the United States. I do not know of more than one or two reservations, and I am not certain as to those at the present time, where those Indians are not citizens of the United States. And yet we are educating them; we are paying out money to give them a special education and to prepare them for what we call "the white man's civilization."

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly.

Mr. CLAPP. I suggest to the Senator that, while I am thoroughly in sympathy with his argument, he might add that there are a great many of the pupils for whom we appropriate $1,400,000 who have money in the Treasury that we do not care to give them.

Mr. McCUMBER. That is true.

Mr. CLAPP. Still, we are going on expending public money to educate those people, and those funds are piling up, and we dare not distribute them for fear that they will be squandered.

Mr. McCUMBER. I have great doubt myself, Mr. President, about making of a real Indian a white man. I do not think it is possible to do so. I have long since come to the conclusion that the better policy of the United States would have been to have made the best possible Indian out of them instead of trying to change their nature and to place them upon a footing where they can compete with the white man. Thousands upon thousands of generations of inheritance have fitted the white man to battle with the world against adversity. It has not fitted the Indian to make the same character of battle. You may find exceptions here and there among the full-blood Indians, but if you place the majority of Indians upon the same footing as the white man and say, "Here is the world before you; you have intellect and you have strength; make your way in the world as a white man makes his way," 99 per cent of them will make a complete failure and become paupers.

History has taught us that. The Government understands that to-day as it never has understood it before, and as we take control of reservation after reservation the Indian is crowded out. We remove the restrictions, and the white man becomes the owner of the land. The Indians of California are now coming before us and asking that we buy land again for them, where they can lay their weary heads, and we have got to buy the land for them and we have got to take care of them or we have simply to send them to a pauper's house. We might just as well face that condition at one time as another. I am speaking of the real Indian. I am not speaking of the white men who have some Indian blood in their veins, because such a man can generally take care of himself.

These men still need the protecting arm of the Government. We have taken from them everything on God's green earth that they owned; we have despoiled them of their fair inheritance; we have taken their land whenever we wanted it for the white men; we have given them a mere beggarly allowance and the right to exist; and we have placed over them agents and kept them within certain confines, and have been trying all the time to see if we could not make white men out of them. Now, having failed upon that proposition, we are brought face to face with a condition either to take care of these Indians in some way or to turn them over as paupers to the several States to take care of them.

I am willing, Mr. President, to stretch the law. I might, if it is possible to do it, take some chances, until the Supreme Court has decided that we have lost the control over them to see if we can not remedy some of the wrongs that have been perpetrated against them and still take care of some of their lands.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. Certainly.

Mr. OWEN. Mr. President, the Senator from North Dakota failed to enumerate all of the things which had been taken away from the Indians, and I want to mention a few for his consideration. The chief thing which has been taken away from the Indian is his self-reliance, his self-respect. That he should be treated as a curio and made a pauper of by this system of governmental pension will ruin any man. It will ruin a white man. I have spoiled several young men myself by pensioning them. It will spoil any man when you take away from him the individual initiative. The chief thing of which the Indian has a right to complain is that his self-respect and self-reliance have been taken away from him by this system of governmental support and governmental nursing, which really means the paying of salaries to men who want to have the salaries and who are more concerned about the maintenance of such conditions than they are about the welfare of the Indians.

The full bloods in my own country have never been paupers. They sustain themselves. They were self-supporting always. They were self-supporting before Columbus landed on the shores of this continent, and they have not only supported themselves, but they have educated their children and they have framed laws that were respectable.

Mr. McCUMBER. Let me add one thing to that. They supported themselves so long as they had their lands, and from the moment you robbed them of their lands they have not been self-supporting, and they never will be. They were able to support themselves upon their lands before the days of Columbus, before the white man took the land and took the game from the land. He took the old-fashioned means of the Indian to gain his livelihood and he tried to make a farmer out of him and he tried to make a mechanic out of him. He took them to the school some miles distant from here and has been trying to make professional men out of them, but it has been a failure along the whole line. The Indian belongs to the land. You can not separate him from God's earth. The moment you do separate him from the land you have made a pauper out of him. The moment you take him away from that which for thousands and hundreds of thousands of years belonged to him, and upon which he had been educated, and where he had gained all of his inherent characteristics, you take away his only means of livelihood.

Now, we have learned that, Mr. President, and, having learned it, it seems to me that it is our duty, so far as it is possible, to hold this last vestige of the Indian's rights, and that is some place where he can live. That is what we are attempting to do in holding these restrictions, because the moment that you release the land from the restrictions the superior ability of the white man, his persuasive qualities and his persistency in getting hold of property, will overcome the resisting mind of the Indian and, like a child, he will finally give away his property. He will generally ask three or four times what it is really worth, in the first instance, but if you hold to him long enough he will sell it for one-tenth of what it is worth. That is the experience we are having all over the country to-day wherever we have absolutely separated the Indian from his land or, what is equivalent to that, have removed the restrictions so that they can sell the land.

I have stated in arguments heretofore that I am somewhat doubtful as to whether the amendment which I secured in 1906, extending the restrictions twenty-five years, will be sustained. I hope it will. I can see many reasons why it should be sustained. If we should take the general sentiment of the expressions of the courts upon the subject, I would be inclined to think that that would be their final holding. We gave the Indian political rights, but by giving him those political rights, those rights of citizenship, we did not necessarily release ourselves from the right of control as a guardian over a ward.

I know the Senator takes a different view from that, but I want to call attention to this one case that has been referred to so often—the Rickert case. Let me give you the law that governed the Rickert case. We will take section 6 of chapter 119 of the laws of 1887. That law provided as follows:

> That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made, shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indians within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States, to whom allotments shall have been made under the provisions of this act * * * is hereby declared to be a citizen of the United States and is entitled to all the rights, privileges, and immunities of such citizens, etc.

That is just as broad an application of the law as it would be possible to make. This, remember, was in 1887. In 1901 this same law was extended over the Five Civilized Tribes of Oklahoma. Thirteen years after that law became effective, and at least ten years after the allotments had been made under it, and which allotments, by the very argument of the Senator from Oklahoma, made these Indians absolute citizens of the United States when the Indian had received his paper title with the restrictions upon it, the county of Roberts, in the State of South Dakota, levied a tax, both personal and real, a real-estate tax against the land and a personal-property tax against the personal property of the Indian as well.

Mr. OWEN. Which had been granted to him.

Mr. McCUMBER. Which had been granted to him by the Government of the United States.

Mr. OWEN. Mr. President——

Mr. McCUMBER. I will make it perfectly clear and fair to the Senator. I will read what the court said. The court knew of this law, the court knew in that decision that thirteen years prior to the time of the levy of this tax these people had been declared citizens with all the rights and immunities of citizens of the United States, and yet in that decision in United States *v.* Rickert, the court uses this language:

> These Indians are yet wards of the Nation.

Mr. OWEN. Mr. President——

Mr. McCUMBER. That is the clear wording of the Supreme Court after these men had been declared to be citizens of the United States.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. Certainly.

Mr. OWEN. Does the Senator maintain that now those persons who were members of the "Five Civilized Tribes" are still wards?

Mr. McCUMBER. For the property which has been granted them and the protection of that property, yes; absolutely. Now, let me ask the Senator, does not this decision so state, that these men had been declared to be citizens? I am giving him the language of the Supreme Court of the United States on the subject. It is not my own.

Mr. OWEN. Mr. President, even the Supreme Court of the United States may use an inadvertent term. I have already agreed with the Senator from North Dakota that where the United States is trustee of the title, the United States as such trustee may defend its right of trustee and prevent such land from being taxed. But in this case——

Mr. McCUMBER. It is but perfectly fair to state, in answer to the Senator, that I do not think it was necessary to use this language in the decision of that case.

Mr. OWEN. Of course not. In the Albert Heff case the language itself is absolutely set aside by the Supreme Court in a later decision, which was in point and which went right to the soul of that matter, and in which they declared that John Butler was not a ward.

Mr. McCUMBER. I can not agree that they declared he was not a ward so far as his property rights were concerned. They declare that he was subject to the police jurisdiction and laws of the States, and that we do not deny. They have never attempted to overrule the cases in which they tried to make a clear distinction between the political rights which are granted and those rights of property over which they say they have control, and have such control because they regard the Indian as still the ward of the Government.

Mr. OWEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. Certainly.

Mr. OWEN. Does the Senator from North Dakota say that the United States is trustee of an allotment in the Cherokee Nation?

Mr. McCUMBER. I say that the Government of the United States is trustee of every allotment containing a restriction.

Mr. OWEN. Whether it is in the contract or not?

Mr. McCUMBER. It is in the law. The contract is the instrument under which the grant has been made, and that is the law. If the law declares that the property shall not be subject to sale for twenty-five years, then I maintain that for twenty-five years that property is not subject to taxation by the State. If that is not true, then, the very protection that the Government intended to exercise for the benefit of the Indians is absolutely without effect, and the States can come in and, through a process of tax sale, can deprive the Indian of the very property which the Government itself declared he could not alienate. In other words, the Senator's position leads him to this proposition, that while the Government can say to the Indian or to the allottee, if he is a citizen of the United States, "You may hold this land with a restriction against sale for twenty-five years," the purchaser at a tax sale will take it free from that restriction imposed upon it by the Government. I am not willing to concede that proposition. I believe there is vitality in that restriction, and that citizenship does not affect it or lessen its value in any degree.

Mr. OWEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. Certainly.

Mr. OWEN. What I have tried to call the attention of the Senator from North Dakota to is that these lands did not belong to the United States; they belonged to the people composing that community, who were at that time citizens of the United States. They were not at that time a tribe, and while they acquiesced in a five years' restriction on the title, which as the grantors of the title they had a right to do and it is binding on the grantee, the legal title will remain in the grantee for that period of time.

Mr. McCUMBER. What title does the Senator claim was held by the individual Indian before the allotment? Was it a title in common with all the Indians?

Mr. OWEN. No.

Mr. McCUMBER. Was it a tenancy in common or a joint tenancy, or what was the legal title of the Indian?

Mr. OWEN. It was a title under a social compact existing between these individuals of a peculiar nature that is ordinarily known as the Indian title.

Mr. McCUMBER. Yes; and the Indian title, Mr. President, was simply a right of possession subject actually to the control of the Government of the United States.

Mr. OWEN. No, Mr. President.

Mr. McCUMBER. No one has ever broadened the Indian title into a greater title than that of a mere possessory right so long as the Government saw fit to accord them that right.

Mr. OWEN. The courts of the United States have held that that was a fee title, and it will not do for the Senator from North Dakota to deny that title. It was practically a fee simple given by the treaty of 1835 to these people and later confirmed in other treaties.

Mr. McCUMBER. Could the Indians sell it without the consent of the Government? Could they alienate it or mortgage it in any way without the consent of the Government? If they could not, then certainly it was not a fee title in that sense. Suppose the tribe had gone out of existence entirely, had been wiped out of existence, what would have become of the lands? Would they have gone to the heirs of the tribe, or would they have reverted immediately to the Government?

Mr. OWEN. When you wipe them out, you do not leave them any heirs, Mr. President. [Laughter.]

Mr. McCUMBER. I say wipe out the tribe. The Senator is mistaken. There are very many heirs of those Indian tribes that are scattered over the United States to-day who are not members of the tribe and not on the rolls. So, the Senator is entirely in error when he says if the tribe is wiped out there can be no descendants.

Mr. OWEN. When the Senator made——

Mr. McCUMBER. The law of tribal relation is one thing; the law of descent is entirely another thing. A man might or a child might be a descendant from some Indian of that tribe and have no tribal rights whatever to the property. So, I deny that proposition of the Senator.

Mr. OWEN. Mr. President, the Senator in wiping out the——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. Certainly; with pleasure.

Mr. OWEN. I thought the Senator in suggesting the wiping out of the so-called Cherokee Indians had supposed them wiped out completely. In his mental supposition, however, he left enough of them apparently to meet my suggestion.

Mr. McCUMBER. Not as tribesmen, by any means.

Mr. OWEN. But I understand thoroughly what the title of the Cherokee lands is. They were granted all the right that the United States had. Of course the United States, as a sovereign power, would be the party to whom the lands would escheat in case the Indian people, who were on the lands and who owned them, should leave the country or go away and have no representatives. That, of course, is true.

Mr. McCUMBER. That was provided even in the treaty, I am informed.

Mr. OWEN. No; it was not provided in the treaty; it was written in the patent.

Mr. CURTIS. It was provided in the treaty.

Mr. OWEN. It was written in the patent.

Mr. CURTIS. It was provided in the treaty also.

Mr. OWEN. The agreement which was made in the first place with these people was that they should have this land absolutely; but it is the common practice to write in the face of the patent that in case they abandon the land it shall revert to the Government. That, however, does not diminish the quality of the title at all. What I was calling the Senator's attention to was that this people, as a community, owned this land; they were citizens of the United States at the time they made this agreement; and while they could impose on the title granted their individual members this condition the United States has no power to do so.

Mr. McCUMBER. What I am trying to impress upon the Senator is the fact that those Indians did not get such a title to the land as we get by a Government patent to our own lands—exclusive control over them. The original grant, which was practically to the tribe without an allotment, is not such a fee simple as would go to the individual, and has never been regarded as such. If the Indians should as a tribe remove entirely over into Mexico and abandon that land, I do not think that they could claim a title or could dispose of it in any way and take the proceeds of it. No court has ever decided that they could; and if they could not, then it follows that they did not have the fee title in the general sense in which we use that term.

But I was considering the Rickert case and what the court stated. Perhaps the language was not necessary in order to decide that case, but the Supreme Court, in connection with the law which was before it and which was being tested, did say that, having acquired the right of absolute citizenship, with all of its privileges and immunities, the State could not tax that real property by making it subject to the laws of the State.

The Supreme Court not only denied that proposition, but it denied it upon the ground—whether necessary or not—that "these Indians are yet wards of the nation, in a condition of pupilage or dependency, and have not been discharged from that condition."

Mr. OWEN. Mr. President——

Mr. McCUMBER. Notwithstanding the fact that they declared and the law declared that they were citizens of the United States, the Supreme Court declared that they had not been discharged from that wardship. That is the proposition I want to make clear. I am not saying that the court will not reverse the wording of this decision whenever it shall pass upon the amendment to which the Senator has referred and the amendment which, on my motion, was engrafted on the bill some two years ago extending the period of the restriction.

Mr. OWEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. Certainly.

Mr. OWEN. I can not feel that the Senator ought to ignore a later decision of the court. He is making exactly the same argument which Henry Hoyt, the Solicitor-General, made in the Albert Heff case, and which was overruled by the Supreme Court. He is making the exact argument over again.

Mr. McCUMBER. I do not think, Mr. President, that the proposition under which my argument is based has been overruled. If it had been overruled, there would be no occasion whatever for bringing the case before the Supreme Court which the Senator from Oklahoma says will soon be decided. The question has never been squarely passed upon by the court with reference to the property. I have tried to make it clear that the court had decided that political rights were one thing—in the Heff case they passed upon that question—and they have declared that property rights are of another character; and that has been decided in another way.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. Certainly.

Mr. CURTIS. I will state that in the case to which I referred this morning, reported in 204 United States Supreme Court Reports, the Rickert case is referred to with approval.

Mr. OWEN. I call the attention of the Senator from Kansas to the fact that the case referred to was a case in which the United States held land in trust, which is not the case with the Five Civilized Tribes.

Mr. CURTIS. The Senator is making a distinction without a difference. The Supreme Court has repeatedly held that the Government does have control of the lands of the Five Civilized Tribes.

Mr. McCUMBER. I want to follow the language of the Supreme Court further. As I have said, I can not imagine why they should use that language unless there was a conviction that the right of the United States over the property of the Indian had not passed in any degree, because they further say:

> These Indians are yet wards of the nation, in a condition of pupilage or dependency, and have not been discharged from that condition. They are occupying these lands with the consent and authority of the United States; and the holding of them by the United States under the act of 1887, * * * is a part of the national policy by which the Indians are to be maintained as well as prepared for assuming the habits of civilized life, and ultimately the privileges of citizenship. To tax these lands is to tax an instrumentality employed by the United States for the benefit and control of this dependent race, and to accomplish beneficent objects with respect to a race of which this court has said that "from their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it has been promised, there arises the duty of protection, and with it, the power."

It will be remembered that the court went further than the mere matter of determining that a tax upon that land was invalid. It also broadly held that a tax upon the personal property, upon horses and cattle, was invalid. To be sure it stated and used the language that the property had been given them, but, as I understand, there was no evidence whatever that this was the identical property—personal property, I refer to now—which passed from the Government, but that it related to any of the personal property that was held by the Indians.

Mr. President, I myself believe that in all other matters, as well as educational matters, it is proper at least for Congress to assume that the Indian is still the ward of the Government, and to be protected. When the Supreme Court of the United States decides that we are in error upon this proposition it will be time enough to reverse our policy.

Mr. LODGE. Mr. President, Benjamin Jowett, the late very eminent master of Baliol College at Oxford, in England, once said to a gathering of his students: "We are none of us infallible; we are all likely to make mistakes, even the youngest of us." I am never so impressed with a sense of human fallibility as when I am called upon to consider some of these complex and difficult Indian questions about which I feel very strongly my ignorance.

This is a proposition to strike out a word which if left in will have a very important effect upon existing laws of the United States. I shall not attempt to say anything on the legal propositions which have just been so ably discussed by the Senator from North Dakota [Mr. McCUMBER], but I am interested in maintaining what seems to me a correct principle in legislation.

These Five Civilized Tribes, whether their members have become citizens of the United States or not, still exist for certain purposes as legal entities. They are referred to in the very bill before us repeatedly later on as the Five Civilized Tribes, and the United States maintains relations to them in that capacity. Whether those relations are limited or not seems to me to have no bearing upon the question. The resolution read by the Senator from Kansas [Mr. CURTIS] appears to me to put it beyond doubt that the intention of Congress and the intention of existing laws was to maintain those certain and limited relations toward those tribes.

Not very long ago an amendment was offered, which I think was finally adopted, relating to certain lands in New York in which the Six Nations had an interest. I do not now recall the precise purpose of the amendment, but it is not of importance to my argument. The surviving members of the Six Nations in New York are all citizens of the United States, and I think the Senator from New York [Mr. DEPEW] will confirm me in saying that they have been citizens for some generations. But in that amendment we do not refer to them as the "late Six Nations" or the "late Iroquois." We refer to them as "the people of the Six Nations," because it was in that relation the United States was connected with them.

We have in my own State a remnant of an Indian tribe known as the "Mashpee." For many years they have had a township of their own; they are citizens of the State; they are citizens of the United States. They are never referred to in our statutes as the "late Mashpee Indians," but are referred to as "the Mashpee Indians," merely for convenience of designation in that case, because the relation of the State to them in the capacity of guardian has long since ceased.

The insertion of this word will have the effect, it seems to me, of contradicting our whole course of legislation. Therefore it is of great importance that such a far-reaching change should not be lightly made. If we are prepared to alter the course of legislation which has been adopted after consideration by Congress, that is one thing and a proposition to be argued on the broadest ground, but to contradict existing legislation or to attempt to overthrow it by the insertion of a word in an appropriation bill seems to me not consonant with the best practices of legislation here. It seems to me it would be unwise for the Senate, after this brief discussion, to make such a fundamental and far-reaching change in our laws as they now exist as this would import.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Kansas [Mr. CURTIS] to the amendment of the Senator from Oklahoma [Mr. OWEN].

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment proposed by the Senator from Oklahoma [Mr. OWEN] as amended.

The amendment as amended was agreed to.

Mr. CLAPP. I ask that the Secretary state that amendment. I rather think its adoption necessitates a further amendment.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 3, line 20, after the word "buildings," it is proposed to insert the words "on lands heretofore belonging to the Five Civilized Tribes."

Mr. CLAPP. I now suggest that the words in lines 11 and 12, on page 4, be stricken out.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 4, lines 11 and 12, it is proposed to strike out "and this provision shall apply to the Five Civilized Tribes."

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Commissioner," on page 4, line 15, after the words "use of," to insert "irrigating tools and appliances and purchase of;" in line 17, after the word "lines," to insert "and," and in line 20, after the word "dollars," to insert "of which $25,000 shall be immediately available," so as to make the clause read:

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances and purchase of water rights, including lands necessary for canals, pipe lines, and reservoirs for Indian reservations, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, $200,000, of which $25,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 5, line 7, after the word "dollars," to insert "of which $15,000 shall be immediately available," so as to make the clause read:

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, $75,000, of which $15,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 5, line 12, before the word "thousand," to strike out "twenty-five" and insert "forty," so as to make the clause read:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior to take action to suppress the traffic of intoxicating liquors among Indians, $40,000.

The amendment was agreed to.

The next amendment was, on page 5, line 15, before the word "hundred," to strike out "three" and insert "four," so as to make the clause read:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, $1,400,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 15, to insert:

To enable the Commissioner of Indian Affairs to conduct experiments on Indian school or agency farms, in cooperation with the Department of Agriculture, designed to test the possibility of soil, climate, etc., in the cultivation of trees, grains, vegetables, and fruits not hitherto raised in those neighborhoods, using Indian labor in the process, $5,000.

Mr. TELLER. Mr. President, I should like to ask the chairman of the committee what is the purpose of the words in that amendment, "in cooperation with the Department of Agriculture?" It seems to me that it would be better if we left it entirely to the Indian Bureau; otherwise there may be some conflict of jurisdiction. I think the Bureau of Indian Affairs could cooperate with the Department of Agriculture without this language and would be entirely independent. I do not know what authority the Department of Agriculture might assume, but, as a rule, one Department or the other has absolute control of these affairs. I do not intend to make any objection to it. I only thought I would call the Senator's attention to the matter.

Mr. CLAPP. Those words were inserted at the request of the Indian Office, so that where the Agricultural Department was carrying on irrigation work and it was advisable to unite the two on some of these reservation works they could do so. I myself rather think, on reflection, that the words "in cooperation with the Department of Agriculture" might be stricken out. The Departments could cooperate without this language being used.

Mr. TELLER. I think they could, Mr. President, and I think it would be less liable to complication if the Department were left to do as it saw fit.

Mr. CLAPP. I move to strike out the words, on lines 17 and 18 in the amendment, "in cooperation with the Department of Agriculture."

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 6, line 17, after the word "farms," it is proposed to strike out "in cooperation with the Department of Agriculture."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued, as follows:

That all expenditure of money herein or hereafter appropriated for school purposes among the Indians shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior: *Provided*, That, except for pay of superintendents, not more than $167——

Mr. TELLER. I wish to understand what is the meaning of the language on page 7, beginning with the proviso in line 5, which has just been read by the Secretary. The proviso reads:

Provided, That, except for pay of superintendents, etc.

I suppose it must mean that the per capita expenditure shall not include the pay of superintendents. Is that what it means?

Mr. CLAPP. Yes. That was in the bill as it came over to us from the House.

Mr. TELLER. I have no objection to it if that is what it means.

The reading of the bill was resumed. The next amendment was, on page 7, line 12, after the word "necessary," to strike out "for the efficient operation of the school affected;" and in line 15, after the word "expenditure," to strike out "such expenditure to continue only so long as the said necessity therefor shall exist," so as to make the proviso read:

Provided, That, except for pay of superintendents, not more than $167 shall be expended for the annual support and education of any one pupil in any school herein specifically provided for, except when, by reason of epidemic, accident, or other sufficient cause, the attendance is so reduced or cost of maintenance so high that a larger expenditure is absolutely necessary, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure.

The amendment was agreed to.

The next amendment was, on page 8, after line 10, to insert:

That hereafter any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such national bank or banks as he may select: *Provided*, That the bank or banks so selected by him shall first execute to said disbursing agent a bond, with approved surety, in such an amount as will properly safeguard the funds to be deposited. Such bond shall be subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 8, after line 19, to insert:

That the Commissioner of Indian Affairs is hereby authorized and directed to send a special Indian agent, or other representative of his Office, to visit the following-named Indian tribes: Choctaw, Pottawatomie (Kansas), Senecas of New York, Six Nations of New York, Pawnees, and the Sacs and Foxes of the Mississippi, for the purpose of conferring and negotiating and entering into a written agreement with each tribe for the commutation of the perpetual annuities due them under treaty stipulations; and the Commissioner of Indian Affairs shall transmit to Congress at its next regular session said agreements with such recommendations as he may deem proper.

Mr. CLAPP. I move to amend the amendment by inserting, in line 23, page 8, after the word "Choctaw" the words "Chickasaw, Cherokee, Seminole, Creek."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 9, line 16, after the word "That," to insert "hereafter," so as to read:

Provided, That hereafter warehouses for the receipt, storage, and shipment of goods for the Indian Service shall be maintained at the following places; New York, Chicago, Omaha, St. Louis, and San Francisco.

The amendment was agreed to.

The next amendment was, on page 9, line 20, after the word "That," to insert "hereafter," so as to make the further proviso read:

Provided further, That hereafter payment for transportation of Indian goods and supplies shall include all Indian transportation lawfully due such land-grant railroads as have not received aid in Government bonds.

The amendment was agreed to.

The next amendment was, on page 10, line 6, after the word "That," to insert "hereafter," so as to read:

Provided further, That hereafter in expending money appropriated for this purpose a railroad company which has not received aid in bonds of the United States, etc.

The amendment was agreed to.

The next amendment was, under the head of "II. General officers and employees," on page 11, after line 15, to strike out:

INSPECTORS.

For pay of eight Indian inspectors, two of whom shall be engineers, one to be designated as chief, competent in the location, construction,

and maintenance of irrigation works, at $2,500 per annum each, except the chief engineer, who shall receive $3,500, $21,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 22, to strike out:

For traveling expenses of eight Indian inspectors, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, $12,800.

The amendment was agreed to.

The next amendment was, under the subhead "Superintendent of Indian Schools," on page 12, line 17, after the word "law," to insert: "And hereafter he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior;" so as to make the clause read:

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, $1,500: *Provided*, That he shall be allowed $3 per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare in lieu of all other expenses now allowed by law. And hereafter he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

Mr. KEAN. I should like to ask the Senator from Minnesota what is the purpose of this amendment?

Mr. CLAPP. That was put in there so that the superintendent——

Mr. KEAN. It is the superintendent of Indian schools. What other duties are there for him to perform?

Mr. CLAPP. He is the general superintendent. He is not at any Indian school. The Department finds there are times when it might employ him on other work, and it desires authority to do so.

Mr. KEAN. Do you not think there ought to be some limitation on the superintendent? Ought he to be employed for every purpose?

Mr. CLAPP. I think he ought to be kept busy.

Mr. KEAN. I think he ought to be employed to look after the schools.

Mr. CLAPP. He is primarily. The amendment says:

And hereafter he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

If he is not engaged all the time, and if there is other work that he can do, the idea of the Commissioner was that he should have that authority.

Mr. TELLER. Mr. President, I can not conceive what he can be assigned to that will be beneficial more than what he is doing under his present office. There certainly is not any time for the superintendent of schools to do additional work. He will do very well if he succeeds in visiting all the schools in the course of the year.

Mr. CLAPP. A lady holds this office.

Mr. TELLER. I know.

Mr. CLAPP. It is not designed that this lady shall in any manner lessen her interest in or her attention to or her work for the schools, but the Commissioner suggested that there were times when that work was not sufficient to keep her engaged, and he simply wanted authority in such a case, as anyone else would, with anybody under his employ, to keep her busy.

Mr. TELLER. She must be a very remarkable woman if she can discharge those duties, without having other duties imposed upon her. Of course I do not care to interfere with the administration of the office.

Mr. KEAN. Is not this an indirect way of increasing some one's compensation?

Mr. CLAPP. No; not at all. There is no additional compensation provided for.

Mr. KEAN. But there is additional compensation here allowed.

Mr. CLAPP. How?

Mr. KEAN. There is an additional compensation of $3 a day for traveling expenses.

Mr. CLAPP. That has always been there.

Mr. CLARK of Wyoming. I will say to the Senator from New Jersey, with some little knowledge that I have of the duties of that office, that the allowance for traveling expenses will be fully consumed every day in the year which can be spared outside of the main office. For myself, I can not imagine a reason for this, and I have been looking through the report to see the reason given by the Commissioner of Indian Affairs for this amendment. The Senator from Colorado says it must be a very remarkable woman who is in charge of this office. The Senator from Colorado probably knows her very well, and I will say she is a very remarkable woman and probably has as good executive ability as anyone in the Indian Bureau. I know that the time of the present incumbent is fully taken up. She is an enthusiast in the office, and her time is fully occupied with the duties of the office. I have been looking for some information as to why this amendment was proposed.

Mr. TELLER. Will the Senator allow me to ask him a question?

Mr. CLARK of Wyoming. Certainly.

Mr. TELLER. Does the Senator think it would be possible, without detriment to the public service, to assign this woman to any duty except that which she now has?

Mr. CLARK of Wyoming. I do not. I know the duties of that office will consume every day of the entire year.

Mr. TELLER. I think so.

Mr. CLARK of Wyoming. Not only is the head of the office busy, but numerous clerks are fully employed. There may be some reason for the amendment.

Mr. CURTIS. I understood the Commissioner to say at the hearing that frequently it is necessary to send the superintendent to certain schools in cases where all the inspectors or special agents are busy; that she was the proper person to send, being in charge of the schools, and that was the reason why the amendment was put in.

Mr. CLARK of Wyoming. I think that would be a proper reason, but under this amendment he could put her to work on an irrigation dam.

Mr. CURTIS. He would hardly do that.

Mr. CLARK of Wyoming. The language is so broad, it seems to me there is danger of injuring the school service by putting the superintendent of schools on other work.

Mr. CURTIS. While she would be in general charge of the schools, she might also have to act as superintendent of a particular school, because the superintendent might be removed. Under existing law she could not act as superintendent. Yet, if she was sent out to some school to take charge of it, she ought to have the right to do just as an inspector may now do when he is sent.

Mr. CLARK of Wyoming. Yes. On the other hand, I would suggest to the Senator from Kansas that this officer might be sent to a school and kept there the year round.

Mr. WARREN. I want to ask the Senator from Kansas if the superintendent is not doing such work as he mentions.

Mr. CURTIS. I think the superintendent is.

Mr. WARREN. I think she has been doing that kind of work.

Mr. CURTIS. But there have been cases where she is not authorized under the law to perform certain duties which the Commissioner would like to have her perform while at the school, as I understood him. I may be wrong.

Mr. CLAPP rose.

Mr. CURTIS. The chairman will probably remember better about that than I do.

Mr. CLAPP. It is a matter of very little interest, I think. It does seem to me that when the head of a bureau asks for a matter of that kind, he ought to be regarded as the best judge as to whether it is advisable or whether it is necessary. The amendment is here at the request of the Indian Office. If the Senate prefers to strike it out very well.

Mr. CLARK of Wyoming. I made no motion to strike it out. I simply rose to ask for information.

Mr. CLAPP. The amendment is here because the Commissioner of Indian Affairs has asked for it.

Mr. CLARK of Wyoming. Has the Commissioner of Indian Affairs informed the committee why he wants it? That is what I ask for.

Mr. CLAPP. He stated, as the Senator from Kansas has already stated, that it is ofttimes desirable to send the superintendent of schools to examine them when no one else can be sent, and there is a question of authority, and he would like to have it plain, and for that reason the committee put the amendment in the bill.

Mr. TELLER. The Secretary of the Interior can of course order the superintendent of schools to do anything in the line of schools. I doubt whether he can order him to do anything else outside. I do not think he can put the superintendent on irrigation business or anything of that kind. But this provision would authorize that to be done if anybody has the thought of doing it.

I can not conceive why this is wanted. I am confident that

the superintendent of Indian schools has now more than any one person ought to do. I do not like to interfere with what appears to be the administration of affairs in the Indian Office, but I think I will venture to oppose this particular amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 13, line 21, after the word "stockmen," to insert "subject only to such examination as to qualifications as the Secretary of the Interior may prescribe," so as to read:

To enable the Commissioner of Indian Affairs to employ practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, in addition to the agency farmers now employed, at wages not exceeding $75 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, $125,000.

The amendment was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 28, 1908, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 27, 1908.

POSTMASTERS.

ALABAMA.

James I. Abercrombie to be postmaster at Columbiana, Shelby County, Ala.

Noah S. Daniel to be postmaster at Dora, Walker County, Ala.

G. Cullen Dean to be postmaster at Evergreen, Conecuh County, Ala.

Jethro D. Dennis to be postmaster at Marion, Perry County, Ala.

Albert W. Ellyson to be postmaster at Citronelle, Mobile County, Ala.

Emily R. Lawrence to be postmaster at Livingston, Sumter County, Ala.

Joseph D. McCleskey to be postmaster at Boaz, Marshall County, Ala.

Marcus T. McGriff to be postmaster at Columbia, Houston County, Ala.

Spencer J. McMorris to be postmaster at Wetumpka, Elmore County, Ala.

James W. McNeill to be postmaster at Luverne, Crenshaw County, Ala.

Florence E. Spears to be postmaster at Pell City, Etowah County, Ala.

James V. Walls to be postmaster at Guntersville, Marshall County, Ala.

GEORGIA.

Fred J. Allen to be postmaster at East Point, in the county of Fulton and State of Georgia.

Nemie F. Awtrey to be postmaster at Lagrange, Troup County, Ga.

Charles Beugnot to be postmaster at Mount Vernon, Montgomery County, Ga.

John H. Boone to be postmaster at Hazelhurst, Jeff Davis County, Ga.

James F. Boughton to be postmaster at Madison, Morgan County, Ga.

William H. Carroll to be postmaster at La Fayette, in the county of Walker and State of Georgia.

William J. Campbell to be postmaster at Fairburn, Campbell County, Ga.

William O. De Loache to be postmaster at Talbotton, Talbot County, Ga.

William E. Dunham to be postmaster at Cochran, in the county of Pulaski and State of Georgia.

William J. Evans to be postmaster at Stillmore, Emanuel County, Ga.

Fred Feltham to be postmaster at Boston, Thomas County, Ga.

John I. Fullwood to be postmaster at Cedartown, Polk County, Ga.

Mattie E. Gunter to be postmaster at Social Circle, Walton County, Ga.

Lizzie Hamilton to be postmaster at Buford, Gwinnett County, Ga.

Mattie H. Hanson to be postmaster at Forsyth, Monroe County, Ga.

Mary C. Heinsohn to be postmaster at Sylvester, in the county of Worth and State of Georgia.

Virginia W. Henderson to be postmaster at Oxford, Newton County, Ga.

Mary E. Hinton to be postmaster at Woodbury, Meriwether County, Ga.

Edward A. Hollis to be postmaster at Reynolds, Taylor County, Ga.

Robert E. James to be postmaster at Douglasville, Douglas County, Ga.

William T. Johnson to be postmaster at Collegepark, Fulton County, Ga.

Newton T. Jones to be postmaster at Pelham, in the county of Mitchell and State of Georgia.

George L. Liverman to be postmaster at Bainbridge, Decatur County, Ga.

John C. Massey to be postmaster at Hartwell, Hart County, Ga.

Mattie Mitchell to be postmaster at Acworth, Cobb County, Ga.

Charles E. Murphy to be postmaster at Waycross (late Way Cross), in the county of Ware and State of Georgia.

Julius Peacock to be postmaster at Vidalia, Toombs County, Ga.

Terrell C. Peterson to be postmaster at Fort Gaines, in the county of Clay and State of Georgia.

Hugh M. Pierce to be postmaster at Moultrie, Colquitt County, Ga.

Gordon G. Ridgway to be postmaster at Royston, Franklin County, Ga.

William T. Rudolph to be postmaster at Thomaston, in the county of Upson and State of Georgia.

John W. Spinks to be postmaster at Dallas, Paulding County, Ga.

Richard W. Tindall to be postmaster at Jesup, Wayne County, Ga.

William M. Wakeford to be postmaster at Adel, in the county of Berrien and State of Georgia.

George P. Whigham to be postmaster at Bartow, Jefferson County, Ga.

William M. Wilson to be postmaster at Blue Ridge, Fannin County, Ga.

George E. Youmans to be postmaster at Adrian, Emanuel County, Ga.

IOWA.

Aaron M. Loomis to be postmaster at Wyoming, Jones County, Iowa.

MAINE.

Fred H. Atwood to be postmaster at Rumford Falls, Oxford County, Me.

MASSACHUSETTS.

Fred A. Hanaford to be postmaster at South Lancaster, Worcester County, Mass.

MICHIGAN.

Frank A. Peavey to be postmaster at Upton Works, St. Clair County, Mich.

NEW JERSEY.

Charles H. Bennett to be postmaster at Dover, Morris County, N. J.

Richard F. Treweeke to be postmaster at Butler, Morris County, N. J.

NORTH CAROLINA.

J. W. Brown to be postmaster at Oxford, Granville County, N. C.

Percy B. Matheson to be postmaster at Wadesboro, Anson County, N. C.

Thomas E. Wallace to be postmaster at Wilmington, New Hanover County, N. C.

SOUTH CAROLINA.

Susan E. Morton to be postmaster at Due West, Abbeville County, S. C.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 27, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PROVIDING FOR A TERM OF UNITED STATES CIRCUIT AND DISTRICT COURTS AT LANDER, WYO.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill, with an amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4064) to provide for a term of the United States circuit and district courts at Lander, Wyo.

Be it enacted, etc., That hereafter, and until otherwise provided by law, there shall be held annually on the first Monday in October a term of the circuit and district courts for the district of Wyoming at the town of Lander, in said district.

SEC. 2. That the marshal and clerk of said district shall each, respectively, appoint at least one deputy, to reside in said town of Lander, unless he himself shall reside there, and he shall also maintain an office at that place.

Provided, however, That a place shall be furnished for holding of said courts without any expense to the Government of the United States.

The amendment was read, as follows:

Strike out the word "provided," in line 10; all of line 11, page 1, and all of lines 1 and 2, page 2, and insert "*Provided*, That until a public building is provided on the site now owned by the Government in said town of Lander, a place shall be furnished for the holding of said court at an expense to the Government of the United States not to exceed $300 annually."

The SPEAKER. Is there objection?

Mr. LIVINGSTON. Mr. Speaker, may I ask the gentleman from Wyoming what he means by appointing a deputy clerk in each locality? What do you mean by holding court without any expense to the United States Government?

Mr. MONDELL. The provision for the holding of a term of court without any expense for rent is modified by the amendment suggested by the chairman of the Committee on Appropriations—that the expense shall not exceed $300 per annum for a place to hold court.

Mr. LIVINGSTON. Why do you appoint a deputy clerk in each place?

Mr. MONDELL. In order that there may be a clerk at that point to transact such business as may be required; but no additional expense is involved, because the clerk is paid only in fees.

Mr. LIVINGSTON. Can he charge $5 for every day that he serves there?

Mr. MONDELL. He can not.

Mr. LIVINGSTON. Is that limited and fixed?

Mr. MONDELL. The clerk is paid exclusively by fees, as I understand it.

Mr. LIVINGSTON. But now he is entitled to a fee if he makes an entry upon his books in the presence of the court. Can this man charge fees when the judge is not there?

Mr. MONDELL. I understand not. I understand it involves no additional expense. On the contrary, the committee which reported it stated that this will amount to a saving of $5,000 per annum.

The SPEAKER. The Chair hears no objection.

The committee amendment was agreed to.

The amendment to the committee amendment was agreed to.

The bill as amended was read the third time and passed.

BRIDGE ACROSS MONONGAHELA RIVER BETWEEN BROWNSVILLE AND WEST BROWNSVILLE, PA.

Mr. COOPER of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17220).

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17220) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906.

Be it enacted, etc., That section 7 of an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, be, and is hereby, amended to read as follows:

"SEC. 7. That this act shall be null and void unless the construction of said bridge shall be commenced within one year from April 23, 1908, and shall be completed by April 23, 1911."

The committee amendments were read, as follows:

SEC. 2. That the bridge to be constructed under the provisions of said act shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time; was read the third time and passed.

On motion of Mr. COOPER of Pennsylvania, a motion to reconsider the last vote was laid on the table.

VALIDATING CERTAIN ACTS, THIRTY-SEVENTH LEGISLATIVE ASSEMBLY, TERRITORY OF NEW MEXICO.

Mr. HIGGINS. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17055) to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico.

Be it enacted, etc., That the act of the thirty-seventh legislative assembly of the Territory of New Mexico, entitled "An act creating four armory boards of control and providing for the construction of armories in the cities of Sante Fe, Roswell, Silver City, and Lascruces," approved March 20, 1907; and an act of the same assembly and session entitled "An act to construct an addition to the present capitol building and for the construction of an executive mansion, and to purchase certain real estate and to provide the necessary means therefor, and for other purposes," approved March 21, 1907, and sections 37, 38, and 39 of an act of the same assembly and session entitled "An act providing funds and making appropriations for the fifty-ninth and sixtieth fiscal years, and for other purposes," reported by conference committee, approved March 21, 1907, be, and the same are hereby, approved, and that the bonds therein provided for, whenever issued in compliance with said acts of said legislative assembly of the Territory of New Mexico, shall be valid and binding upon said Territory of New Mexico, as in said acts provided, and that all necessary power and authority is hereby granted said Territory of New Mexico to issue and dispose of said bonds in accordance with the provisions of the said acts.

SEC. 2. That this act shall be in full force and effect from and after its passage.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, from what committee does this bill come?

Mr. HIGGINS. It is the unanimous report of the Committee on Territories and meets the approval of the Interior Department.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

ASSIGNMENT OF OFFICE ROOMS.

Mr. MANN. Mr. Speaker, I call up the privileged House resolution No. 217 for consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the rooms in the House Office Building bearing the following temporary numbers, according to the plats accompanying House resolution No. 53, passed by the House December 19, 1907, to wit, 313, 314, and 315, and the large room at the southwest corner of the House Office Building, be, and the same are hereby, assigned for the use of the Committee on Ways and Means, and to the same committee, as an additional room for temporary use, the room on the House floor of the Capitol building, now occupied by the Speaker, and that the rooms now occupied by the Committee on Ways and Means are hereby assigned for the use of the Speaker.

Mr. PAYNE. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. PAYNE. Mr. Speaker, I offer the following substitute.

Mr. MANN. I suppose at this time that would be offered simply for information.

Mr. PAYNE. It would be pending, perhaps.

Mr. MANN. I have no objection. Neither the gentleman from New York [Mr. PAYNE] nor myself at this time desire to go into consideration of the bill under the five-minute rule, at least.

Mr. PAYNE. No.

The SPEAKER. Does the gentleman offer this for information or as a pending amendment? The Chair did not understand the gentleman.

Mr. MANN. It may be considered as pending, so that it may be voted upon at the proper time without interfering with the right of debate.

The SPEAKER. The Clerk will read the substitute.

The Clerk read as follows:

Resolved, That for the present session of Congress the rooms now occupied by the Committee on Ways and Means be assigned for the use of the Speaker, and the room now occupied by the Speaker and such other room in the Capitol as may be available be assigned to the Committee on Ways and Means; that during the interim between the first and second sessions of this Congress the superintendent of

the Capitol shall have the files removed from the present file room to some other suitable place in the Capitol, and shall have the file room and the room now occupied by the Committee on Pensions fitted up as committee rooms; that at the beginning of the next session of Congress the rooms now occupied by the Committee on Ways and Means be reassigned to said committee; that the two rooms formerly occupied by the Speaker and now occupied by the Committee on Appropriations at the southwest corner of the Capitol on the House floor be assigned to the use of the Speaker, and the three remaining rooms on the west side of the Capitol, House floor, be assigned to the use of the Committee on Appropriations.

Mr. MANN. Now, Mr. Speaker, while I have not seen the substitute proposed by the gentleman from New York, nor heard it until it was read from the Clerk's desk, the proposition is not a new one to me nor to the special committee. The special committee which was appointed at the beginning of the session of Congress for the purpose of presenting plans for the distribution of the rooms in the Office Building and in the Capitol building has considered a great many different propositions for the purpose of giving to the Speaker more room. I think there is no possible combination of rooms in reference to the Capitol building which our special committee did not carefully consider. The substitute resolution, of course, concedes, as every Member of the House concedes, the absolute necessity in the orderly conduct of the business of the House that the Speaker shall be given better quarters than he now has as the office of the Speaker. So that matter no longer requires discussion. The proposition of the special committee in the resolution is to give to the great Committee on Ways and Means, the ranking committee of the House, which does its work principally at the time when it is making up tariff legislation and having tariff hearings, the finest suite of office rooms, I dare say, in the United States, certainly the finest in the city of Washington—to give to that committee the large room at the southwest corner of the new Office Building on the third floor, which of itself is the finest room in this city of fine rooms, and the best adapted room for the purposes for which the Ways and Means Committee is particularly constituted. We have marked on the plat standing in front of us the four rooms which our committee has proposed to give to the Ways and Means Committee. We propose in addition to that to give to that great committee a room in the Capitol building, for the present the room now occupied by the Speaker, so that the members of that committee may have in the building next to the Hall of the House itself, a room where they may retire and where they may meet their friends.

The proposition offered now by the Committee on Ways and Means is to shift some other committee. Mr. Speaker, I have learned during the time I have been chairman of this special committee that every committee of the House is willing that some other shall be discommoded. My own judgment is, and I wish to express that as the conclusion which I have reached myself, that in the end both the Committee on Ways and Means and the Committee on Appropriations will have to leave the two sides of the House, east and west, and then the rooms now occupied by the Committee on Appropriations in the end will be reserved for the use of the Members of the House as the Marble Room is used on the Senate side of the Capitol. [Applause.] I do not believe that because we have erected a great Office Building for the benefit of the Members of the House that therefore we ought to deprive the Members of the House, in the Chamber and in the Capitol, of the privileges which they now enjoy or which they ought to enjoy. The first proposition that was made by the distinguished gentleman from New York to us was that we take off a part of the corridor of the lobby of the House. I protested so far as I was concerned, I never would bring to the House a proposition to take away the privileges which the Members now enjoy, and I think that this proposition is equally bad. Not only is the proposition to shift the Committee on Pensions, but to move the file room and to absolutely cut off any possibility in the future of making that part of the building over for the benefit of Members of the House, and they propose to discommode every Member of the House who has occasion to use the file room.

Not long ago, or when this proposition first came up, I submitted to the Superintendent of the Capitol a proposition in reference to the possibility of moving the file room. He submitted the proposition to the Clerk of the House; and I have the letter of the Clerk of the House in response to that, in which he says that it would be a great error, in his judgment, to discommode the Members of the House by moving the file room of the House off the floor of the House. A few years ago we expended $20,000 in fitting up the file room and the vaults in connection with the file room. The files of this House go down below this floor and they go to the roof of the Capitol. The proposition now is to take the files where? Possibly over to the new Office Building. We have found no place here to put these files where they ought to be outside of the floor of this House. The files are constantly used by the officers of the House; they are constantly called for in the conduct of the business of the House.

Now, I have the greatest regard and respect not only for the great Committee on Ways and Means, but for the members of that committee. If I thought for a moment that we were interfering with the dignity of the committee, I would not offer the proposition I have presented; but I fail to see how it in any way reflects upon the dignity or might of this committee of the House when we give to them not only a room in this building adjoining this Chamber, but give to them, by long odds, the best suite of rooms in the new Office Building.

Mr. Speaker, there have been many times when the gentleman from New York would have been glad to ask us to give him the room now occupied by the Speaker, and I wish to give him an opportunity now which I had hoped before that he would accept with pleasure. He would have dignified the room if he were to occupy it officially as Speaker of the House [applause], and it is no reflection upon him and no reflection upon his committee. After considering this matter without bias, without personal interest, without any inclination to do anything except that which was for the best interest of the membership of the House as a whole, we have reported the resolution now under consideration. We offered to the Ways and Means Committee in the Capitol building almost every other suite of rooms in the building, or were willing to do it, but we could see no place which they would accept; and while they desired that the Speaker should be taken care of, he should be taken care of at the expense of the Committee on Appropriations, at the expense of the House in the moving of the file room, and at the expense of the Committee on Pensions. I have no desire to make any reflection upon the committee. The matter is for the House to determine. Our committee knew that they ought to at least bring the matter in some tangible shape before the House. The Committee on Appropriations, I take it, is prepared and able to defend their own claims and their own interests. In our judgment, it would detract from the benefit of the Committee on Appropriations to shift it to the three rooms, as now proposed—practically three rooms, two of which are separated—and I believe that, without intending the slightest reflection on the committee, if the Ways and Means Committee will go to the new building and during the next session of Congress—if the fall elections should be Republican—will carry on their tariff hearings through the next session, they will leave the halls of Congress and the corridors free from the crowd which otherwise will pour in here, and that after they have occupied those rooms three months nothing will bring them back; and if perchance the country should be so afflicted in the fall elections as to favor the gentlemen upon the other side of the House, and a special session should for any reason be called, then the distinguished gentleman from Missouri [Mr. CLARK] would have the privilege of occupying these rooms as Speaker and let the new Committee on Ways and Means conduct its tariff hearings in this beautiful suite of rooms in the new building, and they never could be brought back into this building. I reserve the balance of my time.

Mr. NORRIS. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly.

Mr. NORRIS. I want to ask the gentleman from Illinois a question on a different phase of this subject. I notice in the resolution which the committee has reported that they give to the Committee on Ways and Means the room now occupied by the Speaker for temporary purposes. I would like to ask the gentleman if his special committee has taken into consideration the possibility of another elevator coming up in the lobby of the House where the Speaker's room now is occupied by the Speaker?

Mr. MANN. The room now occupied as the Speaker's room in the end, I take it, will be used by the House for the purpose of bringing up not only one, but probably two additional elevators, bringing up Members from the subway to the floor of the House, these two elevators to be for the exclusive use of the Members. That would of course take away from the Ways and Means Committee that room.

But if the House should, for a good reason, order the Speaker's room to be used for elevator purposes hereafter, we have guarded against that, and expect to be able to provide without difficulty, on this floor of the House, adjoining this Hall, another room for the use of the Ways and Means Committee without conflict.

Mr. NORRIS. I call the gentleman's attention to it, because I know there has been a good deal of conversation between

Members on this side, and there is no doubt that some additional means of gaining admission to the House on the part of the membership will be necessary.

Mr. MANN. Absolutely necessary.

Mr. NORRIS. I think so; and in order that there may be no misunderstanding, I would suggest that the word "temporary" might be modified, so that it would be understood that this ought not to be given to the Ways and Means Committee for a longer period than the end of the session.

Mr. MANN. That is what we would put the word "temporary" in there for. The gentlemen of the House will all understand the difficulty of making a great many shifts of committee rooms when you have no starting point. I think the Members of the House who have dealt with our committee will bear me out in the statement that, outside of the distinguished Committee on Ways and Means and the Committee on Appropriations, which our committee have not been able to move in any way, all of the chairmen of committees who have dealt with our committee—and I think we have dealt with every other chairman in some way—have found out that we have dealt with them in the utmost frankness and fairness.

Mr. NORRIS. I think so.

Mr. MANN. And we have taken care of them as well as possible. Now, if this resolution be adopted in its present form we will be able, before this session is over, to present to the House a proposition which I am sure will meet with the approval of the House, and give to the Ways and Means Committee another room besides the room now occupied by the Speaker on this floor, accessible to the House.

Mr. NORRIS. I am not finding fault with the gentleman, but at the same time it seems to me that there ought to be an understanding that this particular room now occupied by the Speaker can not be used by any committee longer than the present session.

Mr. DALZELL. Will the gentleman indicate what this room is that he is going to give to the Committee on Ways and Means?

Mr. MANN. I would if I thought it would do the gentleman any good or that it would have any effect.

Mr. DALZELL. I assure the gentleman that it would do me a great deal of good, and I should like to know about it; and I think there are some other gentlemen here who would like to know, who are interested in the question.

Mr. MANN. I will tell the gentleman what he wants to know, for he wants me to say it, and I will be perfectly frank about it. It will be either the room of the Committee on Military Affairs or the room of the Committee on Pensions, and I may say to the House that we are prepared to present to the House, if this resolution goes through, a proposition which will meet the approval of either the Committee on Military Affairs or the Committee on Pensions for a transfer of the rooms. But we can not do that in advance, because we can not carry the plans through unless we know where we start from. It is not proposed to present any plan which will not meet with the full approval of the Committee on Military Affairs or the Committee on Pensions, but I have talked with the members of these committees, and with their chairmen, and I am warranted in making the assertion which I have.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, the Committee on Ways and Means has no fear for the dignity of that committee, for the rank of that committee in the House, and do not think that it depends upon a question whether they have a room here in the Capitol or rooms over toward Long Bridge, as the gentleman has proposed, or whether they have any room at all. So long as that committee is in charge of framing the revenue laws confided to the House by the Constitution, it must and will be the ranking committee of the House.

Now, Mr. Speaker, because of that fact the committee and the members of the committee must be in touch with the business of the House. During the nine years I have had the honor to be chairman of it no man has ever heard me in this Hall say that by virtue of such chairmanship I was the leader of the majority, and only because it becomes necessary to illustrate this matter do I say so to-day. And because of that fact I have felt it my duty at all times during the sessions of the House to be here in person and be present at all the sessions whenever any business of importance was transacted, or otherwise. I have found it not alone convenient but absolutely necessary to have some room within easy access of this Chamber where I might retire for a moment to talk with the various Members of the House—and that happens every day—where I might go to meet some gentlemen, not Members of the House, but still interested in the legislation of the House, and that happens every day.

I have felt that it was indispensable that this committee should have some room on the floor of the House adjoining the Chamber, not only for the chairman of the committee but for the other members of the committee, the ranking member of the minority, the ranking member next to the chairman in the majority of the committee, who have frequent and daily occasion to use a room adjacent to the Hall of the House.

This proposition came through the newspapers last fall, to my utter astonishment, because I remember that when the first act was passed for the Office Building it was to authorize the Superintendent of the Capitol to prepare plans for a building for offices for Members of the House, not a word being said about committee rooms. An examination of the statutes since has shown me that not only offices but committee rooms were specified in the succeeding appropriation. It is very easy for an appropriation to slip in in an appropriation bill without Members' attention being called to all the purposes of the appropriation.

Now, Mr. Speaker, when I came here I met the gentleman from Illinois [Mr. MANN], who spoke about these magnificent rooms over in the Office Building. I went to look them over to see whether they would be convenient for the work of any committee of this House. The gentleman talks about the most beautiful room in this city of beautiful rooms. Of what practical use is a room 60-odd feet long by 30 feet in width for a committee in this House, a room which has been reported to me by gentlemen who were there during the late hearings before the Agricultural Committee as being a room in which it was very hard to hear what was going on, a room which was spoken of in the Outlook, in an article, as a room in which they could not hear what was being said? I had hoped it would be a good room for committees of the House when they had a large hearing to assemble and conveniently take care of the business of the hearings. I had not dreamed that any such room as that was to be given any committee of nineteen men for the purpose of transacting the business of the committee. The three other rooms are smaller than any committee room in the Capitol; they are neither of them large enough to accommodate the committee meetings, and it would have to meet in the large room, for it would not be convenient for the business of that committee to meet in the small room.

I told the gentleman from Illinois that I did not see how this committee could properly discharge its duty, not alone while forming a tariff but during any year that Congress is in session, because hundreds of bills go to that committee, scores of hearings are had at every session of Congress, and at all times it should be necessary for it to have a convenient room in which its business could be transacted.

Mr. SHACKLEFORD. If the gentleman will allow me, I want to ask how many bills have been reported out of that committee at this session of Congress?

Mr. PAYNE. I do not know how many and I do not care how many. There have been many, many bills at every session.

Mr. SHACKLEFORD. But I want to ask the gentleman——

Mr. PAYNE. I do not care to bother with the gentleman now until after I get through. He can get the floor by and by, when he can score the Speaker of the House or some other gentleman.

Mr. SHACKLEFORD. That is not the issue just now. I will do that when the time is ripe.

Mr. PAYNE. Now, the gentleman from Illinois [Mr. MANN] met that question by saying that he would not think of moving this committee without giving them a proper room on the floor of the House. Well, we have this resolution, and we have it after what has occurred in the House with reference to moving the Committee on Military Affairs. The gentleman from Illinois [Mr. MANN] said that his committee had not attempted to force any committee to move over, and he said they would not attempt to force the Committee on Military Affairs to move over, and struck from the resolution all reference to the Committee on Military Affairs. And that corner seemed to be closed for any room to the Committee on Ways and Means. One day, without notice—of course the gentleman was not bound to give notice—he introduced this resolution into the House. What does it provide? Why, he already said to us that he wanted to use the Speaker's present room for an elevator; that it was essential to use it for that purpose, and he provides that we may use it temporarily. He says now he is going to provide a room for us—either that of the Military Affairs or the room of the Pension Committee, on the opposite corner of the House—and now he comes here and says that everyone seems to be willing that any committee should suffer inconvenience except his own. Yet the only committee in the House that has offered to do anything to relieve the Speaker and give him more quarters now is the Committee on Ways and Means, by the proposition

which it brings in here to-day offering to surrender those rooms for the balance of the session or until such time as proper rooms can be fixed for the Speaker on the other side of the Chamber. I suggest to the gentleman that the Committee on Appropriations could be accommodated and the Committee on Ways and Means could be accommodated by committee rooms on the floor of the House, adjoining the Chamber. I suggested to him to take possession of the file room and the room of the Committee on Pensions. He is very tender of the Committee on Pensions this morning and says we propose by our substitute to drive them out of the Capitol. Then, almost in the same breath, he says he proposes to give them rooms where they will be better accommodated if this resolution passes, in order that the Ways and Means Committee may have that room over there. I proposed to him to take those two rooms and give them to the Committee on Appropriations and let them keep their present room in the middle of that side of the Chamber, giving them three rooms as large or larger than they have to-day, and that the Speaker take the two rooms from which the Committee on Appropriations would move—rooms, one of which was occupied by the Speaker for years up to the time the office was made for him over here in the corridor; give him those two rooms and let the Committee on Appropriations have those three rooms.

Mr. LIVINGSTON. Will the gentleman pardon a suggestion?

Mr. PAYNE. Yes.

Mr. LIVINGSTON. When Mr. Carlisle, as Speaker of the House, was assigned a room next to the elevator he remained there but two years, and absolutely begged to get away from there for these reasons——

Mr. PAYNE. Well, it had been occupied by Speakers for years before that.

Mr. LIVINGSTON. He was bound to give it up, and gave it up because of the noise of the elevator.

Mr. PAYNE. I do not know how about Mr. Carlisle; but if we give that room over there of the Committee on Ways and Means to the Speaker of the House we may have some other Carlisle who says that he is too close to the elevator, and he will want to move away from that room.

Mr. LIVINGSTON. There is no elevator over there.

Mr. PAYNE. Why, there is an elevator there. The gentleman ought to go and look at the location. [Laughter.] The elevator is as near to the door of the room as this is over here. Mr. Speaker, what was the answer to that proposition? Why, the file room could not be changed. We sent for the Superintendent of the Capitol, and he said he could make the changes of the file room and shift them to a room below and fit up those two rooms for committee purposes inside of two weeks. Then the gentleman from Illinois [Mr. MANN] presented a letter from the Clerk, in which he said he would want to make an inventory of all the files before they were moved and that it could not be done during the session of the House. Then we said to them, We will vacate those two rooms there now. Give us a room here in the Capitol or we will go over yonder, even for the rest of this session of Congress, and then after it is over remove the files and fit up those two file rooms and give them to the Committee on Appropriations and to the Speaker of the House. The gentleman says that it is discommoding two committees to do that. What two committees will it discommode? Will it discommode the Committee on Appropriations to shift them to offices over on the same floor to the adjoining Hall of the House? Is that discommoding the Committee on Appropriations?

Mr. LIVINGSTON. One of the three 30 feet away.

Mr. PAYNE. He says that it would discommode the Committee on Pensions, and yet he proposes himself to discommode the Committee on Pensions or on Military Affairs by moving them somewhere else.

Why, he has given the Committee on Pensions now an extra room over in the Library; let him give them another room in that vicinity. He can take care of the Committee on Pensions. No, no, gentlemen; the idea of the gentleman from Illinois is that the Committee on Ways and Means shall be subject to all the discomforts arising out of this matter; put it upon them rather than have some other of the committees of the House share the burden. What is our proposition? Give the Speaker those two rooms now. Now, let our committee take that room and another in the Capitol, to be assigned during the remainder of this session; then let the files be removed and those two rooms be fitted up for the Committee on Appropriations, and they will be accommodated. But, he says, the files cost $20,000. Now, the files cost just $12,400. Of course these things grow as years flow by, but, according to the report of the Superintendent of the Capitol, that is what they cost. They can be removed without harm, without injury, without loss, and at very little expense.

Mr. MANN. I may say to the gentleman that may be the report of the Superintendent to him, but that is not the report the Superintendent has made to me.

Mr. PAYNE. It is the report the Superintendent made in 1902, if that was the year he put the files in, to the Congress of the United States. If he has made a subsequent report, I think he should be held to his official report. What is the answer to that proposition? Why is it not fair and just to the Members of the House, and at the same time it gives the Committee on Ways and Means quarters here adjoining the floor of the House in which they may transact their business? We have hearings at every session, and those hearings it is impossible to adjourn at 12 o'clock, and if we are in there having a hearing we could come on the floor at a moment's notice; and if we are over there in the other end of that building, two blocks away, we must adjourn the hearing at least ten minutes before 12 and compel people who come here from a distance to stay over until the House has adjourned or until the next day.

Now, it seems to me, gentlemen, that the Committee on Ways and Means have met this matter fairly. They have never, not one of them, said a word against taking care of the Speaker by giving him two appropriate rooms convenient to him. They offer to incur inconvenience at this session of Congress in order that he may have those rooms at once. It seems to me the House ought to vote the substitute offered by this committee in the disposition of these rooms.

I reserve the balance of my time and yield to the gentleman from Missouri such time as he desires.

Mr. CLARK of Missouri. Mr. Speaker, I do not have any idea that the Republic will cease to exist, no matter how this question is determined. Still, it is a matter of a good deal of interest to members of the Ways and Means Committee and it is a matter of some importance to the other Members of the House. My friend from Illinois offers me a very tempting bait—that after the 4th of next March, in my capacity as Speaker, I will occupy these rooms now occupied by the Ways and Means Committee. [Applause and laughter.] I used to have a constituent named Nat C. Dryden, a very brilliant man, who was very fond of giving out this dictum, "A bird in the hand is the noblest work of God." [Laughter.] I am the ranking Democratic member on the Committee on Ways and Means, and no matter how the cat jumps at the next election I suppose, as a matter of ordinary courtesy, I would retain that place if the House were Republican; if Democratic, why, "Barkis is willin'" in the matter of the Speakership. [Applause.] The situation about the Speakership is this: There are 391 Members in this House. One of them is Speaker, and not a single one of the other 390 would decline it if offered to him on a silver platter. Now, the Speaker has a small room. In the present exigency in which the presiding officer of this House finds himself he ought to have two. [Laughter and applause.] There are three sorts of people who wait on the Speaker—one set on business, another set on business, and another set just to see the Speaker and shake his hand. That room is not as commodious as it ought to be for the Speaker. I freely admit that. Certainly he ought to have two—perhaps three. I will tell you how I feel about that in connection with the Speakership. The first time that my wife and I ever attended a White House dinner she was assigned to the Peruvian minister to take her out to dinner. She could not talk any Peruvian [laughter] and he could not talk much English, and though she is a very fine talker, the conversation lagged somewhat.

But, sitting on her right was Mr. Secretary of State John Sherman. She had never been introduced to the Secretary, but she recognized him by his pictures. She had frequently told me privately that she intended that if she ever got close enough to him to ask him about the "Crime of '73." [Laughter.] They scraped up an acquaintance, and Secretary Sherman explained to her how the President and his wife were bedeviled with all sorts of people and how unsanitary the conditions of the house were, and that it wore the President and his wife to a frazzle, and endangered their health—even their lives. After drawing as gloomy a picture as he could, he asked her, "Madam, would you be willing to see your husband live in this house four years with all that trouble and danger and under those conditions?" With that good sense which she exhibited when she picked her husband, she said, "Yes; I think I would." [Great laughter.] She said she was willing to take the chances of insanitary conditions and nervous prostration to see her husband in the White House for four years. Well, I would like to see the Speaker have two rooms. I would be perfectly willing to accept the Speakership with one or even without one. [Laughter.]

To be perfectly frank, gentlemen, it is necessary that the Speaker have two rooms. There is no question about that. No difference who he is, he ought to have them. When you go in

there to see the Speaker you have to talk in the presence of four or five men, maybe a dozen. It may not be a matter that is strictly confidential, and yet you do not like to have everybody listen to what you say, and he has either to turn them out or talk in their presence. That is the first proposition about it.

When the gentleman from Illinois [Mr. MANN] first broached this matter to me, to be perfectly frank, and I ought to be, my understanding was that the Ways and Means Committee and the Appropriations Committee, and the two rooms for the Speaker, could not be provided on this floor—all three. I was very much disposed, in order to keep peace all around, to go over yonder into the Office Building. I investigated the situation for myself, and that is always the best way to do about anything, anyhow, if you have the time. I found out that there is no sort of trouble about it on the face of the earth; not a particle. And this substitute provides the only way out of it; and therefore I am in favor of the substitute. It gives the Speaker two rooms over here in the southwest corner, where he was for some time; it moves the Appropriations Committee up a peg, or a room, and gives that committee three good rooms; and I think they ought to have three good rooms. Of course, in order to do that the Pension Committee would have to vacate; but the Pension Committee has one room in the old library part of this building, and I suppose as a matter of ordinary common sense they would rather have the two rooms together.

You can not fix it up on the east side of the Hall of the House because of this opening out here, this big room which is used by the press; and, of course, in hot weather everybody wants those doors open. I think sometimes that the architect who planned this Capitol ought to be dug up and hung, anyhow [laughter], because the Hall of the House and the Senate Chamber both are rooms inside of rooms, and the truth is that each one of them ought to have been a room clear out by itself, so that the sunshine and the air of heaven could come in on all four sides of it. That, however, is not the case. Of course this arrangement proposed by the gentleman from Illinois [Mr. MANN] for the room that the Speaker has now for the use of the Ways and Means Committee is purely temporary.

Everybody knows there must be more elevators. I have quit going up and down on this one at all, because it is so much trouble. You have to wait so long. There ought to be an elevator over on the northeast side for visitors and one in the northwest corner for visitors and other people. Then there is another objection to it. My warlike friend from Iowa [Mr. HULL] is the chairman of the Committee on Military Affairs, which has that room out in the corner, and we could not get it if we wanted to. It will cost some money, of course, to move these files, and it will cost some money to fix those rooms up over yonder in the Office Building. That is the whole situation so far as this floor is concerned. I am not going into a discussion here of the relative rank and dignity of committees.

It is not a matter of rank or dignity. The gentleman from New York [Mr. PAYNE] stated that correctly. So far as I am individually concerned, if it were as convenient and we could attend to the business of this House as well, I would just as lief be over yonder, if they would give us rooms as good as these, which they could not, because I do not believe they have got as good to give. But here is the truth about it, and we might as well recognize it. There are certain committees of this House which have to work all the time practically. Some of them do not have so much to do. The Committee on Appropriations works incessantly; constantly coming and going here when votes are being taken. It is the same with the Ways and Means Committee, but not so much, perhaps, just now as it is with the Committee on Appropriations. But it is not true that the labors of the Ways and Means Committee are restricted to getting up a general tariff bill, by any manner of means. I will tell my friend from Missouri [Mr. SHACKLEFORD] the situation about the bills in there. There are a great many bills reported by that committee. No tariff bill has been reported out of the committee, and everybody knows the reason why. There is no use going into that. Our friends on the other side are afraid to let any kind of a tariff bill come in here. They fear some way or another we will precipitate a tariff debate. But there are a whole lot of bills before that committee that are not tariff bills. The gentleman from New York [Mr. PAYNE] and the gentleman from Pennsylvania [Mr. DALZELL] and others are reporting bills out of there all the time. I will tell my friend from Missouri that there are seventy-five or one hundred "pop-gun tariff bills" in there, as they used to be called. Every one of those bills has got to be voted on in that committee, and I will see to that myself, with other Democrats of the committee. [Applause.] Of course, the chances are that they will be voted down, but they will have to be voted upon. They will have to be considered. Now, since this matter has come up we have spent two entire meetings, besides about half of another, considering this question as to the rooms. We find that a big room over there that is 90 feet one way and 60 feet another——

A MEMBER. Sixty by 30.

Mr. CLARK of Missouri. Sixty by 30, as somebody says. That is big enough. The first time we were invited over there by the gentleman from Illinois [Mr. MANN]—there is no more pleasant and accommodating man in Congress than he; he is doing his best to be a peacemaker. He invited us over there one morning. I went over. It was when the Committee on Agriculture was hearing some argument about forestry. There was a big crowd in there; the room was filled when I got there. I happened to get a position about the door, and I could hear every word that was said; but I was in a position where I stood facing the man who was making the speech. The gentleman from Colorado [Mr. BONYNGE] remarked after we got out into one of these little rooms that the big room was full of echoes. I determined to examine it, but I never heard any more about it until the other day, when we had that great peace conference of over 200 men there, and my friend from St. Louis [Doctor BARTHOLDT] was nominated as the American candidate for the Nobel peace prize. It happened on that occasion that I was seated in the far end of the room, not clear back, but about four seats from the rear, and that room is as full of echoes as any cavern in America is full of bats. [Great laughter and applause.]

Mr. MANN. Will the gentleman permit just a short statement on that subject?

Mr. CLARK of Missouri. Certainly.

Mr. MANN. That room was full of echoes, and always will be full of echoes when it is empty. When we located the Committee on Agriculture there for that forestry hearing, and I went to the room and wanted to see about putting them into it, I told the Superintendent of the Capitol that there never could be a hearing in that room because of the echoes, unless we filled it fairly well with furniture. We put some hangings over in the room and some furniture, and that was absolutely remedied. When the room is fully furnished there will be no echo.

Mr. CLARK of Missouri. Well, I hope that is true. I do not know anything about it.

Mr. POU. For the information of the gentleman from Missouri, I want to state to him that a gentleman sitting by me says he could not hear one word.

Mr. MANN. I was there myself.

Mr. CLARK of Missouri. I do not want to detain the House, and I am going simply to restate the reasons why the resolution of the gentleman from Illinois [Mr. MANN] should not prevail.

Everybody recognizes the fact that the Speaker ought to have more rooms. Everybody recognizes the fact that the Ways and Means Committee ought to have a room on the same floor as the House and adjacent to it. Everybody recognizes that the Appropriation Committee ought to be in the same condition, and the substitute offered by the gentleman from New York [Mr. PAYNE] accomplishes that, and it is the only proposition that can be made that will accomplish it. I repeat the statement that it is not a question of dignity. We are all equal here. It is a question of rendering service to the House and to the country, and it is absolutely ridiculous to expect members of the Appropriation Committee, or members of the Ways and Means Committee either, to stand around here in these corridors and discuss with men propositions that involve thousands and hundreds of thousands and even millions of dollars, with the stream of people going through and shaking hands and speaking to them all the time and interrupting anything they may have to say. Now, gentlemen, a fair deal is a fair deal, and that is all we ask in the premises in this controversy. [Applause.]

Mr. PAYNE. Mr. Speaker, I reserve the balance of my time.

Mr. TAWNEY. Mr. Speaker, I rise for the purpose of making a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. I want to know what time is allowed for debate on this resolution?

The SPEAKER. The gentleman from Illinois has one hour and has used a part of it and reserved the balance of his time. The gentleman from New York has an hour, has used a part of it, and reserved the balance of his time.

Mr. TAWNEY. I ask to be recognized in my own right.

Mr. MANN. Of course I am perfectly willing to yield the floor and let the gentleman from Minnesota take the floor in his own right.

Mr. TAWNEY. I am willing to take my time from the gentleman from Illinois.

Mr. MANN. How much time does the gentleman want?

Mr. TAWNEY. Five or ten minutes.

Mr. MANN. I will yield for the present ten minutes to the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, the proposition presented by the gentleman from New York as a substitute for the resolution presented by the special committee is one that concerns the convenience of the House, the convenience of every individual Member of the House, and affects, or would affect, the transaction of the business of this House. It is not because of any personal inconvenience that I may suffer if this is adopted that I am opposed to its adoption.

There is another question which it involves, that is the convenience of the Speaker of the House, whoever he may be, whether the present Speaker or the gentleman from Missouri. One of the three rooms now occupied by the Committee on Appropriations, the south room, up to 1887 was occupied by the Speaker of the House. It was then Speaker Carlisle who occupied that room. The gentleman from Georgia was not entirely correct as to the reason why Speaker Carlisle of necessity abandoned that room. When that room was given to the Speaker there was no elevator at the end of that corridor, and access to the press gallery was not then by the means of that elevator, and it was not as crowded as at present. When the first elevator was constructed, and access to the press gallery obtained thereby to that corridor, representatives of the press then, as now, came to that corridor and called out Members and conversed with them; that also being the only public elevator in that corridor, it was filled by people who were being interviewed by members of the press gallery and people who were attending upon the hearings of the Committee on Appropriations. So that the Speaker, when he came out of that room to the floor of the House, was not only hampered very much in getting along, but everybody that wanted to see him was there for the purpose of waylaying him and detaining him and annoying him, and for that reason Mr. Carlisle of necessity voluntarily gave up that room.

Now, Mr. Speaker, the proposition of the gentleman from New York, I say, involves the convenience of the House, not only in relation to the business of the Committee on Appropriations, but especially in respect to the files of the House. Gentlemen who have no idea of, or who are not familiar with, the use Members make of that file room should go and inquire of the clerks in the file room, and they will be astonished at the number of Members and the number of visits by the same Members to that file room for the purpose of examining the files of the House. So that the proposition to remove the file room without a statement of any information whatever as to where that file room will go, and to what extent the House uses the files in the transaction of its business—to that extent the House is inconvenienced as well as individual Members and the business of the House, as I say, interfered with.

Now, with respect to the Committee on Appropriations, Mr. Speaker, it is proposed to give the committee the file room and the room now occupied by the Committee on Pensions; and the gentleman from New York [Mr. PAYNE] says that will give the Committee on Appropriations the same room it now has. To that statement I can not agree.

Mr. HAMILTON. Where is it proposed to move the file room?

Mr. TAWNEY. There is no statement as to where. The proposition of the gentleman from New York does not say where the file room is to go, but it will have to go somewhere else, either in the Office Building or in some room other than a room upon this floor. The proposition to give to the Committee on Appropriations the Pension Committee room would not seriously interfere with the work of the Committee on Appropriations were it not for the fact that that room is detached from the other two rooms and necessarily limit the working space of the Committee on Appropriations to two rooms. It would give the chairman of that committee what he does not have now—a private room. That private room would be the committee room now occupied by the Pension Committee; but the working space for the committee would then, if this proposition is adopted, be limited for all practical purposes to two rooms. Now, the files and records of the Committee on Appropriations are, for the convenience of the committee and its subcommittees, necessarily kept in the middle room, and we have now, as you all know, three rooms. The general committee meets in the middle room. The files and records of the committee are kept there because one or the other of the subcommittees of the Committee on Appropriations are in session practically all of the time. I have made an examination and I find that on an average the Committee on Appropriations meets once every day during the session, either the full committee or a subcommittee meeting every day on an average—every day in the session, including the holiday recess. During the first session of the last Congress that committee took 3,299 printed pages of testimony in the examination of the estimates submitted to Congress. During that same session that committee wrote 260 pages of the statutes that were enacted. And it is, I say, without any boasting, a committee that in my judgment requires more convenience for the transaction of its business than any other committee in this House. If the Committee on Ways and Means revised the tariff every session of Congress, their work then could be compared with the work of the Committee on Appropriations. I am not making any comparison at all. I have no quarrel with the Committee on Ways and Means. I served on that committee for ten years. I know the importance of the work that it has to do. But I speak of this for the reason that I want the House to understand that the enormous work which the Committee on Appropriations has to do requires all the conveniences that are obtainable, and with two rooms it will be practically impossible to do that work. Some gentlemen will say that it is only eight or ten years since the Committee on Appropriations had two rooms. That is true, but the work of that committee is constantly increasing. The appropriations reported from that committee during the last session of Congress aggregated $482,000,000. Gentlemen know that that committee must of necessity conduct its hearings, and for that purpose the committee rooms we now have are constantly occupied by subcommittees and by those who are waiting to be heard before the subcommittees. During the past two weeks both subcommittee rooms were occupied and there was no space whatever for the people waiting to be heard, except in the main committee room, and when members of the committee went to their rooms for the purpose of writing letters or transacting business with anyone they almost invariably found every seat around the main committee room table occupied and were obliged either to stand up or go out into the corridor, owing to the congestion of business at certain times in that committee. In view of the fact that this room, known as "the Pension Committee room," is so far away, is detached by a distance of some 30 or 40 feet, there would then have to be a main committee room where all of the files would be kept, and the proposition of the gentleman from New York would necessarily limit the working room of the committee to the two rooms, the one we now have and the file room, and that, in my judgment, will not only very seriously interfere with the transaction of the business of that committee, but will also delay the business of the House.

Mr. MANN. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, on behalf of some of my modest associates on this side I wish to announce, first, for the benefit of Members of that side of the House, that they must not consider that everything in the gift of the Democratic party is already foreclosed, and that perhaps there may be some other gentlemen perfectly willing to occupy the Speaker's quarters when Democrats come to elect a Speaker, although none would grace them better than the gentleman from Missouri [Mr. CLARK]. But I wish to call the attention of the House to the fact that the Members of this House will be more inconvenienced by any action of the House that will impair the efficiency of the work of the Committee on Appropriations and the members of that committee than by anything else that could be done. Members of the House frequently have many matters that they desire to ascertain about and to consult with members of the Committee on Appropriations. The scheme proposed by the gentleman from New York [Mr. PAYNE] has not only been investigated by the special committee, but it has been investigated by all those who have a particular interest in the matter. While I am not in the confidence of the administration of the House, I have no doubt that the Speaker himself must have been consulted, must have considered this matter carefully. If he had a personal preference, I have no doubt that he would prefer to occupy the rooms so long occupied by him as chairman of the Committee on Appropriations, and yet his long service in this House, most of it as a member of the Committee on Appropriations, must have convinced him that any action that would impair the efficiency of the work of that committee would be a serious disadvantage to the efficiency of the work of the House; and however much his personal preference might be to occupy rooms on that side, I have no doubt that in the interest of the efficient work of the House he has consented to the resolution to occupy the rooms upon the other side of the House. Nothing is of more importance in this matter than the concession made here on the floor by the chairman of the Committee on Ways and Means. Nobody suggests that the Committee on Appropriations could be dislodged during the present session of the House. It would be utterly impossible for the House to transact its business, if that were attempted. Yet the chairman of the Committee on Ways and Means admits that if he be given a

room for his personal convenience adjacent to the House, and I am convinced that he should have it—whoever is chairman of that committee should have a room adjacent to the House—his committee is willing to remain in the air for the rest of the session. It is apparent the committee will have nothing of real importance to do during the entire session of the House. It is true the committee does have some hearings, it is true the committee will report some bills, but the real work of the committee and the work of greatest importance to the country is in the preparation of the general tariff-revision bills. My information is that when that takes place, the committee does take itself from the rooms now assigned to it to some more secluded place, where they can do their work with comfort and convenience. The suggestion to move the files of the House from where they are at present located and to shift the Committee on Appropriations, so that instead of having three rooms available for its work it will only have two, will result in nothing but disorder and in the impairment of the efficiency of the work of the House. The Members who have had occasion to consult with those associated in the work of the committee, who of necessity are compelled frequently in discharge of their duties to go into the committee for information, not only about bills to be reported or the items in the bill, but about estimates, about what has been done in the past, about what the law is, and about particular items, will realize that if the Committee on Appropriations is disarranged so that its facilities are impaired, the Members of the House themselves will be seriously affected.

Mr. PAYNE. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, my objection to the resolution of the gentleman from Illinois [Mr. MANN] is that, in my judgment, he is attempting to move the Committee on Ways and Means out of this House without any necessity whatever for that action. I have served on both the Committee on Ways and Means and the Committee on Appropriations since I have been a Member of this House. I think I can say that I know the inside workings of both those committees, and I know that it is of absolute importance that both of these committees should be located close to the Hall of the House. It is just as important that one should be there as the other. Both these committees are committees in the work of which every Member of the House is more or less interested. They should be located where every Member can speedily consult the clerks of the committee. If there was no other way to arrange the proposition so that the Speaker would have two rooms, I should say that one of those committees should move out of this House, because I concede the proposition that it is of the utmost importance that the Speaker of the House should have a retiring room, where people who have business with him could go and consult him without stating that business to everybody who was in the room. But the matter can be arranged. It may inconvenience one or the other. Members of the Committee on Appropriations complain that if the substitute is adopted it will inconvenience them. It can not possibly inconvenience them to the extent that the members of the Ways and Means Committee will be inconvenienced by requiring them to move entirely out of the building. Now, the gentleman from Minnesota says that, giving them rooms located along this gallery where the pension room and file room are located at present, they will have two disconnected rooms. These rooms are disconnected to-day, but there is no difficulty in connecting them. There is a hallway that runs under these marble steps that is used as a retiring room by the Committee on Pensions now and always has been, and all you have to do is to cut a doorway from that hallway into the file room and you have three rooms connected together, just as the three rooms of the Committee on Appropriations are connected to-day, and it is no inconvenience for a man to walk down a broad hallway that is wider than this central aisle now, for 20 feet, in coming to the room. The only inconvenience that can be caused to the Committee on Appropriations by making this move is the question of moving their effects from the corner room down there to the corner room here. If you adopt this substitute, you give the Committee on Appropriations just exactly the accommodations they have now. You do not inconvenience the Committee on Ways and Means, and you give the Speaker of the House exactly what he wants. Now, there is one thing more I want to say, and I know this from experience. The Committee on Appropriations does not need as large a room for its hearings as the Committee on Ways and Means does. Most of the hearings before the Committee on Appropriations are held by a subcommittee composed of five men——

Mr. CLAYTON. May I interrupt my colleague?

Mr. UNDERWOOD. Yes, sir.

Mr. CLAYTON. I understand the gentleman to say the Committee on Appropriations does not need as large a room for hearings as the Committee on Ways and Means.

Mr. UNDERWOOD. Yes, sir.

Mr. CLAYTON. This may not be exact, in my opinion, under the stand-pat tariff policy that is now being pursued by the dominant party, but when we have, as I hope and believe we will have in the next Congress, a Democratic majority, and that therefore the Ways and Means Committee will resume its duty and do some business, and that committee at that time will need a large room——

Mr. UNDERWOOD. Unquestionably it will, for a Democratic majority will enact just, proper, and needful laws.

Mr. CLAYTON. So, with an eye to the future and the public good a Democratic Congress can and will do, and looking to a revitalization of the now defunct Committee on Ways and Means, I hope ample provisions will be made for it. However, I am inclined to support the proposition advanced by my colleague.

Mr. UNDERWOOD. I thank my colleague for his support.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. UNDERWOOD. I will ask the Chairman of the Committee on Ways and Means to yield me two minutes.

Mr. PAYNE. I yield the time the gentleman desires.

Mr. UNDERWOOD. Mr. Chairman the statement I was making at the time of the interruption by my colleague was this, that the Committee on Appropriations does not need as large a room as the Committee on Ways and Means does; that a hearing before the Committee on Appropriations consists of five men, a subcommittee, with the Clerk, and one witness at a time is called——

Mr. LITTLEFIELD rose.

Mr. UNDERWOOD. Just let me finish this sentence—that only one witness at a time is called before the Committee on Appropriations. When he goes out, another is called in; but when you have a hearing before the Committee on Ways and Means you have a number of people from all over the country and a large crowd of people coming there who want to hear what the witnesses say.

Mr. TAWNEY. Will the gentleman permit——

Mr. UNDERWOOD. Wait until I finish my sentence—therefore the largest room adjacent to the House, the largest convenient room that you can use on this floor, is the room that is now occupied by the Committee on Ways and Means. The Speaker does not need as large a room as that, but the Committee on Ways and Means does need it, and it is the only room of that kind you can give them on this floor.

Mr. LITTLEFIELD. I would like to make this inquiry, if it is not true that when we really get down to doing any business, the Committee on Ways and Means will need a good deal larger room than they have now?

Mr. UNDERWOOD. If we could have them in the Hall of the House, it would be——

Mr. LITTLEFIELD. I have been in the room of the Committee on Ways and Means plenty of times when they were having a hearing and you could hardly get a chance to stand——

Mr. UNDERWOOD. That is true.

Mr. LITTLEFIELD. Then you ought to go over to the other building, where you can have a larger room. [Laughter.]

Mr. UNDERWOOD. Not at all; the gentleman might as well say we had better go to New York, or Chicago, or Atlantic City, or somewhere else.

Mr. LITTLEFIELD. That may be, provided the office building is practically located in New York or Chicago.

Mr. UNDERWOOD. We ought to have a larger room than we have if we can get it here, but that is the largest room on this floor, and for the convenience of the committee and for the convenience of the House we ought to be permitted to stay here.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, we have now three connecting rooms in which we transact the business sent to the Appropriations Committee from this House. It is proposed to take these three connecting rooms away from the committee and in place of them to give them two connecting rooms and one room, disconnected, a distance, at least, of 30 feet away. That practically, Mr. Speaker, confines the Committee on Appropriations to two small rooms.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. LIVINGSTON. I have only five minutes.

Mr. CLARK of Missouri. Very well.

Mr. LIVINGSTON. And when I get to the end of this sentence I will hear you. No one has suggested, Mr. Speaker, that the Committee on Appropriations should be moved to this new

Office Building, no one in this House would dare make such a proposition. That settles the question of the importance of the Appropriation Committee being near the Hall of the House, where the Members can get access to the committee and where the committee can, on the calling of a roll, come in and vote. The gentleman from Alabama [Mr. UNDERWOOD] is badly mistaken when he says that we need no room except for five or six witnesses. When we call the War Department or any one of the Departments before the committee, we have got to furnish a room in which they can sit and wait until they are called, one by one, before the subcommittee.

Mr. UNDERWOOD. They have got a separate room to wait in.

Mr. LIVINGSTON. They will not have a separate room to wait in if your proposition be adopted.

Mr. UNDERWOOD. Not at all, and give you the same space.

Mr. LIVINGSTON. The importance of that committee, Mr. Speaker, can be seen by a reference to what they do. During the last session of the last Congress the Committee on Appropriations averaged a meeting every day of that session, either the whole committee or a subcommittee, and during the holidays, when this House was in recess, we were meeting every day. And during that time the committee took 3,994 pages of testimony, and the appropriation list, over which it has jurisdiction and which was represented there and had to be consulted, composed 260 pages of printed matter. That committee at that session sent into this House bills covering $482,980,810.23. That much work has not been done by the Ways and Means Committee in ten years. The Members of this House are constantly consulting the Appropriations Committee because of these facts, namely, that we handle the appropriations for public buildings, river and harbor contract items, Light-House Service, expenses of United States courts, as well as the compensation of the entire civil list of the Government. There is not a day from the beginning to the end of the session when there are not Members running from this Hall into that committee room for information. I am not mindful at this time and do not care where you put the Ways and Means Committee. They deserve good rooms. They deserve all the facilities for transacting their business that we can afford to give them, but why should you disconnect the Appropriations Committee, and, as the chairman told you truthfully a few moments ago, leave us practically only two rooms to do business in? You are able to furnish a place for the Ways and Means Committee, but to do that the gentleman from New York [Mr. PAYNE] says that we must be displaced and this House inconvenienced from day to day and month to month. Why such logic as that? How can that appeal to the minds of the Members of this House?

I yield back all the time that I have left.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. PAYNE. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, I think it may be well to place before this body the experience of a Member who had some part in the framing of a tariff law, while we are considering whether it be wise to shift the Committee on Ways and Means permanently from this building, although there is a certainty that some kind of a tariff measure will be reported to the next House.

I assume nobody here doubts, whatever may be the outcome of the coming election, that the next House will pass, or at least consider, some kind of a tariff bill. I was concerned in the framing of one, and I venture to say that, while a tariff bill is under consideration, if the Committee on Ways and Means have not a convenient room for meeting close to the House, the majority members will be compelled practically to withdraw themselves from active participation in the business of the House itself.

Perhaps gentlemen do not realize that the Committee on Ways and Means is perhaps the only committee, with the exception of the Committees on Election, where members divide on party lines. Members of course, do not admit they divide on party lines in the Committees on Election. They do not always do it, thank heaven, but very frequently, I may say usually, they do. In the Committee on Ways and Means they always divide on party lines. The most important part of the work which falls to that committee in framing a tariff is performed by the members constituting the majority. They sit almost continuously separate from the other members, and obviously if they must meet at a distance from the House they can not diligently attend its sessions. These majority members of the Committee on Ways and Means are generally important Members of the House. If the resolution of the gentleman from Illinois [Mr. MANN] be adopted these Members must choose between their duties in the committee and their duties in the House. They can not discharge both properly and completely. They can not frame a tariff bill without listening to representations of hundreds and thousands of persons on matters concerning not merely their own prosperity, but the very existence of their industry. And these hearings, conferences, and consultations extend to every single item in a vast number of schedules.

Majority members of the committee can only discharge their duties properly in both places if they be given accommodations contiguous to the floor, so that they can easily come here and vote upon measures as they arise and return to their own room for examination and consideration of those matters so essential, not merely to the welfare of the persons who appear before them, but the entire industrial system of the country.

Now, Mr. Speaker, contrast for a moment the arguments that are made upon both sides of this question. It is true that the Committee on Ways and Means at this session, when in all probability no important party measure will be reported, are confined to the discharge of routine duties in reference to the revenue; but even in that comparatively narrow department of their duties there are matters of grave importance constantly arising which involve hearings to large bodies of men. The Committee on Appropriations, it is conceded on all sides, must be contiguous to the House. Everybody concedes the Committee on Ways and Means ought to be contiguous to the House. Can these two positions be harmonized? I think they can. I think the substitute offered by the gentleman from New York provides for suitable accommodation for both committees. What is the argument that the Committee on Appropriations advance against the change in their quarters suggested by the gentleman from New York? Simply that they are more comfortably situated in their present rooms.

No one has pretended seriously that efficient transaction of their business would be rendered impossible by removal to the rooms mentioned in the resolution of the gentleman from New York [Mr. PAYNE]. The Committee on Ways and Means, represented by its chairman, by the gentleman from Missouri, the ranking Member of the minority, and others with experience gained by service on the committee, know that when it shall be called upon to discharge its most important function it must have rooms contiguous to this body and to the floor of this House if its members are to continue active Members of the House.

The gentleman representing the Committee on Appropriations, its chairman, makes an argument here of convenience, not necessity; and whose convenience? Why, not of the Committee on Appropriations, but the convenience of the Speaker. He tells us that to reach the rooms suggested by the gentleman from New York the Speaker might be forced to mingle with some persons who throng the west end of the Hall, and thus he would probably enjoy stricter isolation if he came and went at this end of the Chamber.

If there be any such risk the Speaker does not complain of it. Indeed, this Speaker, who is admirably described by the gentleman from Missouri as an expanding quantity in the politics and public life of America, has no fear of mixing with anybody. In passing to and from the room that may be assigned to him, I do not think he would have the slightest objection to contact with any American citizen. He is entitled to the privacy the gentleman from Missouri describes when called upon by Members of the House in the ordinary discharge of his duties. That he surely will have inside the doors of the two rooms assigned to him under the resolution offered by the gentleman from New York.

Now, what I want to repeat is this: From all the statements made to this House it is clear that the Committee on Appropriations can do its business, and do it well, in the rooms which will be assigned to them under the substitute offered by the gentleman from New York. The Committee on Ways and Means can not do its business thoroughly over in that Office Building when it comes to the discharge of its most important function if its members undertake at the same time to do their full duty as Members of the House. Between an argument of convenience and the argument of necessity, I assume this House will be governed by the necessities of the situation and that it will adopt the substitute offered by the gentleman from New York.

Mr. MANN. I yield five minutes to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, I must confess my profound astonishment that this substitute amendment should have been offered. What does it involve? It raises an issue, and undoubtedly, as I shall show, that issue is not between the Com-

mittee on Appropriations and the Committee on Ways and Means. If the substitute amendment be adopted, it will result in the moving of the file room and the room of the Committee on Pensions; and if these removals result in great inconvenience to Members, then the issue is between the House and the Committee on Ways and Means. I contend that the real question is whether the convenience of the membership of this House shall be considered and respected, or whether a mere whim upon the part of the Ways and Means Committee is to be gratified. Now, consider the situation. The Ways and Means Committee insists on the removal of the file room, and in addition the removal of the Committee on Pensions. Every Member of this House at some time during the session of Congress makes a visit to the file room, many of them a number of visits. Is not that true?

Mr. DALZELL. I will say to the gentleman that I have not been in the file room in ten years.

Mr. HILL of Connecticut. I have been a Member of this House for thirteen years and I have never been in the file room.

Mr. BURLESON. I am sorry that gentlemen will make an open confession of the fact that they have neglected their duty as Representatives in such a way. We all know that this file room is an essential adjunct of the House, and its proximity is for the convenience of the membership of this House, and further, that it was in the recent past made fireproof and specially prepared at great expense for our House files. We also know that every Member of this House, first and last, during the session of the Congress, makes frequent visits to the room of the Committee on Pensions. Now, I submit in all candor to the Members of this House, how frequently do you visit the rooms of the Committee on Ways and Means? How often is it necessary for a Member of this House who does not belong to that important committee to go to the rooms of the Committee on Ways and Means? I would not say anything to belittle the dignity or the importance of this great committee; if I attempted to do so, I could not do it. Mr. Speaker, I admit it is an important committee. Sometimes, about once during a decade, and, as at present constituted, from present indications about once in two decades, it will do important work.

I assure you that I would not for the world say anything that would wound the feelings of the membership of this great committee, but looking the situation square in the face, one must admit that except three members of the committee who hold other positions, the membership of the Ways and Means Committee are practically drones. They do practically nothing. I must confess that they do this most gracefully, and not infrequently with great vociferation, and they will do it quite as well if located in the Office Building as from a room contiguous to this Hall. Now, coming down to the proposition, whether you will vote for this substitute or adopt the original proposition offered by the gentleman from Illinois, I have shown that if you consult your own convenience you necessarily must adopt the resolution offered by the gentleman from Illinois.

The gentleman from New York [Mr. COCKRAN] has said that it is absolutely necessary that in the preparation of a tariff bill this great committee should and will be engaged continuously for weeks, in a room contiguous to this Hall. Mr. Speaker, that same argument might be used, and with equal force, in the case of the Rivers and Harbors Committee or the Committee on Agriculture or the Committee on Public Buildings and Grounds whilst they are engaged in the preparation of a bill. As a matter of fact, and every man here knows it, the serious work done in the preparation of a tariff bill is not usually done in the rooms of the committee. The Dingley tariff bill was prepared, as we all have been told, in the Cochran Hotel in this city.

Every man here knows that the serious work done in the preparation of the Wilson tariff bill was done in a room set apart for that purpose in the Treasury building; and while I do not vouch for the accuracy of the statement, I have frequently heard it said that the schedules of the McKinley tariff bill were prepared in a hotel in Atlantic City, in the State of New Jersey.

Mr. COCKRAN. Will the gentleman allow me?

Mr. BURLESON. Certainly.

Mr. COCKRAN. Was the gentleman a Member of the Fifty-third Congress?

Mr. BURLESON. No; but I know something of the history of that distinguished body.

Mr. COCKRAN. The Committee on Ways and Means had but one room at that time, and there was no place, therefore, where the majority Members could meet apart from the others, and the bill was prepared by the majority. It was only when the Congress was in session and all Members had a right to use the room that the majority were driven to a room in the Treasury Department. While the House was in recess, we occupied the room here all the time.

Mr. BURLESON. The gentleman confesses that when the House was in session the committee voluntarily went to the Treasury Department, far removed from the House; and yet the burden of the gentleman's argument was that it was absolutely necessary that at all times, especially while preparing a tariff bill, this important committee should occupy rooms contiguous to this Chamber.

Mr. COCKRAN. The gentleman must misapprehend me. I am sure he would not misrepresent me. We had but one room then.

Mr. BURLESON. My time is limited, and I decline to be interrupted by the distinguished gentleman from New York, who, to my mind, is somewhat illogical. [Laughter.] Gentlemen, the question, as I submitted it to you in the beginning, is not an issue between the Committee on Appropriations and the Committee on Ways and Means. I state to you in all seriousness and candor that it is an issue between yourselves and the Committee on Ways and Means.

Mr. BOUTELL. Will the gentleman in charge of the resolution [Mr. MANN] yield for a question for information? There seems to be a conflict of statement by those who are discussing this proposition. Has it been definitely determined that the file rooms will not in the future be moved for any purpose?

Mr. MANN. My colleague, who ordinarily is so extremely lucid, knows that no one can determine what will or will not be done in the future. You might as well ask me when I was going to die.

Mr. BOUTELL. I certainly do not want the gentleman to die; but the chairman of this committee can give no assurance that the file room will not be moved?

Mr. MANN. I can not assure the gentleman what the House will do to-day. I have brought in a resolution which does not contemplate moving the file room, and the gentleman from New York and my colleague from Illinois propose to vote for a proposition which will move them. How can I guarantee what the House will do?

Mr. PAYNE. I now yield five minutes to the gentleman from Colorado.

Mr. BONYNGE. Mr. Speaker, if this were a question between the Members of the House and the Ways and Means Committee, the argument of the gentleman from Texas might appeal to the membership. I submit, however, Mr. Speaker, that this is not a question between the members of the committee and the membership of the House. It has already been stated upon the floor of this House this morning, by the gentleman who has presented the resolution, that in time it is expected that the file room will be removed from the space it now occupies and that the Pension Committee will also be moved from that place to some other quarters, so that the convenience of the Members of the House is not to be considered in the retention of the file room and the Pension Committee room.

Mr. WILLIAMS. Do I understand that the gentleman in charge of the bill has made the statement that some time in the future the file room will be removed?

Mr. BONYNGE. He said he hoped and expected that the file room would be removed and the Pension Committee moved, so that ultimately we might make out of that space a room similar to the Marble Room in the Senate end.

Mr. MANN. I made the statement that we would have a room contiguous to the floor of the House.

Mr. BONYNGE. But the gentleman said that the file room would be moved somewhere from where it is. The ideal solution of this question is that the Appropriations Committee, the Ways and Means Committee, and the Speaker should all have accommodations in rooms upon the same floor as the Chamber of the House. The Ways and Means Committee, through the substitute offered by the gentleman from New York, has offered the only solution by which that purpose can be accomplished.

Now, I want to say a few words upon a feature of this question that has not been discussed. I am referring now to the work of the Ways and Means Committee when it is not preparing a tariff measure. The chairman of the committee, perhaps, felt some delicacy in referring to his duties as leader of the majority. By virtue of his position as chairman of the Ways and Means Committee he is the leader of the majority upon the floor of this House. It ordinarily has happened also that the ranking member of the minority of the Ways and Means Committee also occupies the position of leader of the minority upon the floor of the House. In the Ways and Means

Committee room we have the complete record of all the tariff measures that have been passed, all the Treasury decisions, the CONGRESSIONAL RECORDS, the Supreme Court decisions, and a library of reference books. The Members of the House will appreciate that very frequently it becomes necessary for the leader of the majority or the leader of the minority to go to this committee room and refer to these reference books in order to come before the House and present to it some data. What are you going to do when you remove our library, with all its reference books, and put them over at the southwest corner of the Office Building? Whenever such a question would arise, it would be necessary for the leader of the majority or the leader of the minority to go all the way over to the far end of the Office Building, away from the House, and before the could get back with the information necessary to be presented to the House the House itself would have gone on to some other business.

The Speaker of the House should have additional accommodations, and the Ways and Means Committee is the only standing committee of the House that has to-day offered a measure by which the Speaker will be given immediately adequate additional accommodations. The substitute offered by the gentleman from New York provides for an additional room to the Appropriations Committee rooms and gives that committee three contiguous rooms, where they will be adjacent to the floor of the House, and I ask that the substitute be supported.

Mr. MANN. I now yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, as to a part of what the gentleman from Colorado [Mr. BONYNGE] has said, it is not founded in any experience of my own. As a member of the Ways and Means Committee, their room was never anything to me as the minority leader, even while I was senior member of the Democratic side of the Committee on Ways and Means. I have never even kept my coat and hat in there. I regarded it as the office of the majority leader of this House and his Republican colleagues. The House has given to the minority leader another room which he regards as his. Now, as to running in and out of the Ways and Means Committee room to consult this valuable library to which the gentleman from Colorado has referred, I do not suppose any of us have run in and out for that purpose to any alarming extent.

I want to say right now that if there shall be any proposition offered in the future to remove the file room from where it is, I shall vigorously oppose it. It seems to me that the file room, being readily accessible to the House, right at one of its doors, is twenty times of as much importance as any three committee rooms being close to the Hall of the House.

The Speaker of this House ought to have better quarters. He ought to be either in that corner, the southwest, or in this corner, the southeast, I do not care which; but a sufficient objection to the substitute offered by the gentleman from New York [Mr. PAYNE] is that it does remove the file room from where it is. I heard a moment ago the interruptions to the gentleman from Texas [Mr. BURLESON], and I stepped into the file room and asked what was the average number of Members who daily called in the file room, where the index clerk is, and where the file clerk is, and where all the files are, and they told me the number runs from forty to fifty daily. Now, then, it is of much more importance for the membership of the House generally to have the file room close to the House than it is to have there either the Committee on Appropriations or the Committee on Ways and Means. It has been appropriately said this morning when the majority party, whichever party it is, is fixing up a general tariff bill, it does not fix it up in the Ways and Means Committee room. Hearings are had there very frequently, and all that, but the men meet for real action elsewhere. It has become a habit for the majority members to meet by themselves and form a tariff bill and the minority members to meet by themselves and get ready their amendments and their substitutes.

Mr. Speaker, I do not care anything about the quarrel between these two committees. I think that the entire country is going to be amused to-morrow morning when it picks up the CONGRESSIONAL RECORD or the newspapers and discovers that this little committee fight betwixt Tweedledee and Tweedledum has been going on. One thing is evident to everyone, and that is that the Speaker of this House, the highest in authority and highest in power in this entire Government except one officer, ought to have some rooms more commensurate with the dignity and the duties of his high office. It is an absolute shame that the Speaker of the House should have the little cuddy in the corner there where he is now, and it is necessary and it is right that he should have at least two rooms, and probably more. He has his clerks there—the parliamentary clerk of the House, and all the business of the House has to be transacted there—Members coming all the time to ask for recognition for unanimous consent, party conferences going on all the time, because in a certain sense the Speaker of the House is also the leader of the majority. So it seems to me as between these two contending factions, my vote should be cast upon the side of the report of the committee and against the substitute offered by the gentleman from New York [Mr. PAYNE], not because the rooms of the Committee on Ways and Means would be any better for the Speaker than the rooms of the Committee on Appropriations, but because the proposition to take the Appropriations Committee rooms for him involves the idea of moving the file room.

Mr. PAYNE. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. MANN. I will say to the gentleman that I have two or three to whom I desire to yield a short time, and if the gentleman prefers, I will do that first.

Mr. DALZELL. Yes; I do. I will reserve my time for the present.

Mr. MANN. I yield three minutes to the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Mr. Speaker, as a member of the committee on allotment of committee rooms, I wish to say that this committee has had a very troublesome task in trying to adjust this matter and determine what ought to be done to provide suitable rooms for the Speaker. I can say I am sure that no member of this committee has been entangled in any way in the disputes between these two great committees, Ways and Means and Appropriations, but we have done the very best we could with the opportunities which presented themselves to provide rooms for the Speaker and at the same time arrange for these two committees as well.

Mr. MADDEN. Do I understand the gentleman to think that there is a dispute between these two great committees?

Mr. LLOYD. Mr. Speaker, I can not answer that question, because I have not heard all of the debate, but I judge from what has occurred in the last ten minutes that there has been quite a dispute.

Mr. MADDEN. Not at all.

Mr. LLOYD. If there has not been any dispute, I take it that the action of the committee will be indorsed, and there will be no trouble about providing a place for the Speaker. All I have to say is this, that I am anxious that something shall be done, and we have been unable to find anything else that is practical except to provide as we have done in the pending resolution for the Speaker by giving him rooms that are now occupied by the Committee on Ways and Means, and by furnishing the Committee on Ways and Means, in the new Office Building, most excellent quarters. I yield back the balance of my time.

Mr. MANN. I yield three minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, as members of the special committee to assign rooms, we do not feel it incumbent upon us to persuade the Members of this House as to matters of convenience to themselves. When we undertook to arrange to place some committees over in the new building in order to afford Members greater convenience here, we were confronted by the fact that the file room was here, and here for all the Members, and had to stay here, and we were confronted by the further fact that we must have the present room of the Speaker to install an additional elevator, and the further fact that the quarters occupied by the Committee on Ways and Means were the most suitable for the use of the Speaker, and that he must have other and better accommodations. We have nothing to do with any fight between the two committees as to the comparative dignity, greatness, and importance of those commitees or their members. I wanted to move both away from here, leaving this floor for the benefit and convenience of Members [applause], but it was made manifest to us that the Committee on Appropriations must necessarily remain in rooms accessible to the House. I withdrew my insistence in that respect for the present and contended myself with agreeing to this resolution in the usual form brought in and adopted by the House in other cases, to move the Committee on Ways and Means to the most suitable apartments conceivable for its use and the most palatial headquarters for a committee that any Member of this House ever saw. [Applause.]

Mr. DALZELL. Mr. Speaker, the appearance on the floor of the last two gentlemen emphasizes what I was going to call to the attention of the House. This special committee that proposes to fire the Ways and Means Committee, nolens volens, consists of five members. The report that is now before the

House is sustained by three of those members, the two minority members and the gentleman from Illinois. It does not meet the assent of the other two Republican members. Secondly, I find it has been circulated about the House that this proposition offered by the gentleman from Illinois is the Speaker's proposition and that the Speaker is for it, and I have been told by several gentlemen that they are going to stand by the Speaker. Now, I want to say something about that. I want to say that the Speaker has said from the very beginning of this controversy that he was willing to stay, so far as he was personally concerned, just where he was; that the only thing that he had in mind was the convenience of the Members of the House; that so far as the rooms to which it was proposed to move him were concerned he had absolutely declined on every occasion to every person to express any opinion. Now, then, so much being cleared out of the way, what is this proposition?

Mr. LANDIS. Does the gentleman mean to leave the impression with the membership of this House that the Speaker is entirely satisfied with his present quarters?

Mr. DALZELL. Oh, not at all. The Speaker has said so far as he is concerned he is willing to stay in his present quarters. Nobody wants him to do that——

Mr. LANDIS. But the gentleman recognizes the embarrassment under which the Speaker rests in the midst of this discussion. [Applause.]

Mr. DALZELL. Undoubtedly, and all this declamation about wanting to take care of the Speaker is just so much declamation for the reason there are no two opinions on the subject. There is no one who does not assent to the proposition that the Speaker must be taken care of. There is nothing involved in either of these propositions that does not look to the taking care of the Speaker. Now, there are three parties who are interested in being kept on the same floor as the Chamber of the House.

It is necessary, it is important that those three parties should be kept on this same floor. Now, the question is, Can they be kept on the floor without doing unreasonable inconvenience to any of them? At first it was suggested that the Committee on Appropriations could be moved over to the three rooms adjoining the Chamber on this end, and two rooms on the corner be given to the Speaker and that the file room be removed. The answer made to that proposition was that the file room could not be removed while the House was in session. Very well, then, the Committee on Ways and Means assented and said that they would let the Speaker have the room of the Committee on Ways and Means during this session, and that they would temporarily occupy the room now occupied by the Speaker, and let the present situation, so far as the Committee on Appropriations is concerned, continue during the remainder of this session. After the session adjourns, then let the file room be removed, let those three rooms at this end of the Capitol be fitted up as committee rooms to be occupied by the Committee on Appropriations and the two rooms at the other end, which are equally advantageous, so far as the Speaker is concerned, as the two rooms at this end, be assigned to the Speaker. Now, to my mind, there is no answer to that proposition except this, that gentlemen object to the removing of the files. Well, I do not know whether I have been derelict in my duty as a Member of the House or not, but I have been a Member of this House for twenty years and I have not been in the file room on business six times during all that time. I may not, perhaps, be so diligent in my business as the gentleman from Texas [Mr. BURLESON], but that is my experience. The Superintendent of the Capitol came before the Committee on Ways and Means and said that the files could be removed and the rooms prepared as committee rooms in fifteen days; that he could find in this Capitol a suitable place for the files, and the whole work could be done during the vacation. Now, then, accepting that situation, you have the Committee on Ways and Means taken care of, you have the Speaker taken care of in two of the best rooms on this floor, you have the Committee on Appropriations taken care of with as much space as they have now. So far as the little hallway connecting the file room with the room now occupied by the Pension Committee is concerned that, to my judgment, is an advantage, because it gives an additional space in which a typewriter can be put, and it gives also a private room at that end of the Capitol.

Now, then, why ask the Committee on Ways and Means to go way over to that Office Building? The gentleman from Texas [Mr. BURLESON] says that except when we are making a tariff bill the Committee on Ways and Means have nothing to do. Why, Mr. Speaker, the most important legislation on the statute books of this last ten years came from the Committee on Ways and Means. From that committee came the Porto Rican tariff bill, a bill involving great constitutional questions; from that committee came the Philippine tariff bill; from that committee came the war-revenue bill; from that committee came the repeal of the war-revenue bill; from that committee came—and the rooms were filled while we were considering the question—the bill making denatured alcohol free of tax. Cuban reciprocity occupied the attention of that committee during two entire Congresses, and yet we are told that the Committee on Ways and Means does nothing except when it is making a tariff bill. Now, Mr. Speaker, we want nothing in this matter but justice. We want a fair deal. We want to accommodate all these three parties on the floor of the House, where they ought to be, and the question is not which one of the three parties we shall pick up and fire, nolens volens, over into the Office Building, but how we can accommodate all of them right here, where they ought to be.

It is objected that the file room ought not to be moved. In one breath the gentleman from Illinois [Mr. MANN] tells us that we ought not to remove the file room, and in the next breath he tells us that the time is coming, and not far distant, when the file room will be removed and we will have a marble room on that side of the Capitol.

Now, about the rooms over in the Office Building. Why, you might just as well send a committee of this House into the chamber of this House itself as to send them over to that proposed room to do any business. Think of putting nineteen men, sitting at a table, in that tremendous big room, that runs clear from the third floor to the roof of the Office Building. It is ridiculous to talk about—simply absurd. If we are going to be sent over to the Office Building, you will have to provide some other quarters for us. Those are of no practical importance.

I end as I began—we want justice, and that is all. We want a square deal. We want to stay where we are entitled to stay and where the Committee on Ways and Means has been from time immemorial. [Cries of "Vote!"]

Mr. MANN. Mr. Speaker, I yield four minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I should be glad to discuss some propositions which for lack of time I shall not touch upon. The gentleman from Colorado [Mr. BONYNGE] said that the proposal of the Ways and Means Committee was to give the Committee on Appropriations three contiguous rooms. I do not know what constitute "contiguous rooms" according to his understanding. It gives the Committee on Appropriations two rooms, and a third room between 30 and 40 feet away, separated from these two rooms by the great marble staircase going up to the gallery, and with no means of communication except a narrow hallway running under the stairway.

I want, in this connection, to pay a feeble tribute to a humble servant of this House. For more than thirty years Mr. Courts has been acting as assistant clerk or clerk of the Committee on Appropriations—a Democrat, I believe, in politics—and yet so invaluable are his services that he remains as clerk of that committee whatever party may be in the majority in this House. [Applause.] Frequently two subcommittees of the Committee on Appropriations are meeting in different rooms, divided by the main room of that committee. This invaluable man is passing back and forth from one subcommittee to the other constantly, aiding all of us. To attempt to set apart to us two rooms separated from our third room by 30 or 40 feet of corridor is largely to destroy the usefulness of this invaluable man to the committee and the House and greatly impair the convenience of discharging the work of the Appropriations Committee.

Now, if I had time I would discuss the fact that the rooms proposed to be given to the Speaker by the committee are much larger than the rooms proposed to be given him under the Ways and Means Committee proposition. I would discuss the difference between the situation at the two ends of this corridor, the one used by the public and the other used for Members and their families under the order of the Speaker, but having so little time I have seen fit to present the necessity for quarters for the Appropriations Committee, where the services of this clerk of that committee may be utilized by the two subcommittees that are so often required to be in session at the same time.

I yield back any remaining time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. How much time have I remaining, Mr. Speaker?

The SPEAKER. Five minutes.

Mr. MANN. Mr. Speaker, it is a matter of great embarrassment to me to bring this proposition before the House. When I offered the resolution in the House at the beginning of this

session for the appointment of a special committee to assign these rooms, I understood that it had been settled that the Committee on Ways and Means was ready and willing to move.

We went on with the work. Our committee has met sometimes praise; usually the other thing. The abuse which the gentleman from New York and the gentleman from Pennsylvania thrust at me to-day is not new. Every committee wanted more than could be given it. Members of the House desired to have better rooms than could be given to each one. When we presented the proposition for the distribution of rooms to the Members, many Members protested; and yet when it was all over everybody was satisfied that the arrangement was the best that could possibly have been brought into the House. Now, we are not proposing—and I hope the House will understand that—we are not proposing to give to the Committee on Ways and Means poorer quarters than they have now. Our proposition is to give to the Speaker better quarters than he now has, and to give to the Committee on Ways and Means better and more ample quarters than they now have, and leave the Committee on Appropriations where it is. Their proposition is to give to the Speaker poorer quarters than we propose, to give to the Committee on Appropriations poorer quarters than we propose, and to keep to themselves, without yielding a thing, the present inadequate quarters which they have. The gentleman from Pennsylvania talks about the room over there being too large—how can nineteen men fill the room? But he forgets who the nineteen are! [Great laughter and applause.] The room over there is twice the size of the room in here; only twice the size of the room in here; but every Member of the House who has ever attended a meeting of the Committee on Ways and Means of any importance knows that this room is too small and inadequate for the learned gentlemen who sit around the table there and the great number of people that come to be heard. Aye, more; when the next tariff bill is to be made, and men from all over the country come here to be heard, if the Committee on Ways and Means occupies that room, that corridor will be filled, not with Members of the House, not with people calling on Members of the House, but filled with people from all over the country, waiting in the corridor as an anteroom to the Committee on Ways and Means. We offer to the committee a proper committee room, a proper anteroom, a proper clerk's room, and a private room for the chairman in the new building, and a room contiguous to the Hall of this House in this building. More could not properly be asked; more could not be given. Our proposition was reached without bias. I have no sympathy in any personal envies and jealousies of the members of the Committee on Appropriations and the Committee on Ways and Means. The sole object of our committee has been to bring in a resolution which would best take care of the interests of the House now and in the future.

I move the previous question on the resolution and substitute.

The SPEAKER. The gentleman from Illinois moves the previous question on the resolution and upon the substitute.

The question was taken, and the previous question was ordered.

The SPEAKER. The vote will be taken on the amendment in the nature of a substitute.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. DALZELL. Division!

The House divided, and there were—ayes 62, noes 151.

So the substitute was rejected.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. MANN, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 44. An act for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H.;

S. 140. An act for the establishment of a park on the northern portion of the Coeur d'Alene Indian Reservation, in Idaho;

S. 156. An act to provide for the purchase of a site and the erection of a building thereon at Bellaire, in the State of Ohio;

S. 418. An act to provide for the purchase of a site and the erection of a public building thereon at Huron, in the State of South Dakota;

S. 654. An act to increase the efficiency of the veterinary service of the Army;

S. 1559. An act for the relief of the Citizens' Bank of Louisiana;

S. 1761. An act for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, in North Carolina;

S. 3001. An act to rectify the boundary line of Rock Creek Park;

S. 4035. An act to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897;

S. 4171. An act to provide for continuation of investigations of the rivers and water resources of the United States;

S. 4368. An act to provide for the purchase of a site and the erection of a public building at Wilson, N. C.;

S. 4454. An act authorizing the Secretary of War to accept for the Government the Gallatin turnpike, from the city of Nashville to the national cemetery, in the county of Davidson, State of Tennessee;

S. 4567. An act to provide for the construction and equipment of a revenue cutter for service in Narragansett Bay and adjacent waters, to take the place of the revenue cutter *Dexter;*

S. 5043. An act authorizing and empowering the Secretary of War to convey to the Delaware and Hudson Company a right of way for railway purposes upon and across the military reservation of Plattsburg Barracks, at Plattsburg, in the county of Clinton and State of New York, in exchange for the release to the United States of all rights of said company and its subsidiary companies within the limits of said military reservation; and

S. 5589. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 16955. An act to extend the time for building a bridge across Red River at Shreveport, La.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 16051. An act to authorize the Cahaba Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala.; and

H. R. 2429. An act granting an increase of pension to Elizabeth H. Olcott.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17288, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909.

The CHAIRMAN. There was pending last night at the time when the committee rose a point of order reserved by the gentleman from Minnesota.

Mr. HULL of Iowa. Mr. Chairman, the point of order was simply reserved.

Mr. Chairman, at the adjournment last night the point of order was reserved on the first paragraph in the bill, increasing the pay of the enlisted force of the Army. I want for a minute to call attention to what the increased pay will be for a company of infantry. The gentleman from Virginia [Mr. HAY] very properly called attention to some large increases, and referred to some of the enlisted force being increased as much as 100 per cent. I stated, I think, while he was speaking, that there were none of the enlisted force increased as much as 100 per cent. I find there was an increase of 100 per cent in one class especially that we specially provided for, and that was the musicians, and with the large increase we also provided that they should not be permitted to compete with civilian bands, so that it would deprive the band of one means of increasing the amount paid them by the Government, as the law stands to-day. We also increased cooks 100 per cent. I did not at the time have these two classes in mind. The amount

of increase of totals I find, after investigating the matter, is not as great as even I thought it would be. I have received since Congress convened to-day from the Department a carefully prepared table, which I want to put in the RECORD here, especially on that proposition.

It is a table showing the comparative cost of a company of infantry during the civil war, the Spanish-American war, and under the proposed increase before the House. A first sergeant during the civil war received $24; during the Spanish war $30, because he had the increased pay of 20 per cent in time of war. The present proposed flat rate is $45 to begin with.

Mr. HAY. Will the gentleman allow me to ask him a question?

Mr. HULL of Iowa. Yes.

Mr. HAY. Does he not get the increase of 20 per cent if he serves in the Philippines?

Mr. HULL of Iowa. Yes; both under present and proposed laws if he serves in the Philippines; but what I wanted to refer to specially in this was the very proper warning of my friend from Virginia as to the enormous cost in time of war of a large volunteer army that would naturally be called into the service. That is the purpose I have in showing that that large volunteer army would not receive a large increase of pay for its enlisted force unless the war should continue for more than three years, because the volunteers would come in under the flat pay which is proposed by our increase. The amount of pay that is given here for these different grades will be increased under this law if they should remain in the service for additional periods of enlistment. There is no controversy between my friend and myself on this matter, and I am not now using this in any criticism of what was said, but believe that it should be given to the House for the information of all of us.

The quartermaster-sergeant in the civil war received $20; in the Spanish war $21.60. The present proposed pay is $30, and so on down the list. But the total is what I want to get at, without taking up the time of the committee.

Mr. NORRIS. There is an increase in the pay of the private soldier?

Mr. HULL of Iowa. A private in the civil war received $16 after the first two years of the war; in the Spanish war he got $15.60 on the first enlistment, because he got the additional 20 per cent pay by reason of service in time of war. The present rate of pay is $15, with an increase for reenlistment of $3 for the first two enlistments and $1 for each subsequent reenlistment up to the seventh.

Mr. NORRIS. What is the time of the first enlistment?

Mr. HULL of Iowa. Three years.

Mr. NORRIS. A man would have to serve three years before he would get the benefit of the increase?

Mr. HULL of Iowa. Yes; before he would get the benefit of the $3 increase.

Mr. NORRIS. Is that true of the officers also?

Mr. HULL of Iowa. The officers have to serve five years before they get any increase. Now, the total number in a company on a war footing is 125 men. The cost for one month of a company in the civil war was $2,106. The cost in the Spanish war was $2,079, and the cost under this bill will be $2,151, not a very large increase.

Mr. SLAYDEN. I have not seen these figures, and I should like to ask the chairman of the committee, is he considering the $2 additional pay that we are giving in this bill?

Mr. HULL of Iowa. Yes.

Mr. SLAYDEN. And it only makes that slight difference in the cost?

Mr. HULL of Iowa. Only makes that slight difference in the total cost of a company.

Mr. SLAYDEN. Assuming original enlistment for all?

Mr. HULL of Iowa. Certainly; the flat first enlistment period.

Mr. MANN. What was the difference——

Mr. HULL of Iowa. The cost of a company in the civil war was $2,106; in the Spanish war, $2,079.60, and under the proposed rate, $2,151 for a company of infantry for one month.

Mr. MANN. That is for a full company?

Mr. HULL of Iowa. Yes; for a full company.

Mr. HAY. The general per cent of increase is 35 per cent, is it not?

Mr. HULL of Iowa. I think about that.

Mr. HAY. And the whole enlisted force when they first go in receive the flat pay under the provision contained in this bill?

Mr. HULL of Iowa. Yes.

Mr. HAY. What I am trying to get at, as the years go on and these men remain in the Army, the pay necessarily increases under the provisions in the bill.

Mr. HULL of Iowa. Absolutely. The gentleman is entirely correct on that; but the point I had in mind when this table was handed me was the flat first enlistment pay. And I confess I thought the gentleman was entirely correct in making his statement yesterday. If I had made any statement on the subject I would have made exactly the same statement, that there would be an enormous increase in the pay of the large volunteer army in case of war. I understood the statement of the gentleman to be that the cost would be so enormous that it was a question whether the Government could stand it. Am I right about that?

Mr. HAY. Would not an increase of 35 per cent, with an army of 500,000 men be an enormous increase?

Mr. HULL of Iowa. Oh, yes.

Mr. HAY. That is not an excessive number to put in an army in a time of war.

Mr. HULL of Iowa. I will read through all these increases, and the gentleman will see that the tables are correct.

Mr. HAY. That may be. But we have had a great many tables and every one of them differs from the other one. Nobody can tell exactly what they are giving as the cost. I know that we appropriate every year for the Army on the present basis $10,000,000 for enlisted men, and 35 per cent of that is $3,500,000.

Mr. HULL of Iowa. In time of war the whole 20 per cent is to be taken off if this measure shall become a law, and we now appropriate for less than the number provided for by law.

Mr. HAY. That provision is not repealed.

Mr. HULL of Iowa. It is if the provisions we put in are carried through. That is absolutely taken off.

Mr. HAY. You do not repeal the 20 per cent for foreign service?

Mr. HULL of Iowa. No.

Mr. HAY. For foreign service in the Philippines?

Mr. HULL of Iowa. No; but that 20 per cent would add to this, just as it does to present law.

Mr. HAY. So in time of war if they served in the Philippines they would get the 20 per cent?

Mr. HULL of Iowa. Yes, unless Congress took some other action.

Mr. BOOHER. I would like to ask the gentleman a question.

Mr. HULL of Iowa. Very well.

Mr. BOOHER. I would like to have the gentleman state to the House how much the increase is over what the soldiers are getting now.

Mr. HULL of Iowa. The gentleman means for privates?

Mr. BOOHER. No; take the whole company—the officers and all.

Mr. HULL of Iowa. We do not increase the number. The gentleman means increase of pay?

Mr. BOOHER. Yes.

Mr. HULL of Iowa. We increase the orderly sergeant from $24 to $45.

Mr. BOOHER. Has the gentleman got it compiled so as to show what the increased pay would be for the whole company?

Mr. HULL of Iowa. I have not got the total cost for the whole company at the present rates; it is a question of addition. I can not give the difference for a company. I can only give the pay of privates and each grade of noncommissioned officers.

Mr. FOSTER of Vermont. Mr. Chairman, I would like to ask the gentleman from Iowa if it is not impossible to answer the gentleman's question? He wants to know what the actual increase in dollars and cents would be for a company. Now, it would depend entirely on the length of service of the members of the company and the number you had in the company.

Mr. BOOHER. I want to know what the cost would be—what the advance provided for in this bill would be for a company of 100 men?

Mr. HULL of Iowa. There are 128 enlisted men in a full company. In the civil war it cost $2,106 a month.

Mr. BOOHER. The gentleman does not get at what I want. I want to know what pay a company of 128 men would get now and what it would be under the increases provided for in this bill.

Mr. HULL of Iowa. It would be at the present time $2,079.60 less 20 per cent; but you don't take the 20 per cent off the larger amount, but add the 20 per cent to what they already get under the flat rate to make the $2,079. I am not mathematician enough to figure that out on the floor and give anyone a definite answer, nor do I regard it as material.

Mr. BOOHER. I supposed that the committee had figured the increase up by the month.

Mr. HULL of Iowa. It is figured on the increased pay in time of war under the present law and the proposed law.

Mr. BOOHER. I had rather have it in time of peace if we could get it.

Mr. HAY. What would be the cost for a company of infantry in time of war? What does the table show it to be under the provisions of this bill?

Mr. HULL of Iowa. The table shows that a company of infantry in time of war, with the present laws on the statute book, would cost $2,079.60.

Mr. HAY. For what time?

Mr. HULL of Iowa. For one month; and for a company of infantry under the proposed law it will cost $2,151.

Mr. HAY. Mr. Chairman, with all due respect to the gentleman who made the tables, that is practically impossible, because under the present law—take, for example, the pay of an orderly-sergeant, who gets $25.

Mr. HULL of Iowa. Well, in time of war he gets $30.

Mr. HAY. In time of war he gets $30. Under the proposed bill he gets $55.

Mr. HULL of Iowa. No; $45, because we cut off that 20 per cent.

Mr. HAY. If he served any length of time he gets more than the $45.

Mr. HULL of Iowa. I concede that; there is no controversy on the effect of length of service. I am talking about the flat first pay. That is what a volunteer army in time of war would mean.

Mr. HAY. Then that is $15 a month more for each man.

Mr. HULL of Iowa. Yes; under this bill he would get $15 per month. But with 20 per cent added to present pay he would get $15.60 per month.

Mr. HAY. Every other noncommissioned officer in that company gets an increase of pay under the proposed provisions of this bill.

Mr. HULL of Iowa. Yes.

Mr. HAY. And every private gets an increase of pay.

Mr. HULL of Iowa. No; he does not. The private does not get as much.

Mr. HAY. Why, he gets more—or you mean the 20 per cent?

Mr. HULL of Iowa. Yes. A private in the Spanish war on his first enlistment, with the provision for war, got $15.60, and under this law he would get $15.

Mr. HAY. Noncommissioned officers all get more.

Mr. HULL of Iowa. Yes, but they are not so large in proportion when you come to warfare.

Mr. HAY. It all depends on where they serve. If they serve in the Philippines they would get 20 per cent.

Mr. HULL of Iowa. Yes; under the old law or proposed law.

Mr. HAY. And the probability is they would serve there or some place outside of this country.

Mr. HULL of Iowa. I doubt that very much.

Mr. HAY. I know we would have some there.

Mr. HULL of Iowa. If the gentleman will read this table he will see that the Department has got in the exact figures at what we fix: First sergeant, $45; quartermaster's sergeant, $30; sergeant, $30.

Mr. HAY. How many sergeants?

Mr. HULL of Iowa. Six. It makes $180 for six. Corporals, $21, make $210, ten corporals. Cooks, $30—increased to $60. There we have made an increase of 100 per cent.

Mr. HAY. Yes.

Mr. HULL of Iowa. I think the Department persuaded us that the cook was the most important part of the Army.

Mr. HAY. Yes; and I think that is very probable in some respects.

Mr. HULL of Iowa. Musicians, $15, two of them, $30. That is not the band. Artificers, $15, only one; privates, $15; so that the total adds up $2,150, while in the Spanish war the rate was: First sergeant, $30; quartermaster's sergeant, $21.60; sergeant, $21.60, making $129 for six.

Mr. HAY. I do not want to know what the Spanish war rate is, but what the rate now is.

Mr. HULL of Iowa. The rate now would be what I first read, on the flat first enlistment.

Mr. SULZER. Do I understand the chairman of the committee to say that if this proposed amendment should become a law the enlisted men would get more pay during war time than during time of peace?

Mr. HULL of Iowa. No.

Mr. SULZER. Exactly. That is what I understand.

Mr. HULL of Iowa. If this law be enacted, the whole provision as we have given it, we shall have cut out the 20 per cent in time of war.

Mr. SULZER. That is what I understood; and I understand that the exact amount of increase of pay for the enlisted men will be about 30 per cent. It will average up to about that at the end of the enlistment, and I do not think it too much.

Mr. TAWNEY. I would like to ask the gentleman from Iowa [Mr. HULL], or any member of the committee, if he can inform the House as to the difference between the pay of a company in time of peace under the current law and under the proposed law? The comparison thus far has been in time of war, but what concerns me more especially at this time is to know the difference in the cost per company under the current law and under this proposed legislation.

Mr. HULL of Iowa. In time of peace the percentage of increase would show much larger than these tables show. I think I have tried to explain that—that in time of peace we would have to deduct from this Spanish war the 20 per cent.

Mr. TAWNEY. Why is it the committee, in preparing this proposition, coming to the House with it at a time of profound peace, did not figure on the difference in cost under existing conditions and under the proposed law, so that the House could understand what it is asked to do?

Mr. HULL of Iowa. I tried very hard to state that this table was prepared to meet the statement as to enormous cost in time of war.

Mr. TAWNEY. No member of the committee knows just how much we are increasing the Army.

Mr. HULL of Iowa. I tried to state that the other day very completely. On a full Army we have about a $4,000,000 increase for the enlisted force. I stated that fully.

Mr. TAWNEY. But you have not as to the company organization.

Mr. HULL of Iowa. No; you can divide that by the companies. What I assumed would be wanted would be total cost.

Mr. TAWNEY. Now, I want to ask the gentleman another question——

Mr. HULL of Iowa. You do not go by companies when you make appropriations; you appropriate for the entire enlisted force of the Army.

Mr. TAWNEY. The gentleman has said that this increase for enlisted men—first enlistment—was from thirteen to fifteen dollars——

Mr. HULL of Iowa. Yes.

Mr. TAWNEY. Will you state to the House what the Government furnishes in addition to the $15 to the man?

Mr. HULL of Iowa. Yes.

Mr. TAWNEY. And can you state what the money value is?

Mr. HULL of Iowa. Yes.

Mr. TAWNEY. What is it?

Mr. HULL of Iowa. You furnish him his clothing, you furnish him his food, you furnish him his medical attendance, you furnish him his quarters. I think it was estimated, in round numbers, that the entire allowance for the enlisted man was fairly worth about $17 a month. Is that right, Mr. YOUNG?

Mr. YOUNG. Seventeen dollars and seventy-three cents.

Mr. TAWNEY. Is that on the basis of thirteen or fifteen?

Mr. HULL of Iowa. Allowances are not changed. Under the current law it is $17.73 a month, under proposed law it will be the same.

Mr. HAY. That is, plus the $13.

Mr. TAWNEY. Now, that is important; one Member says it is $17 plus the $13.

Mr. HULL of Iowa. Certainly it is plus; one is pay, the other is allowance.

Mr. SLAYDEN. There is evidently a misunderstanding. The enlisted man, under the current law, receives $13 a month; he has an allowance of $56 and some odd cents a year for clothing——

Mr. YOUNG. A hundred and fifty-five dollars for three years.

Mr. SLAYDEN. All of his clothing is charged to him. If he consumes less than the amount allowed him in the three years' enlistment the difference in the cost of what he actually consumes and what he had a right to take under that allowance is paid him in cash at the expiration of his enlistment. I believe the practice now is to settle each six months.

Mr. TAWNEY. As I understand it, under the current law, an enlisted man under his first enlistment is receiving at the rate of $30.73 a month, including allowances.

Mr. HULL of Iowa. That is right in one sense, but not in cash. This does not change the allowance at all. The allowance for clothing and furnishing rations, medical attendance, etc., remains the same as under the present law.

Mr. STAFFORD. Has the gentleman a computation for the other noncommissioned officers and their allowance?

Mr. HULL of Iowa. The allowances are all on the basis of an enlisted man.

Mr. STAFFORD. No greater?

Mr. HULL of Iowa. No greater and no less. The allowances

are for the grade of an enlisted man. I think for a sergeant there is a little allowance for his chevrons; that is all, I think. Now, Mr. Chairman, I want to state the whole matter is subject to the point of order, but I am glad it is withheld so it may be discussed by anyone who desires to do so. I desire to call attention to this fact, because it seems to me to be important, and to say to this House that the Committee on Military Affairs, I think, believe, without any dissenting opinion, that there should be an increase of pay of the enlisted force; that the condition of the Army demonstrates that unless something is done we are liable not to have an army, and that our responsibility to the country demands that we present to the House at least some measure of this character. If the House desires to amend it, if the point of order is not insisted upon, of course, it is open to amendment, but some measure of this character should be passed upon by Congress in the interest of the public safety, and having done that the responsibility no longer rests with the Committee on Military Affairs but with the membership of this House.

Mr. STAFFORD. Does the gentleman and the committee think that an increase of $2 a month, $24 a year, would be sufficient, in view of the wages that are paid throughout the country, to draw a sufficient number of men into the service to make up for the depleted ranks?

Mr. HULL of Iowa. I will yield to Mr. Young to answer that, and I will supplement his statement if necessary.

Mr. YOUNG. It would undoubtedly not be enough, if that was all there was to it. We have not any great difficulty in first enlistments. The trouble is in keeping the men who have enlisted once in the Army for a second and third enlistment.

So we increase the pay on the second enlistment from $15 to $18, and on that enlistment we give a bonus of three months' pay. We pay thirteen months for twelve. Also, we have increased the allowance for marksmanship to $2, $3, and $5 per month, according to the degree of expertness. Very few soldiers reach the highest degree of expertness which entitles them to the $5 a month. More than half reach the lowest degree. Some 20 per cent, I think it is, reach the second degree; but only about 3 per cent the highest degree. We find, however, that the very greatest trouble in recruiting the Army is that the noncommissioned officers go out at the end of their first enlistment. The first sergeant, the orderly sergeant, as we used to call him, and who is the father of the company in a sense, is looked up to by all the men, and if he will not reenlist the company will not reenlist. If the first sergeant finds an inducement to keep him in the ranks, then the company follows generally, and we have held out these prizes in the noncommissioned grades which every private can reach. That is the inducement, and not the pay, for the first enlistment. It is what the private has ahead of him that induces him to stay; and the committee, which has considered that question very carefully, and has had the best advice it could get from the military officers, believes it has amply met the situation, and that this bill if passed will fill our Army and keep it full.

Mr. HULL of Iowa. The gentleman has undoubtedly made an exact statement of the facts concerning that. Every private looks forward to the time when he will be a corporal and then a sergeant. Now, as the law stands to-day, the best class of privates will not accept the appointment as corporal and work on up to the sergeantcy, because he can make more on extra-duty pay than the difference, and he has not the responsibility of the company on his shoulders.

Mr. MADDEN. Under this bill that you have reported you increase the compensation of the men 15 per cent over current law for the first three years of enlistment. Is that correct?

Mr. YOUNG. It is $2 a month.

Mr. MADDEN. That is practically 15 per cent. Then, if they reenlist for the next three years, you increase that 20 per cent?

Mr. HULL of Iowa. You give them $18 for the second enlistment and $21 for the third enlistment.

Mr. MADDEN. Now, do we understand that in addition to these figures you pay them $5 a month for marksmanship?

Mr. HULL of Iowa. Not unless they qualify. We have a law now that gives each private that is a marksman $1 a month extra, and if he is a sharpshooter we give him $2 a month extra, and if he is an expert sharpshooter we give him $3 a month extra. That is the present law. We have increased that so as to give the lower grade $2, the next one $3, and the next one $5, so we will give an inducement to everyone who can to qualify as expert sharpshooters.

Mr. MADDEN. How much is the maximum pay that a private can receive if he continues in the Army?

Mr. HULL of Iowa. If he continues to serve in the Army to the period the law now provides for retirement, he would receive $30 per month if he became an expert sharpshooter. That would give $25 pay, with increase for reenlistments and $5 for being an expert sharpshooter.

Mr. MADDEN. What proportion of the men who enlist become expert marksmen?

Mr. HULL of Iowa. But very few expert, but a good many become marksmen. More become marksmen than become expert sharpshooters. It gets fewer and fewer as you go up, because the requirements of the higher grades are so very strict that only the very best quality of them can qualify in them.

Mr. PARKER of New Jersey. Not more than eight or nine to the company become expert sharpshooters.

Mr. MADDEN. So there is only a small per cent of the enlistment that is capable of receiving the highest pay?

Mr. HULL of Iowa. I do not think it is that many for the highest pay.

Mr. GAINES of Tennessee. I wish to ask the gentleman from Iowa [Mr. HULL] a question, but I will make my statement now first. The gentleman knows that Tennessee has always been a great soldier-producing State. In my district a great many soldiers are enlisted for the Army and Navy. This will always be the case in Tennessee, judging the future by the past.

I have received a great many complaints about the lack of proper pay, it seems to me, from the very highest officer to the very humblest private, and it is a matter of a great deal of concern to their parents and friends, and of course ought to be to me, and is. Now, will the gentleman tell me briefly the main cause of these general complaints?

Mr. HULL of Iowa. Why, they are paid much too little, especially the noncommissioned officer. I will say that from the information I have had from those who have enlisted, and some leading Members on that side of the House have information from their own families confirming that information, that in the first enlistment the pay cuts but little ice, but in the reenlistment—and in the efficiency of the Army it plays a very important part in maintaining one—unless the pay is increased from the privates up to the highest noncommissioned officer, we will have very great difficulty in maintaining our Army.

Now, the gentleman has admitted—of course you have thoroughly investigated the matter—that this pay is too small. Now, how much have you increased, by this bill, the pay; what per cent?

Mr. HULL of Iowa. We have increased it a different per cent for the different officers, until the average increase in money is over 30 per cent.

Mr. GAINES of Tennessee. I am not so much interested for increasing the officers, who can care for themselves, as I am for increasing the pay of the privates.

Mr. HULL of Iowa. This bill does not deal with commissioned officers. The gentleman must understand that there is a noncommissioned officer, who comes up from the ranks and is necessary for the company. He is always an enlisted man.

Mr. GAINES of Tennessee. How about the private; let us hear about him?

Mr. HULL of Iowa. The private gets $15 a month under this bill, and he gets $13 a month under the present law.

Mr. GAINES of Tennessee. How much is that raised?

Mr. HULL of Iowa. We raised it $2 a month on the first enlistment.

Mr. GAINES of Tennessee. Now, Mr. Chairman, just a few words more. As I understand from the people of my district, they are much concerned about this, and I am satisfied it is the same in other districts over the country. The board of trade in Nashville, composed of several thousand leading business men—men filling high office, professors and college men, and merchants and preachers, doctors and lawyers—has passed a resolution upon this subject. They seem to have given a good deal of attention to it, and, with the permission of the committee, I would like to have read the resolution which is sent to me by Mr. Shannon.

Mr. TAWNEY. Will you not be satisfied to print it in the RECORD?

Mr. GAINES of Tennessee. I want you to hear it read.

The CHAIRMAN. Without objection, the Clerk will read.

Mr. TAWNEY. Suppose every other Member of the House should bring in resolutions that come to him from chambers of commerce and have them read before the House; the whole time of the House would be occupied.

Mr. GAINES of Tennessee. That is not the case now. This is right on the point. I usually file these resolutions, as the practice is, but this is a matter that I am not as fully informed on as I want to be, and possibly there are other Members in the same fix, and therefore I ask that it be read.

The Clerk read as follows:

NASHVILLE, TENN., *February 22, 1908.*

Hon. J. W. GAINES, *Washington, D. C.*

DEAR SIR: At the last meeting of our board of directors the inclosed resolution was presented by the Hon. T. W. Wrenne. After some discussion the board went on record as indorsing this resolution, and, as secretary, I was instructed to forward copy to you.

Yours, truly,

E. S. SHANNON, *Secretary.*

[Copy.]

The pay of officers and enlisted men at this time of the Army, Navy, Marine Corps, and Revenue-Cutter Service is wholly inadequate for the services rendered, and so small that it is impossible for the Government to maintain the regulation quota, and the number of officers and men necessary for the duties to be performed and required of the Army and Navy. The pay allowed officers and men is much less than that allowed generally in all other lines of occupation and employment. The pay has not been advanced at all in the proportion that the necessary cost of living has increased in the last several years. This fact is known to the President, the Secretary of War, the Secretary of the Treasury, and all the officers and men comprising the Army and Navy, and has been considered by the President and the Departments mentioned, and in the conference held by the President, the Acting Secretary of the Navy, and the Assistant Secretary of the Treasury, the latter Departments having charge of these matters. A bill has been prepared and offered in Congress, where it is now pending, providing for such an increase in the pay of the officers and men as would be fair and just, and such that men now in the service will remain, and fixing the pay on a basis that will encourage the enlistment of men in the Army and Navy, thus enabling the Government to maintain the necessary quota of officers and men in service.

In view of these conditions and facts, the board of trade of Nashville favors the measure now pending, and desires its prompt passage by Congress, and approval by the President.

Resolved, therefore, by the board of trade of Nashville, That it hereby gives its indorsement to said measure, and recommends and requests the Senators and Representatives in the Congress from Tennessee to vote for and aid in the passage of said bill pending as aforesaid, and which has been prepared and recommended for passage by the President and Departments as stated.

Resolved, further, That the secretary of this board forward copies of this resolution to the Senators and Representatives referred to.

NASHVILLE, TENN., *February 21, 1908.*

Mr. E. S. SHANNON, *Secretary, City.*

DEAR SIR: Referring to your favor of 19th instant, I am pleased to hand you herewith a copy of the resolution relating to the bill pending before Congress, to increase the pay of the officers and enlisted men in the Army and Navy, Marine Corps, and Revenue-Cutter Service, which resolution, you will remember, was adopted at the last meeting of the board of trade. The Banner issued the day after the meeting published the text of the resolution, and should you, in communicating the action of the board to the Senators and Representatives of Tennessee in Congress, decide to forward copies of the resolution to each it may facilitate your work to forward copies of that issue of the Banner. I know that the officers and men in the service will appreciate this action of the board and the steps you take to communicate the resolution to the representatives refered to.

Thanking you for your attention to the matter, I am,

Very truly, yours,

T. W. WRENNE.

Mr. GAINES of Tennessee. Now, Mr. Chairman, before I yield the floor I would like to ask the gentleman this: Have we any law allowing Congress to appropriate money to find or locate, properly mark, and protect the graves of soldiers who were killed in battle while in the service of the United States?

Mr. HULL of Iowa. There is a law we have enacted since the Spanish war, bringing deceased soldiers to be buried at home. Congress has absolute power any time it pleases to pass any law it might desire or appropriate the money for laying out the graves and marking them properly.

Mr. GAINES of Tennessee. I understand that.

Mr. DOUGLAS. There is a law now.

Mr. HULL of Iowa. To locate and properly mark?

Mr. GAINES of Tennessee. To locate and properly mark and to protect.

Mr. HULL of Iowa. I know of no such statute.

Mr. GAINES of Tennessee. Well, Mr. Chairman, I beg the indulgence of the committee, so that I may make a rather sad statement. For the past three or four months I have been endeavoring in every way, through our very obliging Secretary of War and his splendid machinery, to locate the graves of soldiers that fell in the battle in or about New Orleans in December, 1814, and January, 1815, and to my amazement, to my astonishment, and I will say to my sorrow, I was informed by General Aleshire yesterday in a letter that is printed in the RECORD of yesterday that the graves of these soldiers, except possibly two, can not be found. They are not marked, and yet, Mr. Chairman, the great battle of New Orleans, wrought by these and other soldiers, was more remarkable than perhaps any battle that was ever fought upon American soil.

I, of course, and many other Members with whom I talked about it privately, very naturally inferred that those killed were properly cared for, that their graves in the cemeteries were properly marked. Yet, gentlemen, I believe only two of the graves of the soldiers of that great battle have been properly marked or cared for. That is neither the wish nor the disposition of the American Congress, nor is it the desire of the proud and patriotic people of the United States.

Mr. CAULFIELD. How many were killed in that battle?

Mr. GAINES of Tennessee. If the gentleman will look in the RECORD of yesterday on his desk, he will find that not many were killed, but it was the heroism of those who were not killed and those who were killed that swept their foes off the face of the earth and gained this far-reaching and greatest victory.

Mr. HULL of Iowa. Inasmuch as this has nothing to do with the bill under consideration, although I do not want to raise the point of order, I hope the gentleman will not take up too much time. The subject is not before Congress now.

Mr. GAINES of Tennessee. I want to have it before Congress.

Mr. HULL of Iowa. I should like to get on with this one proposition that is before us, if possible.

Mr. GAINES of Tennessee. If the chairman will indulge me for a few moments, I will not take up much time. I ask two or three minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. The gentleman will find in the RECORD of yesterday a statement of the number killed. On the 8th of January there were 6. Here is the total loss there: Total killed, 5,575; total wounded, 185; total missing, 93; total 333. On the 8th of January there were 6 killed and 13 wounded. Some that were not killed outright died soon from their wounds. But, gentlemen, their graves are not marked; their graves are unknown. Yet when the news reached the city of Washington that Jackson had gained that great victory the mayor of this town issued a proclamation and asked the people to illumine their homes, and it was done.

The Daily National Intelligencer, of Washington, Monday, February 6, 1815, in part reads thus:

ALMOST INCREDIBLE VICTORY!—FROM NEW ORLEANS.

Dates up to the 13th of January—the enemy attacking our entrenched Army on the 8th, beaten and repulsed by Jackson and his brave associates, with great slaughter.

Then follows a copy of a letter from Major-General Jackson to the Secretary of War, dated "Camp, 4 miles below Orleans, January 9, 1815."

On the same page this is found:

THE ILLUMINATION.

On the full confirmation of the above particulars of the glorious affair at New Orleans, a general illumination took place in this city on Saturday evening, in pursuance of the following recommendation by the mayor:

A PROCLAMATION.

Whereas it has pleased the Almighty Disposer of events to signalize our arms, under the command of the gallant General Jackson, at Orleans, by a victory over the invading foe, unparalleled in the annals of nations; and

Whereas it becomes a people relying on the favor of heaven for support to rejoice in every manifestation of divine goodness, and a number of the citizens of this corporation having expressed to me a wish to celebrate our brilliant triumph by an illumination of this city, in which I most heartily accord, I do, therefore, hereby recommend to the citizens of this corporation to illuminate their houses this evening at 7 o'clock, and to continue until 10 o'clock. And I do enjoin upon all the officers of police to be vigilant in preserving order and preventing mischief.

General Jackson, in his official account of the above glorious battle, states the killed left on the field, 700; wounded, left on the field, 1,400; prisoners, 500; total, 2,600. Our loss, only 7 killed and 6 wounded.

Given under my hand at the city of Washington this 4th day of February, 1815.

JAMES H. BLAKE, *Mayor.*

The people here did not believe Jackson could win that victory. They thought he was an Indian fighter, and not the great military chieftain that he was, the great chieftain that the gentleman from New Jersey [Mr. PARKER] alluded to a few days ago. He took his untrained troops, he himself not being a West Pointer nor a man educated in military tactics in any school, but he won that great victory. Congress was then in session, almost quaking in its shoes, almost shivering with fear that that battle would prove a great disaster to American arms. It was freely talked of on the streets of this city, if not here in Congress, that the American Army would be utterly routed and ruined. But instead of that the news came which settled it forever that although Englishmen may come here and haul away our millionaire girls and sweethearts they can never haul down the American flag. [Applause.]

It is said, Mr. Chairman, that the foreigner may come here whenever he pleases, but not as he pleases. He may come here when he pleases, but since the battle of New Orleans he leaves his men-of-war and his sword behind.

Mr. LAMB. The Almighty fought on Jackson's side.

Mr. GAINES of Tennessee. Yes; God Almighty was on his

side. And, Mr. Chairman, I think at this late day my friend will agree that there should be some reference made to the subject here, to show that we not only respect what these great heroes did, but that we shall honor ourselves by honoring their graves. [Applause.]

Mr. PARKER of New Jersey. Mr. Chairman, the House is naturally interested to know exactly what is paid under this bill and under the present law, in each grade. It is a little more complicated question than it seems. For instance, at the present time a soldier gets $13 a month when he first enlists. Under the new bill he would get $15. On his first reenlistment under the present law he would get $3 increase, and the same under the new law. Thus, under the second enlistment the soldier would get under the present law $16, and under the new law $18, making $2 difference. On the second reenlistment or the third enlistment the present law increases his pay $2; the proposed law increases it $3, so that the result would be $18 and $21, or a difference of $3. On the fourth enlistment both laws increase it by $1, making a difference still of $3, between $19 and $22. On the fifth enlistment there is no increase by the present law which, after the third, seems to increase by $1 every two enlistments; the result being that on the seventh enlistment by the proposed law he would get $25 instead of $20, or $5 difference; while on the tenth enlistment the increase is going on under the present law, and not under the proposed law, so that the difference again would be only $3—$22 under the present law and $25 under the proposed law. Now, I have a table here——

Mr. HAY. If the gentleman from New Jersey will pardon me, would not the soldier every time he reenlisted under the proposed law get three months' pay, which would be $45 for each reenlistment?

Mr. PARKER of New Jersey. A little more, perhaps. I will come to that. He gets three months' pay at the last rate. I have prepared a table which shows an abstract of the full effect of the bill from beginning to end. I have only stated these details in order to show the House how difficult it is to construct an exact average, and that we can only say generally that in the matter of privates in the Army, who are mostly in the first, second, or third enlistment, the difference between the two provisions is only $2 or $3 per man per month, so far as the ordinary pay is concerned.

Now, as to the other officers and noncommissioned officers, the difference is shown in the table, but it is far greater. We did not think it right that the first sergeant should remain at $24 a month, and we have made his pay $45; but the increases after that are not much, if at all, larger under the bill than under the present law. This bill attempts to give an opportunity for merit. It intends to give a good, fair pay, not so much as is given for the Navy for like officers, but a pretty fair pay. The $45 pay grows to $55 a month, besides the ordinary allowances, which, in the case of a first sergeant in camp, generally includes quarters for his wife—he stays with the company, but he has a place for his wife and children.

The gentleman from Virginia [Mr. HAY] has pointed out, quite rightly, that in all these cases, after the first enlistment, we give thirteen months' pay instead of twelve. That is to say, at the reenlistment there is a bounty of three months' pay, because it is so important to get hold of the man just at the time he thinks "I will go out of the Army." He goes home; he looks about; he makes up his mind, and says: "Well, I might perhaps go back," and the offer of three months' pay will bring back your sergeant and your corporal or your trained expert or the rifleman who gets the extra $5 per month. Now, this matter of sharpshooting is the most important thing there is in our Army.

I think it can hardly be said of any other nation in the world, but it can be said of us, that we have an army of marksmen. We try not to keep a man who can not become an ordinary markesman—that is, a man who can really hit the target instead of firing at it and missing it. Sharpshooters are different. I have had some experience and know. In companies of 70 to 100 men it is not ordinary to get more than 10 sharpshooters, and it is not ordinary to get more than 3 or 4 expert riflemen. An expert rifleman is one who can make a skirmish run, and in the heat of the run throw himself down on the ground and make a bullseye—that is, hit the silhouettes that are placed in that skirmish run. That kind of a man is an extraordinary man. It is worth while to keep him in the Army for $5 a month more.

The benefit of this bill, as will be noticed, is not a very great increased pay to the privates. It is the view of the Chief of Staff that it is for the benefit of the Army that those who do not become officers should go into civil life, and that we should have a whole army of discharged men throughout this whole country who are ready to join the ranks in time of war; and we depend for recruiting our Army, not upon the high pay that we give to the privates, but because they are young and ambitious men, who love the uniform and love the work and who know that if they join the Army there is a chance not only of a commission but also to get a position as a noncommissioned officer which will amount to something and which will give him a permanent place where he is well paid.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER of New Jersey. I ask unanimous consent to print as a part of my remarks this table.

The CHAIRMAN. Is there objection?

There was no objection.

Table showing present and proposed pay schedule for enlisted men of the Army.

Grade.	Arm of corps.		Pay for several enlistments.									
			First.	Second.	Third.	Fourth.	Fifth.	Sixth.	Seventh.	Eighth.	Ninth.	Tenth.
Master electrician	Signal Corps, Coast Artillery	Present pay	$75	$78	$80	$81	$81	$82	$82	$83	$83	$84
Chief musician	Bands	do	60	63	65	66	66	67	67	68	68	69
		Proposed pay	**75**	**78**	**81**	**82**	**83**	**84**	**85**	**85**	**85**	**85**
Engineer	Coast Artillery	Present pay	65	.....	68	71	71	72	72	73	73	74
		Proposed pay	**65**	**68**	**71**	**72**	**73**	**74**	**75**	**75**	**75**	**75**
Regimental sergeant-major	Cavalry, Field Artillery, infantry	Present pay	34	37	39	40	40	41	41	42	42	43
Regimental quartermaster-sergeant	do	do	34	37	39	40	40	41	41	42	42	43
Regimental commissary-sergeant	do	do	34	37	39	40	40	41	41	42	42	43
Senior sergeant-major	Coast Artillery	do	34	37	39	40	40	41	41	42	42	43
Battalion sergeant-major	Engineers	do	36	39	41	42	42	43	43	44	44	45
Post quartermaster-sergeant	Post noncommissioned staff	do	34	37	39	40	40	41	41	42	42	43
Post commissary-sergeant	do	do	34	37	39	40	40	41	41	42	42	43
Post ordnance-sergeant	do	do	34	37	39	40	40	41	41	42	42	43
Battalion quartermaster-sergeant	Engineers	do	36	39	41	42	42	43	43	44	44	45
Sergeant, first class	Hospital Corps	do	45	48	50	51	51	52	52	53	53	54
Electrician-sergeant, first class	Coast Artillery	do	45	48	50	51	51	52	52	53	53	54
Sergeant, first class	Signal Corps	do	45	48	50	51	51	52	52	53	53	54
First sergeant	All arms	do	25	28	30	31	31	32	32	33	33	34
		Proposed pay	**45**	**48**	**51**	**52**	**53**	**54**	**55**	**55**	**55**	**55**
Battalion sergeant-major	Field Artillery, infantry	Present pay	25	28	30	31	31	32	32	33	33	34
Squadron sergeant-ma-jor	Cavalry	do	25	28	30	31	31	32	32	33	33	34
Junior sergeant-major	Coast Artillery	do	25	28	30	31	31	32	32	33	33	34
Battalion quartermaster-sergeant	Field Artillery	do	25	28	30	31	31	32	32	33	33	34
Master gunner	Coast Artillery	do	34	37	39	40	40	41	41	42	42	43
Chief trumpeter	Bands	do	22	25	27	28	28	29	29	30	30	31
Principal musician	do	do	22	25	27	28	28	29	29	30	30	31
		Proposed pay	**40**	**43**	**46**	**47**	**48**	**49**	**50**	**50**	**50**	**50**
Electrician-sergeant, second class	do	Present pay	35	38	40	41	41	42	42	43	43	44
Sergeant	Engineers, ordnance, Signal Corps, and bands.	do	34	37	39	40	40	41	41	42	42	43

Table showing present and proposed pay schedule for enlisted men of the Army—Continued.

Grade.	Arm of corps.		Pay for several enlistments.									
			First.	Second.	Third.	Fourth	Fifth.	Sixth.	Seventh.	Eighth.	Ninth.	Tenth.
Quartermaster-sergeant	Engineers	Present pay	$34	$37	$39	$40	$40	$41	$41	$42	$42	$43
Drum major	Bands	do	25	28	30	31	31	32	32	33	33	34
Color sergeant	Cavalry, Field Artillery, infantry	do	25	28	30	31	31	32	32	33	33	34
		Proposed pay	**36**	**39**	**42**	**43**	**44**	**45**	**46**	**46**	**46**	**46**
Sergeant	Cavalry, artillery, infantry, Hospital Corps.	Present pay	18	21	23	24	24	25	25	26	26	27
Corporal	Bands	do	16	18	20	21	21	22	22	23	23	24
Quartermaster-sergeant	Cavalry, artillery, infantry	do	18	21	23	24	24	25	25	26	26	27
Fireman	Coast Artillery	do	30	33	35	36	36	37	37	38	38	39
Cook	All arms	do	18	21	23	24	24	25	25	26	26	27
		Proposed pay	**30**	**33**	**36**	**37**	**38**	**39**	**40**	**40**	**40**	**40**
Corporal	Engineers, ordnance, Signal Corps, Hospital Corps.	Present pay	20	23	25	26	26	27	27	28	28	29
Chief mechanic	Field Artillery	do	18	21	23	24	24	25	25	26	26	27
Mechanic	Coast Artillery	do	18	21	23	24	24	25	25	26	26	27
Private	Bands	do	13	16	18	19	19	20	20	21	21	22
		Proposed pay	**24**	**27**	**30**	**31**	**32**	**33**	**34**	**34**	**34**	**34**
Corporal	Cavalry, artillery, infantry	Present pay	15	18	20	21	21	22	22	23	23	24
Mechanic	Field Artillery	do	15	18	20	21	21	22	22	23	23	24
Farrier, blacksmith, saddler, wagoner	Cavalry	do	15	18	20	21	21	22	22	23	23	24
Artificer	Infantry	do	15	18	20	21	21	22	22	23	23	24
		Proposed pay	**21**	**24**	**27**	**28**	**29**	**30**	**31**	**31**	**31**	**31**
Private, first class	Engineers, ordnance, Signal Corps, Hospital Corps.	Present pay	18	21	23	24	24	25	25	26	26	27
		Proposed pay	**18**	**21**	**24**	**25**	**26**	**27**	**28**	**28**	**28**	**28**
Private	Hospital Corps	Present pay	16	19	21	22	22	23	23	24	24	25
		Proposed pay	**16**	**19**	**22**	**23**	**24**	**25**	**26**	**26**	**26**	**26**
Trumpeter	Cavalry	Present pay	13	16	18	19	19	20	20	21	21	22
Musician	Infantry, artillery, engineers	do	13	16	18	19	19	20	20	21	21	22
Private	Cavalry, artillery, infantry, Signal Corps.	do	13	16	18	19	19	20	20	21	21	22
Private, second class	Engineers, ordnance	do	13	16	18	19	19	20	20	21	22	22
		Proposed pay	**15**	**18**	**21**	**22**	**23**	**24**	**25**	**25**	**25**	**25**

Note as to extra pay.	Present law.	Proposed law.
On reenlistment within three months from honorable discharge.	Nothing.	Three months' pay at rate last received.
Cavalrymen and infantrymen and engineers qualifying as—		
Marksman	$1	$2
Sharpshooter	2	3
Expert	3	5
NOTE.—The Artillery, Hospital, and Signal Corps, and Quartermaster, Ordnance, and Subsistence departments are eligible, but practically have no opportunity for extra pay for rifle practice, nor can any man qualify in two different classes.		
Coast and Field Artillery:		
Qualifying as second-class gunner	1	2
Qualifying as first-class gunner	2	3
Corporals and sergeants of Coast Artillery qualifying as gun pointer, gun commander, observer (second class), chief pointer, or chief loader	7	7
As plotter, observer (first class), or casemate electrician (the total number authorized being 1,400, or about 8 per company)	9	9

Mr. TAWNEY. Mr. Chairman, I desire to ask the gentleman from Iowa [Mr. HULL] a question in regard to this provision. As I understood his statement, this increase of pay would amount in the aggregate to over $4,000,000.

Mr. HULL of Iowa. About $4,000,000.

Mr. TAWNEY. Is it not also a fact that the pressure for increasing the compensation of the officers of the Army is even stronger, and that there is an organized effort in that direction much greater than there has been to increase the pay of the enlisted men.

Mr. HULL of Iowa. Mr. Chairman, there has been, of course, an effort to increase the pay of the officers, and I think in a sense it is a proper question to be discussed.

Mr. TAWNEY. I am not questioning that, but what I want to ask is this: In case the increase would be allowed to the officers, then what would be the aggregate of that increase—the proposed increase?

Mr. HULL of Iowa. There has been nothing proposed in this bill at all.

Mr. TAWNEY. I understand that.

Mr. HULL of Iowa. So that I can not answer that question. It is all under the control of Congress.

Mr. TAWNEY. The gentleman from Iowa will perhaps tell us what the probable increase would be if the proposition for an increase of pay to the officers should prevail.

Mr. HULL of Iowa. I should say, if the proposed increase, or what is called the "Warren bill" that is now before the Senate as an independent measure, were to prevail, it would mean between $2,500,000 and $3,000,000.

Mr. SLAYDEN. That is the officers?

Mr. TAWNEY. Yes.

Mr. HULL of Iowa. Then the question of increase would also be determined somewhat by whether that provision would apply to those on the retired list. If it did not, you would reduce it by $250,000. I will say to the gentleman from Minnesota [Mr. TAWNEY], in regard to this great push for an increase in the pay of the officers, that the Secretary of War in his hearing before us said that above all things that were necessary was the increase in the pay of the enlisted men; that while it was only just to consider the other and make it if we could, yet if only one could be made, the enlisted men should first be taken care of. That is the testimony of the Secretary of War and also of the Chief of Staff, substantially.

I want to say to my friend that there has been a tentative talk among the members of the committee of an increase which would commence with the brigadier-general and give him $500 a year additional salary, which would make his pay the same as the pay of a rear-admiral of the junior grade in the Navy. That officer of the Navy gets $6,000 a year, while our brigadier-general, of equal rank, gets $5,500. Then there is a proposition to give a flat increase of $500 a year for each grade from brigadier-general down to and including the second lieutenant, which would make an increase of about $2,000,000 for pay of officers, a less increase than proposed by the other plan, of giving the larger increase to the upper grade of officers and less than $500 to the first and second lieutenants. Another thing, a percentage increase would further discriminate against infantry line officers by giving mounted officers a still larger increase than would be given officers not mounted. In my judgment the difference in pay is now too great.

That is a matter that should be taken up if the measure is brought before us and fully debated and discussed. The proposition here is simply to increase the pay of the enlisted force of the Army.

Mr. TAWNEY. Now, Mr. Chairman, the remarks of the gentleman in charge of the bill illustrate more forcibly than anything I can say as to my purpose in reserving the point of

order on this paragraph. It is evident that before this session of Congress adjourns there will be a struggle between the two Houses over this proposition to increase the pay of the officers of the Army.

The CHAIRMAN. The gentleman's time has expired.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more. I took up too much of his time.

The CHAIRMAN. Is there objection? [After a pause.] None is heard.

Mr. TAWNEY. I have no objection to the proposition to increase the pay of the enlisted men, but I do object to legislation authorizing this increase of pay being carried on an appropriation bill, and the mistake we make if this provision remains in this bill is that we are transgressing the rules of the House in doing it. When this proposition goes to the other legislative branch of the Government they will feel justified in incorporating in the bill their proposition in regard to increasing the officers' pay as an amendment to our unauthorized provision. This I do not believe the House or the Committee on Military Affairs is in favor of; so that at the end of the session the House will be confronted with the proposition—either increase the salary of the officers, as proposed by the Senate, as an amendment to our proposition to increase the pay of the enlisted men, or you will get no appropriation for the support of the Army.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. TAWNEY. Yes, sir.

Mr. SLAYDEN. Does not the gentleman think that that proposition will be made in any event, whether this goes in or stays out?

Mr. TAWNEY. I think that proposition will be made in any event, but the proposition ought to come on a legislative bill, which the House should send to the Senate for the purpose of authorizing this proposed increase in the pay of the enlisted men of the Army. We can send this bill to the Senate as a separate proposition immediately after the passage of the appropriation bill, if necessary. If this proposition is to go into this bill, either by unanimous consent or by a special rule, we can as well pass it as an independent proposition. The Committee on Military Affairs has legislative jurisdiction as well as appropriating jurisdiction. There is no reason why this proposition should not come before the House as all other legislation comes from legislative committees and be considered as a separate proposition. In that case it would be considered on its merits, uninfluenced by the fact that it was a part of the bill appropriating money for the support of the Army. If we send to the Senate a clean appropriation bill and their proposition is put on there, under the rule that obtains in conference they will have to recede. Their body will be the one that will have to recede, but if we send this appropriation bill to the Senate with a provision for the increase of pay of the enlisted men, in violation of the rules of this House, and they amend our proposition by increasing the pay of the officers, then it will be a question of endurance between the two houses or no appropriation for the support of the Army.

Mr. HULL of Iowa. I would like to ask the gentleman a question right there. That is one of the points; the committee believed it was better to put it on here, and we could control it better than we could if it was in a separate and independent measure. Is it not always the rule that the House making the amendment, if the other House will not agree to it, must recede?

Mr. TAWNEY. No; it depends upon——

Mr. HULL of Iowa. That is the rule.

Mr. TAWNEY. If it is an amendment to an appropriation; but that rule does not obtain if it is an amendment to legislation.

Mr. HULL of Iowa. I never heard of its being limited before——

Mr. MANN. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. MANN. Does not the gentleman believe, if this increase should remain on the appropriation bill and the Senate should add an amendment to this proposition increasing the pay of Army officers, it being an amendment by itself, the House would be able to protect itself against that matter in conference, whereas if it goes to the Senate as an independent bill it will result in a compromise in conference inevitably?

Mr. TAWNEY. Well, it will result, in my judgment, if it goes to the Senate in this appropriation bill, in the House being compelled in the last moments of the session to recede from our disagreement to their amendment increasing the salary of the officers of the Army or not making any appropriation for the support of the Army.

Mr. MANN. I do not want to take up the gentleman's time, of course——

Mr. TAWNEY. Now, the gentleman from Illinois knows that this proposition goes in here in violation of the rules of both Houses, and if we are the first to transgress the rules of our House, that will be the excuse on the part of the other branch for transgressing their rules by amending legislation on an appropriation bill sent to them, and our position will be less advantageous than it will be if the contest between the two Houses on the question of increasing the officers' pay comes on a legislative bill.

Mr. MANN. Of course, the gentleman knows so far as this being a violation of the rules is concerned that it is subject to the point of order, and he also knows that there has not been an appropriation bill passed in this House for thirty years that did not have a provision in it that was subject to the point of order when it went out of the House.

Now, what we are seeking to get here is the strategic advantage, whatever that may be.

Mr. TAWNEY. That is what I am after.

Mr. MANN. If the gentlemen who will be the members of the conference committee and members of the Military Committee of this House are prepared—I do not know that they are—to say to the House that they will not yield to the Senate amendment, is not that absolute protection to the House and does it not avoid the possibility?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. That would protect the House against any chance of being forced into the position in the closing twenty-four hours of the session to recede or have an extra session of Congress. Of course we know now that within the next two or three months there will be many threats on both sides of the Capitol that "We will stay in this body until the other place freezes over before we give in;" and yet they always adjourn at the regulation time.

Mr. TAWNEY. Mr. Chairman, I do not think that the members of the Committee on Military Affairs who will be the conferees on this bill ought to be asked to say that they will not do thus or so in conference, because a conference, if it is not a free conference, is no conference at all, and I think that it is not even advisable to instruct in advance or ask them to commit themselves positively one way or another on any proposition.

Mr. MANN. Will the gentleman yield on that?

Mr. TAWNEY. Yes.

Mr. MANN. The gentleman, of course, has had a great deal more experience on appropriation bills than I have, yet I have been watching them pretty closely for some years——

Mr. TAWNEY. We all concede that.

Mr. MANN. If you go into the Senate with this as a bill by itself, you can not go in and instruct the conferees that they will not yield, because that is not a free and full conference, but it is no violation of that rule to instruct the conferees that they shall stand absolutely against the Senate amendment as to one amendment in the appropriation bill of the House.

Mr. TAWNEY. Mr. Chairman, the gentleman from Illinois made a remark that I want to call attention to. He referred to the fact that every appropriation bill passed by the House when passed contains provisions that are there in violation of the rules of the House. That criticism is always indulged in by committees that have legislative and appropriating jurisdiction.

Mr. MANN. I beg the gentleman's pardon. I said items that were subject to a point of order. It is the gentleman who said it was in violation of the rules of the House. The rules of the House allow the provisions unless a point of order is made.

Mr. TAWNEY. The fact is, Mr. Chairman, these provisions that the gentleman refers to—legislation carried in other appropriation bills—is legislation in respect to the administration of public expenditures, either in the way of a limitation or restriction, calculated either to reduce or safeguard public expenditure. This is an entirely new proposition, and believing, as I do, that if it remains in this bill and goes to the Senate, it means ultimately the increase of the salaries of the officers of the Army, I shall for that reason insist upon the point of order. But I will withhold it for the moment.

Mr. KAHN. Will the gentleman yield for a question?

Mr. TAWNEY. I will.

Mr. KAHN. The gentleman says that this is different legislation from that which one generally finds in appropriation

bills. I want to ask the gentleman if it is not on all fours with the proposition to increase the salaries of clerks in the different Departments that frequently appear in appropriation bills brought from the gentleman's own committee?

Mr. TAWNEY. Not at all. This is on a par with a proposition brought from the Committee on Appropriations to increase the salaries of all the clerks. To propose to increase the salaries of one or two clerks in a Department, simply because of increased service or something of that kind, is an entirely different proposition. The Committee on Appropriations has no other means of informing the House as to the necessity of increasing salaries in particular cases. Not so with the Committee on Military Affairs. It has legislative jurisdiction over all matters pertaining to the Army and can consider and report bills relating to the pay of the Army or in relation to anything else connected with the Army that, in the judgment of the committee, the needs of the service require.

Mr. SLAYDEN. Mr. Chairman, it is a pity that the entire membership of the House could not have been here this afternoon and have heard or participated in this discussion of the pay of the Army. It is a very important measure, important by itself and important in its relation to other branches of the public service. And I am going to ask the committee to bear with me for a few minutes while I call attention to certain features of the pay of the Army and of the Navy. My colleague on the committee [Mr. PARKER] has, I presume, inserted or provided for insertion in the RECORD to-morrow morning of certain of the data to which I shall refer. The average monthly pay of the enlisted men of the Army, according to the disbursements of the Paymaster-General last year, was $17.33. Now, this $17.33 included all such extra pay as arises from allowance for skill as marksmen, sharpshooters, and expert riflemen. Plus that, I may say, is to be taken into consideration the clothing allowance, which was mentioned a while ago, $169 in three years, or $56.33 for one year. We take no consideration of the value of food, of medical attention, of the housing provided for the soldier, fuel and light, the cost of medical service, and all that sort of thing, all of which is of material value, all of which, if counted up in the total, finally costs a great deal, and which I am prepared to admit will show there was paid to the soldiers in consideration of their services more than $30 a month.

I want particularly to have the attention of the committee to the consideration of the relative pay of the two services. I am not arguing that one is too low and the other is too high. I simply want you to take knowledge of the facts and to consider them, because within a very few days you will be called upon to vote upon the pay of enlisted men in another branch of the military service of the country, which, man for man, costs about twice as much as the Army. We must be just to both. Last year the Navy pay averaged for the enlisted personnel $30 per man per month. Now, plus this $30, each enlisted man in the Navy received an outright contribution at the time of enlistment of $60 for clothing allowance. He enlisted for four years as against the three years' enlistment of the soldier. After this first allowance of $60 the seaman pays for his own clothing out of his pay. That has already been brought out here. The seaman also receives a bonus for reenlistment of three or four months' pay.

Mr. HULL of Iowa. Four months' pay.

Mr. SLAYDEN. He receives a bonus of four months' pay, the chairman says, at the rate paid him for the rank that he held at the time of his discharge; and there are enlisted men in the Navy who are drawing very considerable salaries. This bonus runs up to two, three, and even four hundred dollars.

If a man's enlistment expires to-day and he reenlists to-morrow, he will get that bonus, in some instances amounting to several hundred dollars. If he is discharged to-day and does not reenlist until the day before the expiration of the period beyond which this bonus, whatever it is, does not go, he will get it. The man may go out and stay on a vacation for four months less one day and receive it on the day of his reenlistment.

Now, Mr. Chairman, the estimate for the pay of the Navy for the ensuing year has been increased by 10 per cent. The seamen of the Navy of the United States will receive an allowance of $33 per month for the next fiscal year; and, curiously enough, and it is a fact which does not seem to be generally known by the Members of this House, it is within the province of the President of the United States, within the limits of the appropriation, to fix the pay of the Navy at whatever he pleases; and he, acting upon the advice of the officials of the Navy Department, has decided that for the next fiscal year the seamen shall receive this 10 per cent increase, or $33 per month.

The suggestion was made in what is known as the "Dick-Capron bill" that we pass a law vesting the same power in the President, to fix the pay of the Army within the limitations of the appropriation. But it met with no sympathy in the committee, and I am quite certian it would not meet with any on this floor. And I believe that if the statutes did not now confer upon the President of the United States authority to fix the pay of the Navy, you could not muster a corporal's guard in this House for giving him any such power as that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL of Iowa. I ask unanimous consent that my colleague may have five minutes more.

There was no objection.

Mr. CLARK of Missouri. I would like to ask my friend from Texas one question. How did he ever get that power?

Mr. SLAYDEN. The power was given to him about 1814; I am informed it was done during the period of the second war between England and the United States.

Mr. CLARK of Missouri. And he increases the pay as much as he pleases?

Mr. SLAYDEN. Oh, no; within the limits of the appropriation, of course.

Mr. CLARK of Missouri. Well, then, when the House makes the appropriation, why, they take into consideration the fact that he can do that thing.

Mr. SLAYDEN. I presume so. I do not think the majority of the membership of this House has known it until very recently. I confess I did not know it until a few months ago. I did not know that he had any such power as that, and I was shocked to learn it. The estimates are made in the Navy Department, and, after consultation with the officials of that Department, I presume, the President fixes what pay the seamen shall receive for the next year, being restrained only by the limit of the appropriation and his own view of what is right.

Now, it so happens that he has decided that they shall have an increase of pay of 10 per cent for the ensuing year, and it is to be fixed at $33 per month, provided, of course, Congress does not choose to exercise its authority and change the law or reduce the amount of the appropriation, so that it will not be possible to do so.

Mr. PARKER of New Jersey. Will the gentleman allow me to ask him a question?

Mr. SLAYDEN. Yes.

Mr. PARKER of New Jersey. Does his estimate include warrant officers?

Mr. SLAYDEN. Mr. Chairman, I do not think it does. I did not make up the figures myself. They were given to me, but I thought of it afterwards, and I do not believe that they do include the pay of warrant officers. There is a considerable increase of pay to be added to the average cost of enlisted men in the Navy if the warrant officers are figured separately.

Mr. DOUGLAS. What is a warrant officer?

Mr. SLAYDEN. Warrant officers are boatswains, gunners, and other noncommissioned officers.

Mr. HULL of Iowa. They stand just between the enlisted force and the commissioned force. They are quasi enlisted and quasi commissioned.

Mr. SLAYDEN. They are highly paid seamen.

Mr. HULL of Iowa. They get from $1,300 a year to $1,800 a year.

Mr. SLAYDEN. They get as high as $2,100, I am told.

Mr. HULL of Iowa. I knew that they went up as high as $1,800.

Mr. SLAYDEN. They get very large pay, although they are not commissioned.

Now, Mr. Chairman, it is useless at this time to invite this House to consider a comparison of the treatment of the two branches of the service. There are not enough Members present here, even if I could command the attention of all of them, to make an impression upon them that would be felt in the House itself. But if they will look at the pay rolls of the two branches of the service, if they will see the sort of appropriations that we are making year after year for the support and upbuilding of the Navy, and compare it with what has been done and is being done for the Army, I think Members will reach the conclusion that although there may be extravagance in this branch of the military service, there unquestionably is extravagance in the other.

In the Senate a bill is now pending that proposes a flat increase of 40 per cent of the pay of the enlisted men of the Navy and a 20 per cent increase of the pay of the officers. You have already been invited to consider the fact that the officers of the Navy are better paid, rank for rank, than the officers of the Army. Yet, despite that fact, there is pending with prospect of passage a bill (S. 3335) which not only provides for a flat increase of 40 per cent in the pay of the enlisted men of the Navy, but will make a more glaring disparity between the pay of the officers in the two services. My colleague on the com-

mittee, Mr. PARKER, has just called my attention to the fact that the figures that I thought he would have in the RECORD to-morrow, and which show the comparative pay of the Army and Navy, were printed in the RECORD of Tuesday. They show very clearly that the pay of the Navy is too high or that of the Army too low. I commend his tables to the attention of the House.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOUDENSLAGER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 102. Joint resolution authorizing the Secretary of War to furnish three condemned cannon to the mayor of the city of Detroit, Mich., to be placed on the base of a statue of the late Maj. Gen. Alexander Macomb, United States Army; and

H. J. Res. 120. Joint resolution authorizing the Secretary of War to apply the unexpended balance of the donation made by the citizens of Dallas, Tex., under the provisions of the river and harbor act of March 3, 1905, to work in construction of Lock and Dam No. 2, in section 1, of Trinity River.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2872) to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 40.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of Contentnea (Moccasin) River, in the State of North Carolina, from the town of Snow Hill in Greene County, to the town of Stantonburg, in Wilson County, for the purpose of estimating the probable cost of dredging and removing obstructions from the said river.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to address the House for ten minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for ten minutes. Is there objection?

There was no objection.

Mr. SULZER. Mr. Chairman, I want to take advantage of this time, the first opportunity I have had, to correct now one of the many inaccuracies, inconsistencies, and glaring misstatements made by the gentleman from Pennsylvania [Mr. DALZELL] in his campaign speech yesterday. On some future occasion I hope to take up a little more of the time of the House in refuting to a greater extent some of his misstatements; but to-day I shall content myself by refuting this one misstatement in the gentleman's speech on page 2626 of the RECORD of yesterday, February 26. I send the paragraph to the Clerk's desk and ask to have it read in my time.

The Clerk read as follows:

The Virginia Democratic Association, at a meeting in this city in October last, voiced it in a preamble and resolution which were published in the Washington Post. I will read as follows:

"Whereas William Jennings Bryan, the great commoner, as well as the great uncommoner; the great advocate of free silver; the great advocate of government ownership of railroads; the great advocate of initiative and referendum; the greatest blower upon earth; the greatest standing candidate upon earth; the greatest man without a record known in American politics, is threatening again to become a candidate of the Democratic party for the President of the United States: Therefore be it

"*Resolved*, That it is the opinion of this association that he stands about as much show of success as a short-tailed bull in fly time."

Mr. SULZER. Now, Mr. Chairman, from a careful reading of the speech there can be no doubt that the intention of the gentleman from Pennsylvania [Mr. DALZELL] was to clearly convey the impression to this House, and to the people of the country generally, that this preamble and resolution had been adopted or agreed to by the Virginia Democratic Association at a meeting held in this city last fall. I have in my hand a sworn statement made by a gentleman of this city, who is very well known, who was formerly the president of the Virginia Democratic Association, is now a member of that association, and who was present at this meeting, which tells the truth in this matter. I send this statement to the Clerk's desk and ask to have it read, so that it will positively refute the impression, if any there be, which the gentleman from Pennsylvania doubtless intended to give out to the country, and I want it to receive as prominent a place in the RECORD as that misstatement of fact has received. [Applause on the Democratic side.]

The Clerk read as follows:

WASHINGTON, D. C.,
February 27, 1908.

Hon. WILLIAM SULZER,
The Capitol.

DEAR SIR: In justice to truth, Mr. Bryan, and the Virginia Democratic Association, I would like to have Mr. DALZELL's statement that our association is against Mr. Bryan corrected; and that it may be as widely published as his speech will be, I make the following statement, under oath, for you to make use of, if you will:

The resolution referred to by Mr. DALZELL was offered at the September meeting, held in the Riggs House, by Maj. R. C. Glascock. The president called for a second to the motion, but as there was no one present who entertained the views therein expressed, except Mr. Glascock, it failed to receive a second, and was not before the meeting or any part of its proceedings. The Virginia Democratic Association has entertained Mr. Bryan on a number of occasions, and it is the expressed opinion of all its members heard from, with the one exception, that Mr. Bryan, in point of ability, knowledge of governmental affairs, and honest patriotism, has no equal to-day among public men.

The papers dominated by those large moneyed interests which have been exploiting the people, with the approval of the Republican party, have been filled with unfair attacks and misrepresentation of Mr. Bryan.

He is the people's candidate and for the people's interest, whether they are Republicans, Democrats, or members of the new Labor Party, and will be so recognized next November.

I would like to see such statements corrected. As a member and ex-president of the association present at the September meeting I subscribe to the above facts as true.

Very truly, yours,
R. E. L. YELLOTT.

Subscribed and sworn to before me this 27th day of February, 1908.
[SEAL.] MARY E. BRANSON,
Notary Public, District of Columbia.

[Applause on the Democratic side.]

Mr. SULZER. Mr. Chairman, that statement speaks for itself. I have not the time, and I do not intend now to take up the valuable time of the committee to reply, to any great extent, to the political speech of the gentleman from Pennsylvania [Mr. DALZELL], delivered on the floor of this House yesterday. As I said, that was a campaign speech, made for party purposes, filled with political inaccuracies, historical inconsistencies, and material misstatements so far as Mr. Bryan is concerned, so far as the Democratic party is concerned, and especially so far as the Virginia Democratic Association is concerned. [Applause on the Democratic side.] The House heard the speech yesterday, and the part I especially object to is now effectually refuted and absolutely denied. That is all there is to that, and there is nothing to it at all. I am informed by those in Washington who know Mr. Glascock that he is a crank. At this meeting of the Virginia Democratic Association last September he offered this so-called "preamble and resolution," and he could not get a second to it, and the resolution was not acted upon at all, but was withdrawn, or whistled down the wind, and that was the end of it.

Why, Mr. Chairman, if that sort of political material is to be used in the coming campaign by the Republican party, I think at least that the country ought to know how absolutely untrue and unfair and unjust it all is to Mr. Bryan and to the Democratic party; but in my judgment that kind of campaign misrepresentation will not hurt Mr. Bryan or injure the Democratic party. No doubt—and I do not want to do the gentleman from Pennsylvania an injustice—he wanted it to go to the country that the Virginia Democratic Association had voiced, or agreed to this preamble and resolution denouncing Mr. Bryan and making fun of his candidacy for the Presidency. [Applause on the Democratic side.]

Mr. Chairman, that is all I care to say now. I will not take up any more of the time of the House at present to answer other misstatements in the gentleman's speech, but at some future time I hope to have the pleasure of doing so.

Mr. DALZELL. I hope the gentleman from New York will have that pleasure. I just came in a few moments ago, and find my friend from New York engaged in his customary occupation of raising a tempest in a teapot. I did not say anything about Mr. Bryan or the Virginia Democratic Association, except that I found published in the Washington Post a certain statement which I read. That is all I said about it. That is absolutely true. The Washington Post published a preamble and resolution discussed at the meeting of the Virginia Democratic Association, as I recall it. Now, the gentleman does not deny that it was published in the Washington Post?

Mr. SULZER. Not at all; but the gentleman does not want it to go to the country as the voice, as he expressed it in his speech, of the Virginia Democratic Association simply because he happens to read it in some newspaper.

Mr. DALZELL. There was no misstatement of fact; it was in the Washington Post and the gentleman does not deny it, does he?

Mr. SULZER. The gentleman is begging the question. He said in his speech of yesterday—and that part of it was just read from the desk—"the Virginia Democratic Association

voiced it in the following preamble and resolution." As a matter of fact, the Virginia Democratic Association did nothing of the kind.

Mr. DALZELL. Exactly so; I spoke of the gentleman from New Jersey and I spoke of the Virginia Association, and then I said, "I read in the Washington Post," and the gentleman does not deny that it was in the Post, does he?

Mr. SULZER. Oh, no; but I hope the gentleman from Pennsylvania does not intend to have the country believe that everything that appears in the Post or some other newspaper is absolutely true?

Mr. DALZELL. God forbid. [Laughter.]

Mr. SULZER. Mr. Chairman, I do not want the gentleman's misstatement to go unchallenged because he says he happened to read it in the Post or some other newspaper. I understand the Post merely gave the news that the preamble and resolution had been offered and rejected. I want to truth to go to the country through the CONGRESSIONAL RECORD, and I am opposed to having the Virginia Democratic Association placed in a false light, Mr. Bryan libeled, and the Democratic party misrepresented.

Mr. DALZELL. I am very sorry for the Democratic party, of course. [Laughter on the Republican side.]

Mr. HUGHES of New Jersey. Mr. Chairman, will the gentleman yield for a question?

Mr. HULL of Iowa. I want to give notice, now that we have got this episode out of the way, that I shall object to any further discussion not bearing upon the bill.

Mr. HUGHES of New Jersey. I ask the gentleman from Iowa to yield while I ask the gentleman from Pennsylvania a question.

Mr. HULL of Iowa. The gentleman from Pennsylvania stated that he was through and has started out of the House. I was willing, after this was injected, for one on each side to discuss this outside matter, but if we are to get through with the bill we must confine the debate as near as possible, under the five-minute rule, to the matters affecting the provisions of the bill. I shall object hereafter to any outside debate.

Mr. SHERLEY. Mr. Chairman, it was with pleasure that I heard the statement made by the gentleman from Minnesota [Mr. TAWNEY], chairman of the Committee on Appropriations, that he had reserved the point of order to this new legislation relative to the pay of the enlisted men of the Army, and that he should feel called upon to eventually make that point of order. I say that it is with pleasure, not because of any hostility to the legislation itself, because so far as I have been able to understand it I am in hearty accord with it, but because I do consider that it is a very grave and dangerous violation of the customary and orderly method of doing business in this House. We have had quite an interesting discussion, interesting not only for the information that it conveyed, but for the many kinds of conflicting statements from the various members of the Military Affairs Committee as to what would be the effect of this new legislation. We have been given the privilege of reading four lines in the report of the committee on the bill as to what is contained in this new legislation, and I want to read to this committee those four lines to show with what preparation this Committee of the Whole is asked to vote the new legislation that will carry not only in this bill, but in all subsequent bills, an expenditure running anywhere from three millions and a half of dollars to five or ten millions of dollars. Here is the statement:

> Under the head of "Pay of enlisted men of the Army," in all grades, a full new schedule is inserted which makes an increase of $2 a month for the enlisted men and a very material increase of the pay of non-commissioned officers.

Now, that is the remarkable information conveyed to this committee. There is not a man in the sound of my voice, with the exception of members of that committee, who has anything like an accurate idea of what is imposed by this new legislation, and, judging by the statements made by the members of the committee, there are hardly any two of them agreed as to what is proposed. What is the reason given for this method of legislation? Somebody suggests that somewhere there is going to be made an effort to increase the pay of officers in addition to the pay of enlisted men, and in order that this House may not be forced to do something that it does not want to do it ought to put this provision upon an appropriation bill. I do not profess to be an expert in parliamentary law. I do not profess to know all the ins and outs of it, but it is going to require a little stronger statement than has been made to convince me that by bringing in the subject-matter of pay of enlisted men or officers upon an appropriation bill that must be passed we have strengthened the position of the House in regard to what we want to legislate as to such pay. Let it come in naturally in a bill legislating, and only legislating, and then if any other branch of the Government undertakes to block that legislation, all right. They may delay the proper increase to the enlisted men, but they will not be able to force their views upon us as the alternative of having no appropriation for the Army. That is common sense, and it does not require any parliamentary law to know it. If this committee was without legislative power—this Committee on Military Affairs—we might be a little bit more patient with them; but they have ample power.

The same men who report this bill could report to-morrow, if they saw fit, a bill dealing with this whole question, and they could then give to the House information as to what they are undertaking to do, which to-day the House is absolutely without. And to say that because some of us insist upon the orderly doing of things we are obstructing what may be a good purpose is to ignore the great, broad principles that underlie all legislative governments for the sake of a supposed temporary advantage or necessity. I not only hope that this point of order will be made, but should it come to the case where no one else feels as I do, I should myself feel obligated to make it, and I hope now that this House will not permit the adoption of a rule to do violence to our ordinary method of legislating. Let the Military Affairs Committee now understand, and let all the other committees having legislative powers understand, that they are to bring in matters of this nature in an orderly course, and not to come in here upon an appropriation bill with absolutely no information given to the committee and ask us to vote it through because they think no one wants to take the responsibility of stopping meritorious legislation.

Mr. CAPRON. Mr. Chairman, I want, in a word, to say to my friend, who has just taken his seat, that assuming for a moment that this provision goes out of the bill on a point of order, I would like to know if he desires in that manner to relegate to another body the legislative powers which ought to belong to this body?

Mr. SHERLEY. No; and I deny that that would be the effect of it.

Mr. CAPRON. And I assert it could not have any other effect.

Mr. SHERLEY. And will the gentleman answer me a question? Is it not within the power of the Committee on Military Affairs now to report to this House a bill relative to the pay of both enlisted men and officers, or either?

Mr. CAPRON. And the Committee on Military Affairs, with the judgment of men representing both sides of this House, have thought it best and most wise to bring in a provision in this way.

Mr. SHERLEY. But the gentleman has not answered my question.

Mr. CAPRON. Yes.

Mr. SHERLEY. Is it not proper and possible, having reported such a bill, to get it up for consideration in this House?

Mr. CAPRON. Why, certainly; and it is up for consideration, and let me tell the gentleman we are considering one simple item in the military appropriation bill, and that is for the pay of enlisted men.

Mr. SHERLEY. I will agree now to withdraw any sort of objection if the gentleman will state to this committee without correction, or rather will state so as to be in accordance with statements already made, what you are doing under the provisions of this bill.

Mr. CAPRON. I am making a five-minute speech vicariously.

Mr. SHERLEY. So far there have been no two of the committee who have agreed on it.

Mr. CAPRON. The gentleman who addressed the Committee of the Whole House on this proposition has stated and made an accurate reply to every question that has been asked.

Mr. SHERLEY. The gentleman in charge of the bill himself said the statements made yesterday were made under a misapprehension as to what the provision was, and this morning he brought a statement here showing——

Mr. CAPRON. There was a statement made yesterday that there was no increase as high as 100 per cent, and it was ascertained by consultation between the gentleman from Virginia and the chairman of the committee that the company cooks had been increased 100 per cent.

Mr. HULL of Iowa. And musicians.

Mr. CAPRON. And musicians. I want to say to the gentleman that the committee, I believe, carefully and conscientiously considered every point of vantage which the House might have on this matter, and it believed that in presenting it in this way there will be more certainty of the passage of this absolutely necessary legislation, provided the House of Repre-

sentatives desires to retain the Army of the United States, if it should proceed in this manner as an item for the pay of enlisted men, to which this proposition alone refers, rather than in a separate bill, which undoubtedly when it goes to another body would be brought back with an amendment proposing an increase of the commissioned officers of the Army.

Now, I do not deny that is just as righteous as this, and for that reason I believe that this matter should be brought before the House, should be acted upon in this way, and I am surprised that men who have the good of the Army at heart should object to this provision, knowing the fact that all we can get for the enlisted man in the way of pay and emoluments now is about $30 a month, $1 per day. We know that nearly 5,000 desertions in the Army occurred last year. We are not recruiting the sort of men in the Army we ought to have. We know that something must be done. The officers of the Army, those who are making a profound study of the question of enlistments in the Army, believe among the first things necessary is an increase in the pay. A man getting $13 a month is relegated to the $13 class and comes to feel he is a $13 man. This legislation at least shows that the Congress of the United States is thinking about him, is bringing him somewhere to the degree of the level of those outside of the Army, and that is the one reason why you and I should be almost regretful that our consciences make it necessary for us to raise a point of order upon this provision that the Committee on Military Affairs believes to be the method by which this matter should be brought to the attention of the House.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. STEVENS of Minnesota. Mr. Chairman——

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota may proceed for ten minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] None is heard.

Mr. STEVENS of Minnesota. Mr. Chairman, it seems to me that the committee should realize the viewpoint of the Committee on Military Affairs before finally determining the fate of this increase-of-pay proposition. This committee realizes, as has been stated so many times on this floor, that the Army of the United States has been and is in a very serious condition. During the past year there were 4,500 desertions, 12,000 discharged by expiration of term of service, and over 8,000 by disability or by order, or a total discharged last year of over 26,000 men. There was a shortage of 20,000 men in the Army of the United States outside of the Hospital Corps, and that about impairs the efficiency of the Army for more than the proportional decrease of its authorized strength. Under existing conditions it is impossible to recruit the right class of men, and when good men are recruited and fairly trained it is impossible to keep them in the Army; and these good men, so trained, are the real backbone of the Army. They are the efficient force, not only desirable but necessary to keep. Now, we all realize the necessity of a minimum efficient Army for the field service of the United States. Our situation in having tropical possessions fixes beyond question the fact of what must constitute a minimum efficient Army which we are obliged to maintain, and it is that fact that I wish this committee to consider first of all, and then how we can best do our duty in a legislative way and make it efficient. We have Porto Rico, way off in the southeast; we have Hawaii, in the center of the Pacific; we have the Philippines, on the other side of the Pacific, and then we have the Alaskan service, which is as bad on one side as the tropical service is on the other. Those outlying possessions are obliged to be garrisoned by an adequate minimum force, and that is practically determined by the force that is there now. It is not safe to have a smaller number of troops there, and there are many good reasons why more should be stationed. In addition to that, we have been obliged to garrison Cuba for the last few years, and, so far as we can tell, there will be obliged to be maintained by this Government an adequate garrison in that island for some time in the future.

There are about 5,000 men in Cuba now. There will be obliged to be maintained about 5,000 men for some years, so far as we can now foresee, not so much to protect the Cubans as to help them install their own government and properly perform their governmental functions. I know it is stated that the troops may be withdrawn next year about this time; but it is noticeable in the press dispatches from that island, in the reports of its government, and by those who are interested in all phases of Cuban affairs, that the United States must continue to maintain a moderate and efficient military force upon that island. We must remember, too, that after a little time the temporary force of marines must be withdrawn from Panama, and there must be substituted instead an adequate military force from the Regular Army. We are obliged to maintain about 12,000 troops in the Philippines. That number of troops, which must be maintained there, is the minimum, and there is always a possibility there should be more. These men must be replaced in the Tropics and must be replaced in Alaska about every two years. That is about the length of time that the officers consider is safe that the troops can be fairly maintained there, and then others must be sent from this country to replace them. In 1876 Congress fixed the number of troops necessary to be maintained within the United States at 25,000 men, and this number certainly should not be smaller now, when our country is nearly twice as large and the troops, though not needed to fight Indians, yet are needed for instruction and example and cooperation with the National Guard.

Now, Mr. Chairman, I ask if the gentlemen of this committee have considered the dangerous situation in Hawaii? We have only a small garrison there. There is a group of islands that is deemed absolutely necessary for the protection of the military interests of the United States and, as well, for the interests of our trade and commerce in the Pacific.

There is a population there of about 160,000, of which only about 4,000 are Americans and nearly 100,000 are Orientals. It is one of the lamentable conditions of to-day the world over that there does exist a race prejudice, increasing in some places almost to race antagonism, between men of different colored skins, between the white and the Oriental races; and that condition exists in Hawaii just as it does in California and in British Columbia, though not to the extent and with no outbreak up to this time. Many of those Orientals are accustomed to arms. Many of them are very intelligent men. They realize the possibilities of their controlling Hawaii just as much as we do. If, as our people did only about ten years ago, over night, that 100,000 Orientals should undertake to gain control of the Hawaiian Islands, it is very evident they could do it unless the United States maintained an adequate military force upon Hawaii to overawe every assailant and protect our interests, and if that once be done you realize that this wave of race antagonism, any wave of race prejudice, that might arise on both sides of the Pacific could not be subdued by even the strongest administration. The Government might not be able to subdue the wave of prejudice that would come from the vast mass of the people on both sides of the Pacific, and such a sudden wave, increased by the fact of the intense pressure of economic conditions, is always liable to create a condition of armed conflict. It is our duty to prevent any such condition. It is of the utmost importance, then, for this Government to maintain an adequate military force in Hawaii, in Cuba, in Porto Rico, in Panama, and the Philippines, and that such forces must be exchanged by fresh men from the United States full of the vigor from our own soil and climate. It must be replaced by new men every two years. Consequently we must always maintain, in the United States at least, a force equal to those in our possessions.

Mr. Chairman, we can not do it now. Our desertions are too frequent. We can not get recruits. We can not keep them. So this situation seemed to your Committee on Military Affairs a real emergency; something which should be met at once, to save our men, to preserve peace, and prevent the possibility of serious consequences.

Now, I agree with the general proposition of the gentleman from Kentucky [Mr. SHERLEY], as I very generally do outside of politics, but this is one of the situations which is a real national emergency, which demands legislation, if possible, by Congress at this session, to insure that the Army should have an ample supply of recruits of enlisted men to replace and maintain these troops in our tropical possessions. Now, how can we do it? Why do we not do it? It seems to me there are quite a number of things that ought to be done for the welfare of the enlisted men, but the most important of them all is to have the troops adequately paid. The officers of the Army who are responsible most for its affairs informed us that a pay scale like the present would probably insure them an adequate number of troops. For that reason, and for that reason only, this amendment was inserted in the bill. We all know there are several other things of great importance that ought to be corrected by legislation and by administration in the treatment of enlisted men. But they are not emergency measures. They can wait for the ordinary procedure of the House. But this is different; it is needed now, as soon as possible, and for that reason it was presented to this House by the appropriation bill, which must be passed for the support of the Army.

Now, let us consider for a moment some of the other suggestions as to what may happen if it be omitted or if it be passed. If it be passed by this House and if it be further amended by

the Senate by inserting the officers' pay scale, it then must come back here for consideration by the House. The House can do as it pleases. It can send it back to the Committee on Military Affairs, back to the Committee of the Whole, and then to conference, with whatever instructions this committee or the House may choose to give. If it sends it to conference, as I presume it will and it ought to do, then it must come back, and will be subject to whatever action the House chooses to take at that time.

The point I desire to enforce is that some provision for pay for the enlisted men is absolutely necessary. Now, if that amendment or any other amendment by the Senate should come back to the House, that can be debated; any instructions that this House chooses can be given at that time; and if, as a last resort, no provision can be agreed upon, then the same thing can be done for the support of the Army as was done in 1876. The House can compel the passage of a joint resolution extending the appropriations of this year to cover the expenses for next year. So that there can be no failure, and when the appropriation is passed a proper pay bill will be a part of it. But suppose, on the other hand, as was maintained by the proposition of the gentleman from Kentucky, that this amendment ought to be omitted from the bill, as he has it in his power to cause to be done, what will happen? The Committee on Military Affairs will undoubtedly try to do their duty as they see it and report some sort of pay bill.

It will go on the Calendar, and remain on the Calendar, the graveyard of measures of this kind. If it were considered by the House on a motion to suspend the rules, it would not be subject to amendment; and a matter as important as this ought not to be taken up under a motion to suspend the rules. If considered by the House under a special rule, it must take the place of some other appropriation bill now crowding upon us, so fast upon us.

Here we have before us for consideration a bill for the support of the Army. Here is the proper time. We are considering military affairs. We have the proper information to consider the matter right now. We do not need more to frame proper legislation. Is it best to have it crowd out some other appropriation bill not connected at all with military matters when this is the proper time to consider the matter? For this is an emergency, needing help as soon as possible, as it seems to your committee which has presented it to you, appealing to your patriotism for the support and maintenance of the Army; for the welfare and possibly for the peace and safety of the country. Right now consider it, as it ought to be, as the basis of the military establishment, which should be the object of our constant solicitude and care. [Loud applause.]

Mr. SHERLEY. Mr. Chairman, most of the speeches that have been made relative to this matter have been very good speeches in behalf of legislation increasing the pay of the enlisted men of the Army. To that extent they have been effective speeches, but to the proposition that confronts this committee they have been wide of the mark, with the exception of the closing remarks of the gentleman who has just preceded me.

I fail to see, as he does, all of the difficulties ahead of a bill properly reported; and I see a great many advantages in such a bill. In the first place, there is no use for us to get hysterical about the need of this bill. I believe you ought to have increased pay for the Army; but I know, and so does everyone else here, that you will have an Army, an efficient Army, whether this bill passes this year or not.

Mr. HARRISON. Will the gentleman allow me to ask him a question?

Mr. SHERLEY. Certainly.

Mr. HARRISON. I do not want to interrupt the gentleman's argument just at this point, but I listened with interest to his colloquy with the gentleman from Rhode Island, and as I understood the gentleman, his objections to this provision were twofold. In the first place they arose from what he said was the fact, that this is not the proper way in which to bring the measure forward, and, in the second place, that he did not think the gentlemen of the committee who have charge of the matter could explain it. In other words, that the provision in the bill itself was uncertain. Now, the gentleman said, I think, that he would withdraw his objection if the gentleman from Rhode Island or those in charge of this measure could state exactly what it was, so that there would be no uncertainty as to just what this feature of the bill provided.

Mr. SHERLEY. The gentleman is nearly right. There are quite a number of minor and one or two major errors in his statement.

Mr. HARRISON. The gentleman admits that I am substantially right?

Mr. SHERLEY. But I have not admitted that.

Mr. HARRISON. "Substantially right," I think the gentleman said.

Mr. SHERLEY. No; the gentleman did not mean to say that.

Mr. HARRISON. Assuming——

Mr. SHERLEY. Assume, for the sake of your argument, and go ahead.

Mr. HARRISON. I want to ask the gentleman—and he is a great lawyer—whether there is not a maxim of law which says that that which may be rendered certain is certain? Now, his objection is to the uncertainty, as he calls it, of this provision. He bases his criticism upon the questions addressed by Members to the gentleman from Iowa, in charge of the bill, questions as to figures and numbers, requiring an answer as complicated as an answer to an arithmetical puzzle; questions that might have puzzled anyone. They were almost as puzzling as some of the hypothetical questions that are used in trials in the law courts; and because the gentleman who happened to be on his feet explaining an emergency measure was not able to give the gentleman the information he desired I do not think the gentleman has any right to suppose the committee have not information as to what the bill provides.

Mr. SHERLEY. Mr. Chairman, in reply to the suggestion of my friend from New York, it is true that it is an old maxim of the law that that is certain which is capable of being made certain. It is also legally true that a man can do by another what he can do by himself; and yet this maxim of the law would hardly be suggested in a legislative body as proof that a man can perform his duty by allowing somebody else to perform it for him.

Neither can any man here perform his duty in voting intelligently on what is contained in this proposition without knowing what it is, and not simply accepting the statement that it will be eventually shown to him what it is. The statement in the bill is not certain, however certain it may be made. The explanations in regard to it are not certain, and have not been harmonious, and nobody knows it better than those who have been present through this debate of two hours or more. There are now different opinions in the minds of men as to the extent of this legislation. Now, if this was a matter of overwhelming importance, I might not take the position that I do; but I know perfectly well that notwithstanding the need of it, we will have an Army, and we will have an efficient Army, whether this passes or not. I also know that most of the conditions which are reported in regard to the Army were reported when circumstances outside were very different from what they are to-day, and we are likely to have no trouble now in getting recruits. Now, that is no reason why we should not pay a man what he deserves. I want to pay him that, but I want to have this subject, which is a big subject, considered legitimately on its merits, or as the result of a report made by the Committee on Military Affairs. I think the Committee on Military Affairs owes it to the House to give us something more than four lines, telling us that they have made an increase of $2 as to the privates and substantial increases as to the noncommissioned officers, before they ask us to vote the increase.

Mr. HARRISON. I do the gentleman the credit of believing that he is entirely in sympathy with the general proposition to increase the pay of the enlisted men of the Army, but he seems to doubt whether it is a matter of pressing importance. I, for one, was convinced that it was, not only by the speech of the gentleman from Minnesota [Mr. STEVENS], but through the remarks which we had in the House here yesterday. I do not know whether the gentleman was present or not when I read excerpts from the recent article in Everybody's Magazine about the Army situation.

Mr. SHERLEY. I was, and I will reply to the gentleman by saying that if I permitted my opinions to be based on what I see in Everybody's Magazine and similar magazines, I would think the country was going to the bow wows in a hurry in every direction.

Mr. HARRISON. I warn the gentleman that he would be wise if he would allow his opinions, in this instance, to be guided by that magazine.

Mr. SHERLEY. I am indebted to the gentleman for his gratuitous remark, but after all, while I do not hope to convince my friend from New York, nor do I hope to convince those who have taken this course, I have said what I have, not because it is pleasant for me to interfere, but because it has not been shown to my satisfaction that there is anything standing in the way of the Committee on Military Affairs properly reporting a bill and having it considered by this House in the proper way. The patriotism that the gentleman from Minnesota appeals to now, to induce Members to waive the rules and the proper procedure of the House, can properly be appealed to to get unani-

mous consent for consideration of such a bill properly reported by the Committee on Military Affairs.

Mr. CAPRON. Will the gentleman yield to me for a question?

Mr. SHERLEY. Certainly.

Mr. CAPRON. Does not the gentleman think his criticisms of the committee, when he says that all the information the Committee of the Whole can get about it is three lines in a report, is a little unfair, when there is not one item or schedule in this whole proposition of the increase of the pay of enlisted men which is not set forth item by item, and the bill has been read to the House, and the gentleman has it before him? Is it not a little unfair to say we have only given you three lines?

Mr. SHERLEY. No; I think not.

Mr. CAPRON. Would the gentleman like us to repeat the bill in the report?

Mr. SHERLEY. No; but the gentleman would have liked a report of this kind. He would have liked a report showing to the House exactly what the enlisted men and noncommissioned officers are now receiving not only in the way of regular pay, but in the way of extras; what they may earn as crack riflemen, as sharpshooters; what they get through their various enlistments, and then a comparative statement of what this bill would do in those various grades. I say that would be scientific and would give the House the information that it ought to have.

Mr. CAPRON. The statement only shows how futile it would be for any man to attempt it. I could not tell whether twenty-five or twenty-six men would qualify out of a company for rifle practice, and I could not tell whether they would reenlist.

Mr. SHERLEY. I did not ask the gentleman to enter the realm of prophecy. I do ask him, for I have sufficient faith in his ability, whatever his own faith may be to believe he can, to furnish a statement as to what the existing law is now and what change the proposed law would make.

Mr. PARKER of New Jersey. May I make a suggestion to the gentleman?

Mr. SHERLEY. Certainly.

Mr. PARKER of New Jersey. At the close of my remarks to-day I put in what I tried to put in yesterday, but did not complete. That is a statement of the exact pay received for each enlistment by which is fixed the amount under the present law and that under the proposed law. It will be in the RECORD to-morrow morning.

Mr. SHERLEY. The gentleman has done a creditable service that would have been much more creditable if it had been done by the committee. Then we could have read it before we took up the consideration of this matter, and not have to wait until to-morrow morning after we have passed its consideration.

Mr. PARKER of New Jersey. We could postpone the consideration until to-morrow.

Mr. SHERLEY. There is not a man here that does not know that the point is well made that this is not a proper way to legislate. But we are being told that some other body is going to be unpatriotic, that there is another branch of the legislative service that is going to willfully and wrongfully expend the people's money, and in order to protect the great House of Representatives from the big stick of the other legislative branch we must adopt this parliamentary status, and yet nobody has been able to show why that status would be any more effective than the ordinary regular method. This is all I desire to say. I have no desire to start a controversy which seems to have carried with it something of bitterness——

Mr. CAPRON. Not at all.

Mr. SHERLEY. Certainly on my part I have no desire to antagonize the committee, nor have I any criticism to make of the committee other than relates legitimately to the methods they are undertaking in this instance.

Mr. CAPRON. Mr. Chairman, after all has been said, is it the settled purpose of the gentleman from Kentucky to insist on his point of order?

Mr. SHERLEY. I do not know that I will have to exercise the option, because it has been said by the gentleman from Minnesota——

Mr. CAPRON. I think the gentleman from Minnesota has withheld his point of order. It is not worth while for the committee to continue this discussion if in the end the point of order is to be made.

Mr. HULL of Iowa. Mr. Chairman, I want to yield three minutes to the gentleman from Indiana [Mr. HOLLIDAY].

Mr. HOLLIDAY. Mr. Chairman, it has been impressed on us from various sources that the real objection to considering this question at this time is that gentlemen can not understand it. Now, when the gentleman from Kentucky or any other man in this House pretends that he can not understand at a single glance every provision contained in this paragraph, he does himself the grossest injustice. Nothing could be simpler. We provide for an increase of the enlisted pay of the privates of the Army from $13 up to $15, giving the master electrician $75, and we go in detail through every man in the Army except the officers and tell in detail what each man will get, and that requires no explanation.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. HOLLIDAY. Certainly.

Mr. FITZGERALD. How much does a master electrician get under the present law?

Mr. HOLLIDAY. I have not the table before me.

Mr. FITZGERALD. How are we going to understand what the increase is?

Mr. HOLLIDAY. He gets $75 a month, I am told. The point I make is that every gentleman in this House can make up his mind whether the pay we provide in this bill is adequate or not. It does not matter what the man has been getting; it does not matter what he might get; it does not matter what wages a soldier had a hundred years ago; the real question to be determined now is whether we are fixing a proper pay or not. If you think we are giving him too much, reduce it. If you think that he ought not to have his wages increased, vote down the provision.

The provision is open to amendment. I want to reiterate that proposition. It simply seems to me absurd to say that we can not vote intelligently upon as plain and simple a proposition as how much we shall pay. The gentleman from Minnesota [Mr. TAWNEY] said a short time ago that we ought not to legislate upon these bills, and when he is reminded of the fact that he never brought in an appropriation bill in his life without legislating upon it, he says it is only a few men, a clerk here or there. Mr. Chairman, if we have a right to raise the pay of a single man, woman, or child on an appropriation bill, we have the same right to increase the pay of every man in the United States Army. The principle is exactly the same. We have no more right to increase the wages of a clerk one dollar on an appropriation bill, so far as the legality of the matter is concerned, than we have to take up every man in the Army and increase his pay. Mr. Chairman, I never was very badly scared about legislating upon an appropriation bill. I think it will be right and proper to legislate upon an appropriation in any case where the bill would go through by unanimous consent.

If I have been listening properly, if I have heard and understood what has been said during this debate, there is not a man in this Chamber who opposes this increase of pay. If that is true, what is the necessity of sending this bill back to the committee. We have studied it. Oh, they say, the committee has not given it proper consideration; and it seems to me some covert insinuation is thrown out that that committee has brought in this bill hastily. I want to say that no committee in this House has labored more carefully, more zealously or assiduously in the preparation of any bill than has the Committee on Military Affairs in the preparation of this bill and of this provision. And we have had the benefit of everybody who understands anything about it. The Secretary of War came down and urged it, and we practically followed his suggestions. The Chief of Staff urged the same thing upon us. We got information and light from every direction in which it was possible to obtain information, and we bring to you a carefully considered measure which the simplest mind can understand if it wants to. Mr. Chairman, I have observed that the objections raised here all come from the same committee, and I would suggest that in the future revision of the rules of this House we provide that no committee shall legislate upon an appropriation bill except the Appropriation Committee.

Mr. MANN. Mr. Chairman, it would be very far from my purpose to criticise anyone for making a point of order on legislation in an appropriation bill. [Laughter.] Yet, Mr. Chairman, it is not infrequent that I watch legislative items upon appropriation bills emanating from this committee and that committee, and sometimes from the Appropriation Committee without making or insisting upon the point of order. Now, here is a practical situation. I would like very much to have the attention of the distinguished gentleman from Kentucky [Mr. SHERLEY], and I want to congratulate the Appropriation Committee upon his acquisition to its ranks. This is a practical question. For the next month, in all likelihood, this House will necessarily be engaged constantly in the consideration of appropriation bills, with the exception of District business, and, perhaps occasionally, motions to suspend the rules on suspension day. There are yet to be considered the post-office appropriation bill, the naval appropriation bill, the agricultural, the fortification, the sundry civil, the consular and diplomatic, the

District, and the pension bill, which last will take only a very short time. These appropriation bills will consume the time of the House for the next three weeks, probably six weeks. That means that without a special rule being brought into the House, if the Committee on Military Affairs should report a special bill upon this subject to-morrow it could not possibly be considered in the House for six weeks or two months, which would bring it to the very last end of the session.

If a special bill should come in and be considered at the last end of the session, considered under a rule of the House, it goes to the Senate and goes into conference, absolutely without any protection on the part of the House to consider it. The Military Committee, feeling as every committee does, that it must obtain legislation along the lines of its committee work, feeling that it must provide resources for the Army in the present situation—the Military Committee, aye, the House itself, in the last days of the session will surrender at least to a compromise. Well, if this item remains in this bill the House is forewarned—and being forewarned, is forearmed—and no matter, in my judgment, what the Senate may do, the House can have its own way about this increase in pay, if the item remains in the appropriation bill. If it goes out of the appropriation bill, and is not restored under a rule of the House, it means not merely the increase in the pay provided in this bill, but means a further increase such as the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Minnesota [Mr. TAWNEY] and myself and many others are very much opposed to. Strategically we are in a stronger position with the item in this bill now than we would be with it in a special bill, because I believe the House ought to determine this question; it being a question coming very close to the people, I believe we ought to leave it in this bill and have our way about it in this bill.

Mr. HULL of Iowa. Mr. Chairman, I just want to say a word and then call for a ruling. I want to say that I think the gentleman from Kentucky was disposed to pettifog a little, something he very rarely does on this floor, in referring to the difference between the gentleman from Virginia and myself in regard to the percentage paid the men, when, as a matter of fact, there was no difference. The gentleman referred to the 100 per cent increase; part was to cooks and part to the regimental bands, and my reference in regard to the percentage was to the enlisted force. As a matter of fact, these cooks and bands, or musicians, are part of the enlisted force, but the committee treated them as a separate class of men and made the increase there on different lines than we did in the regular enlisted force in the Army. It was a very mild difference and a very mild mistake——

Mr. SHERLEY. The gentleman will know that the gentleman from Kentucky had no special reference to that particular instance, and the gentlemen will bear me out, and this committee will bear me out, in the statement that there has been for three hours to-day and yesterday a constant discussion between members of the committee as to just what was done by the bill.

Mr. HULL of Iowa. That comes largely from the fact that tables have been prepared hastily, but the main provisions of the bill are set out so fully that by a careful figuring there can be no mistake as to the result. The amount fixed for each grade is the important point. The totals are certain. Every class is fixed in this bill, and later provisions in the bill, which have not been reached yet, fix the increase for each reenlistment, and it is a mere computation——

Mr. SHERLEY. None of us have the tables except the distinguished gentleman from Iowa.

Mr. HULL of Iowa. We have tables of the increase for each grade and tables of the whole amount. I have a table here, from which I read to-day, and I ask, Mr. Chairman, that it be inserted in my remarks.

I only want to say this in conclusion, that if there is a certainty of legislation this year for increased pay for the enlisted men of the Army, the only way to guarantee that increase, in my judgment, is to permit this provision to remain in the bill. Now, as I have stated before, the committee felt it its duty to bring this measure before the House. Our responsibility ceases now. As I said before, the responsibility of the membership of the House begins with each individual Member as to the fate of the measure. If the point is insisted upon, Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The point of order has been raised. Is the point of order insisted upon?

Mr. HULL of Iowa. Mr. Chairman, I understood I had the right to insert that table in my remarks.

The CHAIRMAN. Is there objection to the gentleman's request? [After a pause.] None is heard.

The table is as follows:

Table showing comparative cost of a company of infantry during the civil war, the Spanish-American war, and that now proposed.

Grade.	No.	Civil war.		Spanish war.		Present proposed pay.	
		Rate.	Cost.	Rate.	Cost.	Rate.	Cost.
First sergeant	1	$24	$24	$30.00	$30.00	$45	$45
Quartermaster-sergeant	1	[a]20	20	[a]21.60	21.60	30	30
Sergeants	6	20	120	21.60	129.60	30	180
Corporals	10	18	180	18.00	180.00	21	210
Cooks	2	[b]16	32	[b]15.60	31.20	30	60
Musicians	2	16	32	15.60	31.20	15	30
Artificer	1	18	18	18.00	18.00	21	21
Privates	105	16	1,680	15.60	1,638.00	15	1,575
Total	128		2,106		2,079.60		2,151

[a] Sergeant. [b] Private detailed.

Mr. HULL of Iowa. In order that the exact additional expense in time of war which would be brought about by this bill will be thoroughly understood, attention is invited to the table of comparison between the several rates of pay for enlisted men during the civil war, the Spanish war, and that now proposed.

A company of infantry would under existing law consist of 128 enlisted men, and the total pay of such a company at the rates established during the last year of the civil war would have been $2,106 per month. The cost of such a company at the rates established during the Spanish war would have been $2,079.60 per month. The cost of such a company at the rates established by this bill would be $2,151 per month—that is, a company of infantry in time of war paid according to the schedule established in this bill would cost $45 a month or, roughly, 30 cents per month per man more than it would cost under the rates existing during the last year of the civil war, and $92 per month, or 75 cents per month per man, more than it would cost at the rates established during the Spanish war. The rates per month per man for a company of infantry would be the same for an army of a million men. When these figures are taken into consideration in connection with the enormous cost of prosecuting a war, it is seen that the increased cost is absolutely negligible. These figures are made on the assumption that the men were all in their first enlistment. If it be assumed that the war lasted for a long time, and that the men are all drawing "length-of-service pay," the figures would not be essentially different. For instance, under the schedule now proposed, if the entire Army were serving in its second enlistment, and had had five years of service, the additional cost for length of service under this schedule would be actually less than it would be under the schedule of pay in existence during the Spanish-American war.

In this connection it should be borne in mind that less than one-sixth of the strength of the Army would be noncommissioned officers, and, therefore, $5 added to the pay of each noncommissioned officer would not amount to a total as much as that obtained by adding $1 to the pay of each private. It should also be remembered that during the Spanish-American war each enlisted man in the United States drew 20 per cent increase on his pay for "service in war," which provision is eliminated by this act.

There is an absolutely unanimous belief on the part of Army experts that the principal increase in pay should be made for the noncommissioned officers along the general lines provided in this bill. A dollar or two added to the pay of the private will accomplish very little, but five or ten dollars added to the pay of each noncommissioned officer will accomplish the maximum good due the service for such an expenditure of money.

Mr. TAWNEY. Mr. Chairman, the gentleman in charge of the bill insinuates that if the rules of the House are insisted upon the Committee on Military Affairs, in reporting this provision in an appropriation bill contrary to these rules, has discharged its duty and that nothing more will be done in respect to the increase of the pay of the enlisted men of the Army, and that its duty in this respect has been discharged. Now, the gentleman from Iowa can not frighten anybody here from doing what they believe to be right by threatening to refuse to exercise the legislative jurisdiction of his committee on this subject. He knows, as well as every other Member in this House, that this provision is brought in here contrary to the rule that prohibits the reporting of any legislation of this character upon an appropriation bill.

Mr. HULL of Iowa. Will the gentleman yield for one question right there?

Mr. TAWNEY. Yes.

Mr. HULL of Iowa. Within the last three years, is it not true the gentleman himself stated to the Chair when a point of order was made that unless he could get a rule he could not pass half the provisions of the bill then before the committee?

Mr. TAWNEY. The gentleman is correct in respect to the legislative appropriation bill presented in the first session of the last Congress, when certain members of the Committee on Military Affairs were somewhat disturbed about the rules at that time, because the rules of the House had just previously been enforced against their committee on the Army appropriation bill.

But, Mr. Chairman, what I want to say is this: The Committee on Military Affairs, unlike the Committee on Appropriations, has legislative jurisdiction. It is entirely competent, not only competent, but it is their duty, to take up and consider all matters pertaining to the Army and report to the House all the legislation deemed necessary. But it is not their duty to use their appropriation bill as a vehicle for carrying their legislation. This practice has grown to such an extent that these committees attempt to carry all their legislation on their appropriation bills and report no legislative bills whatever. The Committee on Interstate and Foreign Commerce, when they deem an increase in the salary of the Revenue-Cutter Service or the Light-House Service necessary and just, bring in bills authorizing that increase. They do not try to put it onto an appropriation bill by rule or otherwise, and thereby coerce Congress into enacting legislation or withholding appropriations.

Mr. YOUNG. Will the gentleman permit a question?

Mr. TAWNEY. Yes.

Mr. YOUNG. Do I understand that the gentlemen from the Committee on Appropriations have reformed, and that in the future they will not place any legislative provisions on appropriation bills?

Mr. TAWNEY. The gentleman from Michigan knows very well that the Committee on Appropriations has no legislative jurisdiction, and the Committee on Appropriations has never yet reported in an appropriation bill a new legislative proposition entirely independent of the administration of public expenditure. There is a great deal of difference between incorporating legislation in an appropriation bill proposing to reclassify and increase the salary of all the employees in the Government service and a proposition to increase the salary of one or two employees who by reason of increased services are entitled to increased compensation. All legislation carried on bills reported from the Committee on Appropriations is intended either to limit, reduce, or safeguard public expenditure or to improve administrative methods of expenditure.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. The fact remains always that any Member of the House can object or make the point of order against the proposed legislation, but the committee has never proposed to legislate independent of the administration of public expenditures or along general legislative lines, as is here proposed. Now I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Did not the gentleman have in the urgent deficiency bill an item of legislation about the payment of the cost of a certain trial here, which went out, and he insisted it was not the action of the House? And did he not have in the legislative bill an item which went out on a point of order which I made in reference to a reorganization to a certain extent in the Interior Department?

Mr. TAWNEY. Yes, sir. That related to the administration of public expenditure.

Mr. MANN. That having gone out, is the gentleman going to take the position that it ought to go in if put in by the Senate, it having been stricken out in the House? I will watch with a great deal of interest to see what the gentleman's position is on that proposition.

Mr. TAWNEY. Strategically the House will be in a much better position, I contend, to ultimately carry out the will of the House in respect to the increase of the salary of the entire branch of the military service if we send to the Senate a clean appropriation bill—an appropriation bill free from this proposed legislation—than we otherwise will be; and for that reason I shall insist upon the point of order.

The CHAIRMAN. The very clear, lucid, and somewhat prolonged discussion of the point of order during the last three hours has made it very easy for the Chair to reach a conclusion and the Chair sustains the point of order.

The Clerk read as follows:

That any soldier who receives an honorable discharge at the termination of an enlistment period and reenlists within three months thereafter shall be entitled to continuous-service pay as herein provided, which shall be in addition to the initial pay provided for in this act and shall be as follows, namely: An increase of $3 monthly pay for and during the second and third enlistments each, and a further increase of $1 for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment: *Provided*, That any soldier who receives an honorable discharge at the termination of his first or any succeeding enlistment period and reenlists after the expiration of three months shall be regarded as in his second enlistment; that an enlistment shall not be regarded as complete until the soldier shall have made good any time lost during an enlistment period by unauthorized absences exceeding one day, but any soldier who receives an honorable discharge for the convenience of the Government after having served more than half of his enlistment shall be considered as having served an enlistment period within the meaning of this act; that the present enlistment period of men now in service shall be determined by the number of years continuous service they may have had at the date of approval of this act, under existing laws, counting three years to an enlistment: *And provided further*, That any soldier who has been honorably discharged and reenlists within three months of the date of said discharge shall, upon such reenlistment, receive an amount equal to three months' pay at the rate he was receiving at the time of his discharge.

Mr. TAWNEY. Mr. Chairman, I make a point of order on that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That enlisted men now qualified or hereafter qualifying as marksmen shall receive $2 per month; as sharpshooters, $3 per month; as expert riflemen, $5 per month; as second-class gunners, $2 per month; as first-class gunners, $3 per month; as gun pointers, gun commanders, observers second class, chief planters and chief loaders, $7 per month; as plotters, observers first class, and casemate electricians, $9 per month, all in addition to their pay, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named in this section: *Provided*, That nothing in this act shall be construed to increase the total number of gun pointers, gun commanders, observers, chief planters, chief loaders, plotters, and casemate electricians now authorized by law.

Mr. TAWNEY. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TAWNEY. If the Chair will entertain the proposition, I would suggest that these new provisions, on pages 9 and 10, down to line 22, on page 10, be considered as read, and I will make the point of order on them to save time.

The CHAIRMAN. How about the point of order on the paragraph, "That increase of pay for service beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto, shall be as now provided by law?" The Chair sees no reason why it should be in there, but the Chair sees no way of striking it out on the point of order.

Mr. FITZGERALD. I move to strike it out.

Mr. BONYNGE. I move to strike out lines 14, 15, 16, and 17.

The CHAIRMAN. The gentleman from Colorado moves to strike out the lines.

Mr. HULL of Iowa. That should be stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out lines 14, 15, 16, and 17, on page 9.

The question was taken, and the amendment was agreed to.

Mr. HULL of Iowa. Now, Mr. Chairman, there is one provision included that could stand by itself.

The Clerk read as follows:

That the pay during first enlistment of enlisted men of bands, exclusive of the band of the United States Military Academy, shall be as follows:

Chief musician, $75; principal musicians and chief trumpeters, $40; sergeants and drum majors, $36; corporals, $30; and privates, $24; and the continuous-service pay of all grades shall be as provided in this act: *Provided*, That Army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

Mr. TAWNEY. Mr. Chairman, I want to ask the gentleman in charge of the bill, Is that not a new provision?

Mr. HULL of Iowa. Absolutely.

Mr. TAWNEY. Then I make the point of order on it.

Mr. HULL of Iowa. I want to say to the gentleman that it was put in to protect civilian bands from competition with military bands.

Mr. BARTHOLDT. I want to ask whether this is subject to a point of order, and whether the point of order has been made against it?

The CHAIRMAN. The point of order has been made against it by the gentleman from Minnesota, and the gentleman from Iowa concedes the point of order is well taken. The Chair sustains the point of order.

The Clerk read as follows:

That nothing in this act shall be construed to increase the pay of enlisted men now on the retired list.

Mr. HOLLIDAY. Mr. Chairman, while that is not subject to the point of order, it is wholly useless, and I move to strike out the lines.

The CHAIRMAN. The gentleman moves to strike out lines 6 and 7, on page 10.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That sections 1280, 1281, and 1284 of the Revised Statutes be, and are hereby, repealed, and so much of section 4819 as pertains to the deduction of 12½ cents per month from the pay of every soldier of the Regular Army for the benefit of the Soldiers' Home be, and the same is hereby, repealed.

Mr. TAWNEY. Mr. Chairman, I want to ask the gentleman in charge of the bill——

Mr. FITZGERALD. I wish to reserve the point of order upon that section.

The CHAIRMAN. The gentleman from New York reserves the point of order.

Mr. TAWNEY. I want to ask the gentleman if that is new?

Mr. HULL of Iowa. Oh, yes; it is all new. It is all subject to the point of order.

The CHAIRMAN. Does anyone make the point of order?

Mr. MANN. I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That section 6 of the act entitled, "An act for the better organization of the Army of the United States" be amended so as to read as follows:

"SEC. 6. That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired."

Mr. MANN. I make the point of order on that.

Mr. HULL of Iowa. It is subject to the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. HULL of Iowa. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17288, the Army appropriation bill, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5589. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 4368. An act to provide for the purchase of a site and the erection of a public building at Wilson, N. C.—to the Committee on Public Buildings and Grounds.

S. 156. An act to provide for the purchase of a site and erection of a building thereon at Bellaire, in the State of Ohio—to the Committee on Public Buildings and Grounds.

S. 140. An act for the establishment of a park on the northern portion of the Coeur d'Alene Indian Reservation, in Idaho—to the Committee on Indian Affairs.

S. 44. An act for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H.—to the Committee on the Library.

S. 1761. An act for the erection of a statue of Maj. Gen. Nathanael Greene, upon the Guilford battle ground, in North Carolina—to the Committee on the Library.

S. 418. An act to provide for the purchase of a site and the erection of a public building thereon at Huron, in the State of South Dakota—to the Committee on Public Buildings and Grounds.

S. 4454. An act authorizing the Secretary of War to accept for the Government the Gallatin turnpike, from the city of Nashville to the national cemetery, in the county of Davidson, State of Tennessee—to the Committee on Military Affairs.

S. 1559. An act for the relief of the Citizens' Bank of Louisiana—to the Committee on War Claims.

S. 3001. An act to rectify the boundary line of Rock Creek Park—to the Committee on Public Buildings and Grounds.

S. 654. An act to increase the efficiency of the veterinary service of the Army—to the Committee on Military Affairs.

S. 4035. An act to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897—to the Committee on the District of Columbia.

S. 5043. An act authorizing and empowering the Secretary of War to convey to the Delaware and Hudson Company a right of way for railway purposes upon and across the military reservation at Plattsburg Barracks, at Plattsburg, in the county of Clinton and State of New York, in exchange for the release to the United States of all rights of said company and its subsidiary companies within the limits of said military reservation—to the Committee on Military Affairs.

S. 4567. An act to provide for the construction and equipment of a revenue cutter for service in Narragansett Bay and adjacent waters—to the Committee on Interstate and Foreign Commerce.

SENATE RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate concurrent resolution 40.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of Contentnea (Moccasin) River, in the State of North Carolina, from the town of Snow Hill, in Greene County, to the town of Stantonburg, in Wilson County, for the purpose of estimating the probable cost of dredging and removing obstructions from the said river—

to the Committee on Rivers and Harbors.

DAM ACROSS CAHABA RIVER, CENTERVILLE, ALA.

The SPEAKER laid before the House the bill (H. R. 16051) to authorize the Centreville Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala., with a Senate amendment, which was read.

Mr. UNDERWOOD. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

ADJOURNMENT.

Mr. HULL of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DENBY, from the Committee on Foreign Affairs, to which was referred the joint resolution of the Senate (S. R. 23) to provide for the remission of a portion of the Chinese indemnity, reported the same with amendments, accompanied by a report (No. 1107), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 11341) amending section 1814 of the Revised Statutes of the United States, reported the same with amendments, accompanied by a report (No. 1108), which said bill and report were referred to the House Calendar.

Mr. PERKINS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 15111) to authorize the purchase of lands and buildings for the consular establishments in China, Japan, and Korea, reported the same without amendment, accompanied by a report (No. 1109), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 17985) authorizing the President to place on the retired list of the Army, with the rank of captain, any contract surgeon who has served at least thirty years as such in the Army, reported the same without amendment, accompanied by a report (No. 1111), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1931) to grant certain land, part of the Fort Niobrara Military Reservation, Nebr., to the village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village, reported the same with amendments, accompanied by a report (No. 1110), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 18106) granting a pension to Louisa H. Highley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15882) granting an increase of pension to Joseph E. Jackson—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18154) to correct the war record of Wilson W. Duncan—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BONYNGE: A bill (H. R. 18196) to provide for additional desert land entry, after final entry, not exceeding 320 acres—to the Committee on the Public Lands.

Also, a bill (H. R. 18197) to empower deputy clerks of courts of record to administer oaths and affidavits in public-land proceedings in the absence of the clerk—to the Committee on the Public Lands.

By Mr. CALE: A bill (H. R. 18198) to provide for the sale of coal deposits in the district of Alaska, and for other purposes—to the Committee on the Public Lands.

By Mr. HAGGOTT: A bill (H. R. 18199) for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado—to the Committee on Indian Affairs.

By Mr. MUDD: A bill (H. R. 18200) to provide a survey for a bridge across the Eastern Branch of the Potomac River—to the Committee on the District of Columbia.

By Mr. DENBY: A bill (H. R. 18201) to regulate the duties and fixing the compensation of the customs inspectors at the port of Detroit—to the Committee on Ways and Means.

By Mr. FASSETT: A bill (H. R. 18202) to authorize and empower mail carriers to certify pension vouchers for persons on the pension rolls of the United States who receive their mail by rural-delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL of Texas: A bill (H. R. 18203) to complete the post-office and Federal court building at Tyler, Tex.—to the Committee on Appropriations.

By Mr. DAVIS of Minnesota: A bill (H. R. 18204) to provide an appropriation for agricultural and industrial instruction in secondary schools, for normal instruction in agricultural and industrial subjects in normal schools, and for branch agricultural experiment stations, and regulating the expenditure thereof—to the Committee on Agriculture.

By Mr. KAHN: A bill (H. R. 18205) fixing the compensation of the night inspectors and the inspectresses of customs at the port of San Francisco—to the Committee on Ways and Means.

By Mr. FOSS: Resolution (H. Res. 263) to increase the pay of clerk to Committee on Naval Affairs—to the Committee on Accounts.

By Mr. LILLEY: Resolution (H. Res. 264) inquiring of the Secretary of the Navy whether $745.45 per ton is a reasonable price for *Octopus* type of submarines, whether submarines have had accidents, and nature of repairs thereon, and requesting complete copies of everything on file in the Navy Department on submarines—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of New York: A bill (H. R. 18206) granting a pension to Adelaide Williams Fowler—to the Committee on Pensions.

By Mr. ANSBERRY: A bill (H. R. 18207) granting a pension to Lydia R. Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18208) granting an increase of pension to Asa D. Farnam—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 18209) for the relief of Mrs. S. A. Dunn, formerly Mrs. S. A. Mitchell—to the Committee on War Claims.

Also, a bill (H. R. 18210) for the relief of the heirs of L. G. Brantley, deceased—to the Committee on War Claims.

By Mr. BONYNGE: A bill (H. R. 18211) to authorize the President to appoint Brig. Gen. Constant Williams to the grade of major-general in the United States Army and place him on the retired list—to the Committee on Military Affairs.

By Mr. BOYD: A bill (H. R. 18212) for the relief of Jennie S. Sherman—to the Committee on Claims.

By Mr. CALDERHEAD: A bill (H. R. 18213) granting an increase of pension tc Joseph Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18214) granting an increase of pension to William A. Hood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18215) to carry out the findings of the Court of Claims in the case of Alfred W. Kent—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 18216) granting an increase of pension to W. H. Reid—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 18217) granting an increase of pension to Henry L. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18218) granting an increase of pension to Jeremiah Surer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18219) granting a pension to James L. Hollingsworth—to the Committee on Invalid Pensions.

By Mr. COOK of Colorado: A bill (H. R. 18220) granting an increase of pension to Selden M. French—to the Committee on Pensions.

By Mr. CURRIER: A bill (H. R. 18221) granting an increase of pension to Walter E. Jaquith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18222) granting an increase of pension to Genevieve P. Hosley—to the Committee on Pensions.

By Mr. DENBY: A bill (H. R. 18223) granting a pension to William J. Allmand—to the Committee on Pensions.

By Mr. FASSETT: A bill (H. R. 18224) granting an increase of pension to Samuel S. Reynolds—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 18225) granting an increase of pension to Wesley Hibbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18226) granting an increase of pension to Frank Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18227) for the relief of Lillie Small Rib—to the Committee on Claims.

By Mr. GARDNER of New Jersey: A bill (H. R. 18228) granting an increase of pension to Nicholas Corson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18229) granting an increase of pension to John E. L. Pinto—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 18230) granting a pension to Oliver P. Jackson—to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 18231) granting a pension to David R. Cone—to the Committee on Pensions.

Also, a bill (H. R. 18232) granting an increase of pension to Enoch Wimberly—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 18233) granting an increase of pension to Daniel H. Ferman—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 18234) granting an increase of pension to James Matthews—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 18235) granting a pension to Justin McCarthy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18236) for the relief of heirs of James W. Ward—to the Committee on War Claims.

Also, a bill (H. R. 18237) granting an increase of pension to William J. Smith—to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 18238) granting an increase of pension to Benjamin F. McCrady—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 18239) for the relief of Thomas S. Causey—to the Committee on War Claims.

Also, a bill (H. R. 18240) for the relief of Mrs. Mary A. F. Preston—to the Committee on War Claims.

Also, a bill (H. R. 18241) for the relief of the estate of Mrs. Eliza A. Clay, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18242) for the relief of the heirs of George W. Perkerson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18243) for the relief of the heirs of Eliza Ann Davis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18244) for the relief of the heirs of Clark Gorham, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18245) for the relief of the heirs of J. S. Perkerson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18246) for the relief of the heirs of Joseph Summerlin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18247) for the relief of the heirs of W. S. Brown, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18248) for the relief of the heirs of Mrs. Hannah Pruett, deceased—to the Committee on War Claims.

By Mr. LEGARE: A bill (H. R. 18249) for the relief of J. R. Read—to the Committee on War Claims.

By Mr. LOUDENSLAGER: A bill (H. R. 18250) for the relief of the heirs of Isaac N. Forrester—to the Committee on War Claims.

By Mr. McHENRY: A bill (H. R. 18251) granting an increase of pension to Carrie Keefer—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 18252) for the relief of the North American Transportation and Trading Company—to the Committee on Claims.

Also, a bill (H. R. 18253) for the relief of the North American Transportation and Trading Company—to the Committee on Claims.

By Mr. MADISON: A bill (H. R. 18254) granting an increase of pension to Edward F. Duke—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 18255) for the relief of Joseph Cameron—to the Committee on Claims.

Also, a bill (H. R. 18256) granting an increase of pension to John H. Hasty—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 18257) granting an increase of pension to Joseph M. W. Page—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18258) granting an increase of pension to Callaway C. Nash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18259) granting a pension to R. E. Pelham—to the Committee on Pensions.

Also, a bill (H. R. 18260) granting a pension to Mrs. Anna Nevin—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 18261) granting an increase of pension to Ira B. Timmons—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Texas: A bill (H. R. 18262) for the relief of the heirs of John Osborne, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18263) for the relief of Floyd Wiggington—to the Committee on War Claims.

Also, a bill (H. R. 18264) for the relief of Mrs. S. M. Sisson, widow, and the heirs of Brown Sisson, deceased—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 18265) granting an increase of pension to Slone Smith—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 18266) granting an increase of pension to Hiram M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18267) granting an increase of pension to Calvin Gunn—to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 18268) granting an increase of pension to Henry C. Van Fleet—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 18269) to authorize the Minnesota and Manitoba Railroad Company to convey certain lands granted to it by act of Congress approved April 17, 1900—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 18270) for the relief of the heirs of A. H. Redus—to the Committee on War Claims.

By Mr. STURGISS: A bill (H. R. 18271) granting an increase of pension to John W. Britton—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 18272) granting an increase of pension to Nathan Gunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18273) granting an increase of pension to James T. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18274) granting an increase of pension to James M. Ing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18275) granting an increase of pension to Moses Hays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18276) granting an increase of pension to John Halestock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18277) granting an increase of pension to W. T. Fowler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18278) granting an increase of pension to R. H. Groves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18279) granting an increase of pension to John L. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18280) granting an increase of pension to Francis M. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18281) granting an increase of pension to Thomas F. Alexander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18282) granting an increase of pension to Aaron Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18283) granting an increase of pension to John T. Beem—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18284) granting an increase of pension to James M. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18285) granting an increase of pension to John L. Brandt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18286) granting an increase of pension to H. M. Beardsley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18287) granting an increase of pension to Steth M. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18288) granting an increase of pension to Robert Carlton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18289) granting an increase of pension to George W. Clayton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18290) granting an increase of pension to James N. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18291) granting an increase of pension to James R. Dale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18292) granting an increase of pension to Joshua B. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18293) granting an increase of pension to George D. Bateman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18294) granting an increase of pension to Jacob Konigstein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18295) granting an increase of pension to John W. Toler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18296) granting an increase of pension to Charles A. Kraaz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18297) granting an increase of pension to B. F. Montague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18298) granting an increase of pension to David H. Mead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18299) granting an increase of pension to John T. McGown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18300) granting an increase of pension to William T. McMillan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18301) granting an increase of pension to Beal Pickett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18302) granting an increase of pension to George W. Ruble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18303) granting an increase of pension to Nathan G. Springs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18304) granting an increase of pension to Thomas Summers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18305) granting an increase of pension to Joseph T. Lokey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18306) granting an increase of pension to Thomas Eckols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18307) granting an increase of pension to Thomas C. Elliott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18308) granting an increase of pension to Samuel Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18309) granting an increase of pension to Isaac Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18310) granting a pension to W. M. Hopper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18311) granting a pension to Sidney D. Mackey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18312) granting a pension to William Mathis—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 18313) granting an increase of pension to Leroy Litchfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18314) granting an increase of pension to Thomas C. McGrath—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 18315) granting a pension to Cecelia Van Winkle—to the Committee on Pensions.

By Mr. WEISSE: A bill (H. R. 18316) granting a pension to Carl Reopke—to the Committee on Pensions.

By Mr. ADAMSON: A bill (H. R. 18317) for the relief of Mrs. Mary Perkinson—to the Committee on War Claims.

Also, a bill (H. R. 18318) for the relief of the heirs of Willis Miller, deceased—to the Committee on War Claims.

By Mr. BEALL of Texas (by request): A bill (H. R. 18319) for the relief of the estate of John Ivey, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 18320) for the relief of the estate of John G. Snell, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 18321) for the relief of the estate of William H. Hugley, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 18322) for the relief of the estate of John B. Russell, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 18323) for the relief of the heirs of Robert McCoy, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 18324) for the relief of the heirs of Bethel A. Smith, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 18325) for the relief of the heirs of Nash L. Cox, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 18326) for the relief of Clement C. Anderton—to the Committee on War Claims.

By Mr. BURTON of Ohio: A bill (H. R. 18327) granting an increase of pension to Mrs. William H. Worden—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 18328) for the relief of Susannah Payne and others—to the Committee on War Claims.

By Mr. GILL: A bill (H. R. 18329) granting a pension to Thomas Rolle—to the Committee on Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 18330) granting an increase of pension to James R. Armor—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 18331) granting an increase of pension to Hiram P. Worthley—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of C. W. Straughan, of Jacksonville, Fla., praying for an investigation of the conduct of the police and officers of the courts of the District of Columbia—to the Committee on the Judiciary.

Also, petition of clergymen of New York City, N. Y., protesting against a further increase in the programme of naval construction—to the Committee on Naval Affairs.

Also, petition of Savannah (Ga.) Board of Trade, favoring enactment of legislation establishing a fixed policy in making appropriations for the waterways and improvements of the rivers and harbors of the United States—to the Committee on Rivers and Harbors.

Also, petition of Jacksonville Credit Men's Association, of Jacksonville, Fla., protesting against the repeal of the present bankruptcy law—to the Committee on the Judiciary.

Also, petition of Polish organizations and Polish press in the United States, praying for action of the House on accompanying resolution expressing sympathies for Polish subjects in Prussia—to the Committee on Foreign Affairs.

Also, petition of Chamber of Commerce of Buffalo, N. Y., praying that employees engaged in taking the Thirteenth Census shall be included under the civil-service rules—to the Committee on the Census.

Also, petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, protesting against the enactment of proposed legislation having for its object a change in the law licensing officers of American vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Polish National Alliance and all Polish societies of the city of South Bend, Ind., praying for passage of resolution extending sympathy and good wishes of the United States to the Poles in Prussia—to the Committee on Foreign Affairs.

Also, memorial of German-American Alliance of Atlanta, Ga., and 320 similar organizations, against restricting interstate commerce in beer, wine, etc.—to the Committee on the Judiciary.

By Mr. ALEXANDER of New York: Petition of Chapin Post, No. 2, Grand Army of the Republic, of Buffalo, N. Y., opposing consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of drug-trade section of the New York Board of Trade and Transportation, opposing H. R. 6089, 12675, and 13460, and S. 42 and 3043—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN: Petition of Frank Foss and 47 other citizens of Saco, Me., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. ANSBERRY: Petition of Grange No. 153, of Convoy, Ohio, in favor of H. R. 15837—to the Committee on Agriculture.

Also, petition of Evangelical Lutheran Church of Convoy, Ohio, for the passage of Littlefield bill—to the Committee on the Judiciary.

By Mr. BARTLETT of Georgia: Papers to accompany bills for relief of Mrs. S. A. Dunn, J. W. Brantley, and P. J. Cullough—to the Committee on War Claims.

By Mr. CALDER: Memorial of executive committee, Grand Army of the Republic, of Kings County, Department of New York, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. CALDERHEAD: Petition of J. M. Schoenheit, of Kansas City, Mo., against prohibition legislation—to the Committee on the Judiciary.

Also, petition of George Burnham, jr., indorsing plan of national-bank guaranteed credit notes—to the Committee on Banking and Currency.

Also, petition of Bishop Potter and other clergymen of New York City, against increase of the Navy—to the Committee on Naval Affairs.

Also, petition of Dr. George H. McKedran, against railway-rate legislation tending to depreciate railway stocks—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lincoln Post, No. 1, Grand Army of the Republic, of Topeka, Kans., against abolition of pension agencies—to the Committee on Appropriations.

Also, petitions of Moser Brothers, of Blue Rapids; H. R. Ober, of Lawrence; Leamaul Brothers, of Riley; and Fischer & Sons, of Lawrence, all in the State of Kansas, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of National German-American Alliance, for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of Garfield Post, Grand Army of the Republic, of Wichita, Kans., for amending pension laws so as to give widows of soldiers $12 per month—to the Committee on Invalid Pensions.

Also, petitions of citizens of Clay County, Kans., and Sunflower Council, No. 31, United Commercial Travelers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Woman's Christian Temperance Union of Douglas, Kans., and Frank P. Grey, of Clay Center, Kans., for prohibition of liquor shipments into prohibition States—to the Committee on the Judiciary.

Also, petition of Murray Myers and other soldiers, of Sedgwick County, Kans., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. CLARK of Florida: Paper to accompany H. R. 13432, establishing a subtreasury in Jacksonville, Fla.—to the Committee on Ways and Means.

By Mr. COCKS of New York: Petition of Springfield Citizens' Association, of New York, for battle-ship construction in navy-yards—to the Committee on Naval Affairs.

By Mr. COOK of Pennsylvania: Petition of Philadelphia Board of Trade, for readjustment of pay of Army and Navy—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Petitions of F. S. Lovell Post, No. 230, of Kenosha, and W. W. Patton Post, No. 90, of Broadhead, Grand Army of the Republic of Wisconsin, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. CURRIER: Petitions of Frank F. Gilman and Carrie E. Reed, for a national highway commission—to the Committee on Agriculture.

By Mr. DAVIDSON: Petition of Polish-American citizens of Stevens Point, Wis., against proposed legislation by the Prussian Parliament—to the Committee on Foreign Affairs.

By Mr. DAWSON: Petition of clergymen of New York City, against building more battle ships—to the Committee on Naval Affairs.

By Mr. DE ARMOND: Paper to accompany bill for relief of Joshua J. Brown—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of George Parmley Day, for forest reservations in White Mountains and southern Appalachian Mountains (H. R. 10457)—to the Committee on Agriculture.

Also, petition of Bohemian Free Thinkers, protesting against the motto "In God we trust" upon our coins—to the Committee on Banking and Currency.

Also, petition of the New York State Bankers' Association, of New York City, against the provisions of the Aldrich bill (that they favor an elastic currency)—to the Committee on Banking and Currency.

Also, petition of Howard McLarby, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Homeopathic Medical Society of Kings County, N. Y., favoring H. R. 6089 (Mr. DALZELL's postponed amendment)—to the Committee on Commerce.

Also, petition of New York branch of the American Federation of Labor, protesting against any action by the United States Congress which will interfere or impair the present pilotage system of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Clan-na-Gael of Brooklyn, N. Y., against ratification of treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Louis A. Mansfield, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Grand Army of the Republic of Kings County, Department of New York, protesting against enactment of any law to materially reduce any pension districts and pension agencies that may now exist—to the Committee on Appropriations.

By Mr. DUREY: Petition of New York Branch of the American Federation of Labor, for retention of the pilotage system—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of Harvey Becker—to the Committee on Invalid Pensions.

By Mr. FOCHT: Petitions of citizens of Pennsylvania, Amos Evans, and others, for S. 3152 (additional protection for dairy interests)—to the Committee on Agriculture.

By Mr. FORNES: Petition of National Association of Superintendents of Post-Office Stations, favoring S. 4700 and H. R. 14639 (Bennet bill)—to the Committee on the Post-Office and Post-Roads.

Also, petition of American Pharmaceutical Association of New York City, for H. R. 16091—to the Committee on Expenditures in the Treasury Department.

By Mr. FULLER: Petition of New York Produce Exchange, against Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of L. W. Humphrey, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of L. D. Howe, of Streator, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of American Free Art League, for removal of duty on works of art—to the Committee on Ways and Means.

By Mr. GILL: Petition of Oliver Huckle and others, against further increase of armament in United States Navy—to the Committee on Naval Affairs.

By Mr. GOULDEN: Petition of F. C. Miller, of New York City, favoring H. R. 14639, to classify certain grades in numbered post-office stations (Bennet bill)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of American Pharmaceutical Association of New York, favoring H. R. 16091—to the Committee on Expenditures in the Treasury Department.

By Mr. GRONNA: Petition of citizens of Douglas, N. Dak.—to the Committee on Interstate and Foreign Commerce.

Also, petition of "Skandinaven," of Chicago, Ill., against extension of domestic parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Woman's Christian Temperance Union of Hamilton, N. Dak., for passage of Littlefield bill—to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Goodrich, N. Dak., for prohibition in the District of Columbia and passage of Littlefield bill—to the Committee on the District of Columbia.

Also, petition of American Society of Equity, of Glenburn, for extension of the domestic parcels-post service and Federal inspection of grain—to the Committee on the Post-Office and Post-Roads.

Also, petition of Swedish Baptist Church, of Fargo, N. Dak., for passage of Littlefield bill—to the Committee on the Judiciary.

By Mr. HAYES: Petition of State Building Trades of California, favoring a large Navy and increase of fortifications on the Pacific coast and naval base on San Francisco Bay—to the Committee on Naval Affairs.

Also, petition of Building Trades Council of California, for exclusion of Asiatic laborers—to the Committee on Immigration and Naturalization.

Also, petition of State Building Trades Council of California, for postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. HELM: Paper to accompany bill for relief of estate of W. G. Cheser—to the Committee on War Claims.

Also, paper to accompany bill for relief of Lon Brown—to the Committee on Invalid Pensions.

Also, petition of William Herndon and others, favoring restriction in immigration—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of Connecticut Hardware Association, favoring reduction of first-class postage to 1 cent, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Petition of old soldiers of Shelby, Nebr., favoring H. R. 10510—to the Committee on Invalid Pensions.

Also, petition of soldiers, for H. R. 10510—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petition of Utah Postmasters' Association, for increase of pay for clerks in third-class offices and also for fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. HUFF: Petition of the Lumber Dealers' Association, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of George F. Best, International Association of Machinists, District Lodge No. 1, for battle-ship construction in navy-yards—to the Committee on Naval Affairs.

By Mr. HULL of Iowa: Petition of Railway Helpers and Laborers, for battle-ship construction at navy-yards—to the Committee on Naval Affairs.

By Mr. LASSITER: Paper to accompany bill for relief of heirs of William Gei—to the Committee on War Claims.

By Mr. LAW: Petition of Unity Republican Club, of New York, for battle-ship construction at navy-yards—to the Committee on Naval Affairs.

By Mr. LANDIS: Paper to accompany bill for relief of Sculptor Theophilus F. Mills, in the matter of payment for the Stanton bust—to the Committee on the Library.

By Mr. LEE: Paper to accompany bill for relief of Mrs. Mary A. F. Preston—to the Committee on War Claims.

Also, paper to accompany bill for relief of heirs of George W. Perkerson—to the Committee on War Claims.

By Mr. LINDSAY: Petition of the Grand Army of the Republic, Kings County, Department of New York, protesting against enactment of any law to materially reduce any pension districts and pension agencies that may now exist—to the Committee on Appropriations.

Also, petition of the Lumber Dealers' Association of New Haven, Conn., for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. KAHN: Petition of Chamber of Commerce of San Francisco, against H. R. 14655—to the Committee on the Merchant Marine and Fisheries.

By Mr. LITTLEFIELD: Petition of S. A. Cummings and others, of Lewiston, Me., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. LLOYD: Petition of Medill Grange, Clark County, Mo., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of 10 citizens of Lewis County, Mo., against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. LOUDENSLAGER: Petition of Williamstown (N. J.) Grange and Mullien Hill Grange, for creation of a national highway commission—to the Committee on Agriculture.

Also, petition of Building Trades Council of California, in favor of upbuilding of the Navy—to the Committee on Naval Affairs.

Also, petition of State Building Trades Council of California, for a postal-savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of International Typographical Union, No. 21, of San Francisco, for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of Building Trades Council of California, for exclusion of Asiatics—to the Committee on Immigration and Naturalization.

By Mr. KÜSTERMANN: Petition of officers and members of Holy Trinity congregation, of Pine Grove, Wis., against Prussian laws that oppress the Poles—to the Committee on Foreign Affairs.

Also, petition of L. H. Siger Post, No. 207, Grand Army of the Republic, Wisconsin, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. LITTLEFIELD: Petition of G. B. Young, for a national highway commission—to the Committee on Agriculture.

By Mr. MALBY: Petition of New York branch of the American Federation of Labor, for retention of the present pilotage system—to the Committee on the Merchant Marine and Fisheries.

By Mr. MOON of Pennsylvania: Papers to accompany bill for increase of pension to Lydia P. Wint, widow of Brig. Gen. Theodore J. Wint—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of Chamber of Commerce of San Francisco, against H. R. 14655—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Military Order Loyal Legion of the United States, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of State Building Trades Council, for a postal-savings-bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of State Building Trades Council, for an effective Asiatic exclusion law—to the Committee on Immigration and Naturalization.

By Mr. NORRIS: Petition of citizens of Fifth Congressional District of Nebraska, for the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Red Cloud, Nebr., against a parcels-post law—to the Committee on the Post-Offices and Post-Roads.

Also, petition of Charles E. McPherson and other veterans of the civil war, for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. NYE: Petition of Local Union No. 6, Photoengravers of North America, of Minneapolis, Minn., for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Commercial Club of Red Wing, Minn., for Federal aid to agricultural colleges—to the Committee on Agriculture.

By Mr. O'CONNELL: Petition of citizens of Boston, Mass., urging building of war ships in Government yards—to the Committee on Naval Affairs.

By Mr. NEEDHAM: Petition of State Building Trades Council, for an adequate war fleet on both sides of the continent—to the Committee on Naval Affairs.

By Mr. PETERS: Petition of Society of Arts, Massachusetts, in favor of White Mountain and Appalachian forest-reserve bill—to the Committee on Agriculture.

Also, petition of Boston Merchants' Association, regarding national bankruptcy law—to the Committee on the Judiciary.

By Mr. PRATT: Petition of stereotypers' union of Newark, N. J., for removal of duty on white paper, etc.—to the Committee on Ways and Means.

By Mr. RIORDAN: Petition of Lumber Dealers' Association, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of New York branch of American Federation of Labor, for the bar pilotage system of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. RYAN: Petition of Stationers' Board of Trade, against Aldrich emergency currency bill—to the Committee on Banking and Currency.

Also, petition of Chicago Local, No. 1, of Commercial Telegraphers' Union of North America, for S. 4395 and H. R. 15929, 15123, 15267—to the Committee on Interstate and Foreign Commerce.

Also, petition of Central Federated Union of New York, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Western Fruit Jobbers' Association, favoring giving Interstate Commerce Commission power to regulate freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chenango Lodge, No. 252, Brotherhood of Railway Trainmen, for S. 4206 (Clapp free-pass amendment)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Strassburg Tent, No. 219, Knights of Maccabees, of Buffalo, N. Y., against any prohibition or interstate-commerce liquor laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local No. 11, of the Brotherhood of Stationary Firemen, of Buffalo, N. Y., for battle-ship construction in United States navy-yards—to the Committee on Naval Affairs.

Also, petition of Chapin Post, No. 2, Grand Army of the Republic, of Buffalo, N. Y., against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of Rochester Credit Men's Association, for the bankruptcy law (H. R. 13266)—to the Committee on the Judiciary.

Also, petition of citizens of Brooklyn, against treaty of arbitration between United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. SHERMAN: Petition of New York branch of the American Federation of Labor, for retention of the pilotage system—to the Committee on the Merchant Marine and Fisheries.

By Mr. SIMS: Petition of citizens and merchants of Clarksburg, Tenn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Workingmen's Federation of New York, for the bar pilotage system of the country—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Percy C. Wilcot, for forest reservations in White Mountains (H. R. 10457)—to the Committee on Agriculture.

Also, petition of R. C. Caldwell (per E. W.), in reference to H. R. 186—to the Committee on Military Affairs.

Also, petition of executive and legislative committees of the Rochester Credit Men's Association, of Rochester, N. Y., favoring the bankruptcy act—to the Committee on Banking and Currency.

Also, petition of the American National Live Stock Association, of Bakersfield, Cal., favoring S. 5431—to the Committee on the Public Lands.

Also, petition of Agnes F. Burmester, favoring H. R. 11794, relative to copyright bill—to the Committee on Patents.

Also, petition of National German-American Alliance, of Philadelphia, Pa., favoring the restoration of the canteen to Soldiers' Homes—to the Committee on Military Affairs.

Also, petition of Horace P. Dibble, against bill presented by Mr. F. D. CURRIER, of New Hampshire, and favoring the Kittredge copyright bill—to the Committee on Patents.

Also, petition of American Pharmaceutical Association, favoring H. R. 16091—to the Committee on Expenditures in the Treasury Department.

Also, petition of clergymen of New York City, for decrease in naval armament—to the Committee on Naval Affairs.

Also, petition of Local Union No. 1, International Stereotypers and Electrotypers' Union, for removal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

Also, petition of ex-commissioned officers of the civil war of Sedgwick County, Kans., for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of people represented by the United States Monetary League, against asset, credit, or flexible currency—to the Committee on Banking and Currency.

Also, petitions of L. Bolton Bangs and Day, Adams & Co., of New York City, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Dave Reid and others, for amendment to copyright law beneficial to musical composers—to the Committee on Patents.

By Mr. TIRRELL: Paper to accompany bill for relief of Hiram P. Worthley—to the Committee on Invalid Pensions.

By Mr. WAGNER: Petition of D. W. Hartman and other residents of Quakertown, Pa., S. W. Smith and other residents of Buckmanville, Pa., and Keystone Grange, No. 2, of Montgomery County, Pa., asking passage of S. 3152—to the Committee on Agriculture.

By Mr. WASHBURN: Paper to accompany bill for relief of George W. Whitney—to the Committee on Invalid Pensions.

By Mr. WEEKS: Petition of Polish National Alliance, protesting against the unjust edicts of the Prussian Diet—to the Committee on Foreign Affairs.

By Mr WHEELER: Petition of George L. Daily and 243 others, in favor of S. 3152—to the Committee on Agriculture.

By Mr. WOOD: Petition of D. H. Merritt, for H. R. 14934, covering the subject of the bill-of-lading legislation—to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *February 28, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE and by unanimous consent, the further reading was dispensed with.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Trustees of Cedar Grove Church of Culpeper County, Va., *v.* United States;

In the cause of Ralph Milbourn, Louise B. Milbourn, and Henry W. Milbourn, sole heirs of Oliver Milbourn, deceased, *v.* United States;

In the cause of the Trustees of the Methodist Episcopal Church of Boonesboro, Md., *v.* United States;

In the cause of the Trustees of the Methodist Episcopal Church South, of Brandenburg, Ky., *v.* United States;

In the cause of the First Christian Church of Springfield, Mo., *v.* United States;

In the cause of the University of Nashville, of Nashville, Tenn., *v.* United States;

In the cause of the Presbyterian Church of Perryville, Ky., *v.* United States;

In the cause of the Trustees of the First Presbyterian Church of Danville, Ky., *v.* United States;

In the cause of the Trustees of the Baptist Church of Gallipolis, Ohio, *v.* United States; and

In the cause of the Antioch Methodist Episcopal Church South, of Stewart, Mercer County, Ky., *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4064) to provide for a term of the United States circuit and district courts at Lander, Wyo., with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 16051) to authorize the Centreville Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 17055. An act to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico; and

H. R. 17220. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906.

PETITIONS AND MEMORIALS.

Mr. BRIGGS presented a memorial of the board of directors of the Essex County National Bank, of Newark, N. J., remonstrating against the passage of the so-called "Aldrich emergency currency bill," which was ordered to lie on the table.

He also presented a petition of Ammon & Pearson, of Jersey City, N. J., praying for a modification of the present pure food and drug law relating to the production of butter, which was referred to the Committee on Manufactures.

He also presented a memorial of the C. A. Woolsey Paint and Color Company, of Jersey City, N. J., and a memorial of the G. G. Green Company, of Woodbury, N. J., remonstrating against the enactment of any further legislation to regulate the manufacture and sale of paints in interstate commerce, which were referred to the Committee on Manufactures.

He also presented the petition of John P. Beech, of Trenton, N. J., praying for the enactment of legislation to grant an annuity to wearers of the Congressional medal of honor, which was referred to the Committee on Military Affairs.

He also presented the petition of Washington H. Rogers, of Hoboken, N. J., praying for the enactment of legislation authorizing the adoption of a certain amendment to the present civil-service rules giving preference to war veterans, which was referred to the Committee on Military Affairs.

He also presented a petition of the Musical Association of Trenton, N. J., praying for the enactment of legislation to prohibit Army and Navy bands from entering into competition with civilian bands, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry volunteer officers of the civil war of Trenton, Hamilton Square, Ocean Grove, Bloomfield, Glenridge, Salem, Camden, and Morristown, all in the State of New Jersey, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented the petition of John C. MacVicar, headmaster of Montclair Military Academy, of Montclair, N. J., praying for the enactment of legislation authorizing the Secretary of the Navy to loan equipment to certain military schools, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Washington, N. J., praying for the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on Education and Labor.

He also presented a petition of the Commercial Telegraphers' Union of America, of Chicago, Ill., praying that an investigation be made into the existing conditions in the telegraphic service of the country, which was referred to the Committee on Education and Labor.

He also presented memorials of sundry Grand Army posts of Camden and Woodbury, in the State of New Jersey, and of the department headquarters of the Pennsylvania and Grand Army Association, of Philadelphia, Pa., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

He also presented a petition of Local Union No. 94, International Typographical Union, of Jersey City, N. J., and a petition of Local Union No. 3, Cigarmakers' International Union of America, of Paterson, N. J., praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Montclair, N. J., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Woman's Christian Temperance Union of Washington, N. J., and a petition of the Christian Endeavor Society of Plainfield, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented memorials of Local Branch No. 8, of Bridgeton; of Local Branch No. 53, of Swedesboro; of Local Branch No. 6, of Salem, and of Local Branch No. 71, of Barnegat, all of the Glass Bottle Blowers' Association, in the State of New Jersey, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of Hamilton Grange, No. 79, Patrons of Husbandry, of Hamilton Square, N. J., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Washington, N. J., and a petition of Local Grange No. 11, Patrons of Husbandry, of Vineland, N. J., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented the memorial of G. G. Green, of Woodbury, N. J., remonstrating against the enactment of legislation to prohibit the distribution of advertising matter in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the petition of H. E. Brinkerhoffer, of New York City, N. Y., praying for the enactment of legislation to refund the collateral inheritance tax of the Stevens Institute of Technology, which was referred to the Committee on Finance.

He also presented a petition of the China and Japan Trading Company (Limited) of New York City, N. Y., praying for the enactment of legislation to recover losses sustained by

them during the Boxer outbreak in China, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of New York City, N. Y., praying for the passage of the so-called "ship-subsidy bill," which was ordered to lie on the table.

Mr. FRYE presented a petition of sundry volunteer officers of the civil war of Monson, Skowhegan, and Togus, all in the State of Maine, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. PENROSE presented memorials of Local Grange of Hydetown; of Chestnut Ridge Grange, No. 1133, of Washington County; of Coryville Grange, No. 1212, of Coryville, all of the Patrons of Husbandry, and of sundry farmers and dairymen of Kauffmans, all in the State of Pennsylvania, remonstrating against the repeal of the present tax of 10 cents per pound on imitation butter, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry volunteer officers of the civil war in the State of Pennsylvania, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented sundry papers to accompany the bill (S. 5398) granting an increase of pension to Richard Carr, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 4966) granting an increase of pension to John H. Schreiner, which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 1218) granting an increase of pension to Philip Liebrick, which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 2466) granting an increase of pension to George Tibbons, which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 4405) granting an increase of pension to Jacob H. Dewees, which was referred to the Committee on Pensions.

Mr. GALLINGER presented a petition of the Central Labor Union of the District of Columbia, praying that an investigation be made of the Engineer Commissioner's office of the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the North Capitol and Eckington Citizens' Association of the District of Columbia and a memorial of the Southwest Washington Citizens' Association of the District of Columbia, remonstrating against the passage of the so-called "Dolliver school bill," which were ordered to lie on the table.

He also presented a petition of the Southeast Washington Citizens' Association of the District of Columbia, praying for the enactment of legislation providing for the elimination of grade crossings in the southeastern section of the city and for the establishment of a new railway line to the navy-yard, which was ordered to lie on the table.

He also presented a memorial of the Woodburn Citizens' Association of the District of Columbia, remonstrating against the enactment of legislation providing for the extension of New Hampshire avenue, which was referred to the Committee on the District of Columbia.

He also presented sundry petitions of citizens of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. TALIAFERRO presented a petition of the Central Trades and Labor Assembly of Tampa, Fla., praying for the enactment of legislation authorizing the construction of at least one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. STONE presented petitions of Local Union No. 8, International Typographical Union, of St. Louis; of Local Union No. 6, International Stereotypers and Electrotypers' Union, of Kansas City; of Local Union No. 60, International Bookbinders' Union, of St. Louis, and of Local Union No. 2, International Printing Pressmen and Assistants' Union, of St. Louis, all in the State of Missouri, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a memorial of Local Branch No. 5, Glass Bottle Blowers' Association of the United States and Canada, of St. Louis, Mo., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the executive committee, board of curators, in charge of the School of Mines, Missouri State University, Rolla, Mo., praying for the enactment of legislation providing for the establishment of governmental engineering and mining experiment stations at land-grant colleges, which was referred to the Committee on Appropriations.

He also presented a petition of Gate City Lodge, No. 272, International Association of Machinists, of Cape Girardeau, Mo., praying for the enactment of legislation providing for the construction of battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented memorials of sundry citizens of St. Louis, Hermann, and Kansas City, all in the State of Missouri, remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the Second Regiment Missouri National Guard, praying for the enactment of legislation for the improvement of the efficiency of the State militia, which was referred to the Committee on Military Affairs.

Mr. BURKETT presented a petition of the Woman's Christian Temperance Union of Kenesaw, Nebr., and a petition of the Equal Suffrage Association of Lincoln, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens on account of sex, which were referred to the Select Committee on Woman Suffrage.

He also presented a petition of Local Union No. 358, Cigar Makers' International Union of America, of Fremont, Nebr., praying for the enactment of legislation providing for the construction of all battle ships at Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of the National Coopers' Association of St. Louis, Mo., praying for the enactment of legislation to empower the Interstate Commerce Commission to issue a rule to all railroads requiring a time limit on all interstate shipments, which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented a petition of Local Union No. 11, Electrotypers' Union, of Boston, Mass., and a petition of Local Union No. 161, International Typographical Union, of Fall River, Mass., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. HOPKINS presented a petition of the Woman's Christian Temperance Union of Batavia, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. TELLER presented a petition of Subordinate Lodge No. 179, International Brotherhood of Boiler Makers, Iron Ship Builders and Helpers of America, of Denver, Colo., and a petition of sundry citizens of Pueblo, Colo., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 40, International Printing Pressmen and Assistants' Union, of Denver, Colo., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of Local Union No. 31, Commercial Telegraphers' Union, of Denver, Colo., remonstrating against any extension in the time of the present nine-hour law for railroad telegraphers, which was referred to the Committee on Education and Labor.

Mr. BURNHAM presented petitions of the Rockingham County Christian Conference, and of the Woman's Christian Temperance Union of Epping, all in the State of New Hampshire, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the Department of New Hampshire, United Spanish War Veterans, praying for the enactment of legislation to authorize the Secretary of War to issue discarded arms to camps of the United Spanish War Veterans, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (H. R. 9205) to make the provisions of an

act of Congress approved February 28, 1891 (26 Stats., 796), applicable to the Territory of New Mexico, reported it without amendment, and submitted a report thereon.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 906) to provide for the purchase of a site and the erection of a public building thereon at Rochester, in the State of New Hampshire, reported it with amendments and submitted a report thereon.

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the bill (S. 5530) to establish a fish-hatching and fish-culture station at Strawberry Island, Point Judith Pond, Rhode Island, reported it with amendments and submitted a report thereon.

Mr. BRIGGS, from the Committee on the Library, to whom was referred the bill (S. 4797) for the care and preservation of The Hermitage, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 6) directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of John Witherspoon, reported it with an amendment and submitted a report thereon.

Mr. WHYTE, from the Committee on the District of Columbia, to whom was referred the bill (S. 3405) to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896, reported it without amendment.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 14772) prescribing what shall constitute a legal cord of wood in the District of Columbia, reported it without amendment and submitted a report thereon.

Mr. LODGE, from the Committee on the Philippines, to whom was referred the bill (S. 5262) to repeal an act approved April 30, 1906, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," and for other purposes, reported it with amendments.

Mr. SUTHERLAND, from the Committee on Indian Affairs, to whom was referred the bill (S. 4703) to provide for the leasing of allotted Indian lands for mining purposes, reported it without amendment.

BRIDGE ACROSS ST. JOSEPH RIVER, MICHIGAN.

Mr. PILES. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 17227) to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth. I desire to call the attention of the Senator from Michigan [Mr. BURROWS] to the bill.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARE OF INSANE IN ALASKA.

Mr. NELSON. From the Committee on Territories I report back favorably without amendment the bill (S. 4712) to provide for the care of persons adjudged insane in the Territory of Alaska, and I submit a report thereon. I call the attention of the Senator from Oregon [Mr. FULTON] to the bill.

Mr. FULTON. I ask that the bill may be given present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. CARTER, the title was amended so as to read: "A bill to provide for the care of persons adjudged insane in the district of Alaska."

BILLS INTRODUCED.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5800) granting an increase of pension to Elizabeth S. Taylor;

A bill (S. 5801) granting an increase of pension to William H. Hotham; and

A bill (S. 5802) granting a pension to Annie Wilt.

Mr. WETMORE intrduced a bill (S. 5803) granting an increase of pension to Benoni Lewis, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULBERSON (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5804) for the relief of Mrs. Carrie W. Brown; and

A bill (S. 5805) for the relief of Samuel M. Robinson.

Mr. GORE (by request) introduced a bill (S. 5806) regulating salaries of district attorneys and United States marshals in Oklahoma, which was read twice by its title and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 5807) for the enrollment of unenrolled descendants of enrolled members of the Choctaw and Chickasaw nations, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5808) making an appropriation to suppress the boll weevil in the State of Oklahoma, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. TILLMAN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5809) for the relief of the heirs of William F. Maner, deceased; and

A bill (by request) (S. 5810) for the relief of the heirs and estate of Sarah Quick, deceased (with an accompanying paper).

He also introduced a bill (S. 5811) granting an increase of pension to Patrick P. Toale, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 5812) granting an increase of pension to Hartford M. Harding, which was read twice by its title and referred to the Committee on Pensions.

Mr. BOURNE (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 5813) authorizing the appointment of Col. A. H. Bainbridge, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army (with accompanying papers);

A bill (S. 5814) authorizing the appointment of Maj. J. Ulio, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army; and

A bill (S. 5815) authorizing the appointment of Col. W. D. Wolverton, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army.

Mr. PILES introduced the following bills, which were severally read twice by their titles and referred to the Committee on Territories:

A bill (S. 5816) ratifying chapters 57 and 61 of the session laws of the twenty-third Arizona legislative assembly providing for the issuance of bonds by Mohave County to erect court-house and jail in said county;

A bill (S. 5817) to enable the city of Phoenix, in Maricopa County, Ariz., to issue bonds of said municipality for the purpose of funding its floating indebtedness incurred prior to July 1, 1906;

A bill (S. 5818) ratifying an act of the Arizona legislature providing for the erection of a court-house at St. Johns, in Apache County, Ariz.;

A bill (S. 5819) authorizing the county of Gila, Ariz., to issue bonds for the completion of the court-house and jail; and

A bill (S. 5820) ratifying an act of the legislative assembly of the Territory of Arizona providing for the erection of a court-house and jail at Yuma, in Yuma County, Territory of Arizona.

Mr. FRYE introduced a bill (S. 5821) to establish the University of the United States, which was read twice by its title and referred to the Committee on the University of the United States.

Mr. McLAURIN introduced a bill (S. 5822) for the relief of the heirs of Mrs. Elizabeth Hynes, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. DICK introduced a bill (S. 5823) for the erection of a memorial structure at Fort Recovery, Ohio, which was read twice by its title and referred to the Committee on the Library.

Mr. CLAPP introduced a bill (S. 5824) for the relief of John T. McKeon, which was read twice by its title and referred to the Committee on Claims.

Mr. RAYNER introduced a bill (S. 5825) for the relief of St.

Augustine's Roman Catholic Church, of Williamsport, Md., which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5826) granting a pension to Thomas Hyland; and

A bill (S. 5827) granting a pension to George Dobler (with accompanying papers).

Mr. CLARKE of Arkansas introduced a bill (S. 5828) for the relief of the heirs of Augustus H. Johnson, sr., which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TELLER submitted an amendment proposing to appropriate $10,000 to enable the Public Printer to print the original of each and every roll of the Choctaw and Chickasaw Indians, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

Mr. FORAKER submitted an amendment to appropriate $2,500 for compensation of chief of division of printing, and $2,000 for one chief of division, office of Secretary Department of Commerce and Labor, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO OMNIBUS-CLAIMS BILL.

Mr. PENROSE submitted six amendments intended to be proposed by him to House bill 15372, known as the "omnibus-claims bill," which were referred to the Committee on Claims and ordered to be printed.

Mr. HALE submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus-claims bill," which was referred to the Committee on Claims and ordered to be printed.

GRAZING UPON PUBLIC LANDS.

On motion of Mr. WARREN, it was

Ordered, That 2,000 extra copies of the bill (S. 5431) providing for the control of grazing upon the public lands in the arid States and Territories of the United States, and for other purposes, be printed for the use of the Senate.

LANDS IN MONTANA AND IDAHO.

Mr. CARTER. I submit a resolution and ask unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to report to the Senate the number of acres of land examined and classified in the State of Montana under and in conformity with the provisions of an act of Congress entitled "An act to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho," approved February 26, 1895, the acreage of such classifications approved, and the acreage remaining unapproved by the Secretary of the Interior, and also the number of protests or contests filed in the Interior Department against such classifications subsequent to the period prescribed in the respective published notices provided by said act and the area of land involved in such protests or contests.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. HEYBURN. I should like to make an inquiry. I was not paying attention at the time the reading of the resolution was begun. I should like to inquire just the purpose of it.

Mr. CARTER. The purpose of the resolution is made obvious by its phraseology.

Mr. HEYBURN. I ask that the resolution be again read.

The VICE-PRESIDENT. The Secretary will again read the resolution.

The resolution was again read.

Mr. HEYBURN. I understand from hearing read that part which I had not heard before that a report is called for only as to lands in Montana. I ask the Senator if he would have any objection to including the lands in Idaho, inasmuch as they were practically a part of the same transaction?

Mr. CARTER. I shall be glad to accept an amendment to the resolution such as is proposed by the Senator from Idaho.

Mr. HEYBURN. I move to strike out the words "State of Montana" and insert the words "States of Montana and Idaho."

Mr. CARTER. I desire to add the word "separately," so that each State will be set forth separately.

Mr. HEYBURN. I accept that modification.

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. Strike out the words "State of Montana" and insert the words "States of Montana and Idaho separately."

The amendment was agreed to.

The resolution as amended was agreed to.

SCHOOLS AT ARMY POSTS.

Mr. BURKETT. Mr. President, I have had some correspondence with the Secretary of War with reference to educational facilities at the various military posts. I have here a copy of my letter to the Secretary of War and his reply and a statement which has been compiled with great care by the Department, showing the number of children at these posts and the facilities now provided for the children of noncommissioned officers and enlisted men. I move that it be printed as a document and referred to the Committee on Military Affairs.

The motion was agreed to.

UNITED STATES COURTS AT LANDER, WYO.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4064) to provide for a term of United States circuit and district courts at Lander, Wyo.

The amendment was, in line 10, after the word "place," to insert the following proviso:

Provided, That until a public building is provided on the site now owned by the Government in said town of Lander a place shall be furnished for holding the said courts, at an expense to the Government of the United States not to exceed $300 annually.

Mr. CLARK of Wyoming. I move that the Senate concur in the House amendment.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 17055. An act to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico, was read twice by its title and referred to the Committee on the Territories.

H. R. 17220. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, was read twice by its title and referred to the Committee on Commerce.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. The Senator from Utah [Mr. SMOOT] is desirous of speaking upon the banking bill, and he wishes to go on at this time. If there is no objection, I would be glad to have that bill laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. SMOOT. Mr. President, the American people in the final analysis are a conservative people, but at times they lose their heads and plunge into speculation, live beyond a reasonable standard, and expand even legitimate business far beyond conservative limits. Whenever this is done trouble ensues, just as it has in our recent unfortunate money panic.

There is nothing inherently weak in American business methods. The present trouble, as I see it, is the breaking down of our credit system and the disarrangement and embarrassment of our financial fabric. Restore confidence and credit and let the people live within their income, and a reaction will set in as sure as the sun will rise to-morrow morning. The extent to which the reaction will come depends upon what injury has been done the business interests of our country as a result of our credit and financial embarrassment.

No one questions the fact that the American people have been under a business tension too great for safety. Our railroads were overworked; our manufacturing institutions were unable to supply demands made upon them; the cost of production kept mounting higher and higher; the wages of the laborer increased, and the expenditures of the people increased in a greater proportion than all else. Speculation was rife and men wanted to make a fortune in a day. These are some of the causes that brought about the present conditions.

For one I am thankful that the recent money panic, seeing that it was certain to come, occurred at a time when crops were good and the business institutions of our country, with a few rotten exceptions, were on a solid foundation.

Mr. President, it is our duty as Senators to take notice of these ever-recurring money disturbances, learn their cause, and, if possible, pass such legislation as will prevent them in the future. Can this be done? I certainly think so; at least, I believe the causes of these panics can be reduced to a minimum.

The first thing is to correct the evils existing in our present rigid currency system. Have not conditions in the monetary world in the last few months convinced every Senator that our currency system and method of national finance are lacking in essential features when an emergency arises? Of all the requirements made upon a government, such as the protection

of the lives and liberties of the people, the protection of their property and business interests, there is no one higher than the duty to provide for a circulating medium, or currency, which shall possess two positive elements: First, absolute security; second, a capacity for expansion or contraction as may be demanded by the financial, commercial, and industrial needs of the people. Safety means money that has an unquestioned value the world over; and no money which does not meet this qualification will satisfy the American people.

In my judgment the provisions of the Aldrich bill, if enacted into law, will not only furnish an absolutely safe emergency currency, but will also provide for its expansion when a necessity exists, and the penalty rate of interest will compel its retirement as soon as the necessity is removed. I believe in an emergency currency, but not in an inflated currency.

As long as business is moving along in the usual manner we pay no attention to the machinery, for the usual manner is good. The usual thing with our people is a prosperity greater than that which falls to the lot of any other people on earth. It is natural to ascribe to the laws in force a prosperity existing while they are in force, forgetful of the fact that a country rich as ours is in natural endowments, broad as ours is in an area that affords room for all, settled as ours is by the most ingenious, the most alert, the most energetic, and the most progressive people on earth, that such a country will prosper without help from legislation and often in spite of restraint by legislation. As long as the machine is moving we are satisfied. We stop to mend it only when it breaks down, and then often we merely patch it up.

The panic last fall gave a demonstration of the need of amendment of our banking laws. Our money supply is all right in quality—every dollar of it is worth its face in gold. It is sufficient, too, in quantity under ordinary conditions; few claim that the supply is now too small. The country was never more prosperous than it had been for a number of years before the end of last summer. Our financial skies were of that limpid blue which suggested to the thoughtless who beheld them nothing beyond the perfect beauty of a perfect day. The financially weatherwise, however, looked up and recognized the portents of a coming storm. The coming of the storm at such a time caused surprise, but the only surprise should have been at its long delay. Nearly all panics are due to the same cause—men run wild by prosperity. Money flowed like water. Nearly every man was making more than he had ever made before in his life, and so was more able and more willing to pay high prices for anything he desired. In spite of a large increase of production, prices also increased, for the people were able to buy, and demand increased as rapidly as supply. Just such conditions always encourage men to take risks. Debt loses its terror. Success seems so certain that the necessity of providing against failure is little considered, failure seeming only a possibility and a possibility so remote. An era of prosperity is crowned by a cap of wild speculation, and the cap somehow permeates the mass and eats out the foundation and the whole structure crumbles. Men bought stocks that made their dividends, in some instances, no more than 2 per cent. They did not buy for the dividend, but because the stock was going up and they expected to sell to some one who would buy at a still higher price. Men bought these stocks and paid twice as much for them as they should have paid; banks loaned more money on them than they should have loaned. This helped to bring on the sudden collapse.

The panic is referred to as a "depositors' panic." It might also be called a "bankers' panic." Bankers can run on a bank more fatally than individual depositors can, though it does not take such a long line of them to withdraw a given sum of money. Bankers, as well as depositors, saw what was coming and tried to take care of themselves. A few banks failed because they had not been managed with proper care. The great majority of the banks of this country were pushed to the verge of failure because of the doubt and suspicion created, and forced to resort to the issuing of clearing-house certificates, unlawful in itself, but absolutely necessary to save the business interests of our country.

The panic of 1907 came when the country had the largest per capita of circulation it has ever had in its history. It also had the largest demand for money it had ever known. A larger volume of currency, issued without regard to the emergency, would have done no good. It would have been taken in the wild era of speculation that preceded the panic; and the runs that put most of the banks of the large cities on a clearing-house certificate basis would have been just as wild and just as persistent as they actually were.

What we need is not a larger volume of currency, but a currency that will come at the call of need and retire when it has done its work. To secure such a currency several plans have been proposed. Of these, I think the bill under consideration goes most directly to the point and gives better promise than any other at present proposed of accomplishing the desired end.

We need not consider the currency question at all, except as it is affected by an extraordinarily large demand for money. Provision must be made for putting out an extra supply when there is an extra demand.

Who is to know whether there is an extra demand for money? Naturally the one who encounters this demand—the banker who is called on to meet it. But should a bank be permitted to put out circulating notes whenever it sees fit? Certainly not. The United States Government, through its proper officials, should decide this question. I do not think one bank, or one thousand banks, should have power to increase or decrease the currency at will. This is a matter for the Government to decide, and it should decide it after looking at it from the standpoint, not of one bank, or of one thousand banks, but from the standpoint of the nation at large. Of course the nation at large is interested in seeing that the banks do not fail; for if the banks should fail the entire nation would suffer. The failure of one bank is liable to hurt ten times as many people as own its stock or have deposits in it. But the proper Government official should decide whether conditions justify an issue of emergency currency, and the bill reported by the Senate Committee on Finance leaves that decision to be made by the Secretary of the Treasury. I think it is much more proper that the Secretary of the Treasury should decide this question than that it should be left to the board of directors of a bank redemption agency—a body of private citizens representing not the Government, nor any part of it; not even all of one class, but only the bankers of a small portion of the country.

There has been a world of criticism of Government officials as to the distribution of Government deposits with banks of different sections. Secretary Cortelyou has been savagely attacked for his use of public funds to stop the recent panic. I wish to digress from the discussion of this bill long enough to say that I think his action in that emergency was wise, fair, and patriotic; and that, but for what he did, not only New York, but every State and city of this land would to-day be vastly poorer than it is. Taking a sectional view of the matter, I believed he saved a dollar for the West and for the South as well as for the North and for the East for every dime with which he fought the panic in New York. And I do not base my approval on the idea that Government deposits were equitably apportioned between the different sections of the country. It was no time to talk about such matters. The whole country was endangered by a financial crisis beginning at New York. New York was the place to rush relief, and as a western man I am thankful that Secretary Cortelyou acted so promptly and averted the awful consequences that would have befallen this nation from the Atlantic to the Pacific. No State would have escaped; no home in this broad land but what would have suffered, had he failed in his duty.

But this is a digression. The bill I am discussing proposes to apportion the relief equitably, if it is needed in different sections and there is not enough to go round. I think, however, the bill would be greatly improved if the limit were $1,000,000,000 instead of $500,000,000.

It is proposed that banks desiring emergency currency may get it with the consent of the Secretary of the Treasury by depositing with the Treasurer, or any assistant treasurer, of the United States, municipal or county bonds, or certain classes of railroad bonds; and that the bank may take out a circulation equal to 90 per cent of the market value of the State, county, or municipal bonds, and 75 per cent of the market value of any railroad bonds so used.

Many objections to this plan are urged—objections which do not strike me with much force. It is said the plan is a makeshift. So be it. A makeshift currency is precisely what we want. We wish it to come, stay as long as it is needed, and then go away as quickly and as quietly as possible. If that isn't a makeshift, what is?

It is said that the plan is devised in the interest of the eastern bondholders. Those who make this charge presume that the bondholders are eastern. What if the bondholders would gain by it? Would the people lose? Who would lose, and how would anybody lose? Would no one but the bondholder gain? Would not any State in the Union, any city, or any county, whose bonds would come under the provisions of this bill, gain when it offered its bonds for sale? The State, city, or municipality issuing the bonds would be able to borrow at a lower rate of interest after the passage of this bill than before. The benefit is not offered to New York alone, nor to the East alone. Utah, or any Western or Southern State, would enjoy it to fully

as great an extent. If the bondholders would profit by the enhanced value of bonds already issued, their gain would be temporary and at nobody's expense. The permanent gain, which would be also at nobody's expense, would be distributed among the people of any State, county, or city that found it advisable to borrow money. But, as a matter of fact, there is more talk than anything else about this gain in the enhanced price of bonds. Whatever gain there might be would ultimately be divided among the people of borrowing communities, but there would be little increase in the value of bonds. These bonds would not be convertible into their face value in money through the issue of notes, as are United States bonds. They would not be convertible into money at all except in case of emergency; then they would be convertible only into 90 per cent of their face value, and that in a money that would be taxed 6 per cent. As a protection against emergency, these bonds would be a good investment, but no one would buy a thousand-dollar bond with the idea that he would get $40 a year on it and convert it into $900 of currency on which he would have to pay $54 a year tax.

The bank needing extra circulation would be put in a position to get as much of it as the provisions of the law would permit, and if that were not enough other neighboring banks would take out all allowed them and use it in the common defense. The banks at any threatened point would have an emergency currency limited only by the exactions of the law.

But it is said the Government should issue this money directly and not delegate this power to the banks. It would delegate to the banks no new power. It has already intrusted national banks with the power of issuing money. The change would be no innovation. It would be only a matter of detail. It would only enlarge the classes of bonds on which money could be issued. If the Government issued the money, how would it get it out? Through the daily payment of its obligations? That would be shelling the woods; it would not be shooting at the mark. The money would go into the general circulation where it was not needed; it would not go where it would be needed. To get the money to the place of need it would be necessary to lend it to the bank needing it. Well, what would be the difference between lending the money at 6 per cent interest to the bank, secured by such bonds as this bill proposes, and permitting the bank upon giving the same security to issue the bills itself and pay on them a tax of 6 per cent? Mr. President, it is contended that the Government might lose. Certainly, if State, county, or city bonds should, between the setting and the rising of the sun, lose more than one-tenth of their value, or railroad first-mortgage bonds lose more than one-fourth of theirs in the same time, the Government would then be threatened with loss. It would only be threatened, for it could not lose until all the resources of the bank had become exhausted. No one ever heard of such change in State, county, or municipal bonds as would wipe out one-tenth of their value before they could be sold; so the idea may be dismissed, not as improbable, not as impossible, but as inconceivable. If the inconceivable should become the real, what then? A tax of four-fifths of 1 per cent on the deposits held in the national banks in 1907 would have raised a fund more than sufficient to pay all the losses to depositors occasioned by failure of national banks since the national banking system has been in force. A tax of 2 cents on the $100 deposits would pay the average year's losses—a postage stamp put on a letter containing a hundred-dollar check.

If we stop here, we will leave the subject with an exaggerated idea of the risk, for the object of this bill is to decrease risk of loss by failure of banks, and if it only feebly accomplishes its purpose it would cut this risk in half and reduce the denomination of the stamp representing the loss on a hundred dollars from 2 cents to 1 cent.

There would be no possibility of loss on these bonds except by a change which would suddenly wipe out the margin of 10 or 25 per cent, as the case might be, for the Aldrich bill empowers the Treasury to require other securities, or a strengthening of the securities on deposit, in case a shrinkage of values should render this necessary.

Mr. President, I think a great defect in our banking laws now in force is found in their requirements as to the reserve to be held by national banks outside of reserve cities. These banks are required to keep a reserve equal to 15 per cent of their deposits, but are permitted to keep three-fifths of this on deposit in banks of reserve or central reserve cities. This leaves only two-fifths of the 15 per cent—only 6 per cent of the deposits—required in the vaults of the bank whose deposits the reserve is designed to protect. The Aldrich bill, as it was originally drawn, required these banks to hold in their own vaults at least two-thirds of this, or 10 per cent of their deposits instead of 6 per cent. This would have been an improvement in the law as it now stands, but it was stricken out. I offered on February 24 a proposed amendment to the bill, as follows:

That on and after January 1, 1909, in addition to the 15 per cent reserve required by law to be held by the national banking associations, all such associations shall be required to have on hand an additional 5 per cent of the aggregate amount of its deposits in all respects in lawful money of the United States, or in bonds mentioned in this act.

This would, so far as the safety of deposits is concerned, increase the reserve requirements to 20 per cent, of which the banks would be required to hold eleven-twentieths in their own vaults. The money, however, would not be idle, for the banks could, if they desired, keep one-fourth of their entire reserve in interest-bearing bonds. These bonds, while drawing interest for the banks, would be at once convertible into cash if occasion should demand, holding the entire reserve in cash. The Secretary of the Treasury, under the present provisions of the Aldrich bill, would keep posted and keep banks advised as to the value of the bonds. The bills that are to be issued on the deposit of bonds provided in this act will be prepared beforehand and deposited at the subtreasuries throughout the country ready to be sent to any bank depositing the required bonds. The bank could, by telegraph, inform the Treasury officials of the character of the bonds on which it desired to take out circulation, and the Comptroller of the Treasury, by telegraph to the subtreasury nearest this bank, could authorize the sending of the bills. A reserve held in bonds of this class could be converted into cash in thirty-six hours, for there is scarcely a bank in the United States that can not be reached from the nearest subtreasury in that time. The 5 per cent of deposits held in deposits of this kind would then be available as money in thirty-six hours. The 6 per cent, or any part of the 15 per cent held in the vaults of the bank, would be available immediately. I think that, without some such plan for strengthening the reserve in emergency, the requirements of the law as it stands to-day are far too low.

If 15 per cent is needed for reserve, surely 6 per cent will not answer. The 9 per cent deposited in the banks of large cities would be available in a day or two when there was no use for the money. Reserves, however, are not kept just to keep the money looking new. They are held as provision against emergencies, and that part of them that is not in the vaults of the bank is apt to be unavailable at the very time it is needed. It proved unavailable in the recent panic. The country bank that had three-fifths of its reserve in New York could not get it when it needed it. For all practical purposes it had a reserve of only 6 per cent of its deposits, and with that small amount had to face a panic. But for this fact I doubt whether the panic would have been so widespread, and whole sections of the country would not have been compelled to resort to clearing-house certificates.

I have no sympathy with the bitter attacks that have been directed against the bankers of New York City because of their failure to pay back their reserves when they were demanded; I have no sympathy with an attack on any man for failing to do what he can not do, providing his actions in placing himself in that position were within the limits of the law and morally right. The New York banks found it impossible to pay back this money on demand. If they had paid all their depositors while a dollar lasted, the majority of the depositors would have called after the last dollar was gone. A financial cyclone would have swept the country, compared to which that which did strike it would have been only a breeze. The banks had to protect their depositors against each other. In order to pay all, they had to delay payment to those who were clamorous.

The country bankers had no more claims than any other depositors. Generally they received interest on money they kept on deposit in New York. They sent it there to get interest on it. They knew that New York banks were not paying them interest on money to look at it in their vaults. They knew these banks would be compelled to use the money in order to pay interest on daily balances. Of course, ordinarily the country banks could get it back on demand and borrow additional amounts in case of need. But it is unjust to blame men for failing to do the impossible in time of panic because it would be possible in ordinary times.

The amendment I propose would strengthen the reserves of country banks by adding one-third to the legal requirements and nearly doubling the amount required by law to be kept in their vaults. At the same time it would not add to their idle capital, for they could keep this added third of the reserve invested in interest-paying bonds.

The bill before the Senate proposes *amendment;* it does not propose *revolution.* In my opinion it is amendment and not revolution that our banking laws need. Men who, generally speaking, entertain diametrically opposite views on finance are

often found standing on the common ground of opposition to our national banking system. To those who insist that the Government should abandon the banking field I say that the Government is not in the banking field; but as the prosperity of the nation is so vitally affected by our banking methods the Government should regulate them, and it does well, since it can do so without loss or risk of loss, in throwing its strength behind our national-bank circulation. If I am told that a national-bank note is nothing but a promise to pay, I say in reply that the Government by indorsing this promise has given it, in the public mind, the force of a payment.

It has been urged that the Government, instead of issuing bonds on which the banks buying them could issue notes, should itself have issued the notes, thereby saving the interest for which the bonds called. To discuss this properly, we must remember the circumstances under which the bonded indebtedness of this country was originally incurred. The nation was engaged in a war, the most destructive of values of any the world has ever known. This war, with its necessary issues of paper money, had driven coin almost out of circulation. With the issue of greenbacks nine-tenths of the coin went out of circulation, leaving only $25,000,000 in circulation in 1863. At the same time $312,481,418 in greenbacks and $257,912,620 in miscellaneous currency, consisting of notes of the bank of the United States, State bank notes, demand notes, and fractional currency were all the circulation. The total circulation was $595,394,038, of which only $25,000,000 was coin, and even in this small amount the coin was not circulating with the paper. It was the money of the Pacific coast, then less accessible to the Atlantic coast, where paper money was circulating, than China is now. The public debt was increased between 1862 and 1863 to the extent of more than $600,000,000; from 1863 to 1864, nearly $600,000,000 more; and in another year, nearly a billion. During these three years the public debt increased between twenty-one and twenty-two hundred million. What would the money of the United States have been worth then, if the suggestion of printing money, instead of borrowing it, had been followed? Even in the amount it was issued, it was greatly depreciated. If it had been quadrupled, it would have been worthless.

If currency instead of bonds had been issued then, the Government could not have bought half as much with a dollar as it received for the bonds, even if the money it received had been precisely like that it would have issued; for by selling bonds it kept the total down to one-fourth of what it would have been if it had issued the money instead of borrowing it.

Under the circumstances the Government permitted the banks taking the bonds to issue circulation on depositing the bonds with the Treasurer equal to three-fourths of the face value of the bonds so issued. The banks at that time did furnish a part of the credit that was behind this form of currency, and the Government secured better interest rates on account of the privilege it gave of issuing notes and on account of its promise to pay in coin.

But why not issue money instead of bonds now? In time of peace bonds are not apt to be issued except to provide money for the payment of other bonds that mature. For this purpose money could not be issued because the bonds call for payment in coin, and the men who hold them could not be expected to exchange an interest-bearing promise to pay for another promise to pay bearing no interest. But the fact that the banks now can issue notes equal in volume to the value of the bonds deposited gives our Government, when it borrows, money at a lower rate of interest than is charged any other government on earth. It pays less than 2 per cent, and this not only benefits the people in the cheapness of money to the Government, which is the collective people, but it also gives them cheaper money as individuals. Of this Mr. Charles H. Treat, Treasurer of the United States, says:

> It is a matter of record that when the Government was paying 7.3 per cent interest for its loans, individual accommodation from banks and money lenders was generally on a minimum basis of 8 per cent and upward; and it is an indisputable fact that as rapidly as the Government placed its loans at a lower rate of interest so did the interest charges decline correspondingly on all commercial and real estate transactions. Thus it must be admitted, although it is not often recognized, that the national bank has been of incalculable benefit to all kinds of borrowers in reducing the rate of interest on loans and also in saving a heavy annual interest charge to the people. In 1864 the annual interest charge of the Government amounted to $53,685,421.09, while to-day it is but $24,590,944.10.

I wish to state that the Treasurer has called my attention to the fact that the annual interest charge of the Government for the year 1864 was $78,853,487, instead of the amount stated above. He could have continued his comparison for the two years following and the gain would have shown vastly greater, for the annual interest charge for the year 1865 was $137,742,617, and for the year 1866, $146,068,196. The interest-bearing debt of the Government in the year 1864 was $1,359,930,764 and for the year 1866, $2,332,331,918. Contemplate the saving to the Government on this vast sum with a reduction of interest rate of even 2 per cent. It would amount to $46,646,638, or nearly twice the amount of our present annual interest paid. In further support of my claim that the national-bank system has reduced the interest on our national indebtedness, I call your attention to the fact that Germany's 3 per cent consols are selling to-day at 83, or 17 per cent below par.

Is Mr. Treat correct in his opinion that the low rate of interest paid by the Government causes a lower rate to be charged individuals than would be charged if the Government paid more? Much weight must be given to the mere opinion expressed by a man of Mr. Treat's ability. He is speaking on a subject to which he has given years of thought. But the weight that Mr. Treat's words have, merely as coming from an authority on the subject discussed, can be reenforced by reasons that the average man can understand.

By reason of their right to issue notes to the amount of the bonds they buy, the national banks can lend money to the Government at a very low rate of interest. More than this, the ability to issue notes enables them to lend to individuals at a much lower rate than they would otherwise charge. They can afford to lend money to individuals at a low rate, and what men in business can afford to do they do, where a number of them are competing with each other. If a borrower must get his money from one bank or do without, the bank can make him pay as much as it thinks he can afford to pay. If, however, there are a number of banks from which he can borrow, he can make the bank lend him money as cheaply as its officials think it can afford to lend it.

When the Government paid 7.3 per cent interest, Mr. Treat says individuals paid a minimum of 8 per cent. They probably paid then an average of 10 per cent. Now, taking the country as a whole, they probably pay about 4 per cent. If this system has cut interest charges down from 7 to 2 per cent for the Government, what has it done for the country? Not counting bonds and not counting any loans except such as were made by banks, the banks of this country have loaned out now nearly $11,000,000,000. Ten per cent of this would be eleven hundred millions, 5 per cent would be five hundred and fifty millions, and the saving by the difference in rate would be five hundred and fifty millions. This is nearly twenty times as much as the interest the Government pays annually. If the interest rate is only one-tenth cheaper than it would have been but for the influence of the Government rate, it represents an annual saving twice as great as the interest payments on bonds.

Mr. President, I think our present currency system properly amended will prove much better than an asset currency. There is too great a possibility of expansion in the asset-currency plan and too great a possibility of fluctuation in the supply. We need to take the proper precautions to avoid panics if we can; and if we can not avoid them, we should take steps to combat them successfully.

What limit would the law set to an asset currency issued by the banks? A limit that is not fixed by law is not fixed at all. If it is left to the judgment of men, it is left under varying control. An asset currency might be expanded before the vital need of expansion came; and if it were so expanded, it would only add weight to make the final crash more destructive. The demand for money has for years been growing faster than the supply, though the supply has been growing rapidly. An asset currency would have met this demand as it increased day by day. The recent panic was caused by a panic in all lines that banished caution and invited recklessness in its stead. If the expansion had been greater, the panic would have been more severe.

We have now a currency of various forms kept at equality by interchangeability for gold. This interchangeability is virtually a guaranty by the Government and could not be otherwise guaranteed. Not one bank, nor all the banks, could make this guaranty good. The American people are accustomed to the idea that the Government guarantees the equality of value of all moneys in circulation. How would they look on a currency issued by the banks without Government guaranty? Their opinion of this money would fix its value. If they were not willing to take it they could present it for redemption and its issue would add nothing to the volume of circulation. It would only add to the load that gold has to carry. If the money were circulated at a point inconvenient for redemption, it would circulate at a discount, and the public would hoard gold and such forms of money as were kept at par with gold. Men who receive this money in small quantities would not send it to redemption agencies themselves, but they would pay their bills with it and deposit it in banks. Men would cease to

use gold and cease to deposit it in banks. If the people should prove doubtful of this money, it would increase the demand for gold by being presented for redemption and would decrease the supply of gold for redemption purposes by the tendency to hoard it whenever received instead of keeping it in circulation.

Now, we have all forms of currency passing everywhere with equal value, paper being preferred to gold because it is more convenient to carry. I think an experiment with a form of currency differing radically from the forms to which the people are accustomed would prove risky.

Mr. President, I do not favor a guaranty of bank deposits by the Government, because I do not think it necessary, and I do not believe that the Government—the whole people—should go security for individual interests. We should avoid such a policy on grounds of principle. If the Government should undertake to guarantee one business, it would be called on to guarantee another. The precedent would be set and the scramble for political favors and political advantage would be begun. Such a policy would put all banks on terms of equality, so far as the public is concerned, regardless of how they were managed. The deposits in a bank are now an expression of confidence in its management. The bank which has won the confidence of the public by capable and honest management has the right to the advantage it has so honorably gained. It is useless to try to sneer away this idea. Of course, if all banks were taxed to raise a fund to guarantee deposits, the best-managed banks, which would derive no benefit, would have to pay as well as the poorly managed banks, in whose interest such a plan would operate. I will admit that if this plan were made one of voluntary insurance instead of taxation, all would probably go into it. The best-managed banks would be placed at a disadvantage if their depositors were not insured while those of other banks were. This plan would place a premium on mismanagement and be an injustice to men who have won confidence by lives of integrity.

Mr. President, I desire to call the attention of the Senate to an article presented at the annual banquet of the Cincinnati Bankers' Club February 8, 1908, by Andrew Jay Frame on the subject of insuring bank deposits. It is not long, and I will read it for the information of the Senate:

HISTORY CONDEMNS BANK-DEPOSIT INSURANCE.

Two years ago I wrote an article declaring that the suggestion to insure bank deposits was "purely theoretical, impractical, revolutionary, and fatal to conservatism."

I reiterate and emphasize the truth of that assertion, notwithstanding good men are espousing the cause in all sincerity. The theory certainly looks ethically fine, but so do many other fallacies. Many patent rights look tempting, but parting with cash to prove their practicability, in ninety-nine cases out of one hundred, is the penalty paid to find out they won't work. Does not history furnish a beacon light to guide us in solving this momentous problem? Let us see. Permit me to quote, as briefly as possible to cover the points, from John J. Knox's History of Banking, as to the

NEW YORK SAFETY-FUND SYSTEM,

which was enacted by the New York legislature in 1829. One member proposed a fund "to be raised from an annual payment of all the banks according to capital, to be applied to the payment of the debts of such banks as shall fail, to go on accumulating until it shall amount to $500,000 or $1,000,000. When diminished by payments, it was to be brought up by further contributions, etc." His plan called for bank commissioners, under a carefully prepared banking law, to regulate payment of capital, limit loans, etc., to insure conservative banking. Later, a committee was appointed to draft a bill in conformity to the plans. The report, in summing up, said: "The committee flatter themselves that they have hit on a measure that will possess the invaluable recommendation of creating a complete and infallible security to creditors, and will impart a solidity and currency to the bank paper of the State not equaled by any in the world."

After a fight for its passage, with eloquent perorations, which could be likened to those of the present day, as to the ethical beauties of the plan, the objectors recording dissenting views, all of which shows history repeating itself, the bill became a law.

The distinctive features of the law were that all new banks and old ones rechartered should pay to the State comptroller and treasurer one-half of 1 per cent on capital stock annually until a fund of 3 per cent was accumulated.

Three bank commissioners were provided to supervise and examine each bank once in four months and, in addition, make special examinations if deemed necessary. They were not allowed to be personally interested in any bank. Other rigid regulations were of a character to insure conservative management and limit failures. What was the result?

Knox says: "The stocks of the new banks were sought for with much eagerness, both by investors at home and from other States. The latter were induced to purchase because of the popularity and supposed safety of the safety-fund system and the former by the hope that the demand from abroad would force the stock to a premium, which they could realize by selling out soon. Contests for the control of the institutions had the effect of increasing the number of subscriptions, and the commissioners speak of the number of applications for new acts of incorporation as far exceeding any prudent calculations of prudent investment."

"The stock of the safety-fund banks was distributed by agents selected from the neighborhood of the institutions and was in many instances divided among the political friends or favorites of the agents."

With all this juggling as to who should have the pie, and the claims of perfection, Knox says the bank notes, even, were subject to a serious discount at times, and distrust also occurred.

By 1832, on account of the large increase of currency and the establishment of new banks, the expansion helped "a general overtrading in the country, somewhat encouraged by the facilities afforded by those banks."

In 1834–35 a financial crisis, on account of overtrading and excessive bank issues, was weathered.

In 1837 specie payments were suspended and the "free banking law" was also passed, which indicates clearly the safety-fund law was not satisfactory.

Knox says, because of the guaranty fund, "a fictitious credit seems to have been given to the chartered institutions, which was used by them in recklessly contracting debts for the emolument of their managers." These facts suggest grave danger to us.

The safety-fund banks survived till 1841, when ten out of the whole ninety then existing failed, and with their fall the doom of the infallible safety-fund law was at hand, because the fund was seriously inadequate to pay the debts of the failed banks. It was claimed the fund would have paid the notes outstanding, which were not secured, but would not pay the deposits.

In 1842 the law as to insuring the deposits was repealed.

In 1845 the Comptroller reported that the losses chargeable to the safety fund—

Aggregated	$2,519,170
Paid on account of losses	1,502,170
Still to be provided for	1,017,000

The assessments continued to be made to make up this deficiency, entailing losses to holders of claims ranging from 20 per cent to 25 per cent, caused by delay in making final payments. The last of the losses were not wiped out till 1866.

With the beacon light of such historical facts to guide us, as against plausible, well-meaning theories, can our statesmen plunge this country into another and wider sea of troubles by adopting again an unsuccessful experiment discarded by the great State of New York?

Again, I wonder if the bankers of the country have given a second thought as to what it means for each bank to take from its assets 1 per cent of its deposits, as the Oklahoma law or the Davidson bill in Congress requires, as a guaranty fund and as an indorsement of every other bank's liabilities, big and little, in New York or Arizona, whether conservatively or recklessly managed. Let us diagnose the case a little further.

If we apply the Oklahoma or the Davidson bill to all the banks in Wisconsin, both national and State, the banks in Milwaukee alone will have to deposit into the insurance fund—

About	$600,000
The country banks	1,900,000
All the banks in the State about	2,500,000

If this fund is in cash, does the bank paying it in lose the income from it, and if in securities, will they get over 3 per cent interest on it? Two million five hundred thousand dollars would not go far toward liquidating $16,000,000 of liabilities of the First National Bank of Milwaukee in 1905, which as certain as fate would have suspended because of deception in its management which even the watchful eye of the examiners had not prevented, were it not for the fact that manly men pledged their fortunes to prevent it. If that bank had suspended, the banks of Wisconsin would have had a shake-up that no State bank insurance could allay. The 1841 experience in New York would have been repeated in Wisconsin, under conditions clearly violating the rigid national-bank act, under which the deceptions were practiced.

In 1896 the National Bank of Illinois, in Chicago, failed for a sum approximating $22,000,000; in 1905 the Chicago National Bank for over $20,000,000, both under deceptive acts, in spite of rigid supervision.

A State deposit fund from all the banks in the whole State of Illinois on those dates would have paid but a fraction of the liabilities of those banks.

The failure of the Fidelity National Bank of Cincinnati in 1887, under the deceptive violation of the bank act, would have proved a like fate for Ohio.

I could cite similar parallels in the great cities of Montana, California, Colorado, Missouri, Kansas, Arkansas, Louisiana, Virginia, Tennessee, Massachusetts, Pennsylvania, and last but not least, New York City, where, under failures in the last three months aggregating over $125,000,000, the world received a jar that history will not fail to record. Is there rhyme or reason in compelling the country banks to stand for losses under pyramid banking and high finance in the great cities?

If insurance failed in 1841 to keep banks from destruction, why will it succeed in these latter days? "He who will not profit by the experience of the past gets knowledge when trouble overtakes him."

The Davidson bill in Congress, if passed, will take from the national banks 1 per cent of their total deposits, or about $60,000,000. This means approximately 7 per cent of the total capital of the banks. What is to be done with it—keep it in cash or invest it in 2 per cent United States or high-class State, county, or municipal bonds? If invested in bonds, and large failures occur under panic conditions, how will they be turned quickly into cash to pay off the depositors?

If deposited in banks, can favoritism be avoided, and would not the call for cash to liquidate large failures withdraw from reserves and aggravate troubles? If 1 per cent of all the deposits in the banks of the United States were held in cash to-day, it would require every dollar of it to liquidate the deposits in suspended banks. New York City alone would require $94,000,000.

It is a fine theory, but will it work?

If each banker would figure out what a hole 1 per cent of deposits will make in his bank's capital; how much his bank will experience in loss of income on the transaction; how much he will be helping to back up the high financiers under failures such as I have enumerated; the sober, thoughtful banker will think twice before he leaps. Further, to my mind, the statesman who would compel any bank to help pay the losses of any other bank in his own or any other State would put upon the statute books a law that could be fairly characterized as legalized robbery. Its constitutionality can seriously be doubted.

Such a law is not to be compared to fire insurance, because that is purely voluntary on the part of both. The insurance company knows to a mathematical certainty the probable losses by fire under the varied but normal conditions, eliminating as far as possible the moral hazard which is always considered. Even in this the great fires of Chicago, Boston, Baltimore, and Frisco—which might be likened to panics compared to the subject under discussion—upset the average-loss theory, and many bankrupt companies resulted.

In case of deposit insurance, the moral hazard, the incompetent hazard, and the high-financier hazard have not, nor can they, be eliminated wholly, as has been proved, although the banks were under careful supervision and control under the safety-fund system as well as under ours of the present day.

These extraordinary risks undoubtedly have prevented expert insurance men from entering the whole field as proposed. The Kansas legislature lately showed its good sense in leaving the matter to be settled between the insurance companies and the banks in their individual capacities.

The New York bank commissioners said, "Because of the popularity and supposed safety of the system, the number of applications for new acts of incorporation far exceeded any prudent calculation of profitable investment." Is human nature any different to-day than then? Will not insured banks multiply so fast as to disorganize the whole business? Will not promoters induce gullible people (and the woods are full of them) to put up necessary capital, because there was "millions of it?" And competition itself, regardless of the present pirates—who, like the poor, are always with us—would vastly increase the fierce competition for business by selling exchange for nothing, bribing customers in a hundred ways in order to increase their business, forcing every bank to pay 3 per cent or upward on open accounts, certificates of deposits etc., or lose their deposits, because the insurance clause would appear to make the promoted as safe as the conservative bank.

The promoter's bank would pay higher rates for deposits, because it would also loan at higher rates on shady collaterals, whereas the conservative banker would turn down such loans absolutely. Thus the conservative banker would lose his business and at the same time be compelled to indorse his competitor's recklessness.

Again, with loans at the ordinary average rates for many years, it is impossible for commercial banks to pay 3 per cent on total deposits and live. National banks do not now average 2 per cent paid on total deposits. If they paid 3 per cent all dividends would be wiped out, for this difference would mean a loss of 1 per cent to 1½ per cent on a total of over six thousand million dollars of deposits.

This small margin approximates their average annual net profits.

Under the insurance plan the innocent depositor would not use any discretion as to the integrity and ability of the bankers with whom he deposited his money until he realized to his sorrow his error when a panic struck the country and his losses would be compounded in consequence.

All history proves that rigid laws regulating human conduct do not bring perfection. Banks under good laws sometimes fail, because their managers can not be called to account until they have done something radically wrong. Indorse the promoter and he will be optimistically swimming beyond conservative depths continually. Theoretically you can weed such promoters out, but practically you can do so only after serious damage is done.

Listen to another bit of history, which might be termed "insuring deposits," to wit:

THE AUSTRALIAN BRANCH BANKING SYSTEM.

The American Encyclopedia for 1893 says that "out of 28 banks, with 1,700 branches, 13 of them, with 800 or 900 branches, failed in six months ending May, 1893, for the stupendous sum of £90,000,000." When we consider that the banking power of Australia was then but one-sixth that of the United States we can begin to realize the colossal calamities that indorsing one for another, as is done under the branch banking system, leads to at times.

These facts disprove the absurd theory that insurance will prevent panics.

High ideals are certainly commendable, but perfection is impossible. "Man that is born of woman is of few days and full of trouble." As far as safety to depositors is concerned, the national banking system is the highest ideal as compared with that of any progressive nation on earth. To raise this standard still higher all should take to heart the eminently sound suggestion of Comptroller Ridgely in a late report to Congress, wherein he says: "I am convinced by experience that with careful and efficient work on the part of the examiner, aided by intelligent and thorough letters of criticism based on the examiner's reports, any board of bank directors of fair intelligence with an honest desire to obey the law can, by cooperating with the examiner and the Comptroller, make the failure of the bank practically, if not absolutely, impossible."

Apply the national currency act to the State, savings, and private banks, and also to trust companies, applying regulations consistent with differences of conditions and methods of operating, and losses will be eliminated as far as it is practicable for human ingenuity to accomplish it, and without doing violence to the conservative banker by compelling him to indorse for the nonconservative under a compulsory law. Such a law in effect is pure socialism, and every thoughtful statesman should be careful not to start this great country down grade under that régime, which generally results in anarchy.

I have no doubt the advocates of the plan have done so with the intent to subserve the highest interests of the general welfare, but I am firmly convinced that the plan is impracticable, outrageously unjust in its operation, and would work a general revolution in city and country alike. Conservatives would flee for safety and the reckless would soon land us on the shoals of financial distress. After mature deliberation, with historical failure to enlighten our pathway, can we afford to try the experiment? I think not.

Waukesha, Wis., February, 1908.

ANDREW J. FRAME.

Mr. President, let me pause to say that I expect to live to see the day that Oklahoma will regret that she ever passed a law providing for the guaranteeing of bank deposits. The Senator from Oklahoma may belittle the past history of this class of legislation and fall back on the statements made by him in his able address of February 25 last, in which he says:

To-day we have the most perfect banking system in the world in the national banks of this country, I think. Their losses to their creditors during the last nine years have averaged only about $1 in seventy thousand a year. There were losses of eighty-five thousand per annum only, out of nearly six hundred million of deposits; and shall we go back and point to 1830, the days of our great grandfathers, and have it said that we shall not avail ourselves of modern knowledge and modern appliances? We have improved since that day, and we can improve still more. * * *

But everybody familiar with the banking business knows that the primary condition of a deposit is the belief of the depositor that the bank is safe. * * * A man would not deposit where he had doubt; and if a bank were in the hands of a reckless, extravagant man, the common people can be relied on to find that out, and no such man can attract deposits against a man more honorable and more worthy of trust.

If, under our present system, the depositors in our national banks were subject to frequent and heavy losses, then could I see some excuse for supporting a provision guaranteeing deposits; but it does seem to me that the reasons above given are good reasons for not changing our present banking system, and particularly so in regard to banks themselves being responsible to the people for their daily deposits. Why should a depositor ask in what hands the bank may be, whether in the hands of a reckless, extravagant man, or a conservative and saving man; why should he inquire if the bank is safe, if his deposits are guaranteed and the guaranty is good?

Mr. President, if I read history aright, especially that part of it with reference to our finances, our great grandfathers were conservative, cautious, and a saving class of men. The modern speculator was unknown, the frenzied financier was unborn, the plunging banker was unheard of, and with all this conservatism, this caution, this saving, and economical life, and without these modern financial wreckers, history tells us that insuring of liabilities of a bank by a State proved an utter failure.

Mr. President, we are considering a question that is first in importance among the questions that affect the American people. We are acting for a nation that is first among the nations of the earth. We should put aside partisanship, sectionalism, and pride of opinion, for it is one question that can not be intelligently considered from a party, a sectional, or a personal standpoint. Whatever the individual may add to the money wealth of the nation and of the world, his addition must be measured in money and he must prosper or suffer in proportion as our financial system is good or bad.

Mr. President, I think the adoption of this measure will put financial storms further apart and will provide means for shortening their duration and decreasing the number of the wrecks which they will leave behind. I do not think that any legislation that we could devise would abolish them or even make them as infrequent as they are in Europe. Panics are the result of optimism stretched to the last limit, and they are liable to occur as long as Americans are a hopeful people. And there is no such hopeful nation on earth. Why should there be? What other nation has so much to inspire hope? Can we dissociate hope from wealth and energy and vigor? How could we expect Americans to lack in confidence? Look at this land of ours stretching from ocean to ocean, with an area almost as great as that of all Europe. A century ago it was a wilderness hunted over by savage tribes. To-day it is the world's model for all that is strong and vigorous in civilization. The American people made this change in three generations, greater than any other land had ever experienced in all the ages. Can we expect a people who have done all this to lack confidence? Can we wonder that sometimes they are overconfident? After a period of confidence the shock of failure must follow and depression must result. But in periods of depression Americans only take a firmer hold on the splendid opportunities that are theirs and go again into the fight surer of victory because of the caution they have learned.

In spite of panics that have come more frequently here than elsewhere, and in spite of a style of living which would dazzle the peoples of other nations with its extravagance, America is the richest nation on earth. It would be little to boast of if this superiority were valued only in dollars and cents. But superiority in dollars and cents could never have been attained except by superiority in vim and energy and life, for it was attained in spite of the neglect of the economics that others have been compelled to practice.

And so in the midst of this period of pause and reflection, Mr. President, we can look forward to the future without doubt or fear and prepare to resume our onward rush for the primacy that destiny has written shall be ours.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909.

Mr. CLAPP. Calling attention to page 5, I suggest, in line 11, that the word "of" be stricken out and the word "in" inserted.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment which will be stated.

The SECRETARY. On page 5, line 11, before the word "intoxicating," strike out the word "of" and insert the word "in," so as to read:

To take action to suppress the traffic in intoxicating liquors among Indians.

The amendment was agreed to.

Mr. CLAPP. In line 20 of the same page I suggest that the word "seven" be stricken out and the word "eight" inserted, and that the word "fifteen" be stricken out and the word "thirty" inserted, to correspond with an amendment already made to the amount.

The SECRETARY. It is proposed to change the total in lines 20 and 21 so as to read:

In all, $1,830,000.

The amendment was agreed to

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 14, line 8, after the word "month," to insert "subject only to such examination as to qualifications as the Secretary of the Interior may prescribe," so as to make the further proviso read:

Provided further, That the Commissioner of Indian Affairs may employ additional farmers at any Indian school at not exceeding $60 per month, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, said farmers to be in addition to the school farmers now employed.

The amendment was agreed to

The next amendment was, on page 15, line 3, before the word "thousand," to strike out "seventy-five" and insert "ninety," and in the same line, after the word "dollars," to insert:

Provided, That hereafter the expense of procuring the official bond of any agent, superintendent, or other disbursing officer of the Indian Service may be paid by the United States from this appropriation.

So as to make the clause read:

For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of special agents, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Commissioner of Indian Affairs, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of special agents, at $2,000 per annum each, $90,000: *Provided*, That hereafter the expense of procuring the official bond of any agent, superintendent, or other disbursing officer of the Indian Service may be paid by the United States from this appropriation.

The amendment was agreed to

The next amendment was, under the subhead "Phoenix School," on page 16, after line 10, to insert:

For improvement of power and heating plant, to be immediately available, $9,000.

The amendment was agreed to.

The next amendment was, on page 16, line 15, to increase the total appropriation for the maintenance of the Indian school at Phoenix, Ariz., from $127,400 to $136,400.

The amendment was agreed to.

The next amendment was, on page 17, after line 10, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to expend not to exceed $50,000 to purchase for the use of the Indians in California now residing on reservations which do not contain land suitable for cultivation and for Indians who are not now upon reservations in said State suitable tracts or parcels of land, water, and water rights in said State of California, and have constructed the necessary ditches, flumes, and reservoirs for the purpose of irrigating said lands and the irrigation of any lands now occupied by Indians in said State, and to construct suitable buildings upon said lands and to fence the tracts so purchased, and to fence, survey, and mark the boundaries of such Indian reservations in the State of California as the Secretary of the Interior may deem proper. And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary for the purpose of carrying out the provisions of this act.

The amendment was agreed to.

The next amendment was, under the subhead "Sherman Institute," on page 18, after line 20, to insert:

That $1,000 of the unexpended balance of $8,000 appropriated by the acts of June 21, 1906 (34 Stats., p. 333), and March 1, 1907 (34 Stats., p. 1022), for the purpose of removing obstructions both within and without the reservation from the bed of the stream which flows through the Round Valley Reservation, Mendocino County, Cal., and drains into Eel River, be, and the same is hereby, reappropriated and made available for use during the fiscal year ending June 30, 1909.

The amendment was agreed to.

The next amendment was, on page 19, after line 7, to insert:

That with the consent of the allottee the timber on any allotment made to the Indians of the Hoopa Valley extension in California may be sold under rules and conditions to be prescribed by the Secretary of the Interior: *Provided*, That in case of minors said consent shall be given by the father or mother or agent in charge in the order named, and for persons under other legal disabilities the agent's consent shall be taken in lieu of the consent of the allottees or heirs.

Mr. HEYBURN. This strikes me as being a most unusual provision, and I should like to inquire of the Senator in charge of the bill whether there has heretofore been in an Indian bill such a provision as would permit the agent to take the place of the legal guardian of the minors or persons incompetent to make a contract and dispose of their real property? It seems to me that unless there is some special precedent for a provision of that kind in the bill it needs some explanation. I refer to the language:

Provided, That in case of minors said consent shall be given by the father or mother or agent in charge in the order named, and for persons under other legal disabilities the agent's consent shall be taken in lieu of the consent of the allottees or heirs.

This consent is rather a broad one:

That with the consent of the allottee the timber on any allotment made to the Indians of the Hoopa Valley extension in California may be sold under rules and conditions to be prescribed by the Secretary of the Interior.

This reservation is in one of the best-timbered sections of California. I do not know as to the extent or character of the timber within the boundaries of the reservation, but I have some personal knowledge of the character of the timber generally in that section of the State. It is very probable that much of the value of the allotment would be in the timber, and if a minor is to have the timber upon his property disposed of without any other proceedings than obtaining the consent of the minor's parents or of the agent, or if persons who are not in a position to make a contract may be bound by the action or consent of the agent, it seems to me that the rights of these children, who may not be in a position for a great many years to assert their rights, are liable to be very seriously infringed upon.

Mr. CLAPP. Of the condition of this particular reservation, of course, I know nothing, except so far as I am advised by the Department. I am advised by the Department that this land consists of valuable timber land, but that the Indians have been unable to make any disposition of it, and they can not make any use of the land until the timber is cleared from it. Now, assuming that that is correct, in regard to the authority, I may say that back of all this lies the authority of the Secretary of the Interior. This provides that this shall be done under such rules and regulations as he may prescribe. Primarily, of course, the father or mother would be the one to give the consent for the minor, but where the father or mother is not living or for any other reason can not act for the minor, then the next step, of course, would be probate proceedings, which are very expensive; and it was thought by the Department, inasmuch as the whole matter rests in the hands of the Department primarily, that the expense of probate might be saved by authorizing the agent to act in that capacity for the minor or other person under disability.

On page 18 of the report the Senator will find a communication from the Department on this question. The item was inserted at the request of the Department and in the form approved by the Department. It is, of course, for the Senate to decide whether they want to adopt the amendment or not.

Mr. HEYBURN. The communication to which the Senator from Minnesota refers, from the Secretary of the Interior, on page 18 of the report, in which it is suggested that a provision such as that under consideration might be incorporated into the bill is rather a startling proposition. He says, under date of December 9:

The Indians allotted lands on what is known as the Hoopa Valley extension in California were given very valuable timber land, and, as a matter of fact, they have been unable to make any good use of these lands because of the heavy timber growing thereon. They can not sell the timber, and until the land is cleared it is not of much use to them as a home.

Now, why allotments should have been made to Indians upon this class of land, when the very purpose of making an allotment to an Indian is to provide him with a home, I am unable to see.

This is one of the heaviest timbered sections in California. It is adjoining one of the largest lumbering districts in California. But there is a great deal of land that was within the area of which the allotments were selected that was not heavily timbered. Instead of preserving the timber of the United States consistent with the policy that we have heard so much about of the forest reserves and the Department having control of them, here we find a proposition indirectly to force into the market the timber from these lands that it may be cut and sold.

There is no restriction in the paragraph of the bill under consideration as to the character or extent of the cutting of this timber. Presumably there is no limit intended to be prescribed. It may all be cut. It is to be cut off the lands belonging to the allottees of this tribe, who, of course, with the usual percentage of children in all communities, are very many of them yet very young children. The Government recognized not only the rights of the adults of the tribe, but also made

provision through the process of allotment for the small children unable to protect themselves, and yet we find, by the provisions of this paragraph, that the parent or guardian, or, forsooth, the Indian agent, may dispose of the thing of value that was allotted to these Indians.

In reading this amendment it struck me as being utterly inconsistent not only with the protection and preservation of the rights of these infant children, but inconsistent with the much-spoken-of policy of preserving the forests in that section of the country. I care nothing about the last feature of it, and I do not propose to enter or be led into a discussion of the forestry policy, but it occurred to me that it is our duty here to see to it that the rights of these Indian children are not lost sight of in this legislation, because if we permit this to be done it will be done. The proposition to do it comes somewhere from the depths of some plan to do it; and we will have the lands of these little children denuded of the timber and leave a barren waste of slashings and stumps and useless land for them when they find themselves a few years hence out from under the protecting care and support of their fathers, or their mothers, or their relatives, or the Indian agent, or the Government of the United States.

It seems to me that that land should be protected with all of its values and every element of its values for these children until they arrive at age of discretion and responsibility. I think this paragraph should be stricken out. I therefore move that the paragraph on page 19, from line 8 down to the end of the paragraph on line 15, be stricken out.

The VICE-PRESIDENT. The Chair will suggest that the motion is unnecessary, as the question is upon agreeing to the amendment, and a negative vote strikes out the paragraph.

Mr. FLINT. Mr. President, I am so pleased to hear the Senator from Idaho speak in favor of preserving our forests that I am willing to consent to almost any motion to strike out. I am glad that he has called my attention to this provision. This amendment was incorporated in the bill by the committee, having been sent in by the Secretary of the Interior, and had not been called to my attention.

There may be a great deal of merit in what the Senator says in reference to disposing of the timber upon this particular piece of land, and, as far as I am concerned, I am perfectly willing that the provision should be omitted from the bill. I believe that if the timber upon the land is of the character mentioned by the Senator from Idaho and as would be indicated by the letter from the Secretary of the Interior, it should not be cut off. If this amendment should be made in the bill, I would suggest a proviso that no timber should be cut from this particular land unless it had received the approval of the Forester, who has charge of our national forest reserves. That is the doctrine I am in favor of, and not to permit timber to be cut from this or any other land unless Mr. Pinchot and his assistants, who have given this subject so much thought and attention, think it would be proper that the particular timber should be cut.

I repeat, I am delighted to know that the Senator from Idaho is in accord with the forest-reserve policy as carried out by Mr. Pinchot.

Mr. CLAPP. Mr. President, I can usually sit unmoved in the rhetorical storm that sometimes pervades this Chamber, but I confess when the Senator from Idaho takes the floor to plead in the cause of forestry it does appeal to me and awakens a responsive echo. I for one am perfectly willing that the amendment should be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. PERKINS. Mr. President, I have conferred with the governor of California, who is thoroughly familiar with this locality and who has honored us by his presence on the floor at this time, and he expresses himself in accord with the views of our friend from Idaho. Therefore, with my colleague and other friends I join most heartily in asking that the amendment be not agreed to, so that we may preserve these gigantic redwood forests to future generations.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee, inserting the paragraph from line 8 to line 15, on page 19.

The amendment was rejected.

The next amendment was, on page 19, after line 15, to insert:

That the sum of $10,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of a wagon road on the Hoopa Valley Indian Reservation, in the State of California, including necessary surveys, transportation, purchase of materials and tools, and for the subsistence of Indians furnishing voluntary labor, including forage for their animals, the labor for said construction to be performed as far as practicable by the Indians for the reservation without compensation.

Mr. HEYBURN. Mr. President, there is no forestry policy involved in the last phrase in this paragraph, which provides that the Indians shall do this work for the Government of the United States without compensation. That is a most unusual provision, and it does not appeal to my judgment or to my sense of right. Why should the Indian work for the Government of the United States without compensation any more than a member of this body or any other man?

Mr. CLAPP. They are not working for the United States, but the United States is voluntarily contributing $10,000 to the construction of a road over a reservation in consideration of the Indians being willing to do a part of the work without compensation. The Indians are simply improving their own reservation.

I suggest to the Senator from Idaho that, having won a signal triumph in that realm wherein he is supreme in the advocacy of forestry, it would be a mistake to undertake to cover too many subjects in this bill.

Mr. HEYBURN. Mr. President, no one could possibly appreciate more than I do advice from the distinguished Senator from Minnesota. It had not as yet occurred to me to appeal to him in regard to this matter; but, if so, he has saved me the trouble of doing it.

I did not rise to make a frivolous objection to the bill, and I shall reserve to myself in a modest way the right to make any other suggestions or criticism which may occur to me to be in the interest of good legislation. While I may possibly tax the patience of the Senator in charge of the bill, I will have to ask for that indulgence which must be accorded to members of this body to participate in any legislation that is before the body.

I have several provisions to suggest in regard to the bill. I am perhaps as closely identified with and as much interested in legislation affecting the Indians of the United States as any Senator on this floor. We have in our State of Idaho five reservations and seven tribes of Indians, and I have been called upon on many occasions in the last twenty-five years to interest myself in the affairs of those people, who can not speak for themselves. As a part of the duty that falls upon me here as a Senator, representing in part the State of Idaho, I expect to follow the bill through closely and critically for the purpose of doing as much as I can to perfect it in the interest of those people.

Mr. President, the Indians are not working for themselves under the provisions of this paragraph; they are working for the Government of the United States. The Government of the United States is undertaking to administer the affairs of this tribe of Indians. It is a self-selected duty on the part of the Government of the United States. The Indians are not consulted as to whether or not the Government of the United States shall build this road. The United States comes forward with a proposition to build a road through this reservation, not, I undertake to say, because the Indians desire to travel over it in the pursuit of their pleasure or their duties, but because those who represent the Government of the United States think that the administration of the affairs of the Indian Department might be better carried on if this road were in existence.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. In a moment.

Mr. President, I know one may through a certain sense of sophistical reasoning say that the Indians are the beneficiaries of this provision; but it is a work undertaken by the United States Government, to be paid for out of the Treasury of the United States. The white men who superintend the work and who participate in it, and the people who sell supplies for the purpose of supporting and carrying on this work will be paid for it, and yet the bill provides that the Indians who are to participate in the construction of this road or contribute to the carrying out of this plan shall not be compensated. I know of no good reason why they should not be compensated. I believe, if you want to make responsible, self-respecting American citizens of these people, you ought to place them as nearly as possible upon a plane of right and justice with other people.

I am not making this objection to this measure merely for the sake of talking, but because I think it proposes to do an injustice to the Indians.

Mr. FLINT. Mr. President, I simply desire to say in answer to the Senator from Idaho that the Indians themselves have consented to this provision, and that when the Commissioner of Indian Affairs visited the various reservations in the State of California he paid particular attention to this reservation. He found this reservation in a place where the Indians could not

make a living, by reason of the fact that they did not have the means of communicating with the outside world. He had a conference with the board of supervisors of the county, and the members of the board of supervisors promised that if this part of the road should be constructed the county would construct the balance. The Indians themselves are willing to do a part of the work, and the reason why they are willing to do a part of the work and to have the road constructed is because they will be able to raise garden truck and produce and take it over this particular road to market and make for themselves a livelihood. This is the reason why this particular provision is in the bill and the words used to which the Senator has called our attention.

Mr. TELLER. Mr. President, I wish to move an amendment.

Mr. HEYBURN. If the Senator will pardon me, I wish to call attention to the fact that the Indians themselves limit the amount of free labor that they will contribute and the bill does not; and that is what called my attention to it.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 3023) to amend the national banking laws.

Mr. CLAPP. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. TELLER. I move to strike out, on page 19, line 25, of the amendment, after the word "reservation," the words "without compensation."

The VICE-PRESIDENT. The Senator from Colorado proposes an amendment, which will be stated.

The SECRETARY. On page 19, line 25, strike out the last two words "without compensation."

Mr. TELLER. If the Indians are willing to work without compensation they can still do so, but I do not want to require them by law to work without compensation. I think it is the duty of the Government to employ Indians wherever they can be employed; first, because they need the pay, and, second, what is still more important, to get them accustomed to doing work. I do not believe that under any conditions we ought to ask the Indians to do any work without compensation. I am willing the bill should contain the appropriation that they may have the road, but I think the United States is big enough and rich enough to do this work without asking the Indians to do it for nothing.

Mr. FLINT. Mr. President, I have no objection that the words "without compensation" shall be stricken out except for the reason that I would be glad to establish the fact as to what good Indians we have in California, and to show that they are willing to work and to do this work without being compelled to do so.

Mr. TILLMAN. Mr. President, I call the attention of those who are trying to doctor this provision to line 22, where we find the words "furnishing voluntary labor."

Mr. TELLER. I did not notice those words.

Mr. TILLMAN. If you strike out the words "without compensation," at the end of the paragraph, you will have to come back and strike out these words.

Mr. TELLER. Does the Senator propose to amend my amendment by striking out those words also?

Mr. TILLMAN. I merely call the Senator's attention to the fact that the words in line 22 provide for voluntary labor, and "voluntary labor" and "without compensation" appear to me to be practically synonymous. If you are going to take them out in one place they should be taken out in the other.

Mr. TELLER. My attention had not been called to those words. I should like also to strike out the word "voluntary" in line 22.

Mr. TILLMAN. Then would you not have to strike out the words "including forage for their animals" in line 23?

Mr. CLAPP. I believe the Senator is mistaken as to that. With the word "voluntary" stricken out, it would then read:

> Including necessary surveys, transportation, purchase of materials and tools, and for the subsistence of Indians furnishing labor, including forage for their animals.

If they did not furnish the labor the appropriation would be used to furnish forage.

Mr. TILLMAN. But I understand you are going to feed their animals because they are going to work for nothing.

Mr. CLAPP. Oh, no.

Mr. TELLER. "Labor" does not mean that they shall work for nothing.

Mr. CLAPP. Of course not. I think to strike out the word "voluntary," in line 22, will correct the whole thing. I move to strike out the word "voluntary."

The VICE-PRESIDENT. The first question is on the amendment proposed by the Senator from Colorado to the amendment of the committee, to strike out the words "without compensation" in line 25.

Mr. SUTHERLAND. If the word "voluntary" is to go out of the amendment, then it seems to me the words "and for the subsistence of Indians furnishing voluntary labor, including forage for their animals," should be stricken out, because the amendment contemplates that where an Indian furnishes volunteer labor then the Government should pay for his subsistence and for the subsistence of his animals; but if he is paid for his work, then the Government is not obliged to furnish subsistence for the animals or for himself. He ought in that case to be obliged to furnish his own subsistence.

Mr. CLAPP. That would be true, but these Indians, back of all this discussion, have asked for a privilege here, and the Senator from California simply voices what is patent to those who heard the Commissioner, that they will only be too glad to do the work. If we leave in a provision whereby the appropriation can be used for forage for them, I think it is a wise thing to do.

Mr. SUTHERLAND. I think that is true, if the Indians furnish their labor voluntarily without compensation.

Mr. CLAPP. They will, undoubtedly.

Mr. SUTHERLAND. But if they are compensated for their labor, why should they not provide their own subsistence?

Mr. CLAPP. They would do so in that case.

Mr. SUTHERLAND. In other words, as I understand the provision, if the word "voluntary" is stricken out it would require the Government not only to pay the Indians for the work, but in addition to that to furnish subsistence to the Indians.

Mr. CLAPP. Not if that was taken into the account in the employment of the Indians. The Department, or the Commissioner acting for the Department, can then make such an arrangement with the Indians as the Indians may agree to. If they are willing, as they have expressed themselves, and ask for this privilege to furnish the work in consideration of the Government building the road, then the appropriation will be broad enough to allow the Commissioner to enter into an arrangement with them.

Mr. McCUMBER. I wish to ask the Senator from Minnesota if it is not a fact that owing to the great distance this road will have to be run through the reservation it will take most of the Indians a considerable distance from their homes, and, necessarily, it would be proper at least for the Government to furnish subsistence and pay them accordingly.

Mr. CLAPP. Undoubtedly.

Mr. McCUMBER. They could not always bring their subsistence with them to the place of work. They might be even two or three or four days from their home.

Mr. CLAPP. I think, if the Senator from Utah will pardon me, this latitude ought to be allowed the Commissioner in making the arrangements with these Indians.

Mr. TELLER. Mr. President, I do not intend by my amendment to prevent the Indians from doing this work voluntarily if they choose, but I do think we ought to pay them even if they are willing to work without compensation. However, if the Department wants to secure their work without pay, they certainly should give them their subsistence. I am confident the Department could not get their work, either for compensation or otherwise, unless they did furnish subsistence. As was suggested by the Senator from North Dakota [Mr. McCUMBER], they will not be at home when they build this line of road, but they will be some distance from their camp or residence, and they ought to be supplied with food. They would have to be supplied, even though they were working by the day, I have no doubt.

I think if you strike out the words "without compensation" and the word "voluntary," the Government can furnish them subsistence if they are working for pay, or the Government can furnish it if they are working for nothing, if they choose to do so, and the matter will be complete.

Mr. McCUMBER. I presume that the amount of this appropriation has been based upon the fact that the labor would be without cost. The amount of the appropriation, I assume, was intended to be sufficient to complete the work without payment for the labor. Now, if we change the labor and make it paid labor instead of voluntary labor, it seems to me we ought to increase the appropriation to an equivalent amount.

Mr. CLAPP. I made that suggestion to the Senator from

California, but he is thoroughly satisfied, as I am, that notwithstanding we strike out the words "without compensation," the Indians will still want to carry out their original proposition. He feels that it is sufficient, and in view of that opinion I did not ask to raise the amount.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado to the amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment proposed by the Senator from Minnesota to the amendment, to strike out the word "voluntary" in line 22.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, at the top of page 20, to insert:

There is hereby appropriated the sum of $10,000 for the Indians of the Yuma Reservation, to be expended for their benefit in such manner and for such purposes as the Secretary of the Interior may prescribe, said sum to be reimbursable out of the proceeds derived from the sale of their lands; there is also appropriated out of any money in the Treasury not otherwise appropriated the further sum of $5,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to reserve and set apart lands for town-site purposes in the Yuma Indian Reservation, Cal., and the Colorado River Indian Reservation in California and Arizona, and to survey, plat, and sell the tracts so set apart in such manner as he may prescribe, the net proceeds to be deposited in the Treasury of the United States to the credit of the Indians of the reservations, respectively, to be reimbursed out of the funds arising from the sale of the lands.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, under the head of "Iowa,' 'on page 24, after line 5, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to expend out of the trust fund of $38,603.93, now on deposit in the United States Treasury to the credit of the Sac and Fox Indians of Iowa, a sum not exceeding $24,000 in the purchase, in his discretion, of certain tracts of land adjoining or surrounded by the present reservation of said Indians in Tama County, Iowa, in accordance with the petition of the council of said band, dated March 28, 1906.

The amendment was agreed to.

The next amendment was, on page 24, after line 15, to insert:

And the Secretary of the Interior is hereby authorized, in his discretion, to use and expend out of said trust fund a further sum not exceeding $5,000, or so much thereof as he may deem necessary, to assist the said Sac and Fox Indians of Iowa in clearing and reducing to cultivation the tracts now owned by them and those that may be purchased under this act.

The amendment was agreed to.

The next amendment was, under the subhead "Pottawatomies" (treaty), on page 27, after line 12, to insert:

For building fences, cleaning up and putting in proper repair the old Pottawatomie Indian cemetery in Mission Township, Shawnee County, State of Kansas, the sum of $600, to be expended under the direction of the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, on page 27, after line 17, to insert:

The Secretary of the Interior is hereby authorized to establish public roads not to exceed 60 feet in width on section lines on the Pottawatomie Reservation, in Kansas, wherever in his judgment such roads will be a benefit to the residents on such reservation.

The amendment was agreed to.

The next amendment was, under the subhead "Sacs and Foxes of the Missouri (treaty)," on page 28, after line 2, to insert:

That the Secretary of the Interior is hereby authorized and directed to pay per capita to the Iowa tribe of Indians in the States of Kansas and Oklahoma, under such rules and regulations as he may prescribe, the balance of the Iowa trust fund in the United States Treasury: *Provided*, That the Oklahoma branch of Iowas shall receive such an amount of this trust fund as will equalize for them the payment made to the Kansas branch under the act approved May 27, 1902 (32 Stat. L., p. 267).

The amendment was agreed to.

The next amendment was, under the head of "Michigan," on page 28, after line 21, to insert:

That the Secretary of the Interior is hereby directed to make a complete roll of the Ottawa and Chippewa Indians of the State of Michigan entitled to participate in the funds arising from the judgment of the Court of Claims, in case No. 27537, decided by the Court of Claims March 4, 1907, and of any other funds to their credit in the hands of the Treasurer of the United States, and said roll, when completed and approved by the Secretary of the Interior, shall be final and conclusive.

The amendment was agreed to.

The next amendment was, under the head of "Minnesota," on page 29, after line 9, to insert:

For pay of Indian agent at White Earth Agency, Minn., $1,800.

The amendment was agreed to.

The next amendment was, on page 29, after line 19, to insert:

In all, $3,600.

The amendment was agreed to.

The next amendment was, on page 29, after line 19, to insert:

That the Secretary of the Interior is hereby authorized and directed to pay to D. C. Lightbourn, of Ada, Minn., the sum of $1,244.45, and to George D. Hamilton, of Detroit, Minn., the sum of $830, out of any money standing to the credit of all the Chippewa Indians of Minnesota out of the fund known as "Chippewas in Minnesota Fund," in payment of bills incurred in advertising, and the said sums are hereby appropriated for said purpose: *Provided*, That the Secretary of the Interior shall first examine said accounts and approve the same.

The amendment was agreed to.

The next amendment was, under the subhead "Chippewas of Minnesota, reimbursable (treaty)," on page 32, after line 3, to insert:

That section 3 of the act approved February 20, 1904 (33 Stat. L., p. 50), modifying and amending the agreement with the Indians of the Red Lake Reservation in Minnesota, is hereby so far modified as to permit the payment of the annual installments provided for in said section during the month of April each year, instead of October.

The amendment was agreed to.

The next amendment was, under the head of "Montana," on page 32, line 18, after the word "thousand," to strike out "five" and insert "eight," so as to read:

At the Flathead Agency, Mont., $1,800.

The amendment was agreed to.

The next amendment was, on page 33, after line 3, to insert:

For the rebuilding of the flour, saw, and shingle mill at the Flathead Indian Reservation subagency, Mont., at Ronan, $10,000, the same to be immediately available from any balance now in the Treasury, to be reimbursed from the proceeds of sales of surplus land after allotment.

The amendment was agreed to.

The next amendment was, on page 33, after line 15, to insert:

That for the purchase of machinery, tools, implements, and animals for the Indians on the Fort Belknap Indian Reservation, in the State of Montana, to enable said Indians to engage in the raising of sugar beets and other crops, the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of the Interior, under such conditions as said Secretary may prescribe for the repayment by said Indians to the United States of the sum so expended.

Mr. TELLER. I should like to know how this money is to be reimbursed. I hardly understand how we can make the Indians pay it back unless we take it out of some fund they have got.

Mr. CLAPP. It is not exactly to be taken out of a fund; but, like much of this irrigation money, it is to be reimbursable out of the proceeds of the land. I do not recall the exact details at this moment.

Mr. TELLER. This amendment provides for the purchase of machinery, tools, implements, animals, etc., to enable these Indians to engage in the raising of sugar beets and other crops. I do not want to object to the amendment; I am anxious that these Indians should have these facilities; but this is an appropriation of $25,000, and in the latter part of the clause it is provided:

The same to be expended under the direction of the Secretary of the Interior, under such conditions as said Secretary may prescribe for the repayment by said Indians to the United States of the sum so expended.

I should like to have an explanation of those last words.

Mr. CLAPP. I think if the Senator will take the explanation offered by the Indian Office he will find it satisfactory. It seems that this is a part of a plan which has been initiated for some time. On page 26 of the report of the committee on this bill it will be seen that the Secretary says:

An item in the Indian appropriation act of March 1, 1907 (34 Stat. L., 1015–1034), authorizes the Indians of the Fort Belknap Reservation to lease their lands, both allotted and tribal, not to exceed 20,000 acres, for the culture of sugar beets and other crops in rotation, upon such terms, regulations, and conditions as shall be prescribed by the Secretary of the Interior, for a term not exceeding ten years.

Under this authority the Indian Office has agreed with three responsible persons on the terms of a lease to them of 10,000 acres.

From which, of course, the Indians will get the rental.

By these terms the Indians are to plow and put under cultivation 5,000 acres of almost virgin land, which has to be worked over carefully the first year to be in shape to put beets in the next year.

They are to receive no pay for their labor until the land has been prepared, and no rental until the first crop has been harvested.

To enable the Indians to do this plowing and other work, it is proposed to advance the sum of money named, to be reimbursed out of the rental of this land. The amendment seems to me perfectly proper, although I care nothing about it.

Mr. TELLER. Mr. President, I know something about matters at this agency and the leasing of this land. While I do not want to interfere with the Department, I do not believe it ought ever to have leased the land in such quantities as it has done. I do not believe such a policy is calculated to encourage the Indians to do anything on the reservation, but it will perhaps encourage some white man to go on there and do some work.

Mr. President, the Indians will raise beets. In the State of Colorado the great trouble we have had with the raising

of beets is to find laborers who will get down on their knees and thin the beets. That is one of the drawbacks to the raising of beets. We have found the Indian boys from New Mexico and from Arizona, who have been brought into our section of the country through the agency of the Department, have been in the habit of doing that work, and doing it very satisfactorily. I believe in one beet field last summer almost all of the Indian boys were from those two Territories, and they were paid over $30,000 for their work. That work was entirely satisfactory to the people raising beets. The employers are all white men, who pay these Indians some fixed compensation—I do not know how much a day. The Department, however, sends a man with them to see that they are properly treated, and it has now a very capable young man there, who has looked after the Indians and seen that they were properly paid, and that they did not waste their money, etc. They have generally gone back with a sum which would support them in comfort, or decently, at least, in their own section of the country for the next year. I want to encourage the Indians to raise beets, if possible; but I think it would have been better—I am not going to attack this amendment especially—but I think it would have been better if the Department had encouraged each Indian to raise a little field of beets instead of leasing the land out in 10,000-acre tracts to a lot of white men, who will get what they can out of the Indian and what they can out of the soil without much reference to whether the Indian is improved or benefited by the transaction.

I should say that if this reimbursement should be made at all, it should be out of funds which belong to the Indians. I do not know what kind of an arrangement could be made, but it might be that the Indians would get a little less money under it. This, however, may be a grievous burden on them.

Mr. CLAPP. If the Senator from Colorado will pardon me, I hardly think the money should come out of any fund that stands to the credit of these Indians. As each Indian has an advance made to him, and as each Indian in time gets the benefit of this rental—I rather agree with the Senator on the main proposition—the amount advanced to each one will be taken out, and it seems to me perfectly equitable and just.

Mr. TELLER. How will it be taken out? Will it be taken out of the rental?

Mr. CLAPP. Certainly.

Mr. TELLER. Perhaps if that can be done it may be made a claim against the Indians.

Mr. President, the Indian does not hold his interest, whether it be in personal or in real property, as do those who belong to the Anglo-Saxon race. The Indian holds his property in common. Go into an Indian camp and you will find that no family in that camp will be destitute of food, provided there is plenty of food in the camp. Under such circumstances there is no danger that any Indian family will suffer. The Indian takes care of his own.

I have recently seen cases where Indians having money coming from the sale of land have practically put it into a pot for the benefit of every other Indian, because such has been their habit. Under the old rules of the tribes if an Indian went out and killed game and came back with it, every other Indian in the camp got part of it. If the Government of the United States were to advance money to some Indians who need the help to enable them to go to work and do something, I do not think that the other Indians would complain. They would not feel that they were not getting their share, provided they had an opportunity to get their share if they were willing to work as other Indians are doing.

I have a good deal of reluctance in interfering with anything the committee have done because I am not a member of the committee, and I know the committee have given a good deal of attention to this bill. Therefore I will not object to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Northern Cheyennes and Arapahoes (treaty)," on page 35, after line 17, to insert:

For the employment of "line riders" along the south and east boundary of the Northern Cheyenne Indian Reservation, in the State of Montana, $1,500 is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 35, after line 21, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to expend not to exceed $30,000 for the purpose of settling Chief Rocky Boy's band of Chippewa Indians, now residing in Montana, upon some suitable existing Indian reservation in said State, and to this end he is authorized to negotiate and conclude an agreement with any Indian tribe in said State, or, in his discretion, to purchase suitable tracts of lands, water, and water rights in said State of Montana, and to construct suitable buildings upon said lands, and to purchase for them such necessary live stock and implements of agriculture as he may deem proper. And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $30,000, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this section.

Mr. GALLINGER. Mr. President, I wish to inquire of the Senator in charge of the bill, who understands these matters, while I do not pretend to understand them, what principle is followed in reference to these gifts to certain Indians or Indian tribes? In some cases the gifts are made reimbursable and in others not reimbursable. As an illustration, Mr. President, at the bottom of page 19 there is an appropriation of $10,000 for the construction of a wagon road on the Hoopa Valley Reservation, and there is no provision for reimbursement, while on the top of the next page there is an appropriation of $10,000 to be expended for the benefit of the Indians on the Yuma Reservation, and that is made reimbursable out of the Indian fund. The item that has just been read proposes to appropriate $30,000. I suppose it is for destitute Indians, and very likely it is a wise provision; but it is an outright gift. What I should like to know is upon what principle this is done and how the Senator differentiates between the different classes.

Mr. CLAPP. Mr. President, I do not know of any definite line that could be laid down. There are in this country a number of cases—this case has only recently been brought to the attention of the committee by the Department—where in the past an Indian tribe, through one means or another, has become a sort of wandering band of Indians. There is no land that can be called theirs, and they have got to be taken care of in some way. We make in this same bill, I think, an appropriation for some Indians similarly situated in California, and on page 28 of the report is a very voluminous statement as to this particular band of Montana Indians.

Then there are other instances where Indians may have funds that are being accumulated from the sale of land or from the sale of timber—in my own State they are accumulating a large fund—and the appropriations made for those Indians, as a rule, are reimbursable, because under the treaty advances made were to be reimbursable.

Then there is an occasional gift, such as the one the Senator refers to on page 19. The Indians mentioned there have a reservation, but they are unable to get roads; and to encourage them in the development of their beet industry the Department recommended the appropriation, and the committee felt that it would be proper to give them $10,000. It could not be made reimbursable, because there is no income or source of income from which it may be reimbursed. The same statement applies to this wandering band known as "Chief Rocky Boy's band."

Mr. GALLINGER. Then, Mr. President, I assume that in these cases where there is an outright donation of money there is destitution, and there is no fund from which the appropriation could be reimbursed?

Mr. CLAPP. There is no fund from which it could be reimbursed.

Mr. GALLINGER. And this is simply a matter of taking care of destitute wards of the nation?

Mr. CLAPP. There is no fund or property from which this $30,000 could come. They are rather a wandering band, and we want to locate them up there and get them homes.

Mr. TELLER. How many of them are there?

Mr. CLAPP. I think the statement to the committee was that they number 150. Possibly the Senator from Montana knows.

Mr. GALLINGER. The explanation is entirely satisfactory to me. I simply wanted to know upon what principle the committee proceeded and why there was this apparent difference on these various items in the bill.

Mr. TELLER. Mr. President, I think the inquiry is very pertinent and the answer very proper. Not only in that section of the country but in several other sections of the country we have Indians who have become landless and poverty-stricken, and who are not sufficiently civilized to know how to make a living. I think, in a great many instances, if we could find some man who would devote his time and attention to them and put some heart into the work, they might be brought into a condition where they could probably in a short time take care of themselves; but we have been in the habit of sending forth agents who went out simply because they could get a salary, who were satisfied when they had earned their salary, and quit at that.

I believe that this great nation of ours can afford to make liberal contributions toward the support of the Indians. Perhaps it may be truthfully said that there is no nation that has ever dealt more liberally with many of the natives of the

country than we have; but, after all, this is not always a kindness. We have furnished them plenty of money; we have made donations for the last twenty-five or thirty years which, if they had been wisely directed and carefully disposed of, would have done a great deal of good. A large portion of these appropriations, however, has been injurious and unprofitable either to the Indians or to ourselves.

We have reached a point now where, in some instances, we have given these Indians a status they have never had before, and we are going to be called upon to do more in this line than we have done for a great many years. We have got to do it. We can not leave in a community of white people two or three hundred Indians who have no property and who have no employment. You can not leave them to starve. The American people will not agree to that. There is a sentiment requiring that we should look after the Indians when it becomes absolutely necessary, even though it is their fault that they are not what they ought to be. In nine cases out of ten it is not the fault of the Indian. It is the fault of the management he has had; it is the fault of the system we have adopted. More than twenty-five years ago, on this floor, I declared that the system we had adopted in the allotment of lands would bring the Indians ultimately and within a generation into a condition such as they have reached now and make them landless vagabonds.

The Indian did not want land in severalty. He wanted land in common. He was in sympathy with the system which, so far as we know from our knowledge of that race, had been in force from the beginning, and he was not in sympathy with the system with reference to land adopted primarily by the white race.

The holding of land in severalty is an artificial condition. It is not the natural condition of any people, and never has been in the history of the world. Our ancestors in Great Britain—at least the ancestors of those who claim to be descended from the British people—lived a thousand years before they were willing to accept the modern system of individual ownership of land. The Romans were the first people who adopted that system. In the years of high civilization in northern Africa and Asia, when Babylon was in the glory of her wonderful civilization, land was held in common. We may look down upon and despise their civilization, but knowledge gained from recent discoveries in connection with the history of those people indicates that it was a civilization in many respects equal to ours. While they did not have, perhaps, the knowledge that we have of electricity and some other things, they had a high culture.

The people who created the glory of Greece were a people who held their land in common, and it was only when the malign influence of Rome came to be felt in Greece that the doctrine of absolute private ownership came to be recognized, and men who did not own land were excluded from the privileges which landowners enjoyed.

We adopted that system for ourselves, and later we forced it upon the Indians, and now not one Indian out of fifty who once had land has that land to-day; and not one Indian in fifty, if left to himself, would have land more than a short time after he got his patent.

We forced the holding of land in severalty upon them. We have made trouble and distress among the Indians because of our attempt to compel them to adopt a system that they did not believe in. Many of them felt that it was a crime to divide up the land. On and off for the last forty years I have had intelligent Indians say to me: "We do not want any land in severalty; the earth is our mother; we will not divide it." To them it was a crime to do so; and there are hundreds of Indians now who would be glad to change the system, to get rid of the land which they now hold in severalty, and go where they could hold land in common, as did their ancestors.

I venture to say to-day of the Indian population that, if you will give them to understand that they may be transferred to a section of country where it is possible for them to live as comfortably as they can where they are now, 75 per cent of them will accept the proposition that they abandon the land owned by them now and go and live on a common heritage and common land.

Mr. President, the people who devised the allotment of land had the best intentions in the world. I know people who thought if they could simply give to an Indian 160 acres of land, he would be civilized by that process. The highest degree of civilization of the Indians to-day is in the State of New York, and there they hold their land in common. While I was Secretary of the Interior the Indians from New York, possessing to-day a higher civilization than any other Indians in the country, sent a messenger to me to induce the Government of the United States to interpose when the State of New York attempted by its legislation to divide up their lands and compel them to take them in severalty. It is inherent in the Indian to desire to hold land in common. As I said a little while ago, they hold everything in common, and when the Indian nation was uncorrupted there was not such a thing as an Indian beggar.

Mr. President, I know something of the Indian race. I was born on the edge of a reservation in the State of New York. I taught school on the edge of a reservation. I went West almost fifty years ago. I have been in touch with the Indians. I aver here now that there never was a tribe which consented willingly to the division of its land. I will venture to say that the reports will show that Indian tribe after tribe succumbed to the pressure of the United States and divided their land only after protest, only after they expressed their desire to hold their land in common.

I have said this because if the Indian becomes a vagabond, we have forced it upon him. We have compelled him to become a vagabond, or we have compelled him to do what no people ever did—jump from semibarbarism or savagery into civilization. I shall vote a liberal appropriation whenever the authorities say it is necessary for the protection and salvation of the Indian race. I do not believe anybody will complain if the Government of the United States shall put the Chippewa Indians in Minnesota or Wisconsin, who are now in a destitute condition, in a better condition. These appropriations ought not to be made simply to give them food, but to give them, if possible, an opportunity to better their condition.

Within the last two years in the western part of Colorado I have had occasion to employ Indian boys from the Indian school. I found that they were working at a dollar and a quarter a day. That was the price fixed in the community for an Indian. Every white man got a dollar and a half to a dollar and seventy-five cents a day. I put those men to work, and I went off and left them. I say here they are as good workers when they are properly treated as any white men ordinarily are. I did not watch them. I left them and came back and found them doing their work in an admirable manner. They can be made to work. As I have said, in the beet fields of Colorado they do most excellent work. They will do it everywhere if they are only properly handled.

That is the reason why I do not want them to work for nothing. I do not believe this great Government of ours should take an hour's labor from a red man without pay, but on the contrary it should pay for it as readily and quickly as it does for an hour of labor by a white man.

Mr. GALLINGER. Mr. President, my attention was called from the remarks of the Senator from Colorado [Mr. TELLER], which I would have been glad to have listened to more attentively than I was permitted to. I trust the Senator did not think because of the interrogatory I propounded to the Senator from Minnesota that I am hostile to legislation in behalf of the Indians.

Mr. TELLER. I did not; and I did not believe the Senate was hostile; but I wanted to say this: I wanted to say it for the Indians. I wanted to say it because I believe a great many people have a false idea about the Indians, and the Indians are blamed for what they are not responsible for. They are blamed because they do not do what no people ever did do—civilize themselves in an instant, or very quickly. I did not say it because I wanted to rebuke anybody or because I thought there was any disposition in the Senate not to accept the suggestion of the committee.

Mr. GALLINGER. Mr. President, I am very glad the Senator has that feeling. I certainly had no purpose to criticise anybody, nor have I ever manifested a purpose to object to legislation in behalf of the Indians; and we have had some legislation that might well have been objected to——

Mr. TELLER. Yes; that is a fact.

Mr. GALLINGER. And in propounding the question that I did to the Senator from Minnesota, who is always ready to answer questions propounded by those of us who know so much less about this matter than he does, I had simply in mind a desire to secure some information. That was all. The Senator kindly gave it to me, and I was quite content.

I do not think there is any feeling in the section of country to which I chance to belong against the Indians or against reasonable and just legislation for the Indians. They are the wards of the nation. They have been driven back from the East to the Far West. They have been despoiled of their lands and their possessions. I have sometimes thought that they have not civilized themselves as rapidly as they ought to have done, but that is a question which, of course, I can not decide.

But, Mr. President, my feeling has been as it is to-day, that we should be extremely liberal to those people, treated as they

have been by the white man, persecuted as they have been and despoiled of their lands and their heritage; and I wanted to put myself on record now—I rarely have anything to say on this subject—as being just as good a friend to the Indian as any man who chances to live in the Far West or in any other section of our country, and no vote of mine will ever be cast that will deprive them of any of the benefactions or of the appropriations of the Government that are justly their due.

Mr. TELLER. Mr. President, I did not desire to insinuate anything against any section of the country, either. I know that perhaps there is more prejudice against the Indian west of the Missouri River than there is east of it.

Mr. GALLINGER. I think that is right.

Mr. TELLER. That is not surprising. I have seen communities out in the nighttime to defend themselves against Indian raids, and I have had some experience in that business on various occasions in the early history of Colorado. Every early settler had the same. Probably at that time we were savage toward the Indians, and yet my own impression is that in nine cases out of ten where there was trouble of that kind the white man brought it on himself. We had a class of men, which every new country has more or less, who, regardless of justice and right, made it sometimes pretty difficult for those who believe in doing justice to all men to carry out their doctrine.

I have known many, many outrages perpetrated on the Indians. They have perpetrated some upon us. They had a long training in their early history before the settlements. They had wars with each other, and the only avenue to glory was through the battlefield. They had no other way. Chieftains rose because of their prowess in war, and when the white man invaded their country the Indians were, as a rule, kind and considerate at first. Step by step the encroachments frightened them, and then they got wild and went into war and committed atrocities which would appal a civilized man, and yet were perfectly proper according to Indian morals and ethics.

I have never subscribed to the doctrine that there is no good Indian but a dead one. I have seen the time when I wanted to kill a whole tribe, perhaps, as a matter of self-defense, but on the whole I have found many good Indians. As a rule I will take an Indian's word as quickly as I will that of a white man. That has been my experience. I have found Indians, influential Indians, high in authority, who would tell you the truth even though it was against their interest. There is virtue in all classes of people, I believe, and the Indian has his share of it, in my judgment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

Mr. CLAPP. While it is fresh in my mind, on page 33, line 22, after the word "appropriated," I move to insert the words "to be immediately available."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the head of "Nebraska," on page 36, after line 21, to strike out:

For interest on $804,909.17, at 5 per cent per annum, per fourth article of treaty of November 1, 1837, $40,245.45; and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians, to be expended in such manner and to whatever extent that he may judge to be necessary and expedient for their welfare and best interest.

The amendment was agreed to.

The next amendment was, on page 37, after line 6, to strike out:

For interest on $78,340.41, at 5 per cent per annum, to be expended under the direction of the Secretary of the Interior for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects, $3,917.02.

The amendment was agreed to.

The next amendment was, on page 37, after line 13, to insert:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Winnebago tribe of Indians the sum of $883,249.58, being the balances of the unappropriated amounts due said tribe under the fourth article of the treaty of November 1, 1837, to wit, $804,909.17 (7 Stat., p. 544), and the act of July 15, 1870, $78,340.41 (16 Stat., p. 355), and said sum shall draw interest at 5 per cent per annum; and the Secretary of the Interior is authorized to pay per capita to the members of the tribe the said sum under such rules and regulations as he may prescribe, subject to the provision of the acts of April 21, 1904 (33 Stat. L., p. 201), and March 2, 1907 (34 Stat. L., p. 1221).

Mr. CLAPP. After the word "Indians," in line 16, page 37, I move to insert the words "residing in the States of Nebraska and Wisconsin," to avoid any question about it.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 38, line 20, before the word "cents," to strike out "fifty-six thousand one hundred and sixty-two dollars and forty-seven" and to insert "eight hundred and fifty-one thousand and eighty-seven dollars and eleven," so as to read:

In all, $851,087.11.

The amendment was agreed to.

The next amendment was, under the subhead "Carson School," on page 39, after line 14, to insert:

That in carrying out any irrigation project which may be undertaken under the provisions of the act of June 17, 1902 (32 Stat., p. 388), known as the "reclamation act," and which may make possible, and provide for, in connection with the reclamation of other lands, the irrigation of all or any part of the irrigable lands heretofore included in allotments made to Indians under the fourth section of the general allotment act, the Secretary of the Interior be, and he hereby is, authorized, in his discretion, to cancel any or all of such allotments, including any trust patent which may have issued therefor, and in lieu thereof to reserve for and allot to each Indian having an allotment of such irrigable land and legally entitled to the same, 10 acres of irrigable land, which shall be exempt from the payment of any charges by the allottees assessed under the act of June 17, 1902 (32 Stat., p. 308), but such expense shall be borne by the United States: *Provided*, That any of the lands which may have been included in the canceled allotments and which are not needed or reserved for allotment in smaller areas, shall be restored to the public domain to be disposed of subject to the provisions of the above-mentioned reclamation act: *And provided further*, That the Secretary of the Interior be, and he hereby is, authorized to expend annually for ten years not to exceed $12,064 to repay to the reclamation fund moneys expended by him therefrom in extending the Truckee-Carson irrigation project to 4,640 acres of land in Churchill County, Nev., being the part of the lands embraced with other lands in the Indian allotments which have been voluntarily relinquished in consideration of receiving reallotments of 10 acres of irrigable land, or which may be canceled under authority of this act. There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $12,064, being the first of ten installments for the purpose of carrying the provision of this act into effect.

Mr. HEYBURN. Mr. President, this is a most startling proposition; I think, perhaps, the most startling of any provision in this bill. It is legislation pure and simple, and it is general in its character and applies to all Indian reservations in the United States. It proposes, after having allotted and patented 160 acres of land to an Indian, that the Secretary shall have the authority to cancel that allotment and make the Indian take in lieu thereof 10 acres of land.

The Secretary in his letter, on pages 32 and 33 of the report, states the case; and I do not think I should forego the opportunity to read this letter, or portions of it, so that it may appear in the RECORD, inasmuch as otherwise it will not have that publicity it should have in the consideration of the proposal contained in the committee amendment. The letter is under date of November 22, 1907. It is addressed to the Speaker of the House of Representatives, and is signed by the Secretary of the Interior. It says:

By letter of July 27, 1906, the Acting Commissioner of Indian Affairs reported to the Secretary of the Interior on a letter from William H. Code, United States Indian inspector and chief engineer, relative to the Truckee-Carson irrigation project as affecting and affected by the Paiute Indian allotments in Carson Sink Valley, Churchill County, Nev.

The Indian Office then said that the condition of the Paiute band of Indians, who had been allotted lands in that valley, was brought to its attention by Special Agent Casson in a letter dated October 3, 1903—

That is four years before the writing of this letter—

and that since then it had been the subject of a great deal of consideration by that Office, the Department, and the Reclamation Service; that it appeared from the letter of Special Agent Casson, transmitted to the Department with Indian Office letter of April 1, 1904, that a total of 198 allotments were included in this project; and that for allotments Nos. 2 to 31, inclusive, trust patents had issued, the remainder of the allotments being included in schedules approved by the Department on February 24, 1897, and June 9, 1897, but not patented.

By my direction—

Says the Secretary—

such relinquishments of the patented allotments as had been secured were accepted and the patents canceled, and all the unpatented allotments canceled and the lands restored to the public domain, except the SE. ¼ of sec. 8, the S. ½ of secs. 9 and 10, and all of secs. 15, 16, 17, 20, and 22, T. 19 N., R. 30 E., M. D. M., which lands were reserved for reallotment to the Indians in 10-acre tracts.

Mr. President, the Secretary of the Interior says he has canceled the patent of the United States issued to the Indians pursuant to the plan of the allotment, and that he has also canceled the allotments that had not been patented.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. May I inquire of the Senator what he understands by the term "trusts patents?"

Mr. HEYBURN. Yes. I understand it is the muniment of title that an Indian gets under which he holds for twenty-five years, or during the period that he is prohibited from disposing of his land, and I understand it is the highest title that an Indian can get pursuant to the law of the United States, which compels him to yield up his tribal interest in the land and take

land in severalty. I think I know the measure of such a title. I have had occasion to consider it, both in connection with public affairs and in connection with titles where personal interests were concerned.

Mr. NEWLANDS. May I ask the Senator what significance the word "trust" has there? Does it indicate that the Interior Department is the trustee for the Indian?

Mr. HEYBURN. No; it does not indicate that it is the trustee for the Indian. It indicates that the Government of the United States is the trustee for the Indian, and the Secretary of the Interior has just such power to represent the trustee as the trustee may give him, and no more and no less. The Secretary of the Interior has no power over an allotment to an Indian except the power that may be specifically vested in him by statute.

Mr. NEWLANDS. May I inquire whether there is any statute indicating the powers of the Secretary of the Interior as the representative of the trustee regarding these trust allotments?

Mr. HEYBURN. Whether there is any statute expressing it?

Mr. NEWLANDS. Yes.

Mr. HEYBURN. If he is going to exercise any power under the ordinary rule of construction of trusts he is the party to show that he has the power. There is no presumption of power in a trustee to dispose of the property of the cestui que trust. It is something which must be shown as an affirmative right on the part of the trustee. It is never implied.

Mr. NEWLANDS. That is the inquiry I wish to make of the Senator, whether or not there is any legislation upon that subject on the statute books.

Mr. HEYBURN. There is not.

Mr. President, I make that statement as applied to the question under consideration. There is no power vested in the Secretary of the Interior or any other executive or administrative officer of the Government to violate or diminish or add to the right which an Indian has by virtue of the act of Congress under which he receives his allotment of land. If the terms of the allotment are to be varied, it must be done by express authority and not by implication. And yet it is stated in this communication that the Secretary of the Interior has canceled patented lands, and not a small area—26,720 acres of land—that had been set aside for the Indians in tracts commensurate with the provisions of the statute under which allotments are made, and he has canceled them and has undertaken to substitute for 160-acre tracts 10-acre tracts. So an Indian, under this arrangement that we are asked to ratify by this amendment, would be limited to 10 acres, and, forsooth, the reason is given that the Indian land was not as the white man would have it; that they are going to reduce it to conditions that white men might desire, and compel the Indian to accept those conditions, and as a part of the arrangement to eliminate 150 acres from his allotment.

Mr. NEWLANDS. I should like to inquire of the Senator whether he would question the power of the United States as the trustee of the Indians to whom allotments have been made to change the extent of the allotment by substituting a less amount of irrigated land for a larger amount of unirrigated land. The Senator will understand I am simply getting at the question of power. I am not familiar with the law upon the subject.

Mr. HEYBURN. That is not a difficult question to answer. The law under which these allotments are made to the Indians is in the nature of a contract. The Indians in many instances hold their reservations pursuant to a treaty which is authorized to be made in express terms by the Constitution of the United States. Those treaties are recognized as being within the treaty-making power of our Government. Some of those reservations exist pursuant to treaty, which is a contract.

Now, when Congress makes a subsequent treaty with those Indians, whether it be in the nature of a statute or of a treaty pure and simple, that if they will surrender the surplus lands they may have a fee-simple title to 160 acres, then Congress can not change it without violating first the fundamental law—the treaty—and, second, the act of Congress, which is in the nature of a contract. Remember, too, that the Secretary does not propose to put these Indians back where they were before the allotment, when they gave up 40,000 acres, held in common, in order that they might take 10,000 acres among them in severalty, and gave the 30,000 acres of a margin to the Government of the United States to sell and put the proceeds in the Treasury or wherever Congress might direct it. I say the Secretary does not propose to put these Indians where they were before this contract, which he proposes to violate, was made, but he proposes to keep that which we have taken and to take still further from the contract or the rights of the Indians under it. That is what he proposes to do.

In order that this thought may be presented in a comprehensive way, I desire to read the rest of this letter:

> By the cancellation of these allotments approximately 26,720 acres of the best irrigable land in the Carson Sink Valley were thrown open to settlement and entry under the provisions of the act of June 17, 1902 (32 Stat. L., 388), known as the "reclamation act."

That is the character of the lands that were thrown open—among the best in that valley.

Now he proceeds to say:

> It therefore seems just that in surrendering these lands for disposal by the Government under the provisions of the above-named act the Indians should receive as compensation therefor tracts of land brought within an irrigation project on which they can gain a livelihood.

That is an acknowledgment of the injustice to that extent. Then he says:

> The allotments in their natural state were arid and unfit for Indian homes, and it was practically impossible for the Indian allottees to comply with the law as to settlement and cultivation.

The Indians had selected these lands for their homes. They were accustomed to those lands. Their ancestors had lived upon them from time immemorial. But the white man said the Indian's judgment was bad; that he should not have selected such lands; that they were not adequate to his wants, to the purposes of maintaining himself and those dependent upon him. The white man sat in judgment when he gave the Indian the lands, and in the exercise of a fair disposition of the rights of the Indians, gave him these as his due. When it is convenient for the white man to use them for some other purpose he confesses his error and says, "in giving the Indians these lands I gave him something he should not have, should not have been allowed to select, because they were not adequate to the purposes of the Indian and his livelihood."

Now, if the Senator will permit me to finish reading this letter I will present it in a more consecutive shape.

Mr. NEWLANDS. But will the Senator permit me to correct the impression he has already given?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. The Senator presents a very moving picture of the Indians themselves having selected lands which belonged to them and their ancestors, and which they had designed as their habitations. I wish to say that, as a matter of fact, these lands without irrigation are not worth 10 cents an acre for any purpose. It is utterly impossible for any Indian to make a habitation upon those lands. As a matter of fact, they were not occupied by the Indians, but had been abandoned by them, and in many cases it was utterly impossible to find the owner of the land. I have nothing whatever to say now regarding the legal questions which the Senator has raised.

Mr. HEYBURN. Mr. President, what a commentary the remarks of the Senator from Nevada are upon the wisdom of the law under which allotments are made! I know something of this reservation. My first acquaintance with it was when I saw a long train of Indians, with their ponies, coming across that valley with swans, tied by the neck, across their ponies. They had been out shooting them at daylight. The wild swan breeds in that valley. My attention was then attracted to those Indians. I know, and the Senator knows, that in that valley anywhere near the sinks the rye grass is as high as your head, as high as a pony's back, and that that growth of pasture grows less and less as you get back from the sink and from the water. But along the River Beowawe, where that beautiful ranch is, up that valley——

Mr. NEWLANDS. The Beowawe is about 200 miles from there.

Mr. HEYBURN. That is the rule. I am speaking of the class of land. The same conditions exist for at least three or four hundred miles east of this particular valley. There is along the river a fair growth of grass, but out in the sage brush there is practically nothing. With water that country would, to use a common metaphor, bloom as the rose. It will produce anything that you plant, almost, that soil and climate can produce.

Now, under the liberal policy of the Government that shuffled those Indians up and down the country for a hundred years—removing them from the garden spots of this continent, from the great valleys of the East and the Middle West and onto these arid and desert plains—they finally were up against the range of the Rocky or the Sierra Nevada mountains, as it might be, and there the Indians were stranded, compelled to huddle around these lakes and sinks and rivers and make for themselves a livelihood, until the emigrant came along and began to drive them back from those chosen spots.

By and by the Government in its generosity said to the Indians, "Well, surrender all that you have and all that you claim and we will give you 160 acres for a home." The word "home" appealed to the Indian, just as it appeals to a white man. They thought the white man had done such wonderful

things to them—such things incomprehensible to them, with all their traditions and their knowledge—he would be able to give them a home; and they thought of resting, of settling down in some place where they and those to come after them would never move again.

So they said, "Yes; we will surrender it all if the white man will give us a home like the white man has." That was the inducement held out to them. They were taken out onto these plains, so accurately described by the Senator from Nevada where he says the lands are not worth more than 10 cents an acre, and these Indians were given the homes that they had been promised and that they had dreamed of and that they once had on this fair land. They were given this which is now spoken of so lightly, because, forsooth, it supports the argument in favor of taking away from them that which we have given them by patent.

Should we stop to construe by the fine lines of reasoning the instrument by which we confirmed the title of the Indians to these allotments? I care not whether it is called a "trust title" or a "trust patent" or not, it is all the Government gave them as a pledge of its good faith—that it would give them a home.

Mr. President, having brought them down to the narrow limits of a homestead of 160 acres, let us maintain them in their right to that home, not improve them out of it, not to farm them out of it, not go and perform voluntary services on their behalf and then charge them up by taking, out of their 160 acres, 150 acres from them.

If mine were the only voice raised on behalf of these Indians who have taken their homesteads under the law by which we allot 160 acres to each of them, I would still stand here and raise my voice against it.

This amendment is of general application all over the United States. While it is dealing with the lands in Nevada, yet the Commissioner says in his letter that it is general and that it should be general. I want to consider that for a moment. Let me finish reading his letter. The Secretary said:

> By canceling these allotments and allowing the allottees 10 acres of irrigable lands in lieu thereof, they will be fairly compensated and the State of Nevada and the Government benefited.

He does not say the Indian will be benefited. He says he will be compensated for having given 150 acres of his land, but that the State of Nevada and the General Government will be benefited by it. The Secretary proceeds:

> The canals and main laterals of the Truckee-Carson irrigation project have been extended by my direction to these lands, and there awaits only Congressional action authorizing the cancellation of the unrelinquished allotments on which trust patents have issued and the necessary appropriation to reimburse the Reclamation Service for the moneys expended in the reclamation of the lands to make these Indians absolutely independent of further Government aid.

They would be. An Indian is to be cut down to 10 acres out on the plains of Nevada or on the plains of Idaho, if you please, under the Reclamation Service, with no market perhaps within a day or a week's ride of his land; not enough to pasture 3 head of cattle, or 2 for that matter, not enough on which to grow a fair-sized orchard, not enough upon which to raise an ordinary Eastern potato patch—and this Indian is to be forever limited to 10 acres of this land.

Mr. NEWLANDS. Mr. President——

Mr. HEYBURN. I will yield in just a moment. I desire to finish what I was saying. This division of the reclamation land into minor units is a mistake, except that it be right at the edge of some city which constitutes a market for small fruits and truck. But the idea is to take an Indian who knows nothing about growing these things, who has no orchard yet planted, who, if he plants it, must wait from five to eight or nine years for it to be productive, and to cut him down to 10 acres, on the theory that 10 acres are enough. The doctrine of our once distinguished statesman, Horace Greeley, is not applicable to an Indian, however applicable it might be to the people who come to these shores and can make a living by trucking upon a very small area of ground.

Now, I will yield to the Senator from Nevada.

Mr. NEWLANDS. Mr. President, I think the Senator from Idaho will recognize the fact that in many instances in the irrigable region 10 acres of irrigated land are worth more than a thousand acres of desert land without water.

Mr. HEYBURN. Yes, Mr. President, but——

Mr. NEWLANDS. The Senator will admit that that is the case in many instances. Coming to this particular instance, let me state to him that the Truckee-Carson project is within 20 miles of the Southern Pacific Railroad, a part of it within 10 miles; that that project is connected with the Southern Pacific Railroad by a branch road; that the town of Fallon presents a market for the commodities raised there; that the town of Reno, having 15,000 or 18,000 people, is within 45 miles, and that this land is almost worthless without water, while with water it is very productive.

I think the Senator will admit that if an Indian has 160 acres of land without water, from which he can make nothing and upon which he can not establish a home, so far as material interests are concerned he will be benefited by getting 10 acres of land with the water rights attached. The mere cost of water for each acre being about $30, he would be much better off by reason of this transaction than if he had adhered to his original location.

Now, I say nothing regarding the question of power. That is a separate question. But I do object, as I have some knowledge of this region, to the Senator illuminating the whole subject with his imagination and his fancy. The fact is that 10 acres in that region, with water rights attached, are worth a thousand acres of desert land without water rights attached.

Mr. HEYBURN. Mr. President, the Senator from Nevada can not go further in eulogizing the reclamation project than I go. We have in the State of Idaho the Minidoka reclamation project. I speak in regard to it, not from theory, but from actual knowledge, frequent observation, and some experience. The Minidoka tracts in south Idaho form one of the largest Government irrigation projects in the United States. It is further advanced than any other project in the United States. The settlement is complete upon it. They raised crops upon it last year, and I had the opportunity of knowing whereof I speak. I know it to be a fact that these very small units are a failure, because it is too far from a sufficient market to enable them to engage in raising those products that might make it profitable.

But I was speaking to the question of power and justice and right. Even though the Indian could grow wealthy in a few years with the 10 acres of land, is that any reason why, having pledged to him by the patent of the United States 160 acres, some others should come in with their judgment and say that the Indian should not have that which the Government had given him, that they would take the responsibility of constituting themselves the Indian's guardian, and take away from him 150 acres of the land which had been given to him for purposes of a home, and leave him with 10 acres under conditions that always have a certain burden with them? The project of the reclamation law under which these lands are taken provides that there shall be certain maintenance fees, certain servitudes upon the land. The party is not free to go in there and take the land as he pleases and sell it.

Then again, these Indians were forbidden to sell their lands for twenty-five years under the allotment, and if they could not sell them, can the Secretary of the Interior sell them for them, because that is what he proposes to do? He says he has canceled these patents, and that he is throwing open the 150 acres for sale under the land laws of the United States. Can he do it? No; he has no such power. Will we give him the power? If we do, we commit the most inhuman act that this body or any other legislative body ever was guilty of. We violate the pledge we made to the Indian. We take from him that which we have no authority under the law to take from him.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. Certainly.

Mr. McCUMBER. I am interrupting the Senator only to get his idea as to what ought to be done in that case. We have this condition, as I understand it. The Indian has 160 acres of land. That land is worthless, so far as raising anything on it, without irrigation. How are we going to get it irrigated and get the pay for the irrigation unless the Government does it wholly at its own expense? Does the Senator propose to amend the old law to that extent? The Indian, of course, has no money. The Indian can not pay for that irrigation. As I understand the scheme, it is for the Indian to surrender a certain portion of his land, and the Government at its own expense, in lieu of that, will then put in the irrigation works, at no expense whatever to him; and the balance of the land will be sold to white people who will use it and irrigate and really pay for the entire irrigation, and thereby make all the land valuable, whereas at the present time it has no value whatever, if I am correctly informed.

I am not criticising the Senator's position in the slightest degree. I simply want to know under what theory and how he will proceed to make those lands valuable to the Indian as well as to any white settlers.

Mr. HEYBURN. I propose to offer this amendment: After the word "authorized," line 24, page 39, to insert the words:

To make the same agreements with such allottees as he shall make with other persons.

I do not know how familiar this question may be to all the members of the Senate, but where a Government reclamation project is proposed in a country where there are some landowners to whom title has passed by patent from the United States, the Government does not go in and say: "If you will surrender a part of your land, we will take you in this project." The Government simply recognizes the rights of that settler and that patentee, and makes an arrangement with him under which he will receive the benefits of the water when the Government brings it there convenient for its use.

We have hundreds of such instances in the Boise-Payette reclamation project, which is now in a partial state of completion in Idaho, upon which many hundreds of thousands of dollars have been expended, and where they are now about reaching the point where they build their main laterals. Within the area of that Boise-Payette project there were hundreds of settlers who had title by patent from the Government of the United States, and when the Government proposed to bring the water in for the benefit of the lands that the Government still owned and of the settler who should rest upon it they went to the people who owned the land patented to them within the project and made contracts with them by which they compensated the Government for the use of the water and kept their land. There is no embarrassment about the situation. There is no difficulty whatever. We have the same condition in every reclamation project that is now either completed or in process of completion in the State of Idaho.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Certainly.

Mr. FLINT. I will ask the Senator if, as a matter of fact, the limitation is not 160 acres within the reclamation project?

Mr. HEYBURN. Yes; it is the same size as an Indian allotment.

Mr. FLINT. No matter what may be his ownership, he is limited, if he goes into the reclamation project, to 160 acres?

Mr. HEYBURN. That is true and not true, both. I have in mind one case where parties, probably twenty-five or thirty years ago, had obtained a patent to certain lands under the desert-land act that are now included in the Boise-Payette reclamation project. They had varying tracts which they secured title to by compliance with the law to the satisfaction of the Department and obtained their patents. Some of those tracts were very much more than 160 acres. The Government could not compel them to give up anything. The Secretary of the Interior did not claim the right, nor did he have the right, to cancel any part of the entry of those white men who held by patent. What did he do? He made a contract with them. He dealt with them, recognizing their rights of property. Now, let them do the same thing with these Indians. The Indian allotment does not exceed 160 acres for each Indian; and the amendment which I shall propose more formally provides that the Government shall deal with the Indian as it has dealt with the white man.

I think in the valley I have been discussing with the Senator from Nevada [Mr. NEWLANDS] there are private land holdings that will have to be dealt with, or have been dealt with, within the reclamation project. I ask the Senator from Nevada if such is not the case? Were there any private land holdings with which the Government had to deal by contract?

Mr. NEWLANDS. I think there were, and I think there are probably contracts of that kind that will have to be dealt with. But let me say to the Senator from Idaho that the Government has this difficulty to deal with: It has been unable to find the Indians to whom these allotments were made. I do not say that it has been unable to find them in all cases, but in most cases, it is my understanding that it has been unable. The allotments were made a long time ago. The Indians have scattered. It was impossible to live upon the lands. So the Government is in difficulty with reference to lands that were embraced within the irrigation project that are capable of being put to very high development by irrigation and cultivation. It is impossible to find the wandering Indians to whom the lands have been assigned.

Mr. HEYBURN. The Secretary of the Interior says in regard to a very large tract of these lands that the relinquishment has been secured by him. Now, how could he secure it if the Indian could not be found?

Mr. NEWLANDS. I presume the Secretary of the Interior did secure relinquishment from some, but I understand they were able to find but a very small proportion. I do not pretend to be very accurate in this statement, because the matter has only come to my attention since the Senator opened its consideration.

Mr. HEYBURN. The principle is the same.

Mr. President, I would not have risen to discuss this matter had it interested only the State of Nevada, because I know the Senator from Nevada is not only alert to the interests of Nevada of every kind within the State, but that he is able to represent the rights of all parties in the State. However, I have in my mind the same conditions in the State of Idaho. There they are now proposing to inaugurate and carry out a great reclamation project that covers the Fort Hall Indian Reservation, in the southeastern portion of the State. They are also proposing to allot the lands to those Indians upon that tract. It is a large project and a large tract and a rich country. It is arid, and it will only produce crops when under water. I foresee allotments to these Indians, under such a scheme as this, of 10 acres, and I foresee that in a few years we will have that tribe of Indians, or a large percentage of them, paupers in the midst of our community, because they will not be able to maintain themselves upon 10 acres. Indians that were accustomed to run herds of 50 or 100 or 200 horses or herds of cattle all over that magnificent reserve of theirs, brought down to the limits of 10 acres of ground, humiliated, would have to part with their stock in the market for what they could get for it and make their improvements and build their house upon 10 acres of land. There is not one white man out of a hundred thousand who could maintain his family upon any 10 acres of ground under such conditions. To take men untried, untaught, and inexperienced in agriculture, in home making, and in business and put them upon 10 acres of land—I care not what conditions you surround them with—is simply to promise agricultural pauperism; not pauperism of a few families, but of thousands and thousands of these Indians; and we have thousands of them in Idaho.

I had in mind when I read this proposed amendment not the Indians of Nevada, because I saw by its terms that it was general in its character, but I had in mind our own Indians, the Nez Percé Indians, who have taken their lands in severalty; to whom their lands have been allotted, a greater portion of them, in the humid region, but some of them under arid conditions—the Bannock and Blackfeet Indians, the Indians on the Fort Hall Reservation, the Cœur d'Alène Indians, who are now being allotted their lands—I had those in my mind when I rose to speak for the Indians. I do not think we can afford to do this by an amendment of this kind, which is new legislation. If new legislation has no place in an appropriation bill, then certainly this class of new legislation should not be here, because it is new legislation which recognizes an act of the Secretary of the Interior which was without any authority—and I say it without any personal reflection upon the Secretary's motive or upon the Secretary in any way—and that was absolutely inexcusable under any construction of the law of justice or of right or of the law of the land.

Mr. President, I want these Indians to be maintained in the rights we have forced on them. As the Senator from Colorado [Mr. TELLER] has said, they did not ask to take their lands in severalty. There is no instance in which these Indians have asked to do that. Their instincts are against it; their instincts are tribal; their instincts are for land in common, like one great family. We forced these conditions upon them, not, I am afraid, in a spirit of pure unselfishness, not, I am afraid, in order that we might elevate the Indian, but that there might be a margin of land open to sale and settlement for the benefit of the white man.

The 300,000 acres of land in the Cœur d'Alène Reservation—as fine land as lies under the sun—will be open for sale and settlement. I have been importuned, by letter and in every other way, ever since I have been a member of this body, "For God's sake, get these lands opened; we want to get a whack at them"—these beautiful farm lands of the Cœur d'Alène Indian Reservation. We are opening them because that policy has been adopted by the Government. I do not propose to stand here and attempt to stem the tide of the last twenty-five or thirty years in Indian legislation; but I do propose, so far as I am concerned, to see that no Indian is ever deprived of one acre of his 160 acres of his allotted land, unless he is duly compensated for it; and I propose that the Indian shall have some voice in that contract.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I do.

Mr. NEWLANDS. I should like to ask the Senator from Idaho how he would deal with a case of this kind: We will assume that there are 200,000 acres of land that can be included within a given irrigation project, such as the Truckee-Carson project. That land is entirely desert land and is worthless, or nearly worthless, unless water is applied. Suppose that 40,000 acres of land lie within that body of 200,000 acres which have been allotted to Indians; that the Indians are not upon the ground; that the most of them have wandered away, and that none of them have sought to make habitations upon the ground. I ask the Senator how he would deal with a case of that kind, when the development of the 40,000 acres may be absolutely essential to the feasibility of the entire project?

Mr. HEYBURN. Well, Mr. President, I would be generous enough to allow the Indians to share in the general benefits of a general system of public improvement which is at the expense of the Government of the United States. I would recognize their right to an equal participation, especially when we could not get away from it. I would give them their rights, in any event. In this case the whole sum total of the subject is that we do not want to spend any part of this money for the benefit of the Indian unless the Indian gives an equivalent value or sum for it. I am perfectly willing, so far as I am concerned, that these Indians shall reap the benefits of this splendid system which we call the irrigation project. Let them reap the benefits. I care not if they reap more benefits than the white man, or less; give them their share, whatever it may be.

Mr. NEWLANDS. Then I understand the Senator to say that he would favor the improvement of these lands by the construction of canals and ditches over them at an expense of nearly $30 an acre, and that he would give the benefit of that to men who can not be found?

Mr. HEYBURN. Well, that is carrying the inquiry a good way.

Mr. NEWLANDS. That is the case as it exists in Nevada.

Mr. HEYBURN. The Senator supposes these Indians can not be found. I presume he means some of them can not be found, or presumably can not be found; but you make good their allotments; you make good the pledge of the Government that they will have a home of 160 acres, and they will find themselves.

Mr. NEWLANDS. At all events, I understand the Senator to favor that.

Mr. HEYBURN. According to the statement of the Senator from Nevada, the Government has failed in its attempt to give them a home, and now the least it can do is to make that contract good to the extent of furnishing water, so that the Indian can convert the desert into a home, and he will find the home.

Mr. NEWLANDS. And the Senator himself would favor that without compensation from the Indians, as is required from the settlers?

Mr. HEYBURN. Yes. The Indians compensated the Government of the United States. When they gave up the lands and accepted the allotments, they compensated the Government. It is only keeping our contract to give them homes, and we can afford to do it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Idaho [Mr. HEYBURN] to the amendment of the committee.

Mr. HEYBURN. Let the amendment to the amendment be stated.

The VICE-PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 39, line 24, after the word "authorized," it is proposed to amend the committee amendment by inserting "to make the same agreements with such allottees as he makes with other persons."

Mr. HEYBURN. Mr. President, I desire to extend the amendment by striking out, after the word "authorized," on page 39, line 24, all down to and including line 2, on page 41.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Idaho [Mr. HEYBURN] to the amendment of the committee.

The SECRETARY. After the word "authorized," in line 24, page 39, it is proposed to strike out the remainder of the amendment down to and including line 2, on page 41, as follows:

in his discretion, to cancel any or all of such allotments, including any trust patent which may have issued therefor, and in lieu thereof to reserve for and allot to each Indian having an allotment of such irrigable land and legally entitled to the same, 10 acres of irrigable land, which shall be exempt from the payment of any charges by the allottees assessed under the act of June 17, 1902 (32 Stat., 308), but such expense shall be borne by the United States: *Provided*, That any of the lands which may have been included in the canceled allotments and which are not needed or reserved for allotment in smaller areas, shall be restored to the public domain, to be disposed of subject to the provisions of the above-mentioned reclamation act: *And provided further*, That the Secretary of the Interior be, and he hereby is, authorized to expend annually for ten years not to exceed $12,064 to repay to the reclamation fund moneys expended by him therefrom in extending the Truckee-Carson irrigation project to 4,640 acres of land in Churchill County, Nev., being the part of the lands embraced with other lands in the Indian allotments which have been voluntarily relinquished in consideration of receiving reallotments of 10 acres of irrigable land, or which may be canceled under authority of this act. There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $12,064, being the first of ten installments for the purpose of carrying the provisions of this act into effect.

And in lieu thereof to insert "to make the same agreements with such allottees as he makes with other persons."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. HEYBURN] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. Let the amendment as amended be read.

The VICE-PRESIDENT. The Secretary will read the amendment as amended.

The Secretary read as follows:

That in carrying out any irrigation project which may be undertaken under the provisions of the act of June 17, 1902 (32 Stat., 388), known as the "reclamation act," and which may make possible, and provide for, in connection with the reclamation of other lands, the irrigation of all or any part of the irrigable lands heretofore included in allotments made to Indians under the fourth section of the general allotment act, the Secretary of the Interior be, and he hereby is, authorized to make the same agreements with such allottees as he makes with other persons.

Mr. NEWLANDS. Mr. President, I can not understand where the amendment of the Senator from Idaho came in.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 39, line 24, after the word "authorized," in the committee amendment, it was proposed to insert "to make the same agreements with such allottees as he makes with other persons;" and to strike out all of the remainder of the amendment down to and including line 2, on page 41.

Mr. NEWLANDS. Do I understand that this amendment entirely does away with the disposition of this matter that has been made by the Secretary of the Interior?

Mr. HEYBURN. Yes; that was my intention. My intention was to nullify the acts which have been partially completed with reference to the taking of these lands, and naturally to strike out the balance of the section, which merely provides for the machinery for doing it.

The VICE-PRESIDENT. The amendment as amended has been agreed to.

Mr. NEWLANDS. I wish to inquire of the chairman of the committee whether an appropriation has been made for the Indian school at Carson City, Nev.

Mr. CLAPP. Yes, sir; on page 39.

Mr. NEWLANDS. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 41, after line 2, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the board of county commissioners of Ormsby County, Nev., for damages to the public road caused by breaking of the dam belonging to the Indian school at Carson City, Nev., the sum of $70 from an unexpended balance of the appropriation "Indian school, Carson City, Nev., 1907," not required for other purposes.

The amendment was agreed to.

The next amendment was, under the subhead "Senecas of New York (treaty)," at the top of page 43, to strike out:

For interest, in lieu of investment, on $75,000, at 5 per cent, per act of June 27, 1846, $3,750.

The amendment was agreed to.

The next amendment was, on page 43, after line 4, to strike out:

For interest, at 5 per cent, on $43,050 transferred from the Ontario Bank to the United States Treasury, per act of June 27, 1846, $2,152.50.

The amendment was agreed to.

The next amendment was, on page 43, after line 9, to insert:

That the Secretary of the Treasury is hereby authorized and directed to place on the books of the Treasury to the credit of the Seneca Indians of New York the sum of $118,050, being the value of the stocks held in trust for the Indians and taken by the United States and canceled under authority of the act of June 27, 1846 (9 Stat., p. 35), said amount to be deposited in the Treasury to draw interest at 5 per cent per annum, and the Secretary of the Interior is authorized to pay per capita to the members of the Seneca tribe of New York the said sum under such rules and regulations as he may prescribe, subject to the provisions of the acts of April 21, 1904 (33 Stat. L., p. 201), and March 2, 1907 (34 Stat. L., p. 1221).

The amendment was agreed to.

The next amendment was, on page 44, line 3, after the word "all," to strike out "$11,002.50" and insert "$124,050," so as to read:

In all, $124,050.

The amendment was agreed to.

The next amendment was, under the subhead "Wahpeton School," on page 45, after lin 16, to strike out:

For the support and education of 100 Indian pupils at the Indian school at Wahpeton, N. Dak., and for pay of superintendent, $18,200;
For general repairs and improvements, $2,000;
In all, $20,200.

And to insert:

For support and education of 100 Indian pupils at Indian school at Wahpeton, N. Dak., $16,800;
For pay of superintendent, $1,500;
For purchase of live stock, seed, equipment of farm, and machinery, $6,000, to be immediately available;
For construction of concrete walk, driveways, grading, etc., $10,000;
For the erection of a school hospital, $20,000;
For equipment of hospital, $5,000;
For equipment of laundry, workshop, and school buildings, $5,000.
For general repairs and improvements, $2,000;
In all, $66,300.

The amendment was agreed to.

The next amendment was, on page 46, after line 24, to insert:

For pay of Indian agent at Fort Berthold Agency, $1,800.

The amendment was agreed to.

The next amendment was, on page 48, after line 14, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to sell and convey 640 acres of the lands, together with the buildings and other appurtenances thereunto belonging, heretofore set aside as reservations for the Cheyenne and Arapahoe Agency and the Arapahoe Indian School in Oklahoma; and that he be further authorized to use all or any part of the proceeds of the sale thereof in the erection of new buildings, and in repairs and improvements, at the present Cheyenne Boarding School under the Cheyenne and Arapahoe Agency, Okla., and in the establishment of such day schools as may be required for the said Cheyenne and Arapahoe Indians in Oklahoma; and that the balance of the said proceeds of sale, if there be any, may be utilized in the support and maintenance of the said Cheyenne Boarding School or the said day schools.

The amendment was agreed to.

Mr. CLAPP. Mr. President, while I think of it, at this particular point, the senior Senator from Oklahoma [Mr. OWEN], who is called away, asked me to offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 49, after line 4, it is proposed to insert the following:

That the restrictions on the alienation of any 1 acre of the lands allotted to William Billy and Tom Jack are hereby removed.

Mr. CLAPP. That is for the purpose of allowing those Indians to convey land to a church. They do not know yet from which allotment they will desire to take it. I promised the Senator from Oklahoma that I would present the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Sacs and Foxes of the Mississippi (treaty)," on page 50, line 21, before the word "hundred," to strike out "two" and insert "one;" and in line 23, before the word "thousand,' to strike out "ten" and insert "five," so as to make the clause read:

For interest on $100,000, at 5 per cent, per second article of treaty of October 21, 1837, $5,000.

Mr. CLAPP. It is discovered that that amendment is an error, and I ask that it be rejected.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was rejected.

Mr. CLAPP. Now, on page 51, lines 13 and 14, the committee has proposed an amendment to change the total from fifty-one thousand to one hundred and forty-six thousand dollars. I ask that that amendment be disagreed to.

The VICE-PRESIDENT. The question is on the amendment referred to by the Senator from Minnesota.

The amendment was rejected.

Mr. CLAPP. I now move that lines 13 and 14 on page 51 be stricken out, and that after line 4 on page 51 the words "In all, $51,000" be inserted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 51, after line 12, it is proposed to strike out:

In all, $51,000.

And on the same page, after line 4, to insert:

In all, $51,000.

The amendment was agreed to.

Mr. SUTHERLAND. Mr. President, should not the total be $151,000, in view of the amendment from line 5 to line 13?

Mr. CLAPP. No.

Mr. SUTHERLAND. As I understand, by the amendment, beginning on line 5, and ending at line 12, $100,000 is appropriated. Should not that be included in the total?

Mr. CLAPP. The present idea is that we should restore the House provision, but put it above the amendment of the committee, beginning in line 5.

Mr. CURTIS. Mr. President, I desire to ask if the amendment in lines 21 and 23, on page 50, was rejected?

Mr. CLAPP. Yes.

Mr. CURTIS. Then the item in lines 13 and 14 should be placed after the word "medicine," in line 4, page 51.

Mr. CLAPP. Yes; the total amount should come in there. That is what has been done.

Mr. CURTIS. That is right.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 51, after line 4, to insert:

That the Secretary of the Interior is hereby authorized and directed to pay per capita to the Sac and Fox of the Mississippi tribe of Indians in the State of Oklahoma, the sum of $100,000, out of the trust fund now to their credit in the United States Treasury, under such rules and regulations as he may prescribe: *Provided*, That said payment shall only be made upon application of a majority of the members of said tribes expressed in open council.

The amendment was agreed to.

The next amendment was, under the head of "Five Civilized Tribes," on page 51, line 21, after the word "patents," to insert "therefor;" and in line 22, after the word "dollars," to insert "reimbursable and equitably apportioned," so as to make the clause read:

For special clerical force in the office of the United States Indian agent, Union Agency, and miscellaneous expenses in connection with entering of remittances received in account of payments of town lots and issuance of patents therefor, and conveying same, $6,000, reimbursable and equitably apportioned.

The amendment was agreed to.

The next amendment was, on page 52, line 2, after the date "1906," to insert "and acts amendatory thereto;" and in line 3, after the word "dollars," to insert "reimbursable, to be charged to each lease at the time of its approval, not to exceed $2," so as to make the clause read:

For clerical work and labor connected with the leasing of Creek and Cherokee lands for mineral and other purposes, and the leasing of lands of full-blood Indians under the act of April 26, 1906, and acts amendatory thereto, $40,000, reimbursable, to be charged to each lease at the time of its approval, not to exceed $2.

The amendment was agreed to.

The next amendment was, on page 52, line 8, after the word "dollars," to insert "reimbursable, in each case to be charged to the land involved," so as to make the clause read:

For clerical work and labor connected with the sale of inherited and other lands, Five Civilized Tribes, $15,000, reimbursable, in each case to be charged to the land involved.

The amendment was agreed to.

The next amendment was, on page 52, line 19, after the word "dollars," to insert the following proviso:

Provided, That so much as may be necessary may be used in the employment of clerical force in the office of Commissioner of Indian Affairs.

Mr. KEAN. I ask the reason for that amendment.

Mr. CLAPP. The object of the amendment is suggested by the Department that sometimes they could use some of the force provided for in the office of the Commissioner of Indian Affairs. The work down there might lessen more rapidly than they anticipated, and in that case they could transfer the force to Washington.

Mr. KEAN. I move to strike out the amendment.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 53, line 2, before the word "allotted," to strike out "of" and insert "power of attorney, contract, deed, or agreement to sell any," so as to make the clause read:

To enable the Secretary of the Interior to investigate or cause to be investigated any lease, power of attorney, contract, deed, or agreement to sell any allotted land which he has reason to believe has been obtained by fraud or in violation of the terms of existing agreements with any of the Five Civilized Tribes, as provided by the act approved March 3, 1905, $10,000.

The amendment was agreed to.

The next amendment was, on page 53, line 20, to increase the appropriation for the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole nations from $150,000 to $300,000.

The amendment was agreed to.

The next amendment was, on page 54, line 6, after the words "Secretary of the Interior," to insert:

who is hereby authorized to designate the Commissioner to the Five Civilized Tribes, or other suitable person or persons, to perform, under his direction, any duty now or hereafter required by law of the Sec-

retary of the Interior relating to affairs in the Indian Territory, and to pay from this appropriation clerical and other expenses incident to such work.

So as to make the clause read:

For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, $143,410, said appropriation to be disbursed under the direction of the Secretary of the Interior, who is hereby authorized to designate the Commissioner to the Five Civilized Tribes, or other suitable person or persons, to perform, under his direction, any duty now or hereafter required by law of the Secretary of the Interior relating to affairs in the Indian Territory, and to pay from this appropriation clerical and other expenses incident to such work.

Mr. TELLER. I have a serious objection to that amendment for two reasons. In the first place, it is out of order; but my objection is not simply that it is out of order. It presents a very remarkable proposition; and I think, when Senators look at it, they will see that it is one that ought never to be adopted. I am going to raise the point of order on it. The amendment provides that the Secretary of the Interior is hereby authorized to designate the Commissioner to the Five Civilized Tribes, or other suitable person or persons, to perform, under his direction, any duty now or hereafter required by law.

That amounts to the appointment of a Deputy Secretary of the Interior. The proposition is so absurd that it does not seem to me to need any discussion. It is absolutely out of order; and it is disgraceful, even if it were in order. The proposition that we should authorize the Secretary of the Interior to create somewhere down in the Indian Territory a subofficer with the same grade that he has is simply monstrous. The House knocked it out.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. TELLER. In a moment. The proposition went out on a point of order in the House. It is amenable to a point of order, and that is the easiest way to dispose of it, I think.

Mr. CLAPP. There is an easier way. In reply to the Senator from Colorado, I want to say that I quite agree with him that it is preposterous in this, that it is absolute surplusage. It is already the law; and, for that reason, personally I was averse to reiterating the law in this particular case. I have no objection whatever to the paragraph going out.

Mr. TELLER. I do not care how it goes out, and I will not stop to discuss whether it is the law or not. The fact that the Secretary of the Interior may do this——

Mr. CLAPP. He may do it under existing law.

Mr. TELLER. But he has never been authorized to do it by a statute of this kind. However, if it goes out, that ends the controversy; so there is no use of our discussing it.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Oregon," on page 56, after line 16, to insert:

That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $108,750, or so much thereof as may be necessary, to pay the Indians of the Klamath Agency for the lands conveyed to the California and Oregon Land Company, in accordance with the provisions of the act of June 21 1906 (34 Stat. L., pp. 325, 368), said sum to be deposited in the Treasury of the United States to the credit of said Indians and expended for their benefit in such manner and for such purposes as the Secretary of the Interior may prescribe: *Provided*, That this appropriation shall not be effective until said Indians, through the usual channels, shall execute a release of any claims and demands of every kind against the United States for the land involved.

The amendment was agreed to.

Mr. CLAPP. On page 57, line 15, after the word "pupils," I move to insert "including Alaskan natives."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 57, line 15, after the word "pupils," at the end of the line, it is proposed to insert "including Alaskan natives," so as to read:

For support and education of 600 Indian pupils, including Alaskan natives, at the Indian school, Salem, Oreg., and for pay of superintendent, $102,200.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the head of "South Dakota," on page 58, line 23, to increase the appropriation for the pay of the Indian agent at the Lower Brule Agency, South Dakota, from $1,400 to $1,600.

The amendment was agreed to.

The next amendment was, on page 59, line 2, to increase the appropriation for the pay of the Indian agent at the Pine Ridge Agency, S. Dak., from $1,800 to $2,500.

The amendment was agreed to.

Mr. GAMBLE. On account of the amendments just adopted, there should be an amendment changing the total in line 9, page 59, by striking out the word "eleven" and inserting "twelve," and also striking out the word "five" and inserting "four."

Mr. CLAPP. That is right.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 59, line 9, it is proposed to change the total so as to read:

In all, $12,400.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Rapid City School," on page 60, after line 18, to insert:

For developing the water from the springs on school lands, $5,000.

The amendment was agreed to.

The next amendment was, on page 60, line 23, to increase the total appropriation for the support and education of 250 Indian pupils at the Indian school, Rapid City, S. Dak., etc., from $59,350 to $64,350.

The amendment was agreed to.

The next amendment was, under the subhead "Sioux of different tribes, including Santee Sioux of Nebraska (treaty)," on page 61, line 25, after the word "account," to insert:

that the unexpended balance for the fiscal year 1908 is hereby appropriated and made available for 1909.

So as to read:

And provided further, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account; that the unexpended balance for the fiscal year 1908 is hereby appropriated and made available for 1909.

The amendment was agreed to.

The next amendment was, under the subhead "Confederated bands of Utes (treaty)," on page 65, after line 6, to insert:

The Secretary of the Treasury is hereby authorized and directed to advance, from any money in the Treasury not otherwise appropriated, the interest which would be due on the 4 and 5 per cent trust funds of the Ute tribe of Indians for the fiscal year 1909, amounting to $50,000 and $25,000, respectively, and to place the amount on the books of the Treasury to the credit of the Ute tribe of Indians; and the Secretary of the Interior is authorized to use so much thereof as may be necessary to prevent certain absentee Utes from suffering: *Provided*, That the amount so spent for said Utes shall be charged to their individual accounts.

The amendment was agreed to.

The reading of the bill was continued to the end of line 8, on page 67.

Mr. ANKENY. I wish to offer an amendment at this point. I send it to the desk.

Mr. KEAN. I thought committee amendments only were being considered.

The VICE-PRESIDENT. Is it a committee amendment which the Senator proposes?

Mr. CLAPP. I am willing that it shall be treated as a committee amendment. It may be offered now.

The VICE-PRESIDENT. It can be offered as a committee amendment, the chairman of the committee being willing that it shall be treated as a committee amendment. The Senator from Washington proposes an amendment, which will be stated.

The SECRETARY. Insert after line 8, on page 67, the following:

For the second of five installments to the Indians residing on the Colville Reservation, for the cession by said Indians to the United States of 1,500,000 acres of land opened to settlement by an act of Congress, "To provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes," approved July 1, 1892, being a part of the full sum set aside and held in the Treasury of the United States in payment for said land under the terms of the act approved June 21, 1906, ratifying the agreement ceding said land to the United States under date of May 9, 1891, $300,000, to be expended for the benefit of said Indians in accordance with the provisions of the said act setting aside in the Treasury the money in payment for the land ceded.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the head of "Wyoming," on page 69, after line 8, to strike out:

That all lands allotted to Indians in severalty or reserved for their use in common on the Shoshone or Wind River Reservation, in Wyoming, susceptible of irrigation, may be leased for a term not exceeding twenty years for cultivation under irrigation, in the discretion of the Secretary of the Interior, and he is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary for the purpose of carrying this provision into full force and effect.

Mr. CLARK of Wyoming. I hope the amendment will be disagreed to.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 69, after line 17, to insert:

That the lands allotted to Indians in severalty or reserved for their use in common on the Uintah and Uncompahgre reservations, in Utah,

susceptible of irrigation may be leased for a term not exceeding twenty years for cultivation under irrigation in the discretion of the Secretary of the Interior, and he is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary for the purpose of carrying this provision into full force and effect.

Mr. TELLER and Mr. SUTHERLAND addressed the Chair.

The VICE-PRESIDENT. The Senator from Colorado.

Mr. TELLER. I yield to the Senator from Utah.

Mr. SUTHERLAND. I move to amend by striking out the provision as reported by the committee and inserting in lieu thereof what I send to the desk.

The VICE-PRESIDENT. The Senator from Utah proposes an amendment to the amendment, which will be stated.

The SECRETARY. In lieu of the amendment reported in the bill by the committee it is proposed to insert:

That whenever it shall appear to the satisfaction of the Secretary of the Interior that the allotted lands of any Indian are susceptible of irrigation and that the allottee is unable to cultivate the same or any portion thereof, such lands or such portion thereof may be leased by the Secretary of the Interior with the consent of the allottee for a period not exceeding ten years under such rules and regulations as he may establish.

Mr. SUTHERLAND. Mr. President, the amendment as proposed by the committee provides that lands allotted to Indians on the Uintah and Uncompahgre reservations may be leased for certain purposes for a term not exceeding twenty years. It will be seen that the power conferred upon the Secretary of the Interior is without any limitation whatever. It is entirely left to his arbitrary discretion. I do not think it is wise policy to authorize the Secretary of the Interior to lease any and all allotments of Indians with or without any reason. I think whenever an Indian is unable to work upon his own land it is all right to permit the land, or so much of it as he is unable to cultivate, to be leased. But I do not believe in any policy which will permit an Indian who is able to work to sit on a fence and watch a white man work.

The very object of alloting land to the Indian is to enable him to become self-supporting, to compel him to go to work, and to put upon him the responsibility of an individual. I think the amendment does not accomplish that result. Heretofore, so far as I am aware, no such provision as this has ever been passed. The amendment which I have suggested goes further than existing law. Under existing law the Secretary of the Interior can not lease except in cases where the Indian by reason of age or incapacity can not work. This broadens that provision, and authorizes the Secretary to lease the land whenever the Indian for any reason is unable to work.

Mr. HEYBURN. Mr. President, I hope the Senator from Utah will modify the amendment so as to exclude the reservations in Idaho. I have seen some instances of Indian landlordism and white men working for them, and I do not want any of that in our country. I do not think the amendment should be adopted either as it is reported by the committee or as proposed to be amended. I do not think any amendment should be adopted authorizing the Indians or any one for the Indians to lease their homes for a period of either ten or twenty years or any other number of years.

As has been stated, the purpose of the allotment of lands in severalty was to make them homes to live on, so that the Indians might become the heads of families with permanent residences; that they would have the incentive to build their buildings and fences, put out orchards, and improve their land. Now, if they can lease the land to a nonresident, who will perhaps raise a crop on the land and never see it, while the Indian lives on his income around the suburbs of our cities or where he may——

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. I do not desire to have the amendment apply to the Senator's State if he does not care to have it. I am perfectly willing to modify the amendment so that it shall apply only to the Uintah and Uncompahgre reservations in Utah.

Mr. HEYBURN. I would not presume to interfere by suggestion or otherwise with any legislation that is confined to the State of any Senator, but where legislation is proposed of a general character then I must necessarily look at the whole question.

I was about to say that last season I saw instances where parties outside of the State in which the reservation was located leased large tracts of Indian lands, and sent people in there who lived in covered wagons and tents to raise a crop of beets. They took the crop of beets away, and the Indians have been living on their bank account ever since, and they do not learn to raise beets or anything else. They have just learned to spend the income of a sort of baronial proprietorship, which I do not think tends to build up or elevate the Indians, or promises well for their future.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah to the amendment of the committee.

Mr. SUTHERLAND. I desire to modify the amendment by inserting, after the word "Indian," the words "of the former Uintah and Uncompahgre Indian reservations in Utah."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah, as modified, to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. CLAPP. I offer an amendment to be inserted on page 23, after line 5.

The SECRETARY. On page 23, after line 5, it is proposed to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent in fee to the Board of Missions of the Protestant Episcopal Church of the United States for certain lands heretofore set apart and used for church purposes, and more particularly described as follows: The southeast quarter of section 36, township 4 south of range 34 east of Boise meridian, county of Bingham, State of Idaho, containing 160 acres, more or less, being part of the lands included within the Fort Hall Indian Reservation: *Provided*, That said patent shall not issue until the Indians of said reservation shall have given their consent to the grant through their business committee or council in such manner as the Secretary of the Interior shall provide.

Mr. HEYBURN. I would call the attention of the Senator from Minnesota to the fact that I think the amendment should come in after line 13. It applies to the Fort Hall Reservation.

Mr. CLAPP. Very well; change it to line 13.

The amendment was agreed to.

Mr. CLAPP. I offer an amendment, to be inserted after line 22, on page 23.

The amendment was read and agreed to, as follows:

The unexpended balance of the appropriation for the survey of the Lemhi Reservation, Idaho, in the act approved June 21, 1906, is hereby made available for the fiscal year ending June 30, 1909.

Mr. CLAPP. I offer an amendment, to be inserted after line 6, on page 30.

The amendment was read and agreed to, as follows:

The Secretary of the Interior is hereby authorized to pay to the executive committee of the White Earth band of Chippewa Indians, in Minnesota, the sum of $1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1907, out of the funds belonging to said band.

Mr. CLAPP. I offer the amendment I send to the desk, to be inserted after line 14, on page 51.

The SECRETARY. On page 51, after line 14, it is proposed to insert:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300,000, for the fulfillment of certain treaty obligations to the Mexican Kickapoo Indians for differences arising out of the stipulations of article 4 of the treaty of June 28, 1862, and for all other differences growing out of any and all treaties and agreements heretofore made between said Indians and the United States. Said sum of $215,000 shall be paid by the Secretary of the Treasury as authorized and directed by a majority of the members of said Mexican Kickapoo tribe in council assembled. Such council shall be composed of a majority of those surviving members of said tribe, male and female, heretofore allotted in Oklahoma. The authorization above mentioned and the proceedings of said council shall be attested by a clerk of the United States district court of the Territory of Arizona. Said sum shall be immediately available, and the indorsement of the warrant issued in payment thereof shall be deemed and shall be a receipt in full for all claims of every kind whatsoever of the said Mexican Kickapoo Indians against the United States, and such authorization to the Secretary of the Treasury by said Indians as herein provided shall be considered to be and shall be an acceptance of said sum in final settlement of all claims of every kind whatsoever of the said Mexican Kickapoo Indians against the United States.

Mr. GALLINGER. Mr. President, I should like the Senator to explain the amendment somewhat. Has it been recommended by the Department?

Mr. CLAPP. No, sir. I was going to state to the Senate that the Department is opposed to this measure. The Department was opposed to it last session. Last session, if I remember correctly, we put it on the bill in the form of an amendment.

Mr. TELLER. Yes.

Mr. CLAPP. And it was lost in conference. A statement concerning this matter would necessarily be a very long one, and would go into the history of the tribe. They have a very large claim, as they allege. The committee has gone over it very carefully, and notwithstanding the attitude of the Department, the committee by a majority voted in favor of recommending the payment of $215,000 in final settlement of this claim.

These Indians are known as the Kickapoos, and they have been trying for some time, at least a large number of them, to get into Mexico. Arrangements have been partially made once or twice whereby they could have secured a large tract of land in Mexico had the Government not withheld what it owed them. I am speaking now, not of the $215,000, but money which was actually in the Treasury and which we have heretofore voted to them.

They were further embarrassed by the fact that notwithstanding a plain and direct authorization by Congress to seventeen of them, I think, to dispose of their allotments in Oklahoma, the permission was withheld, and it was brought again to the attention of Congress.

The Senator from Colorado [Mr. TELLER] has given the details of this matter more study than has the chairman of the committee. It is one of those cases where perhaps, without being able to point out specifically the various steps upon which the claim is founded, I for one have no hesitation in standing here and saying that I believe we should pay these Indians this sum of money. My own view would be that we owe them much more than this, but I believe that this granted to them now while their negotiations are pending for land in Mexico which they want, surrounded by conditions much more congenial to them than the conditions of Oklahoma, will enable them to be placed in a position where they will in every way be self-sustaining. They prefer this. A great many of them have been trying for years to get away, insisting that they would not remain in the United States. As I said before, the Senator from Colorado knows all the details. I can only say to the Senate for one that I am thoroughly satisfied that we ought to make this settlement with this tribe of Indians.

Mr. GALLINGER. Mr. President, so far as I am concerned, I do not care to have the time of the Senate consumed unless the Senator from Colorado wishes to make a statement. I recalled the fact that this matter was before Congress last session, and I had an impression that it was voted upon adversely in the Senate. The Senator from Minnesota says it was defeated in conference. I take the Senator's word.

Mr. TELLER. I should like to say to the Senator that the committee has twice reported this favorably heretofore. This is the third time. I do not want to discuss it. It would take an hour or two.

Mr. GALLINGER. If this amendment should become law, it would be a final adjustment with these Indians?

Mr. TELLER. A final adjustment.

Mr. GALLINGER. The amendment provides that they shall relinquish all claims against the Government.

Mr. TELLER. Everything. I join with the Senator from Minnesota in saying that I think they would recover if they went into court for three or four times this amount. I say that as a lawyer, having examined the case during the last four or five years.

Mr. GALLINGER. They would have rights in court if this was denied to them?

Mr. TELLER. They need something right now. It is a question of life or death. I shall be content if we can have a vote on the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. BURKETT. I offer the amendment I send to the desk.

The SECRETARY. On page 11, after line 2, it is proposed to insert:

For the erection of a warehouse for the Indian Service at Omaha, Nebr., on land now owned by the Government of the United States and used in part by the Quartermaster-General of the Army and known as the "old corral," $100,000.

The amendment was agreed to.

Mr. CLARK of Wyoming. I move the adoption of the amendment I send to the Clerk's desk.

The SECRETARY. On page 70, after line 18, it is proposed to insert:

That the Secretary of the Interior is hereby authorized to issue to the Bureau of Catholic Indian Missions a patent for and covering the following described lands, amounting approximately to 311 acres, now and for many years reserved and occupied by the said Bureau of Catholic Indian Missions as an Indian school, to wit: All of the south half of section 9 lying north of the Big Popoagie River; that part of the west half of the southwest quarter of section 10 west of the Big Popoagie River, and that part of section 16 north of the Big Popoagie River; all in township 1 south, range 4 east of the Wind River meridian, on the Wind River Reservation, in Wyoming: *Provided*, That the said patent shall not issue until the Indians of the said reservation have given their consent to the grant through their business committee or council in such manner as the Secretary of the Interior shall provide.

The amendment was agreed to.

Mr. FULTON. On page 57, at the end of line 15, I move to insert the words:

Including Alaskan Indians.

Mr. KEAN. Those words have been put in.

Mr. CLAPP. That has already been done.

Mr. FULTON. If it has been I am very glad to know it. I asked the Senator from Minnesota a while ago.

Mr. CLAPP. I thought at the time the Senator asked me in reference to another matter.

Mr. FULTON. Of course I accept his statement now.

Mr. STONE. I propose the amendment I send to the desk.

The SECRETARY. On page 53, after line 13, it is proposed to insert:

That contracts by and between persons stricken by the Secretary of the Interior from the final rolls of the Five Civilized Tribes and attorneys employed by them to secure their restoration to the rolls be, and the same hereby are, when approved by the Secretary of the Interior, declared valid and enforceable in the event of the restoration of said persons to the rolls as against allotted lands or tribal funds of the persons so restored to the rolls.

Mr. KEAN. Let me hear the amendment read again.

The VICE-PRESIDENT. The amendment will again be read at the request of the Senator from New Jersey.

The Secretary again read the amendment.

Mr. KEAN. I should think this a very dangerous amendment, and I raise the point of order against it. It is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment does propose general legislation and is, therefore, subject to the point of order.

Mr. STONE. The Chair holds it to be subject to the point of order?

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. STONE. I suppose it is subject to the point of order. I wish to say, however, that it is an amendment which the chairman of the committee and others who are familiar with the facts thought ought to be incorporated in the bill. I think the Senator from New Jersey has not looked into it and makes his objection probably without a knowledge of the facts. I hope he will withdraw the point of order.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. STONE. I do.

Mr. CLAPP. The amendment is subject to the point of order, no doubt, but the facts are that contracts have been made, and I understand several people have been placed on the roll as the result of the litigation and the work of counsel. But the Secretary has no authority at present to approve and make those contracts valid. This leaves it entirely with the Secretary of the Interior. It gives no life or force to the contracts until he does approve them. But it does give him authority, where he feels that they have been justly earned, to validate them by his approval. While it is subject to the point of order, I think it is a proper amendment.

Mr. STONE. I will say further to the Senator from New Jersey that about the close of Mr. Hitchcock's term as Secretary of the Interior a number of Indians were stricken from the roll—it was thought arbitrarily and without good reason. Suits were brought for a number of them in the courts here in the District, and the judgments were in favor of the Indians.

Mr. KEAN. I can not help but yield to the persuasive words of the Senator from Missouri, and also of my friend from Minnesota. I will withdraw the point of order. I think it is bad legislation, nevertheless.

The VICE-PRESIDENT. The Senator from New Jersey withdraws the point of order. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. OWEN. On page 54, after line 13, I move to insert the words:

Provided, That the work shall be completed by May 1, 1909.

The VICE-PRESIDENT. The committee amendment at that point in the bill has been stricken out.

Mr. OWEN. After the word "Interior," on page 54, line 6, I move to insert those words. I was out of the Chamber at the time the amendment was acted upon.

Mr. CLAPP. I see no objection whatever to the amendment.

The VICE-PRESIDENT. Will the Senator from Oklahoma kindly restate his amendment?

Mr. OWEN. On page 54, line 6, after the words "Secretary of the Interior," insert the words "said work to be completed by May 1, 1909."

Mr. CLAPP. While the Department has not been consulted on that question, still, as it goes beyond the full term of another session, in which we can further extend the time if we find it absolutely necessary, I see no objection myself to the amendment.

Mr. CURTIS. Mr. President, the record will show that Congress has repeatedly tried to enact legislation to compel the Commission to the Five Civilized Tribes to complete their work, and I have been heartily in favor of such legislation. We provided in the appropriation act of 1904 that the work should be completed by July, 1905. I would support the Senator's amendment if he would fix the date July 1, 1909, because we appropriate money for the full year.

Mr. OWEN. I agree to that.

The VICE-PRESIDENT. The Senator from Oklahoma can modify his amendment.

Mr. OWEN. I make that modification.

The VICE-PRESIDENT. The amendment will be stated as modified.

The SECRETARY. On page 54, line 6, after the words "Secretary of the Interior," insert the words "Said work to be completed before July 1, 1909."

The amendment was agreed to.

Mr. TELLER. I desire to offer an amendment. I submitted it this morning. It is simply for printing some rolls.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 54, after the amendment just agreed to, in line 13, insert as a separate paragraph the following:

That the Secretary of the Treasury and the Secretary of the Interior be, and they are hereby, authorized and directed to, immediately upon the approval of this bill, transmit to the Public Printer either the original or a true and correct copy of the original of each and every roll of the Choctaw and Chickasaw Indians now in the possession and custody of either of said Departments, or of any bureau, division, or commission thereof or thereunder, prepared by United States officers, agents, or representatives during the years 1830 to 1890, inclusive; and the Public Printer is hereby directed to, immediately upon the receipt of said rolls, print 125 copies of same, 25 copies to be for the use of the Department, 50 copies for the use of the Senate, and 50 copies for the use of the House of Representatives, and the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys now in the Treasury of the United States not otherwise appropriated, to pay the expense of printing said rolls.

Mr. OWEN. Mr. President, I feel obliged to make a point of order against the amendment.

The VICE-PRESIDENT. What is the point of order?

Mr. CURTIS. It is undoubtedly general legislation and changes existing law.

The VICE-PRESIDENT. The Chair is of the opinion that the proposed amendment is contrary to the rule, and the Chair sustains the point of order against it.

Mr. OWEN. On page 53, after line 13, I move to insert:

That the Secretary of the Interior be, and is hereby, authorized, if after investigation he believes such action justified, to pay Samuel Brown $7,388.94 from any fund in the Treasury of the United States to the credit of the Creek Nation.

I have a report from the Interior Department, recommending this legislation, which I send to the desk.

Mr. KEAN. As I understand the amendment, it provides that the payment shall be made out of the fund of the Creek Nation.

The VICE-PRESIDENT. That is the fact. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE-PRESIDENT. What disposition does the Senator from Oklahoma desire to have made of the communication from the Interior Department?

Mr. OWEN. I wish to have it sent to the Committee on Indian Affairs.

The VICE-PRESIDENT. It will be so referred.

Mr. CURTIS. In view of the fact that the amendment has been agreed to, I suggest that the report be printed in the RECORD.

Mr. OWEN. I agree to that.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 26, 1908.

Hon. MOSES E. CLAPP,
Chairman of Committee on Indian Affairs, United States Senate.

SIR: I have received, by your informal reference, draft of an item of legislation regarding a claim of Samuel W. Brown against the Creek Nation of Indians, and make the following report thereon.

Samuel W. Brown was treasurer of the Creek Nation during the years 1884, 1885, 1886, and 1887, and it is represented that during this period he collected $14,499.12 and paid out $29,302.40, leaving a balance due him of $14,803.28. The claim was investigated by a representative of the Department, who reported as follows:

"It was presumed that when this claim was presented we might be able to find some trace of the records of the nation during the time Mr. Brown was acting as treasurer, but after several conferences with Messrs. Mars & Mars, his attorneys, and Principal Chief Porter, I am led to the conclusion that no records can be located, and the only evidence that can be produced is now presented in the shape of affidavits from various parties who claim to have some knowledge of the facts obtained from his books before they were mislaid or destroyed.

"It therefore becomes simply a matter of faith in the statements of the officers of the Creek Nation, whose affidavits are presented, and the act of the national council asking for the appropriation of $7,388.94 as a compromise in settlement for the claim presented."

Mr. Brown submitted his claim to the Creek national council, and that body, as a result of a compromise on a 50 per cent basis, passed an act which was approved by the principal chief on November 4, 1905, making an appropriation of $7,388.94, which was forwarded to the Department for submission to the President.

On the showing made, the claim being solely supported by affidavits, the Department did not feel justified on that character of evidence in recommending the approval of the act, and on May 10, 1907, recommended that the President disapprove the act, which was accordingly done on May 13, 1907.

Under the provisions of the act of Congress, approved April 26, 1906 (34 Stat. L., 137), the Department has authority (section 11) to pay all valid claims against the Creek Nation contracted after July 1, 1902, but there is no authority of law for the payment of this claim, and as I would have no objection to the payment of the amount of the claim if satisfactory evidence of its justification were furnished, I recommend that the draft submitted by you, which reads:

"That the Secretary of the Interior be, and he is hereby, authorized to pay S. W. Brown $7,388.94 from any funds in the Treasury of the United States to the credit of the Creek Nation,"

be amended so as to read:

"That the Secretary of the Interior be, and he is hereby, authorized, if after investigation he believes such action to be justified, to pay to Samuel W. Brown $7,388.94 from any funds in the Treasury of the United States to the credit of the Creek Nation."

If amended as suggested, I recommend that the draft be enacted into law.

Respectfully,

FRANK PUREE,
Acting Secretary.

Mr. OWEN. After the amendment just agreed to I move to insert the following:

That the Secretary of the Interior is hereby authorized and directed to pay to D. H. Johnson the sum of $3,000, in full of his salary as governor, in accordance with the act of the Chickasaw legislature.

This item has not been reported on by the Department.

Mr. KEAN. May I ask the Senator from Oklahoma from what fund it is to be paid?

Mr. OWEN. It is to be paid from the Chickasaw fund for service rendered to the Chickasaw Nation in pursuance of an act of their legislature.

Mr. KEAN. The amendment does not so provide.

Mr. OWEN. It comes as a matter of course.

Mr. KEAN. Unless it is so provided, I must make the point of order on the amendment.

Mr. OWEN. I will modify the amendment to that effect.

Mr. KEAN. If the payment is to be made from the Treasury, it is subject to a point of order.

Mr. OWEN. I will amend it so as to provide that the payments shall be made from the Chickasaw fund.

The VICE-PRESIDENT. The Senator can modify his amendment.

Mr. KEAN. Certainly; and I have no objection to it as modified.

Mr. OWEN. I add the words, "to be paid from the Chickasaw fund."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma as modified.

The amendment as modified was agreed to.

Mr. OWEN. On page 52, line 3, I move to strike out the words "reimbursable, to be charged to each lease at the time of its approval, not to exceed $2."

The VICE-PRESIDENT. The Chair would suggest that the amendment of the committee has already been agreed to, and it would be necessary to reconsider the vote by which it was adopted.

Mr. OWEN. I move a reconsideration of the vote. I was out of the Chamber when it came up.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. OWEN. With pleasure.

Mr. CLAPP. The committee considered that matter. This is work that is done for the particular individuals, and the committee felt that it was no more than proper that if it should be done by the Department, instead of their hiring some one else to do it, they should pay for it. That is the explanation the committee has to offer for the use of the words. Personally I should be in favor of its being reimbursable.

The VICE-PRESIDENT. The Senator from Oklahoma moves to reconsider the vote by which the amendment was agreed to.

Mr. CLAPP. It is proper to say that the Senator from Oklahoma, at the time of the action of the committee, reserved the right to oppose the amendment in the Senate.

The motion to reconsider was not agreed to.

Mr. OWEN. I make a point of order against those words because it is general legislation, and because it proposes on its face to establish a system of charges against the citizens of that country which is not authorized by existing law.

The VICE-PRESIDENT. The Chair would suggest that the amendment is not now subject to the point of order. The point of order may be interposed after the bill reaches the Senate, and in order to do that the amendment may be reserved when the bill is reported to the Senate.

Mr. OWEN. I reserve the point of order, then, upon that amendment and upon the words "reimbursable, in each case to be charged to the land involved," on page 52, line 8.

The VICE-PRESIDENT. It will be necessary to make the reservation when the bill comes into the Senate.

Mr. HEYBURN. The Senate recently passed a bill creating a national park out of a part of the Coeur d'Alene Indian Reservation, and the bill as passed did not include the appropriation to pay for the land at a dollar and a quarter an acre. The Department has estimated the land, and I offer as an amendment, on page 22, after line 19, in the provisions affecting the Coeur d'Alene Indians, the bill for the creation of the park and the appropriation for the payment of the Indians.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 22, after line 19, insert:

That the following subdivisions now embraced in the Coeur d'Alene Indian Reservation in Idaho—to wit, sections 1, 2, and 12, township 46 north, range 4 west, Boise meridian; sections 35 and 36, township 47 north, range 4 west, Boise meridian; all of those portions of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, township 46 north, range 3 west, Boise meridian, lying south and west of the St. Joe River in said township; all of those portions of sections 31 and 32, township 47 north, range 3 west, Boise meridian, lying south and west of the St. Joe River in said township—are reserved and withdrawn from allotment and settlement and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people; and all persons who locate or settle upon or occupy any part of the land thus set apart as a public park, except as provided in the following section, shall be considered trespassers and removed therefrom.

That such public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within the park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes, for terms not exceeding ten years, of small parcels of ground at such places in the park as may require the erection of buildings for the accommodation of visitors; all of the proceeds of such leases and all other revenues that may be derived from any source connected with the park to be expended under his direction in the management of the same and the construction of roads and bridle paths therein. He shall provide against the wanton destruction of the fish and game found within the park and against their capture and destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally is authorized to take all such measures as may be necessary or proper to fully carry out the objects and purposes of this section.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $8,585, to be deposited in the Treasury as part of the fund belonging to the Coeur d'Alene and nonfederated tribes of Indians, for their use and benefit, to be distributed in the manner provided for the funds of said Indians, and no rules and regulations shall ever make discrimination between said Indians and other persons as to the right to enter upon and enjoy the national park hereby created.

The Secretary may, in his discretion, grant permits for any use of the national park hereby created or its resources which will not interfere with the purpose for which it was created or which will make it more accessible and usable by the public; all of the proceeds of such permits and all other revenue that may be derived from any source connected with the park to be expended under his direction in the management, protection, and improvement of the same.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

Mr. DIXON. I propose an amendment. I wish to state in explanation of the amendment that it is a bill which passed the Senate two months ago, but, owing to the congested condition at the other end of the Capitol, they have not been able to get action on it there. It was unanimously reported from the committee and recommended by the Department, and there is no possible objection to it that I know of.

Mr. KEAN. What is the amendment?

Mr. DIXON. It is to amend the old Flathead Reservation act, opening the Flathead Reservation to settlement, which was passed four years ago.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 36, after line 12, insert:

That section 9, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be, and the same is hereby, amended to read as follows:

"SEC. 9. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars, as defined and prescribed in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by the said Commission, but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-third of the appraised value in cash at the time of entry, and the remainder in five equal annual installments, to be paid one, two, three, four, and five years, respectively, from and after the date of entry, and shall be entitled to a patent for the lands so entered upon the payment to the local land officers of said five annual payments, and in addition thereto the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is $1.25 per acre, and no other and further charge of any kind whatsoever shall be required of such settler to entitle him to a patent for the land covered by his entry: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and canceled: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed by said Commission, receiving credit for payments previously made: *Provided, however*, That the entryman or owner of any land irrigable by any system hereunder constructed under the provisions of section 14 of this act shall in addition to the payment required by section 9 of said act be required to pay for a water right the proportionate cost of the construction of said system in not more than fifteen annual installments, as fixed by the Secretary of the Interior, the same to be paid at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid.

"The entryman of lands to be irrigated by said system shall in addition to compliance with the homestead laws reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay the charges apportioned against such tract. No right to the use of water shall be disposed of for a tract exceeding 160 acres to any one person, and the Secretary of the Interior may limit the areas to be entered at not less than 60 nor more than 160 acres each.

"A failure to make any two payments when due shall render the entry and water-right application subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys paid thereon. The funds arising hereunder shall be paid into the Treasury of the United States and be added to the proceeds derived from the sale of the lands. No right to the use of water for lands in private ownership shall be sold to any landowner unless he be an actual bona fide resident on such land or occupant thereof residing in the neighborhood of such land, and no such right shall permanently attach until all payments therefor are made.

"All applicants for water rights under the systems constructed in pursuance of this act shall be required to pay such annual charges for operation and maintenance as shall be fixed by the Secretary of the Interior, and the failure to pay such charges when due shall render the water-right application and the entry subject to cancellation, with the forfeiture of all rights under this act as well as of any moneys already paid thereon.

"The Secretary of the Interior is hereby authorized to fix the time for the beginning of such payments and to provide such rules and regulations in regard thereto as he may deem proper. Upon the cancellation of any entry or water-right application, as herein provided, such lands or water rights may be disposed of under the terms of this act and at such price and on such conditions as the Secretary of the Interior may determine, but not less than the cost originally fixed.

"The land irrigable under the systems herein provided, which is owned by or has been allotted to Indians in severalty, shall be deemed to have a right to so much water as may be required to irrigate such lands without cost to the Indians so long as the title, legal or equitable, remains in said Indians; but any such lands leased for a longer term than three years shall bear their pro rata share of the cost of the operation and maintenance of the system under which it lies, and when the Indian title is extinguished such lands shall also bear their pro rata cost of operation and maintenance, in accordance with the laws of Montana.

"When the payments required by this act have been made for the major part of the lands irrigable under any system, and subject to charges for construction thereof, the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior, subject to the provisions hereof for the furnishing of water rights for the irrigation of Indian lands without cost except for operation and maintenance.

"A right to the use of water acquired under the provisions of this act shall be appurtenant to the lands irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

"The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect."

That section 14 of said act be, and the same is hereby, amended to read as follows:

"SEC. 14. That the proceeds received from the sale of said lands in conformity with this act shall be paid into the Treasury of the United States, and after deducting the expenses of the Commission, of classification and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the land, shall be expended or paid, as follows: So much thereof as the Secretary of the Interior may deem advisable in the construction of irrigation systems, for the irrigation of the irrigable lands embraced within the limits of said reservation; one half of the money remaining after the construction of said irrigation systems to be expended by the Secretary of the Interior as he may deem advisable for the benefit of said Indians in the purchase of live stock, farming implements, or the necessary articles to aid said Indians in farming and stock raising and in the education and civilization of said Indians, and the remaining half of said money to be paid to said Indians and persons holding tribal rights on said reservation, semiannually as the same shall become available, share and share alike."

The amendment was agreed to.

Mr. OWEN. I move to insert on page 52, after line 14, "To pay Dr. G. W. Harkins the sum of $634.15 for professional services in the suppression of smallpox."

Mr. KEAN. Out of some fund?

Mr. OWEN. It will come out of the funds of the United States.

The VICE-PRESIDENT. The Secretary will read the amendment.

Mr. GALLINGER. It is not necessary to read the amendment if it is to be paid out of the funds of the United States, as the Senator says it is. A private claim is not allowable on an appropriation bill. I make a point of order against the amendment

Mr. OWEN. I think the point of order is well taken, Mr. President.

The VICE-PRESIDENT. The Chair sustains the point of order.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole. The Chair understands that the Senator from Oklahoma desires to reserve two amendments.

Mr. OWEN. I wish to reserve the amendment made as in Committee of the Whole inserting on page 52, line 3, after the word "dollars," the words "reimbursable, to be charged to each lease at the time of its approval, not to exceed $2," and also on page 52, line 8, inserting the words "reimbursable, in each case to be charged to the land involved."

The VICE-PRESIDENT. Those amendments will be reserved. The question is on concurring in the amendments made as in Committee of the Whole aside from those reserved by the Senator from Oklahoma.

The amendments were concurred in.

Mr. OWEN. I now make a point of order against the reserved amendments.

Mr. CLAPP. While I doubt very much whether it is a good point, in view of the balance of the legislation, as the Senator from South Carolina [Mr. TILLMAN] is anxious to take the floor, I will consent to their going out.

The VICE-PRESIDENT. The question is on concurring in the amendments inserting on page 52, after the word "dollars," in line 3, the words "reimbursable, to be charged to each lease at the time of its approval, not to exceed $2," and on the same page, in line 8, after the word "dollars," inserting "reimbursable, in each case to be charged to the land involved."

The amendments were nonconcurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CHOCTAW-CHICKASAW CITIZENSHIP COURT.

Mr. TILLMAN. I ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Whereas there appears in the CONGRESSIONAL RECORD of February 11, 1908, at page 1934, in relation to the Choctaw-Chickasaw citizenship court, the following statement:

"It is alleged that the members of that court were bribed and received as a consideration for their decisions a part of the fee paid these attorneys. Counsel for claimants are reliably informed that the Secretary of the Interior now has in his possession positive proof of the bribery of certain members of that court, said proof setting forth the amount paid certain members of that court, the time and place the payments were made, and the manner of the payments. This evidence has been in the possession of the Secretary of the Interior for more than three months and yet no investigation, so far as counsel for claimants have been able to ascertain, has been inaugurated and no proceedings have been instituted calculated to bring these guilty persons before the bar of justice, although the time in which they can be criminally prosecuted is rapidly expiring:" Therefore,

Resolved by the Senate, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what foundation there is for such charges, and to transmit to the Senate all correspondence, affidavits, evidence, papers, and information pertaining or appertaining thereto.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution just read?

Mr. WARREN. If I heard the resolution rightly, there is in the preamble a rather severe arraignment of the Secretary of the Interior, and I should say a resolution of that kind had better lie over.

Mr. TILLMAN. It is simply a request for information.

Mr. WARREN. That part of it is all right, but if I heard it aright, there is a statement that he has had this proof in his possession so long, has failed to move, and so forth.

Mr. TILLMAN. If it were not for that there would be no resolution at all. It is to have the Secretary answer to the Senate and to the country for this accusation against his official administration of the office.

Mr. WARREN. I will ask that the resolution may go over. I may want to offer an amendment to it.

The VICE-PRESIDENT. Objection is made to the present consideration of the resolution, and it will go over.

BRANCH LIBRARY IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 1476) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HEYBURN. Mr. President, I have heretofore objected to the consideration of this bill for the reason that the offer on the part of Mr. Carnegie to contribute $30,000 toward the construction of this library is accompanied by a condition that at least $3,000 per year for an indefinite period shall be provided as a maintenance fund.

I desire that it shall be understood that if the Government is going to match pennies with Mr. Carnegie it must be prepared to make good. I am on principle opposed to the Government of the United States accepting gifts of this kind. I believe that if we need a library it should be built and the appropriation should be made out of the General Treasury, and I stand ready to vote for that; but I am opposed to accepting a contribution from anyone on condition that the Government shall forever maintain it at an expense of not less than $3,000 a year.

We are going to accept a burden here of $3,000 a year. Putting it for fifty years—for that is not a very long time—by accepting this $30,000 as a contribution toward building a library for the use of the people of the District of Columbia, we obligate ourselves to pay $150,000 for maintaining it. That is the condition stated in the letter. I have seen it and read it, and it is printed in the report of the House committee on this subject.

With this statement I have no further opposition to make, although I object to such legislation.

Mr. GALLINGER. Mr. President, I will simply say that the Senator might have extended the time to a thousand years instead of fifty and made this a much greater burden. It will cost the Government of the United States $1,500 and the government of the District of Columbia $1,500 a year. Takoma Park is a thriving community, several miles from the center of the great city of Washington. The citizens have contributed a very desirable lot on which to erect this library, and they are going to get the money precisely as we got the money for our municipal library in Washington. I trust sincerely that there may be no very serious opposition to the passage of this bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TREATY WITH MEXICAN KICKAPOO INDIANS.

Mr. BRANDEGEE. I present a statement made before the subcommittee of the Senate Committee on Indian Affairs February 13, 1908, relative to the bill (S. 4735) to fulfill treaty stipulations of the treaty of June 28, 1862, and other treaty agreements with the Kickapoo Indians. I move that it be printed as a document.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, March 2, 1908, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 28, 1908.

UNITED STATES ATTORNEY.

William L. Day, of Ohio, to be United States attorney for the northern district of Ohio.

POSTMASTERS.

INDIANA.

Winfield S. Hunter to be postmaster at Jasper, Dubois County, Ind.

Joseph S. Smith to be postmaster at North Vernon, Jennings County, Ind.

OHIO.

Frederick G. Withoft to be postmaster at Dayton, Montgomery County, Ohio.

OKLAHOMA.

George W. Ferguson to be postmaster at Watonga, in the county of Blaine and State of Oklahoma.

Newton S. Figley to be postmaster at Hastings, Comanche County, Okla.

Frank McCartney to be postmaster at Nowata, Nowata County, Okla.

J. W. Randall to be postmaster at Blackwell, Kay County, Okla.

PENNSYLVANIA.

Albert Secor to be postmaster at Sheffield, Warren County, Pa.

Fred S. Trowbridge to be postmaster at Great Bend, Susquehanna County, Pa.

SOUTH DAKOTA.

Sarsfield P. Malone to be postmaster at Huron, Beadle County, S. Dak.

TEXAS.

J. O. Brown to be postmaster at Coleman, Coleman County, Tex.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 28, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PAY OF ENLISTED MEN, ETC.

Mr. DALZELL. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred the order of the House, No. 4, have had the same under consideration and herewith report the same with the recommendation that it be agreed to.

"*Ordered*, That during the consideration in Committee of the Whole House on the state of the Union of the bill making appropriation for the support of the Army for the fiscal year ending June 30, 1909, it shall be in order to offer and consider, with right of amendment, at the end of the paragraph relating to pay of enlisted men, the following provisions: From line 12, page 6, to line 23, page 10."

Mr. DALZELL. Mr. Speaker, on that I ask the previous question.

The previous question was ordered.

Mr. DALZELL. Mr. Speaker, the matter in the Army appropriation bill, from line 12 on page 6 to line 23 on page 10, relates to the increase in the pay of privates and noncommissioned officers. It was stricken out yesterday on a point of order as being new legislation; but the debate clearly disclosed that a very large majority of the House were in favor of the proposition, and the Committee on Rules feel that in reporting this rule they are simply permitting the Members of the House to carry out what is their wish in the premises. This is a unanimous report from the Committee on Rules.

Mr. WILLIAMS. Mr. Speaker, it is unnecessary to add anything to what the gentleman from Pennsylvania has said. This is a unanimous report from the Committee on Rules, recommending that the House be given an opportunity to pass upon this proposition. The right of amendment is reserved in the rule, and we were of the opinion that it was good legislation; and although we had some slight objection to that method of legislating, yet we thought that under the circumstances the end would justify the means.

Mr. SULZER. Mr. Speaker, just a minute to say I trust this rule will be adopted. As a member of the Military Affairs Committee I am very much in favor of this legislation for our soldiers, and I believe the taxpayers of the country generally favor at this time an increase in the pay of the enlisted men of the Army in accordance with the provisions of the Army appropriation bill which were stricken out on a point of order yesterday. The adoption of this rule will put back in the bill those provisions.

Mr. Speaker, I desire to say further that I am very glad, personally, to hear the gentleman from Pennsylvania [Mr. DALZELL] inform the House that the Committee on Rules has complied, in reporting this rule, with the sentiments of a majority, as they think, of the membership of this House, and I express the hope that the Committee on Rules will hereafter always comply with the expressed will of a majority of the Members of the House. If they only would do this in all cases, we would be able to pass some legislation most devoutly desired by the great majority of the people of this country.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

INTERNATIONAL CONGRESS ON TUBERCULOSIS.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution No. 5.

The SPEAKER. The gentleman from Vermont asks unanimous consent for the present consideration of a concurrent resolution which will be reported by the Clerk.

The Clerk read as follows:

Whereas an International Congress on Tuberculosis will meet in Washington in September, 1908, the same being the Sixth International Congress on Tuberculosis, and the first to be held in America; and

Whereas seven of the nine Departments of the Federal Government have petitioned Congress for the authority and means to participate in this congress; and

Whereas the governors of twenty-eight States of the United States have authorized the participation of their several States in this congress; and

Whereas the National Association for the Study and Prevention of Tuberculosis has provided the necessary means and created a special committee to secure the participation of voluntary and private interests in the coming International Congress on Tuberculosis; and

Whereas preceding international congresses occurring in other countries in the past fifteen years have been held under governmental auspices, and delegates from the United States have participated therein as guests of foreign governments: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Department of State be, and is hereby, authorized to invite the Governments of other countries, through their ministries, to send representatives to the International Congress on Tuberculosis to be held in Washington, September 21 to October 12, 1908.

Mr. DALZELL. Mr. Speaker, reserving the right to object——

Mr. MANN. I wish to make the point of order that we can not do by concurrent resolution what is proposed to be done here.

The SPEAKER. The gentleman makes the point of order that the object desired can not be reached by a concurrent resolution. It has occurred to the Chair that that is a matter for the House to determine.

Mr. MANN. Perhaps that is correct, but I think it is a matter worthy of consideration. A concurrent resolution is a resolution directed solely to matters within the control of the House and the Senate alone. A joint resolution is a resolution that requires the approval of the President, or permits, at least, his disapproval. Here is a proposition by concurrent resolution to direct the Secretary of State to do something without giving to the President an opportunity to approve it or disapprove it; in other words, it is an attempt by concurrent resolution to enact law.

Now, the universal rule of parliamentary law would provide that if this action be taken it must be taken in the form of a joint resolution or bill. It is not merely a matter of discretion of the House, because it goes to the right of the House by concurrent resolution to direct an officer of the Government to do something which would have the effect of law; and while it is true that the officer of the Government might not be bound by the resolution, and while it is undoubtedly true the resolution would give to the Secretary of State no authority which he does not now possess, it seems to me it is subject to a point of order when you endeavor to do something by concurrent resolution which the House and Senate have not the power to do.

Mr. TAWNEY. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. TAWNEY. Does the gentleman from Illinois claim that the House and Senate, acting concurrently, do not have the power to direct an executive officer to do anything within the law?

Mr. MANN. They may direct the officer of the law or the Department of State to report something to Congress, but they can not by concurrent resolution authorize him to do anything which the law does not now permit him to do.

Mr. DALZELL. Mr. Speaker, I did not notice the language of the resolution, but does it mean anything more or less than sentiment on the part of the two Houses? Is the Secretary of State "directed," or is he simply "requested," by the language of the resolution?

Mr. MANN. He is "authorized." I take it the very purpose of the resolution is to base an appropriation upon it. If the resolution is passed and be law, it is sufficient to base an appropriation upon. I do not know that there is any objection to it.

Mr. TAWNEY. If that is the case, it certainly should be a joint resolution—if it authorizes or creates an obligation on the part of the United States.

Mr. FOSTER of Vermont. We are not asking any appropriation.

Mr. MANN. I do not know in what shape this may be on the Speaker's desk. I hold in my hand the printed copy of the resolution as being reported to the House, and it appears to be a resolution introduced by Mr. GALLINGER. There is no Mr. GALLINGER in the House.

Mr. DALZELL. This is a Senate resolution.

Mr. MANN. But I hold in my hand a printed resolution showing that it was introduced by Mr. GALLINGER and not showing that it has passed the Senate, and I take it from the printed resolution that the Committee on Foreign Affairs probably has reported into the House favorably a resolution introduced by the Senator in the Senate.

Mr. FOSTER of Vermont. The resolution I call up, Senate resolution No. 5, was passed by the Senate, came here and was reported unanimously by the Committee on Foreign Affairs. I do not understand that its purpose is to lay the foundation for an appropriation. The National Association for the Study and Prevention of Tuberculosis has raised by private subscription something over $50,000 to defray the expenses of this congress. All the bills have been paid up to date and there is now in the treasury something like $39,000.

Mr. MANN. Will the gentleman state that it is not the intention to make a request for an appropriation based upon the passage of this resolution?

Mr. FOSTER of Vermont. I do so state. I am so informed. I have a letter in my hand which, if the House desires to have read, I shall be glad to send to the Clerk's desk. This congress met heretofore in Paris, Naples, Berlin, London, and again in Paris in 1905. At that time it was considered a great honor when the delegates from the United States to that congress succeeded in getting the congress to vote to come here. The congress insisted that it could not accept the invitation because it did not come in any way from the National Government. But finally that objection was overruled, in view of the fact that Congress was not in session and no such invitation could be had at that time. Assurance was given that Congress undoubtedly would take action.

This is an international congress. When it met in Paris, in 1905, it was practically the guest of the Republic of France. But all these representatives of the national organization ask is that this formal invitation be extended, in order that the technical objection may be overcome and the meeting here have the form of an international gathering. This seems to be necessary in order to secure the presence of many distinguished physicians who are authority on subjects to be discussed by the congress.

Mr. MANN. Does the gentleman say that the Secretary of State has no authority now to extend such an invitation on behalf of the Government without the passage of a resolution by Congress?

Mr. FOSTER of Vermont. I am so advised.

Mr. MANN. Does the gentleman think that the passage of a concurrent resolution, having no force beyond the confines of the Capitol, would confer the authority upon the Secretary of State which he does not now possess?

Mr. FOSTER of Vermont. Mr. Speaker, I ask to amend the resolution by making it a joint resolution. I think perhaps the point is well taken.

The SPEAKER. First, is there objection to its consideration?

Mr. MANN. Let me ask the gentleman one more question, if I may. I have the print of this resolution as reported into the House. It has the appearance of a resolution introduced into the Senate and reported into the House without ever having been passed by the Senate. Has the resolution passed the Senate?

The SPEAKER. The Chair is informed that in a moment the original official copy will be present.

Mr. MANN. Mr. Speaker, if the gentleman desires to amend his resolution and make it a joint resolution, I will withdraw the point of order.

The SPEAKER. The concurrent resolution is properly before the House, if there be no objection to its consideration. [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, if the gentleman proposes to amend, I will withdraw the point of order. Otherwise I would like a ruling.

Mr. FOSTER of Vermont. Mr. Speaker, I ask to amend the resolution.

Mr. HEPBURN. Mr. Speaker, I desire to ask one question. Does changing the form, as the gentleman now proposes, change the character of the resolution? Clause 3 of section 7 of the Constitution reads as follows:

> Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary * * * shall be presented to the President of the United States.

It seems to me that under that section in either event, if the action of both Houses is necessary, it must go to the President.

Mr. DALZELL. Mr. Speaker, I would say to my friend from Iowa that that question of the difference between a concurrent resolution and a joint resolution and the necessity for the signature of the President was discussed a great many years ago, and there is a very elaborate report on it in the Senate. While it does not seem to me that the language admits of any other interpretation, nevertheless it has been the practice for a great many years to submit those concurrent resolutions to the Senate.

Mr. FOSTER of Vermont. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Strike out the title and insert the following:

"Joint resolution authorizing the invitation of governments of other countries to send representatives to the International Congress on Tuberculosis."

Strike out resolving clause and insert:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled."

The SPEAKER. The question is on the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the third reading of the joint resolution.

The resolution was ordered to be read a third time, read the third time, and passed.

The SPEAKER. Without objection, the preamble will be agreed to.

There was no objection.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent for the publication in the RECORD of the letter which I hold in my hand, from Dr. Lawrence F. Flick, of Philadelphia, chairman of the committee of the National Association for the Study and Prevention of Tuberculosis having in hand the arrangements for the congress. It contains many interesting facts.

The SPEAKER. Is there objection?

There was no objection.

The letter is as follows:

THE INTERNATIONAL CONGRESS ON TUBERCULOSIS,
Washington, D. C., February 24, 1908.

Hon. JOS. G. CANNON,
Speaker of the House of Representatives, Washington, D. C.

HONORABLE AND DEAR SIR: I was informed while in Washington yesterday that you were unfavorably disposed toward Senate concurrent resolution No. 5, House Calendar No. 46, which authorizes the United States Government to extend official invitation to foreign governments to send delegates to the International Congress on Tuberculosis. A committee tried to arrange for an interview with you through Mr. FOSTER and failed, but I was informed by Mr. FOSTER that I might write you setting forth the reasons why the bill should be passed.

The International Congress on Tuberculosis has held sessions under governmental auspices in Paris, Naples, Berlin, London, and again recently in Paris. The meeting in London was held under the auspices of King Edward in 1901, and the meeting in Paris in 1905 was held under the official patronage of the French Republic. Ex-President Loubet presided at the initial meeting.

The National Association for the Study and Prevention of Tuberculosis invited the congress to the United States at the meeting in Paris. At that time it was an unwritten law that invitations must be extended by governments, but as the United States Congress was not in session and a governmental invitation could not be extended, the technicality was waived upon the assurance of the representatives of the national association that proper provision could be made for the congress in this country, and that as much of an international character would be given to it as possible.

The national association as far back as 1905, immediately after the meeting in Paris, took steps to organize the congress. A fund was privately raised for the expenses of the congress, and an office was opened in Washington under the auspices and guidance of a special committee appointed by the national association to organize the congress. Upward of $50,000 have so far been subscribed privately for the expenses of the congress. All expenses have been paid up to the present time and the committee has $39,000 in hand. We have organized the entire United States in the interest of the congress and have strong committees in almost every State of the Union. Many of the State governments have already officially participated in the organization of the congress, and it is expected that practically all State governments and most of the large municipal governments will participate.

Under the precedents which have been established by other governments it is of considerable importance that the congress which is to convene in this country this year will receive an official stamp of the United States Government in order to give it a proper international character. Foreign governments are standing ready to send official delegates, but as a matter of technicality can not do so without an official invitation on the part of the United States. Recognizing this situation, we made an effort to have the United States Government give an official stamp to the congress during the last Congress. We approached the Department of State in the matter and were assured of the most hearty support of the Government, which we believe still exists. The various Departments of the United States at that time expressed a deep interest in the congress and offered to participate officially in the congress upon the invitation of our committee. A bill was then introduced giving official recognition to the congress and authorizing seven of the Departments to participate in the congress. This bill carried an appropriation with it for the participation of the Departments. Through a technicality the bill failed in the last Congress.

As the support of this Congress was very hearty and unanimous, we felt secure that a similar bill would be introduced and passed in the present Congress. Such a bill was introduced, but as it again failed of speedy enactment and time became an important factor we ourselves had a bill introduced into the Senate and House simultaneously giving official recognition to the congress and authorizing official invitation to foreign governments to send delegates without any appropriation, and this is the bill which I write you about, namely, House Calendar bill 46.

Further delay in the enactment of this bill will make it practically impossible for foreign governments to participate in this congress as they have participated in all the former congresses. I have visited Europe twice to inform myself of the practices in connection with these congresses and I have found that it has been customary for the governments of Europe to send official delegates to these congresses at the expense of the governments, but that in order that such an action may be taken considerable time is necessary. There, as here, legalization is requisite by a formal enactment of law, and for the accomplishment of such an end time is of much importance. We have only a few months before the adjournment of most lawmaking bodies, and as considerable ceremony is necessary in the extension of the official invitations some of the governments can probably not be reached even now except by cable.

Failure on the part of the United States Government to give an official stamp to the coming congress will have an unusually pernicious effect upon this congress on account of our remote position from the older governments. This is the first time that the United States has been honored with the convention of this congress, and it is the second time that an English-speaking country has been so honored. For the success of the meeting we need the workers in the crusade against tuberculosis of the older countries for stimulation of effort here. The expense of coming to America is very much greater than that of going from one European country to another, and inasmuch as many of the European workers in the cause have relatively small financial resources it is practically impossible for them to come to a congress in this country unless they receive financial aid from some source.

We have ourselves from our private fund extended financial support in the way of honoraria to a limted number of the most prominent workers in the cause from abroad, but our resources do not permit us to extend such aid to very many. With the official invitation of the United States Government to foreign governments to send delegates, financial aid could be extended to a great many workers through those governments, and this is now being withheld because the United States has taken no action. I have already had solicitous inquiries in this regard from England, Germany, and France, and have had the embarrassing question put to me why the United States Government has not yet taken action which would enable other governments to send official delegates.

I have been told that there is a suspicion in your mind that the bill which we are trying to have enacted into law is merely a preliminary skirmish for an appropriation bill which is to come later. I assure you that this is not our position. The bill to which I have already referred, carrying an appropriation of $25,000 for the participation of the United States Government in this congress, is somewhere in process of enactment, but that bill has absolutely nothing to do with this and we are only indirectly concerned with it. We have asked the United States Government to participate in the congress, as we have asked every State government of the United States to participate. In extending our invitation we have said that each government would have to bear its own expenses of participation, and we, of course, would be delighted to have the United States Government participate in a creditable manner.

The items of the appropriation which the bill for the United States' participation carries were made up by the United States Government itself and not by us. Failure of this appropriation would not be disastrous to the congress, except in so far as it would place the United States in a somewhat embarrassing position with other nations who might participate; but failure to pass bill, House Calendar 46, giving official recognition to this congress, not only would place the United States in a most embarrassing position with other nations, but would seriously interfere with the success of the congress as an international congress. So far as national success is concerned, we have the assurance of that in the money and organization at our command, but even had we unlimited money we could not make an international success of it without an official stamp of our own National Government, which can only be given by the United States Congress.

Disraeli one time said, "Public health is the foundation upon which rests the happiness of the people and the power of the State. Take the most beautiful kingdom, give it intelligent and laborious citizens, prosperous manufactures and productive agriculture; let arts flourish, let architects cover the land with temples and palaces. In order to defend all these riches have first-rate weapons and fleets of torpedo boats. If the population remains stationary, if it decreases yearly in vigor and stature, the nation must perish. And that is why I consider that the first duty of the statesman is the care of the public health."

In harmony with these sentiments governments have been vieing with each other for the last decade in securing the convention of the International Congress on Tuberculosis. When we asked for this convention in Paris in 1905, invitations from governments in different parts of the world were strongly pressed, and we were considered exceedingly fortunate in securing the congress. Japan made an exceedingly strong bid for the congress, and it was rumored in Paris that the Japanese Government had, through its official delegates, expressed a willingness to send ships to Europe to bring all delegates that might be willing to come if Japan were given the congress. Austria also made a strong bid for the congress, but there was a general feeling that the United States was to take precedence in this honor. I was personally the spokesman for our national association in inviting the congress, and I felt sure at the time, and still feel, that the people of our country would give this congress a warm, dignified welcome, commensurate with the greatness and intelligence of our country. I am confident that whatever opposition may have existed to giving official recognition to this congress has been based upon misinformation, and that so far as you, honorable sir, are concerned it is merely necessary to present the facts to secure your warmest and most ardent support of every effort which can be made to make this the greatest and most successful congress which has yet been held.

I have taken the liberty of sending you, under separate cover, a little book upon the crusade against tuberculosis, which I beg you to glance over, if you have a few spare moments, in order that you may form some idea of what this crusade against tuberculosis means to the world. If I can give you any further information or can help to clear up the subject by calling on you personally, it would give me great pleasure to do so.

Yours, truly, LAWRENCE F. FLICK.

The SPEAKER. The Chair desires to state, reading from page 671 of the Manual, it was decided by reason of conditions arising under former Rule No. 114, that a resolution of the House could not be amended so as to convert it into a joint resolution. Rule 114 no longer exists, and has not existed since 1880. The reason for that decision under the rule was the special facility given to the introduction of resolutions as distinguished from bills, but as the practice is different and the rule is different now, the reason for that decision has passed. Therefore the Chair entertained the motion made by the gentleman from Vermont.

MESSENGER TO COMMITTEE ON THE POST-OFFICE AND POST-ROADS.

Mr. HUGHES of West Virginia. Mr. Speaker, I call up the following privileged resolution, which I send to the desk and ask to have read:

House resolution 249.

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided for by law, compensation at the rate of $1,000 per annum, for the services of a messenger to the Committee on the Post-Office and Post-Roads, in lieu of a janitor at $720 per annum now authorized.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

DISTRIBUTION AND SUPPLY OF ELECTRIC LIGHT AND POWER IN THE DISTRICT OF LAHAINA, HAWAII.

Mr. KIMBALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16643) to ratify an act of the legislature of the Territory of Hawaii, authorizing the manufacture, distribution, and supply of electric light and power in the district of Lahaina, county of Maui, Territory of Hawaii. This bill is reported from the Committee on the Territories without amendment and with the expressed opinion that it should pass.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill.

Mr. DALZELL. Mr. Speaker, I think that that is a bill that ought not to be considered on a request for unanimous consent. It is altogether too comprehensive and involves a great many matters that it is impossible to understand from a cursory reading of the bill, and revives, as I recollect it, a controversy that we had in the last Congress upon this same subject. I shall, therefore, object.

The SPEAKER. The gentleman from Pennsylvania objects.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. R. 58. Joint resolution authorizing the Secretary of War to establish harbor lines in Wilmington Harbor, California;

S. 3976. An act to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States navy-yard in the city of Washington, D. C.;

S. 5476. An act for the purchase or construction of a launch for the customs service at and in the vicinity of Portland, Oreg.;

S. 2695. An act to amend the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," and the acts amendatory thereof; and

S. 2729. An act to authorize the Secretary of the Interior to negotiate for the sale of certain Indian lands to H. E. Eldred.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5476. An act for the purchase or construction of a launch for the customs service at and in the vicinity of Portland, Oreg.—to the Committee on Interstate and Foreign Commerce.

S. 3976. An act to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States navy-yard in the city of Washington, D. C.—to the Committee on the District of Columbia.

S. 2729. An act to authorize the Secretary of the Interior to negotiate for the sale of certain Indian lands to H. E. Eldred—to the Committee on Indian Affairs.

S. 2695. An act to amend the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of cir-

cuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," and the acts amendatory thereof—to the Committee on the Judiciary.

S. 4171. An act to provide for continuation of investigations of the rivers and water resources of the United States—to the Committee on Rivers and Harbors.

S. 4712. An act to provide for the care of persons adjudged insane in the district of Alaska—to the Committee on the Territories.

S. R. 58. Joint resolution authorizing the Secretary of War to establish harbor lines in Wilmington Harbor, California—to the Committee on Interstate and Foreign Commerce.

REPEALING SECTION 4885, REVISED STATUTES, AND SUBSTITUTING ANOTHER SECTON THEREFOR.

Mr. WASHBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17703) which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17703) to repeal section 4885 of the Revised Statutes and to substitute another section therefor.

Be it enacted, etc., That section 4885 of the Revised Statutes be, and the same hereby is, repealed and the following section is substituted therefor:

"SEC. 4885. Every patent shall issue within a period of three months from the date of the payment of the final fee, which fee shall be paid not later than six months from the time at which the application was passed and allowed and notice thereof was sent to the applicant or his agent; and if the final fee is not paid within that period the patent shall be withheld."

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, will the gentleman explain to the House what is the statute it is proposed to repeal?

Mr. WASHBURN. Mr. Speaker, this is a unanimous report from the committee in response to an urgent request of the Commissioner of Patents to meet a technical difficulty. In the issue of patents under the existing statute it is provided a patent must issue within six months of the date of allowance, and if the final fee is not paid within that time it is withheld. Now, the process of lithographing, etc., takes about six weeks——

Mr. WILLIAMS. I have no objection.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WASHBURN, a motion to reconsider the last vote was laid on the table.

RESTORING CERTAIN TRACTS OF PUBLIC LAND IN THE STATE OF MINNESOTA TO THE PUBLIC DOMAIN.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2495, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota moves to discharge the Committee of the Whole House from the further consideration of the bill S. 2495, and that the same may be considered in the House. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2495) restoring certain tracts of public land in the State of Minnesota to the public domain.

Be it enacted, etc., That the following-described land, to wit, the southeast quarter of the northwest quarter of section 30, and the point of land in section 18, extending from lot 1 in section 19, omitted from the original United States land survey, but which is shown upon the plat of survey made under the direction of the War Department by the United States engineer office at St. Paul, for the Gull Lake Reservoir, in Minnesota, which said land was reserved for reservoir purposes and the reservation approved by the President January 18, 1896, in township 134 north of range 29 west, in the State of Minnesota, be, and the same hereby is, restored to the public domain subject to homestead entry; and all prior rights of settlement and entry, or attempted entry, are hereby reserved to the occupant and claimant of the land, to be passed upon and determined by the Commissioner of the General Land Office: *Provided, however*, That any homestead entry of said land or final certificate or patent that may be issued therefor, shall be subject to the right of the United States to construct and maintain a dam for reservoir purposes at Gull Lake and to flood any part of said land by means of said dam.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as I understand, this tract of land was first reserved by the Government for use in connection with reservoirs.

Mr. VOLSTEAD. In 1895.

Mr. MANN. And somebody has now settled upon it, and this bill proposes to give that person the exclusive right to purchase this land, reserving an easement on the part of the Government, giving a preference to the occupant.

Mr. VOLSTEAD. If the gentleman will pardon me, I think the gentleman is entirely mistaken.

Mr. MANN. That may be.

Mr. VOLSTEAD. In 1895 the War Department asked that a large tract of land be reserved for the purpose of a reservoir. It was at that time unknown just how much would be needed. Since then it has been surveyed. A dam has been constructed, and it is now well known just what is needed. In view of such knowledge we have passed several bills, some in the last Congress and some in the Congress before that, restoring different tracts of this same land to entry. There is no earthly use for these lands as a reserve for the future. There are parties who want it, but we do not in this bill give it to anyone in particular. We simply permit the United States Land Office to determine who has the preference right to take this land as settlers upon it.

Mr. MANN. Oh, but I beg the gentleman's pardon, that is not what the bill does. The bill gives to the occupant claiming the land the exclusive right to purchase land or to use it under the homestead, or otherwise. It does not assume there is no use in the War Department, because it expressly provides that it shall be subject to the right of the United States to construct and maintain a dam for reservoir purposes, so that the bill itself shows that the Government does intend to use this land for various purposes and does give to one occupant, who has taken possession of the land in violation of the law, the exclusive right to use it as a homestead.

Mr. VOLSTEAD. Now, it seems to me——

Mr. SLAYDEN. What reason is advanced?

Mr. MANN. No reason is advanced.

Mr. MONDELL. Will the gentleman from Minnesota [Mr. VOLSTEAD] yield to me for a moment?

Mr. VOLSTEAD. I yield.

Mr. MONDELL. I think that the gentleman from Illinois [Mr. MANN] is somewhat mistaken as to the conditions. When it was proposed to build this dam a very considerable amount of land was withdrawn from entry. It is not especially valuable land up there in that upper Mississippi region. That withdrawal covered much more territory than can possibly be covered by the waters of the dam. Gradually, as the Department has learned what lands are needed for the purposes of flooding, tracts not needed have been restored. But it is true that there may be on these tracts that have been restored some low places that might be flooded if in the future we expect to increase the height of the dam. The probability is that but little of this land would be covered in that case. It is rough and broken, but in order that there may be no question as to the right of the Government——

Mr. WILLIAMS. The point that the gentleman from Illinois [Mr. MANN] is making is not with regard to that at all.

Mr. MONDELL. I will say in regard to that——

Mr. WILLIAMS. But it is in regard to giving the inhabitants who have gone on there without any right, the exclusive right.

Mr. MONDELL. He has not gone on there without any rights. If this land had not been withdrawn——

Mr. WILLIAMS. Why did he not go on without any right if it had been reserved from homesteading?

Mr. MONDELL. Anyway, he was a squatter, but if this land had not been withdrawn for this particular purpose it would have continued to have been subject all the time to homestead entry. This bill does nothing more than to restore the land to the condition and status in which it was prior to this temporary reservation.

Mr. WILLIAMS. But I beg the gentleman's pardon. I do not understand how the gentleman can draw that conclusion. If this were restored to its original status it would merely become again a part of the public domain, subject to homestead entry and subject to be dealt with like other public land, but this bill does not put it in that attitude, but gives exclusive right to the men who have gone upon it.

Mr. MONDELL. Now, the gentleman knows that it has been the uniform policy of this Government so long that the memory of man runneth not to the contrary, where temporary segregation or withdrawals have been made, to restore them, granting the right of the settler who has gone upon those lands a preference right as a homestead settler, and why should he not have it?

Mr. WILLIAMS. Does this merely grant a preference right?

Mr. MONDELL. It grants no right except the preference right to make a filing to the man who is already there, and it is the uniform practice in all cases where we restore land to recognize the preference right of the man who settled.

Mr. MANN. The bill does not say "exclusive right." It is practically an exclusive right, because the prior rights of the present occupant are to be respected, and that means an exclusive right.

Mr. MONDELL. The homestead settler has certain recognized rights. If he is upon the land when it is restored to

entry his right is uniformly recognized where the land is subject to homestead entry, and this does nothing more than that. No man except a homestead claimant under this bill would have any preference right. There is no preference right under any other land law. There is a preference right which the homestead law does give to the homestead settler wherever he may be found.

Mr. MANN. This bill practically gives to a man who had settled on a piece of land reserved for public purposes, especially reserved for public services, the right to take the land and own it as a homestead.

Mr. MONDELL. Of course it does.

Mr. MANN. Notwithstanding the facts shown in the bill itself that the land may be needed yet for reservoir purposes.

Mr. VOLSTEAD. Let me say in regard to that, Mr. Speaker, that the War Department says it is not needed. The War Department recommends this bill. They know, as they have made a thorough survey, and as they have built this dam, exactly what is needed. There can be no question about that, and it seems to me this land ought to be opened to settlement. There is no advantage in retaining it in this reserve, and then why should not settlers upon these lands have a preference? We have given that preference in every other instance where people have gone upon public lands. We are not giving it to them except under the homestead law. We are giving it in the laws subject to which these lands may be entered and the provision objected to adds nothing. It does seem to me that those parties who are there are the ones that under the law ought to have a preference. Wherever we have opened Indian reservations and wherever we have opened military or forest reservations, on surveyed and unsurveyed lands, we have consented to do that very thing. It is the policy of Congress to do so; and why should we not continue that policy, which prevents injustice, prevents somebody outside taking advantage of the improvements made on the land by actual settlers?

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. Objection is heard.

REPRINT OF REPORT.

Mr. HOLLIDAY. Mr. Speaker, I ask unanimous consent for a reprint of House report 19 on House bill (H. R. 6082) removing the charge of desertion standing against the military record of Bernhard Steuben.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

Mr. SULLOWAY. Mr. Speaker, pending that, I ask unanimous consent that bills that were in order on the Private Calendar to-day shall be in order on the next legislative day following the passage of the Army appropriation bill.

The SPEAKER. Pending the motion to go into Committee of the Whole House on the state of the Union, the gentleman from New Hampshire asks unanimous consent that bills in order on the Private Calendar to-day shall be in order on the next legislative day following the conclusion of the consideration of the Army appropriation bill as of to-day.

Mr. MONDELL. Mr. Speaker, I ask that, following the consideration of the pension bills, bills on the Private Calendar reported from the Committee on the Public Lands may be considered.

The SPEAKER. The gentleman from Wyoming also asks unanimous consent that after the consideration of bills in order to-day that bills on the Private Calendar, reported from the Committee on the Public Lands, shall be in order for the remainder of that day.

Mr. MANN. I suppose the gentleman has not got all the bills on the Private Calendar relating to public lands. I think he had better make his request later in the session.

Mr. MONDELL. I will say to the gentleman, if he will allow me a moment, that there are four, five, or six bills, several of them Senate bills, on the Private Calendar, reported from the Committee on the Public Lands in regard to which there can be no question as to the propriety of their passage. They are without special importance, and yet several of them relate to titles, to small areas of land granted to municipalities, etc., and I think that it is important that they should be considered at an early day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the motion to go into Committee of the Whole.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17288, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909.

Mr. HULL of Iowa. Mr. Chairman, I move to amend the bill by inserting the matter provided for by the rule this morning, which I send to the Clerk's desk.

A parliamentary inquiry. Will this be read by sections or be read as a whole, and will each section as read be open to amendment?

The CHAIRMAN. The rule, as the Chair understands it, provides that this whole proposition can be offered as one amendment. Of course, it would then be open to discussion under the five-minute rule and would be open to amendment. The whole proposition is offered as one amendment.

The Clerk read as follows:

Insert all after line 11, page 6, down to and including line 22 on page 10.

"That hereafter the monthly pay of enlisted men of the Army during their first enlistment shall be as follows, namely: Master electricians, master signal electricians, $75; engineers, $65; regimental sergeants-major, regimental quartermaster-sergeants, regimental commissary-sergeants, sergeants-major senior grade Coast Artillery, battalion sergeants-major of engineers, post quartermaster-sergeants, post commissary-sergeants, post ordnance sergeants, battalion quartermaster-sergeants of engineers, sergeants first class Hospital Corps, electrician sergeants first class, sergeants first class Signal Corps, and first sergeants, $45; battalion sergeants-major of infantry and Field Artillery, squadron sergeants-major, sergeants-major junior grade Coast Artillery, battalion quartermaster-sergeants Field Artillery, and master gunners, $40; electrician sergeants, second class, sergeants of engineers, ordnance, and Signal Corps, quartermaster-sergeants of engineers, and color sergeants, $36; sergeants and quartermaster-sergeants of cavalry, artillery, and infantry, sergeants of the Hospital Corps, firemen and cooks, $30: *Provided*, That mess sergeants shall receive $6 per month in addition to their pay; corporals of engineers, ordnance, Signal Corps, and Hospital Corps, chief mechanics, and mechanics Coast Artillery, $24; corporals of cavalry, artillery, and infantry, mechanics of Field Artillery, blacksmiths and farriers, saddlers, wagoners and artificers, $21; privates, first class, of engineers, ordnance, Signal Corps, and Hospital Corps, $18; privates Hospital Corps, $16; trumpeters, musicians of infantry, artillery, and engineers, privates of cavalry, artillery, infantry, Signal Corps, and privates second class, engineers and ordnance, $15.

That any soldier who receives an honorable discharge at the termination of an enlistment period and reenlists within three months thereafter shall be entitled to continuous-service pay as herein provided, which shall be in addition to the initial pay provided for in this act and shall be as follows, namely: An increase of $3 monthly pay for and during the second and third enlistments each, and a further increase of $1 for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment: *Provided*, That any soldier who receives an honorable discharge at the termination of his first or any succeeding enlistment period and reenlists after the expiration of three months shall be regarded as in his second enlistment; that an enlistment shall not be regarded as complete until the soldier shall have made good any time lost during an enlistment period by unauthorized absences exceeding one day, but any soldier who receives an honorable discharge for the convenience of the Government after having served more than half of his enlistment shall be considered as having served an enlistment period within the meaning of this act; that the present enlistment period of men now in service shall be determined by the number of years' continuous service they may have had at the date of approval of this act, under existing laws, counting three years to an enlistment: *And provided further*, That any soldier who has been honorably discharged and reenlists within three months of the date of said discharge shall, upon such reenlistment, receive an amount equal to three months' pay at the rate he was receiving at the time of his discharge.

That enlisted men now qualified or hereafter qualifying as marksmen shall receive $2 per month; as sharpshooters, $3 per month; as expert riflemen, $5 per month; as second-class gunners, $2 per month; as first-class gunners, $3 per month; as gun pointers, gun commanders, observers second class, chief planters and chief loaders, $7 per month; as plotters, observers first class, and casemate electricians, $9 per month, all in addition to their pay, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named in this section: *Provided*, That nothing in this act shall be construed to increase the total number of gun pointers, gun commanders, observers, chief planters, chief loaders, plotters, and casemate electricians now authorized by law.

That increase of pay for service beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto, shall be as now provided by law.

That the pay during first enlistment of enlisted men of bands, exclusive of the band of the United States Military Academy, shall be as follows:

Chief musician, $75; principal musicians and chief trumpeters, $40; sergeants and drum majors, $36; corporals, $30; and privates, $24; and the continuous-service pay of all grades shall be as provided in this act: *Provided*, That Army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

That nothing in this act shall be construed to increase the pay of enlisted men now on the retired list.

That sections 1280, 1281, and 1284 of the Revised Statutes be, and are hereby, repealed, and so much of section 4819 as pertains to the deduction of 12½ cents per month from the pay of every soldier of the Regular Army for the benefit of the Soldiers' Home be, and the same is hereby, repealed.

That section 6 of the act entitled "An act for the better organization of the Army of the United States" be amended so as to read as follows:

"SEC. 6. That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired."

Mr. HULL of Iowa. I want to offer an amendment to page 8 of the bill, in line 20, after the word "discharged" in the proviso. Insert after the word "discharged" the words "at the termination of his first, second, and third enlistment periods." And then the provision goes on that when he reenlists he shall have the bonus provided here. I will say that that is not a committee amendment.

The Clerk read as follows:

Amend the amendment by inserting on page 8, after the word "discharged" the words "at the termination of his first, second, and third enlistment periods."

Mr. OLMSTED. I would like to ask the gentleman whether a man must have enlisted three times before he gets the benefit of this provision?

Mr. HULL of Iowa. Not at all; he gets it each time he reenlists, but it limits it to the fourth enlistment, and does not go beyond that. The reason the words "enlistment periods" were placed in is because it was called to my attention that as it reads here, if a man served a month and was for any cause discharged and then within three months reenlisted, he would get three months' bonus for it. This makes it comply with the balance of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

Mr. HULL of Iowa. Mr. Chairman, I want to offer one more amendment, on page 10 of the bill, where it provides for the better organization of the Army of the United States, insert after the words "United States" the words "approved April 26, 1898," so that it will more definitely describe the act.

The CHAIRMAN. Will the gentleman send his amendment to the desk in writing, or repeat it?

Mr. HULL of Iowa. I will send it to the Clerk's desk. There are two amendments on that paper. If necessary, I can move both at once.

The Clerk read as follows:

Amend line 17, page 10, as printed in the bill, as follows:
After "organization" insert the words "of the line" and after the words "United States" insert "approved April 26, 1898."

The CHAIRMAN. The Clerk will report the first amendment:

The Clerk read as follows:

After "organization" insert "of the line."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. OLMSTED. Just a minute. I would like to ask the gentleman from Iowa in what particular this would amend the law as it now exists?

Mr. HULL of Iowa. This amendment simply makes definite and specific the act we refer to. The amendment to the section would come in afterwards, but I am willing to state it now. That section provides 20 per cent increased pay in time of war, and also provides for the penalty for desertion. We wanted to repeal that part of the section increasing the pay by 20 per cent in time of war and leave the section so far as it applies to deserters just as it stood. So that we only repeal part of the section, and the committee thought the better way to repeal that part was to reenact the section, leaving out the words that we desire to repeal.

Mr. OLMSTED. So that this part that is quoted here is the law now?

Mr. HULL of Iowa. The part that is quoted here is the law now.

Mr. OLMSTED. And you amend by leaving out the portion that is not recited here?

Mr. HULL of Iowa. That is all. We amend by leaving out the first part.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. HULL of Iowa. Now, Mr. Chairman, let the second amendment be reported.

The Clerk read as follows:

After "United States" insert "approved April 28, 1898."

The amendment was agreed to.

Mr. HULL of Iowa. Mr. Chairman, just one word. I was requested yesterday by members of the committee to give a statement as to the cost of a company in time of peace. It was impossible to figure that on the floor of the House, for two reasons. One is that the 20 per cent increase for war-time service would have to be deducted, and in the second place the organization in time of peace is composed of a less number of men than in time of war; but I have here a table which I desire to put into the RECORD, giving the figures as to the entire cost of an infantry company, a cavalry company, and an artillery company in time of peace under the present law, and under the law as it is proposed to be enacted.

The CHAIRMAN. If there be no objection the table will be published in the RECORD.

There was no objection.

The table is as follows:

Illustration of comparative cost of present pay table and that proposed in Army bill.

[Estimated on peace strength.]

Organization and grade.	No.	Assumed length of service.	Present rate.	Cost.	Proposed increase.	Cost.
Company of infantry:		*Years.*				
First sergeant	1	22	$33	$33	$22	$22
Quartermaster-sergeant	1	17	25	25	14	14
Sergeant	4	10	24	93	13	52
Corporal	6	7	20	120	7	42
Cook	2	5	21	42	12	24
Artificer	1	5	18	18	6	6
Musician	2	4	16	32	2	4
Private	48	4	16	768	2	96
Total	65			1,134		260
Troop of cavalry:						
First sergeant	1	22	33	33	22	22
Quartermaster-sergeant	1	17	25	25	14	14
Sergeant	6	10	24	144	13	78
Corporal	6	7	20	120	7	42
Cook	2	5	21	42	12	24
Farrier and blacksmith	2	5	18	36	6	12
Saddler	1	5	18	18	6	6
Wagoner	1	5	18	18	6	6
Trumpeter	2	4	16	32	2	4
Private	43	4	16	688	2	86
Total	65			1,156		294
Company of Coast Artillery:						
First sergeant	1	22	33	33	22	22
Quartermaster-sergeant	1	17	25	25	14	14
Sergeant	8	10	24	192	13	104
Corporal	12	7	20	240	7	84
Cook	2	5	21	42	12	24
Mechanic	2	5	21	42	6	12
Musician	2	4	16	32	2	4
Private	81	4	16	1,296	2	162
Total	109			1,902		423

Mr. CRUMPACKER. I move to strike out the last word. I understand that the amendment authorized by the rule adopted this morning is now under consideration.

Mr. HULL of Iowa. It is.

Mr. CRUMPACKER. I am not opposed to the amendment; I believe it to be a good one. I think the pay of the enlisted men and noncommissioned officers of the Regular Army ought to be increased, and I hope the increase provided in this bill will be sufficient to bring the Army up to the standard determined by the President of the United States. The increase is somewhat substantial. I am sure that a majority of the Members of this House are thoroughly in favor of some provision along that line. I rose, however, to ask the gentleman from Iowa a question or two in relation to the matter of retire pay. Will the gentleman from Iowa give me his attention?

Mr. HULL of Iowa. Certainly.

Mr. CRUMPACKER. The paragraph on page 10, line 6, provides that nothing in this act shall be construed to increase the pay of enlisted men now on the retired list. I assume that if this provision becomes a law it will increase the retire pay of those who are retired hereafter.

Mr. HULL of Iowa. That is correct.

Mr. CRUMPACKER. Even if it should be but one day after the passage of this act.

Mr. HULL of Iowa. Yes.

Mr. CRUMPACKER. The gentleman has had experience enough with questions of equalization of retire pay of veterans of the Army and Navy who went out of the service with the same rank and under substantially the same conditions as others, doubtless, to foresee in the future at almost every session of Congress an effort made to put those who were retired on or before the date of the passage of this bill upon the same basis as those who shall be retired after the bill becomes operative.

I suppose the explanation is that the chief object of this bill is to build up the Army; and yet, at the same time, Congress will be confronted in the future with the contention in behalf of thousands of ex-private soldiers and noncommissioned officers that they are entitled to the same pay as the men who may

retire after this bill becomes a law, under substantially the same circumstances. It is an ugly question to meet. We meet it every time a Navy bill is up for consideration, and there is a good deal of merit in the contention. Would it not be better to put the men now on the retired list upon exactly the same status in respect to retire pay, in order that we may do justice to all of the retired soldiers, as the soldiers who will retire under the operation of the law? Would it not be better, in the interest of good feeling and simple justice, to put them all on the same basis?

Mr. HULL of Iowa. Mr. Chairman, that question was discussed, and while there is an element of justice in saying that those now on the retired list shall have all the benefits of this act, yet there is nothing in equity that demands it. When anyone goes on the retired list his status is fixed. So far as the Navy is concerned, my understanding is that they have a law which provides absolutely that no man on the retired list shall have his pay increased or diminished while he is on the retired list.

Mr. CRUMPACKER. Yes.

Mr. HULL of Iowa. There is no trouble about that, so far as I can see.

Now, just one other remark. This question of providing for the future presented a great many problems to the committee, and one of the great problems was that of cost, to be frank with the gentleman. This is going to make, as I stated before, a large increase in the military establishment. When a man goes on the retired list his status is fixed, and he remains there. We last year, in order to help the soldiers on the retired list of the enlisted force, increased their pay by three-quarters of all the allowances they were entitled to under the active list, fuels and quarters. My judgment is that we ought not to disturb the retired list. My judgment is that something over $400,000 that would be required to meet the conditions in this bill applied to the retired list would be more than in equity and justice they are entitled to.

What we want to-day is an active Army, to fill up the depleted ranks, to make it possible to secure for the service of the country in the future the number of men prescribed by law for the size of the Army in time of peace. I do not believe that there is any reason why this provision should apply to the retired list. I will say that when the pay of the officers was up the Secretary of War was explicit that, in his judgment, the officers and men on the retired list had their status fixed and had no reason to come to Congress for an increase.

Mr. TAWNEY. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. TAWNEY. The men who enlist under this provision, if it becomes a law, and are retired would then be entitled to increased retired pay?

Mr. HULL of Iowa. Certainly.

Mr. TAWNEY. What is the necessity of increasing the retired pay of men enlisted and retired hereafter above the men which are on the retired list now and which we did increase at the last session of Congress?

Mr. HULL of Iowa. I think one very good reason is to induce the men to remain in the Army as a permanent occupation.

Mr. TAWNEY. Does the gentleman think that men can be induced to enlist in the Army on the strength of what they will get as retired pay six or eight years after?

Mr. HULL of Iowa. I do think so. Without the provisions for retirement neither officers nor men would remain in. One object in the amendment that I offered is to cut off the bounty giving three months' pay in all grades after they have been in the Army a certain length of time, believing as I do that the provision for retirement would then be sufficient to retain their services.

Mr. CRUMPACKER. Mr. Chairman, I want to state that there are on the retired list of the Regular Army quite a number of veterans of the civil war, who were retired on account of age or disability, and who are receiving pay under existing law. Under this provision many will be retired in the future during the lives of these veterans of the civil war, men retired who have never seen a day of actual service, but who will receive a substantially higher rate of pay than these veterans of the civil war. The gentleman from Iowa knows that there are twelve or fifteen admirals in the Navy——

Mr. HULL of Iowa. That is a different proposition.

Mr. CRUMPACKER. But it illustrates the principle. Every one of whom saw valiant service during the civil war and were retired under a certain law with retired pay, fixed by that law. The law was subsequently amended and the admirals retired under the operation of the amendment, most of whom never performed any actual service in time of war had substantially higher rates of pay than those who performed actual service.

Mr. HULL of Iowa. The gentleman is mistaken in that.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CRUMPACKER. Mr. Chairman, I would like five minutes more.

The CHAIRMAN. The gentleman from Indiana asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CRUMPACKER. In what respect does the gentleman from Iowa say that I am mistaken?

Mr. HULL of Iowa. In this. Under the law the active pay provided applies to all officers and men unless there was an exception made in the law itself. The gentleman has in mind some deserving officers of the Navy, but their trouble does not come from what the gentleman from Indiana states, but because of the personnel bill, where we made a provision for retiring all officers who served in the civil war one grade higher. That applied only to officers on the active list, and as these officers were already retired that provision did not apply to them. It applied only to those on the active list, and it did not affect the retired pay but it gave a man on the active list a grade higher, and under the law that applied when he went on the retired list. If the men on the retired list had been given an additional grade by law, it would have increased their pay.

Mr. CRUMPACKER. It is true that there are admirals——

Mr. HULL of Iowa. I want to say to my friend that I believe Congress ought to pass an act giving those few deserving old officers another grade. It is not the pay of the retired list that affects them; it is the grade given by Congress to those on the active list. If they are given like recognition, their pay will follow.

Mr. CRUMPACKER. The retire pay depends on the rank upon which an officer retires.

Mr. HULL of Iowa. Certainly; but if the pay of a grade is increased for officers on the active list, it applies also to the retired list of corresponding grades.

Mr. CRUMPACKER. And it is true that men of the same rank are on the retired list at different rates of pay. In relation to this matter I feel that this element of injustice is one that will rankle in the hearts of a great many men, and it is better to have equality, if we can have it in harmony with principles of justice and equal treatment, than to discriminate, unless there be some very substantial reasons for the discrimination. My suggestion was that we either put those on the retired list now on the same retire pay as those will receive who retire under the operation of this law, or amend line 7 by adding "or hereafter" after the word "men," so as not to increase the retire pay of those who may enlist and serve under this law.

Mr. HAY. I want to ask the gentleman what injustice this provision does to men already on the retired list?

Mr. CRUMPACKER. It is in its inequality; that is all.

Mr. HAY. There is no inequality about it. They are retired on the pay they were receiving when they entered the Army, and this is a new provision applying to a different class of men entirely. There can be no injustice at all.

Mr. CRUMPACKER. That is good doctrine and I think it has divine authority. That is illustrated in the parable of the penny.

Mr. HAY. Exactly.

Mr. CRUMPACKER. Yet it does not seem to fit modern conditions of civilized life.

Mr. HAY. I will say to the gentleman that my experience here has been that there is very little pressure brought to bear upon Congress from the retired men of the Regular Army. The pressure is brought from the Volunteers, not from the men in the Regular Army, and I do not think there will be any trouble about this. I do not believe these men who are now on the retired list are going to bring any pressure to bear to be placed on the same footing as the men who go into the Army under this provision.

Mr. CRUMPACKER. I desire to call the attention of the committee to this situation, that is all.

Mr. HULL of Iowa. Under the law as it stands now, the President has the right to fix the pay of the enlisted force in the Navy, as the exigencies may demand. He has largely increased the pay within the last few years, necessarily so, in my judgment. Now, those retired enlisted men of the Navy can not have their pay increased on the retired list; their pay remains the same. Has the gentleman heard any particular complaint of any injustice done to those retired under one rate of pay because they did not get another rate of pay?

Mr. CRUMPACKER. I have not; and perhaps complaints would not come to me. There is this principle that we all think a great deal of, that is dear to the hearts of every American, and that is the principle of equality. It is not what I

have or do not have that troubles me so much, but the question is, Have I what I am entitled to as measured by my fellowmen? If I receive a certain amount for a certain service and some man no worthier should receive a substantially larger emolument for substantially the same service, I would be dissatisfied, though abstractly I might be satisfied with the pay I receive.

Mr. CAPRON. Will the gentleman permit a question? I would like to ask my friend if he really believes that the gentlemen who went out of Congress previous to this session have not some claim upon Congress to put their pay up equal to that which we are now receiving. [Laughter.]

Mr. CRUMPACKER. Oh, no; but if Members of Congress were receiving retired pay after one or two terms of enlistment, they would have the same claim.

Mr. CAPRON. It seems to me that those men on that American principle of equality are feeling a little badly.

Mr. CRUMPACKER. I think they are congratulating themselves, probably, that they are now on the retired list, and they carry no jealousies or vexations.

Mr. HULL of Iowa. I am not much of a lawyer and I may be getting in water I better not wade in; but it seems to me I have somewhere got the impression that a Federal judge, when retired, has to live on that pay even if his successor gets pay double what he receives and is retired at advanced pay.

Mr. CRUMPACKER. I do not know that there had been any change in the salary of judges until the last Congress, I think, for some years.

Mr. HULL of Iowa. But when they retire their status is fixed, as I understand it. I got it from the Secretary of War, and he is a good judge himself.

Mr. CRUMPACKER. The law provides a judge shall retire upon the salary he received, I think, at the time of his retirement.

Mr. OLMSTED. I think there is one judge on the retired list who retired before the last increase in the salary of the Supreme Court judges.

Mr. HULL of Iowa. Justice Brown.

Mr. CRUMPACKER. And Justice Shiras. However, I shall not propose any amendment.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I wish to say just a word in behalf of that portion of the amendment which proposes to increase the pay of soldiers. Yesterday I was before the Committee on Appropriations and told them briefly of the conditions which I saw last October when I made a visit to Fort Casey, Fort Flagler, and Fort Worden, that guard the entrance to Puget Sound. I told them that at one of the forts two out of four of the 12-inch guns were useless, one of them upon the grass and the other mounted upon a carriage from which it could not be fired. But, bad as those conditions were, so far as equipment was concerned, I found that it was worse in regard to men. At neither of these three forts, if you would take all the men on detail duty, all the cooks, all waiters, and all men in the hospitals, there would not be one-third enough men at either of these forts to man the guns that they already have. I have received this morning in relation to this matter a dispatch from the Hon. Erastus Brainerd, editor of the Post and Intelligencer of Seattle, one of the leading papers of the Northwest and one of the foremost and most ably edited newspapers in the United States, and I ask that the Clerk read it as a portion of my remarks.

The Clerk read as follows:

SEATTLE, WASH., *February 28, 1908.*

Hon. W. E. HUMPHREY, M. C.,
Washington, D. C.:

If Appropriations Committee could see Fort Casey's condition as I have seen it; if the people of the nation knew its condition, they would appropriate more than you ask. It is shocking to ascertain that in case of war we would be so nearly helpless. Two guns mounted is something, but it is not enough.

ERASTUS BRAINERD.

Mr. KAHN. Mr. Chairman, the Committee on Fortifications has given the country a better coast defense than it has probably ever had. To man all of the guns that are now in position would require a force for a single shift, without reserves, of 41,833 men. As a matter of fact there were only 9,628 men in actual enlistment on October 15, 1907, to man all of these guns, and, therefore, it is not surprising that there are only skeleton companies in command of most of these coast defenses. The committee in presenting this section for the increased pay of the Army feels confident that within a reasonably short time the number of enlistments will be so great that these guns can be properly cared for at all of the fortifications along the coasts of our country. There is another provision in this amendment which commends itself to the Committee on Military Affairs, and I hope that it will also commend itself to the House; and that is the provision that military bands shall not compete with civilian musicians when the furnishing of music outside the limits of military posts by such military bands places them in competition with local civilian musicians. This legislation has been asked for for many years by the musicians of the United States, and I am glad to see that it is incorporated in the present bill.

The CHAIRMAN. Without objection the pro forma amendment will be considered as withdrawn. The question is on the amendment as amended.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Additional for length of service, $38,640.

Mr. HULL of Iowa. Mr. Chairman, in line 1, the word "pay" should be inserted after the word "additional." This is simply a clerical amendment.

The CHAIRMAN. Is there objection to the clerical correction. [After a pause.] None is heard, and it will be made.

The Clerk read as follows:

For pay of paymasters' messengers, $18,000.

Mr. TAWNEY. Mr. Chairman, I observe that is increased $2,000 for messengers. Is that an increase in salary or an increase in number?

Mr. HULL of Iowa. It is an increase in number by two.

Mr. TAWNEY. What is the necessity?

Mr. HULL of Iowa. They have more officers to provide for.

Mr. TAWNEY. I wanted to know if you have a provision for additional paymasters?

Mr. HULL of Iowa. We do not increase the number beyond ninety. We have to have two extra messengers to meet the service.

Mr. YOUNG. I will say that one is for Cuba and the other for the Philippines.

The Clerk read as follows:

For interest on soldiers' deposits, $100,000, and so much as may be necessary to pay back such deposits.

Mr. HITCHCOCK. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of this House to the fact that the Government of the United States is now maintaining a savings bank in the Army and a savings bank in the Navy for reasons which argue strongly in favor of the establishment of a system of postal savings banks for all the people. In the Fifty-eighth Congress I had the honor to introduce a bill for the establishment of postal savings banks, and to make an address in support of the same. Later in this session I shall undertake to make some remarks in support of a similar bill which I have introduced at this session.

I simply desire, at this time, to call the attention of gentlemen to the fact that the establishment of this savings bank in the Navy, in which there are now on deposit, as I recall, something like a million and a half of the saving funds of officers and men in the Navy, has no logical existence whatever except upon the same argument which would plead for the establishment of a postal savings bank for all the people.

It may said, Mr. Chairman, that three-fourths, or at least a large proportion, of the people of the United States to-day—the poor people, the people in moderate circumstances, the industrial classes—have no means provided by the Government or by private enterprise by which they may be encouraged in thrift, under which they may deposit with absolute security of a return of their funds. Every other civilized government in the world has established some form of governmental savings banks. The United States alone of the enlightened nations has failed to do so—the United States, whose Government is supposed to be formed with the purpose of protecting all the people and encouraging them in those habits of life which work for progress and civilization. Yet in the matter of Government provision for protecting the savings of the people our country holds a place among the most effete and benighted nations of the world.

Now, Mr. Chairman, at the present time the people of the United States and the statesmen in both Houses are discussing what shall be done to provide a larger measure of confidence in banking institutions. Postal savings banks afford a perfect means of establishing confidence among millions of small depositors. Statesmen are discussing what shall be done to bring out of hiding the hundreds of millions of dollars which people have withdrawn from the banks or which they hoard rather than deposit in banks, and yet there is a simple remedy—one that has been time-tried in many countries since originally proposed by Gladstone, the great English statesman—the opening of our post-offices to receive the deposits of the people. It may be estimated, Mr. Chairman, with a reasonable degree of certainty, that almost immediately upon the establishment of a system of postal savings banks in our Post-Office Department, in

perhaps 15,000 money-order offices, more than $500,000,000 hidden away in old mattresses, under carpets, in old teapots, or buried in the ground would be brought into the light and placed in the custody of the Government, and thus brought into circulation. This is a nation very largely composed of the foreign element. Hundreds of thousands—yes, millions—of those foreigners have come to our shores, and they and their descendants have been raised in the belief that the Government was the place for the poor people's savings. This vast foreign element, of all nationalities—of all European nationalities, at least—to a very great extent keeps its small hoards hidden at home.

Every newspaper that we read contains some argument in favor of the system of postal savings, Mr. Chairman, because it contains news of robberies and burglaries and murders to secure this hoarded money.

Mr. HULL of Iowa. Mr. Chairman, I dislike to rise to a question of order, but I gave notice yesterday that outside of a discussion of the bill under the five-minute rule I would object.

The CHAIRMAN. The gentleman's time has expired.

Mr. HULL of Iowa. I am ready to ask unanimous consent that the gentleman may extend his remarks in the RECORD if he desires to do so.

Mr. HITCHCOCK. I think I will not take that privilege, because I intend to burden the House with a full discussion of this subject at some future time.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For mileage to officers and contract surgeons when authorized by law, $550,000: *Provided*, That hereafter actual expenses only, not to exceed $4.50 per day and cost of transportation when not furnished by the Quartermaster's Department, shall be paid to the officers of the Army, contract surgeons, and dental surgeons, when traveling on duty without troops, under competent orders, within the geographical limits of the Territory of Alaska.

Mr. MANN and Mr. SLAYDEN rose.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. SLAYDEN. Mr. Chairman, I want to offer an amendment.

The CHAIRMAN. A point of order must be disposed of before the committee can consider an amendment.

Mr. HULL of Iowa. It is clearly subject to the point of order. The same reason applies to this provision that was used in the insertion of the provision for reimbursement. The same hearings and the same documents all apply to each of these items. It is simply to make it possible for the officers of the Army in Alaska to transact their business and obey orders without bankrupting themselves.

Mr. MANN. Can the gentleman give us any information as to the subject of mileage in the United States and differentiate between this and that? Of course the gentleman knows, I assume, because I think he knows more about the military branch of the Government than anybody else within my acquaintance, that there is a very great abuse on the part of some officers in the Army in reference to the present mileage provision.

Now, is there any danger that this provision, which greatly exceeds the cost of travel, or will greatly exceed the cost of travel in some places in Alaska, will also be made the opportunity for additional grave abuse?

Mr. HULL of Iowa. Well, Mr. Chairman, I suppose there is hardly a possibility to get up a law that may not under some conditions be abused.

Mr. MANN. Oh, I understand that.

Mr. HULL of Iowa. I think that our present mileage law is abused frequently, and we have been trying for some years to correct that abuse. Only a few years ago, any officer ordered to any South American republic got his full 7 cents a mile, even if he had transportation given to him by the steamship line. To-day, on account of the Committee on Military Affairs trying to correct abuses as rapidly as we find them, under similar circumstances, the travel is only actual expenses. In this matter I suppose that if it were possible during the summer months for an officer to take long trips by water, where his board is included with his transportation, and if the Government permitted him to elect which way he would go each time, he could take a water trip, with transportation from the Quartermaster's Department, and make money on it. But as to the larger part of this travel, this Document 316 sets out the truth of the situation, and the provision submitted by the Department has been incorporated here as the result of this document and the hearings. And then, further, I should imagine that the Department would call an officer down very quickly that undertook to abuse that privilege in that way.

Mr. MANN. Does the gentleman know of any case where the Department has called an officer down for the grave abuses which some of them now perpetrate upon the Government in this respect?

Mr. HULL of Iowa. Well, I will say to the gentleman that early in this session the Committee on Military Affairs called upon the Department for a detailed statement of the mileage accounts of the higher officers—and the abuse does not come from the lower officers. We found that some of the highest officers were disposed to take trips a little more frequently, possibly, than the demands of the Government required. We called attention of the Chief of Staff to the discrepancy in these enormous mileage accounts of some of the officers, and he is now engaged in an investigation of the matter. If we can get that in time I will be glad to lay it before Congress. In view of the fact that the Department has received full information, and in view of the fact that we have notified all these officers, especially the general officers, that we are looking after their mileage accounts, it will have a very decidedly good effect in reducing expenditures in the future.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Illinois raise the point of order?

Mr. MANN. Well, I withdraw the point or order.

The CHAIRMAN. The point of order is withdrawn.

Mr. SLAYDEN. Then, Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Page 20, in line 2, amend by adding: "*Provided*, That hereafter only actual traveling expenses, including an allowance not to exceed $4.50 a day for subsistence while so traveling, shall be paid to officers of the Army, contract surgeons, dental surgeons, paymasters' clerks, and enlisted men when traveling under orders on public business."

Mr. SLAYDEN. Mr. Chairman, I offer that amendment without——

Mr. HULL of Iowa. I reserve the point of order.

Mr. SLAYDEN. I offer that amendment with very little hope of getting by those shoal places called points of order; but I think that if enacted it would work a genuine reform where a genuine reform is most urgently needed. Now, there is no Member of this House who has given any attention to military legislation or who considers military accounts at all as between the Army and the Government of the United States, who does not know that the atmosphere has been charged, surcharged, with stories as to an extravagant misuse of the mileage allowance. We have had some instances of gentlemen who seemed to think that the shortest line between two given points is not a straight line; that, indeed, the best, shortest, and certainly the most agreeable route of travel was by way of Paris, London, and Vienna, from Manila, say to Washington.

Now, Mr. Chairman, there is no reason why this reform should not be instituted, and why it should not be begun now. I believe an overwhelming majority of the House would favor it if they were brought to understand it. I know, of course, that it will go out on a point of order, which I presume will be pressed, but we must come to it some time. If it be urged, as it has been urged, that there is not an adequate compensation for officers, then in heaven's name let us meet that question face to face and frankly increase the pay of the officers. It is urged in extenuation of a continuance of this law, which permits and covers these abuses, that it provides an allowance by which officers may transport their families from one place to another. Now, that may be all right. I have nothing to urge against that at this time, but if we are to undertake the cost of transporting officers' families, I want it known to the people; I want it known to the country; I want it perfectly understood by every Member of the House. I am not disposed to be niggardly in the treatment of the officers. I am disposed to go as far as justice and as far even as liberality will permit us to go; but I do not believe in granting allowances that increase the compensation of officers to a figure that we do not understand, which we can not measure, and, above all, I do not believe in permitting the continuance of a custom which will soon be, if it is not already, reeking with scandal.

Mr. SMITH of Arizona. It opens the door for favoritism, too, does it not?

Mr. SLAYDEN. Undoubtedly, as my friend suggests, it does open the door for favoritism. Now, I know how difficult it is for the Chief of Staff and for others who have to authorize these travel allowances to say no, because I have been in the office of the Chief of Staff when those cases came in. Circumstances did seem to suggest very strongly that the public service would be promoted by authorizing the travel. But sometimes I have thought that perhaps they strained a point and authorized the travel when it should not have been done, and I am not entirely convinced that things would not have gone on about as well if the traveling had not been undertaken. But it is

difficult for the Chief of Staff or for any other man to pass upon this question. There can be no trouble if the travel allowance is limited absolutely and arbitrarily to the expenses incurred. If it be more than the allowance they now receive, they will benefit by it. If it be less, the Government will benefit by it.

I could not catch the conversation between the gentleman from Iowa [Mr. HULL] and the gentleman from Illinois [Mr. MANN], but the instances referred to yesterday I believe were those of officers who traveled under orders in Alaska. One officer paid $90 in actual expenses and got back $4.50. Another officer lost in one year, by his travel under orders, orders that he was compelled to obey, in expenses that he could not avoid undertaking, $683.

Those victims of circumstances were standing around the corridors of the War Department and of the committee, hopeless of ever recovering those sums. One of them spoke to me about it, and I told him that they should unquestionably present their case to Congress, because I did not believe that so simple an act of justice would be denied.

Now, if my amendment should be accepted, if this should be held in order by the Chairman and accepted by the House, no such hardship as this could ever occur, and I hope that the amendment will be adopted and the knife put to this abuse.

The time of Mr. SLAYDEN having expired, by unanimous consent, at the request of Mr. MANN, it was extended five minutes.

Mr. MANN. Will the gentleman yield to a question?

Mr. SLAYDEN. Yes.

Mr. MANN. Is the gentleman able to state, from his investigation of the subject, how much money has been paid to any officer for traveling expenses in one year?

Mr. SLAYDEN. I can not tell the gentleman exactly. I know some pretty large sums have been paid.

Mr. MANN. I do not wish to embarrass the gentleman, or any member of the Military Affairs Committee. Is the gentleman able to say that it is up into the thousands of dollars?

Mr. SLAYDEN. I am able to say that it is a very considerable sum.

Mr. HULL of Iowa. I will say that there is only one officer who received as much as $2,000 last year.

Mr. MANN. Was that for foreign travel?

Mr. HULL of Iowa. It was for the total traveling he did during the year—none of it foreign travel.

Mr. MANN. He traveled thirty or forty thousand miles. It is impossible for me to understand how any such travel could be incurred except for the purpose of getting mileage.

Mr. HULL of Iowa. I think that is one object.

Mr. MANN. I thank the gentleman for his frank statement.

Mr. HULL of Iowa. I think this amendment is subject to the point of order, because it goes to the entire mileage account of the Army, while we are simply providing here for one specific matter.

The CHAIRMAN. Does the gentleman from Iowa make the point of order?

Mr. HULL of Iowa. I make the point of order.

Mr. SLAYDEN. It is simply a limitation on the expenditure.

The CHAIRMAN. The Chair can not agree with the gentleman from Texas. The Chair sustains the point of order.

Mr. HULL of Iowa. Mr. Chairman, I have been considerably impressed by what my friend from Illinois has said, and I have an amendment which I will submit, to strike out the proviso and insert, beginning at line 3, down to and including line 9, as follows:

Provided, That hereafter actual expenses only shall be paid to officers for travel while traveling to and from the Territory of Alaska and when traveling within the limits of the Territory of Alaska.

That will give them actual expenses. That will cover this point mentioned by the gentleman from Illinois where officers might take a long trip by water down the Yukon, or down the coast, where transportation is furnished carrying with it meals; where they pay 7 cents a mile it would be a source of profit. It carries with it the travel while going to Alaska and returning from Alaska, so that they will get the actual expenses only. That will make a limitation, but I warn the gentleman that it may cost more than $4.50 a day.

Mr. MANN. I think if an officer expends more than $4.50 a day in travel, the Government ought to pay it. It is not a question of the amount of money so much as it is whether we encourage officers to get money in a way that they ought not to.

Mr. SLAYDEN. Mr. Chairman, may I ask the gentleman a question?

Mr. HULL of Iowa. Certainly.

Mr. SLAYDEN. If this is a wise limitation to put on the mileage expenditure in Alaska, why is it not wise to apply it to the entire Army?

Mr. HULL of Iowa. I will say that there is nothing in my mind of analogy between the travel in the United States proper and other places and the travel in Alaska. In this country, after a great many years of effort, the mileage for the Navy was fixed at 8 cents a mile and for the Army at 7 cents a mile. The reason for the discrimination was claimed to be that in the United States the Army officer received quartermaster's transportation for his baggage up to a certain number of pounds for each rank, while in the Navy they had to pay all of their freight for moving the baggage.

There was a time when we had the expense account. It was a source of constant irritation, it was a source of constant annoyance, and the amount of 7 cents was finally agreed upon as being a substantially fair amount for the Government to pay. I want to call the attention of my friend from Texas to one statement that I know he did not intend to make—because he is one of the most accurate men in the House—where he said that the officers selected the farthest way around. The officer has nothing to do with selecting his route. If an officer goes from here to San Francisco, no matter what line he takes, the mileage is computed from tables made up by the Paymaster-General's Office over the nearest route. That applies to every trip, no matter where made.

Mr. SLAYDEN. But when he goes from station to station?

Mr. HULL of Iowa. If he is ordered from Manila to New York, it is computed on sea travel to San Francisco, and from San Francisco on by the nearest usually traveled route, the shortest line from San Francisco to New York. The gentleman refers to European travel. There was an abuse of that at one time, in my judgment, when men were ordered home by way of Europe. But the only way they could get mileage even then was to be ordered first to Hongkong and then from Hongkong to some point in Europe and then from some point in Europe home.

Mr. SLAYDEN. When I referred to being ordered from station to station I had that in my mind.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HULL of Iowa. Then, Mr. Chairman, I offer that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, strike out lines 3 to 9, inclusive, and insert "*Provided*, That hereafter actual expenses only shall be paid to officers for travel while traveling to and from the Territory of Alaska, or when traveling within the limits of the Territory of Alaska."

Mr. HAY. Mr. Chairman, I suggest to the gentleman that it had better remain at $4.50 a day. Who is to say what the actual expenses are? That is the way these matters are abused.

Mr. HULL of Iowa. They will have to furnish the bills before they are paid. A man could not be paid until the bill was approved by the War Department.

Mr. HAY. It seems to me the provision in the bill reported by the committee is much better than the gentleman's present amendment.

Mr. CRUMPACKER. Does the amendment include the word "necessary?"

Mr. HAY. I know they file an account and say "actual expenses," and that is the way the matter is passed.

Mr. HULL of Iowa. I am not at all tenacious about the amendment.

Mr. CRUMPACKER. Under the amendment he would also be entitled to what he spends in the way of traveling expenses, and he may live in the most extravagant manner.

Mr. HULL of Iowa. Mr. Chairman, I think it is pretty bad policy to try to amend in this way on the floor of the House, and I will withdraw the amendment. Enough attention has been called to this matter to do good.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

The Clerk read as follows:

Pay of officers of the line, $50,400.

Mr. HAY. Mr. Chairman, to that I raise the point of order. I want to call the attention of the Chair to the fact that the Porto Rican regiment, under the act of June 30, 1904, was mustered out of the service, and I will read the provisions of that act:

For the Porto Rico Provisional Regiment of Infantry, composed of two battalions of four companies each, to include the enlisted men of the present regiment who may be in the service June 30, 1904, and officers as herein provided. The field officers shall be detailed from the officers of the Regular Army of the same grade, and shall receive the pay and emoluments of their grade. The present officers of the regiment below the grade of field officers who are mentally, morally, and physically qualified and have proved efficient in their respective positions may be reappointed by the President, by and with the advice and consent of the Senate (and such officers shall be entitled to preference in such appointments), for a provisional term of four years.

The provisional term of four years provided for in this act will end on the 30th of June, 1908, and my point is that Congress can not appropriate for officers who will be out of the service of the United States when the appropriation goes into effect. There is no provision of the law which will authorize the President to appoint these officers for an additional term of four years after the 1st day of July, 1908. They are mustered out by virtue of the law on that day, and the Chairman will probably recall when this matter was before Congress, at that time it was distinctly understood that this regiment was only to remain in the service for four years, and the legislation was intended to bring about that result. The law, so far as the officers are concerned, I believe does bring about that result, and therefore I think that the point of order will lie to the provision for the payment to the officers for this Porto Rican Provisional Regiment. I will reserve the point of order for a moment, as I understand the gentleman from Texas desires to make some remarks.

Mr. SLAYDEN. Mr. Chairman, not being a parliamentary tactician, I am not certain whether a point of order will lie or not, but I am convinced in my own mind that the common sense of this House ought to lie against this provision, and I think it ought to go out by an overwhelming vote. There may have been a time in the history of the last ten years when it was desirable to have this regiment, but that time has gone by—gone by a long time ago, and I doubt whether it ever really existed. I do not believe that we ought to have two kinds of military organizations. I believe that to transact the military business of this Government we ought to have the Army of the United States, and that alone. The former Secretary of War, the present distinguished gentleman who is at the head of the Department of State, came before the Committee on Military Affairs some years ago and recommended specifically the discontinuance of the Porto Rican regiment. He said that it was no longer necessary to maintain the organization. Subsequently, I will not say for political reasons, he modified that statement very slightly. We have lately had before the committee the distinguished gentleman who presides, occasionally at least, over the War Department, and he urged the continuance of the Porto Rican regiment, but his reasons are very remarkable. Secretary Taft said:

> I think it would be a mistake, a great mistake, not to continue the Porto Rican regiment. I doubt if there is any one thing that makes the Porto Ricans feel so like a part of our country as to have that regiment there parading, drilling, maneuvering. I believe that as a part of the policy of maintaining our government in Porto Rico such a regiment is necessary. I do not mean to say that the conditions of order there are such that you can not do without it.

He hopes that it will be continued and made renewable forever, admitting that it is an anomalous situation, that there is nothing like it.

Mr. HUMPHREYS of Mississippi. Will the gentleman allow me to ask him a question?

Mr. SLAYDEN. Yes.

Mr. HUMPHREYS of Mississippi. In Porto Rico, is there no organization there that takes the place of the National Guard in the States, that could parade around and give them the pomp and glorious circumstance?

Mr. SLAYDEN. The committee which prepared this bill has no official connection whatever with the National Guard in any of the States or Territories, and I am not advised on that question. We have only to do with the regular establishment.

Mr. HUMPHREYS of Mississippi. But I thought if the Secretary's reasons were the only reasons for maintaining this organization, perhaps that might be met by the maintenance of a National Guard in Porto Rico.

Mr. SLAYDEN. Undoubtedly, Mr. Chairman, it would be much less expensive to maintain a national guard there and contribute out of the Treasury for the purpose of maneuvering and drilling.

Mr. HUMPHREYS of Mississippi. And quite as spectacular——

Mr. SLAYDEN. And quite as spectacular and as good so far as the moral effect is concerned. He further says that it is convenient to have positions of this kind to give officers out there, although anomalous. Now, as a matter of fact, we limit the opportunity of the Porto Ricans themselves to the exalted rank of captain. Beyond that, under the provisions of law, officers in that regiment have to be detailed from our Army. Gentlemen speak of it as offering a career to the Porto Ricans. Bear in mind that the ultimate development of that career is to attain the rank of captain, and as now organized they do not have the privilege of retirement. They are simply in an organization which, under the recommendation of the Secretary of War, is to be renewable at the end of each four years. Mr. Chairman, they all admit that conditions of peace and order in the island of Porto Rico do not require the presence of this organization. I myself entirely subscribed to that view until a few days ago, when I read this article which I hold in my hand from a New York newspaper, and I am going to ask the Clerk to read this, and in order that he may have time to do it, Mr. Chairman, I shall ask for an extension of five minutes in my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas? [After a pause.] None is heard. The Clerk will read.

The Clerk read as follows:

PORTO RICANS CALLED TO ARMS—DELEGATE RIVERA MAKES A VIOLENT ATTACK ON AMERICANS IN THE ISLAND HOUSE.

SAN JUAN, PORTO RICO, *February 10, 1908.*

Governor Post's friends and advisers in the Unionist party are putting him in an embarrassing position by their seditious utterances. If he reproves them he will lose their support, and, on the other hand, his silence is construed by Americans and loyal Porto Ricans as a tacit acquiescence in Unionist declarations and proposed legislation.

Delegate Luis Munoz Rivera, leader of the house and of the Unionist party, a man who has great influence with Post, recently made a long, bitter and violent attack on the American Government in a speech in the house. The Porto Ricans approved Rivera's tirade with vociferous applause. He denounced Americans as tyrants, declared that the one thought written on the hearts of Porto Ricans is independence, and said:

"Porto Rico is a mass of helots, submissive to the bitter caprice of its lords. And while Cuba awaits to have the ties which bind her parted, Porto Rico is less than a tribe, for tribes struggle for their honor and for their existence.

"Japan affirms that Korea is not fit for self-government; the United States is of the opinion the Philippines are not prepared for it. Gentlemen, we know already that there was a country that was not fit one eve, according to their masters, but was fit the following day, when they took up their machetes and guns and in the mountains regained by force their rights. From this it appears that there is no other road but the road of the woods and no other alternative than the alternative of arms if effective preparation is to be reached. It is necessary that the victims raise their voices and let their bitterness be heard. I raise my voice in the name of the victims.

"I shall advise my country to prepare to fight with machete and gun in the mountains. It is necessary for the people of Porto Rico to defend themselves with Spartan resolution against injustice. By giving in one does not advance toward the future.

"We are small, but we shall be great; we are weak, but we shall be strong if we unite hand to hand in the difficult climb of our Calvary. Union will save us. And for this purpose and to save ourselves the basis of the Union of Porto Rico (Unionist party) was established, which extends its hand and opens its doors to all Porto Ricans.

"The house of delegates sent four messages to Congress and to the President of the United States. Not one of them attained the fortune and honor of a reply. The President recommended to Congress that we should be declared citizens. Congress did not listen to the kind recommendation of Mr. Roosevelt.

"I would say to Speaker CANNON, to that gentleman who in this very corner of the house reminded us of our so-called "inferiority"—I would say to Mr. CANNON that if citizenship is to be given to us without the fullness of the American right, if it is only to consist in an abstract formula, we prefer Porto Rican citizenship. Up there they can be very proud of their citizenship. We understand that there exists no greatness in the world which excels the greatness of the United States, but here we are very proud of our citizenship, which is poor, which is feeble, but it is ours."

Rivera violently denounced the "six little kings," as he termed the Americans who are the heads of executive departments, and even sneered at his friend, Colonel Post, who, he says, lacks power and prestige. The executive council, Rivera asserts, is "the rock on which Porto Rican hopes are dashed."

The speech might be ignored as simply another violent outburst by a Porto Rican leader, but unfortunately it has fed the fire of anti-Americanism all over the island and increased the hatred between natives and the Americans.

Mr. SLAYDEN. Mr. Chairman, I do not apprehend any serious result to the Government of the United States from the burning eloquence of the speaker in the Porto Rican assembly, but it does not quite bear out the statement of the Secretary of War that all is calm and serene in that island, and I believe that history will repeat itself. I believe that despite the optimism of the secretary of the colonies, which has recently illuminated the country from the Pacific to the Atlantic and from the northern coast of Maine down to the Ohio River, where pessimism begins, that ultimately we will have repeated in this country the same sort of history that they have had in England, that they have had in Germany, that they have had in France, and that is disturbances in colonies governed at remote capitals. The people of Porto Rico have shown themselves to be orderly and peaceful in the main. They have also on occasions shown themselves to be spirited; and if we go on denying to them the right to be our fellow-men politically, it stands to reason that at some time or other, and in the not very distant future, their manhood will revolt, and in spite of the optimism of the Secretary of War, we will have to send other organizations for service there in addition to this one, which he says is only required for drill, maneuvers, and for show. [Applause on the Democratic side.]

Mr. HULL of Iowa. Mr. Chairman, on the point of order I want to say simply a few words and then yield to the gentleman from Minnesota. If the Chair has the document bearing on this subject, and I assume he has it——

The CHAIRMAN. The Chair has the communication from the Secretary, Document No. 429.

Mr. HULL of Iowa. That is the one. You see the provision is simply as to the officers—nothing else. There is nothing there that prohibits them from being reappointed, but at the expiration of four years, unless reappointed, they would go out of office. An officer can not be reappointed if he is a Porto Rican, but the gentleman from Minnesota has an opinion from the Judge-Advocate-General on this very question, and I will yield to him to present that part of it to the Chair.

Mr. STEVENS of Minnesota. Mr. Chairman, the Judge-Advocate-General sent to me an opinion on this point, which I will send to the Clerk's desk and have read as a part of my remarks. I will state, however, as a preliminary matter, to the chairman of the committee, so that this opinion can be fully understood. The history of the organization is set forth in the statement of the Judge-Advocate-General and refers to two statutes, and, with the permission of the Chair, I will read enough so that the Chair and the committee will understand the language of the statute organizing this regiment. In an act approved February 2, 1901, which was the Army reorganization act, section 37, appears the following language:

The President is authorized to organize and maintain one provincial regiment, not exceeding three battalions of infantry, for service in Porto Rico, the enlisted strength thereof to be composed of the natives of that island, so far as practicable.

Then another sentence, closing that section:

The regiment shall be continued in service until further direction by Congress.

The only other legislation is that which appears in the report containing the terms of the act of 1904, that the chairman now has, in which there is no direction by Congress which discontinues the service of that regiment. The act of 1904 does not pretend to change the tenure or term of service of the regiment as an organization. It does provide for the status of the officers and the enlisted men. This is not a direction by Congress discontinuing the service of the regiment.

Now, with those remarks I ask that the opinion of the Judge-Advocate-General be read. It shows that the regiment was organized and maintained as directed by law, that Congress directed it should be continued, and made provision for it, and that Congress has not by any legislation changed that direction.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

There also seems to be a misunderstanding as to the existing legislative status of the Porto Rican regiment. I will try to put before you the legislative history of that organization.

A regiment of volunteers, composed largely of native Porto Ricans, was organized in 1899. In section 37 of the general reorganization bill (act of February 2, 1901, 31 Stat. L., 748) the organization of a provisional regiment in Porto Rico was established. This continued in existence for about three years, when it was reorganized in the act of April 23, 1904 (33 Stat. L., 266). As reorganized it was made to consist of two battalions of four companies each. The field officers were to be detailed from officers of the Regular Army of the same grade. The company officers were provided for, as you will see, by an examination of the bill, one of the essential features being that they were to hold office for the term of four years. In the execution of the legislation which was embodied in the act of April 23, 1904, the regiment was mustered out on June 30, 1904, and a new regiment was organized on July 1 of the same year.

There seems to be an impression in the committee that the regiment is required, by existing law, to be mustered out on June 30, 1908. I think if the act of 1904 be carefully examined it will be found that there is no such requirement, and that, if it be desired to disband the regiment, legislation to that end will have to be adopted by Congress.

And I remain, as always, faithfully, yours,

GEO. B. DAVIS.

Hon. FREDERICK C. STEVENS,
House of Representatives, Washington, D. C.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the Chairman a question about that. Does he interpret that letter to mean that this Porto Rican battalion, or regiment, or whatever you call it, has a perpetual life?

Mr. HULL of Iowa. Mr. Chairman, I would like to say to the gentleman when we agreed on this conference report for the recommissioning of the officers for four years, I regarded it as not abolishing it, but making it so that at the expiration of four years Congress could refuse to appropriate for it without doing any injustice to anybody in that regiment. And I also at that time believed that the disposition of Congress was to abolish it. Now, I do not believe the point of order is good; but I do believe if the majority of the House is opposed to the continuance of the Porto Rican regiment, that under this provision of the Senate as agreed to in conference, the Porto Rican regiment has reached the limit of its existence unless Congress does appropriate, and that no claim can come upon the Government by reason of our refusal to appropriate. In other words, if it was a regiment of the Regular Army, provided for as a permanent organization, and we refused to appropriate for it, then they would have a claim which, finally, the Government would have to pay, while in this case it would necessitate the muster out of the regiment. The term is fixed by law when the officers' commissions expire. If we make an appropriation, we have by that affirmatively stated that we desire its continuance. We have not yet said by this law that it shall expire in four years, and I want to say, after hearing the Judge-Advocate's opinion, I am inclined to think that I was a little mistaken as to its absolutely being determined now, but I think I am not mistaken in the statement that we can refuse to appropriate and that the natural effect will be to terminate its existence.

Mr. HAY. Mr. Chairman, I can not agree with the argument made by the Judge-Advocate-General. The law of 1901, providing for the organization of the Army, merely provided that Congress should have control of this Porto Rican provisional command. Congress, in the act of 1904, to which the attention of the Chair has been called, undertook, as is admitted by the gentleman from Iowa [Mr. HULL], to say when the term of office of the officers, at least, should cease and determine; and my point is that until Congress enacts some further legislation which shall permit the President to appoint these officers again we can not make appropriations for men who can not, under the law, be appointed to hold the offices which they now hold. Can it be said that the President can reappoint these officers under this law every four years when the law itself provides that their terms of office shall cease and determine at the end of a certain four-year period?

Now, I assume that the enlisted men do not come under the same provision of that law as the officers do, but if the officers go out—and the officers are not like the officers of the Regular Army—under the law under which they hold their commissions in the Army, they may hold all their lives. There is no provision for retirement or anything of that sort for these men. They hold an anomalous position there, and they ought not, in my judgment, to be continued; and it was the intent and purpose of the law when it was made that the terms of these officers should expire four years from the 4th day of July, 1904. And I think the law, as the Chairman has it there, clearly states that; and I therefore believe that the point of order is good.

Mr. PARKER of New Jersey. The chairman, of course, has seen this act. I think it clearly explains itself. In the year 1904, there being then an existing regiment of infantry, appropriation was made for that regiment, changing the mode of appointment of its officers and the time for which those officers should serve. It said, first, that the field officers should be detailed from the Regular Army of the same grade. It said next:

The present officers of the regiment below the grade of field officers who are mentally, morally, and physically qualified and have proved efficient in their respective positions may be reappointed by the President, by and with the advice and consent of the Senate (and such officers shall be entitled to preference in such appointments), for a provisional term of four years.

It simply prescribed the term for which the officers should be appointed. It does not say that the regiment shall come to an end at that time.

It again says:

Officers so reappointed shall be eligible for promotion in the regiment up to and including the rank of captain upon examination as to their fitness for such promotion.

It does not at all state that when so promoted to captain they shall not be appointed for the full term of four years from the date on which they should be so appointed. The statute continues:

Vacancies then existing or thereafter occurring in the grade of second lieutenant may be filled by the President, in his discretion, and with the advice and consent of the Senate, by the appointment of citizens of Porto Rico for the provisional term of four years.

Suppose a vacancy "thereafter occurring;" if the vacancy took place last week, there would be an appointment for a provisional term of four years from that date. The "provisional" means that we need not reappoint the officer if we shall not want him.

Then, again, "men hereafter enlisted in the regiment shall be citizens of Porto Rico and shall be enlisted for a term of two years." If such men were enlisted yesterday they were enlisted for a term of two years, and their term of enlistment goes on till 1910.

The statute ends by providing:

The names of all enlisted men who have served honorably in the regiment shall be kept at the headquarters of the regiment, and these men shall be regarded as a reserve, to be specially considered in time of war. The pay and allowances of officers and enlisted men of the regiment shall be the same as authorized for like grades in the Regular Army.

Now, Mr. Chairman, I wish to point out the object of these short terms for officers and for not reenlisting the men. It was because the pay of our Regular Army was supposed to be so

much higher than the usual wages in Porto Rico that we believed we could educate both officers and men, especially the men, by taking them in for two years only and not allowing reenlistment, and thus educate a great part of the people of Porto Rico in the training of the Army and in general conditions of health and living, and that we would create a reserve of good men in Porto Rico for the purpose of peace and war. The continuance of the organization and of appointments and enlistment up to the present time and up to any time is regarded as assured by these provisions. There is no suggestion that the regiment should be disbanded. It governs only terms of office and enlistment. The term of the officers shall be four years and they can be reappointed, the term of the noncommissioned officers two years, and they can be reenlisted; and the term of the private soldiers is two years, and they can not be reenlisted.

The CHAIRMAN. It seems to the Chair that the statute referred to by the gentleman from Iowa, providing for the organization and maintenance of this provisional regiment, and the statute of 1901 referred to by the gentleman from Minnesota distinctly state that this regiment shall be continued in service until further ordered by Congress. The act of 1904, to which the gentleman from Virginia refers, has reference to certain officers, certain specific officers. Now, it would seem to the Chair, to maintain the position which the gentleman from Virginia takes, it would be necessary to hold that the regiment could be continued without officers. It seems to the Chair that that is not a reasonable construction. Therefore it seems to the Chair that the statute having distinctly provided that the regiment should be maintained until Congress otherwise provided, officers being of necessity a part of the regiment, that it must be maintained until Congress says otherwise. Therefore it seems to the Chair that the point of order made by the gentleman from Virginia is not well taken, and the Chair overrules the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOWDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate has passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4712. An act to provide for the care of persons adjudged insane in the district of Alaska.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17227. An act to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4064) to provide for a term of the United States circuit and district courts at Lander, Wyo.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET, from the Committee on the Post-Office and Post-Roads, reported the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. CRUMPACKER. I reserve all points of order.

Mr. OVERSTREET. I wish it understood, on behalf of the gentleman from Tennessee [Mr. MOON] of our committee, that all points of order are reserved.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that the Delegate from Porto Rico may have ten minutes to address the committee on this Porto Rican regiment.

Mr. LARRINAGA. Mr. Chairman, I thank the chairman of the Committee on Military Affairs for his kindness in asking that I should be allowed to speak on the Porto Rican regiment. I will avail myself of this opportunity to say a few words in connection with the political paper just read by the Clerk. I can assure the House that that article is a tissue of inaccuracies, to say the least. The gentleman spoken of as a member of the house of delegates is a good patriot, and he has the whole country behind him. I wish I had here that article, so that I might translate it word for word to this House, to show that every noble American would subscribe to it. I hope I may have an opportunity to take up this subject at some future time.

I will now take up the subject of the Porto Rican regiment. Mr. Chairman, the Porto Rican regiment is an institution of learning; it is a school of training for the Porto Rican people; it is a school of patriotism, and it has done a great deal of good. It has in some way helped to modify the sentiments raised by the injustice of this Congress in giving to Porto Rico that organic act popularly known as the "Foraker Act."

Mr. Chairman, the creation of the Porto Rican regiment has been about the only token of confidence and good will that the American Government has given to the island of Porto Rico, and I should consider the mustering out of that regiment a very unjust and unfair action on the part of Congress. The people of Porto Rico are proud of their regiment. They have a record as soldiers, and I am going to take the liberty of repeating here a part of what I said before the Committee on Military Affairs in regard to the past military history of the Porto Ricans. I do this, Mr. Chairman, because I have heard stated as one objection to the continuance of that regiment, that it is not an efficient unit of the Army, either for an offensive or a defensive purpose. I call your attention to these facts in order to show you that we, the Porto Rican people, have done our duty as citizens when called upon to shoulder a musket. The Porto Rican as a soldier has a good record. It was mainly the native militia that defended the country from foreign aggression in past times.

In 1625 the native militia cooperated with the regular troops in repelling the landing from twenty-four Dutch vessels under the command of Admiral Boudom Henry. In 1635 they took part in the expedition to the island of San Martin, West Indies.

In 1637 they routed the French, who had troops in Santa Cruz, West Indies. In 1647 they took an important part in repelling the attacks of the Dutch and French who were established in the small islands. This action caused the Spanish Government to admit the Porto Rican militia to the regular military service.

In 1664 the Porto Ricans outside of the city of San Juan organized themselves together for the defense of the country.

In 1681 all of the Porto Rican militia were called to arms to repel an attack by Admiral D'Entree. In 1690 the citizens of Porto Rico had again to organize in a military way to defend the country.

In 1702 Captain Correa, with only thirteen cavalrymen, repelled an attack of the Englishmen from two of their ships at Arecibo, swimming their horses out into the sea and lancing the enemy in their own boats. In the same year fifty militiamen repelled an attack of men landing from two ships from St. Thomas, at the town of Loiza.

In 1703 twenty militiamen defeated fifty Dutch in Guadiamilla, and Governor Rivas wrote to the King of Spain as follows:

> These Porto Ricans are not very numerous, but they are of such good quality and push that with them we fear no trouble.

Philip V granted military honors to the officers and men who participated in some of the engagements above mentioned.

In 1765 Governor O'Really organized nineteen companies of infantry from native Porto Ricans. In 1797 the Porto Rican militia repelled the attack of Admiral Abercromby, who with 60 ships and 6,000 men landed outside of San Juan and invested the city. After two weeks' hard fighting the Englishmen took to their ships, leaving behind them a great number of cannon, many of which were in the fort of San Juan until very recently.

In 1809 Lieutenant Power with a body of Porto Ricans went to the island of Santo Domingo to help the people of that country against the French after the battle of Palo Hincalo. During the nineteenth century the Porto Ricans fought in Santo Domingo, the Philippine Islands, and Africa.

In addition to authentic accounts of these facts which are to be found in the Spanish and Porto Rican archives, two living historians vouch for the truth of the facts, Mr. Salvador Brau and R. A. Van Middeldick, in their respective histories of Porto Rico. [Applause.]

Mr. CRUMPACKER. Will the gentleman let me ask him a question or two?

Mr. LARRINAGA. Certainly; with great pleasure.

Mr. CRUMPACKER. How long have the people of Porto Rico had a regiment of soldiers?

Mr. LARRINAGA. The Porto Rican militia had existed from time immemorial.

Mr. CRUMPACKER. Is the Porto Rico regiment the only military organization that is now maintained in the island?

Mr. LARRINAGA. It is.

Mr. CRUMPACKER. There is not now any local militia that corresponds to our National Guard?

Mr. LARRINAGA. Not at all.

Mr. CRUMPACKER. So this regiment is the only military organization in the island at this time?

Mr. LARRINAGA. The only one. About forty years ago, when the political struggle for self-government became very intense, Spain got a little suspicious of the seven Porto Rican

militia regiments and mustered them out. From that time to the present we have not had any armed force there except the provisional regiment as it now exists.

Mr. Chairman, I want to say something else in connection with this matter, if I am allowed the time. Some one in Congress said once that he did not like the Porto Ricans because they were not fighters. That gentleman simply had not taken the trouble to read Porto Rican history. Of course if it is necessary that a man should fight every day in the back streets of the cities in order to be a fighter, the Porto Ricans are no fighters; but as for the fighting record of Porto Ricans, I have pointed you to some pages of their history. Mr. Chairman, God forbid that the United States should ever get in trouble with another nation; but if so unfortunate a thing ever happens, I invite the gentleman who expressed a doubt about the fighting qualities of Porto Ricans to come and share in the fighting by our side, and we will show him how to fight for the honor of the flag and the liberties of the country. [Applause.]

Mr. Chairman, for me to insist upon the efficiency of the Porto Rican regiment would look too much like sounding our own praises. I am a peaceable man. I do not join the legions of Mars or those of the distinguished chairman of the Committee on Military Affairs. I rather find myself attracted to the legions of the distinguished gentleman from Missouri [Mr. BARTHOLDT], president of the American group of the lovers of peace that I joined some time ago, that learned gentleman who, single-handed and almost without any assistance, has brought honor upon the name of America at the peace conference in Europe. I will be always with him, praying to the Lord that this country may never have put the Porto Rican regiment to the test; but if that time ever does come, as I said before, the American people will have an example of how the Porto Ricans fight and, if it comes to the worst, how they fall for the liberties of the country and the honor of the flag. [Applause.]

Mr. HULL of Iowa. Mr. Chairman, I do not understand that there is any motion pending. I ask the Clerk to proceed with the reading of the bill.

The Clerk read as follows:

All the money hereinbefore appropriated, except the appropriation for mileage of officers and contract surgeons when authorized by law, for pay of the Army and miscellaneous shall be disbursed and accounted for by officers of the Pay Department as pay of the Army, and for that purpose shall constitute one fund.

Mr. FOSTER of Illinois. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting after line 14, on page 22 of the bill, the following:

"*Encampments of organized militia with troops of the Regular Army:* For paying the expenses of regiments, battalions, squadrons, and batteries of the organized militia of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled 'An act to promote the efficiency of the militia, and for other purposes,' $1,000,000; and for paying the expenses of regular troops authorized by the Secretary of War to participate in such encampments, $500,000."

Mr. HULL of Iowa. I would like to ask the gentleman where he proposes to have this come in?

Mr. FOSTER of Illinois. It is a new paragraph to come in after line 14, page 22.

Mr. TAWNEY. Mr. Chairman, I reserve a point of order.

Mr. FOSTER of Illinois. Mr. Chairman, I desire to say that this is the same provision that was made in the Army appropriation bill last year. The law under which this provision is made is a fixed law now in relation to the Army, and, as I say, this is the same provision or appropriation that was made in the bill for the support of the Army at the last session of Congress.

I believe, Mr. Chairman, while it may be true that this would go out on a point of order, I hope the gentleman will not insist on it, but that the appropriation may be made. It has been stated by the chairman of the Committee on Military Affairs that the Regular Army in many instances is depleted, that the regiments have been so depleted that now there are but few men left in certain companies.

We have here an arm of the military branch of our Government that is not engaged in military affairs as a vocation, but is composed of young men located in the States, employed on the farms and in the workshops and the factory and various other employments; so that they are an adjunct to the Regular Army in time of war, and this provides the means for making them more efficient. I believe it is a good thing to encourage the militia and have appropriations made so that they may meet with the regular troops in the encampments held yearly. It was for this reason that I introduced the amendment. It was left out of the bill; also the appropriation of $500,000 to pay the expenses of the Regular Army in participating in the encampment of the militia.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER of Illinois. Certainly.

Mr. MANN. Were both of these items in the bill last year?

Mr. FOSTER of Illinois. I understand that they were.

Mr. MANN. But not in the same place in the bill?

Mr. CRAIG. Mr. Chairman, if the gentleman will pardon me, I think I can explain that. The gentleman from Iowa stated in his speech the other day that the appropriation for the regular establishment had been cut down about $500,000 on account of their not making any provision for the maneuvers this summer, and then he said that it was $1,000,000 less on account of there not being any maneuvers.

Mr. MANN. The item of $1,000,000 was in the bill of last year; but the other item was not in the bill, but was covered in the total appropriation. Is that what the gentleman means?

Mr. CRAIG. Yes; it was covered, but was not in the bill in the same way in which this amendment provides.

Mr. FOSTER of Illinois. It was not in the bill as a separate item.

Mr. TAWNEY. Mr. Chairman, I make the point of order on the ground that there is no law authorizing these maneuvers which the amendment proposes to appropriate for during the fiscal year 1909. Now, if it is true that authority for the maneuvers and appropriations made was in the current appropriation law, that is not sufficient authority for appropriating for another year; in other words, it is not the substantive law authorizing these maneuvers, and for that reason I think the point of order must be sustained.

Mr. FOSTER of Illinois. Mr. Chairman, I would like to ask the chairman this question: In accordance with sections 15 and 21 of the act for promoting the efficiency of the militia, and for other purposes, is this appropriation made to carry out the provisions of this act which is provided for in those sections?

Mr. MANN. Mr. Chairman, it seems, as far as the point of order is concerned, that the act of January 21, 1903, provides in section 15—and this is a permanent statute and has not been repealed, as I understand it—

That the Secretary of War is hereby authorized to provide for participation by any part of the organized militia of any State or Territory, on the request of the governor thereof, in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post or camp or lake or seacoast defenses of the United States. In such case the organized militia so participating shall receive the same pay, subsistence, and transportation as is provided by law for the officers and men of the Regular Army, to be paid out of the appropriation for the pay, subsistence, and transportation of the Army, etc.

Section 21 provides for the furnishing of ammunition and for instruction in firing—target practice.

Mr. FOSTER of Illinois. That law has not been repealed.

Mr. MANN. That is what I say.

Mr. CRAIG. Mr. Chairman, I do not think this provision is subject to a point of order, but even if it were I do not think it ought to be made. The law clearly, as set forth in the Dick bill, provides that the Secretary of War shall provide for these maneuvers. For what purpose? For the purpose of educating the National Guard up to a point where they can become an aid to the Regular Army, and make a first line of defense in case of emergency. They are brought together with the Regular Army, and any man who has ever had anything to do with the militia knows that you can teach the militia more in one week in connection with regulars than you can in a year without them. Why? Because they are officered by men who know their business. They are drilled daily, they are made to go at it as a business, and they are not allowed to shirk anything. Some one may say, well, that may be all right, but the National Guard does not come up to the mark of the regular soldier. I say they do come up to the mark of the regular as far as their opportunities permit. I say the National Guard wants to come up to the mark of the regular soldier just as far as possible. In substantiation of that statement I want to call attention to the report of the Secretary of War of last year's maneuvers. Last year's maneuvers were held on the seacoast. The National Guard were sent to these seacoast fortifications and drilled with the regular soldiers. A national guardsman, as a rule, knows absolutely nothing about seacoast fortifications. They went there and worked night and day for ten days, and I will tell you that they are more proficient now than they would have been by studying their books at home and drilling on the streets and campuses for a month. The Secretary of War says, in speaking of these maneuvers:

ARMY AND MILITIA SEACOAST MANEUVERS.

It was the intention of the War Department to continue the same practical method of instructing regular troops and organized militia

in summer encampments that had proved so beneficial last year, to and from which camps the troops marched equipped and outfitted as for war; but the absence of troops in Cuba and at the Jamestown Exposition, and the necessary preparation for sending a large part of the mobile army in the United States to the Philippines, to relieve organizations stationed there, left too few troops available for the proposed mobilization. It was possible, however, to detail suitable officers and small bodies of regular troops, to cooperate with and assist the organized militia with their regular encampments, and accordingly this was done whenever requested by the State authorities.

There was no combined encampment of all arms of the service with the militia this year, but joint Army and militia coast defense exercises were held by the Coast Artillery, which were participated in by militia organizations from the seaboard States, as follows:

MILITIA ORGANIZATIONS PARTICIPATING IN EXERCISES.

Maine National Guard (twenty-four companies).
Massachusetts National Guard (twenty-four companies).
Rhode Island National Guard (thirteen companies).
Connecticut National Guard (seventeen companies).
New York National Guard (thirty-one companies).
New Jersey National Guard (twelve companies).
Maryland National Guard (eleven companies).
District of Columbia National Guard (twelve companies).
South Carolina National Guard (ten companies).
Alabama National Guard (four companies).
Georgia National Guard (eight companies).
Florida National Guard (twenty-one companies).
California National Guard (thirty-six companies).
Oregon National Guard (seven companies).
Washington National Guard (eleven companies).

COAST ARTILLERY POST TO WHICH ASSIGNED.

Forts McKinley, Preble, Williams, and Levett.
Forts Banks, Strong, Warren, Andrews, and Revere.
Forts Adams and Greble.
Forts H. G. Wright, Terry, and Mansfield.
Forts Schuyler, Totten, Wadsworth, and Hamilton.
Fort Hancock.
Fort Howard.
Forts Washington and Hunt.
Fort Moultrie.
Fort Moultrie.
Fort Screven.
Forts Taylor, Dade, De Soto, Pickens, and McRee.
Forts Rosecrans, Miley, Winfield Scott, and Baker.
Forts Stevens and Columbia.
Forts Worden, Flagler, and Casey.

All of the coast States except Delaware, Virginia, and North Carolina, which had made arrangements for their troops to go to the Jamestown Exposition, responded favorably to the invitation of the Department to participate in these joint exercises. Texas wished to participate, but owing to the fact that the defenses of Galveston have not yet been rehabilitated since the storm of 1900 no coast-defense exercises could be held at Galveston, and it was too far to transport the Texas troops to San Diego, Cal., on the west, or Pensacola, Fla., on the east, the nearest places at which exercises were to be held.

The chief of artillery speaks of the excellent spirit, zeal and desire to learn coast artillery gun work exhibited by the militia in these maneuvers, and regards the exercises as successful beyond his most sanguine expectations. Both regular and militia officers and men report that the exercises were in a very high degree interesting and instructive.

One of the main objects of these joint exercises was to encourage and foster the creation of a militia coast artillery force. The present number of the regular Coast Artillery is about sufficient to provide a complete manning body for one-half of the guns in our seacoast fortifications, or they can be so disposed as to provide one-half of a manning body for all of the guns. It was the idea of General Murray to make this latter disposition and to use the militia to provide the remaining half of the manning body necessary to operate all the guns, and also to use the militia as so-called "artillery supports," which are required to protect the land approaches of the batteries against attacks in the rear by small landing parties from the ships that are in action against the batteries.

The plan for the exercises provided that each regular coast artillery company should be linked for drill and instruction purposes with a militia company acting as coast artillery, and that the officers and men of these two linked companies should affiliate as closely as possible in all matters pertaining to their duties, each officer and each man of the regular company acting as the coach and tutor of the corresponding officer and man of the linked militia company, it being the theory that by this policy instruction would be most expeditiously given and good fellowship promoted between the regulars and the militia. From personal visits to artillery districts during the period of the exercises and from personal correspondence and reports in the daily press, the Chief of Artillery is led to believe that—

"There is good ground to hope that from the initiative and impetus of these joint army and militia coast-defense exercises there may in the course of time develop an adequate and efficient coast artillery reserve among the militia to reenforce the regular Coast Artillery in time of war, and an equally adequate and efficient body of coast artillery supports to defend the coast batteries against land attacks from the rear."

Even if we do not have the maneuvers like we did at Manassas year before last, let us send these men to these different posts. It is true the American people would have no trouble in raising an army if a war were imminent. Why, the American people would spring to arms in case of an emergency. But what is the use of a man springing to arms if he does not know which is the business end of a gun? Why not take these men and train them? Ah, but you say, it is a very small number trained each year. Yes; only a few were trained last year; but, as was said by Schonhorst in Prussia, "If you will let me have 40,000 men enlisted and let me change that 40,000 every year, in five years I will have 200,000 men trained for battle." Why can we not do the same thing with our National Guard? Why take away this appropriation when the boys are enthusiastic and want to do this work? I have been in the National Guard myself, and I know what it means. These boys work all day at their different businesses and at night go and shoulder their muskets and drill for two or three hours on the streets. They get absolutely nothing for it; and in the summer they want to go to the encampments. For what? Some say for pleasure, but I say when the national guardsman goes to an encampment with the regular soldiers he does not get much pleasure. He does not get anything but work, as was exemplified by one of the troops who went last summer. When they came back one of the boys said: "Tom, did you have a good time?" He replied: "Oh, well, they call it a good time. I haven't had my shoes or my clothes off for ten days, because every time I laid down, even at nighttime, a bugle would blow or a gun would shoot, and somebody would say, 'You'd better hurry.'"

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAIG. I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRAIG. Mr. Chairman, I do not believe this is subject to a point of order.

Mr. TAWNEY. Mr. Chairman, in order to save the time of the House, I will state that I have examined the statute and it is my opinion that the amendment is not subject to the point of order, and I withdraw it.

Mr. CRAIG. Very well; I have nothing further to say as to the point of order.

Now, Mr. Chairman, this amendment provides for the appropriation of $1,000,000 for encampments of the National Guard with regulars, and for their instruction by the regulars in maneuvers that will really do them an inestimable amount of good.

I am not one of those who believe that war is likely to come upon us in anything like the near future, and it is not my purpose to advise that a large, regular, standing army be maintained by the United States. The small army that we have is costing us some eighty-odd million dollars each year. It is a very small army compared with the immense armaments of Europe, but for its size it is one of the most expensive organizations of its kind in the world. Of course, I know the reason it is expensive is because it is not possible to get Americans to enlist at anything like the amount paid to the soldiers of Germany, Russia, or Japan. Neither do we have or wish to have the law that these countries have, compelling their young men to serve in the Army. The opportunities of money making and of securing large salaries by competent young men in this country are so attractive that the Army, with its small pay and many arduous and unpleasant duties, offers very little inducement; and for that very reason we have found it necessary to-day to increase the pay of the enlisted man in order to keep him in the Army.

It is evident to the most unobserving that our Regular Army of from 50,000 to 75,000 men would be practically powerless to cope with a foreign force of 500,000 veteran soldiers, if they should once be so fortunate as to get by our Navy and make a landing on our shores. I say 500,000 because there are many of the great powers that can mobilize such a force on short notice. Neither has it ever been contended that our Army could cope with such a force, nor were they expected when organized to be able to do so; but it has always been contended and it has always been the policy of the Government to rely, ultimately, upon the support which our National Guard could give to the Regular Army, in case of an emergency, to constitute a first line of defense, while an army of American volunteers which ultimately, in time of war, becomes the Regular Army, was being enrolled, equipped, and mobilized for active service.

At present the National Guard comprise from 110,000 to 120,000 men. They are, in the main, young men, full of vigor and patriotism, and enlisted to go anywhere in the United States for the purpose of preventing an invasion. I do not believe there is a man in this House who would question for a moment their bravery or patriotism. We know that they are ready at all times for a call to arms, and that they would willingly throw themselves between this country and any threatening danger.

I yield to no man in my admiration for the regular soldier in our Army, and I state without the slightest fear of contradiction, that man for man, they are far and away the best fighting material in the world, and nothing I say here to-day is intended in any manner to reflect upon them in the slightest degree. But they know, and you know, that they are intended to be a nucleus around which and through which the real American Army, the Volunteer Army, is to be formed. The Regular Army looks first to the National Guard to fill out its

depleted ranks and help them to officer and discipline the volunteers and shape them into soldiers. There is no one who realizes the need of an organized militia more thoroughly than does the officer and enlisted man of the Regular Army.

The Constitution of the United States recognizes the necessity for a well-organized militia when it says, "The Congress shall have power to provide for organizing, arming, and disciplining the militia." Thomas Jefferson recognized their great value when he said, in his first inaugural address, that he deemed one of the essential principles of our Government to be "a well-disciplined militia—our best reliance in peace, and for the first moments of war."

The Democratic party, which has always stood for that which is best and wisest in the policies of our Government, and which has always recognized the fact that the best and surest way of keeping the Government from having to maintain a large and burdensome regular standing army, was to have an efficient and well-organized militia, composed of the citizens of the country who are engaged in the peaceful walks of life, but are patriotic enough to give a portion of their time to being instructed and disciplined in military matters, says in its platform of 1900:

> In time of danger the volunteer soldier is his country's best defender. The National Guard of the United States should ever be cherished in the patriotic hearts of a free people. Such organizations are ever an element of strength and safety.

If, then, we believe, and I do not believe there is a man here who differs with me, that the National Guard, when well organized, is our greatest bulwark in case of a sudden crisis, then, in the name of all that is reasonable, let us have a National Guard that knows something about fighting, and, better still, knows enough to teach the raw volunteer recruits how to use themselves, take care of themselves, and do the most possible damage to the enemy.

How can this be accomplished? It can best be accomplished by putting them under teachers who know the business and who can impart their knowledge to them. These teachers we have now in the Regular Army. Let the National Guard and the regulars be brought together once in every year for exercises and maneuvers in every branch of the service. Let them have their practice marches, so that they will become hardened; let them have their field maneuvers, in large bodies, so that the officers can learn what it is to handle brigades and divisions as well as companies and regiments. Let them be instructed in the use and operation of coast-defense guns, building pontoon bridges, and all the other things which now are things in name only to the militia. Let the commissary officer get some real experience in feeding vast armies of men, so that we will never have a repetition of the gross errors and inefficiency exhibited by that branch of our service in our brief war with Spain.

I say to you, Mr. Chairman, that it is unjust and unreasonable for this great country to expect the men who compose our militia to be rushed into the trenches in case of war, which I pray may never come, without giving them a chance now to learn something of the real nature of the things which they will undoubtedly encounter and which they will be expected by the nation to overcome.

We are told in earnest and pathetic terms by the gentleman from Minnesota [Mr. TAWNEY] that we are spending too much money, and that if we do not stop we will soon be spending $6,000,000 per year upon the National Guard, and that we are now facing a large deficit. And yet he did not vote against the appropriation of the millions voted to-day for the increase in pay of the regular soldiers. This amendment asks for nothing more than has been appropriated for several years for the same purpose, that of maneuvers of the National Guard in connection with the regulars, and which is highly praised by the War Department as being money well spent and bringing in a good return in instruction of the most valuable kind. We are asked in this bill to appropriate approximately $80,000,000 for the support of the regular establishment of some 50,000 to 70,000 men; but when the Congress is asked to supply only $1,000,000 for the purpose of giving the 110,000 National Guardsmen an opportunity of getting in contact with these same regulars, and thereby acquiring some of the knowledge which they are anxious to obtain and which the regular is equally anxious to impart to them, we are met with the assertion that we want to create a large standing army, and that we are spending too much money.

I say to you, Mr. Chairman, that that proposition is an erroneous one. It is no purpose of ours to create a large standing army; but it is our purpose to create a well-organized militia and thereby obviate the necessity of an expensive and burdensome standing army. The position of the gentleman from Minnesota [Mr. TAWNEY] as to our deplorable financial condition is not borne out by the statement so recently made to us by the gentleman from Illinois [Mr. BOUTELL], his party associate, when he exultantly informed us on yesterday or the day before that the gold alone in the United States Treasury had reached the almost unthinkable amount of one thousand million dollars. Are we asking too much of the country when we ask this Congress to give one-thousandth part of that ready money to be used in instructing this patriotic aggregation of young Americans in the art of the defense of their country, for which instruction they are most earnestly clamoring?

I sincerely believe that if this Government would consistently help the National Guard and endeavor, by bringing them into contact with regulars, to make them efficient, we would soon have a reliable and effective force of 125,000 men who could be mobilized for active service upon a day's notice, and who could be maintained at one-tenth the cost of the Regular Army of 50,000 men.

Now, it is insisted that more good can be done the National Guard by sending the regulars to encamp with them, and instruct them in their State encampment, than can be done by mobilizing them all together in large bodies, and that it will be great economy to do so. In reply to that we ask you if you expect to train men in the use of heavy seacoast artillery by carrying such artillery to State encampments? Do you expect to send enough regulars to each State encampment to link every company of the National Guard with a company of regulars? If you expect to do either, then you will spend equally as much money, and we believe far more, than would be required to take the guardsmen to the seacoast fortifications and the general field maneuvers. You are bound to admit, and the chairman of the Committee on Military Affairs has already admitted, that you can not train men in seacoast defense gun work without taking the men to the seacoast, where the guns are planted. You are forced to admit further that in case of war the seacoast defenses would immediately become the most important part of our armament, for without them the Navy would have no proper base, and our great coast cities and our thousands of miles of coast would be exposed to the enemy and be his for the taking. You know further that we have but one-half enough men in those fortifications to man the guns, thus leaving one-half of our seacoast totally undefended. Which half will it be? You know further that the Secretary of War and Chief of Artillery say that with such maneuvers as were had by the National Guard in this seacoast defense work last summer they could in a short time train enough of the militia to man the idle half of those guns.

And yet the Republican leaders in this House quibble over this appropriation and are willing that those guns be left mere useless piles of iron and steel, while the men in the citizen soldiery, who are anxious to learn how to handle those guns and make them a real defense to the country, must be idle and untaught, because it suits the purposes of the leaders of the majority in Congress not to supply the means required for the purpose.

Of course infantry and cavalry can be instructed in a way by regulars in State encampments; but I venture the assertion here and now that there will not be ten regulars detailed to each regiment of National Guard at their next encampment.

The argument of the gentleman from Iowa [Mr. HULL] that they will be sent is of no avail, because it is based on nothing. Experience of past years has shown that regulars never have been sent to such encampments in large enough numbers to do the guard as a whole much good, and I call the attention of the House to the fact that there is nothing in the bill that requires them to be sent; nor is there anything therein that would lead one to believe that they will be sent. That idea seems to be in the minds of the committee more than in the bill.

We are therefore forced to the conclusion that the general maneuvers are undoubtedly the best way in which to give rapid and thorough instruction to the militia in matters in which they can not hope to become effectively proficient without expert aid; and I call upon the House to pass this amendment, and thereby recognize, in a measure at least, the unselfish patriotism of the National Guard, who serve the Government gallantly without pay or hope of reward, save that reward which comes to a good citizen in the consciousness of having done his duty to his country and his flag. [Loud applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. HULL of Iowa. Mr. Chairman, I want to call the attention of my friend who has just addressed the committee to one fact that, it seems to me, he has overlooked. The Department in asking for the maneuvers this year did not include the Coast Artillery. This year was for five or seven grand camps of maneuvers in the interior of the country. My own judgment is

that you can not give too much training for the next few years to the reserve militia on the coast defenses. The Committee on Military Affairs is not proposing to put itself in opposition to the general principle of maneuvers. That was not the object of the committee in striking it out. We are confronted this year with this proposition of an immense increase in the expenditure for the military establishment. The only question before us was, Where could any economy be practiced without any injury to the Government or to the service? If this was discrimination against the militia or the National Guard, I should be in favor of it, no matter what its expense might be; but I want to say to this committee that when you come to the encampments of the National Guard, if they will take the Regular Army to the States, a representative of the infantry, the cavalry, the artillery, and the Signal Corps, you could instruct the entire National Guard of the States, all of them, at a very small expense. You would do the guard proper much more good in the way of practical education than by so-called "grand maneuvers." That can all be done under the provisions of the bill as reported from the Committee on Military Affairs.

When you congregate, as is proposed by this amendment, the Regular Army in large camps with only one regiment from each State to participate, you only instruct one regiment of the National Guard. Now, this year we are going——

Mr. HUMPHREYS of Mississippi. Will the gentleman yield for a question on that point?

Mr. HULL of Iowa. Certainly.

Mr. HUMPHREYS of Mississippi. It is permissible, however, under the State law, as I understand it, where that practice is followed, that in sending one regiment of the National Guard you have that regiment composed of companies or battalions from several regiments.

Mr. HULL of Iowa. No; I do not understand that at all.

Mr. HUMPHREYS of Mississippi. There is nothing in the law forbidding that.

Mr. HULL of Iowa. But it has not been the practice in my State. There are four regiments there, and they designate one regiment to go, and that goes, as I understand, as one organization. And another time another regiment is designated, and that goes. I imagine the proposition for making up a regiment from several distinct organizations is something the Government would not inquire into, and so each State could do as it pleased as to that.

Mr. HUMPHREYS of Mississippi. It permits one regiment, but it does not designate which regiment, but leaves——

Mr. HULL of Iowa. That to the governor of the State.

Mr. HUMPHREYS of Mississippi. And to the adjutant-general of the State to say whether that regiment shall be taken bodily from the guard or whether the regiment shall be composed of different companies and battalions.

Mr. HULL of Iowa. That is not my understanding of the practice in my State. If the gentleman's State makes up a guard in that way, that is another proposition and is, of course, satisfactory to the officers of the State.

Mr. HUMPHREYS of Mississippi. I understand it is the practice in a number of States.

Mr. HULL of Iowa. I have no information on that subject.

Mr. HUMPHREYS of Mississippi. That would meet the objection of the gentleman.

Mr. HULL of Iowa. Not at all, because it would only be a small fraction of the guard that would be instructed. Now, we have, as I say, a prospectively large increase in the regulars this year. In my judgment, if the provision adopted by the committee to-day will become a law, it will increase enlistments enormously in the next six months. There will probably be 20,000 to 25,000 raw recruits in the Regular Army. Where is the best place for them to be instructed? In grand maneuvers? No. First in the company and then in the regiment. The best instruction comes from that. The National Guard, in their encampments as we have them in Iowa, where the militia and the National Guard have their encampment, put in the full time provided by law, and they are assisted by Regular Army officers—cavalry, infantry, artillery, and Signal Corps. They go through the maneuvers as a whole commanded by their officers, under the supervision of the regulars, and every one of the guardsmen has the greatest benefit from it. I believe that the instruction that comes from that——

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HULL of Iowa. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL of Iowa. I believe that this year the time may be properly occupied in that way. We made the appropriation for the Regular Army sufficiently large and you need no authority of law to do it. The President, as Commander in Chief, can shift them from one place to another, and the appropriation is sufficiently large to pay for the transportation of the regulars while attending State encampments, and then I believe after you have gone through with this method of maneuvers, sometimes, not every year, but at stated periods of time, we should have grand maneuvers where our generals can have just a little exercise in larger command, although we have done pretty well for one hundred and twenty-five years without that, but I believe that it is a good thing. But in my judgment the great demand that has come upon this House at this time is because the Department has insisted to the different adjutant-generals to write and telegraph every Member of Congress urging him to override the committee in trying to save a million and a half dollars and insist upon grand maneuvers this year. I will say to my friend, who recently addressed the House, that if it was a proposition to instruct the reserve Coast Artillery I would be in favor of it; but if this appropriation is made and the plans of the adjutant-generals of the different States and the Department are carried out, it will not be expended for the Coast Artillery.

Mr. SLAYDEN. Will the gentleman permit a question at that point?

Mr. HULL of Iowa. Yes.

Mr. SLAYDEN. I want to say to him that I have had no communication from the adjutant-general or from anyone connected with the National Guard of the State of Texas in support of this proposition. I know that they would favor it, but none of them have taken the trouble to communicate with me about it.

Mr. HULL of Iowa. I thank you. I have had a good many communications, but my judgment is, Mr. Chairman, that this year of enormous increases with decreasing revenues is a good time for every Member of this House to try to save $2,000,000 where it is possible to save it and not injure the administration of affairs connected with our military establishment.

Mr. MANN. Will the gentleman yield for a question?

Mr. HULL of Iowa. Yes.

Mr. MANN. I am not familiar with the bill myself which has been reported in from the Committee on the Militia, which makes a good many changes in reference to the militia, but would that in any way have anything to do with this proposition?

Mr. HULL of Iowa. Not at all.

Mr. MANN. That increases the expense. It proposes, as I understand, very largely the amount contributed by the Government to the militia?

Mr. HULL of Iowa. I have not seen the bill as reported. I saw the bill as introduced. It was agreed upon at Boston by a convention of national guardsmen and officers of the Regular Army from the Departments here, and it proposed that the Government should aid the militia or the National Guard by furnishing the entire equipment—clothes, subsistence, and all equipments of the guards—as we now furnish them their arms and ammunition. It proposes to make a permanent and indeterminate appropriation. My recollection is it proposes also to practically create a new bureau in the War Department composed of certain officers of the National Guard, who, in connection with the officers of the Regular Army or staff and Assistant Secretary of War, who has charge of the militia, should determine what is necessary for the benefit of the guard, and that then there should be appropriated in this permanent, indeterminate appropriation whatever amount should be decided on. I spoke to the chairman of the Committee on Militia, of which I am a member, and I told him I could not meet with him, but that I was opposed to any appropriation that did not limit the amount; that I did not believe this Government ought to put upon its statute books a law of this character, that would turn the entire Treasury over to any men, no matter how patriotic and loyal and economical they might be. His reply was that it was estimated to cost less than $800,000. Then I said: "Put in a million more for the militia, and I doubt if there will be opposition to it."

But in talking with a leading member of the National Guard who is looking after this matter here he said: "We must have at least $2,000,000 for the first year," and would not state how much they might need hereafter. That would be $4,000,000 for next year. That question is not before us. However, we are going to be called upon to add at least $2,000,000 to the annual permanent appropriation for the militia.

Mr. MANN. That is the reason I called attention to it. That bill has been reported and is on the Calendar. Another bill has also been reported from the same committee, reorganizing the District militia and very largely increasing the expense

of that, and I thought it might be well to take those bills into consideration in connection with this proposition for greatly increased expenses.

Mr. HULL of Iowa. I think that is a pertinent thing for us to consider. But, Mr. Chairman, to sum up: To my mind the great maneuvers at five or seven great camps of concentration, reaching through all the interior of the country where only a small fraction of the National Guard can be brought together with the regulars, can go over this year without any injury whatever, and we can have our State camps, and the regulars can participate in them and give instructions to all the militia, and then when we come to the time that we can afford it we can have our grand camps of maneuvers, not for the instruction of the enlisted men of either the militia or Regular Army, but for the instruction of the general officers; and that is what your grand maneuvers are for.

I served in the Army once and I know something about it. I happened to occupy a subordinate position, and the only instruction I got was just as far as I could see from day to day in my marches or in the battles. The generals, of course, who could look over the whole field, would get some benefit from this. The private soldier gets work, but he can get that work in his State encampment just as well.

And I want to call your attention to another thing, namely, that in these grand encampments, where men go several hundred miles, they lose at least three days out of their time going to and returning from the encampment. That is lost time. When they meet in their State they lose none of that time. We have made it possible, as I said a while ago, for the regulars to go to every State and participate in every State encampment. Take your guards, where you have four regiments, or six regiments, or ten regiments, or two regiments, even, and give them the thorough instruction that comes from the close association with the Regular Army, it is to my mind much more efficient than your grand maneuvers can ever be.

Mr. HACKNEY. I would like to ask the gentleman a question right there. He says that it has been made possible in this bill. Is it mandatory to have these soldiers go the round of State encampments?

Mr. HULL of Iowa. Not at all. But I have no question but it will be done, because the Department has shown the greatest disposition to cooperate with the States, and last year I took special interest to have my State, at least——

Mr. WILLIAMS. It will be done where the governor of a State requests it?

Mr. HULL of Iowa. Without doubt.

Mr. WILLIAMS. You do not make it mandatory.

Mr. HULL of Iowa. No.

Mr. HACKNEY. One other question. I wanted to know what is the proportion of the expense of transporting troops to the point of maneuver in the line of time, etc. How much is there given for that?

Mr. HULL of Iowa. They used a million dollars for the State troops two years ago; last year they used it for the coast defense by assembling the reserves for coast defense.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. Mr. Chairman, I move to amend the amendment of the gentleman from Illinois by striking out that portion providing for $500,000 for the regular troops. The appropriation carried in the bill for transportation of the Army, supplies, etc., covers that anyway. I therefore move to amend the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the amendment the following words: "and for expense of regular troops authorized by the Secretary of War to participate in such encampments, $500,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

Mr. O'CONNELL. I would like to ask the chairman of the Committee on Military Affairs what assurance we have that this appropriation will be put in the bill next year? I understand the present proposition is one of economy, and in the event of Congress having a fever of economy next year and the following years, what assurance can you give the militia of those States that they are going to participate in any national encampment?

Mr. HULL of Iowa. I can not give any assurance of anything that any Congress will do. I only want to say, and to repeat here what I said largely in my opening remarks, that I am strongly in favor of every movement that will bring the National Guard and the Regular Army into the closest association and assimilation. I am strongly in favor of encampments on account of the benefit that it will be to both bodies. But this year it seemed to me, with the large number of raw recruits that we hope to have in the Regular Army, with the fact that only a small number of the militia could participate in the maneuvers, it would be better for this year to have the Regular Army go to the State encampments, where all the militias of the State could participate in the maneuvers. Let them all have the benefit now, and when the Regular Army goes into the grand maneuvers the governor of each State should be requested to send the best regiment he has, or even two regiments, as a prize for efficiency—the regiment which has reached the highest efficiency—and let it go to the grand maneuvers to participate in those larger operations that come from a larger field to operate in as a reward of merit.

Mr. HUMPHREYS of Mississippi. How often are those grand maneuvers to occur?

Mr. HULL of Iowa. In my judgment they ought to be held once in every three years. That is what they have in Germany and the other great countries; but that would, of course, be only a question of my own opinion. I can not bind Congress.

Mr. HUMPHREYS of Mississippi. I wish to ask the gentleman a question for information. You spoke of sending the regular troops into the States as instructors at the National Guard encampments to be held in the States. Does this provision in the bill authorize or contemplate sending a member of the Medical Corps into the State encampments with the regular troops?

Mr. HULL of Iowa. They would send any branch of the Army—line or staff—the governor wanted.

Mr. HUMPHREYS of Mississippi. The reason I asked that is that it is one of the most important branches of the service, and it is a branch of the National Guard service which is the most sadly in need of instruction. In my own State I think that branch has been the particular pride of the National Guard, and it is due to the fact that the officer of that State who had the direction and control of that branch had associated with the regular soldiers in the United States Army, and had there obtained instruction that proved of inestimable value to the National Guard. Now, does the gentleman think his provision is broad enough to include that?

Mr. HULL of Iowa. It is. The gentleman remembers that the President of the United States can order the Regular Army or any man in the Regular Army any place he pleases in the United States or for any legitimate duty. Under the provision of the Constitution making him Commander in Chief, he can order any detachment of troops or staff corps to any State in the Union to participate in these maneuvers; and wherever it is proposed to use the Regular Army under the appropriations that we make, they can use a part of this fund for the purpose of attending the maneuvers or to any extent it may be required for that.

Mr. HUMPHREYS of Mississippi. Now, if the National Guard goes into an encampment with the regular soldiers with a regiment it is perfectly evident that a medical officer should be sent, and it is the practice in several of the States where they send several regiments to send also several medical officers, so that they may get experience, and that is very valuable.

Mr. HULL of Iowa. I think it is very valuable.

Mr. HUMPHREYS of Mississippi. If the encampments are to be held in the States it might be that they should have two years in which to get the benefit of any positive information for the formation of a medical corps.

Mr. HULL of Iowa. I think they would get every branch of the service that your own people would like to have.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. AMES] has expired.

Mr. HULL of Iowa. I ask unanimous consent that the time of the gentleman be extended. I have no desire to cut off the time.

Mr. O'CONNELL. I call attention to the fact that it took me about a half a minute to ask my question, and the gentleman has used five minutes in answering it.

Mr. HULL of Iowa. I will ask for all the time the gentleman needs. I do not want to cut anyone off.

Mr. AMES. Unless this amendment goes through, what provision is there in the bill for the heavy artillery in these joint maneuvers, that as I understand are their only course of instruction?

Mr. HULL of Iowa. I have tried to state to the gentleman that if the information given to the Committee on Military Affairs is correct, it was not intended that this million of dollars should apply to the Coast Artillery, because it was intended to apply to seven camps of concentration outside of the coast defenses, and when we had these maneuvers before, with only two camps, they spent a million dollars, and I have no doubt they will spend the full million on the other camps, without that. As I understand it, they claim that the reasons why

the Coast Artillery were not provided for this year was because last year the money which was appropriated was applied to the Coast Artillery; but I regard it of such importance that the Coast Artillery should be included that although I do not think as much as a million dollars is needed I would be glad to give whatever is absolutely necessary for instruction of coast artillery militia. Of course, gentlemen understand that they can not send the regular establishment to the Coast Artillery, as the coast defense batteries are stationary, but you must bring the coast artillery militia to the regulars, because the guns of the Regular Army fortifications are not movable, and you have got to take the coast artillery militia where the guns are to give them full instruction. In the other branches of the service you can take the Regular Army where the militia are located, but in reference to the Coast Artillery a different plan must be pursued.

Mr. CRAIG. Is there any provision in your bill by which the Coast Artillery can go where the guns are?

Mr. HULL of Iowa. None whatever, if you mean coast artillery militia.

Mr. CRAIG. Is it not a fact that last year they spent something like $700,000 and received a great deal of benefit?

Mr. HULL of Iowa. I think the Coast Artillery militia received great benefit, and I think we ought to continue to educate that great reserve to man our guns for the reason that we can not pick up the men and put them in the intrenchments to handle these great modern guns, operated by electricity, aimed by means of range finders and mathematical calculations. You must have them educated, and if you will propose an amendment here confining these maneuvers to the Coast Artillery and appropriating what I should imagine would be ample—half a million of dollars for that only—I will not oppose the amendment.

Mr. CRAIG. Is there anything in this amendment to permit it to be expended in that way?

Mr. HULL of Iowa. No; not in this amendment, if plans submitted to our committee are carried out.

Mr. CRAIG. Is it not a fact that the Secretary of War, in his report, says that the maneuvers last year, in which the regulars were carried to the Coast Artillery, were not as beneficial as the maneuvers which were had the year before?

Mr. HULL of Iowa. I do not know anything about that.

Mr. CRAIG. You stated in your remarks the other day that there had been $500,000 left off the appropriation for the regular establishment and $1,000,000 for the militia. Now, if the amendment of the gentleman from Virginia to strike out the appropriation in this amendment goes through, would it be possible to carry on any of these maneuvers, there being no appropriation for that purpose?

Mr. HULL of Iowa. Yes; they would probably carry them on, and come back for a deficiency; and I want to call the gentleman's attention to the wisdom of the motion of the gentleman from Virginia, because if the amendment carries in its present form, the Regular Army would be limited absolutely in any expenditures for maneuvers to the amount in this amendment.

Mr. CRAIG. What I want to get at is whether we can get the maneuvers at all without the $500,000, in view of the gentleman from Iowa having stated that it was cut off because we were not going to have maneuvers.

Mr. HULL of Iowa. Yes; that was an item of expense that we thought we could dispense with. But I have noticed that where the law provides that a thing shall be done they go on and create the expenditure and then bring in a deficiency before the close of the fiscal year, and it is entirely proper to do so. When the law requires a certain thing to be done it carries with it an obligation on Congress to provide the necessary funds.

Mr. O'CONNELL. Mr. Chairman, I will confess that I am decidedly at a loss to understand the economy of any proposition such as that advanced by the gentlemen opposed to this amendment, in which they attempt to explain their opposition to this appropriation of only $1,000,000, when at the same moment they quickly appropriate $85,000,000 for the maintenance of the Army, which sum added to the initial permanent cost for the equipment, armament, weapons, buildings, forts, lands, recruiting, and education of our Army must make an enormous sum already spent on the Army. I do not know that anybody could tell us what the total cost of the Army is up to date, but you are now proposing to add $85,000,000 to it, and then you come forward with a proposition to economize by striking out a million dollars which would help to make the troops more efficient. Where is there any sense in spending such a tremendous sum of money on a department that will be utterly useless unless the men are suitably drilled and educated to carry out the principles and purposes of the Army of which they are the most essential part? I am free to confess that I do not see any force in the policy of the Committee on Appropriations in cutting off the appropriations for joint maneuvers, because if the Government desires to make the National Guard the reserve of the Regular Army, this appropriation should be made, and then Massachusetts would be willing to send a whole brigade to White Plains this summer. It seems to me that this is cutting off something that should not be cut off.

It seems to me that it is a proposition that is unfair to the militiamen of our country and to those States that have spent so many millions on their militia and which take a just pride in the splendid qualifications now attained. Massachusetts is desirous of helping her troops to properly practice the real science of war in order to keep their efficiency at the highest possible point. We have taken great pride in our militia, and Massachusetts wants her citizen soldiers to be the best in the country, and she expects and demands some encouragement from the War Department to build them up by the attraction of the national annual encampment. The militia of Massachusetts, including officers and men, from Governor Guild down, are deeply interested in this bill and desire the militia to have a chance to practice in the annual maneuvers with the regular troops at White Plains this summer, and I trust the amendment of the gentleman from Illinois will be adopted.

Mr. TAWNEY. Will the gentleman yield?

Mr. O'CONNELL. Certainly.

Mr. TAWNEY. Will this failure to appropriate this money interfere in any way with the annual encampment in the State of Massachusetts?

Mr. O'CONNELL. I understand that it will.

Mr. HULL of Iowa. Oh, no.

Mr. CAPRON. No; it will not.

Mr. TAWNEY. I think it will not interfere with your encampment at all. It will affect the maneuvers in this way—the only thing the appropriation in this amendment will accomplish will be to enable some regiment in your State to go into a neighboring State and participate in the grand maneuvers with the regiments of the several States and the regular troops.

Mr. O'CONNELL. That is the feature that I had in my mind.

Mr. TAWNEY. It does not interfere with your annual encampment.

Mr. O'CONNELL. It will interfere with such encampments as took place at Manassas, and which this year I understand is to take place at White Plains. The staff departments of our militia, and in fact of the Regular Army, need plenty of practice in transporting and rationing large forces, and giving the troops some actual experience. This would make the service attractive and would stimulate recruiting.

Mr. TAWNEY. Only with the general encampment of Federal troops, where the militia of the several States and the regiments of several States have assembled for the purpose of maneuvers with the regular troops.

Mr. O'CONNELL. I protest in the name of Massachusetts against being obliged to omit such important military education from the schooling of our militia. I believe that the general annual emcampment promotes their efficiency, and I know that the Regular Army can be made more efficient by the efficiency of the Volunteer Army when called upon to assist them in a time of war. An army that can maneuver properly and scientifically is a better weapon for warfare than anything I know of. We do not believe that they can be made efficient unless you give them this general practice, such as is indulged in when the militia of our State comes into actual contact with the Federal troops in a general encampment. It seems to me, Mr. Chairman, that instead of a measure of economy this is more a measure to the detriment of the Army, which in the long run will be far more expensive to the country, and one which we may deeply regret. I do not believe in economy of this kind, and I hope the amendment offered by the gentleman from Illinois [Mr. FOSTER] will prevail.

Mr. HOLLIDAY. Will the gentleman from Massachusetts yield?

Mr. O'CONNELL. Certainly.

Mr. HOLLIDAY. Can the gentleman show this committee where any real, tangible good has come from the maneuvers to his State by reason of participation of the militia in the national maneuvers? In what respect have the troops become more efficient by participating in these maneuvers?

Mr. O'CONNELL. I believe our militia have improved by their acquaintance and familiarity with the conduct of the Federal troops when in action under the orders of highly equipped officers trained for such purposes in West Point and with the actual knowledge that they derived from maneuvers

with the Regular Army. I believe this practice is much better than mere theory or dress parades or encampments of a small number of troops. I will refer the gentleman back to the axiom of life, that "practice makes perfect."

Mr. TAWNEY. How many maneuvers has the militia of the State of Massachusetts participated in as is proposed in this amendment?

Mr. O'CONNELL. I can not tell.

Mr. TAWNEY. Just one.

Mr. CRAIG. The State of Massachusetts sent twenty-four companies last year to the coast artillery exercises.

Mr. TIRRELL. Mr. Chairman, I desire to say just a word in corroboration of my colleague from Massachusetts [Mr. O'CONNELL]. There is deep interest taken in that Commonwealth on this subject. No State in the Union has cooperated more earnestly and thoroughly with the militia law, known as the "Dick bill," than my own State. The results have been so satisfactory that the adjutant-general of Massachusetts, who has been familiar with military affairs and an active man in our own State for many years, came on to Washington a week or ten days ago for the purpose of laying before the Representatives in Congress from that State the reasons for the interest taken by Massachusetts in these maneuvers.

Mr. MANN. Hence these tears!

Mr. TIRRELL. The question has been asked what benefit has resulted therefrom. I wish to say, in addition to what my colleague has stated, that the benefit has been, first, that the companies in Massachusetts have been kept recruited up to their full limit by a more general interest taken in militia affairs; second, the proficiency in the service in Massachusetts has been largely increased, and, third, greater respect has been shown to the militia law and all that appertains thereto. I don't know as I can add anything further. It is admitted here by the chairman of the committee who is in charge of this bill that the benefits flowing from these grand maneuvers have been great, and that economy is why the appropriation has not been continued this year. That may be a reason. To me it seems to be the only reason that can be assigned under the existing condition of the country why the appropriation should not be voted.

Mr. TAWNEY. Mr. Chairman, I trust this amendment will not prevail. I think the Committee on Military Affairs in providing as they have for participation by the Federal troops with the State militia in their annual State encampments, will prove more beneficial from the standpoint of experience and instruction than the policy heretofore followed of having one regiment attend one of these grand maneuvers. I want to call to the attention of the committee the very rapid growth of Federal appropriations for the benefit of the State militia since the passage of the Dick bill only a few years ago. We were then appropriating about $400,000 for this purpose. Then came the permanent annual appropriation of $1,000,000. Then in the last Congress another or additional permanent annual appropriation of $1,000,000, making the permanent annual appropriation for the organized national militia two million. These two appropriations aggregating $2,000,000 are permanent annual appropriations, and will continue indefinitely. The National Guard of the several States receive the benefit of that $2,000,000 every year. By this amendment it is proposed to add another two million for the benefit of the National Guard, and a bill has been reported from the Committee on the Militia for a permanent indeterminate annual appropriation of at least $2,000,000 more.

So that we will appropriate annually for the National Guard, if this amendment is adopted and the bill now pending in this House is passed, from the Federal Treasury, at least $6,000,000, instead of $400,000 less than four years ago.

This enormous increase in so short a time should arrest the attention of this House and the country, and shows how rapidly we are drifting toward militarism. We have to-day, as a result of the passage of the Dick bill, for all practical purposes, an authorized standing army of about 200,000 men, all fully equipped and organized for active service. We have heretofore maintained militia or National Guard organizations, but these organizations were maintained largely for the benefit and protection of the State and its interests, and this organization was then maintained at the expense of the State. It is now proposed, in effect, to transfer to the Federal Treasury the burden of maintaining militia organizations. If this is done it will not be long before the military appropriation bill passed at each session of Congress will reach more than one hundred millions of dollars annually. In this bill we deal very liberally with the Army. We have agreed to the proposition to increase the pay of the enlisted men, in the aggregate, over $4,000,000. The proposition is also pending in the other branch of Congress to increase that aggregate some two or three million dollars more by increasing the pay of the officers.

If this Congress proposes to also add $4,000,000 more to this and to the permanent appropriations for the maintenance of the National Guard, anyone can see that it will be only a very few years when the appropriation for the Army will exceed the enormous sum of $100,000,000. The current appropriation for the support of the Army is $78,193,311. The amount carried in this bill is $85,007,566.66, an increase of $6,814,255. If we add $4,000,000 more on account of the militia, we will have increased the appropriation for military purposes for the next fiscal year more than $10,000,000 above the amount expended for that purpose this year. At this rate it will not be long before the people will be compelled to greatly increase Federal taxation for the purpose of maintaining our military organizations in times of profound peace on a war basis. How long do you suppose the American people are going to submit to this policy?

If we want to maintain and retain an efficient military organization, let us do so; but do not let us waste the people's money in doing it by providing such an impracticable scheme as this is.

Mr. Chairman, I had occasion, early in the session, to call attention to the fact that unless Congress revised the estimates submitted to it by the several Executive Departments at the beginning of this session and greatly reduced the appropriations upon these estimates, we would certainly close this session with a large and certain deficit. If we propose to increase the estimates for military purposes, if we propose to pass new authorizations here not included in the estimates, what prospect do the Members, or the people of the United States who are interested in internal improvements, have of securing the money necessary to make these desired and much needed internal improvements? There is a great demand for waterway improvements all over this country; there is also a demand for an appropriation of money for public buildings and for other necessary internal governmental purposes, improvements that relate to the carrying on of the functions of Government in times of peace. If we propose to increase the expenditures of the Government for military purposes at the rate of $10,000,000 a year when our revenues are declining and other expenses incident to the civil administration of the Government increasing, where can we look for the revenues with which to authorize and make the more important, more essential internal improvements which the American people are to-day demanding? I certainly claim and believe that no man can go to his constituency and justify his failure to appropriate money for these necessary internal improvements by voting to increase the military expenses of the Government at the rate of $10,000,000. I sincerely hope, Mr. Chairman, that this amendment will be voted down.

Mr. FINLEY. Mr. Chairman, I have listened with a great deal of interest to the remarks of the gentleman from Minnesota, the chairman of the Committee on Appropriations. He has made an argument against this amendment from a standpoint of economy——

Mr. TAWNEY. From a standpoint of extravagance.

Mr. FINLEY. Oh, I differ with the gentleman, and I think I am entitled to my view of his remarks—from a standpoint of economy, and he points out to us that there will be a deficiency in the revenues, most likely. I believe that this amendment will increase the efficiency of the militia of this country. I think it is one of the very best amendments that has been or can be offered to the military appropriation bill. The gentleman points out that with the $2,000,000 provided this amendment will be an additional million and that other laws contemplate as much as two or three millions more. I do not know, nor do I think the gentleman from Minnesota knows, whether or not the bills of which he speaks will become law at this session of Congress. I want to say here, and I want to say emphatically, that if these bills will add to the efficiency of the militia of the United States, I am in favor of them and I hope they will pass.

Now, Mr. Chairman, certainly no one will argue that the militia of this country, by taking part in general encampments, will not be improved in discipline, that they will not be improved in efficiency, and I believe that the very wisest military expenditure that this country can make would be to have a trained militia in the various States of at least a quarter of million of men; not less than that. The gentleman says that the time soon will be when we will be spending $6,000,000 a year. I believe that the very best investment this country could make, from the standpoint of military defense, is to be prepared for the evil day if it ever comes—and I hope that it

will not, but we can not take for granted that that time will not come, and we will need a strong military force. There is no better way; there is no more economical way than to provide a strong militia or National Guard in the various States. It is a National Guard, authorized under national law, and subject in all respects to national law when the necessity arises. I think the sooner this country is spending $10,000,000 a year on its National Guard the better it will be for the military force and the safety and defense of this country in time of need. I am opposed to a large standing army. Increase the militia in numbers and efficiency and decrease the standing army. These are my sentiments; I have long held them, and I am not frightened at all by argument based on economy. There is no extravagance in this. It is the cheapest and most economical expenditure that has been proposed for the betterment of the military force of this country, and I am heartily in favor of the amendment. [Applause.]

Mr. AMES. Mr. Chairman, I should like to disabuse the mind of the chairman of the Committee on Appropriations on this subject of the militia. From his own admission he counts on an army of 200,000 men. Our present regular service is but 50,000 men. In round numbers he has just admitted that we are appropriating $80,000,000 for the present military establishment, or at the rate of $1,600 per man. Now, the militia of 150,000 men, which he includes in his estimate of the total available military force, comes and asks for a paltry million for combined maneuvers, or at the rate of $6.50 per man. I think to oppose such an amendment is a cheese-paring proposition. If our militia is to be efficient, if it can get the benefit of association and contact with the regular troops and the discipline of the regular establishment, we can not better spend a million or two millions or six millions of dollars than to give it in just such a way.

Mr. TAWNEY. Mr. Chairman, I want to say just one word. I do not know how many colonels there are on the floor of this House, but I want to say to the gentleman, who is the colonel of one of the regiments of the State of Massachusetts——

Mr. AMES. May I interrupt the gentleman? I was a lieutenant in my militia. I went out a lieutenant in the volunteers, and I was promoted at the front in the volunteers. I am not a militia colonel. [Applause.]

Mr. TAWNEY. I understood the gentleman was a member of the militia organization of the State of Massachusetts. I have been misinformed if he is not at the head of one of the regiments. If he is not he ought to be, because he would render very efficient service to that organization. But I want to say to the gentleman from Massachusetts that when the Government of the United States provides, as is proposed in this bill by the Committee on Military Affairs, to give the several State militia organizations the benefit of contact with experienced and trained men in the Regular Army, at their annual encampments, it has done infinitely more for the benefit of these different State militia organizations than it would do if it spent $5,000,000 for camp maneuvers where only one regiment of these several organizations in the State could participate. Now, when the regular troops attend and participate in the State encampments they are participating with all of the members of the militia organizations in the several States, and I think the wisdom of this proposition ought to appeal to the members of this committee who are anxious for the betterment of the service in our State militia organizations. Where you have a service, or provide for an encampment which only one regiment from a State can participate in, which is also attended by Federal troops, you thereby minimize the benefit to be derived from the expenditure of the money that is necessary for the carrying on of this encampment.

Mr. FINLEY. Does the gentleman contend or understand that if this amendment carries it will cut out State encampments?

Mr. TAWNEY. It does not cut out State encampments. It does not interfere with State encampments at all.

Mr. CRUMPACKER. Will the gentleman allow me? It may be I do not have this question clearly in my head, but my understanding is that even if this amendment shall prevail, during the next fiscal year there will be only one kind of encampment, either the State encampment, with Federal aid, or these great camps of concentration, described by the chairman of the Committee on Military Affairs, the chief benefit of which will be to the officers of the militia or the National Guard. It is not likely both kinds of encampment will be held, and the question is, it seems to me, Where can the country get the best results for its money? The chairman of the Committee on Military Affairs has convinced me that more good will come from State encampments under the control and direction of officers of the Regular Army than will come to the National Guard through these great camps of concentration; and if we are to have but one, let us have the kind that will do the most good.

The bill, Mr. Chairman, carries an appropriation of $10,000, with which to pay the traveling expenses of the officers of the National Guard to go to garrisons and other places for their instruction. It seems to me to be idle to talk about State encampments and these great camps of concentration both in the same year, and in my judgment more good will come if this amendment is defeated and we go on with the policy of State encampments than if it should be included in the bill and the appropriation be quadrupled even in amount. The good comes from the Federal officers and soldiers visiting the National Guard in the various States in a body together, where every member of the guard can receive some benefit from the instruction.

Mr. TAWNEY. Mr. Chairman, my attention has been called by the chairman of the Committee on Military Affairs to the fact that if there is any provision made for these grand maneuvers contemplated in this amendment, there can be no regular troops attending State encampments, so that the proposition is one of relative merit. Now, the proposition presented to the committee from the Committee on Military Affairs is to aid the State militia organizations by having the regular troops attend their State encampments, and not to have the concentrated encampment where only one regiment from the neighboring States can attend. I think that the committee, not only from the standpoint of the benefit to the National Guard, but from the standpoint of expenditure, is doing a wise thing by voting down this amendment and adhering to the proposition presented by the Committee on Military Affairs.

Mr. CRAIG. Mr. Chairman, the chairman of the Committee on Appropriations takes an erroneous view of this subject. I have been to a number of military encampments——

Mr. TAWNEY. So have I.

Mr. CRAIG. And if you have you know when they send officers there they usually send one to a regiment of National Guard.

Mr. TAWNEY. What is that? They send one officer?

Mr. CRAIG. They send one.

Mr. TAWNEY. The Regular Army?

Mr. CRAIG. One Regular Army officer.

Mr. TAWNEY. That has not been the experience of the militia of the State of Minnesota.

Mr. CRAIG. It has been the experience of the militia in the State of Alabama.

Mr. FOSTER of Illinois. And in Illinois.

Mr. O'CONNELL. And in Massachusetts.

Mr. CRAIG. And I desire to say that in a majority of the States of this Union.

Mr. TAWNEY. Will the gentleman permit me. Are you talking about the inspection officer?

Mr. CRAIG. I am speaking of the man who is sent as an instructor.

Mr. TAWNEY. That really has been the rule heretofore, but in this bill I am informed by the chairman of the committee that that rule will not obtain in the future, and it will be entirely competent for the Secretary of War or the President to send any number of troops that they may deem necessary to these State encampments.

Mr. CRAIG. I will ask if that was not possible some four or five years ago, and did they then do it? No. Now, the national guardsmen have ten days in the summer for instruction. They have got to learn just as much as possible in those ten days. They are not like the Regular Army, who are drilled from day to day and have it hammered into them. Can one officer or one company of regulars go into a camp of national guardsmen and teach them much in ten days? They can not do it. The way to do it is like they did it with the seacoast artillery last summer. "Each regular Coast Artillery company should be linked for drill and instruction purposes with a militia company acting as Coast Artillery, and that the officers and men of these two linked companies should affiliate as closely as possible on all matters pertaining to their duties." It is impossible for one man or one company to teach a regiment much; but when you take one regiment of regulars and link it with a regiment of National Guard you will get results, and get them quickly. That is the only way to do it. It is contended that we have a standing army of 200,000 men, 150,000 of militia. We are spending $6,000,000, or will spend it, according to the Committee on Appropriations, on this militia. Now, is it not better to spend $6,000,000 on men and get something than to spend $5,000,000 and get nothing?

Now, if for these encampments we make an appropriation of

$1,000,000, which will be what the Secretary of War says such encampments will cost, it will be the best money we ever spent, and whenever we can get a standing army of 150,000 American soldiers for $6,000,000 per year, we will get the cheapest standing army that the world ever saw, and we will get the best. [Applause.] I say to you, gentlemen of the committee, it is the only way, and it is the best way to get it. You can not send enough of these regulars to the camps to instruct these troops, because if you do the cost will be just as great as if you send them to the regulars. Now, it has been contended that this money will not be used for the seacoast fortification drills. Mr. Oliver, in his answers in the hearings, in answer to a question by Mr. YOUNG, as to how many camps there will be, said:

Six or seven. It is proposed to have two on the Pacific coast, one on the northeast coast, one in the South, one will be at Indianapolis, one at Fort Riley, one at Fort Sam Houston, and one at Fort D. A. Russell.

Thus showing conclusively that they had expected to have some of them on the coast. Now, Mr. Chairman, in these camps to be held on the coast these men will daily be instructed in the use of coast artillery; and they will never know anything about coast defense unless you take them to the coast fortifications and teach them how to use this very complicated mechanism known as coast guns.

Mr. HOLLIDAY. Mr. Chairman, I hope the amendment will not prevail. When an appropriation was first made for these Army maneuvers it was well understood by the committee that they were something in the nature of an experiment, and the general talk was that they were not expected to be repeated every year, but might be taken up once in every three or four years, with a view to ascertaining whether they were of sufficient substantial advantage to the militia to justify the appropriation. That was a matter well understood in the committee and well understood at the War Department.

Now, the result of these maneuvers has not been such, in my judgment, as to justify us in continuing this appropriation. After the maneuvers were held down at Manassas I made all possible inquiries that I could—from persons who had participated in them, Army officers, and persons cognizant of the situation—to ascertain what real, tangible benefit had accrued to the militia by reason of them. They all said it was a good thing, a nice thing, but not one man could point out a particle of benefit that had been derived. In my judgment, speaking for myself and not for the committee—and I do not agree with them—my own notion is that this was simply a big junket for the benefit of the officers of the militia, and that is about all there is to it. It does not aid the individual soldiers of the National Guard one particle. I have participated in drills many a time—in company drill, in regimental drill, in brigade drill, and division drill—and I want to say to you that my experience is that the real training that the soldier gets is in squad and company drill. The average enlisted man knows nothing and cares less about what occurs at these great parades and reviews. They are not held for his benefit. When the British undertook to train the Egyptians into a fighting machine they did not have reviews. They sent out their sergeants and their corporals to drill them until they got them into fighting shape, and that has been done in all military countries in the world. The real basis of the training of a soldier is laid in the squad drill, and I want to say to you gentlemen that the knowledge that a soldier receives before he even goes to his company is worth more than all the other knowledge that he receives during his entire drill, so far as the enlisted man is concerned.

Mr. O'CONNELL. Will the gentleman tell me that the volunteer soldier gets as much idea of war or the training in war from the drill in an armory as he does from the great maneuvers in the field and in a great district?

Mr. HOLLIDAY. I do not know anything about drilling in an armory, but I do say he gets his practical knowledge of fighting by drilling in the squad and the company.

Mr. O'CONNELL. Does the gentleman maintain that mere drill is all that is necessary in the preparation of a soldier in modern warfare?

Mr. HOLLIDAY. No; you must have a good man to begin with, and then the drill will do the rest. There is a good deal of talk about our unpreparedness for war. The fact of the matter is that if a war was to break out an army would be extemporized in a very short time that would give a mighty good account of itself, whether we had a militia or not. A good many years ago such a war did break out, and I know of my own personal knowledge there were a lot of men from the Sunny South who did splendid fighting against us, without practical experience or practical training in war. There is a good deal of rot about this talk of our wanting to be a great military power. The proposition is to increase the Army, for that is just what it means. The proposition is ultimately and eventually to make the militia a part of the Regular Army and increase our Regular Army establishment to probably half a million men. Then will come along other ambitious men, with a good deal of jingoism in their character, and want to build up a tremendous Navy, and the first thing we know, gentlemen, we will be groaning under the burdens that Germany groans under now by reason of her immense army and navy. [Applause.] Let us stop while we can. I supported the proposition to increase the pay of the men, because I say let us have a little army—I would not vote to increase it one man—but for its size let us have the best fighting machine in the world, and let it go at that. We are in no danger of a war. There is no war cloud hanging over this country. We need not go to work and spend additional millions upon the Army and Navy. The youngest man in this House will never see any reason for it, in my judgment, and it is not necessary to be hysterical because some yellow newspaper talks of imaginary dangers 40,000 miles away from here. [Laughter.]

Mr. WILLIAMS. The gentleman means 98,000,000 miles away from here!

Mr. HOLLIDAY. I am perfectly willing to accept an amendment reducing the distance somewhat; but, gentlemen, in all seriousness, let us stop now. We do not want to make this a great military country. I will tell you the army that you want to serve, and that is the army of the unemployed. You want to start public works wherever you can and give them plenty to do. You are then conferring far higher benefits on the American Republic than in adopting this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time of the gentleman be extended five minutes. Is there objection?

There was no objection.

Mr. FINLEY. Will the gentleman yield?

Mr. HOLLIDAY. Certainly.

Mr. FINLEY. That proposition to give something to the unemployed the gentleman addresses to the Republican party, I suppose?

Mr. HOLLIDAY. I direct it to the whole House. I thank God I have got to the point in my life where I can talk without having politics enter into it. I am addressing the whole House. I assume that we are all patriotic and that we want to do the best thing that we can for the country. The only difference is the method. No; I am addressing myself to the whole House.

I want to say seriously that the American people have got tired of jingoism; they have got tired of militarism; they have got tired of this notion of diverting from peaceful pursuits and industry a vast amount of money that we ought to give to the workingmen in order to furnish them employment. [Applause.] Vote down this amendment and every other amendment that proposes to increase the amount of money provided for in this bill. We have been liberal enough; we have given the Army and everything connected with the Army all it is entitled to, and I hope that every amendment that proposes to increase any of the provisions in this bill will be voted down. [Applause.]

Mr. LANGLEY. Will the gentleman yield?

Mr. HOLLIDAY. I will yield to the gentleman from Kentucky.

Mr. LANGLEY. I think the gentleman from Indiana is perfectly right in not wanting to inject politics into the discussion of this measure, but I am sure that he and the House and country will be delighted to learn that the news has just come over the wire that the great State of Kentucky has again distinguished herself by electing a Republican United States Senator in the person of one of her most gifted sons, ex-Governor William O. Bradley. [Great applause on the Republican side.]

Mr. STEVENS of Minnesota. Mr. Chairman, I very much dislike to break into the felicitations of the gentleman from Kentucky and of the Republican side of the House, but I do believe that it is necessary that the great stock of misinformation that has seemed to pervade the committee upon the subject of these maneuvers be cleared a little by finding out what this provision will actually do. The amendment of the gentleman from Illinois provides for an expenditure of a million dollars for maneuvers of the National Guard combined with the Regular Army. The reports as to the condition of the National Guard on file in the War Department show that during last year instead of 150,000 men, as has been so frequently stated on this floor, there are about 115,000 or 120,000, divided into something more than 2,000 companies, many complying and many

not complying with the terms of the National Guard act. Last year at the maneuvers 241 companies participated, as shown by the last report of the Secretary of War. The gentleman from Alabama [Mr. CRAIG] read from the hearings before the Military Committee the number of maneuvers and the kind of maneuvers that will be held under the provisions of this appropriation provided in this amendment.

Now, the committee should understand that none of these will be coast artillery maneuvers; not one single one of them. One of this list will be held in the Northeast, probably in the upper or northern part of the State of New York somewhere—the grounds have not yet been located—and there will be one regiment probably from each New England State that cares to have an attendance, and one or more from New York and New Jersey. Another encampment will be held in the South, probably near Chickamauga, and there will be regiments from the adjoining States of North and South Carolina, Georgia, Florida, Alabama, and probably Louisiana and Mississippi. Another will be held at Indianapolis, where the States of Ohio, Indiana, and Illinois, and Wisconsin and Michigan, on the north, will attend. Another will be held at Fort Riley, in Kansas, and probably a regiment each from Iowa, Missouri, Nebraska, Kansas, and Oklahoma will attend. Another will be held for Texas alone. Another will be held at Fort D. A. Russell, in Wyoming, for Wyoming and Colorado and for the mountain States. Two will be held on the Pacific coast, one for California and one for Oregon and Washington. These will be maneuvers in the field for the National Guard, combined with such regular forces as may be available.

Mr. SLAYDEN. The gentleman will notice that Texas alone is equal to any of the others.

Mr. STEVENS of Minnesota. I admit that. Texas only needs to be named to admit it. The total number of companies that will avail themselves of these encampments will be about 230, as I can hastily calculate from the facts as I have them here at hand. So that the committee will see that but a little over 10 per cent of the total militia in the United States can take part in any one of these maneuvers in any one year. Now, it will be seen that the other 90 per cent of the National Guard does not and can not receive any instruction from these maneuvers during any single year, except that in the coast States most of their local militia can be instructed, but the troops in the interior must do as best they can with their usual State encampments.

It has been stated that the War Department did not send officers and regular troops to participate in the State encampments. I call attention to the report of the Secretary of War this year, on page 27, where he states that wherever requested by the State authorities the suitable officers and small bodies of the regulars are sent at the request of the State authorities, and that it is the recent policy—not of long standing, but recent policy—to detail officers and men wherever it can be done and whenever they are wanted.

Mr. CRAIG. Is there anything said about how many are detailed for each regiment?

Mr. STEVENS of Minnesota. The regiments, battalions, and companies have not been very large, and the number of men in the last year who could be available has been comparatively small, so that whenever a company or battalion was sent, but few men could go in comparison to the number who should go. The War Department has sent just as many troops as it possibly could to the State encampments, and undoubtedly that policy will be pursued in the future just so far as it possibly can be.

Mr. CRAIG. How many did they send under that last year?

Mr. STEVENS of Minnesota. There is no report, but I can tell the gentleman there were not so very many troops to send.

Mr. HUMPHREYS of Mississippi. Is there any provision in this bill carrying an appropriation for sending these regulars to the State encampments?

Mr. STEVENS of Minnesota. Yes; the Secretary of War can order regulars anywhere he sees fit, and there is money provided in this bill to pay the expenses of transportation and the subsistence and supplies anywhere which may be necessary for any purpose ordered by the War Department. That is the regular appropriation made for this sort of work or any sort of work which is of military character. It is carried in every appropriation bill, and there is ample supply for that sort of work wherever the Secretary sees fit to send the men, and undoubtedly he would, if your State authorities presented the proper application.

Mr. HUMPHREYS of Mississippi. He sends them, as I understand, upon the request only of the governor of the State.

Mr. STEVENS of Minnesota. He can send them without any request, but states he did send at the request of the State authorities.

Mr. HUMPHREYS of Mississippi. I know he can do it, but he does not do it.

Mr. STEVENS of Minnesota. I think the gentleman is mistaken. He does do it, as a matter of fact. His reports so state the fact, and I do not presume it will be disputed. He uses the words "State authority" in his report as the basis for his action in forwarding the regular troops.

Mr. HUMPHREYS of Mississippi. I understand there are plenty of men now in the service to be detailed for this purpose.

Mr. STEVENS of Minnesota. They are not there yet. The service is very nearly 20,000 men short now, or was at the last report that I had.

Mr. HUMPHREYS of Mississippi. Then, as a matter of fact, it is not a choice, as I understand it, as was indicated by the gentleman from Indiana [Mr. CRUMPACKER], between having the encampment supplied by instructors, if we might call them such, sent from the Regular Army to encampments of the National Guard, but in view of the gentleman's statement that there are no men in the Regular Army available for that purpose——

Mr. STEVENS of Minnesota. But the gentleman does not quote me accurately.

Mr. HUMPHREYS of Mississippi. It is to have a general maneuver under this amendment or nothing at all.

Mr. STEVENS of Minnesota. Oh, no. The gentleman is using my time, Mr. Chairman, and is misquoting me.

Mr. HUMPHREYS of Mississippi. I do not mean to misquote the gentleman, but I want information.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL of Iowa. I ask unanimous consent that his time be extended for five minutes.

There was no objection.

Mr. STEVENS of Minnesota. The companies of the Regular Army are depleted, and they are being recruited, and will be, I presume, as fast as possible. They are being recruited right now. They are always recruited at this time of year quite rapidly, in good times or hard times or any other time; during the winter the companies are filled up quite rapidly, so that when spring comes the companies are in fairly good condition. During hard times they remain in good condition. During good times the men leave in one way or another.

So that the chances are when next summer comes, especially if this bill passes, the companies will be in fairly good condition. Now, it is one of the policies of the Committee on Military Affairs to have, just so far as it can have, some military post of some size in nearly every State in the Union. There ought to be a military establishment where quite a number of regular troops are stationed, which can cooperate with the National Guard, cooperate in daily work, cooperate in their annual encampments, and cooperate in inspection and instruction. Mr. Chairman, the officers of the Department have not, and I speak advisedly, carried out in good spirit the policy of the House. They have tried to concentrate the troops of the Regular Army in large posts, in very large posts, in only a few States, and take them away from the States where large numbers of the National Guard have been, and always will be, maintained. So there can not be the cordial and constant cooperation between the arms that ought to prevail. The result is that the officers of the War Department would prefer at times that instead of constant, almost daily, cooperation, they should have a large encampment once in several years at a place like Fort Riley, instead of distributing the troops throughout the countries where they could meet the larger number of National Guard, in States like Missouri, Iowa, Wisconsin, Illinois, and Michigan.

The troops from those States do not get the advantage of association with the Regular Army except very seldom in these large encampments, and then under peculiar pressure and for only a few days. We have quite a number of regiments in our States. In a State like New York it would take fifteen years to get around under the plan of maneuvers as planned for this year; in a State like Illinois it would take six, eight, or ten years; and in Wisconsin three years, and if larger maneuvers of this kind be held only once in three years, as contemplated by the provisions of this act, it would take nine years to cover the three regiments of Wisconsin. The enlistments of the men would thus allow but few to get the advantage of this work. Now, the gentlemen can see why the chairman of the Military Committee states that it is best for the National Guard to be brought into more intimate contact with the Regular Army in their own State encampments, where the regulars can stay there all the time that may be necessary and be brought in contact every day with every regiment of the National Guard at least for one encampment.

Now, another point in answer to the suggestion of the gentleman from Mississippi. Each regiment of the National Guard

has about ten days available for its vacation and military work at the encampment. It would take about a day and a half or two days to get to the place of the larger encampments outside of the State. It takes about two days to get away from the place of encampment and reach home inside of this period, and that leaves less than a week for actual service, for actual military work and maneuvers and contact with the National Guard. If you will notice the location of these places of encampment, you will perceive this is necessarily so, because large tracts of land can be secured in but few places. The result is that the single regiments from these States, which may go to these large encampments and maneuvers can get about six days of actual training. If they went to their own State encampment, they would get ten days of actual training, every day in contact and under instructions with the regular officers and men. Every regiment in the State would thus get ten days of actual training instead of one regiment getting six days of actual training, and that is what I think the chairman of the committee desired to inform this committee and the House.

Mr. CRAIG. The gentleman says there is a provision by which these regular officers and troops can be sent to a State. I will ask if there is not also a provision by which the Secretary of War can send to the States officers to be stationed there, one or two officers?

Mr. STEVENS of Minnesota. Yes, sir; and, Mr. Chairman——

Mr. CRAIG. I will also ask if that is done anywhere that the gentleman knows?

Mr. STEVENS of Minnesota. Yes.

Mr. CRAIG. Where?

Mr. STEVENS of Minnesota. Six hundred and eighty-two officers of the Regular Army are under detail on detached service in one way or another.

Mr. CRAIG. I will ask if they are not all retired officers?

Mr. STEVENS of Minnesota. I am speaking of officers on the active list. The report of the Secretary of War for the last year shows that there are with the States right now—I think there are about thirty officers with the various States right now, officers on the active list of the Army.

Mr. CRAIG. Is it not a fact that it is a rule of the Department only retired men shall be sent to those places?

Mr. STEVENS of Minnesota. On the contrary——

Mr. CRAIG. I am very glad to hear that. It was my impression it was the other way.

Mr. STEVENS of Minnesota. I think the report of the Secretary of War gives a list of the officers under detail and on detached service. There are 682 officers on the active list away from their troops on one service or another now; instructors at State educational institutions, 56. I can not find at the moment the number with the militia, but I will place the number in my remarks. I am under the impression that thirty or forty officers have been detailed from the active list to serve with the militia in one capacity or another with the military work of the States.

Mr. CRAIG. Are they sent to serve with the National Guard, or are not these men who are sent to the military colleges?

Mr. STEVENS of Minnesota. Those fifty-six which I read were detailed to military colleges, and they were all from the active list, but there are many detailed from the Regular Army to serve with the National Guard.

Mr. CRAIG. I was informed by the adjutant-general of the State of Alabama not over two months ago that he could not get men stationed in Alabama because of a rule of the Department that they would not send anybody but men on the retired list.

Mr. STEVENS of Minnesota. As far as the Committee on Military Affairs is concerned, and I speak for myself anyhow, we have tried to prevent officers on the active list being detailed for any such purpose and being detached from their troops, and the reason is there are 682 officers now absent from their commands. The efficiency of the Army is greatly impaired by the absence of those men from their companies. What we have tried to do is to keep these active officers at home with their commands and require that the officers on the retired list shall do that kind of work, and as far as we had any influence we have insisted upon that being done, but it is not done, and a great many officers are absent from troops on this service. I do not believe there should be any more details of men on the active list, and then the people will realize the advantage and even necessity of an adequate supply of officers for the Army.

Mr. CRAIG. Does not the gentleman think when an officer on the active list is engaged in the work of instructing the National Guard that he is engaged in about as good work as he could be employed in?

Mr. STEVENS of Minnesota. No; if it results in the injury or the embarrassment of the Regular Army, it ought not to be done. The regular troops should receive first consideration of their own officers. What we ought to have is what the War Department recommends—enough officers so all these things can be done as may be necessary for the public welfare, but if we have to choose between the two courses of action, I think we ought to maintain the Regular Army first anyhow.

Mr. Chairman, I yield back the balance of my time.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] asks unanimous consent that all debate on this amendment and all amendments thereto be closed in five minutes? Is there objection? [After a pause.] The Chair hears none.

Mr. HULL of Iowa. I desire to yield three minutes to my colleague on the committee [Mr. BURKE].

Mr. BURKE. Mr. Chairman, in determining what disposition should be made of this amendment, we should bear in mind that only 10 per cent of the amount which would be adequate for equal treatment of all the States is provided for.

If it should pass this would render it necessary for the War Department to discriminate in favor of five States and against forty. The money comes from the common Treasury of the nation, contributed to without distinction by all the States alike, and I believe that so far as it is possible it should be disbursed in the same manner and on the same basis of equality.

The militia is organized and maintained primarily for the purpose of enforcing the reserved police powers of the various States, putting down local insurrections, and quelling internal and local disorders, and in this the States are doing a splendid work.

The effort of every one of us should be to harmonize the Regular Army and the militia by destroying all possible causes for friction, and for this reason, if we are to provide the War Department with funds for increasing the efficiency of the militia of the States, let us provide an amount sufficient to cover at least a fair proportion of them and not such a small proportion as will necessarily give rise to rivalry for its benefits and cause necessary discrimination in favor of a few and against many by the military authorities of the United States Government in their dealings with the various military organizations of the States.

Mr. HULL of Iowa. I yield two minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. This amendment of mine was offered here for the reason, as has been stated, that there has been a demand by the National Guard that this appropriation shall be made. I am free to confess to you that I have had letters from the adjutant-general of the State of Illinois, saying that great good has come to the State of Illinois and would come to the National Guard if this appropriation was made at this time.

Now, Mr. Chairman, the National Guard is a sort of a citizen soldiery. One hundred and fifty thousand men, or possibly a little less than that, are raising corn and wheat, are working in the mines and in the workshops all the year except the little time that they spend in these encampments, and we saw in the late war with Spain where these boys were ready to go at a moment's notice, and we had an organized army in the field in a very short time. It has been shown here by the chairman of the Committee on Military Affairs that we can not keep up the quota of the companies in the Regular Army. Now, this branch of the service furnishes the means of putting an army in the field when necessary, ready and equipped, and I understand there is now a bill before the Committee on the Militia which provides that they shall be made a part of the Regular Army, or will be accepted into the Regular Army in time of war without reenlistment. So that if that bill prevails they will be, in fact, a branch of the Regular Army, and I believe that much good would come in the encouragement of these boys, and what they might learn at these encampments would be of incalculable value to them as soldiers. I am not for a large standing army. I am for the smallest army possible; but I believe, gentlemen of the committee, that this is a way in which we can get an army that will be, in fact, civilians and men who are producing wealth in this country of ours nearly all the time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENS of Minnesota. Mr. Chairman, I ask unanimous consent for one minute in order to make a correction.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEVENS] asks unanimous consent for one minute in order to make a correction. Is there objection?

There was no objection.

Mr. STEVENS of Minnesota. I find in the report of the Secretary of War that there were stationed with the militia last year seven officers. I thought there were thirty, but the report shows there were seven. I knew there were some.

Mr. CRAIG. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. FOSTER of Illinois. Mr. Chairman, I also make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

Mr. FOSTER of Illinois. I want to state that when the amendment was offered——

The CHAIRMAN. Debate is exhausted. The gentleman can extend his remarks in the RECORD, but he can not speak except by unanimous consent. The question is on the amendment offered by the gentleman from Virginia.

Mr. CRAWFORD. Can we have that amendment reported?

The CHAIRMAN. What is the request of the gentleman from Illinois?

Mr. FOSTER of Illinois. When the amendment was offered by the gentleman from Virginia I thought that the Chair understood that I accepted that amendment.

The CHAIRMAN. It has to be voted on by the committee anyway. The question is on the amendment offered by the gentleman from Virginia.

Mr. SHERLEY. I would like to have the amendment reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment and the amendment to the amendment; it is so long since they were reported to the committee.

The amendment and the amendment to the amendment were again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is upon the amendment as amended.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. FOSTER of Illinois. Division!

The committee divided, and there were—ayes 56, noes 48.

Mr. HULL of Iowa. I ask for tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] and the gentleman from Illinois [Mr. FOSTER] will take their places as tellers.

The committee again divided, and tellers reported—ayes 59, noes 60.

So the amendment was rejected.

The Clerk read as follows:

SUBSISTENCE DEPARTMENT.

Purchase of subsistence supplies: For issue, as rations to troops, civil employees when entitled thereto, hospital matrons, nurses, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), Indians employed with the Army without pay, as guides and scouts, and military convicts at posts; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army transport service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties and applicants for enlistment while held under observation, authorized issues of candles; authorized issues of toilet articles, barbers', laundry, and tailors' materials, for use of military convicts confined at military posts without pay or allowances, and applicants for enlistment while held under observation, for issue of toilet kits to recruits upon their first enlistment; ice for issue to organizations of enlisted men at such places as the Secretary of War may determine; matches for lighting public fires and lights at posts and stations and in the field; flour used for paste in target practice; salt and vinegar for public animals; toilet paper for use by enlisted men at posts, camps, rendezvous, and offices where water-closets are provided with sewer connections, or where the sanitary conditions require its use; for sales to officers and enlisted men of the Army; coffee roasters and cooking apparatus in the field, and when traveling (except on transports), bake ovens and apparatus pertaining thereto; scales, weights, measures, utensils, tools, stationery, blank books and forms, office furniture, commissary chest and outfits, and field desks of commissaries: *Provided*, That the sum of $12,000 is authorized to be expended to defray the cost of furnishing food, and for providing extra-duty pay for cooks, assistant cooks, and waiters, and for perishable table equipment in subsisting enlisted men of the Regular Army and the organized militia who may be competitors in the National Rifle Match: *And provided further*, That no competitor who is thus subsisted shall be entitled to commutation of rations, and no greater expense shall be incurred than $1.50 per man per day for the period the contest is in progress. For payments: Of commutations of rations to the cadets at the United States Military Academy in lieu of the regular established ration at the rate of 30 cents per ration; of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, enlisted men and male and female nurses when stationed at places where rations in kind can not be economically issued, and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places or prizes in department and Army rifle competitions while traveling to and from places of contest, male and female nurses on leaves of absence, applicants for enlistment and military convicts while traveling under orders, of commutation of rations in lieu of the regular established ration for members of the Nurse Corps (female) while on duty in hospital, and for enlisted men, applicants for enlistment while held under observation, and military convicts sick therein, at the rate of 30 cents per ration (except that at the general hospital at Fort Bayard, N. Mex., 50 cents per ration is authorized for enlisted patients in said hospital), to be paid to the surgeon in charge of compensation of civilians employed in the Subsistence Department, and of extra pay to enlisted men employed on extra duty in the Subsistence Department for periods of not less than ten days, at rates fixed by law; of extra-duty pay at rates to be fixed by the Secretary of War for mess stewards and cooks at recruit depots, who are to be graduates of the schools for bakers and cooks; for printing, advertising, commercial newspapers, and use of telephones; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department); for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed $900 per annum; for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; in all, $7,000,000, to be expended under the direction of the Secretary of War, and accounted for as "Subsistence of the Army," and for that purpose to constitute one fund: *Provided further*, That officers of the organized militia who may hereafter be furnished, under proper authority, with funds for the purchase of coffee, or other components of the travel ration for the use of their respective commands, shall not be required to furnish bonds for the safe-keeping and disbursement of the same.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. HULL of Iowa. I want to say just one word of explanation. The Commissary-General called attention to one or two things that are new. The main part is the same, except he rearranged the language so as to provide in the first part of the paragraph the language covering all matters of purchase, in the last part all matters of payment. One thing new is in regard to the advancement of moneys for competitive rifle shooting. It does not increase the expense, but authorizes the advancement of certain money to expedite the work. It is now provided for by law, but can not be paid until after the times for assembling. This provides they can get pay in advance of the meeting. There is another new thing in the very last part which has regard to the advancement of what is called "coffee money" to the officers of the militia. Under the present law they have got to put up a bond when anything is advanced. The regulars do not have to put up a bond; the officer's commission is supposed to be sufficient.

It amounts to very little, but when troops are ordered to an encampment—that of course does not mean a State encampment, but any encampment Congress authorizes to be held outside of their States—the militia officer is deprived of the power to purchase small supplies necessary for their subsistence, in the way of rations, en route to the encampment. If they advance it out of their own pockets, the Government repays. The Regular Army officer gets this advanced to him. This simply avoids putting the militia commissioned officer on a bond for this amount.

There is an increase, which is a supplemental estimate sent us when the President of the United States under authority of law increased the price of the ration some two and seventy-seven thousandths of a cent for each ration to be purchased.

Mr. MANN. What is the commutation now?

Mr. HULL of Iowa. This is for the regulation ration. It is not quite 25 cents. It is just a mere fraction under 25 cents. The commutation part is provided, I believe, the same as the law has been for many years.

Mr. MANN. I do not quite understand that. The gentleman says that the President has increased the price of the ration.

Mr. HULL of Iowa. No; he has changed the component parts of the ration and increased its cost to the Government.

Mr. MANN. Well, he fixes what the ration shall be?

Mr. HULL of Iowa. Under the law now, within certain restrictions.

Mr. MANN. And they estimate it will cost more?

Mr. HULL of Iowa. Two and seventy-seven thousandths cents additional to each ration.

Mr. MANN. Then that accounts for the supplemental estimate.

Mr. HULL of Iowa. That accounts for the supplemental estimate.

Mr. MANN. What is the amount of this coffee money?

Mr. HULL of Iowa. It is a very small amount to each company.

Mr. MANN. The gentleman says a small amount! Of course a million dollars is a small amount at times.

Mr. HULL of Iowa. Not to us.

Mr. MANN. Why, a million dollars was a very small amount to certain gentlemen here just a few minutes ago.

Mr. HULL of Iowa. If the gentleman will let the point of

order remain pending, I will find out exactly; but it varies according to the distance traveled. A man traveling 400 miles with a company would spend more for what is called "coffee money" than he would if he traveled only 200 miles; but it is only a very small amount for each one.

Mr. TAWNEY. This proviso at the bottom of page 23 is new, is it not, appropriating $12,000 to be expended to defray the cost of furnishing food, and so forth, in subsisting enlisted men of the Regular Army and the organized militia who may be competitors in the national rifle match?

Mr. HULL of Iowa. We pay all that expense now, and the only change in that is that this authorizes it to be advanced, to enable them to get ready before the men get there, while in the other way they have to get there and make their preparation and go into camp afterwards.

Mr. MANN. Is not all of page 23, after line 14, new matter?

Mr. HULL of Iowa. I think not. I think you will find most of the language in the old law, scattered through it at different places, because it was not properly divided so that you could keep control, or follow exactly what was for purchases and what was for payments, unless you analyzed it sentence by sentence.

Mr. MANN. What is this provision for sales to enlisted men of the Army, in line 15, and where is that in the current law?

Mr. HULL of Iowa. We have always sold to officers and enlisted men of the Army, commissary stores, ever since the Army has been in existence.

Mr. MANN. Oh, I understand we furnish them commissary supplies at something less than cost, but where is this provision in the current law?

Mr. HULL of Iowa. I would have to go to the current law to find out, but it has been the law ever since we had an Army. The regulation adopted under the law has always been to sell to officers at cost, with 10 per cent added; not the cost of transportation, but the original cost, and it has been held that it was absolutely just to do that, for the reason that a man located at Chicago would buy his goods at the real cost, with 10 per cent added, while if a man stationed in Alaska had to pay the cost of transportation, in addition to the cost of the goods, he would be absolutely prohibited from living there, where he was compelled to live under his orders. Now, the enlisted man, of course, gets a certain amount of rations free, but an officer has the advantages of the commissary when he is in the neighborhood of any place where commissary supplies are kept.

Mr. MANN. I understand what the situation is, and the gentleman may be correct in saying that is in the current law. I do not profess to know the current law, but I was not able to find this, and I do not see what the object is in putting it in the law now unless the Department wants to do something different from the present regulations.

Mr. HULL of Iowa. My impression is that there is nothing of that kind contemplated, but I will say to the gentleman that it is late, and I will move that the committee rise, and we will get full information on that subject, so as to be able to present it in the morning. It is a very difficult matter to be able to refer to the details of all these complicated provisions at a moment's notice.

Mr. MANN. The gentleman from Iowa does not need to make any apology for the way in which he handles his bill in this House. Nobody ever does it any better. [Applause.]

Mr. HULL of Iowa. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17288—the Army appropriation bill—and had come to no resolution thereon.

ENROLLED BILLS AND JOINT RESOLUTIONS REFERRED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 16051. An act to authorize the Cahaba Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala.;

H. R. 16955. An act to extend the time for building a bridge across Red River at Shreveport, La.;

H. J. Res. 102. Joint resolution authorizing the Secretary of War to furnish three condemned cannon to the mayor of the city of Detroit, Mich., to be placed on the base of the statue of the late Maj. Gen. Alexander Macomb, United States Army; and

H. J. Res. 120. Joint resolution authorizing the Secretary of War to apply the unexpended balance of the donation made by the citizens of Dallas, Tex., under the provisions of the river and harbor act of March 3, 1905, to work in construction of Lock and Dam No. 2 in section 1 of Trinity River.

CLERKS OF COMMITTEES.

Mr. HUGHES of West Virginia. Mr. Speaker, I offer the following report from the Committee on Accounts and ask that it be printed in the RECORD.

The SPEAKER. The Clerk will report the resolution if so desired.

The Clerk read as follows:

Resolution in lieu of House resolutions Nos. 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, relative to the services of clerks of committees whose jurisdiction is defined in clauses 42 to 52, inclusive, of Rule XI.

The SPEAKER. Is there objection?

There was no objection.

The report is as follows:

Mr. HUGHES of West Virginia, from the Committee on Accounts, submitted the following report (to accompany H. Res. 268):

The Committee on Accounts, to whom was referred House resolutions Nos. 175, 176, 177, 178, 179, 182, 184, 185, and 186, authorizing the appointment of clerks, respectively, to the Committees on Expenditures on Public Buildings, Expenditures in the Interior Department, Expenditures in the War Department, Expenditures in the Department of Commerce and Labor, Expenditures in the Navy Department, Expenditures in the State Department, Expenditures in the Department of Agriculture, Expenditures in the Post-Office Department, and Expenditures in the Department of Justice, have had the same under consideration and recommend in lieu thereof the adoption of the following resolution, viz:

"*Resolved*, That there shall be paid out of the contingent fund of the House for the services of a clerk to each of the committees whose jurisdiction is defined in clauses 42 to 52, inclusive, Rule XI, compensation at the rate of $6 per day each during the remainder of the present session."

The purpose of this resolution is to give a clerk to each of the so-called "expenditures committees," ten in number. If the resolution be adopted at this time it will involve an estimated expenditure of $5,520 from the contingent fund for the remainder of the present session, if Congress adjourns by the 1st of June.

Six of the committees were created March 30, 1816, namely, on Expenditures in the State, Treasury, War, Navy, and Post-Office Departments, and on Public Buildings; on Expenditures in the Department of the Interior, March 16, 1860; on Expenditures in the Department of Justice, January 16, 1874; on Expenditures in the Department of Agriculture, December 20, 1889; and on Expenditures in the Department of Commerce and Labor, December 11, 1905.

The jurisdiction of these committees is defined in clauses 42 to 52, inclusive, Rule XI, as follows:

"42. The examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures, their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the nine [ten] standing committees on the public expenditures in the several Departments, as follows:

"43. In the Department of State: to the Committee on Expenditures in the State Department;

"44. In the Treasury Department: to the Committee on Expenditures in the Treasury Department;

"45. In the War Department: to the Committee on Expenditures in the War Department;

"46. In the Navy Department: to the Committee on Expenditures in the Navy Department;

"47. In the Post-Office Department: to the Committee on Expenditures in the Post-Office Department;

"48. In the Interior Department: to the Committee on Expenditures in the Interior Department;

"49. In the Department of Justice: to the Committee on Expenditures in the Department of Justice;

"50. In the Department of Agriculture: to the Committee on Expenditures in the Department of Agriculture;

"51. In the Department of Commerce and Labor: to the Committee on Expenditures in the Department of Commerce and Labor; and

"52. In Public Buildings: to the Committee on Expenditures on Public Buildings."

The foregoing rule was adopted in the revision of the rules in the Forty-sixth Congress. This rule more briefly comprehends all of the matters contained in the old rule of the House, 106, which follows:

"106. It shall be the duty of said committees to examine into the state of the accounts and expenditures respectively submitted to them, and to require and report particularly—

"Whether the expenditures of the respective Departments are justified by law;

"Whether the claims from time to time satisfied and discharged by the respective Departments are supported by sufficient vouchers, establishing their justness, both as to their character and amount;

"Whether such claims have been discharged out of funds appropriated therefor, and whether all moneys have been disbursed in conformity with appropriation laws; and

"Whether any, and what, provisions are necessary to be adopted to provide more perfectly for the proper application of the public moneys, and to secure the Government from demands unjust in their character or extravagant in their amount.

"And it shall be moreover the duty of the said committees to report from time to time whether any, and what, retrenchment can be made in the expenditures of the several Departments, without detriment to the public service; whether any, and what, abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others, and to report from time to time such provisions and arrangements as may be necessary to

add to the economy of the several Departments and the accountability of their officers." (March 30, 1816.)

"It shall be the duty of the several committees on public expenditures to inquire whether any offices belonging to the branches or Departments, respectively, concerning whose expenditures it is their duty to inquire, have become useless or unnecessary; and to report from time to time on the expediency of modifying or abolishing the same; also, to examine into the pay and emoluments of all offices under the laws of the United States, and to report from time to time such a reduction or increase thereof as a just economy and the public service may require." (February 19, 1817.)

In times past the committees on expenditures in the various Departments, either upon their own initiative or by direction of the House, have made many important and far-reaching investigations and have made reports and recommendations to the House resulting in wholesome and salutary legislation and in the correction of abuses. At such times those committees have been equipped with all necessary and proper clerical aid. To illustrate:

The following investigations, inquiries, and reports were made:

BY THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT—

Investigations of Hot Springs Reservation, Ark. (House Report 1846, 1–48);
Management of Government Hospital for Insane in the District of Columbia (House Report 793, 1–44);
Management of Interior Department (House Report 861, 1–49);
Contracts for survey of public lands in Wyoming Territory (House Report 794, 1–44);
Expenditures in the Interior Department (House Report, 189, 3–45);
Pension Bureau and General Land Office (House Report 4001, 2–29);
Board of Pension Surgeons (House Report 1198, 1–50);
General Land Office salaries (House Report 2424, 1–50);
Medical Division of Pension Bureau (House Report 1197, 1–50);
Pension payments (House Report 806, 1–50);
Board of Pension Appeals (House Report 1361, 1–51);
Indian Bureau (House Report 1411, 1–51).

BY THE COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF JUSTICE—

Investigations of—
Conduct of clerk of middle judicial district of Alabama (House Report 611, 1–42);
Expenditures in Department of Justice (House Report 2164, 1–48);
Charges against United States marshal for southern district of Ohio (House Report 2681, 2–48);
Expenses, disbursements, and general management of western judicial district of Arkansas (House Report 262, 1–43);
Expenditures of contingent fund of Department of Justice (House Report 610, 1–43);
Employment of special counsel (House Report 298, 1–44);
Star-route frauds (House Report 2165, 1–48);
Charges against First Comptroller of the Treasury (House Report 2675, 2–48);
Expenses of United States courts in Nebraska (House Report 104, 2–43);
Expenditures in the western district of North Carolina (House Report 275, 2–43);
In contest relative to patents on telephones (House Report 521, 1–49);
Unsettled accounts and balances due the United States (House Report 2645, 2–48);
Conduct of clerk of southern district of Illinois (House Report 155, 2–43);
Income-tax case against John S. Dickerson (House Report 109, 3–46);
Expenditures of secret-service fund (House Report 800, 1–44).
Other matters—
Compensation of court officials (House Reports 2509, 2–48; 1132, 1–49);
Regulating fees (House Reports 1779, 1–48; 2509, 2–48; 1132, 1–49);
To abolish fee system (House Report 2164, 1–48);
Expenses of district judge of western district of Michigan (House Report 27, 2–46);
Defalcations in accounting office, United States Treasury (House Report 2645, 2–48);
Disbursements under registration act (House Report 800, 1–44);
Compensation of United States district attorneys (House Reports 2509, 2–48; 1779, 1–48; 1132, 1–49);
Appointment and pay of election supervisors (House Report 120, 3–45);
Fee books of United States marshals (House Report 548, 2–46;
Mileage of United States marshals (House Report 584, 2–46);
Compensation of officers of courts (House Report 2078, 1–50);
Salary of chief clerk Department of Justice (House Report 1880, 1–51);
Court officers, fees (House Report 3530, 2–51).

BY THE COMMITTEE ON EXPENDITURES IN THE NAVY DEPARTMENT—

Investigation of—
Abuses in the Navy Department (House Report 621, 1–36);
Expenditures in the Navy Department (House Reports 67, 2–16; 45, 2–18; 93, 2–21; 393, 1–21; 119, 2–22; 513, 1–23; 621, 1–36; 787, 2–45).

These reports cover the following subjects: Claim for extra work done on U. S. sloops *Adams*, *Enterprise*, and *Essex;* contract work on the *Amphitrite*, *Terror*, *Puritan*, *Miantonomoh*, and *Monadnock;* corrupt practices in Brooklyn Navy-Yard; indebtedness of Bureau of Provisions and Clothing; appointment of coal agent; contingent expenses; cost and utility of life-saving boats; machinery contracts; navy-yard patronage.

Contract for furnishing live-oak timber (House Report 195, 2–28).
Other matters—
Distribution and strength of Marine Corps (House Report 67, 2–16);
Rations supplied to Marine Corps (House Report 578, 2–46);
Navy-yard employees' leave of absence (House Report 1036, 1–52);
Contracts for supplies (House Report 431, 1–54);
Contingent expenses of Navy Department for 1896 (House Doc. 320, 2–54).

BY THE COMMITTEE ON EXPENDITURES IN THE POST-OFFICE DEPARTMENT—

Investigation of—
Charges against Assistant Postmaster-General (House Report 77, 1–14);
Contingent expenses of Post-Office Department (House Report 118, 2–21);
Expenditures of Post-Office Department (House Reports 140, 2–15; 198, 2–28);
General management of Post-Office Department (House Report 77, 1–14);
Expenditures in Post-Office Department (House Report 1925, 1–50);
Extra pay to employees in Post-Office Department (House Report 2542, 1–51).

BY THE COMMITTEE ON EXPENDITURES ON PUBLIC BUILDINGS—

Investigation of—
Management and conduct of architect of public buildings (House Report 460, 2–27);
Expenditures and manner of executing design and work on Capitol extension (House Report 137, 2–37);
Contract in the Treasury Department (House Report 51, 3–41);
Expenditures in construction of post-office building in New York City (House Report 761, 1–44);
Management of public buildings by architect and superintendent (House Report 460, 2–27).
Other matters—
Court-house and jail in Alexandria, Va. (House Reports 649, 1–26; 84, 2–19; 258, 1–20);
Rents of Department of Justice and Interior buildings (House Report 1730, 2–46);
Cost of Capitol building prior to destruction by the British in 1814 (House Report 184, 1–15);
Expenditures on Capitol (House Reports 79, 1–17; 86, 1–17; 93, 2–17; 106, 1–18; 38, 2–18; 134, 1–19; 84, 2–19; 258, 1–20; 350, 1–24; 312, 2–24; 772, 2–25; 308, 3–25; 649, 1–26);
Expenditures, branch mint at Charlotte, N. C. (House Report 18, 2–26);
Money advanced on clock for Senate (House Report 106, 1–18);
Salary of Commissioner of Public Buildings (House Report 776, 1–29).

Many other reports were submitted by the Committee on Expenditures on Public Buildings, but the foregoing references are deemed sufficient for the present purpose.

BY THE COMMITTEE ON EXPENDITURES IN THE STATE DEPARTMENT—

Investigations of—
Charges against John A. Bridgland (House Report 760, 1–44);
Conduct of minister to China (House Report 117, 3–45);
Expenditures, Department of State (House Reports 106, 1–17; 57, 2–18; 226, 1–20).
Other matters—
Impeachment of vice-consul-general at Shanghai (House Report 818, 2–45);
Inquiry as to vouchers in support of claims (House Report 226, 1–20);
Expenses of consular and diplomatic service (House Reports 88, 3–42; 931, 2–25);
Contingent expenses; money due from defaulters; destitute seamen; publication of laws; retrenchment in Department of State; expenses of Treaty of Ghent;
Expenditures (House Report 2616, 2–52);
Official carriages of State Department (House resolution, RECORD, 2–58, p. 1138);
Accounts of postal agent at Shanghai and consul at Tientsin, China (RECORD, 1–59, p. 5148).

BY THE COMMITTEE ON EXPENDITURES IN THE TREASURY DEPARTMENT—

Investigations of—
Expenditures in the Treasury Department (House Reports 346, 1–21; 108, 2–21);
Fund for the relief of sick and disabled seamen (House Report 655, 1–36).
Other matters—
Abstract of payments on account of contingent expenses of Treasury Department (House Report 108, 2–21);
Recovery of judgment for $25,000 (House Reports 3215, 1–49; 3753, 2–49);
Compensation in Executive Departments (House Report 2190, 1–50);
Final balances of accounts (House Report 934, 1–50);
Leaves of absence, customs service (House Reports 2616, 1–50; 243, 648, 1–51; 713, 2–52);
Printing securities (House Report 3220, 1–50);
Raritan Bay claims (House Report 3425, 1–50);
Signal stations in West India Islands (House Report 3436, 1–50);
Treasury Department watchmen (House Reports 1188, 1–50; 797, 1–51);
Yellow-fever camps (House Report 3526, 1–50);
Tariff Statistical Bureau (House Report 4137, 2–50);
Customs service (House Report 800, 1–51);
Military claims (House Report 867, 1–51);
Life-Saving Service pay (House Report 3740, 2–51);
Customs service employees (House Report 1213, 2–51);
Public works (House Report 2124, 1–52);
Supervising Architect's office (House Reports 1211, 1212, 1–52);
Customs collectors (House Report 1033, 2–53);
Employees in Treasury Department from South Carolina (House Report 274, 2–53);
Expenditures of Joint Commission on Executive Departments (House Report 1628, 3–53).

BY THE COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT—

Investigations of—
Furnishing of arms by Col. Elias Earle (House Reports 101, 2–14; 43, 1–15);
Charges against Michael C. Kerr (House Report 654, 1–44);
Sales of ordnance stores during Franco-Prussian war (House Report 46, 2–42);
Unlawful expenditures by Chief of Signal Service (House Report 2023, 1–49);
Expenditures in the War Department (House Reports 105, 1–17; 507, 1–22; 799, 1–44; 138, 3–45);
Payment for services of Edward and Samuel Lewis (House Report 170, 3–25);
Claims allowed in office of Quartermaster-General (House Report 2002, 2–47);
Contract for furnishing marble columns for Capitol extension (House Report 566, 1–36);
Impeachment of William W. Belknap, Secretary of War (House Report 186, 1–44);
Claims allowed in Third Auditor's Office (House Report 2002, 2–47).

Other matters—
Cost of carriage hire; expenditures in Indian Department; claim of Kentucky Central Railroad; pay and emoluments of officers in War Department; enlargement of Sioux Reservation in Dakota; sale of post traderships.

River and harbor expenditures (House Report 4093, 2–50).

The most recent investigation of the expenditures of a Department was made under authority of the following resolution, adopted by the House May 9, 1906 (RECORD, 1–59, p. 6573), to wit:

"Whereas no examination of the expenditures in the Department of Agriculture has been made by the Committee on Expenditures in the Department of Agriculture for a number of years, and such an examination is now necessary in the interest of the public service; and

"Whereas said examination can not be had by said committee unless authority therefor be conferred upon said committee: Therefore

"*Resolved*, That the Committee on Expenditures in the Department of Agriculture is hereby authorized to examine, so far as the Department of Agriculture is concerned, all of the matters referred to in paragraph 42 of Rule XI of the House of Representatives, and for that purpose it may send for persons and papers, and said committee is authorized to employ a competent stenographer while conducting said examination and to sit during the sessions of the House and to report the result of its examination with any recommendations to the House.

"Any expenses incurred hereunder to be paid from the contingent fund of the House on the certificate of the chairman of the committee and approval of the Committee on Accounts."

The Committee on Expenditures in the Department of Agriculture, pursuant thereto, conducted investigations, the hearings in connection therewith covering 1,179 printed pages, including the index. The report of the committee (H. Rept. 8147, 2–59) covers 64 pages. To these hearings and the report of the committee, brief as was the time at its disposal for the conduct of an investigation, we invite the attention of the House as showing the possibilities for the exercise of the functions of the several committees on expenditures as originally intended by the House when their jurisdiction was defined by the rules. This report points out where savings may be effected in the mere matter of printing and binding alone of the Department's statement of expenditures, and it treats of other expenditures by the Department of Agriculture made in the discretion of that Department's officials, which illustrates the extent to which a Department may go in expending moneys for objects not specifically authorized or contemplated by Congress, but which may not constitute unlawful expenditures. It demonstrates the necessity for greater care in granting authority for the expenditure of lump sums of money and the desirability, if not necessity, for the segregation of large appropriations into specific authorizations, leaving as little as possible for the exercise of discretion on the part of departmental officials, who from zeal, however honest and well-meaning their purposes, are prone to resolve whatever doubts there may be as to their authority of law to expend appropriations for certain purposes in favor of making the expenditure. Moreover, it shows the lengths to which it is possible to go when the law and the appropriation for an object go hand in hand instead of the law preceding the appropriation and the latter conforming strictly to the former.

The several committees on expenditures in the Executive Departments, with the exception of the committee last mentioned, have, it must be admitted, been of no practical value for a long time. They have been looked upon as committees with nothing to do. Dormant, innocuous, it has been generally accepted that they were shorn of their powers and functions. Even in the case just referred to it will be noted that a resolution of the House was deemed necessary in order to vitalize the Committee on Expenditures in the Department of Agriculture, notwithstanding the wide scope of the jurisdiction conferred upon it by Rule XI. That it was the inherent right of the committee to make the investigation it did can hardly be questioned, requiring authority only for its clerical needs. And, as further showing the extent to which the committees on expenditures have been rendered inactive and ornamental, we will refer to the investigation of charges made in the report of the Fourth Assistant Postmaster-General on the investigation of the Post-Office Department concerning Members of Congress. The Committee on the Post-Office and Post-Roads, by authority of a resolution of the House of December 3, 1903 (RECORD, 2–58, p. 51, etc.), considered the report of the Fourth Assistant Postmaser-General and made a report to the House, and on March 11, 1904, a special committee was authorized and appointed to consider alleged relations of Members of the House with the Post-Office Department, which committee also made a report. When these several actions were taken, it was attempted by the chairman of the Committee on Expenditures in the Post-Office Department to have the subject-matter of the resolutions considered by that committee, but to no purpose.

Thus it will be seen that when charges of irregularity in a Department made it possible for one of the committees on expenditures to exercise its functions, the House itself denied it that privilege. It is not to be wondered at then that we have to-day ten committees of the House classed as more ornamental than useful. And the denial to these committees of facilities such as clerks has been additional evidence that the House did not expect them to do any work. But it is proposed to change such conditions, and to galvanize these committees, and make them a living, working force instead of mere meaningless fictions; instead of furnishing a "dumping ground," so to speak for Members of the House who could not be taken care of otherwise in committee assignments the Speaker of the present House, in his appointments upon the expenditure committees has made their personnel such as to be a guaranty that they will perform the duties with which they are charged and for which they were created by the rules; and the Committee on Accounts believes that, provided with clerical aid, the committees on expenditures will render the House and the country service which will result in economy and the better administration of the Executive Departments. We verily believe that with these committees fully equipped for work and steadily pursuing their prescribed duties they would render unnecessary, not to say impossible, the creation by Executive order of commissions, such as the Keep Commission, and the Waterways Commission, and the promulgation of departmental regulations without authority of Congress. That such orders and regulations when issued were deemed necessary in the interest of the public service there is no doubt; that they were made possible by the inertia of Congress there can also be no doubt. Likewise, with the expenditures committees alive to every possible contingency and with intimate knowledge of the workings of each Department and its expenditures such creation would be impossible, except by Congressional action.

The present time has been selected for the resuscitation of the expenditures committees when no charges are pending to invite public attention or excite the public mind and to arouse partisanship. There is no particular head which an investigation or inquiry is aimed to hit. But it is proposed that these committees shall steadily and diligently, without clamor or partisanship, carefully look into the manner in which the vast amount of money appropriated is expended. It will not be the work of a session, but constant and unremitting vigilance; economies and reforms will be expected to result, and will result; useless offices be abolished, law respected, public money properly applied, the Government secured against unjust and extravagant demands; retrenchment, claims of the United States satisfied, stricter accountability of public officers, and salaries reduced or increased on just and equitable principles. These are the duties of the committees on expenditures as defined by the rule. Furthermore, and what is of paramount importance to the House itself, the dignity of the House and its rights under its own rules can be preserved by restoring to the expenditures committees their proper functions. It is within the experience of the younger Members of the House in point of service that the House has been forced into the acceptance of provisions placed upon an appropriation bill elsewhere or accept the consequence of the failure of such bill to pass in a short session of Congress or the prolongation of a long session indefinitely. How often has the House been required, reluctantly, to acquiesce and yield to another body when the provision in disagreement between the two Houses would, if offered to an appropriation bill in the House, have been obnoxious to its own Rule XXI!

Rule XXI, clause 2, provides that:

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto."

Notwithstanding this rule, it is a matter of common knowledge that bills when reported from committees having jurisdiction of appropriations contain appropriations not previously authorized by law, and provisions changing existing law, and that amendments are offered thereto equally in conflict with the rule. Also it is well known that such provisions and amendments, when the point of order is made (and usually it is made), are ruled out and kept out of the bill then under consideration, unless by a special rule from the Committee on Rules the House makes such matters in order. So that an appropriation bill goes to the other body comparatively clear of legislation. (For illustration, see proceedings on Army appropriation bill February 27–28, 1908.)

Different rules and customs prevail in the other body. Its Rule XVI follows:

"All general appropriation bills shall be referred to the Committee on Appropriations, except the following bills, which shall be severally referred as herein indicated; * * * and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or *unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.*"

Under this rule an amendment to an appropriation bill may be and is considered by the committee having jurisdiction of the subject-matter, and if favorably reported therefrom, even though it be not recommended by the Committee on Appropriations, may be offered upon the floor of the Senate and the point of order will not lie against it. Thus general legislation and matters which would have been, or were, obnoxious to the House rule find their way into appropriation bills as "riders," and the House has presented for its consideration propositions which itself was precluded from entertaining in the first instance, and which can now only be disposed of by concurrence with or without amendment or nonconcurrence, courtesy to the other body forbidding its exercise of Rule XXI (see Parliamentary Precedents, pp. 1336 and 1337). And while the House may consider such amendments in Committee of the Whole, as in the case of the original bill, as often happens, it more frequently, for want of time, especially in a short session, nonconcurs in the amendments at once and in gross and sends the bill to a conferees committee. Its conferees may hold out a long time, and in many instances they have done so; they may be "instructed" to "insist" on disagreement and not to "yield;" and though these methods prevail occasionally, it is notorious that in most cases it is the House that finally gives in, for the House would be the greater sufferer by the consequences to follow the failure of an appropriation bill. These conditions have brought about some notable legislative battles and tests of endurance, and the end has generally been the humiliating defeat of the House.

It may be urged that some legislation on appropriation bills is desirable and can only be enacted as "riders;" that if it took the usual devious course prescribed by the rules it would not find its way to the statute books. This may or may not be true. The House has rules for its guidance and the conduct of its business, and if it does not do certain things, pass certain bills, it is because it has not the wish so to do. It *does* pass enough bills of a general nature in an orderly, regular way as evidence of its freedom to act when it has the will to act. But it is forced to do indirectly what it denies itself the power of doing directly under its Rule XXI, and it is this state of abject subserviency from which it should liberate itself. Rule XXI has been demonstrated through nearly a half century of practice to safeguard the Treasury from raids. Appropriation bills were intended to appropriate for objects previously authorized by law, and not to be the vehicles of general legislation. Restore to the committees on expenditures in the various Departments their functions, properly equip them, let them go to work methodically and systematically within the very wide scope of their jurisdiction, refer to them estimates and recommendations for appropriations not previously authorized by law or which change existing law; refer to them bills pertaining to their jurisdiction as has been done during the present session to some extent; then see to it that their functions are not usurped by other committees and are guarded against encroachments. This done, it is our judgment that the House will soon find itself possessed of ten committees, with a total of seventy members, or about one-fifth of the House, all busily at work keeping watchful eyes on expenditures, exacting careful stewardship on the part of Departments, and restoring to Congress, and particularly to the House, some prerogatives long ago cherished, but long since lost.

Your committee, in its humble way, are willing and glad to assist the efforts of the Speaker and the expenditures committees in this good work, and therefore report the accompanying resolution favorably.

ADJOURNMENT.

Mr. HULL of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for paper for checks and drafts—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting papers relating to the claim of Francisco Astorga, of Alang Alang, Leyte, P. I.—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a response to the resolution of the House making inquiry as to the number, capital, circulation, deposits, etc., of the national banks—to the Committee on Banking and Currency and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17710) to increase the efficiency of the personnel of the Life-Saving Service of the United States, reported the same with amendment, accompanied by a report (No. 1112), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS, from the Committee on Rules, to which was referred the resolution of the House (H. Res. 266) requesting the Immigration Commission to investigate into the treatment and conditions of work of immigrants on cotton plantations of the Mississippi Delta, and for other purposes, reported the same with amendment, accompanied by a report (No. 1114), which said resolution and report were referred to the House Calendar.

Mr. HAMILTON of Michigan, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 101) authorizing the Secretary of War to secure a suitable design for a statue of the late Commodore John D. Sloat at Monterey, Cal., reported the same with amendment, accompanied by a report (No. 1116), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17422) to authorize the counties of Henry and Rock Island, in the State of Illinois, to construct a bridge across Rock River at or near Colona Ferry, in said State, reported the same without amendment, accompanied by a report (No. 1117), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17511) to construct a bridge at Parkdale, Ashley County, Ark., reported the same with amendment, accompanied by a report (No. 1118), which said bill and report were referred to the House Calendar.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 17888) to aid the Ladies' Hermitage Association to care for the "Hermitage," the home of Gen. Andrew Jackson, former President of the United States, and collect and purchase the remainder of the Andrew Jackson relics, reported the same with amendments, accompanied by a report (No. 1119), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 2978) granting an increase of pension to Joseph Posey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14625) granting an increase of pension to Beatrice Paul Marmion—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6530) granting a pension to William Tepe, jr.—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17676) granting a pension to John M. Wright—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17268) granting an increase of pension to J. Davis Duffield—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 18332) granting leave of absence to storekeepers, storekeeper-gaugers, and gaugers—to the Committee on Ways and Means.

By Mr. JENKINS: A bill (H. R. 18333) to amend an act entitled "An act providing for writs of error in certain instances in criminal cases," approved March 2, 1907—to the Committee on the Judiciary.

By Mr. HAMILL: A bill (H. R. 18334) to provide for the erection of a public building at Hoboken, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. CANDLER: A bill (H. R. 18335) for the relief of the farmers of the United States by repealing the tariff duty on certain articles and placing said articles on the free list—to the Committee on Ways and Means.

By Mr. BRUMM (by request): A bill (H. R. 18336) to provide for public improvements and employment of the citizens of the United States, and so forth—to the Committee on Banking and Currency.

By Mr. BROUSSARD: A bill (H. R. 18337) to authorize and direct the Secretary of War to cause a survey to be made of Bayou Teche, Louisiana—to the Committee on Rivers and Harbors.

By Mr. GORDON: A bill (H. R. 18338) for the purchase of land for the use of the military post at Fort Sheridan, Ill.—to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 18339) to establish a fish hatchery in Platt National Park, Sulphur, Okla.—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 18340) to provide for an appropriation to defray the expenses of the constitutional convention and State election of Oklahoma, and for other purposes—to the Committee on Appropriations.

Also, a bill (H. R. 18341) to provide for the improvement of the Platt National Park, situated at Sulphur, Okla.—to the Committee on Appropriations.

Also, a bill (H. R. 18342) to provide for the erection of a public building at Shawnee, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18343) to provide for the holding of the United States district and circuit courts at Shawnee, Okla.—to the Committee on the Judiciary.

Also, a bill (H. R. 18344) to limit the effect of the regulation of commerce between the several States and Territories in certain cases—to the Committee on the Judiciary.

By Mr. CARY: A bill (H. R. 18345) to fix the price of gas in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CAULFIELD (by request): A bill (H. R. 18346) to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906—to the Committee on the District of Columbia.

By Mr. OVERSTREET, from the Committee on the Post-Office and Post-Roads: A bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes—to the Union Calendar.

By Mr. WALDO: A bill (H. R. 18348) in relation to pneumatic-tube postal service—to the Committee on the Post-Office and Post-Roads.

By Mr. MOORE of Pennsylvania: A bill (H. R. 18349) to provide for the purchase of the pneumatic mail-tube system located in the city of Philadelphia, Pa.—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMLIN: A bill (H. R. 18350) to authorize the Missouri Central Railroad Company to construct a bridge across

the Missouri River near the city of Glasgow, in the State of Missouri—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Missouri: A bill (H. R. 18351) to authorize the Missouri Central Railroad Company to construct a bridge across the Missouri River near the city of St. Charles, in the State of Missouri—to the Committee on Interstate and Foreign Commerce.

By Mr. FASSETT: A bill (H. R. 18352) for the erection of a public building at Waterloo, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. LEVER: Joint resolution (H. J. Res. 145) authorizing the printing of certain hearings before the House Committee on Agriculture—to the Committee on Printing.

By Mr. MADDEN: Resolution (H. Res. 265) for the pay of eight skilled laborers in the Doorkeeper's department—to the Committee on Accounts.

By Mr. SULLOWAY: Resolution (H. Res. 267) for the payment of a messenger to the Committee on Invalid Pensions—to the Committee on Accounts.

By Mr. HUGHES of West Virginia, from the Committee on Accounts: Resolution (H. Res. 268) for appointment of clerks to certain House committees—to the House Calendar.

By Mr. THOMAS of North Carolina: Concurrent resolution (H. C. Res. 31) authorizing a survey of Beaufort Harbor, North Carolina—to the Committee on Rivers and Harbors.

By Mr. GREGG: Concurrent resolution (H. C. Res. 32) to provide for a survey of Galveston Harbor, Galveston Channel, Texas City Channel, and Port Bolivar Channel—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 18353) granting an increase of pension to John W. McDonald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18354) granting an increase of pension to Charles W. Brigham—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 18355) granting a pension to Thomas Murphy—to the Committee on Pensions.

By Mr. BEALL of Texas (by request): A bill (H. R. 18356) for the relief of S. H. Tison—to the Committee on War Claims.

Also (by request), a bill (H. R. 18357) for the relief of Jane Lemaster—to the Committee on War Claims.

By Mr. BRICK: A bill (H. R. 18358) granting an increase of pension to Nelson E. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18359) granting an increase of pension to T. S. O'Blenis—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 18360) granting an increase of pension to John Kennedy—to the Committee on Pensions.

By Mr. BURTON of Ohio: A bill (H. R. 18361) granting a pension to Alexander Bradley—to the Committee on Pensions.

By Mr. BUTLER: A bill (H. R. 18362) granting a pension to Tacy A. Hurlock—to the Committee on Pensions.

By Mr. CALDER: A bill (H. R. 18363) granting an increase of pension to Washington Lyon—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 18364) granting an increase of pension to Benjamin F. McClure—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 18365) for the relief of the heirs of L. M. Sanders, deceased, and the heirs of J. M. McCalla, deceased—to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 18366) for the relief of the estate of Robert Terrill, deceased—to the Committee on War Claims.

By Mr. CAULFIELD: A bill (H. R. 18367) granting an increase of pension to Margaret J. Valentine—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 18368) granting an increase of pension to Simeon F. White—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 18369) granting an increase of pension to Jacob Gruenewald—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 18370) granting an increase of pension to John H. Parker—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 18371) granting a pension to Frances Evans—to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 18372) granting a pensica to Harriet Todd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18373) granting an increase of pension to Junius Abbott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18374) for the relief of the estate of Josiah Jennison, deceased—to the Committee on War Claims.

By Mr. FASSETT: A bill (H. R. 18375) granting a pension to Byron Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18376) granting an increase of pension to Willert Simmons—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 18377) granting a pension to Kelley Murphy—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 18378) granting an increase of pension to James S. Everhart—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 18379) for the relief of Elias Gibbs—to the Committee on Military Affairs.

Also, a bill (H. R. 18380) for the relief of Ephriam Lamborn—to the Committee on Military Affairs.

By Mr. GILHAMS: A bill (H. R. 18381) granting an increase of pension to George Brown—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 18382) for the relief of Walter Barbee—to the Committee on War Claims.

Also, a bill (H. R. 18383) for the relief of Tennessee J. Spiller—to the Committee on War Claims.

Also, a bill (H. R. 18384) for the relief of William F. McGee—to the Committee on War Claims.

Also, a bill (H. R. 18385) for the relief of Thomas H. Holcomb—to the Committee on War Claims.

Also, a bill (H. R. 18386) for the relief of Seletha J. Powers, widow, and the heirs of John Powers, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18387) for the relief of Thomas C. Capell—to the Committee on War Claims.

Also, a bill (H. R. 18388) for the relief of Mrs. Mary E. Rogers, formerly Mrs. Arrowsmith—to the Committee on War Claims.

Also, a bill (H. R. 18389) for the relief of Joseph N. Ross—to the Committee on War Claims.

Also, a bill (H. R. 18390) for the relief of John Rogers—to the Committee on War Claims.

Also, a bill (H. R. 18391) for the relief of Mrs. Carrie W. Brown—to the Committee on War Claims.

Also, a bill (H. R. 18392) for the relief of Martha Sarah Ann Mahanay, widow, and heirs of Benjamin Morgan Mahanay, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18393) for the relief of Ophelia V. Worsham, sole heir of Mary E. Buchanan, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18394) for the relief of Samuel M. Robinson—to the Committee on Claims.

Also, a bill (H. R. 18395) for the relief of the heirs of M. O. Coker, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18396) for the relief of the heirs of James N. Harrell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18397) for the relief of the heirs of David C. Smith, deceased—to the Committee on War Claims.

By Mr. GODWIN: A bill (H. R. 18398) granting a pension to Murdock H. McKinnan—to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 18399) granting a pension to Thomas Kehoe—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 18400) granting an increase of pension to John B. Hostetter—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 18401) granting a pension to Lorenzo D. Buttram—to the Committee on Pensions.

By Mr. HIGGINS: A bill (H. R. 18402) granting an increase of pension to Emeline Millerd—to the Committee on Invalid Pensions.

By Mr. HITCHCOCK: A bill (H. R. 18403) granting an increase of pension to Jacob Swartzlander—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 18404) for the relief of H. M. Sullivan—to the Committee on Claims.

By Mr. HUGHES of West Virginia: A bill (H. R. 18405) granting a pension to Samuel T. Haynes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18406) granting an increase of pension to Frank Mott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18407) granting a pension to David C. Damron—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 18408) granting a pension to Nancy J. Stephens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18409) granting an increase of pension to James R. Byrd—to the Committee on Pensions.

Also, a bill (H. R. 18410) for the relief of Jackson Pryor—to the Committee on Military Affairs.

Also, a bill (H. R. 18411) granting bounty and pay to Richard A. Winningham—to the Committee on Invalid Pensions.

By Mr. JONES of Virginia: A bill (H. R. 18412) for the relief of Mary Ann Hosier—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 18413) granting an increase of pension to William H. Weddington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18414) to correct the military record of W. M. Penix—to the Committee on Military Affairs.

Also, a bill (H. R. 18415) to correct the military record of James G. Whit—to the Committee on Military Affairs.

Also, a bill (H. R. 18416) to correct the military record of Jacob Heard—to the Committee on Military Affairs.

Also, a bill (H. R. 18417) for the relief of Clark County, Ky.—to the Committee on Claims.

By Mr. LIVINGSTON: A bill (H. R. 18418) for the relief of Micajah Rasbury—to the Committee on War Claims.

Also, a bill (H. R. 18419) for the relief of the heirs of Henry Bennett, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18420) for the relief of the heirs of Carr Cox—to the Committee on War Claims.

By Mr. MADDEN: A bill (H. R. 18421) to create a military status for the First Mechanic Fusiliers (Illinois)—to the Committee on Military Affairs.

By Mr. MOON of Pennsylvania: A bill (H. R. 18422) for the relief of Capt. Martin Hammer—to the Committee on War Claims.

By Mr. NELSON: A bill (H. R. 18423) to correct the military record of Mark Tomlinson—to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 18424) authorizing and instructing the Secretary of the Interior to issue patent to Fredrick E. Swartz for certain public land—to the Committee on the Public Lands.

By Mr. PEARRE: A bill (H. R. 18425) for the relief of Lucy Anderson Brown—to the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 18426) to correct the military record of Samuel Dailey—to the Committee on Military Affairs.

By Mr. REYNOLDS: A bill (H. R. 18427) granting an increase of pension to John D. Landis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18428) granting an increase of pension to Absolam Showalters—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 18429) granting an increase of pension to Hiram S. McNutt—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 18430) granting an increase of pension to Alvin Pine—to the Committee on Pensions.

By Mr. SMALL: A bill (H. R. 18431) for the relief of the estate of D. L. Pritchard, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18432) for the relief of the estate of W. F. Sanderson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18433) for the relief of the estate of T. H. B. Myers, surviving partner of John Myers & Son—to the Committee on War Claims.

Also, a bill (H. R. 18434) for the relief of the estate of Sylvester Dibble—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 18435) granting an increase of pension to H. F. Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18436) granting an increase of pension to Charles W. Morrow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18437) granting an increase of pension to William W. Pentlin—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 18438) granting an increase of pension to Albert Blood—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 18439) granting an increase of pension to Christopher Staffen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18440) granting an increase of pension to Henry Erdman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18441) granting an increase of pension to Joseph Crugom—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Chestnut Ridge Grange, No. 1133, favoring S. 3152 (for additional protection to dairy interests)—to the Committee on Agriculture.

Also, petition of American Association of Masters, Mates, and Pilots, protesting against passage of H. R. 4771 (Littlefield pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Dairy Grange, of Centerville Borough, Washington County, Pa., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of New York: Petition of Subdivision No. 15, Brotherhood of Locomotive Engineers, of Buffalo, N. Y., for La Follette-Sterling employers' liability bill, the Clapp free-pass bill, and opposing the Knox liability bill—to the Committee on the Judiciary.

Also, petition of Bidwell-Wilkeson Post, No. 9, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. AMES: Papers to accompany bills for relief of John W. McDonald and Charles W. Brigham—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Paper to accompany bill for relief of R. W. Pyle—to the Committee on Invalid Pensions.

Also, petition of A. Van Winkle and 6 others, to create a national highways commission—to the Committee on Agriculture.

By Mr. BRICK: Petition of J. D. Holman and other citizens of Indiana, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE: Paper to accompany bill for relief of Legion of the Medal of Honor (previously referred to Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. BURLEIGH: Petition of Schlotterbeck & Foss Company, of Portland, Me., relative to pure food and drug law—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of John Kennedy—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of New York Branch of the American Federation of Labor, for the retention of the bar pilotage system of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Lumber Dealers' Association of Connecticut, for forest reservation in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of citizens of Brooklyn in mass meeting in Bijou Theater, February 23, 1908, under auspices of the Clanna-Gael, against ratification of any treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

Also, petition of Homeopathic Medical Society, Roy Upham, secretary, for prompt enactment of H. R. 6089—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York State Bankers' Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of American Newspaper Publishers' Association, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. CANDLER: Paper to accompany bill for relief of trustees of the Baptist Church of Rienzi, Alcorn County, Miss., and heirs of L. M. Sanders—to the Committee on War Claims.

By Mr. COUDREY: Petition of Merchants' Exchange of St. Louis, favoring restraint by Interstate Commerce Commission of proposed advances of railway rates to the Committee on Interstate and Foreign Commerce.

Also, petition of St. Louis Cotton Exchange, against the Burleson bill, to prohibit interference with commerce among States and Territories and with foreign nations—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Union No. 8, International Stereotypers and Electrotypers, for removal of duty on wood pulp and white paper—to the Committee on Ways and Means.

Also, papers to accompany bills for relief of John F. Nixon, John Martini, and Mary A. Laurient—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Tipe, jr.—to the Committee on Pensions.

By Mr. ESCH: Petition of Bluejacket Friends' Society, favoring the bill providing for abolition of irons (used in punishment) in the Navy—to the Committee on Naval Affairs.

Also, petition of H. E. Hoffman for Division 372, Brotherhood

of Locomotive Engineers, on Wisconsin Central Railway, for Clapp free-pass amendment (S. 4260)—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Paper to accompany bill for relief of James S. Everhart—to the Committee on Invalid Pensions.

By Mr. FOULKROD: Petition of Annual Meeting of National Board of Trade, held in Washington January 21 to 23, 1908, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of National Board of Trade, held in Washington January 21 to 23, 1908, opposing legislation discriminating against Japan or her citizens—to the Committee on Immigration and Naturalization.

By Mr. GOULDEN: Petition of Workingmen's Federation of New York, protesting amendments to pilotage laws—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMILL: Petition of Major Charles Woemer Post, Grand Army of the Republic, of Hoboken, N. J., against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. HAMILTON of Iowa: Petition of Fifty-fourth Regimental Band, Iowa National Guard, of Ottumwa, Iowa, for H. R. 14783 (to promote efficiency of militia)—to the Committee on Militia.

By Mr. HAWLEY: Paper to accompany bill for relief of Daniel R. Cone—to the Committee on Invalid Pensions.

By Mr. HIGGINS: Petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Connecticut Hardware Association, against changes in postal laws recommended by Postmaster-General Meyer—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of James Matthews—to the Committee on Invalid Pensions.

By Mr. HOUSTON: Papers to accompany bills for relief of George J. Henderson and Thomas Kerby—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: Petition of Trinity Methodist Episcopal Church, of Seattle, Wash., against opening doors of the Alaska Exposition on Sundays, this to be condition precedent to any appropriation for said exposition—to the Select Committee on Industrial Arts and Expositions.

Also, petition of Trinity Methodist Episcopal Church, of Seattle, Wash., against sale of intoxicants on grounds or in buildings of the United States Government—to the Committee on Alcoholic Liquor Traffic.

Also, petition of E. A. Trembly and others, of Local Union No. 17, United Garment Workers of America, of Seattle, for battle-ship construction in navy-yards—to the Committee on Naval Affairs.

By Mr. HILL of Connecticut: Petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. JONES of Virginia: Paper to accompany bill for relief of Mary Ann Hosier—to the Committee on War Claims.

By Mr. JONES of Washington: Petition of Chamber of Commerce of Spokane, Wash., for pending bills for adequate pensions to widows and orphans of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

Also, petition of Washington Live Stock Association, of Washington, putting cost of Federal meat inspection on packers, favoring a nonpartisan tariff commission, urging regulation of speed of stock trains to not less than 20 miles per hour, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. KNAPP: Petition of New York branch of American Federation of Labor, for retention of the present pilotage system—to the Committee on the Merchant Marine and Fisheries.

By Mr. LANGLEY: Paper to accompany bill for relief of Clark County, Ky.—to the Committee on Claims.

By Mr. LEE: Papers to accompany H. R. 18239, for the relief of Thomas S. Causey; H. R. 18247, for the relief of W. S. Brown; H. R. 18248, for the relief of Mrs. Hannah Pruett; H. R. 18243, for the relief of Eliza Ann Davis; H. R. 18241, for the relief of Eliza A. Clay; H. R. 18244, for the relief of heirs of Clark Gorham; H. R. 18245, for the relief of J. S. Perkerson; H. R. 18240, for the relief of Mary A. H. Preston; H. R. 18246, for the relief of Joseph Summerlin, and H. R. 18242, for the relief of George W. Perkerson—to the Committee on War Claims.

By Mr. LINDBERGH: Petition of Red Wing (Minn.) Commercial Club, for H. R. 534, favoring national aid to secondary technical education in agriculture, mechanic arts, and home economics—to the Committee on Agriculture.

Also, petition of Minnesota Credit Men's Association, for H. R. 13266 (Sherley bill), amendment to bankruptcy law—to the Committee on the Judiciary.

Also, petition of Messrs. Dunston and Rackliff, against H. R. 13447, relating to post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of Business Men's Association of Brandon, Minn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LIVINGSTON: Papers to accompany bills for relief of estate of Carr Cox, estate of Henry Bennett, and estate of Micajah Rasbury—to the Committee on War Claims.

By Mr. LOUDENSLAGER: Petition of J. E. Shepard and others, of New Jersey, and Woodstown Grange, for a national highway commission—to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Paper to accompany bill for relief of J. Davis Duffield (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Peter Wright & Sons—to the Committee on Claims.

By Mr. NEEDHAM: Petition of Local Union No. 132, of the International Printing Pressmen, for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of Progressive Grange, No. 308, Patrons of Husbandry, in favor of a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. NORRIS: Petition of residents of Axtell, Nebr., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. NYE: Petition of Minnesota Credit Men's Association, for bill favoring certain amendments of the bankruptcy act, as per the Sherley bill, H. R. 13266—to the Committee on the Judiciary.

Also, petitions of Hermann Lodge, No. 2, and Emperor Francis Joseph Benevolent Society, both of St. Paul, Minn., against prohibition legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. O'CONNELL: Petition of national convention of the unemployed, for appropriation of $150,000,000 for deepening and improving waterways—to the Committee on Rivers and Harbors.

By Mr. PRINCE: Petition of business men and employers of Quincy, Ill., against H. R. 15651 (Gardner eight-hour bill)—to the Committee on Labor.

By Mr. RYAN: Petition of National German-American Alliance, against amendment of immigration laws until commission has reported—to the Committee on Immigration and Naturalization.

Also, petition of clergymen of New York City, against further increase of the Navy—to the Committee on Naval Affairs.

Also, petition of Bidwell Wilkenson Post, No. 9, Grand Army of the Republic, of Buffalo, N. Y., against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of Buffalo Lodge, No. 15, Brotherhood of Locomotive Engineers, and Buffalo Lodge, No. 12, Brotherhood of Locomotive Engineers and Firemen, in favor of La Follette-Sterling bill—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Slone Smith—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: Petition of Local Union No. 240, International Typographical Union, of Altoona, Pa., for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. SHERLEY: Petition of Filson Chapter, Daughters of the American Revolution, for restoration of the motto "In God we trust"—to the Committee on Coinage, Weights, and Measures.

By Mr. SIMS: Petition of Woman's Christian Temperance Union of McKenzie, Tenn., strongly favoring the Littlefield original-package bill and the Sims bill for prohibition in the District of Columbia, etc.—to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of citizens of Texas, against passage of prohibition law—to the Committee on the Judiciary.

Also, petition of citizens of Texas, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Texas: Petition of American National Live Stock Association, of Denver, Colo., opposing advances in interstate rates, fares, and charges except upon approval of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of American National Live Stock Association, of Denver, Colo., for regulation of speed limit of live-stock trains—to the Committee on Interstate and Foreign Commerce.

Also, resolution No. 1, American National Live Stock Association, of Denver, Colo., relative to furnishing cars to transport live stock and other perishable freight and to give prompt and efficient service—to the Committee on Interstate and Foreign Commerce.

Also, petition of American National Live Stock Association, of Denver, Colo., urging the creation of a nonpartisan tariff commission—to the Committee on Ways and Means.

Also, petition of American National Live Stock Association, of Denver, Colo., urging increased appropriation for Bureau of Animal Industry—to the Committee on Appropriations.

By Mr. SPERRY: Petition of Company H, Second Infantry, Connecticut National Guard, of Middletown, for the militia bill—to the Committee on Militia.

Also, petition of Municipal Civil Service Board, of New Haven, Conn., against the Crumpacker bill (H. R. 7597)—to the Committee on the Census.

By Mr. STEVENS of Minnesota: Petition of Red Wing (Minn.) Commercial Club, for Davis bill, providing appropriation for agricultural high schools, etc.—to the Committee on Agriculture.

By Mr. STURGISS: Petition of George W. Mayfield and others, for national highways commission—to the Committee on Agriculture.

By Mr. SULZER: Petition of Lumber Dealers' Association of New Haven, Conn., for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of National German-American Alliance, against liquor prohibition legislation—to the Committee on the Judiciary.

By Mr. TOU VELLE: Petition of 150 citizens of Lima, Allen County, Ohio, representing the First Evangelical Lutheran congregation, for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of Gibson Grange, No. 692, Mercer County, Ohio, for a national highways commission and for national aid in building highways—to the Committee on Agriculture.

By Mr. WEISSE: Petition of Julius Schlaich and other soldiers of the civil war, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of mass meeting, under auspices of Clan-na-Gael, at Bijou Theater, Brooklyn, February 23, 1908, against ratification of any treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 29, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ASSISTANT CLERK TO COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. HUGHES of West Virginia. Mr. Speaker, I desire to offer the following report from the Committee on Accounts.

The Clerk read as follows:

House resolution 247.

Resolved, That there shall be paid out of the contingent fund of the House for the services of an assistant clerk to the Committee on Public Buildings and Grounds compensation at the rate of $1,800 per annum, until otherwise provided for by law.

With the following committee amendment:

Amend, in line 4, by striking out the word "eight" and inserting the word "two," so that it will read $1.200.

The amendment was agreed to.

The resolution as amended was agreed to.

CLERK TO COMMITTEES UNDER RULE XI.

Mr. HUGHES of West Virginia. Mr. Speaker, I now desire to call up House Resolution No. 268, which has been printed in the RECORD.

The Clerk read as follows:

House resolution 268.

In lieu of H. Res. No. 175, H. Res. No. 176, H. Res. No. 177, H. Res. No. 178, H. Res. No. 179, H. Res. No. 182, H. Res. No. 184, H. Res. No. 185, and H. Res. No. 186.

Resolved, That there shall be paid out of the contingent fund of the House for the services of a clerk to each of the committees whose jurisdiction is defined in clauses 42 to 52, inclusive, Rule XI, compensation at the rate of $6 per day each during the remainder of the present session.

Mr. HUGHES of West Virginia. I now yield, Mr. Speaker, five minutes to the gentleman from Illinois [Mr. BOUTELL].

Mr. BOUTELL. Mr. Speaker, little can be added to the full and interesting report made by the chairman of the Committee on Accounts. This much, however, may be added thereto. A statement of the history and powers given under the rule to these committees should be sufficient for the information of the House. In other words, these committees have fallen, during recent years, into a condition of desuetude that, in the opinion of those who have looked into the matter, is anything but innocuous.

They first were established in 1816 when Henry St. George Tucker, of Virginia, brought in a resolution providing for these standing committees of the House with power provided in the resolution. On the debate on that resolution, which is contained in the Annals of Congress, volume 14, part 1, page 1298, Mr. Smith, of Maryland, in opposing the resolution, said:

Mr. Smith of Maryland did not believe that much good could flow out of the measure. There were already, he said, an accountant of the War and an accountant of the Navy Departments, and a comptroller over them, and now we are to appoint committees of Congress over the whole, to inspect accounts after the money has been paid away. Furthermore, he thought it would be impracticable for the committees to act efficiently unless they sat all the year. Mr. Smith said he remembered that a gentleman of this House [Mr. Randolph] once moved a similar investigation into what was called the Augean stable; the inquiry was ordered; the gentleman went into it; $5,000 were spent in printing documents, etc., and, after all, there was not even a resolution or any other proceeding predicated on the examination.

The motion was advocated by Messrs. Tucker, Desha, Stanford, Wright, and Lowndes, by whom it was argued that the experience of other States, particularly Virginia, proved the utility of such committees; that they were also found extremely beneficial and useful in England; that clamors and suspicions had gone abroad, and though they might not be well founded, still they rendered the inquiry necessary; that if anything was wrong in the public accounts, the Government ought to know it and the evil be corrected; that if the committees only entered into a general, and not a minute and detailed investigation, of these accounts much good would still result from it, as it would tend to correct frauds, or errors, if any; that it was the duty of this branch of the Government to inspect the money concerns and see that they were correctly and faithfully conducted.

The resolutions were then agreed to, establishing these committees on expenditure in the Department of State, the Department of the Treasury, the Department of War, the Department of the Navy, the Post-Office Department, a Committee on Expenditures on Public Buildings.

In 1860 the Committee on Expenditures in the Interior Department was created, and in 1874 the Department of Justice, and in 1889 the Department of Agriculture, and when the Department of Commerce and Labor was established a committee was provided for that Department.

Now, let me call the attention of the House to the powers given to these committees under the rules of the House. In Rule XI, section 42, it is provided that: All proposed legislation shall be referred to these committees on expenditure relating to the examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same. The economy, justice, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; enforcement of the payment of moneys due the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subject within the jurisdiction of the nine standing committees on the public expenditures in the several Departments, as follows——

The SPEAKER. The time of the gentleman has expired.

Mr. HUGHES of West Virginia. I grant five minutes more time to the gentleman.

Mr. BOUTELL. It will be seen, therefore, Mr. Speaker, that the scope and functions of these committees are as important and as large as those of any of the standing committees of the House. I have not served long enough in this House to know when these committees cease to act as organized working committees. I know that in this session I found myself placed for the first time upon the Committee on Expenditures in the Navy Department, and I found upon examining the rules what the powers of that committee were. I found also that the committee had never in recent years been organized and no work had been done by the committee.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. BOUTELL. Yes.

Mr. WILLIAMS. Unless I am mistaken, in another branch of the Government, at the other end of the Capitol, some time ago the statement was made that the Federal Government had upon its rolls 3,000 special agents of various sorts—a sort of detective force. Does that not fall within the scope or authority of these committees, to examine whether or not these various special agents are being paid under any law of Congress, and whether their appointment has been authorized by any law of Congress, and whether the money used to pay them is properly paid or not?

Mr. BOUTELL. That would fall specifically within the letter of clause 42, of Rule XI, describing the functions of these expenditure committees, and it is information which this House and which this country ought to have. In other words, Mr. Speaker, I found out that so far as the committee to which I was appointed was concerned, it was an unorganized committee and not doing any work. Upon looking up the history of these committees I found not only the account given of their origin that I have read, but that under previous Congresses these committees exercised a powerful influence in this House on legislation and on the conduct of the Departments.

Mr. MANN. Will the gentleman yield for a question?

Mr. BOUTELL. With pleasure.

Mr. MANN. Can the gentleman tell us whether, because of the great work which these committees have done and can do in this House, the Senate has recently created like committees in the Senate?

Mr. BOUTELL. My impression is that the creation of like committees in the Senate proceeds from the same spirit that has animated, I may say, the leaders of this House to put these committees on a working basis to properly scrutinize the expenditures of various Executive Departments, and to examine and report to this House the reasons for the rapidly increasing appropriations and expenditures.

Mr. MANN. My understanding is that the Senate has recently created corresponding committees in the Senate, to each of which is assigned a clerk at $2,240 a year.

Mr. BOUTELL. Continuing, Mr. Speaker, I simply wish to allude to one instance of the important work done by these committees. In 1876, when William R. Morrison, of Illinois, was the leader of this House, then in control of the Democratic party, a report was made to this House on a number of resolutions which had been referred to the Ways and Means Committee, asking for a report on the expenditure of the various Departments of the Government. These committees were authorized to employ such clerical and stenographic help as was necessary; examinations were made, and upon the report of one of those committees, namely, the Committee on Expenditures in the War Department, a state of things not at all creditable to the Department was shown in the expenditures of that Department, and upon that was based the impeachment of the Secretary of War.

Mr. Speaker, as I said before, I do not know what influences have led to these committees falling into a condition of inaction. I do say, however, that so far as I am personally concerned, I do not care to serve upon any committee of this House which has vested in it the powers contained in the rule which I have read, and not have that committee organized and prepared to do work. I sympathize fully with the desire of the Speaker of the House to have these committees placed upon a working basis. The way to place a committee upon a working basis is to give it the clerical force necessary to attend to the business of the committee. There are scores of bills relating to the expenditures of money in the various Departments, to increases in salaries, which are now referred to other committees, simply because these committees are unorganized committees.

Mr. CRUMPACKER. Mr. Speaker, I appreciate the fact that these committees have quite a large jurisdiction and are capable of doing a great deal toward improving administration if they become active. I was a member of one of these committees during my first term of Congress. I never found out where the committee room was. We never had a meeting, but perhaps that was the fault of the committee. If I can feel assured that these committees are sort of having a general revival along the right lines, I think they ought to have the clerks, and I understand that the committees are taking hold of their work and are investigating along lines that perhaps need investigation. I may assume that from what the gentleman from Illinois [Mr. BOUTELL] says, and that being the case, I think the committees ought to have the clerks, and if any committee is assigned a clerk and never has a meeting in the future, why the Congress can rescind the order, I suppose.

Mr. BOUTELL. I think I may safely say in reply to the gentleman from Indiana that the principle of noblesse oblige would influence every member of these committees in the conduct of the business; but, sir, you can not expect members of a committee unorganized from whom bills which belong to it are taken will show any great interest in the work of the committee, but if these committees are recognized by the Speaker of the House in the reference of bills and are given the clerical help necessary to do the work I think we may expect great benefits to result from the scrutinizing of the accounts of the Departments and proposed legislation to increase salaries, instead of allowing them to be taken up on appropriation bills where they are subject to points of order. The revitalization of these committees, I may say, would be of great relief to all the appropriation committees of the House.

Mr. ADAIR. I just want to ask the question whether or not the fact this committee has been inactive and has never performed any service was due to the fact that it had no clerk? You have stated this committee has been inactive. You have also stated this committee has power to act, but has not acted. Now, was it due to the fact you had no clerk to this committee?

Mr. BOUTELL. As I stated, this is my first service on one of these committees, and during my eleven years' service in the House these committees have never been active committees. Whether you say the committees have been inactive because of the fact they have had no clerk, or whether they have no clerk because they were inactive, it is difficult to say. The reason is one which some of the older Members of the House may be able to give, but which I can only surmise, and therefore do not care to state. These committees have fallen into a condition of inactivity, and there have been no auditing or examining committees active in this House for many years, and therefore, contrary to the wording of the rule, bills which should go to these committees have been referred to other committees.

Mr. ADAIR. I agree with the gentleman from Illinois that this is a very important committee, and I believe that it should have a clerk, and I believe the sum asked is reasonable. I am heartily in favor of the resolution because I believe that all of these bills on these questions should go before these committees before they are acted upon by the Committee on Appropriations.

Mr. HUMPHREYS of Mississippi. May I ask the gentleman a question? I want to ask the gentleman a question to see if my memory is correct. I recollect that in the Fifty-eighth Congress, when there was a great deal of scandal reported in the papers in the Post-Office Department, a number of resolutions were introduced providing for inquiries.

Mr. BOUTELL. Yes.

Mr. HUMPHREYS of Mississippi. And those resolutions were referred to the Committee on Expenditures in the Post-Office Department, and were subsequently, by action of the House, taken from that committee and referred to another committee. That is correct, is it?

Mr. BOUTELL. I think the gentleman from Mississippi is correct; but, as everyone in the House felt at that time, those resolutions, with the entire investigation made at that time, should, under the rule, have been in charge of the Committee on Expenditures in the Post-Office Department, and it was just on account of the reasons I have stated—that these committees have fallen into inactivity—that matters which rightfully and logically belonged to that committee were taken up and passed upon by a committee to which they did not logically belong, namely, the committee that appropriated the very funds about which the investigation was asked. I quite agree with the gentleman.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from Illinois, first, whether any bills have been referred at this session of Congress to the Committee on Expenditures in the Navy Department.

Mr. BOUTELL. Mr. Speaker, I can not say how many other bills have been referred that have not reached this committee, but as showing the scope of this committee's work as understood by the House I will refer to House resolution No. 13, introduced on the first day of the session by the gentleman from Texas [Mr. SHEPPARD], which is as follows:

Resolved, That the Committee on Expenditures in the Navy Department is hereby authorized and directed to examine, so far as the Navy Department is concerned, all of the matters referred to in paragraph 42 of Rule XI of the House of Representatives, and for that purpose it may send for and examine persons and papers and administer oaths; and said committee is authorized to employ a competent stenographer while conducting said examination, and to sit during the sessions of the House, and to report the result of its examination, with any recommendations, to the House.

That resolution was introduced before the House was organized or the committees were appointed and shows clearly a desire on the part of some gentlemen on that side of the House to have this investigation done, and that resolution has been referred to the Committee on Rules.

Mr. UNDERWOOD. Now, I would like to ask the gentleman this: Is it his conception of the rules that all expenditures in reference to the Department shall come before these committees on expenditures? In other words, that the fixing of salaries in the Navy Department, or the increase or the reduction of salaries in the Navy Department, should come before his committee; it that his conception?

Mr. BOUTELL. They come before the committee, under the rules, specifically.

Mr. UNDERWOOD. I would like to ask the gentleman if

the reason why this class of legislation has not come before the committee in years past is that it has been legislated for on appropriation bills? Is that the case?

Mr. BOUTELL. As I say, it needs an older man in service in the House than I am to give the reason; but I can, at least, surmise that that was one of the reasons.

Mr. UNDERWOOD. Now, I would like to ask the gentleman this: If we give these committees the clerks they ask for, so that they may go into action and perform their duties as fixed by the rules, I want to know whether these committees are going to protect their own jurisdiction and stop all legislation on appropriation bills in the future that belongs to the jurisdiction of these committees on expenditures?

Mr. BOUTELL. I think I can well assure the gentleman from Alabama, from my knowledge of the membership of this House, that these committees, if given the opportunity to work, will do their work well.

Mr. UNDERWOOD. Now, I would like to ask my friend from Illinois, for whom I have the utmost respect and in whom I have the highest confidence, that if he is given jurisdiction of this matter, and the House recognizes it by giving him a clerk and actively commissioning his committee, he intends to protect the jurisdiction of that committee?

Mr. BOUTELL. Absolutely.

Mr. UNDERWOOD. Then I will vote for his proposition.

Mr. BOUTELL. One of the first measures we will consider, and one I am very sure that my colleague [Mr. Foss], the chairman of the Committee on Naval Affairs, would be glad to be rid of, is the bill H. R. 16959, equalizing certain salaries in the Navy Department.

Mr. UNDERWOOD. I want to say to the gentleman from Illinois that I think one of the most vicious practices that exists in the House of Representatives to-day is general legislation on appropriation bills, especially in reference to increasing salaries. There has never been any decrease that I ever heard of, but, I think, in increasing the salaries the question of decreasing salaries should be considered, too. That never comes on an appropriation bill, and if these committees will assume the jurisdiction that belongs to them and prevent this legislation on appropriation bills, I think they will do a great service to the House of Representatives and to the country.

Mr. BOUTELL. I am very glad to hear that expression from the gentleman from Alabama, who has had such long experience in this House. The revitalizing of these committees is expressly for that purpose—to take care of these legislation bills and of this auditing and examination business.

Mr. GOULDEN. Will the gentleman from Illinois yield to a question?

Mr. BOUTELL. Yes.

Mr. GOULDEN. Is the gentleman from Illinois familiar with the other committees affected by this proposed resolution, as to the number of bills referred to them?

Mr. BOUTELL. I simply know in a general way that probably an equal or greater number of bills than are pending before the committee of which I am the chairman are pending before these other committees. Or, if not pending, I will say to the gentleman from New York, will be pending before those committee re-referred from other committees if these committees are given power to act.

Mr. GOULDEN. Will the gentleman answer another question?

Mr. BOUTELL. With pleasure.

Mr. GOULDEN. Is the gentleman familiar with the work done by the Committee on Expenditures in the Department of Agriculture, and whether that was not good work and well done by the committee presided over by the gentleman from Maine [Mr. LITTLEFIELD]?

Mr. BOUTELL. My understanding is that most excellent and valuable work was done by that committee, and the report made to this House was of great assistance to the membership of the House.

The SPEAKER. The time of the gentleman has expired.

Mr. HUGHES of West Virginia. I yield five minutes to the gentleman from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. Mr. Speaker, at the beginning of the Fifty-ninth Congress I had the good fortune to be assigned to the Committee on Expenditures in the Department of Commerce and Labor, and I immediately began an investigation of the history and duties of all the committees on expenditures in the various Departments.

During the first session of that Congress the gentleman from Maine [Mr. LITTLEFIELD], chairman of the Committee on Expenditures in the Department of Agriculture, introduced a resolution authorizing that committee to send for papers and all necessary witnesses. That resolution was referred to the Committee on Accounts. The Committee on Accounts reported favorably and an investigation was begun. Immediately thereafter the chairman of the Committee on Expenditures in the Department of Commerce and Labor introduced a similar resolution, and for some reason it was referred to the Committee on Rules, which committee never favorably reported the resolution. Then I introduced resolutions empowering all the other committees on expenditures in the various Departments to make similar investigations, and those resolutions were referred to the Committee on Rules. These resolutions were all permitted to lie in the Committee on Rules and were given no favorable consideration. I reintroduced them on the first day of the present session.

Mr. HAMILTON of Michigan. What is the explanation of the reference of the resolutions to the Committee on Rules?

Mr. SHEPPARD. I can not see any explanation. You would have to consult the Speaker as to that. The probability is that no investigation of these Departments was desired.

Mr. DALZELL. Let me ask the gentleman if he is talking about this Congress or a previous Congress?

Mr. SHEPPARD. The Fifty-ninth Congress. The resolution was permitted to go through for the investigation of the Agricultural Department, that resolution having been referred to the Committee on Accounts.

Mr. DALZELL. Well, I will say to the gentleman that these resolutions were not reported, not because of any disinclination on the part of the committee, but because they were not pressed. Resolutions that go to the committee and nobody says anything about them thereafter do not usually come out. The committee is not like the ordinary committees, having regular meetings once or twice a week. It meets when somebody wants it to meet.

Mr. SHEPPARD. Mr. Speaker, at the beginning of the short session of the Fifty-ninth Congress I addressed the House on this subject and made a plea for the restoration of these committees. Many Members who are around me now will recall the appeal I made to the House at the beginning of the short session for the revival of these committees and the restoration of their powers, and I think the attention of the Committee on Rules was sufficiently directed to the matter. The chairman of the Committee on Expenditures in the Department of Commerce and Labor [Mr. FOSTER of Vermont] made a vigorous effort to have his resolution considered. There are no committees in this House which can be of greater service to the House and the people than the committees for the investigation of the expenditures of the various Departments. Not only ought they to have clerks, but they should be permitted to send for persons and papers and to have the necessary stenographers and power to examine witnesses. The expenditures of the Government are getting beyond our reach. The estimates are for hundreds of millions beyond the revenue, and there is no way in which this House can obtain an understanding of Federal expenditures more effectually than through a revival of these committees.

Mr. MANN. Will the gentleman explain why it is necessary to have a resolution referred to either the Committee on Accounts or the Committee on Rules for a committee to transact its business?

Mr. SHEPPARD. If the committee is to do the work effectually they will have to have judicial powers.

Mr. MANN. Oh, no; not at all. Every officer of the Government is subject to a call by any committee of Congress. We maintain committee stenographers to do that work, and no resolution is necessary to get a stenographer. Any committee can call upon the committee stenographers and get them at any time they are needed.

Mr. SHEPPARD. Whenever committees are appointed by this House to investigate they are given power to send for persons and papers and to examine witnesses. These committees on expenditures have powers different from those of other committees. If they have any powers at all they should have the power to investigate the records and power to examine witnesses, and unless you give such powers to them by special resolution they would not be able to carry on the investigations.

Mr. MANN. Why, Mr. Speaker, I have been on committees in Congress for ten years that have examined witnesses continuously and never asked the House for any power—the Committee on Commerce and the Committee on Elections and the Committee on Reform in the Civil Service.

Mr. SHEPPARD. Have they power to administer oaths?

Mr. MANN. Why, certainly they have.

Mr. SHEPPARD. And power to compel the attendance of witnesses?

Mr. MANN. When it comes to the compelling of witnesses

that is a different proposition. These committees have power to compel the officials of the Government to appear before them; and whenever any of them shall find an officer declines to appear before that committee, I apprehend there will be no difficulty in obtaining a resolution of the House to compel attendance. All that is necessary is for one of these committees to notify the officer in advance that he is wanted, and they do not need the power to compel any one of these officers to appear before the committee. So that is not an answer and it is no argument. Every committee secures the attendance of officers of the Government before it. In these committees which the gentleman wants to revivify—I do not know whether he is a member of one of them—all he would have to do would be to introduce a resolution which would preferably be referable to that committee, and it could proceed to use that power.

Mr. SHEPPARD. I will ask the gentleman why the chairman of the Committee on Expenditures in the Department of Agriculture [Mr. LITTLEFIELD] considered it necessary to have a resolution of this kind before he could make the necessary investigation? He is one of the ablest lawyers in this House or in the country.

Mr. MANN. He did not consider it necessary before he made the investigation. He did not bring in the resolution until after he had commenced the investigation, and did it then only because, as I take it, he wanted to have a special stenographer for the use of his committee, and there was not any good reason for that.

Mr. SHEPPARD. The gentleman from Maine is here, and I will ask him why it was he wanted this power?

Mr. HUGHES of West Virginia. I yield three minutes to the gentleman from Kansas [Mr. SCOTT].

Mr. LITTLEFIELD. I was going to answer the suggestion of the gentleman from Illinois [Mr. MANN].

Mr. SCOTT. I will yield to the gentleman from Maine for that purpose.

Mr. LITTLEFIELD. The chairman of the Committee on Expenditures in the Department of Agriculture did not begin his investigation until all the resolutions introduced by the chairman of that committee were adopted by the House, and the chairman of that committee introduced a resolution authorizing that committee to conduct its examinations by the administering of oaths to the witnesses because he felt that it was a matter of considerable doubt under the rules whether he had any authority to administer an oath to a witness that came before him; and, in order to be sure about it and know that he had the authority, he thought it was necessary to get the resolution through; and after getting it through the Committee on Expenditures in the Department of Agriculture proceeded with its investigations. I think that answers the suggestion of the gentleman from Illinois. I will not say, as an absolute legal proposition, that it was necessary, but I thought it was a necessary and a wise precaution.

Mr. SCOTT. Since I have been a Member of this House the only committee on expenditures which has exercised its functions has been the Committee on Expenditures in the Department of Agriculture, and my membership on the Committee on Agriculture has placed me in a position to testify to the effectiveness and the good results that followed that work. I think I can say that the Department of Agriculture is managed with as excellent business judgment as any Department of our Government, and that the Committee on Agriculture exercises as careful scrutiny over the expenditures of that Department as any general committee of this House is likely to exercise over any Department of the Government. And yet the work that was done by the committee so ably presided over by the gentleman from Maine [Mr. LITTLEFIELD] was such as to result in very important changes for the better in the management of the business of the Department of Agriculture, and to make important and valuable suggestions to the Committee on Agriculture. I am thoroughly of the opinion that no committee in this House could be of greater business value to the country than the committees on expenditures in the various Departments if they would actively and effectually exercise the functions which the rules give them.

Mr. HUGHES of West Virginia. I wish to yield to the gentleman from Connecticut [Mr. SPERRY] to offer an amendment.

Mr. SPERRY. Mr. Chairman, I desire to offer an amendment to the resolution.

The Clerk read as follows:

Amend as follows:

"That the chairman of the Committee on Alcoholic Liquor Traffic is hereby authorized to appoint a clerk to said committee to serve during the sessions of the Sixtieth Congress, to be paid out of the contingent fund of the House at the rate of $6 a day."

Mr. HUGHES of West Virginia. I wish to say, with reference to that amendment, that I hope the House will not adopt it. In considering the resolution that we brought in here for clerks to the expenditures committees, the Committee on Accounts have made an investigation and feel that those committees are entitled to this service. There is a resolution, I think, pending before the Committee on Accounts in reference to the Committee on Alcoholic Liquor Traffic, but that resolution has not been considered or the needs of the committee investigated, and therefore I hope the House will vote down this amendment. I yield to the gentleman from Georgia [Mr. BARTLETT].

Mr. SPERRY. I wish the gentleman would yield to me to make a statement in reference to this amendment.

Mr. HUGHES of West Virginia. How much time does the gentleman require?

Mr. SPERRY. Only a few minutes.

Mr. HUGHES of West Virginia. I yield to the gentleman from Connecticut.

Mr. SPERRY. Mr. Speaker, I want to say that we have a committee, although it has not been organized, and there is plenty of business before it. There was a great deal of business before it last year; over 200 letters were received which had to be answered by somebody, and I was obliged to allow my private secretary to answer them. Now, it rests with the Members of the House to say whether the business before that committee shall lie there without being attended to or whether we shall have this clerk, organize the committee, and attend to the business that is legitimately before that committee.

Mr. HUGHES of West Virginia. I now yield to the gentleman from Georgia [Mr. BARTLETT] five minutes.

Mr. BARTLETT of Georgia. Mr. Speaker, I want first to call attention to the amendment offered by the gentleman from Connecticut [Mr. SPERRY]. It provides for a clerk to the Committee on Alcoholic Liquor Traffic "for the sessions of this Congress." The Committee on Accounts has reported a resolution giving a clerk to these ten committees on expenditures in the various Departments of the Government for this session only. The provision for the clerk made by the resolution will expire by law on the 1st of June, unless Congress adjourns earlier. If we adopt the amendment offered by the gentleman from Connecticut, you will give him and that committee a clerk for a longer time than you do all these other ten committees. I do not see the gentleman from Pennsylvania [Mr. GRAHAM], who is chairman of the Committee on Ventilation and Acoustics; but I have no doubt if he were present, he would offer an amendment to give that committee a clerk; and when you have done that, all the committees of the House will be provided with a clerk during the sessions of Congress.

I do not know that I can add anything to what the gentleman from Illinois [Mr. BOUTELL] has so well stated in reference to these committees. I have no doubt that there will be one or two of the committees to which clerks are assigned that will do some work. We have evidence of that by the fact that the gentleman from Maine [Mr. LITTLEFIELD], the chairman of the Committee on Expenditures in the Agricultural Department, and that committee have done some very valuable work. We have the word of the gentleman from Illinois [Mr. BOUTELL] that the committee of which he is chairman will begin to do work, and we know from the gentleman's reputation and character that that work will be well done and will be valuable. Beyond that I do not see anybody that proposes to do any work. As far as I am concerned, as long as I have been a member of the Committee on Accounts I have endeavored to see that the money of the Government was not needlessly wasted; and at the same time I have endeavored to see that the necessities of the House and the necessities of the members of the committees and the chairmen of the committees in the discharge of their work should be well supplied from the contingent fund of the House where it is not otherwise supplied.

Now, I have not made a minority report, and I am not here to resist the adoption of the resolution, if the House wants in its wisdom to pass it, but I do not believe that all ten committees are to do the work that one of them has done or that one or two more may do.

Mr. SHEPPARD. Will the gentleman yield?

Mr. BARTLETT of Georgia. I will yield to the gentleman.

Mr. SHEPPARD. The chairman of the Committee on Expenditures in the Department of Commerce and Labor is anxious that his committee should begin work, and the members of the committee are anxious to begin work.

Mr. BARTLETT of Georgia. That is the gentleman from Vermont [Mr. FOSTER]. Well, I will include that committee. I have no doubt the gentleman from Vermont will proceed, for I know that he is interested and appeared before the committee.

I have no doubt that if the committees would do the work that it was intended for them to do, it would be of great service to the House and to the country. In the impeachment of Secretary Belknap it started from an investigation of a committee over which Senator Blackburn, then a Member of the House, presided. His examination into the affairs of the expenditures of the War Department developed a condition of affairs which resulted in the impeachment and forced resignation of the Secretary of War. I have no doubt that if the committees of the House and the committees of the Senate on the expenditures of the Government in the various Departments would go to investigating the expenditures of the Government, it would save millions and millions of dollars a year. But it has not been done, as a great many other things have not been done in this almost universal conduct of the Government by the Republican party since 1860.

I am not here to oppose the resolution, and I do not desire to put my will or my views in the way of the accommodation of the House. I shall not vote for the resolution as it is, nor shall I vote for the amendment offered by the gentleman from Connecticut; because if you are going to put the Committee on Alcoholic Liquor Traffic on this resolution, you might as well put the Committee on Ventilation and Acoustics on too. It is not justice to the gentleman from Pennsylvania [Mr. GRAHAM], who is not present, to take care of this Committee on Alcoholic Liquor Traffic and not take care of the Committee on Ventilation and Acoustics. I certainly shall not vote for this amendment, which provides a clerk for both sessions of Congress, when the resolution simply provides for clerks of these other committees for this session.

Mr. MANN. Will the gentleman yield?

Mr. HUGHES of West Virginia. How much time does the gentleman want?

Mr. MANN. Two or three minutes.

Mr. HUGHES of West Virginia. I yield three minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I would like to say a word with reference to the amendment offered by the gentleman from Connecticut [Mr. SPERRY], the chairman of the Committee on Alcoholic Liquor Traffic. In the course of the investigation which I have had to make in reference to the different committees and the moving of the committees I learned that a very large share of the public at large assumes that the Committee on Alcoholic Liquor Traffic had control of the bills relating to that subject in the House, and we all know that during the last two years there have been some bills pending before Congress which have excited a lively interest on the part of many of the people in the country. The result has been that the Committee on Alcoholic Liquor Traffic, as was shown to me, has been flooded with letters and various communications relating to the legislation before the House. The result of this is that the chairman of that committee is at present compelled, with the clerk that he has given to him personally, not only to attend to his personal and official correspondence relating to his own work, but required in addition to attend to the correspondence concerning the subject of the alcoholic liquor traffic relating to the work of Congress. It seems to me that that is an injustice to him. He is one of the oldest Members of the House, not quite so lively and spry as my friend the gentleman from Texas [Mr. SHEPPARD] and many others of the House, and it seems to me that if we are increasing the number of clerks to committees at this time, which we may well do in the interest of the public service, we might also give to that committee, for the purpose of helping to do the work which the public, at least, assumes that the committee does, and carrying on the correspondence which the chairman of the committee is obliged to carry on by reason of his chairmanship—that we might also give to the senior Member of the House, as it were, that additional clerk.

Mr. HUGHES of West Virginia. Mr. Speaker, I wish to say for the information of the House that the resolution reported from the Committee on Accounts, No. 268, provides for a clerk at $6 a day to these different committees on expenditures in the Executive Departments from the time of the passage of the resolution to the end of the present session of Congress, and that the amendment offered by the gentleman from Connecticut [Mr. SPERRY] provides for the employment of a clerk to his committee for the sessions of the Sixtieth Congress; his amendment seeks to do more for his committee than does the original for the expenditure committees, and on this account I hope that this amendment will be voted down.

Mr. SPERRY. But he would have to be attending to all of that business, and he ought to be paid for it.

Mr. HUGHES of West Virginia. That may be true; but the more orderly procedure would be to consider the gentleman's proposition separately and on its own merits, apart from the pending resolution, to which the Committee on Accounts has given very careful consideration. Resolution 268, which we have offered, provides for a clerk at $6 a day from the time of the passage of the resolution to the end of the present session. We limit its operation to this session, believing that before adjournment the several committees on expenditures will have had time enough in which to demonstrate or not their usefulness. The Committee on Accounts were convinced that those committees intend to perform their proper functions if given this clerical assistance. There has been no evidence of that kind before us with respect to the few other committees, including that of the gentleman from Connecticut, which are regarded as inactive committees. I move the previous question on the resolution and amendment.

The SPEAKER. The question is on ordering the previous question on the resolution and amendment to its final passage.

The question was taken and the previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Connecticut.

The question was taken, and on a division (demanded by Mr. HUGHES of West Virginia) there were—ayes 61, noes 42.

So the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. HUGHES of West Virginia, a motion to reconsider the last vote was laid on the table.

REPRINT OF BILL.

By unanimous consent leave was granted to Mr. MARSHALL for a reprint of the bill (H. R. 17824) for preventing the manufacture, sale, or transportation of adulterated or unlabeled paint, turpentine, or linseed oil.

ESTABLISHING A MONETARY SYSTEM.

Mr. HULL of Iowa. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House for the further consideration of the Army appropriation bill.

Mr. PRINCE rose.

The SPEAKER. Does the gentleman yield?

Mr. HULL of Iowa. I yield for the submission of a report, Mr. Speaker.

Mr. PRINCE. If the gentleman from Iowa will yield to me I will make a report.

Mr. HULL of Iowa. The trouble is I have had five applications to hold the motion back, and if I yield to one—however, I am perfectly willing to yield to the gentleman to make a report.

The SPEAKER. The gentleman from Illinois desires to ask unanimous consent, as he informed the Chair, touching a report.

Mr. HULL of Iowa. I have no objection.

Mr. PRINCE. Mr. Speaker, in the absence of the chairman of the Committee on Banking and Currency, I desire to file his report in favor of the bill H. R. 12677. It was agreed by the committee, Mr. Speaker, that the minority should have ten days in which to file their views, and I ask that they be permitted that length of time in which to file their views.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the minority, as indicated, may have ten days' leave in which to file the views of the minority. Is there objection? [After a pause.] The Chair hears none.

DISTRIBUTION OF HOUSE ROOMS.

Mr. MANN. Mr. Speaker, I desire to present a privileged report from the Select Committee on Distribution of House Rooms.

The SPEAKER. Does the gentleman from Iowa withhold his motion?

Mr. HULL of Iowa. I withhold it until the report is presented.

The SPEAKER. The gentleman from Illinois makes the following privileged report, the title of which the Clerk will read.

The Clerk read as follows:

From the Select Committee on Distribution of House Rooms.

The SPEAKER. The gentleman desires to have this report printed in the RECORD. Without objection, it is so ordered.

There was no objection.

The report is as follows:

House resolution 269.

Mr. MANN, from the Committee on Distribution of House Rooms, reported the following resolution:

Resolved, That the following assignment of rooms be, and the same is hereby, made, to wit:

For the use of the police in the House Office Building, the room north of and adjoining room permanent No. 185.

To the Committee on the District of Columbia, rooms in the House Office Building permanent Nos. 375, 377, and 377a.

To the Committee on Reform in the Civil Service, the room in the Capitol formerly occupied by the Committee on Rivers and Harbors.

To the Committee on Military Affairs, the room heretofore occupied by the Committee on the District of Columbia and the room in the Capitol formerly occupied by the Committee on Public Buildings and Grounds, said rooms to be properly connected.

To the Committee on Ways and Means, the room heretofore occupied by the Committee on Military Affairs.

To the Committee on Printing, the rooms in the Capitol formerly occupied by the Committee on the Territories and the Committee on Reform in the Civil Service, said rooms to be properly connected.

To the Committee on Indian Affairs, as additional room, the space heretofore occupied by the Committee on Printing.

To the Journal index clerk, the room in the Capitol formerly occupied by the Committee on the Merchant Marine and Fisheries.

Resolved further, That the small room at the end of the corridor, heretofore occupied by the Committee on the District of Columbia, be abolished and the space restored as part of the corridor.

House report 1127.

Mr. MANN, from the Select Committee on Distribution of House Rooms, submitted the following report to accompany H. Res. 269:

The special committee which was directed to report to the House plans for the distribution of rooms in the House Office Building and the redistribution of rooms under the control of the House in the Capitol building, beg leave to make a further partial report and to recommend the adoption of the following resolution, to wit:

Resolved, That the following assignment of rooms be, and the same is hereby, made, to wit:

For the use of the police in the House Office Building, the room north of and adjoining room permanent No. 185.

To the Committee on the District of Columbia, rooms in the House Office Building permanent Nos. 375, 377, and 377a.

To the Committee on Reform in the Civil Service, the room in the Capitol formerly occupied by the Committee on Rivers and Harbors.

To the Committee on Military Affairs, the room heretofore occupied by the Committee on the District of Columbia and the room in the Capitol formerly occupied by the Committee on Public Buildings and Grounds, said rooms to be properly connected.

To the Committee on Ways and Means, the room heretofore occupied by the Committee on Military Affairs.

To the Committee on Printing, the rooms in the Capitol formerly occupied by the Committee on the Territories and the Committee on Reform in the Civil Service, said rooms to be properly connected.

To the Committee on Indian Affairs, as additional room, the space heretofore occupied by the Committee on Printing.

To the Journal index clerk, the room in the Capitol formerly occupied by the Committee on the Merchant Marine and Fisheries.

Resolved further, That the small room at the end of the corridor heretofore occupied by the Committee on the District of Columbia be abolished and the space restored as part of the corridor.

All of which is respectfully submitted.

JAMES R. MANN.
JOSEPH H. GAINES.
H. O. YOUNG.
JAMES T. LLOYD.
W. C. ADAMSON.

Mr. CRAIG rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CRAIG. I desire to ask the gentleman from Iowa to yield to me for a moment.

Mr. HULL of Iowa. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. HULL of Iowa. I declined to yield to my colleague from Illinois for that purpose and I can not yield now.

ARMY APPROPRIATION BILL.

Then, on motion of Mr. HULL of Iowa, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17288, the Army appropriation bill, with Mr. SHERMAN in the chair.

The CHAIRMAN. When the committee rose last evening a point of order had been reserved.

Mr. HULL of Iowa. Mr. Chairman, I stated yesterday sales to officers and men ought to have 10 per cent added to price of commissary stores, and I desire to correct that statement. The law which was approved July 5, 1884 (23 Stat. L., p. 108), provides "that hereafter all sales of subsistence and supplies to officers and enlisted men shall be made at cost price only." So it is now sold at flat cost price. The gentleman from Illinois requested that I would give him information about how much this so-called "coffee" money would amount to. It amounts to exactly 21 cents a day per man while en route, and of course the amount could be only figured by the number of men and the distance they traveled; but it is fixed at 21 cents per day per man. There is a new provision in here that I did not call attention to yesterday in regard to extra-duty pay to cooks, on page 25 of the bill. That is only at four recruiting stations. The men are now issued their rations, and the only money they have to employ cooks is out of what they can save from their rations, and at these recruiting stations it has been found impossible for them to keep cooks with what amount they can save; so the Department asks for this in order that the recruit may have his food properly cooked and served until he is assigned to his command. Another new provision that I did not call attention to yesterday is found on page 23, "for issuance of toilet kits to recruits upon their first enlistment."

The Department requires every recruit to provide himself with what is called a "toilet kit," combs, hairbrushes, toothbrushes, and the usual toilet articles that the regulations require every soldier to have. Heretofore they have furnished this to the recruit, and when he went to get his first payment from the paymaster he found that he was in debt about $4 for what the Government had compelled him to get. This will provide for the Government issuing it to him in the first instance, and then under the regulations require him to keep the kit up from his own earnings. These, I think, are all the new provisions in this paragraph to which attention has not been fully called heretofore.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] withdraw his point of order?

Mr. MANN. Mr. Chairman, the explanation made by the gentleman from Iowa is quite full, but I would like to ask him about one more matter in reference to it. The existing law provides "for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army." I do not find any other provision.

Mr. HULL of Iowa. That is under the present law.

Mr. MANN. That is the present law. I did not find any other provision for the sale to officers of the Army. Now, in the bill you have a provision for sales to officers and enlisted men of the Army. Can the gentleman say whether that is intended to change the law and to permit new regulations, or whether that is solely in the rearrangement of this paragraph for the purpose of carrying out the existing provisions of law and the existing regulations?

Mr. TAWNEY. Will the gentleman from Illinois permit me a question?

Mr. HULL of Iowa. It is a law both for the officers and men.

Mr. TAWNEY. Has the gentleman from Illinois [Mr. MANN] examined the current military appropriation bill to ascertain whether or not that language is not carried in the current law under another paragraph or in another part of the bill?

Mr. MANN. It is carried——

Mr. HAY. It is in the current law.

Mr. TAWNEY. I find it is in the current law, on examination.

Mr. HULL of Iowa. Now, here is the law as it stands upon the statute books as to both officers and men:

The officers of the subsistence department shall procure and keep for sale to officers and enlisted men at cost prices, for cash or on credit, such articles as may from time to time be designated by the Inspector-General of the Army. An account of sales on credit shall be kept, and amounts due for the same shall be reported monthly to the Paymaster-General.

Mr. MANN. What is the date of that law?

Mr. HULL of Iowa. That is 1884.

Mr. HAY. Mr. Chairman, I suggest to the gentleman from Iowa [Mr. HULL] that the very same words in this bill are in the current law.

Mr. MANN. I wish the gentleman would show me where they are.

Mr. TAWNEY. They are not at the same place?

Mr. HULL of Iowa. No.

Mr. MANN. I can assure the gentleman this authority under subsistence supplies and this authority under quartermaster's supplies do not cover the same ground at all. This provision is in the portion as to quartermaster's supplies and not as to subsistence supplies.

Mr. HULL of Iowa. That is in.

Mr. HAY. I hold in my hand the original appropriation taken from the current law, and in the first part of the law the words will be found "and for sale to officers and enlisted men of the Army"—sales under the subsistence department.

Mr. HULL of Iowa. What I wanted to emphasize was, even if that had not been in before under the law, it would be in order now. But it is in the present law and has always been carried in appropriation bills.

Mr. TAWNEY. I want to ask the gentleman from Iowa whether this change in the location of this language is recommended by the Department in the estimate submitted to Congress?

Mr. HULL of Iowa. Yes; and set out fully in the estimate.

Mr. TAWNEY. Can the gentleman state why the law requiring the Departments to submit their estimates in the form of the current appropriation bill is not observed by the Department so that we may be able to make comparisons? I find a great many changes in this bill, and in the estimate as submitted do not agree at all with the current law. Now, we have a law which requires the Departments to submit their estimates in the form in which the current law has been written.

Mr. HULL of Iowa. Yes; and I want to say to the gentleman that on this very paragraph within the very recent past

the gentleman from Pennsylvania [Mr. OLMSTED] found great fault because they mixed their items up, and went from payments to purchases and from purchases to payments, so that you had to look all through everything in order to know what it applied to. In this they have grouped all the purchases in the first part and all the payments in the second part of the paragraph; and the effect of it is that it marvelously simplifies the ability of Members of Congress keeping track of what they are.

Mr. TAWNEY. Provided that the estimates are sent in in that form next year.

Mr. HULL of Iowa. They will be. The committee were all pleased with this change, and when we come to the Quartermaster's Department you will find that there is a rearrangement of a very large number of items, for the reason that we put a proviso in the Army bill last year which segregated what had been in one lump sum of fourteen or fifteen millions. We have divided up in half a dozen different sums, so that we might know what was done with each sum.

Mr. MANN. I withdraw the point of order.

Mr. HULL of Iowa. Mr. Chairman, I offer some amendments simply to correct the punctuation, such as to add an "s" and change the punctuation.

The CHAIRMAN. Is there objection to the clerical corrections suggested by the chairman of the committee? The Chair hears none, and the correction will be made.

The amendment is as follows:

On page 23, line 2, after the word "observation," a semicolon should be inserted; on same page, line 6, after the word "observation," a semicolon should be inserted; and on the same line the word "issue" should read issues; on line 19 the word "chest" should read chests; on page 24, line 17, after the word "orders," a semicolon should be inserted.

The Clerk read as follows:

QUARTERMASTER'S DEPARTMENT.

Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks, and quarters, and recruiting stations, and United States military prison; also ranges and stoves, and appliances for cooking and serving food at posts and on transports, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices, and for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; for the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions; for the necessary furniture, text-books, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; and nothing in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1908, or any other act, shall hereafter be held or construed so as to deprive officers of the Army, wherever on duty in the military service of the United States, of forage, bedding, shoeing, or shelter for their authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the terms of this act; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's departments, and for printing department orders and reports, $9,000,000: *Provided*, That no part of the appropriations for the Quartermaster's Department shall be expended on printing, unless the same shall be done by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the purchase of material and hire of the necessary labor for the purpose. For the fiscal year ending June 30, 1909, whenever the ice machines, steam laundries, and electric plants shall not come in competition with private enterprise for sale to the public, and in the opinion of the Secretary of War it becomes necessary to the economical use and administration of such ice machines, steam laundries, and electric plants as have been or may hereafter be established in pursuance of law, surplus ice may be disposed of, laundry work may be done for other branches of the Government, and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War: *Provided*, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid.

Mr. MANN. I reserve the point of order on that. I would like to ask the gentleman if this is the same provision as the current law?

Mr. HULL of Iowa. This is the same provision as made in the current law. There is no change at all in this paragraph.

Mr. TAWNEY. I desire to ask the gentleman from Iowa a question. I observe that the appropriation in its total in the current law for the fiscal year 1908 is $6,500,000, and the proposed appropriation for the same purpose is $9,000,000, or $2,500,000 in excess of the current law. Will the gentleman explain the necessity of this very great increase?

Mr. HULL of Iowa. One necessity is because of the increased expenditures as shown by the Quartermaster-General of the Army.

Mr. TAWNEY. Increased expenditures in what respect?

Mr. HULL of Iowa. The larger number of posts that are to be heated; the larger number of persons that are to be maintained; the larger purchases of feed and the larger amount of expenditures in all lines, and about, I will say, the amount that was appropriated, with the deficiency the gentleman himself said was necessary for this year.

Mr. TAWNEY. I want to ask the gentleman another question; whether the appropriations or increase in this item is made upon the theory which was presented to his committee and to all other appropriation committees, at the time the estimates were made, that the prices had increased so much, and whether the committee took into account the fact that on these various items the prices have very greatly decreased, and in all probability will continue to decrease for the next fiscal year?

Mr. HULL of Iowa. The gentleman understands that purchases were dealt with by the Quartermaster-General, and he wanted almost a round million more than this. We tried to cut it down as close as we could to the deficiencies and what we had appropriated this year. Our idea was, after the Committee on Appropriations had passed upon it and stated that they must have this additional amount, we could not go much below what had been given this year. We cut off nearly a million of dollars in the estimates for this one item.

Mr. MANN. I want to ask the gentleman a question. I see there is a provision in here at the top of page 27, endeavoring to construe an act of last year. What is the purpose of that, and why?

Mr. HULL of Iowa. There was a provision made here, which, I think, covers all Departments, that the horses were not to be used for anything but Department work. Under the permanent law—now, I may be mistaken in this, but I am giving my impression, and if I am in error members of the committee may correct me, for I am not infallible in these things. Under the permanent law every officer, from a major to a major-general, is entitled to so many horses and entitled to forage for so many horses, graded according to rank. A major, I think, has two.

Mr. PARKER of New Jersey. Captain, major, and colonel.

Mr. HULL of Iowa. A brigadier-general, three; a major-general, four. Now, they do not keep that many, but if they do keep horses here at all, the permanent law that gives them the right to keep horses would be void unless they are exempt from the provision of what is known as the "Landis amendment." If the latest order is to be carried out, it will be absolutely necessary for every officer of the Army in Washington and every other city to keep horses for his private use, or he is liable to be mustered out for not being able to ride.

Mr. MANN. The Landis amendment is not in the current year's appropriation law.

Mr. HULL of Iowa. Oh, no.

Mr. TAWNEY. That is permanent law.

Mr. MADDEN. Does the gentleman mean that an Army officer must be able to ride on account of the order that was recently issued?

Mr. HULL of Iowa. He goes before a court-martial if he is not able to ride.

Mr. MANN. Does the gentleman mean to say that a major assigned to staff duty up here gets a horse and forage at the expense of the Government?

Mr. TAWNEY. The law says two horses.

Mr. MANN. I have been trying to find out for a long while what Army officers did get. This is a new lead to me.

Mr. HULL of Iowa. Every mounted officer has rations issued to his horse.

Mr. MANN. Does every major?

Mr. HULL of Iowa. Every major that keeps a horse.

Mr. MANN. But take the case of a brigadier-general or a major-general here in Washington on staff duty. Does he get a horse and an allowance of forage?

Mr. HULL of Iowa. They buy their own horses, but as a matter of fact very few of them keep horses. Some of them do, but very few. They do not want to keep them, as a matter of fact, because it is an expense to them even with the allowance the Government gives them; but if they are compelled to practice riding so many hours a day, the gentleman can see that they will have to keep horses, no matter where

they are located. If they have got to take a 90-mile ride every year, the gentleman will see the necessity for their practicing up between times.

Mr. MANN. I am told that some of them practice now during every afternoon, which gives them an opportunity to have a pleasure ride while they ought to be working in the Department. That does not apply to all of them, of course.

Mr. HULL of Iowa. That is something that this bill has nothing to do with. My understanding is that it does not include the captains or the lieutenants, but all field officers are compelled to take these annual rides, and that they are let off duty, I think, so many hours per week for the purpose of practicing in horsemanship; but it is a regulation.

Mr. MANN. Do these officers get compensation for forage, bedding, shoeing, and shelter?

Mr. HULL of Iowa. No; they get nothing at all unless they keep a horse. There is no commutation of rations for a horse.

Mr. MANN. Do they keep the horse and then get paid the amount, or how is that done?

Mr. HULL of Iowa. No.

Mr. MANN. Does the Government keep the horse?

Mr. HULL of Iowa. If the Government keeps the horse, it keeps him in a Government stable. There are several quartermaster stables here, and they have the amount of forage provided by the Army Regulations, as the feed for a cavalry horse or an artillery horse, issued for the care of that horse, but they get no commutation whatever.

Mr. CAPRON. Just fodder.

Mr. MANN. I have a great deal of sympathy for those fat officers who are required to take a military ride because our strenuous President believes in it.

Mr. MADDEN. The officers are not furnished the horses at the expense of the Government, are they?

Mr. HULL of Iowa. They are not supposed to be.

Mr. MADDEN. What is the fact?

Mr. HULL of Iowa. If they are furnished at the expense of the Government, of course the Government simply feeds its own horses, and the officer has nothing to do with that.

Mr. MADDEN. What is the fact?

Mr. HULL of Iowa. I think the Government furnishes a good many horses.

Mr. TAWNEY. We appropriate no money for that.

Mr. HULL of Iowa. I would say to the gentleman that I would be in favor of reorganizing this thing.

Mr. MADDEN. Reorganizing it up or down?

Mr. HULL of Iowa. Cutting off the extra pay for this reason: When we separated the Coast and Heavy Artillery, one branch went into the unmounted service and the other into the mounted service, and I understand every officer of Field Artillery gets $200 a year more, if he is a captain, on account of being a mounted officer. I think he ought to have something more, because his extra expense is a little more; but I think it is too much as it is to-day. When they go to the Philippines, every mounted captain gets $200 more than an infantry captain.

Mr. MADDEN. Why?

Mr. HULL of Iowa. Because that is fixed by law.

Mr. MADDEN. What was the idea of it?

Mr. HULL of Iowa. Because he is supposed to own his own horse and care for one horse outside of rations.

Mr. MADDEN. Does he not detail a member of his company to take care of his horse?

Mr. HULL of Iowa. I understand not, but he does employ a member of the company very frequently at much less than $200 a year.

Mr. MANN. Is he required to employ him?

Mr. HULL of Iowa. Another reason why I think it is unfair to an infantry officer is because we give 10 per cent additional pay in the Philippine Islands, and a mounted officer gets 10 per cent additional on the $200, not only on the flat pay, but on the $200. And yet no officer mounted in the Philippine Islands does furnish his own horse. The Government furnishes all and saves money by it, because you take your horse over and pay the expense, and then they are not allowed to come back on account of the regulations of the Agricultural Department prohibiting the importation of animals from the Tropics.

Mr. MADDEN. As a matter of fact, does not the Government furnish all the horses not only in this country, but in other countries?

Mr. MANN. Does not this bill carry an item or items under which various horses are purchased for various officials of the Government?

Mr. HULL of Iowa. No.

Mr. PARKER of New Jersey. No.

Mr. MANN. The gentleman shakes his head, but he ought to be better informed, because it does—not only to Army officers, but to other officers of the Government, and if it were known how many they did furnish——

Mr. MADDEN. I want to ask the gentleman a further question. Is there any provision in the bill, or any regulation of the Army, requiring the officers to take automobile rides; and if so, who furnishes the automobiles and drivers?

Mr. HULL of Iowa. I know of no provision on that subject.

Mr. MADDEN. Are there any automobiles in the service?

Mr. HULL of Iowa. I do not know of any; they have used automobiles at the grand maneuvers, but the officers paid for them out of their own pockets.

Mr. PARKER of New Jersey. Mr. Chairman, before offering a formal amendment on another subject, I want to say a word about the question of horses. It is considered in every army a very important thing that mounted officers in the field should own their own horses. An officer ought to have the best horse, and ought to have a pride in it. It has always been the regulation that they should own their own horses and ride their own horses. For this there was always allowed a difference of $200 a year. The $200 a year represents partly the cost of the horse which has to be bought every now and then, every two or three years; and, second, it represents the expense of keeping the horse, for every officer, whether he has a Government horse or his own private horse, must pay $7 a month, which is the average price for taking care of that horse, or $84 a year.

And, thirdly, it represents an item that is rather hard to estimate, but the value of which everybody will see is considerable—that is, the wear and tear upon the saddle, saddlecloth, bridle, boots, and clothes. The infantry officer is not required to furnish riding breeches, riding boots, or spurs, or gauntlet gloves, or other equipment used on horseback, which, all together, including the saddle, would come to a cost of $100 or $150, and which are used up, when there is constant saddle work, very fast, as anybody knows who has been in the saddle three or four hours a day for nearly a week.

Now, the $200 is not an exorbitant allowance for all these things. It is rather under than over what the officer has to expend.

The difficulty, however, is that for the officers that are in the Philippines the Government has had to provide horses, and in many cases it has become the custom to allow an officer to use an Army horse. Under these circumstances this allowance ought to be reduced. It should not be taken away, because the wear and tear of the clothes and equipments and the payment of $7 a month to the man to take care of the horse remains. But it ought to be reduced.

On the other hand, an officer who lives here in Washington or elsewhere, and who gets mounted pay, ought either to own and ride a horse suitable for use in all respects by the Government or else he ought not to have mounted pay.

I will say that this is only one of the questions that will arise if the question of the pay of officers comes into the House. If the increase of pay of officers is taken up in the House, I shall offer a provision which will take care of this subject, and do it fairly to the men in the field and to the men at home.

I make this explanation only because there seems to be some confusion on the subject, and naturally so, as it involves so many items.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. PARKER of New Jersey. If there be nothing further to be said on this subject, Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 26, line 10, insert, after the second word "and," the words "for and."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey.

Mr. HULL of Iowa. I would like to have some explanation. It looks to me that this is mixing things up awfully.

Mr. PARKER of New Jersey. Let me read it as it would be if the amendment were adopted:

Of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and officers, and for and for sale to officers, etc.

Mr. Chairman, the reason for this is this, that up to last year lights in the garrisons and various posts were always paid for by the officers. Last year a proviso was introduced into the bill which said:

Provided, That hereafter heat and light actually necessary for the authorized allowance of quarters for officers and enlisted men shall be furnished at the expense of the United States under such regulations as the Secretary of War may provide.

Mr. MANN. It is the intention of the gentleman to furnish these free to the officers?

Mr. PARKER of New Jersey. To that extent only, as given by the law last year, and I don't care whether—well, you might put in for enlisted men and officers. Part of it they pay for and part they do not. What is furnished as necessary is not paid for. If they take more, they have to pay for it.

Mr. HULL of Iowa. Mr. Chairman, the present appropriation bill carries provisions making permanent law of the issuance to officers for their fuel and lights, but it also, under the regulations, limits it to each rank for so much. An officer going beyond that has to buy what he gets. Under the present law, with the language we have here, they have carried out that provision by issuing them free up to a certain amount, according to each rank, and selling them any surplus heat or light they may want to use.

Mr. MADDEN. Is there any difficulty under this language?

Mr. HULL of Iowa. I have never heard of any. I have no objection if the gentleman thinks that this makes it clearer.

Mr. PARKER of New Jersey. Last year there was an express provision that it should be supplied to officers free.

Mr. HULL of Iowa. That is permanent law.

Mr. PARKER of New Jersey. This year it ought to provide for the expense of furnishing lights to officers.

Mr. HULL of Iowa. On the statute books the same provision that is now carried in this bill last year is now permanent law, and permanent law must be construed, I should imagine, with this, although if the gentleman thinks his language makes it clearer I have no objection.

Mr. HAY. Mr. Chairman, I suggest that this language is the language submitted by the Department, and the amendment offered by the gentleman from New Jersey is avowedly for the purpose of giving something more to these officers in the way of fuel, etc. The committee has gone over this very carefully, and I think we better stand by the committee. We don't know what the effect of this amendment will be. I don't.

Mr. HULL of Iowa. I do not know exactly.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry. Since passing page 20, line 21, I have received from the Department a decision of the Comptroller of the Treasury which I think changes the meaning that the committee intended to give to the law. Line 21 on page 20 is as follows:

For subsistence, mileage, and commutation of quarters to officers of the National Guard attending service and garrison schools, $10,000.

Now, as I understand, it was the intention of the committee and of the House when that paragraph was incorporated in the bill of 1903, and it has been so construed up until recently, that this gave to the officers of the National Guard the same pay and allowance that was given to officers in the Regular Army of similar rank, and it was the understanding that the term "and commutation of quarters" included allowance and commutation for heat and light. That was the ruling of the Judge-Advocate-General. Under this interpretation, holding that it did include allowance for heat and light, the officers in those schools received the pay. Now, within the past few weeks the Comptroller of the Treasury has rendered an opinion in which he holds the words "commutation of quarters" do not include allowance for heat and light, and he has accordingly called on the officers who have been attending these garrison schools and who have received this allowance to pay it back. Of course we can not relieve them from this, but I want to ask the gentleman if he would not be willing now to revert to this section for the purpose of amending it so as to make it read, "for subsistence, mileage, and commutation of quarters"——

Mr. MANN. Tell us where that is.

Mr. HUMPHREYS of Mississippi. Page 20, line 21—so as to make it read, "for subsistence, mileage, and commutation of quarters, to include allowance for heat and light."

Mr. HULL of Iowa. I will ask the gentleman to wait until we get through with the bill. I think if we insert right after the word "quarters" "including fuel and light," that would cover it.

Mr. HUMPHREYS of Mississippi. I am perfectly willing to wait, if that can be done. The reason I ask it now is I thought if we could not return and put it in its proper place, it would not be subject to the point of order if offered now as an amendment.

Mr. HULL of Iowa. It would be subject now, but we can go back when we conclude the bill. I think the gentleman is right, that it ought to include fuel and light. If you are going to send them to these schools at all, you ought to provide for them as other officers of the Army.

Mr. HUMPHREYS of Mississippi. The gentleman from Iowa would not object to returning to that section at the conclusion of the reading of the bill?

Mr. HULL of Iowa. I would like to look into the question a little more and see this decision of the Comptroller.

Mr. HUMPHREYS of Mississippi. I have the decision here.

Mr. HULL of Iowa. It does not increase the amount?

Mr. HUMPHREYS of Mississippi. It does not carry any additional appropriation whatever. The same appropriation will cover it that has covered it.

Mr. MANN. It would cost more money.

Mr. HUMPHREYS of Mississippi. No; it does not.

Mr. MANN. If nobody gets any money now under the language, it would.

Mr. HUMPHREYS of Mississippi. It would not carry a larger appropriation, I will say, but it will, of course, cost more money. The officers of the National Guard who are attending these schools are now obliged to pay for what was heretofore paid by the Government and what we intended the Government should pay. Now, Mr. Chairman, I believe there is no branch of the service that is more entitled to a liberal appropriation than the Medical Corps of the Army.

It has been our experience and it has been the experience of all people in all wars that more men die of disease than die on the battlefield, and one of the things we learned from the recent war between Japan and Russia, and the thing that is best worth remembering, is that three out of four who made up the death list of the Japanese army died of wounds received on the battlefield, whereas in the civil war three out of four men whom we lost died of disease in the hospitals. It is impossible for any man, any physician, any medical officer in the Army to take charge of raw recruits and conduct the medical arm of the service in an efficient manner unless he has had the proper training and the proper experience, and believing this, we have provided these schools where these National Guard officers may attend and get this training.

But as the gentleman from Illinois [Mr. MANN] said a few days ago—and I think I could get unanimous consent to the proposition that he is more accurately informed on all details of legislation here than any other man in the House—he did not believe any man on earth knew what the pay of an Army officer was, and that statement was agreed to by my friend from Virginia [Mr. HAY], one of the ranking Democrats on the committee. When Congress passed this law we believed we were making provision for all these allowances and commutations, and so forth, but the Comptroller of the Treasury has by construction decided that we did not, and my proposition is simply to put into the law now what we thought was there all the time and what we intended to put there when that law was enacted.

As there seems to be some doubt of my securing unanimous consent to return to the paragraph, I think I will say now what I have to say on this subject and in amplification of what I suggested yesterday on the Foster amendment.

We ought to do all in our power to encourage the medical officers in the National Guard to attend these schools. We have proceeded, ever since the formation of this Government, upon the idea that "a well-regulated militia is necessary to the security of a free state."

So insistent indeed were our fathers upon that proposition that the very first Congress which assembled under the Constitution proposed that it be written into the organic law of the land, and so it was. There can be no well-regulated militia which is not provided with an efficient medical corps. This is the sine qua non.

The experience of all people in all the wars of history has put this beyond the pale of controversy.

Mr. CANDLER. Will my colleague yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. CANDLER. I agree fully with all my friend has said, and we all recall the sad experiences of the Spanish war, when our boys died like sheep in the hospitals. Now, does not the gentleman think that it would be greatly to the advantage of the whole service if the National Guard were permitted to go into encampment with the regulars and thereby enable their surgeons to reap the benefit of experience in camp with Regular Army surgeons?

Mr. HUMPHREYS of Mississippi. Most assuredly, Mr. Chairman; and I will say further that I believe that that alone would have been worth the appropriation asked for by the gentleman from Illinois [Mr. FOSTER] in the amendment which he offered yesterday and which was voted down. My colleague and myself can both lay the flattering unction to our souls, however, that we voted for the proposition, and that it failed through no fault of ours.

Mr. CANDLER. And does not the gentleman also think that the service might also be improved by giving the Regular Army surgeon an opportunity to associate with and observe the methods of administration of the medical corps of the Mississippi National Guard?

Mr. HUMPHREYS of Mississippi. I most heartily concur in that statement, too, Mr. Chairman. I stated in the course of the debate yesterday that the State of Mississippi took a special pride in the efficiency of her medical corps, and I meant all I said. It is a source of much satisfaction and pride not only to the members of our guard, but to the whole State, and since the subject has been broached I will state that Major Dowdy, of the Regular Army, who was sent to attend the annual encampment of the Mississippi National Guard in 1905, reported to the governor of Mississippi that the hospital service at that encampment was more nearly perfect than any he had ever seen in the National Guard or in the Regular Army.

Reference to our experience in the Spanish war was made just now. Of course conditions were not normal in that war, because so few of our troops were ever actually engaged in battle; but the sad fact remains that in that war we lost fourteen men by disease to every one who was killed by a bullet. We were willing to spend the money, to hire the surgeons, and to buy the equipment, but we had been practicing this foolish economy before that war, and of course it found us lamentably unprepared, and nowhere was this unpreparedness more glaring and nowhere so frightful in its consequences as in the Medical Corps of the Army. Surgeons were employed and put in the hospitals who were thoroughly competent to manage a ward at Bellevue, but it was quite a different matter to administer a field hospital at Miami or Chickamauga. In a very interesting article read by Lieut. Col. Homer I. Jones, A. S. G., Indiana National Guard, before the Association of Military Surgeons at the Jamestown Exposition, he said, among other things.

Speaking of the medical corps of the volunteer troops in the Spanish war:

It is but just to all to admit that the medical officers generally were men of medical and surgical ability—capable of doing whatever might have been demanded of them in the care of the sick and injured; but I believe, with few exceptions, they were lacking in all knowledge of military subjects and incapable of performing the military part of their duties.

Trained diagnosticians, trained clinicians, and thorough physicians they were, but trained military surgeons in all which that term implies, too often they were not.

And again:

If it should be the lot of this country to be engaged at some future time in war, it is my opinion that her greatest need would be thoroughly trained medical officers—thoroughly trained, not only in medicine and surgery, but also in sanitation and hygiene, in military correspondence, reports, hospital corps work, and all other things which may come to them in the discharge of their duty.

To teach officers their duties after they are given their commissions necessarily prolongs the task of making an army, and, if possible, such delay should be avoided. It can be avoided to some extent if the medical officers of the State forces are efficient.

Every day during those sad months in the hospitals we watched the struggle between—

Weary war with the bated breath;
Skeleton boy against skeleton death.

Never a day that we did not hear bitter imprecations called down upon the head of our Medical Corps, and yet it was not their fault. It was the fault of the Congresses which had preceded that war and which had failed to make proper provision for the training of the Medical Corps; and if grim-visaged war shall come again, as come it surely will, the sin of unpreparedness will rest upon our heads if we fail now to provide for the necessary training of our surgeons.

I am opposed to a large army. It is unnecessary and unwise to maintain a large military establishment in times of peace. When war comes a volunteer army can readily be put into the field, but it will be too late then to train surgeons. While they are learning the details of administration, or army hygiene, of camp police; while they are delving into the manuals and endeavoring to equip a field hospital, the brave boys who answered the call to arms will be dying with preventable diseases in the insanitary hospitals, all for the lack of proper medical assistance. We can call out and equip an army of 200,000 men on very short notice.

We can do more. We can equip an army of 500,000 men, brave, patriotic, and intelligent, but when their hands are tied by the muster-in oath they are as helpless to care for themselves as babies.

In a memorandum which he prepared for the President in 1904 the Surgeon-General of the Army, among other things, said:

In the Spanish war the country was scandalized by a monthly death rate from disease, which rose from 2.15 per thousand in July to 4.08 in August, but fell again to 2.15 in September.

He stated further that 600 wounded soldiers were permitted to lie on the battlefield for more than ten days after the battle of second Bull Run in August, 1862, and that many of them died of starvation. Proceeding, he said:

That this was not one of the unavoidable horrors of war, but was, as stated by the Surgeon-General, due to defective medical organization is evidenced by the fact that after the organization of the ambulance service of Letterman such occurrences ceased in the Army of the Potomac. After the battle of Fredericksburg, December 13, 1862, and Chancellorsville, May 2, 1863, although the Army was defeated the field was cleared of wounded without confusion.

It has been more than fifty years since Florence Nightingale, a ministering angel, went to relieve the suffering soldiers in the hospitals of the Crimea. Men were dying in one camp for the want of medicine, which was piled in heaps in another camp not 20 miles away. The medicine was bought and shipped to the army in ample abundance, just as we would be willing to pour out money to relieve the suffering when war is upon us. But there was that lack of administrative ability which can come only from experience and training, and that nobody had. Change the names of men and places, and this extract from McCarthy's History of Our Own Times, giving an account of the conditions in the Crimea, would pass anywhere as a daily news item in our papers during the summer of 1898:

The hospitals for the sick and wounded at Scutari were in a wretchedly disorganized condition. They were for the most part in an absolutely chaotic condition as regards arrangement and supply.

In some instances medical stores were left to decay at Varna or were found lying useless in the holds of vessels in Balaklava Bay, which were needed for the wounded at Scutari. The medical officers were able and zealous men; the stores were provided and paid for so far as our government was concerned; but the stores were not brought to the medical men. These had their hands all but idle, their eyes and souls tortured by the sight of sufferings which they were unable to relieve for want of the commonest appliances of the hospital. "One man's preserved meat," exclaimed Punch with bitter humor, "is another man's poison."

Fifty years later the British soldier was sent to war again, into the Transvaal country. Let me give a few figures which I quote from official records. In the two years of that war 63,644 soldiers were invalided home on account of disease, and 8,221 on account of wounds. Deaths from disease in that same army were seven times more than deaths from wounds.

Longmore's tables based on records for the past two hundred years, and which are accepted as the most accurate and reliable, show that there has rarely been a war of any great duration in which four men have not died from disease to every one who died from a bullet.

In the Russo-Turkish war 80,000 men died from disease and 20,000 from wounds. In the Crimean war the allied forces lost 50,000 men from disease and 2,000 from bullets. In the war with China in 1894 the sick in the Japanese army were eight times more numerous than the wounded. In the recent war with Russia the sick and the wounded in the Japanese army were exactly equal in numbers.

In the Chinese war the Japanese lost three men from disease to every one who was killed in battle or died from wounds received in battle. When the Chinese war ended Russia stepped in and robbed Japan of the fruits of her dearly bought victory. Russia was great and powerful and Japan was forced to yield. She went home, however, and determined to prepare for a death struggle which she realized must come with Russia. We all know the result. The world has rung with the praises of the generals who commanded her victorious armies and the admirals who swept the Russian fleet from the face of the ocean; but, Mr. Chairman, was the victory theirs? Let us look again at the figures.

I have done a little arithmetic which I believe will be interesting. On the 1st of May, 1905, the Japanese had lost in killed during the war to that date 43,892 men. Suppose her death rate from disease had borne the same ratio to her killed as England's had in the Boer war—that is, 7 to 1. Her deaths then would have reached the appalling figure of 307,044. To whom, then, shall we give the glory of the victory at Metre Hill and Mukden? To the general who commanded or to the surgeon who had preserved from death the men who composed this mighty army of 253,152 fighting men who, but for the skill, but for the masterful administration of a matchless hospital system, would then have been sleeping upon that silent field—

Where glory guards with solemn round
The bivouac of the dead.

We are training our militia so that we may not be unprepared when the tocsin of war shall be sounded. We will then send them out to do battle against two foes. One they will meet upon the red field of battle amid the pomp and glorious circumstance of war. Of every thousand whose lives must be sacrificed then, this proud foe will claim 200, while the other 800 will fall before that silent reaper who will stalk through the camp at nighttime unseen by the sentinel and unmarked by the victim, the grim, gaunt specter of disease.

Who then is the hero? The general who leads his battalions against the panoplied army with banners and loses 200 men or the surgeon who out of the lime light of the world's vain glory makes ceaseless and successful warfare against that real enemy whose sickle is claiming the other 800? His name is not blazoned in the headlines of the daily papers; no holidays

are made to his honor; no triumph is awarded him upon his home-coming; but somewhere to-day in the Flowery Kingdom, unless he has already passed from the scenes of this turbulent earth, there is the hero who reorganized and administered the medical corps of the Japanese army and who, by reversing the figures of all preivous wars and returning a loss of only one by disease to four by bullets, has won and deserves, though he will never receive, the crowning glory of that war. All honor to the army surgeon. None of the stern joy is his. None of the glamour; none of the pomp and glorious circumstance. The bugle's blare and the cannon's roar may fire the soul upon the battle's crest, but far to the rear, where the dying are, with no sound but the groans of the wounded, he sees the bleeding business that is done and sets about to smooth war's wrinkled front.

We ought to have more colonels; yes, we ought to create more generals in the Medical Corps, and endeavor thereby to attract men of genius into the service. We have officers now sufficient for an army of 100,000 men, but we have surgeons sufficient only for an army of 42,000. I tremble when I think of the price our soldiers will pay for our folly when war again shall come upon us.

I see my time has expired, Mr. Chairman, and I will ask therefore that I may revise my remarks before they appear in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

The Clerk read as follows:

Incidental expenses: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners, and for noncommissioned officers of the United States military prison guard: *Provided*, That hereafter no part of the moneys appropriated for use of the Quartermaster's Department shall be used in payment of extra-duty pay for the Army service men in the Quartermaster's Department at West Point; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; and in all cases where such expenses would have been lawful claims against the Government, reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed the amount now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases, may be paid out of the proper funds appropriated by this act, and the disbursing officers shall be credited with such reimbursement heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the 21st day of April, 1898; authorized office furniture, hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and clerks, foremen, watchmen, and organist for the United States military prison, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $5 to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge; for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmith's tools and materials, horseshoes and blacksmith's tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operations of the Army, and of military posts, and not expressly assigned to any other department, $2,200,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I call the attention of the chairman of the Committee on Military Affairs to the fact that the language on page 29, under the proviso, "that hereafter no part of the moneys appropriated for the use of the Quartermaster's Department shall be used in payment of extra-duty pay for the Army service men in the quartermaster's department at West Point," is now permanent law. It is carried in the appropriation bill of last year and it makes it very difficult for Members of Congress and people keeping track of legislation to do so, and by keeping these permanent provisions of the law in the appropriation bill, besides padding it out, it makes it much more difficult for the committee, and I suggest to your committee that it might as well be stricken out.

Mr. HULL of Iowa. I can see no objection whatever to striking it out. It was put in last year because we provided extra-duty men for West Point and relieved the Quartermaster's Department of that expense.

Mr. MANN. Mr. Chairman, I move to strike out lines 8, 9, and 10, and line 11, up to and including the word "Point."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 29, beginning with line 8, strike out lines 8, 9, and 10, and line 11, including the semicolon, after the words "West Point."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken and the amendment was agreed to.

The Clerk read as follows:

Horses for cavalry, artillery, and engineers: For the purchase of horses for the cavalry, artillery, and engineers, service school and staff colleges, and for the Indian scouts, and for such infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, $514,678: *Provided*, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, including reasonable provisions for remounts, and, unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster's Department and an inspection under the direction and authority of the Secretary of War. When practicable, horses shall be purchased in the open market at all military posts or stations, when needed, at a maximum price to be fixed by the Secretary of War: *Provided*, That no part of this appropriation shall be used for breeding purposes.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman what is the necessity for this new language, "including reasonable provisions for remounts?"

Mr. HULL of Iowa. There is a very strong statement which was given to the committee, that the life of a horse that is purchased now is only three or four years, while if they had the privilege of purchasing younger horses and properly breaking them and keeping them in the camps of the Army until the time they were fit for use in the cavalry, the life of a horse would be as much as ten years, as I remember now. It was also believed that they wanted a little authority for starting some breeding stations, and the committee believes that the Government of the United States should not go into that business. In the hearings it was said by the Quartermaster-General frankly that they should purchase some studs and distribute them around near the different posts, and select certain mares that were properly formed for breeding the kind of horses the Army wanted, and furnish them free, with the option of the Government to buy the colts when they reach the age of 2 years.

But the committee was, I think, unanimously opposed to going into that business, and so the last provision was put in the paragraph. We give them the authority to buy the younger horses and have them properly handled and broken and kept for a year or two. It will make a less cost for the horse at the beginning and a greater cost to the Army, in my judgment, when the horse is brought into active service, but if you extend the life of a horse several years you have made a great saving to the Government.

Mr. TAWNEY. I want to say to the gentleman that the purpose as expressed by the gentleman, if it was embodied in appropriate language, would be entirely satisfactory to me and to everybody else, but the language is so general that they can purchase any kind of horses and any number of horses and at any time, provided they are called remounts.

Mr. HULL of Iowa. Only for remounts.

Mr. TAWNEY. Including reasonable provision for remounts.

Mr. HULL of Iowa. Yes; they could not go beyond the actual necessities or the present wants of the Army unless you put this language in, because the law now limits them absolutely to the number of animals provided for by law for the different branches of the Army. This would allow that. The hearings are very full on the subject.

Mr. TAWNEY. This is changing the existing law to that extent?

Mr. HULL of Iowa. Certainly.

Mr. MADDEN. A remount, to be properly construed, seems to me would mean a horse capable of doing the work for which it is purchased.

Mr. HULL of Iowa. It is making a reasonable provision for the remounts. The hearings make it so clear as to what is wanted to be done that I can not imagine an abuse of it. It is simply a question of whether it is good policy to go into that or not.

Mr. MADDEN. The proposition of the chairman of the committee, however, is to give authority to the War Department to buy a lot of young horses that are not capable of being used, and would not be capable of being used for several years after they are purchased.

Mr. HULL of Iowa. Six months to a year.

Mr. MADDEN. How old are they when they are capable of being used?

Mr. HULL of Iowa. A horse ought to be 4 years old before being used.

Mr. MADDEN. Do you expect to buy them when they are 2 years old?

Mr. HULL of Iowa. Yes.

Mr. MADDEN. And then it would take all the time from two years to four years.

Mr. SLAYDEN. I would suggest to the chairman of the committee that he can find General Ainsworth's statement on pages 142 and 143 and along there.

Mr. TAWNEY. I do not ask the gentleman from Iowa [Mr. HULL] to read the reason for carrying out this provision. My only thought was that the language is so general that you could do almost anything—purchase any kind of a horse under this provision.

Mr. HULL of Iowa. I should imagine the Department would be bound by the reasons they give in construing this language, and I can not, with the large number of animals that we have got to have within the next year, see how it is possible to abuse it. The committee was opposed to the part as to breeding.

Mr. TAWNEY. I want to make this suggestion to the gentleman, which has been suggested to me by a member of the committee, if it would not meet his approval to insert the word "necessary" after the word "for" and before the word "remount," so as to read "reasonable provision for necessary remount?"

Mr. HULL of Iowa. "Reasonable provision for remount" I think is just as good as far as the language is concerned as that suggested by the gentleman. As to the number which would be necessary, the War Department would be the judge of what would be necessary.

Mr. TAWNEY. Well, let it go. I withdraw the pro forma amendment.

The Clerk read as follows:

Military post exchange: For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange school, library, reading, lunch, amusement rooms, and gymnasium, to be expended in the discretion and under the direction of the Secretary of War, $400,000: *Provided*, That not more than $40,000 of the above appropriation shall be expended at any one post or station.

Mr. KÜSTERMANN. I wish to offer an amendment.

The Clerk read as follows:

In line 7 on page 33, after the words "lunch and amusement rooms," insert the following: "wherein the sale of light wines and beer may be permitted."

The paragraph, after being amended, to read:

"Military post exchange: For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, gymnasium, reading, lunch, and amusement rooms, wherein the sale of light wines and beer may be permitted, $400,000, to be expended in the discretion and under the direction of the Secretary of War: *Provided*, That not more than $40,000 of the above appropriation shall be expended at any one post or station."

Mr. HULL of Iowa. I raise the point of order on that.

The CHAIRMAN. Does the gentleman raise the point of order or reserve it?

Mr. HULL of Iowa. We had debate on that a few days ago. The gentleman made a very excellent speech; and I am anxious to finish this bill to-day if possible. I will just make the point of order.

The CHAIRMAN. There is no doubt that it is subject to the point of order; and the Chair sustains the point of order.

The Clerk read as follows:

Transportation of the Army and its supplies: For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage; of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; of persons on their discharge from the United States military prison to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of supplies furnished to the militia for the permanent equipment thereof; of the necessary agents and other employees; of clothing and equipage and other quartermaster's stores from Army depots or places of purchase or delivery to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and of subsistence stores from places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance and ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; for payment of wharfage, tolls, and ferriage; for transportation of funds of the Army; for the payment as provided by law of Army transportation due such land-grant railroads as have not received aid in Government bonds, $3,697,561.65.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the last word. There are about $9,000,000 paid out of the public Treasury for transportation for the various branches of the Government, but the bulk of it, I understand, is for the Army. I was informed a year or two ago by one who was investigating the subject somewhat that the method of the administration of that branch of the service was, in his judgment, unbusinesslike and exceedingly wasteful. He said that requests for transportation of officers and troops and bills of lading for transportation of supplies for long distances were made in installments or fragments. For instance, if a carload of supplies for the Army were shipped from New York to California, there were always two bills of lading, involving unnecessary accounting. The accounting officers were required to do the classification; and he said that it was a burdensome and unnecessarily expensive system; that mistakes were often made; and he claimed that it cost the Government a great many thousand dollars a year. It would seem that if his statements were true—and I made the motion to get information—the method or system ought to be corrected.

Mr. SLAYDEN. Will the gentleman allow me to ask him a question?

Mr. CRUMPACKER. I will.

Mr. SLAYDEN. Do I understand you to say that the gentleman who gave you this information stated that on freight shipments made from New York to San Francisco two bills of lading were made?

Mr. CRUMPACKER. Almost universally.

Mr. SLAYDEN. And they were shipped to some intermediate point and reshipped?

Mr. CRUMPACKER. They were shipped to an intermediate point and reshipped, and always from New York to Ogden and from Ogden to San Francisco.

Mr. SLAYDEN. Thereby implying that they did not get the benefit of a through rate, but took two local rates, perhaps?

Mr. CRUMPACKER. That might be. His complaint was it involved accountings of different sets of accounting officers. He said that there were fourteen officers scattered all over the United States disbursing these accounts of the Quartermaster's office of the War Department.

Mr. SLAYDEN. Did he say whether or not these shipments were over bond-aided and land-grant roads?

Mr. CRUMPACKER. Some were, and some were not; and he said it did not make any difference. The Comptroller of the Treasury had called the attention of the War Department to the unbusinesslike character of the system and had suggested improvement. It is just as easy to apportion the cost of freight and division of receipts between ordinary roads and land-grant and bond-aided roads. Every bill of lading is from New York to Ogden, and they have the accounts upon that bill adjusted and the payments made at Omaha, and they have them audited and examined and payments made by the disbursing officer at San Francisco for the other end of the route. These reports have all to go to the War Department. It involves a double investigation, and the classification has to be made, it seems, by a disbursing officer or by some officer in the War Department. Where the goods are miscellaneous, they do not agree on the classifications; mistakes often occur, and a great deal of money is lost in that way. It is true in relation to transportation of officers and troops likewise. Requests are made for a through trip, and the transportation is given for a certain portion of the route and then another for the remainder of the route, and in some instances the trip is broken up into three different fragments.

Mr. SLAYDEN. Did he suggest why, in his opinion, that was done in that way?

Mr. CRUMPACKER. It was an old custom that had originated years ago, and it had never occurred to anyone to improve it.

Mr. SLAYDEN. And that it was adhered to because it was an old custom?

Mr. CRUMPACKER. It never had occurred to anybody that the system might be improved. Now, I had this question in mind, and I should like to know from the chairman of this committee if he knows anything about the method of transportation of officers and troops and supplies for the Army?

Mr. HULL of Iowa. I will say to the gentleman that in place of being expensive to do what he suggests, it has been a great saving. The Government gets the benefit of a large reduction on all land-grant roads, such a reduction that even if it were a little farther around it would be economy to ship over a land-grant road. As a matter of fact, in less than eight months more I think this question will be entirely eliminated so far as the freight charges apply on the debt. The Union Pacific is already out, and the Southern Pacific will pay its entire debt in the very near future, and then there will be nothing to do except pay these roads whatever we owe them for freight instead of taking it out of their indebtedness to the Government, so that inducement to use those lines will be removed.

[The time of Mr. CRUMPACKER having expired, by unanimous consent it was extended five minutes.]

Mr. HULL of Iowa. I will say in addition that the language of the bill formerly was much fuller than it is now with reference to shipping over these land-grant roads. I have no

information beyond what the gentleman has, but I can not believe that the Department, for the last forty or forty-five years, has been shipping material in the most expensive way it could. The question has never been brought to the attention of the committee in any way, except that as the roads were eliminated from the restrictions heretofore the restrictions have been dropped out.

Mr. CRUMPACKER. I send to the Clerk's desk a statement prepared by a gentleman who was connected with the Department. I think his business was to investigate this question, and I ask to have it read in my own time. It explains the method under which they do business pretty fully, and it is at least quasi-official.

The CHAIRMAN. The communication will be read in the gentleman's time.

The Clerk read as follows:

SIR: I have the honor to present to your notice a few facts concerning a system in issuing *for a single movement* two separate bills of lading and requests for freight and passenger transportation in certain sections of the United States. This system causes a great deal of extra work and confusion, and in a number of cases overpayments in the settling and auditing of transportation accounts, which should be corrected. There is a habit throughout the *Quartermaster's Department, United States Army,* of issuing two, and sometimes more, requests and bills of lading for transportation of the Army and its supplies. *There is a regulation which provides that separate bills of lading and requests shall be issued where bond-aided service is involved.* As a rule, this occurs on what is known as transcontinental business—that is, the service that passes through either El Paso, Tex., Mojave, Cal., or Ogden, Utah. I can find no good reason from the Government standpoint for this system. I do find that it causes a great deal of confusion, uncertainty, overpayments to railroads, and a duplication of work in this office.

For an example, I will illustrate one shipment of freight, from New York to San Francisco, Cal. The quartermaster in New York ships a carload of miscellaneous supplies to San Francisco. He issues two bills of lading, one for the service east of Ogden and one west. That portion east of Ogden is paid by some quartermaster, say, at Omaha, Nebr. His account passes through the Quartermaster-General's Office, Washington, D. C., and is acted upon by that office, then it is sent to the Auditor for the War Department for audit. The quartermaster's division of this office passes upon it. Thus three sets of clerks have handled the eastern portion of the shipment. Each clerk must figure out the lowest net cash rate, classify each article, and subdivide the earnings on Ogden, Utah, in order to pay that portion which is due east of Ogden.

The second bill of lading is handled by the quartermaster's office at San Francisco and finally sent to the Quartermaster-General to be transmitted to this office to be settled by the civil-claims division. The clerks in this division must go through the same procedure and cover the same identical ground that was covered in the settlement for the east of Ogden portion. This is clearly a duplication of work in this office, also in the Quartermaster-General's Office.

This system of dividing a shipment is harmful to the Government. It increases the work in the Treasury and War Departments twofold. Errors are more liable to occur, such as the wrong division of earnings, which cause overpayments to the railroads. The system now in force, of issuing two sets of bills of lading and requests to railroads for transportation, compels the Government to make two distinct settlements and relieves the railroads of the necessity of hiring clerks to make the settlement with their connections. In other words, the Government is using its clerks to do the work that should be done by the railroad companies themselves. If this system of dividing settlements can be stopped and through bills of lading and requests issued for the transportation from starting point to destination, the work now done on this business will be reduced one-half and settlements will be expedited in this office, errors less apt to occur, and the clerk will have more confidence in each settlement, as he will have the whole transaction before him, and will know for a certainty that the through rate is not exceeded and is the lowest that can be made, and not overpay the claimant, and a uniformity of classification will exist.

The way to correct this system is simple. A clause should be added to the appropriations that are available for transportation as follows:

"That hereafter no part of this appropriation shall be available to pay for transportation performed upon fragmentary requests or bills of lading."

In other words, a single bill of lading for freight, and request for passenger transportation, shall be issued for the entire distance, from starting point to destination.

Respectfully, ——— ———.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn.

Mr. HITCHCOCK. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question of the chairman of the committee. I understood him to say that the Government has no reduced rates over these railroads after their bonded indebtedness to the Government is paid.

Mr. HULL of Iowa. Oh, yes; it has. But while they are owing the Government the amount of the whole shipment is taken out and applied on the debt. When the debt is canceled they then have a preferential rate by putting it in this law; but not, if we do not. The court has held in the Atchison, Topeka and Santa Fe case, where that road brought suit (the decision will be found on page 215 of the hearings), that the company is entitled to recover. That was before this provision was carried in the Army bill; but in 1891 it was put in, providing for the transportation of the Army and its supplies. I will read the provision:

That aided railroads having claims against the United States for transportation of troops and supplies shall only be paid out of the moneys appropriated by the foregoing provisions (that is, the amount appropriated for transportation) on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable, such rate not to exceed 60 per cent of the compensation for such Government transportation as shall at the time be charged to and paid by private parties.

Since that it has been cut down to not to exceed 50 per cent, and it has been carried in here from year to year, and it is important to keep it in here if we are going to get that reduction.

Mr. HITCHCOCK. So that the bond-aided and land-grant-aided railroads do give to the War Department these preferential rates of about 50 per cent.

Mr. HULL of Iowa. Yes.

Mr. HITCHCOCK. Aside from any payments on obligations that are still remaining. Now, I should like to ask the gentleman whether the railroads competing with these land-grant-aided railroads also give the Government the same rate?

Mr. HULL of Iowa. I can not answer that from my own personal knowledge. The gentleman from California says he understands that, in order to get a part of the business, they do.

The Clerk read as follows:

For the purchase and repair of ships, boats, and other vessels required for the transportation of troops and supplies and for garrison purposes; for expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; and for the purchase and repair of harbor boats, and repair of boats for the seacoast artillery service, $5,000,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. This seems to be a very large sum of money appropriated here. I would like to ask the chairman of the committee how far it is the current law providing the same items for the purchase indiscriminately of harbor boats for transportation, etc.

Mr. HULL of Iowa. I can only answer that the estimates given us were for a very much larger sum and included boats for the Seacoast Artillery. We struck out all the provision for the seacoast with the exception of repairs. The repairs for the Seacoast Artillery are made by the Quartermaster's Department, and to have stricken that out would have prevented the Quartermaster's Department from making repairs.

My understanding is that these items were all covered in other language employed heretofore, not specifically, and that was one of the reasons we put in a proviso last year requiring specific appropriations on these different items. Last year we could not tell what was done; it was an innumerable list of things aggregating $15,000,000. With the consent of the House the committee put a provision on requiring them to make more detailed estimates. The Quartermaster-General says that these appropriations were all carried under one head of transportation of the Army and supplies.

Mr. MANN. It may be that the Department had the authority. The bill is all rearranged this year and it is difficult to make a comparison between this bill and the bill of last year. Here is an appropriation of $5,000,000 which might be used, as far as the terms of the bill are concerned, for the purchase of vessels. No one objects to the repair of Army transports, but how many Army transports do they propose to purchase out of this provision?

Mr. HULL of Iowa. I do not understand that they propose to purchase any; they propose to repair them and propose to buy four harbor boats for the Quartermaster's Department.

Mr. MANN. At what expense?

Mr. STEVENS of Minnesota. Two hundred and twenty-eight thousand dollars for the four.

Mr. HULL of Iowa. The gentleman from California [Mr. KAHN] has had charge of looking that up and he can probably give the gentleman more detailed information than I can.

Mr. KAHN. The Department asked for $5,224,437 under this item and included in it three boats for the seacoast defense. Those were to be used principally for towing targets for target practice. We struck that from the bill.

Mr. MANN. That was a matter that the Committee on Military Affairs had no jurisdiction of.

Mr. KAHN. So we understood.

Mr. MANN. But you included it in the general language so that it can be used for the same purpose.

Mr. KAHN. We think not.

Mr. HULL of Iowa. No; oh, no.

Mr. KAHN. We struck out the language submitted by the Department which covered these boats; we struck that from the bill.

Mr. MANN. What was the estimate?

Mr. KAHN. Five million two hundred and twenty-four thousand and some odd dollars.

Mr. MANN. You struck out these boats and put in $5,000,000.

Mr. KAHN. We struck out the boats which cost $147,000 and struck out the language covering the boats.

Mr. HULL of Iowa. We left in simply the language covering the repairs, but for the purchase of boats for the seacoast artillery we struck that out.

Mr. MANN. What are the harbor boats that cost so much?

Mr. KAHN. The harbor boats are not so very expensive. There are some that cost $12,000 apiece.

Mr. MANN. I understood the gentleman to say that four of them would cost $228,000.

Mr. KAHN. That is a different kind of a boat. It is used by the artillery service in carrying men to different forts for practice and instruction. They are quartermasters' boats, but they have nothing to do with the seacoast defense. They are absolutely necessary for the purpose of giving the artillerymen proper instruction.

Mr. TAWNEY. Is it the purpose, as the gentleman understands it, for the Coast Artillery to use these boats in connection with their target practice for the purpose of towing their targets to sea?

Mr. KAHN. Yes; the boats for the seacoast artillery service were said to be for that purpose, and we struck that item from the provisions of the bill and left it for the Fortifications Committee.

Mr. TAWNEY. Then what is the necessity of including the language here, "and repair of boats for the seacoast artillery service?"

Mr. KAHN. That is repairing.

Mr. HULL of Iowa. That is repairing.

Mr. KAHN. That is not the construction of new ones.

Mr. HULL of Iowa. If a boiler bursts the Quartermaster's Department does the repairing, and it was thought that if you had to go to the seacoast artillery entirely for repairs it would be at least a very inconvenient method of administration.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For the construction and maintenance of military and post roads, bridges, and trails in the district of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905, and to be expended conformably to the provisions of said act, $250,000, to remain available until expended.

Mr. MANN. Mr. Chairman, I make the point of order to the language on line 18, "to remain available until expended."

The CHAIRMAN. The Chair sustains the point of order.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After "dollars," in line 18, insert:
"To remain available until the close of the fiscal year 1910."

Mr. MADDEN. I reserve the point of order on that.

Mr. HULL of Iowa. I will say if this work was done by contract there would be no use of this, but it is done by day work largely, and it is impossible to complete the work under one fiscal year without lapping over somewhat, on account of the shortness of the season and the great distance from the source of supplies.

Mr. MADDEN. It is all for Alaska?

Mr. HULL of Iowa. Yes.

Mr. MADDEN. I withdraw the point of order.

Mr. TAWNEY. I want to ask if the committee has considered the necessity of making this appropriation immediately available, the same as the appropriation for the Geological Survey is made immediately available in order that the officers of the Government may begin work at the time that they can, about the first or the middle of May, or two months before the end of the fiscal year, being two months before this appropriation will become available? Have they money enough to go on with the work as soon as it is possible for them to go to work and continue the balance of this fiscal year?

Mr. HULL of Iowa. I have the impression that they have enough to go on, because I think it was available until expended before.

Mr. TAWNEY. The reason I ask is because the appropriation made for the Geological Survey is carried in the urgent deficiency appropriation bill, and is made available for the purpose of enabling the Survey to begin its work at the beginning of the season, when work is possible in that section.

Mr. HULL of Iowa. My impression is that they have funds enough for that, that the last appropriation lapped over, that there is enough over to keep the work going.

Mr. CRUMPACKER. Mr. Chairman, I want to say just a word in this connection upon the point of order.

Mr. TAWNEY. One moment, before the gentleman begins. Has this amendment been agreed to?

The CHAIRMAN. It has not. The amendment is pending and the gentleman from Indiana is recognized to debate the amendment.

Mr. CRUMPACKER. Mr. Chairman, the gentleman from Illinois [Mr. MANN] a couple of days ago made a point of order upon a similar provision in the bill, a provision authorizing the expenditure of money for the maintenance of the Washington-Alaska Cable Telegraph Line, and providing that the appropriation should be available until expended. The gentleman based the point of order upon the constitutional provision that authorizes the Congress of the United States to raise armies and to maintain them, and further provide that appropriations for that purpose shall not be for a longer period than two years at a time. The point of order was made against the provision contained in the section under consideration now, I infer, upon the same ground.

I do not want to allow this occasion to go by with the inference that might be raised from the condition the RECORD will be in—that is, that the point of order was sustained on the constitutional ground. The provision is clearly subject to a point of order under the rules of the House, because it does not limit the appropriation to the fiscal year for which this bill provides. The construction of military roads, of cables, and telegraph lines for purposes of common defense is in no sense the raising or maintaining of an army within the meaning of the Federal Constitution. An army is defined to be an organized band of armed men for purposes of offense or defense. This Government may spend money in the construction of military roads and forts and for purposes of common defense without having any army at all. I simply want to get my view in the RECORD in respect to this constitutional provision—that it does not apply to military roads and telegraph lines that are simply means of common defense and do not have reference to the Army in the sense of the constitutional limitation upon appropriations for the Army.

Mr. TAWNEY. Is it not the gentleman's understanding that a military road and cable and telegraph lines are essential to the support of an army?

Mr. CRUMPACKER. They are not essential to the support of an army, but they are regarded as a proper means of common defense, and they are proper in connection with the army for the purpose of increasing its efficiency.

But the Constitution gives Congress power to raise and support an Army, and provides that no appropriation of money for that use shall be for a longer term than two years, and the question now is, Has Congress the power to make an appropriation for a longer term than two years for the purpose of constructing military roads and military telegraph and cable lines? This proposition is academic. I simply want to put myself right in the RECORD in connection with the point of order.

Mr. MANN. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will.

Mr. MANN. Under what provision of the Constitution do we derive authority to build these military roads in Alaska?

Mr. CRUMPACKER. It is an incidental power.

Mr. MANN. Incidental to what?

Mr. CRUMPACKER. To the common defense—to the public defense.

Mr. MANN. What provision does the gentleman find for the public defense?

Mr. CRUMPACKER. It is all through the Constitution.

Mr. MANN. Does the gentleman put it under the public welfare clause?

Mr. CRUMPACKER. No; I do not. I put it under the inherent power the Government has to provide for common defense. If there was no provision in the Constitution respecting the raising and maintenance of armies, does the gentleman pretend to say this Government could not defend itself? I say it could.

Mr. MANN. I claim distinctly the power to raise and support armies authorizes the Government to transport an army, and the authority to transport an army carries with it the means of transporting the army. It may be a military road, and without that provision there would be no authority to build these roads, unless you put it under the public-welfare clause, and if you put it under the public-welfare clause this committee has no jurisdiction of the subject.

Mr. CRUMPACKER. I am not discussing the question of jurisdiction; I am simply planting myself right upon the general proposition that this kind of an appropriation is not limited by the two-year Army clause; that is all. That is my judgment.

Mr. MANN. Well, Mr. Chairman, for the moment I am glad to see the gentleman planting himself, although I think he is planting himself wrong on the proposition. Now, I do not undertake, and no one else will undertake, to say any appropriation expended by the War Department can not be made available for a period longer than two years, because the river and harbor appropriations are made available until expended, but they do not come in as a matter of support of the Army at all, whatever may have been the original theory, and as I said the other day and say now, here is a military committee reporting a privileged bill under a provision in the Constitution providing that appropriations for the raising and support of armies shall not be paid for a term longer than two years, and they entitle that bill "A bill for the support of the Army for the ensuing fiscal year." I do not know but we might put an item in that clearly would not be for the support of the Army. It would still have been subject to the point of order. Of course the provision the gentleman refers to was subject to the point of order in a number of different ways, and I suggested the other day, and suggest now, that it is very inappropriate in making an appropriation under the title for the support of the Army to put in a provision in violation of the clause of the Constitution authorizing an appropriation.

Mr. CRUMPACKER. And that is the reason I took the floor, Mr. Chairman, to state that this particular provision was not in violation of the Constitution; that is all.

Mr. MANN. I am sorry to differ with such an able constitutional lawyer as the gentleman. I do not pretend to be his equal in that respect, but I have my own views.

Mr. TAWNEY. Mr. Chairman, the academic question between the gentleman from Illinois and the gentleman from Indiana now having been settled, I want to say a word on this amendment by way of explaining the amendment which I propose to offer to this paragraph when the committee has acted upon the pending amendment. The conditions in Alaska in respect to employment of labor are peculiar and very unusual, unlike any conditions under which labor is employed anywhere else in the United States, and especially in reference to the work of constructing these military roads. This work is in the nature of exploring work. These roads are constructed in an uninhabitable and uninhabited wilderness, and during that season of the year in which the work is usually done they have daylight for practically twenty-four hours in the day. Under a recent decision of the Attorney-General the officers of the Army in charge if this work have been prohibited from allowing their men to work more than eight hours or from paying them for any time beyond the eight hours. Therefore, they have sixteen hours of idleness in a wilderness, and as I was told by one of these laborers who resides in my home city, last summer, who was employed on work in Alaska, at times the men almost go crazy for the want of something to do. It is not possible for us to fully comprehend the conditions under which these men work.

They are willing and anxious to work overtime, but are not allowed to do so. I do not propose by the amendment I intend to offer to change the existing law, except in so far as, in the opinion of the Attorney-General, that law prohibits the payment of wages to men when they work more than eight hours up in that country. Under the present law, as construed by the Attorney-General, this is impossible. As an act of humanity to the men employed in the construction of these military roads, the men who brave all of the dangers and hardships they must endure in that new and unexplored section of the country for the purpose of making these roads, we ought to give them the opportunity of making all that they can while they are there, and not compel them to waste so much of their time. When they are idle there are no amusements, nothing to occupy their time or their minds. They have nothing to do sixteen hours every day except to lie in black tents—the only tent that they use up there—loaf, and waste their time.

But, Mr. Chairman, there is another side to this question, in addition to the advantage and comfort to the men employed on the building of these roads. To give them the opportunity would be economy to the Government.

We send these parties up into that wild country for the purpose of constructing these roads. They can not start until very late in the spring. They must travel for hundreds of miles before they reach the point where they will begin work. Then they are allowed to work only one-third of the time while there, and have nothing whatever to do when not at work. The season closes early, and they must return, so that if they could work as they want to and receive compensation for their overtime, as other men in the States receive compensation for their overtime, it would not only be an advantage to the men but it would also be a great advantage to the Government in securing the completion of this work in much less time than otherwise will be required. For these reasons, Mr. Chairman, I propose to offer this amendment: "That during the period between May 1 and October 1 each year it shall be lawful for laborers and mechanics employed upon the public works of the United States in the district of Alaska to work and receive compensation for work in excess of eight hours a day." This will not affect the eight-hour law or any laboring man in Alaska except those employed on the Government work herein authorized. It will not compel any man to work more than eight hours. It will merely permit him to do so and also permit him to receive pay for his overtime.

The CHAIRMAN. That is not now pending.

Mr. TAWNEY. I want the other amendment disposed of, but I wanted to explain the purpose of the amendment before the point of order was made.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Iowa [Mr. HULL].

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I now offer the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after line 18, page 35, the following:

"That during the period between May 1 and October 1 each year it shall be lawful for laborers and mechanics employed upon the public works of the United States in the district of Alaska to work and receive compensation for work in excess of eight hours a day."

Mr. HULL of Iowa. Mr. Chairman, I simply want to reserve a point of order and hear from the Delegate from Alaska [Mr. CALE] on that.

Mr. CALE. Mr. Chairman, I do not rise with the intention of objecting to the amendment at all. But I wish to put the gentleman from Minnesota [Mr. TAWNEY] right on one or two statements which he has made and which I do not believe represent the real facts as to that country. So far as the eight-hour system is concerned in Alaska, and my experience covers about eleven years in that country in working on the Government roads and on the roads and trails that we built before we had any Government to help build them, and also my experience in the mines, you can get equally as much service out of a faithful man in eight hours as you can get in ten. I will say as to my experience in employing men within the last three years in the mines, that our original method was to work our men ten hours a day; we finally changed from ten hours to eight hours, and I can assure you that we receive equally as good or better success from the eight-hour day than we did from the ten.

I think the gentleman is also mistaken in his remarks concerning people who are there during the sunshiny season of the year, and that there is so much time that there is daylight and that they are suffering on account of wanting to work, for the reason that any good man can do all the labor with pick and shovel, and that character of work, in eight hours that any reasonable man ought to expect him to do.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. CALE. Certainly.

Mr. CRUMPACKER. Does the gentleman know what the sentiment of the laboring men up there is, whether they desire to work longer than eight hours on public work?

Mr. CALE. I know the sentiment very well.

Mr. CRUMPACKER. I would like to hear the gentleman on that question.

Mr. CALE. I know the sentiment is entirely against it.

Mr. HULL of Iowa. Against what?

Mr. CALE. The ten-hour system, or anything over the eight-hour system. They are in favor of the eight-hour system universally.

Mr. HULL of Iowa. And opposed to increased hours of work?

Mr. CALE. Yes, sir.

Mr. HULL of Iowa. Even for increased pay?

Mr. CALE. Even for increased pay they are opposed to it.

Mr. MADDEN. Mr. Chairman, may I offer an amendment to the amendment?

Mr. HULL of Iowa. A point of order is pending now. The amendment can be read for information.

Mr. MADDEN. I would like to have it read for information.

The CHAIRMAN. Does the gentleman from Alaska [Mr. CALE] yield for that purpose?

Mr. CALE. Certainly.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided, That eight hours shall be considered a day's work, and that payment for time in excess of eight hours shall be at a rate per hour equal to that paid per hour during the regular day.

Mr. CALE. I do not know that I caught the whole of that amendment.

Mr. MADDEN. It simply provides that eight hours shall be considered a day's work, and for any excess of that time the work shall be paid for at a rate not less than that paid for the regular day.

Mr. SULZER. Mr. Chairman——

Mr. HULL of Iowa. The gentleman from Alaska has the floor, and I ask that the gentleman may be allowed to proceed.

Mr. ADAIR. Will the gentleman yield to a question?

Mr. CALE. Certainly.

Mr. ADAIR. I wanted to ask you whether the laboring men in Alaska were not only opposed to ten hours a day, but whether they would be willing to work ten or more hours if they were paid for the excess of time that they worked. What is their wish in that respect?

Mr. CALE. Their wish is for an eight-hour system and eight hours' pay. There will be exceptions to that, of course.

Mr. ADAIR. But as a rule?

Mr. CALE. As a rule they favor the eight-hour system and eight hours' pay.

Mr. ADAIR. And do not desire to work longer?

Mr. CALE. They do not desire to work longer.

Mr. TAWNEY. I would like to ask the gentleman a question. The gentleman refers to the laboring classes of Alaska. The gentleman is aware of the fact that this proposed amendment does not apply, and will not apply, to any laboring men except those employed by the Government there for the construction of these telegraphic lines and in the building of these military roads in these interior districts.

Mr. CALE. I understand that.

Mr. TAWNEY. It does not at all, and it will not tend to change the law in any particular except as to these men who are employed outside of the mines, who are employed outside of civilization, who are employed outside of the settlements, where there is nothing whatever for them to do except work and spend sixteen hours a day in doing nothing.

Mr. CALE. I understand it.

Mr. ADAIR. Will the gentleman from Minnesota answer a question?

Mr. TAWNEY. I have not the floor. The gentleman from Alaska has the floor.

Mr. HULL of Iowa. I hope the gentleman will be permitted to proceed.

Mr. ADAIR. I just wanted to ask the gentleman from Minnesota a question, if the gentleman will allow me.

Mr. CALE. I yield to the gentleman.

Mr. ADAIR. I wanted to ask him if he had any personal knowledge as to whether the men employed on the Government work desire to work longer than eight hours?

Mr. TAWNEY. I have, so far as the Government work provided for in this bill is concerned.

Mr. ADAIR. From whom?

Mr. TAWNEY. From men employed in that work.

Mr. ADAIR. I would like to ask the gentleman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask unanimous consent that the gentleman may have five minutes more.

There was no objection.

Mr. CALE. Mr. Chairman, I might say in connection with what I have already said, and which has been referred to here, as to the long season that work is being performed, that depends largely upon the particular part of the Territory that you are in. Alaska, as you are aware, is a large Territory. In some parts of it we have nights every twenty-four hours. In the interior we have two or three months that is all daylight, and practically continual sunshine. So that the season that they begin work upon these military roads depends largely upon the particular territory in which the work is being performed. And the laboring people there, in the Government roads, favor an eight-hour system, for the reason that it gives a greater number of people employment. That is one of the particular reasons. Most of the people that go there do not go to work for wages. They are naturally prospectors and miners, and they have got to earn grubstakes and get supplies to go into prospecting. Whenever they get a sufficient amount earned for a grubstake they leave the road and everything else and go to prospecting. This system permits the Government to employ a greater number of men. That is probably all that I desire to say.

Mr. HULL of Iowa. I make the point of order on that amendment.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Clothing, and camp and garrison equipage: For cloth, woolens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price according to the Army Regulations; for altering and fitting clothing and washing and cleaning, when necessary; for equipage, and for expenses of packing and handling, and similar necessaries; for a suit of citizen's outer clothing, to cost not exceeding $10, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge; for indemnity to officers and men of the Army for clothing and bedding, and so forth, destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, $7,000,000.

Mr. TAWNEY. Mr. Chairman, the preceding paragraph, entitled "barracks and quarters," which was read as I stepped to the door, I wanted to ask the gentleman in charge of the bill——

The CHAIRMAN. Is there objection to this discussion at this time? The Chair hears none.

Mr. HULL of Iowa. I do not consent to going back for the purposes of amendment.

The CHAIRMAN. The unanimous consent is to allow the gentleman from Minnesota to address the committee on this paragraph.

Mr. TAWNEY. I now ask unanimous consent that we may recur to the paragraph preceding the one which has just been read.

Mr. HULL of Iowa. I shall have to object to that until I know what the gentleman desires.

Mr. TAWNEY. I desire to get some information from the gentleman.

Mr. HULL of Iowa. Reserving the right to object——

The CHAIRMAN. The gentleman from Iowa reserves the right to object.

Mr. TAWNEY. I will say that I intended to offer an amendment to strike out the appropriation of $271,000 for the purchase of land in the islands of Luzon, Mindanao, and Vizcaya. My attention was diverted for the moment and I did not notice that the paragraph had been concluded.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to recur to the paragraph ending with line 13 on page 36, for the purpose of offering the amendment which he has indicated. Is there objection to the request?

Mr. YOUNG. I object.

Mr. TAWNEY. Mr. Chairman, a parliamentary inquiry. Is it not proper for me to move to return to the paragraph preceding the one that has just been read for the purpose of offering an amendment?

The CHAIRMAN. That can not be recognized at this time. The gentleman can only obtain permission to return by unanimous consent.

Mr. HULL of Iowa addressed the Chair and was recognized.

Mr. TAWNEY. I have received unanimous consent to ask the gentleman from Iowa some questions in regard to this transaction.

The CHAIRMAN. The gentleman did have that at one time. The gentleman from Iowa [Mr. HULL] has now been recognized by the Chair.

Mr. TAWNEY. The consent has not been withdrawn.

The CHAIRMAN. Another request was substituted, and objection was made to that request.

Mr. HULL of Iowa. I have no objection to the motion to strike out. I desire simply to say that the estimate for additional land at Fort McKinley was in another estimate and not included in these provisions. It has not been recommended so far by the committee, although the War Department wanted us to recommend it.

Mr. MADDEN. It is not included in this paragraph?

Mr. HULL of Iowa. No; this is the usual language, and simply provides for acquiring sites at places where it is necessary to place troops.

Mr. TAWNEY. But the total amount appropriated covers the estimate for the purchase of that land.

Mr. HULL of Iowa. I beg the gentleman's pardon. He is right about that. The Department decided that they had the authority to buy the land if the appropriation was made.

Mr. MADDEN. What is the necessity for the purchase of the land which is proposed to be purchased?

Mr. HULL of Iowa. This is simply an informal discussion, although, so far as I am concerned, I am willing that the committee should pass on it. The options on the lands there will expire in a very short time, and they claim that they hold the land under this option at a better price than they can ever hereafter get it for. On page 241 of the hearings, Secretary Taft recommended this purchase and gave his reasons therefor.

Mr. SCOTT. Can the gentleman tell us how much is to be paid for this land?

Mr. HULL of Iowa. It is for the enlargement of Fort William McKinley, near Manila. We have an option to acquire the land at what is regarded as a very low price.

Mr. TAWNEY. Is the gentleman aware that the same estimate was submitted to the Committee on Appropriations in the last session and refused?

Mr. HULL of Iowa. No; I did not know anything about it.

Mr. TAWNEY. It was.

Mr. HULL of Iowa. But Secretary Taft says that—

It will make Fort William McKinley one of the best posts that we have in the Army. It is within 6 miles of Manila and connected with it by an electric railway and by river. The original purchase was not large enough. The original purchase is now filled with the post buildings, and this 6,000 acres next to it has been leased, with the privilege of purchase, which privilege, as I recollect correctly, expires some time in June. I think the cost is $185,000.

Mr. SCOTT. Will the gentleman yield for a question?

Mr. HULL of Iowa. Certainly.

Mr. SCOTT. How much land have we now at Fort McKinley?

Mr. HULL of Iowa. I can not answer. He says that the land now is entirely occupied by buildings and that there is no place for drills.

Mr. SCOTT. Does the gentleman know at what price per acre this land is to be purchased?

Mr. KAHN. The whole is to cost $185,000.

Mr. SCOTT. At how much per acre?

Mr. KAHN. I can not tell that.

Mr. HULL of Iowa. Mr. Chairman, in the hurry of looking at this I was in error. I want to say that the gentleman from Michigan calls my attention to the fact that we did not put that in. We give the exact amount asked for in the estimates, which does not include Fort McKinley, and the $185,000 is not included at all, but I think should be.

Mr. TAWNEY. But the committee does include the amount estimated for the purchase of land in the department of Luzon, $211,000, and also for the purchase of land in Mindanao, $40,000, and in Vizcaya, $20,000, making a total of $271,807, which added to the amount they want for rentals and repairs and new construction, makes a total of $731,022.

Mr. HULL of Iowa. We do include the purchase of lands, but not for Fort McKinley. It is all set out in the hearings by the Quartermaster-General.

Mr. TAWNEY. I did not say for purchase of land adjacent to Fort McKinley; that was a statement by the gentleman from Iowa.

Mr. HULL of Iowa. This is for many different posts scattered around throughout the islands. The gentleman from Minnesota is reading from the Quartermaster-General's report.

Mr. TAWNEY. Yes.

Mr. HULL of Iowa. They set out what they want, but it is absolutely necessary that the Philippine Islands should have that right, or else it will be impossible to get posts located. If they have to send here in advance each time to have proper specific appropriations for the purchase of land, it will indefinitely delay the work.

Mr. TAWNEY. How many posts is it the policy of the Department to establish there?

Mr. HULL of Iowa. They have had about 400, but they are reducing them. Under the conditions of peace in the islands they will gradually reduce them and have larger camps and larger concentration of troops.

Mr. TAWNEY. I want to call attention to the fact that for the same purpose the current appropriation this year is $400,000, and that this is $731,000, the exact amount estimated, including the purchase of new land, or $331,000 in excess of the appropriation for the current year.

Mr. HULL of Iowa. If we strike out this provision, the right to purchase new land, you might as well cut out the larger part of the appropriation for barracks and quarters.

Mr. TAWNEY. They would have the same facilities they have now.

Mr. HULL of Iowa. Not at all. They are establishing new posts, and they must purchase new land upon which to place them.

Mr. STAFFORD. The gentleman from Iowa stated that there were 400 posts in the Philippine Islands. Can he state the number where the Government owns the land?

Mr. HULL of Iowa. I suppose in a great many of the outside places, but as concentration goes on there will be fewer posts but more purchases.

Mr. STAFFORD. Are many of them on leased lands?

Mr. HULL of Iowa. There are small posts scattered everywhere where there happens to be necessity for troops; as that condition disappears they are concentrated in larger units. That is shown in the pay for officers of the scouts. We have had to increase the officers for scouts. When they were in companies scattered all over the islands they did not have any majors, because they were not in battalions. But now they are organizing them into battalions, and so we have had to increase the number of officers, and it is necessary, according to the Department, to secure ground upon which to place the forts and also to erect the barracks and properly house the troops in the Philippine Islands.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

Provided, That not to exceed the following sums may be used in the erection and completion of modern sanitary hospitals at the posts named: Thirty-five thousand dollars at Boise Barracks, Idaho; $50,000 to enlarge the hospital at Fort Sam Houston, Tex.; $40,000 to enlarge the hospital at Fort Slocum, N. Y.; $35,000 to enlarge the hospital at Fort G. H. Wright, N. Y.; $25,000 to enlarge the hospital at Fort Robinson, Nebr.; $20,000 to complete the hospital at Columbus Barracks, Ohio; and $20,000 to complete the hospital at Jefferson Barracks, Mo.

Mr. TAWNEY. Mr. Chairman, I make a point of order that that paragraph, beginning at line 14, down to the bottom of the page, the proviso changes existing law, and also on the ground that the Committee on Military Affairs has not jurisdiction of the subject-matter of that proviso.

Mr. HULL of Iowa. Mr. Chairman, I do not care to argue the point of order except simply to say that the hospitals have always been under the jurisdiction of the Committee on Military Affairs.

The CHAIRMAN. The Chair can dispose of the point of order without reaching that point.

Mr. HULL of Iowa. The permanent law of the country in regard to buildings is found on page 622 of the military laws, which provides:

Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress, and approved by a special appropriation for the same, except when constructed by the troops, etc.

The Chair has the law. It is a question that has been thrashed over very often, and my own judgment is that neither the Committee on Appropriations nor the Committee on Military Affairs has the right to appropriate for any building in excess of $20,000 unless it is detailed in an explicit appropriation.

Mr. TAWNEY. I want to call the attention of the committee to the fact that under the head "military posts, for construction and enlargement at military posts of such buildings as in the judgment of the Secretary of War may be necessary," there is estimated for the next fiscal year, to be carried in the sundry civil bill, $1,581,000, and it is impossible for the House or the Committee of the Whole to know what these barracks and quarters and hospital buildings are costing the United States if they are to be carried in two appropriation bills, coming from two different committees. The Committee on Appropriations has always carried these provisions in regard to hospitals, and they are appropriations made to be expended in the discretion of the Secretary of War. I insist that both grounds upon which the point of order is made are well taken.

The CHAIRMAN. The Chair will hold that the proviso is in conflict with the statute that the gentleman from Iowa has just read, so that the Chair must sustain the point of order without deciding the question of the jurisdiction of the two different committees.

Mr. MANN. Is that to the proviso?

Mr. TAWNEY. That is to the proviso.

Mr. HULL of Iowa. I think there should be a very material reduction in the appropriation, if this goes out.

Mr. TAWNEY. The amount of the reduction is the aggregate amount stated in the proviso. I have not had time to foot it up.

The CHAIRMAN. The Chair might suggest that the Clerk be authorized to modify the title by reducing the amount by the amount named in the proviso.

Mr. TAWNEY. Yes.

Mr. HULL of Iowa. I ask that that be done.

The CHAIRMAN. Is there objection to that procedure?

There was no objection.

The Clerk read as follows:

Quarters for hospital stewards: For construction of quarters for hospital stewards at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, $75,000.

Mr. TAWNEY. Mr. Chairman, I make the same point of order on that. Forty thousand dollars is what is carried in the current law, and there is $75,000 in this item. I will reserve a point of order.

Mr. HULL of Iowa. Mr. Chairman, the question of quarters for hospital stewards is one that can all be stricken out or much more given than is given here, but as the policy of concentration is being carried on and a number of posts are increased in the country out of the small appropriations heretofore made, the Government has not been able to construct quarters for hospital stewards to meet the demand. The amount for each building is not in excess of $20,000, and it is not near $20,000. It has always been carried in this bill, and the only question is whether the amount carried here is too much or not.

Mr. TAWNEY. Can the gentleman inform the committee as to why the $40,000 carried in the current law will not be sufficient to meet the requirements during the next fiscal year, and where is it proposed to expend the excess over the $40,000 now carried?

Mr. HULL of Iowa. I will say to the gentleman that the Surgeon-General has been wanting us to increase this amount for some years. He tried to have the Secretary of War submit larger estimates last year, but they were cut down. This year the Secretary of War said he felt he could not in justice cut them down. This provision will not complete the construction of quarters for hospital stewards. It will still require additional appropriations next year.

Mr. MANN. Will the gentleman yield for a question?

Mr. HULL of Iowa. I think the Surgeon-General claims he could use to advantage $150,000, if he could get the Secretary to submit the estimate.

Mr. KAHN. The Surgeon-General says that this amount is a necessity.

Mr. HULL of Iowa. Yes; and this is a fair proposition, that where noncommissioned officers, like hospital stewards, are to have separate quarters, as provided for by law, and where a large number have, it is the duty of the Government as far and as rapidly as it can to comply with the allowance for hospital stewards and provide them their quarters.

Mr. MANN. Now, will the gentleman yield for a question?

Mr. HULL of Iowa. Oh, certainly.

Mr. MANN. I understood the gentleman to say last year and preceding years the Medical Department, the Surgeon-General's department, asked for more money and the Secretary of War reduced the estimate.

Mr. HULL of Iowa. Last year.

Mr. MANN. Has the Secretary of War this year reduced any estimates made by any branch of the military service?

Mr. HULL of Iowa. I can not answer that.

Mr. MANN. I think the gentleman could answer it; he may not be willing to answer it. Is it not a fact that the Secretary of War is so busy attending to public duties away from Washington that he has no opportunity to examine and reduce the estimates, which he has always done heretofore?

Mr. SULZER. Mr. Chairman, I suggest the gentleman from Illinois make that request to his friend the Secretary of War.

Mr. MANN. Well, the gentleman says rightly when he refers to him as my friend. I think he is one of the ablest men in the Government, and I have no doubt the genial gentleman at my left, the gentleman from New York, a year or so from now will be addressing him with much grace and suavity as the "President of the United States." [Applause on the Republican side.]

Mr. SULZER. Mr. Chairman, I certainly shall, I hope, if the gentleman from Illinois is not then addressing my friend Mr. Bryan as "Mr. President." [Applause on the Democratic side.]

Mr. HULL of Iowa. Mr. Chairman, I want to just call attention—I do not think the gentleman will press his point of order or that it is good—to where these quarters are to be, in answer to my friend from Illinois. There is to be one double set of quarters at Fort Leavenworth, Kans., to cost $10,000; one double set at the Presidio, costing $12,000, and the total amount that the Surgeon-General asked for in all places, and he insists they should have them at once, amounts to $90,000. The committee recommended $75,000.

Mr. CRUMPACKER. Mr. Chairman, the gentleman from Minnesota [Mr. TAWNEY] was called away, and he authorized me to withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

Shooting galleries and ranges: For shelter, shooting galleries, ranges for small-arms target practice, repairs, and expenses incident thereto, such ranges and galleries to be open, as far as practicable, to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War, $406,000: *Provided*, That $16,324 shall be immediately available for completing the acquisition and construction of the rifle range at Fort Snelling, Minn.: *Provided further*, That $250,000 shall be used only for the purchase of 6,000 acres of land, more or less, near the city of Washington, D. C., for use as a target range, and for other military uses for regular troops, including field artillery, and for the National Guard of the District of Columbia and contiguous States.

Mr. MANN. I reserve the point of order upon the second proviso.

The CHAIRMAN. The gentleman from Illinois reserves the point of order as against the second proviso.

Mr. HULL of Iowa. Mr. Chairman, it is clearly subject to the point of order.

Mr. MANN. Yes; and it seems to me subject to a great deal of objection. Here is a proposition to buy 6,000 acres of land around Washington at $41 an acre. Well, you can buy all the land around here you want at less than half that.

Mr. SULZER. Where?

Mr. MANN. Very close to here, and plenty of it.

Mr. SULZER. Down in the swamp?

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. MANN. I will, unless some explanation is given.

Mr. HULL of Iowa. I can not give you an explanation as to price, but I can only give the explanation that is given in the hearings before the committee and the explanation that is given in the document to which the attention of the gentleman has been called, at page 469, where it is very strongly urged that this amount of land be purchased, as there is no place in the Department of the East where the Government owns a rifle range, even for small arms, and no place where a single battery of artillery can fire a gun without firing blank ammunition.

In the Department of the East something over a year ago General Grant secured from the department an organization of a board to examine and report upon a desirable site for this rifle range. That committee discharged its duties in full, and another committee was appointed to supervise and go over all that it had reported. If it is possible to secure land for what the gentleman says—less than half—the War Department ought to do it. I can only say it is exceedingly important for the Department of the East to have a rifle range. As to the possibility of our securing it at the figures the gentleman named, I have no information whatever which would lead me to believe it can be done.

Mr. MANN. Well, I am sorry the gentleman has no information. I know a great many people in this city who have bought land not very far from Washington in the last year or two at $10 an acre, and it looks to me this might be possibly an undue temptation to somebody.

Mr. HULL of Iowa. Well, there are some places around Washington which have been offered for a rifle range at a hundred an acre, and some for a good deal less, and some, according to report of Secretary, for a good deal more than the hundred dollars per acre. It is a large tract, and part of the land would evidently cost more than other parts.

Mr. MANN. Oh, very likely. Perhaps they intend to buy Mr. McLean's beautiful place out here, but I do not think that is necessary.

Mr. HULL of Iowa. I have no particular objection to the point of order. It is subject to it. If the gentleman has the remotest idea it is liable to be abused, if it is not sufficiently guarded, and would not be sufficiently guarded to insure all the rights of the Government being preserved, then I have not a word to say. I only want to say that in the opinion of the committee and of all parties that are interested in the question of administration of the Army the universal demand for the Government owning its own rifle range is conceded, and the longer it is delayed the more it will cost.

Mr. YOUNG. I wish simply to read a few words from the report of the Secretary of War upon this matter, in which he says:

I am not ordinarly inclined to be insistent, but so much and increasing difficulty has been experienced in getting target facilities that I can not rest content without stating that a range in the vicinity of Washington, D. C., is an imperative necessity. If such a necessity ever arises in administration of military affairs, it exists in this matter, and I feel that I must again, with all my force, urge favorable action to secure a target range in the vicinity of Washington.

Certainly no language can be stronger than that, and I wish to suggest to the gentleman from Illinois [Mr. MANN] that this matter will be in the hands of the Secretary of War; that it will be in the hands of a great and honorable Department of this Government, and if this land can be procured for any less money than we appropriate here undoubtedly it will be done. I believe that that matter can be safely intrusted to the Secretary of War, and I hope the gentleman will not insist upon his point of order.

Mr. MANN. Mr. Chairman, if I thought that the Secretary of War himself would have the time during the next fiscal year to give personal attention to this matter I might feel somewhat differently. His communication to this Congress is dated

January 8, and I feel very confident that while he signed that communication he knows nothing about it personally. It is true there has been a lobby urging that this item should pass through Congress, because it is said that there has already been located the place where this money is to be expended. I do not know whether that be the case or not, but I do know that some people have been very much interested in having this item go through.

Mr. YOUNG. Will the gentleman permit a statement right there?

Mr. MANN. Certainly.

Mr. YOUNG. I wish to say to the gentleman that if there has ever been such a lobby they have never approached the Committee on Military Affairs, and we have never heard from anyone upon this subject except the Secretary of War and his subordinates.

Mr. MANN. It is extremely likely, Mr. Chairman, that the gentlemen have at least never approached my distinguished friend from Michigan [Mr. YOUNG], and if they had probably this item would not have been in the bill. But there are a great many ways of reaching the sale of a piece of property and obtaining an appropriation for it, and the most customary is to obtain the support of somebody in some Department beneath the superior officer. I do not say, and I would not charge, that there has been any improper motive on the part of any of the officials here, but it is true nevertheless that they can buy any quantity of land perfectly adapted for use in this connection around the city of Washington for less than half the price proposed to be paid by this appropriation, and under those circumstances it seems to me it would be well for at least another body to consider this, and better still if this committee could have an opportunity to consider it again, and for that reason I must insist upon the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. MANN. Now, Mr. Chairman, I suppose the amount ought to be reduced, and I ask unanimous consent that that change may be made.

The CHAIRMAN. Without objection, line 11 will be amended by changing the amount, reducing it to $250,000.

There was no objection.

The Clerk read as follows:

Maintenance of the Army War College: For supplying the necessary fuel for heating the Army War College building at Washington Barracks and for lighting the building and grounds; also for pay of a chief engineer, at $1,200 per annum; an assistant engineer, at $900; four firemen, at $720 each; one elevator conductor, at $720, $12,700.

Mr. CRAIG. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Alabama [Mr. CRAIG] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting, after line 5 on page 39, the following:

"Encampments of organized militia with troops of the Regular Army: For paying the expenses of regiments, battalions, squadrons, and batteries of the organized militia of any State, Territory, or of the District of Columbia which may be authorized by the Secretary of War to participate in such encampments as may be established for the instruction of the troops of the Regular Army in seacoast defenses, as provided by sections 15 and 21 of the act of January 21, 1903, entitled 'An act to promote the efficiency of the militia, and for other purposes,' $700,000."

Mr. HULL of Iowa. Mr. Chairman, I raise a point of order on that. That question was discussed fully.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] raises a point of order against the amendment.

Mr. HULL of Iowa. It is not germane to this part of the bill.

The CHAIRMAN. Does the gentleman raise the point of order or reserve it?

Mr. HULL of Iowa. I raise the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

MEDICAL DEPARTMENT.

Medical and Hospital Department: For the purchase of medical and hospital supplies, including disinfectants for military posts, camps, hospitals, hospital ships, and transports; for expenses of medical-supply depots, for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for; for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the nurse corps (female), and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the hospital corps; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, $700,000.

Mr. THOMAS of North Carolina. Mr. Chairman, I move to strike out the last word. In connection with this paragraph, which is in relation to the Medical Department of the Army of the United States, I have recently had a letter from a most excellent physician in my district, calling my attention to a valuable article published in the New York Medical Journal, an old reliable journal, established in 1843. The article contains some suggestions upon the necessity of important changes in the organization of the Medical Department of the United States Army. I know this physician personally, and my experience has been with physicians generally, they take great interest in these matters and sometimes their ideas are exceedingly valuable. I ask permission of the committee, therefore, for the purpose of calling the attention of the Committee on Military Affairs and the War Department to the subject of the article, to print this article in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

The article is as follows:

SOME OF THE TRIUMPHS OF SCIENTIFIC MEDICINE IN PEACE AND WAR IN FOREIGN LANDS, WITH SUGGESTIONS UPON THE NECESSITY OF IMPORTANT CHANGES IN THE ORGANIZATION OF THE MEDICAL DEPARTMENT OF THE UNITED STATES ARMY.

[By Louis Livingston Seaman, A. B., M. D., LL. B., F. R. G. S.—New York—Late Major Surgeon, United States Volunteer Engineers.]

If any doubting Thomas questions that the crowning glory of the profession of medicine is the prevention of disease rather than its cure, a visit to the American Tropics should convince him of his error. For centuries the continents, both north and south of the equator, have stood in constant dread of dysentery, bubonic plague, malaria, and yellow fever. Terrible epidemics of the latter have ravaged the coastwise cities in spite of rigid quarantines, for prior to 1902 the nature of its transmission was not understood, and effective quarantine was impossible where the Stegomyia mosquito thrived. Only a few years ago, in the harbor of Santos, thirty-one ships of almost every nationality rode at anchor for months without a living creature aboard, many of their masters and crews having fallen victims to "yellow jack," with little possibility of replacing them.

"Fifteen men on the dead man's chest,
Yo, ho, ho, and a bottle of rum,
Drink and the devil had done for the rest,"

only in this instance the devil was yellow fever, which was of such frequent occurrence as to scarcely excite surprise. The South American coast was dreaded by the mariner more than the Spanish main in the days of the pirate bold and the buccaneer, so much so that the Lloyds often refused to underwrite vessels visiting these hotbeds of infection. But how is it to-day? Through the brilliant discoveries suggested by Finley, of Habana, and proved by the commission headed by Major Reed, the true method of its transmission was established and its eradication became a possibility, although in the prosecution of their experiments the majority of the members of the commission fell martyrs to the disease. What Doctor Wood, Doctor Reed, and Doctor Gorgas accomplished in its extinction in Habana and Santiago, and Doctor Gorgas repeated so effectually in the Canal Zone—as you heard him so graphically describe at a recent meeting of this academy—Doctor Cruz duplicated with even greater success in Bahia, Rio de Janeiro, and Santos, the most prolific culture grounds of the disease in the world, because their sanitary problems were there more difficult. Not until the last-named scientist was given absolute control in his own department, however, were his labors crowned with success. A terrible epidemic of the fever had visited Rio and Santos, the commerce of Brazil was paralyzed, the population of the cities decimated. Foreign capital was deserting, and the outlook was most gloomy. Millions of dollars were required for its extermination, and, after violent political opposition, Doctor Cruz was ultimately given control of his department, with correspondingly fortunate results, for in a comparatively short time the country was free from disease. He established an admirably equipped department of sanitation, with a corps of over 2,300 well-paid, uniformed men, whose sole duty was to fight yellow fever and bubonic plague, and who carried out their orders with almost as much celerity as the members of the fire department do in this city. Horses stood harnessed in their stables, ready to be hitched to ambulances and disinfecting carts, loaded with the necessary equipment for isolating cases and purifying the surroundings, so that the moment a new case was reported it was isolated by double screens, and the spread of the disease was effectually prevented. As a result, desirable immigration is no longer frightened away, foreign capital is flowing in to develop the limitless resources of the land, commercial interests have enormously increased, and the material and financial gains parallel those of humanitarian character. Brazil demonstrated the axiom that prevention is better than cure, and that, as a financial proposition, it pays to give the medical officer adequate authority in his own department.

The splendid work of Cruz in eradicating yellow fever has been equally successful in his campaign against bubonic plague, which for years had ravaged the coast with serious mortality. The final extinction of both these transmissible diseases in South America will soon be an accomplished fact, if the present policy of prevention and sanitation is maintained. In addition, Cruz established a school of experimental medicine in Rio, rivaling similar institutions in Europe and America, which will justly give Brazil an enviable position in the scientific world. A large corps of assistants are constantly occupied in the preparation of the various sera used in the prophylactic or curative treatment of bubonic plague, diphtheria, typhoid, and other diseases, and distributed over the country on the demand of physicians. The stables of the

animals used in the prosecution of this work are marvels of cleanliness, and in the operating room asepsis is observed as faithfully as in a modern hospital.

Rio de Janeiro maintains an excellent institution for the preparation of vaccine virus, also a medical college, which is to celebrate its centenary during this coming summer. It is admirably equipped with laboratories, especially for the study of hygiene and sanitation. Its Academy of Medicine is a most select body, and the walls of the lecture rooms of the college are graced with life-size portraits of its leading professors. Aseptic precautions are observed so carefully in some of the hospitals that operating arenas are separated by plate-glass partitions from the remainder of the room, so as to completely isolate them from contaminating atmosphere, where the students are seated.

The most serious defect observed in all the institutions of South America was the lack of trained nurses. Many of the hospitals in these old countries were formerly convents, and the labor of nursing was performed by the members of the various sisterhoods. These women, although often inspired by high motives, lack the skill necessary in the care of serious diseases, or for obtaining the best results in the after treatment of operations. And here I may be pardoned for a moment's digression to pay a word of tribute to my old traveling companion and friend, Dr. Nicholas Senn, whose sudden and lamented death recently shocked the world.

It was my privilege to circumnavigate the continents of Africa and South America with him, visiting the coastwise cities and hospitals en route, and penetrating through the jungle to the interior, wherever railway connections permitted.

While crossing the Peruvian Andes in September, near Lake Titicaca, 12,000 feet high, and La Paz, the highest city in the world, he was seized with the attack of soroche or mountain sickness that hastened his end. In passing from the Pacific Ocean through the Cordillerian and Andean ranges, over the great divide that separates it from the Amazonian slope, we rose to an altitude of nearly 3 miles in fifteen hours. The tremendous tension put upon the circulatory system in this already rarified atmosphere resulted in an attack of acute cardiac dilatation, with its distressing sequelæ, aggravated by bronchitis contracted in the Straits of Magellan.

To dwell upon the achievements of this great man would only be to repeat that with which the scientific world is already familiar. Aside from his remarkable originality in the field of surgery, Senn was a naturalist of deep learning, well versed in the flora and fauna of almost every land in the habitable globe. His fame was world-wide. His capacity for work exceeded that of any man I have ever known. He was a close observer, a conservative operator, an eloquent clinical lecturer, and in the emergency of war served his country faithfully and well. In his death America has lost an honored son, science a distinguished pioneer, and the world a gentle friend, whose fame will linger longest in the short and simple annals of the poor.

You have so recently heard of the brilliant results attained by Doctor Gorgas in the Canal Zone that a rehearsal of them is unnecessary. But the great lesson to be drawn from his splendid work was not pointed out at the time of his lecture. It must be remembered that during the first year of our occupation of the Panama district disease ran rampant, so much so that at one time the abandonment of the entire enterprise was considered. It was then proved that sanitation was the fundamental problem requiring solution, even before the engineering question could be solved. The original Isthmian Commission included no member of the medical profession, but was composed entirely of politicians and officers, ignorant of sanitation and hygiene, who ignored or so limited the authority of the chief sanitary officer as to render the enforcement of his regulations and measures impossible. This officer, Doctor Gorgas, was subordinated to the governor of the Zone, to the chief disbursing officer, to the chief of the bureau of materials and supplies, to a Mr. Grunsky, to the Commission, to the Secretary of War—subordinated, in fact, to the seventh degree from the source of authority—just about as the medical officer of the United States Army is, under the decrepit system under which he is compelled to serve to-day.

The chairman of the legislative committee of the American Medical Association, Doctor Reed, says:

"Here was Doctor Gorgas, recognized as the foremost authority in the world in the solution of the peculiar problems pertaining to tropical sanitation, subordinated to a series of other subordinates, all of whom were confessedly ignorant of the very question with which he was most familiar.

"The working of this wonderful mechanism," continues Reed, "is interesting. Thus, if Major La Garde, superintendent of Ancon Hospital, makes a requisition for supplies, he must make it in due form, take it for approval to the chief sanitary officer, then to the governor of the Zone, then to the chief disbursing officer, whence it goes to the Commission at Washington; then to the Mr. Grunsky as committeeman; then back to the Commission; then, if allowed, bids are advertised for; awards are made; the requisition is filled under the supervision of a purchasing agent notoriously ignorant of the character and quality of medical and surgical supplies; the material is shipped to the Isthmus, consigned to the chief of the bureau of materials and supplies, who notifies the disbursing officer, who notifies Colonel Gorgas, who in turn notifies Major La Garde, who applies to the quartermaster—the boss of a corral—for transportation, and, so much of the stuff as in the judgment of, first, the governor, next the chief disbursing officer, next the Commission, next, and more particularly, Grunsky, the committeeman, ought to be allowed to the superintendent of Ancon Hospital, finally arrives, or does not arrive at its destination, where the necessity for its use has probably ceased."

This is no fanciful picture; it is exemplified in practically every requisition that went forward and illustrates the tortuous course of the regular military channel as it now exists in the United States Army.

And what was the natural consequence of this wretched system of Panama? A costly epidemic—the death of some members of the Commission and of many laborers—a stampede of the remainder that threatened the success of the entire canal scheme and caused a delay of nearly a year in its completion, and the loss of interest on its heavy investment, that would have paid for the sanitation of the Zone for years. Not until the imminence of failure dawned upon the Washington authorities was a medical officer made a Commissioner, with authority to carry out his sanitary measures. The success resulting from this power being conferred upon our honored colleague again demonstrated the wisdom of making a medical man supreme in his own department; a truth Congress was for once forced to recognize.

Foreign governments foster their medical discoverers; ours does not. When Pasteur made his brilliant discovery of the microbic origin of disease and found the magic key that unlocked the secrets of infection, the French Government recognized his great work by placing him at the head of an institution under governmental patronage that enabled him to more successfully prosecute his experiments and researches. When Koch discovered the bacillus of tuberculosis, he was a comparatively unknown country practitioner, but his Government placed him at the head of a department with abundant means to continue his work; it sent him to Africa to investigate the rinderpest, and after the successful solution of that problem sent him once more to the dark continent, where for the past two years he has been conducting a heroic battle against those dreaded diseases of the African Tropics, sleeping sickness and malaria.

In Africa I met Doctor Ollwig, Koch's chief assistant, who, in his scientific battle with malaria, is carrying out the two policies suggested from an ætiological point of view: (1) The destruction of the anopheles by ridding the surrounding jungle as far as possible of its breeding places, and (2) the neutralization of the plasmodian parasites by hypodermatic and internal administration of quinine, continued for many months. Favorable results have thus been obtained, although the difficulties of exterminating the mosquito have not yet been overcome. The period during which the infected Stegomyia continues as a source of danger in the transmission of yellow fever is limited to fifty days, whereas the infected anopheles retains its power of infection for three years, thus making the task of eradicating malaria far more difficult.

The results of Koch's investigations of tripanosomiasis are already well known to the medical profession. The infected tsetse fly is undoubtedly the most dangerous enemy of man and beast, where it exists, as up to the summer of 1906 the bite of an infected fly was invariably fatal. Its ravages in a belt of territory near Victoria Nyanza in the year we were there resulted in a fatality among the natives of over 200,000, many districts being almost depopulated. Horses, mules, cattle, antelopes, zebras, and wild buffaloes died in countless numbers. The zone of these depredations was rapidly increasing, and for that reason the German Government sent Professor Koch to study the habits of the fly and discover, if possible, a method for its extermination.

How does the Japanese Government look upon the health of its citizens? When Kitasato, after careful research and experimentation, discovered the bacillus of bubonic plague, the Government promptly rewarded him by placing him in charge of a great institution for the study of infectious disease, where the sera are made for the prophylactic and curative treatment of the most deadly disease of the country, and where much original investigation is being conducted.

In England every little town has an officer of health, appointed by the General Government to guard its citizens against disease.

Lister, Pasteur, and Koch opened the door to scientific research; but long before their day smallpox had been brought under control by the immortal Jenner. This loathsome disease would long ago have disappeared from the earth forever but for the ignorant attacks of fanaticism. As has been truly said: "Nothing has tended more to retard the advance of science than the disposition in vulgar minds to villify what they can not comprehend."

Cholera and hydrophobia have been conquered by Pasteur, and Lister and Koch pointed the pathway to victory over the death-dealing microbes of transmissible diseases. Through their instrumentality disease has become the slave rather than the master of mankind. No longer do diphtheria, tetanus, septicæmia, typhoid, cholera, puerperal sepsis, hospital gangrene, erysipelas, and wound infection hold the world in dread.

Notwithstanding that in 1904 the victims of bubonic plague in India numbered 1,022,000, and in the first six months of 1907 reached the appalling number of 1,060,000, a scientific campaign of prophylactive sanitation would soon stamp out the last vestige of its existence were it not for the superstition of the natives which renders such a course impossible.

If scientific medicine has won these gigantic victories over disease, and in methods of prevention, in the last twenty-five years, what wonders of discovery may not be divulged in the coming centuries. Let us for a moment see what results have recently been accomplished by an intelligent application of scientific medicine in the field of war. Its last and most noteworthy application was in the great oriental conflict just concluded.

General Tarauchi, Japanese minister of war, stated on November 23, 1905, in an address before the Red Cross Society of Japan, that "the total number of soldiers dispatched to the front during the war amounted to over 1,200,000, 80,000 of whom died and 300,000 fell sick. Of this vast number only about 9,300 died from wounds and 20,000 from sickness." This would leave the total from killed and battle casualties about 60,000; and from disease 20,000, or about one from sickness to three from casualties of war.

In April, 1906, a year after the last great battle had been fought, and when the totals were completed, Doctor Lynch (our military attaché in Japan during the war) in his report to our War Department published the following official figures:

TABLE I.

Killed in battle and died from wounds	58,887
Died from disease	27,158
Total died	86,045

or more than twice as many from battle casualties as from disease.

The records of extended campaigns for the past two hundred years, as shown in the Standard Tables of Longman and elsewhere, are that four men have died from disease to one from bullets. These figures of the Japanese army, therefore, constitute the most remarkable series ever published in the history of wars. Almost similar figures have been unwarrantably contradicted by officers of the United States Army, but the report of Major Lynch, our own medical attaché, just published with official records down to April, 1906, can not be challenged.

In another table our military attaché states that in the Japanese war with China, in 1894, for every man who died from wounds 12.09 died from disease. In the war with Russia, ten years later, for every man who died from wounds, 0.46 died from disease, or one twenty-seventh as many.

In their titanic conflict the Japanese kept over 600,000 men in the field for over a year and a half; they fought some of the greatest battles of history, one of twelve days of incessant conflict and another of sixteen days; skirmish fighting went on constantly during the entire period of hostility. In their campaigns the soldiers had their camp kettles, water boilers, blankets, and mosquito nets, and every man was protected by a net during the mosquito season. Their casualties have been nearly 40,000 in a single battle, or twice the entire number of soldiers we sent to Cuba, and yet every man was promptly, carefully, and scientifically cared for. They fought through a country where unsanitary conditions prevailed, often camping on the germ-infested sites of their enemies, and yet, by the incessant precautions of a numerically adequate medical corps, with power to enforce sanitation and hygiene, the army was enable to make a health showing unheard of before in the annals of war.

In contrast to this picture let me for a moment invite your attention to the Porto Rican expedition in that opera bouffe performance known as the Spanish-American war, for nowhere in history is there found a more illuminating instance, a graver lesson, or a more terrible warning than is here portrayed. For our country is the "Mene, mene, tekel eupharsin," the handwriting on the wall, so easily decipherable that he who runs may read, and yet, in the glory of victory and the enjoyment of prosperity, its lesson has passed unheeded.

The story of the expedition is brief. About 20,000 American troops landed in Porto Rico, while the Spanish on the island numbered about 17,000. Several skirmishes occurred, in which, according to the Surgeon-General's report, three men were lost from the casualties of war. The object of the war, the breaking of the chains of Spanish despotism and spoliation, which for centuries had held a race in shameful moral serfdom, was soon accomplished, and the war—from the strictly military standpoint—was over. From our first arrival, the natives of the island welcomed our battalions with vivas of applause, strewing our advancing march with flowers, and their masses were prepared to joyfully second our efforts for their more complete emancipation.

That is the beautiful story that history presents. Lest we forget, as a nation, and lie supine in the easy content of this picture, let me invite your attention for a moment to a further study of the report of the Surgeon-General for that war. It states that although three men only fell from the casualties of battle during that entire campaign, 262, or nearly one hundred times as many, died from preventable causes. It fails, however, to state that the number of hospital admissions nearly equaled the entire strength of the invading army, and that the camps of the army from one end of the island to the other were pestiferous hotbeds of disease before they had been occupied a month, so that had the bugle sounded for action only a small percentage of the units would have been in a condition to respond to the call. Nor was this state of affairs confined to Porto Rico. In the invading armies of the Philippines and Cuba the same conditions prevailed. The official figures, as shown in Table II, were furnished by the Surgeon-General of the Army on the 10th day of October, 1905, and cover the vital statistics of the United States military expeditions for the year 1898.

TABLE II.

	Deaths from—	
	Battle casualties.	Disease.
In the Philippine Islands	17	203
In Porto Rico	3	262
In Cuba	273	567
In the United States home camps, etc		2,649
Total deaths	293	3,681

or about one from casualties to fourteen from disease.

The report further shows that while the average mean strength of the Army enlisted for the Spanish war was about 170,000, the total number of admissions to the hospitals was on September 10, 1898, over 158,000, or 90 per cent. This in a war of less than three months' duration, and in which more than three-fourths of its members never left the camps of their native land. The Japanese army for the same period had about 4 per cent hospital admissions, or one twenty-second as many.

The vast difference in the Japanese figures illustrates the value of a medical and sanitary department properly equipped to enforce practical sanitation, dietary, and conservative surgery.

The splendid achievements of scientific medicine in civil life in the prevention of disease should be even more effectually obtained in the Army, where only healthy men are accepted, and vigorous outdoor camp life should keep its units, who are subject to strict military discipline, in perfect physical condition. Health alone, however, is no guaranty against the insidious attack of the silent foe that lingers in every camp and bivouac. It is this foe, as the records of wars for the past two hundred years have proved, that is responsible for four times as many deaths as the guns of the enemy, to say nothing of the vast number temporarily invalided or discharged as unfit for duty. It is this dreadful unnecessary sacrifice of life from preventable disease that constitutes the hell of war. In every great campaign an army faces two enemies. First, the armed force of the opposing foe, with its various machines for human destruction that is met at intervals in open battle; and, second, the hidden foe, always lurking in the camp, the specter that gathers its victims while the soldier slumbers in barrack or bivouac—the far greater, silent foe, disease. Of these enemies the history of warfare for centuries has proved that in extended campaigns the first or open enemy kills 20 per cent of the total mortality, while the second or silent enemy kills 80 per cent. In other words, out of every hundred men who fall in war, twenty die from the casualties of battle, while eighty perish from disease, most of which is preventable.

TABLE III.

	Battle casualties.	Disease.
In the Russo-Turkish war the deaths were	20,000	80,000
In the six months of the Crimean campaign, as is asserted on eminent authority, the losses of the allied forces were	20,000	50,000
In our war with Mexico the proportion was	1 to 3	
In our civil war about the same proportion	1 to 3	
In the French campaign in Madagascar in 1894 of 14,000 sent to the front, 29 were killed in action and over 7,000 perished from preventable disease	29	7,000
In the Boer war in South Africa the English losses were about	1 to 10	
In our war with Spain 14 lives were needlessly sacrificed to ignorance and incompetency for every 1 who died on the firing line or from the result of wounds, the figures being	293	3,681
In the Russo-Japanese war the figures were[a]	58,887	27,168

[a] Or more than 2 from battle casualties to 1 from disease, thus reversing the records of all wars for the past 200 years.

The difference between the martyr and the victim, between the soldier who falls on the field of honor and the man who meets a miserable death from preventable disease, for which his government is criminally responsible, is as wide as the celestial diameters. The one meets death compensated in the thought that his life is given in the protection of his country's flag and honor; the other is ignominiously forced to his grave through the neglect of the government that shamefully fails to protect the life he offered in its defense.

That the monstrous sacrifice of 80 per cent is almost totally unnecessary has been abundantly proved in the records of the Japanese war, where 1,200,000 men were sent to the front, in a country notoriously unsanitary, and only 27,000 men died from disease, to 59,000 who fell in the legitimate line of duty on the field of honor. In the Army of the United States in 1898 2,649 picked soldiers died in three months, without leaving the country, in the pest camps of this, their own native land.

Unless an army maintains a thoroughly organized sanitary corps, prepared to fight germs and diseases in advance of the fighting forces, testing the water supplies, and avoiding the dangers from contagion and infection, the medical department might as well be abolished. If the Japanese had not realized this before their last war and taken measures to prevent disease, their army would never have won their brilliant and uninterrupted series of victories. If they had sustained the same ratio of mortality from sickness as in their war with China ten years before, their losses from disease alone in the Russian war would have nearly equaled the total of their entire losses from all causes. This proves the value of the medical and sanitary corps, and illustrates its importance as a factor in the winning of the final issue.

The days of operative surgery on the field of battle or at the front passed with the discovery of asepsis and antisepsis. The Russo-Japanese war taught many lessons and destroyed many ideals in matters military as in matters surgical, where the hitherto accepted idea of the duties of the military surgeon was shown to be erroneous, where asepsis and antisepsis relegated the use of the scalpel to comparative obscurity and demonstrated conclusively that preservation of the army by prevention of disease is the surgeon's duty, first, last, and nearly all the time. In surgical technique, or in the after treatment of the wounded and sick, the Japanese taught the foreigner comparatively little, but in the field of sanitary science and dietetics they demonstrated, what had never been done before, viz, that preventable diseases are preventable and can be controlled and that the great incubus of an army in the field—the presence of crowded hospitals and the large and expensive force necessary to equip and conduct them—can to a large extent be eliminated.

It is a sad reflection on our civilization that, while we regard as essential separate Departments of State, Agriculture, and War in the Executive Cabinet at Washington, and issue bulletins for public distribution on swine cholera, cabbage culture, and crop reports, principally used by speculators, we deliberately ignore the safeguarding of our people from the horrors of infection and contagion. While the rest of the world has been making these splendid advances in the humanities, America—except in institutions fostered by private philanthropy—has stood in stolid indifference, doing little to stem the tide of destruction. We have allowed the wreckage and waste to go on, to cripple the energy with which we must challenge the future.

The relation of our Federal Government to public health has assumed some national importance, and if the efforts of the various medical societies of the country, the American Association for the Advancement of Science, the American Museum of Safety Devices, various insurance, accident, and allied associations, are successful, it may receive a little more recognition. The paramount want is for a national board of health with a secretary in the Cabinet of the President.

If this can not be secured, a more liberal policy toward the national bureau of health connected with the Marine-Hospital Service is much to be desired. Through an extension of the services of this organization the death rate of the country may be enormously decreased—possibly to the extent of one-third to one-half—and the general health of the community benefited by the eradication or amelioration of disease from preventable causes. But, as Doctor Walsh recently stated: "If the millions spent for the extermination of hog cholera during the last decade had been spent for the preservation of the public health, we should be far ahead of where we are to-day."

In the light of modern and sanitary science there is little excuse for the enormous losses by illness and death through typhoid, diphtheria, scarlet fever, cholera infantum, and dysentery, all of which are preventable. The names of these diseases do not inspire the same terror as bubonic plague, yellow fever, cholera, and smallpox, but their victims are just as dead, and their bereaved are just as desolate. And these diseases might be stamped out quite as effectually as the others, with proper enforcement of sanitary precautions.

It is stated that the appointment of a secretary of health in the President's Cabinet and the enforcement of regulations for the public health would interfere with the rights of States, but do the germs of cholera and yellow fever and tuberculosis and bubonic plague and measles respect State lines? And do streams polluted with cholera and typhoid bacilli cease to flow at State borders? Interstate commerce is not considered as an interference with State rights; then why should interstate disease be so regarded?

Prior to the enactment of the pure-food laws, which are now producing such beneficial results in the preservation of the public health, the same argument was advanced, but the passage of the act, instead of restricting the States, has induced them to enact similar or even more drastic laws in the same line; and no one objects—except the manufacturer or seller of adulterated products.

The estimation in which the authorities at Washington hold the only national institution we have for the preservation of the public health was recently evidenced by the efforts of a late member of the Cabinet to abolish or restrict the work of the Marine-Hospital Service on account of its expense. Many kinds of fools are required in the making of a world, but the American who would seriously advise the abolition of this last-named institution combines in his single self the whole "fifty-seven varieties."

Disease is an enemy that causes more fatalities in a year than the combined armies of the world do in a century. As well might a general in an enemy's country abolish his pickets and outposts as for America, with its extensive coast lines, its foreign commerce, and its enormous immigration to do without its Marine-Hospital Service. I have seen these zealous guardians of our public health in almost every port with which we have commercial relations, always watchful lest contagious or infectious diseases might elude them and fasten on our native land, and with a fairly liberal personal experience and knowledge of our Government in its various Departments at home and abroad,

I assert that the United States Public Health and Marine-Hospital Service is the one Department of which Americans have most reason to feel justly proud. Instead of restricting its powers, they should be amplified; instead of cutting down its appropriation, it should be increased. In no Department of our Government does the nation receive better returns on its investment, even though some of the mentally myopic politicians of the present Administration fail to discover it.

And this argument applies with equal force to the Medical Department of the Army. We go on expending nearly half a million dollars a day for the maintenance of our military schools, the education of men in the art of war, and the manufacture of machines for human destruction, and in the plant necessary for putting these machines into execution, while the study of the equally important subject of prevention of disease—the foe that kills four times as many as the enemy's bullets—is left comparatively unheeded. Every death from preventable disease is an insult to the intelligence of the age; if it occurs in an Army, it becomes a governmental crime. The state deprives the soldier of his liberty, prescribes his hours of rest, his exercise, equipment, dress, diet, the locality in which he shall reside, and in the hour of danger expects him, if necessary, to lay down his life in defense of its honor. It should therefore give him the best sanitation and the best medical supervision that the science of the age can devise, be it German or Japanese—a fact of which Congress will do well to take cognizance before it begins another war. For just as surely as the engineer who disregards the signals, or the train dispatcher who gives wrong orders, is legally responsible for the loss of human life in the wreck that follows, so Congress, or the wretched system of the Medical Department of its Army, is responsible for the thousands of soldiers' lives needlessly, criminally sacrificed—not on the glorious field of battle, but in diseased camps—from preventable causes. I believe that if the medical department of the Porto Rican expedition had been properly systematized, with sufficient numbers, with supervisory control over the ration, and with power to enforce sanitary and hygienic regulations, the units of that army would have returned to their homes at the close of the campaign in better physical condition than when they had entered it, improved by their summer outing.

The Medical Department of our Army, whose archaic system almost parallels that of Peking, while falling far below that of Patagonia (and I am familiar with both and speak advisedly), although unequal to cope with the exigencies of the Spanish campaign, is to-day, as the Surgeon-General states, relatively 50 per cent worse off in numbers than at the close of the civil war in 1864 or at the termination of the Spanish-American campaign. The theory upon which it is founded—that the cure of disease rather than its prevention is its objective—still remains in vogue. Although men of brilliant attainments and individual merit are found on its staff, the deplorable system under which they are compelled to serve, and their lack of authority to enforce sanitation and hygiene, render the advisability of the continuance of the Department under present conditions problematical. If it had been totally abolished during the Spanish-American war and the Army placed under the control of the health department of this city, with such an officer as Colonel Waring or its present incumbent in charge, there would not have been such a disgraceful and infamous record. And why? Simply because that department would have had authority to enforce the orders respecting sanitation, diet, and hygiene, and would have assured the safety of the troops.

Under the present system the same old medical regulations remain in vogue, to all intents and purposes, as prevailed before the microbic origin of disease was discovered and the key to sanitation found. So that, if another war were to be declared next summer, our Government would again convert the units of its Army into hospital patients and its veterans into pensioners.

The deplorable collapse of the Medical Department in the Spanish war resulted in the introduction into Congress of a measure to increase its efficiency. The essential features of this bill are merely to increase the commissioned personnel of the medic corps, thereby abolishing the present system of employing contract surgeons, to afford an adequate flow of promotion, and to establish a so-called "medical reserve corps," recruited from recent graduates, who, after examination, may be listed as available for service in time of war. No provision, however, is made for the instruction or training of these reserves.

As a measure of true reform the bill is hopelessly deficient in most essential features. It makes no provision for that most important of all adjuncts, an adequate sanitary department. One keen, up-to-date sanitarian, thoroughly skilled in hygienic, dietetic, and bacteriological knowledge, and armed with the necessary authority to enforce sanitary measures, is worth a hundred so-called "surgeons" to an army in the field, restricted, as they now are, by red tape and lack of authority in matters relating to their special department. No provision is made for an independent transport system, nor are medical officers given advisory authority over the Commissary Department or the soldiers' ration. A regiment may be suffering from diarrhea or intestinal catarrh (and I have seen 90 per cent of an entire command in this condition at one time), compelled to live on a diet of pork and canned beans and fermenting tomatoes until they became hospital cases. Up to this time, the medical officer has no authority to even order a rice diet, which would have prevented the men from becoming invalided. This was one of the principal causes that brought our Army of 170,000 men in the Spanish war almost to its knees in the three months, and sent them home in the shrunken and shriveled condition well remembered by many here to-night.

Under the present system the line officer of the Army is under no obligation to accept the recommendation of the medical officer as to the site or sanitation of a camp. Even in time of peace he has no executive power to enforce sanitation, although he may be convinced that the health of every man is being jeopardized.

I quote from a letter received last week from a prominent medical officer in the Philippines. He says:

"Recently a post commander, without the knowledge of his medical officers, gave permission to a native to dam up a stream on the reservation. The post had been kept free from mosquitos and malaria only by the utmost vigilance. The medical officers protested personally, officially, and by special sanitary reports, but to no purpose. Almost every house soon became infected, one of the surgeons lost his wife, and there were over forty cases. Finally a new post commander tore out the dam. The post was Camp Daraga."

One would suppose that every effort of the medical officers to maintain the health and vigor of the fighting units would be welcomed, and all the authority necessary to keep them so would be gladly accorded by the officers of the line, so in the reality of battle the men would be in the best physical condition. But this is not the case.

The officers of artillery, of cavalry, of infantry, the engineers, and of the signal service, can compel obedience to their orders, but the medical man, whose department fights the foe that has killed 80 per cent in the majority of the great wars of history, can not enforce an order, but can only make a recommendation, which the line officer can accept or reject at his discretion.

The bill ignores the pressing need for medical inspectors and contains no provision for the establishment of a department of pharmacy. This should have at its head a commissioned officer like the late Dr. C. C. Rice, of Bellevue, with commissioned subordinates, as is found in several of the best-organized armies abroad. It should be charged with the purchase and distribution of all medical supplies, the sterilization and care of all surgical instruments, first-aid materials, and the care of hospital records. This would relieve the medical officer of the complicated system of bookkeeping, invoicing, and other similar work that now makes him little more than a property clerk and decreases his value as a physician in ratio to the time he remains in service and wastes the valuable hours he should devote to the legitimate duties of his profession. The civil practitioner gave up the practice of toting his pills and powder when the scientific pharmacist appeared; but Congress, apparently unaware of this adjunct to the medical art, still compels the Army surgeon to peddle his shop wherever he goes, and holds him personally and financially responsible and liable for every item of equipment of the hospital and drug department of which he has charge, be it base, field, or post hospital.

Wherein is the fault of the present system? First and foremost, in the faulty organization of the Medical Department. The rank of Surgeon-General should be commensurate with the importance of the Department of which he is the head. Under a proper system this officer should be responsible only to a national secretary of health, who should be a Cabinet officer, to the Secretary of War, or to the President, and there should be conferred upon him and his subordinates authority in all matters of sanitation and hygiene, except in the emergency of battle, when, of course, all authority should devolve on the officers of the line.

The importance of the medical, as compared with the other staff departments, has never been recognized or appreciated. Until it is realized that the most important function of the medical officer is in the prevention of disease rather than its cure the old custom will prevail. To be efficient, the medical officer must not only be a good physician, but a sanitarian, a bacteriologist, often a chemist, as well as an administrator. Upon him devolves the duty of preventing disease, and his part in maintaining the effectiveness of the units makes him an important factor in the military establishment. His status is essentially military, not in the sense of holding command, but as an integral part of an organization complex in its composition, and whose different members should be so organized as to produce a harmonious and effective whole. Under the existing system he is looked upon simply as a doctor, whose sole function is treating the sick and wounded—whose duties should be confined to the hospital, and whose recommendations should be submitted only when asked for.

In all the wars in which the United States have engaged disease has been responsible for more than 70 per cent of the mortality, more than one-half of which could have easily been prevented had the Medical Department been properly organized and equipped. Preventable disease more than wounds swells the pension lists. Statistics of the Pension Office prove that if this unnecessary loss had been avoided the saving in pensions alone would have paid the cost of the resulting war every twenty-five years. Aside from the sorrow of the homes made desolate, consider the economic value of the 70 per cent of lives now uselessly sacrificed that might be saved as breadwinners in industrial pursuits.

The entire appropriation of the Medical Department for the fiscal year of 1898 was less than $1,000,000; this was increased at the outbreak of hostilities with Spain by something over $2,000,000. Then came the war. As a result of that almost bloodless conflict, the actual hostilities of which lasted only less than six weeks, we paid last year alone $3,471,157 in pensions, with the further assurance of an annual increase for many years to come. The rolls of the Pension Office to-day bear the names of 24,000 pensioners, over 19,000 of whom are invalids and survivors of this war, and over 18,000 additional claims are now pending, although the total of the Cuban army of invasion was only 20,000 men. Last year we paid in pensions a total of $146,000,000; this year the appropriation estimated for has increased to $151,000,000. Are the fatalities of the past to be dismissed from the equation of the future? Instead of repeating our own blunders, why not emulate the successes of others? Possibly the recent action of the Executive in placing a medical officer in command of a hospital, although that hospital chanced to be afloat, may indicate a ray of hope.

It is far from certain, however, that Congress alone is responsible for the deplorable system of our Medical Department. Why does not the Surgeon-General demand from Congress all that is required to make the department really effective, even though the needed appropriation may be increased tenfold? Why does he not marshal his facts and figures and present them in illustration of the suicidal policy of allowing this great waste from preventable disease, thereby demonstrating the value of the medical man as a financial asset? Why does he not show that his department could pay for itself many times over in the annual saving of pensions now resulting from its neglect—that statistics prove this loss amounts every twenty-five years to more than the cost of the war that caused it? Why does he not show the enormous increase in the efficiency of the Army that would result from having fighting men instead of invalids in its ranks? Also the enormous economic value of the lives of the 70 per cent now wasted that might be saved to their families as breadwinners instead of invalids and pensioners? Then let Congress refuse his demand, if it dare assume that responsibility. The liberality and generosity of our nation to its pensioners prove we are not always actuated by base or sordid motives; and if Congress or the American people could be convinced of the necessity for these reforms there would be little difficulty in obtaining their enactment.

Permit a moment's digression to narrate the personal experiences of a soldier, a member of the Association of Military Surgeons of the United States, which occurred within sight of the Dome of the Capitol at Washington. He writes:

"My Dear Seaman: On May 1, 1898, my regiment was sent from our home station to Homestead, L. I., for reorganization from a national guard regiment to a regiment of volunteers for service in the war with Spain. Our hospital corps of trained men was taken from us, as well as our medical supplies and instruments, and the regimental staff of three surgeons was reduced to one, with the rank and pay of a first lieutenant—rather short-handed for a full regiment of 1,333 men. Early in July I was detailed as sanitary inspector of the Army corps to which we were attached, as typhoid fever was breaking out rapidly in every organization attached to the corps.

"My instructions were to inspect all camp sites, sinks, water supply, drainage, food, method of cooking, etc., and report in writing to the

chief medical officer of the corps daily. I assumed the duties with great zeal, for sanitary problems had long been a favorite study, as I had been chief medical officer of my home city, with its population of nearly 400,000, for six years.

"There was at that time a young man in my regiment who formerly belonged to my hospital corps, a graduate of Cornell University, who had taken a post-graduate course in analytical chemistry and was well qualified for chemical and bacteriological work; also a private in a hospital corps detachment, encamped near us, who a few days before his enlistment had returned from Germany, where he had been a student and assistant in Koch's laboratory for four years. A valuable microscope was found in the first division of the hospital, which, as it was not used there, we were assured we could have.

"A list of the required material was prepared, with a probable cost of less than $50, and everything looked favorable for a successful inauguration of my plan. I accordingly drew up a communication to the chief medical officer of the corps, outlining the proposed work, showing how we could analyze suspected foods and water, make the Widal test, blood counts, etc., and do such other work as would naturally present itself. I also informed him that all details had been arranged, and the only thing required to inaugurate the work at once was the proper orders from corps headquarters. It is impossible to express my surprise and disappointment when my plan was returned 'disapproved,' giving as the reason that the men whom I had selected to do the scientific work were not commissioned officers, but only enlisted men, and that 'it would violate all the traditions of the Army to do this work in this manner,' and that 'it was useless to establish a bacteriological laboratory in the field, as it could be of no practical benefit.' In vain I pleaded the urgent need of the hour, that the work could be done in my name, or even in the name of the chief medical officer, but all to no purpose. The plan for the scientific work was thoroughly 'sat down on.'

"I then respectfully asked what plan could be substituted, and was informed that application would be made for a detail of contract surgeons, especially qualified, who would aid in the work as outlined. My zeal, acquired as an old national guard officer, subsided, and I plodded on in my work, looking on and seeing preventable disease sweeping away our soldier boys, and nothing, absolutely nothing, being done to find the source of the infection or prevent its spread.

"The summer passed, the war was over, taps had been sounded over the graves of hundreds of brave boys who had never heard the hum of a hostile bullet, and early in September we were ordered to our home station to be mustered out.

"It was a beautiful Sunday morning, and the site where more than 20,000 men had been encamped was practically deserted. I could hear the sound of the drums and bugles coming faintly through the woods as the regiment marched to the railroad. I lingered at the site of the first division hospital with an ambulance to bring the last of our sick away, when my orderly informed me that an officer wished to see me, and pointed to a man seated on a stump near by. I approached him and was informed that he was a contract surgeon, sent by the Department to report for bacteriological work. I told him that I was glad to see him, but that the war was over, that such of the soldiers who had not died of disease were now on their way home to be mustered out, and that I hoped he would stick to his post, so he would be ready for service when the next war broke out."

And there is nothing in the medical bill now before Congress to keep that man on the stump, so he may be ready when the next war does come, or for his substitute in case he, too, may have joined the great majority before that time.

Is the great medical profession—a profession that in one of the bloodiest wars of history has contributed so largely in reducing the mortality of deaths from disease—to remain subservient to the dictates of the variety of judgment just cited, or is its department in our Army to be reorganized upon rational lines, and its personnel empowered to enforce its mandates, so that the medical and moral rights of the soldier may be safeguarded and the country receive the benefit of his protection?

Boast as we may of our national patriotism and philanthropy, our altruism in freeing Cuba from the tyranny of Spain and in elevating the status of that bunch of trouble, the Philippines, our foreign missions, and our great systems of charity at home, the cold, clammy fact remains that the sons of Nippon in their war with Russia treated their prisoners with far more humanity than our nation does its own soldiers.

In the great oriental conflict just concluded not once did the Muscovite win a victory, but from the Yalu to Mukden was driven from the field and often left to his victors the care of his sick, his wounded, and his dead. Sixty-seven thousand sick Russian prisoners were brought to Japan from Manchuria and nursed back to health. And to the eternal credit and glory of Japan let it be remembered that from the first-aid dressing on the firing line to the transport, the subsistence, the medical care, and the gentle nursing in her home hospitals, no difference was made between the treatment of her own soldiers and those of the enemy. Therefore, without minimizing the splendor of her victories on land or sea, at the Yalu, Port Arthur, Mukden, Shaho, Laioyang, or with Togo at Tshushima, the fact remains that Japan's most splendid evolution and her greatest triumphs have been in the humanities of war. By careful preparation and organization the use of simple, easily digested rations for her troops, and the application of practical sanitation by a fully equipped and empowered medical department, she almost obliterated infectious and preventable diseases from her army and saved its units for the legitimate purposes of war, to wit, the smashing of the enemy in the field. She reduced the mortality in her own army by over 80 per cent, and treated her prisoners with a charity and consideration heretofore unheard of in the history of war, and established a standard in the humanities which the rest of the civilized world will do well to attain.

Let us hope that the day is not distant when the true value of the medical man in war will be appreciated in our own land and will be given the authority in his own sphere that will make it possible for our Army in the day of emergency to equal, if not surpass, this splendid record. Braver men never served with the colors than the American soldiers, as we proved on both sides of the civil war, where many battles (in one of which, at Cold Harbor, 10,000 men fell in ten minutes) exceeded anything known in the Orient, and where it was conclusively proved that our soldier deserves every care and protection a generous Government can bestow.

Mr. HULL of Iowa. Mr. Chairman, I desire to offer an amendment correcting the punctuation.

Line 8, after the word "disinfectants," insert a comma; in line 12, after the word "hospitals," insert a comma; line 22, after the word "for," when it first occurs, insert a comma.

The amendments were agreed to.

The Clerk read as follows:

Engineer School, Washington, D. C.: Equipment and maintenance of the Engineer School of Application at Washington Barracks, D. C., including purchase of instruments, machinery, implements, models, and materials, for the use of the school and for instruction of engineer troops in their special duties as sappers and miners; for land mining, pontoniering, and signaling; for purchase and binding of professional works of recent date treating of military and civil engineering and kindred scientific subjects, for the library of the United States Engineer School; for incidental expenses of the school, including fuel, lights, chemicals, stationery, hardware, machinery, and boats; for pay of civilian clerks, draftsmen, electricians, mechanics, and laborers; for extra-duty pay to soldiers necessarily employed for periods not less than ten days as artificers on work in addition to and not strictly in the line of their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; for repairs of, and materials to repair, public buildings, and machinery; for unforeseen expenses, for travel expenses of officers on journeys approved by the Chief of Engineers and made for the purpose of instruction: *Provided*, That the traveling expenses herein provided for shall be in lieu of mileage and other allowances; and to provide means for the theoretical and practical instruction at the Engineer School by the purchase of text-books, books of reference, scientific and professional papers, and for other absolutely necessary expenses, $25,000.

Mr. SLAYDEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend by adding, on page 42, line 19, after the word "expenses," "*Provided further*, That no part of this appropriation shall be used to pay double salaries to any employee of the Engineer's School."

Mr. HULL of Iowa. I reserve the point of order to ask what the object of it is.

Mr. SLAYDEN. The object is to discourage a practice, which I am told does obtain, of paying two salaries to certain employees. For example, one employee is alleged to receive a salary, and quite a large salary to begin with, and as reimbursment for his services in a particular line of work he is assigned to in addition to that, I am informed he receives $25 per month for certain other work, which he does not perform, but which a subordinate does, and this other man gets the salary.

Mr. HULL of Iowa. I understand it is done in some of the Departments not covered by this bill. The superintendent gets $300 extra.

Mr. SLAYDEN. This is not the superintendent.

Mr. HULL of Iowa. We decline to give it to one.

Mr. SLAYDEN. One was asked for in another school and we declined to give it.

Mr. HULL of Iowa. My understanding is that extra compensation is not carried to anyone in this bill. I have no objection to the amendment if there is any danger of somebody getting two salaries.

Mr. SLAYDEN. I am told it is an absolute fact, and I believe it to be true.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. HULL of Iowa. I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the construction and completion of a building for the post headquarters, engineer school, engineer library, and engineer museum, $350,000: *Provided*, That no plans shall be adopted for the completion of the establishment of the engineer school and post at Washington Barracks, D. C., in accordance with the general lay out of the post and school which was approved by the Secretary of War on December 22, 1904, that shall require a total expenditure in excess of $767,000, including the sum of $350,000 hereby appropriated.

Mr. MANN. I reserve the point of order on that paragraph, and will ask the gentleman if he will state the reason for the appropriation. I call the gentleman's attention to the fact that while evidently the intention of the commitee was to put a limit on the cost of this building there is no such limit in this item.

Mr. HULL of Iowa. Well, there ought to be.

Mr. MANN. The item provides that plans shall not be adopted which will require a total expenditure in excess of $767,000. That is a limitation on the War Department, but not a limitation on future appropriations by Congress at all; and, of course, practically means nothing, because if they adopt plans for a building that costs $2,000,000 and commence the building, and come in here for an appropriation, it would not be subject to the point of order; and while the Department might be guilty of reprehensible practice, they could not tell in advance what possibly the plans might involve. It is customary to put a limit upon the cost of the building.

Mr. HULL of Iowa. Very well. I think it ought to be amended in some way to absolutely limit the cost of the building. We thought we had made it so it could not exceed the appropriation. What do you suggest?

Mr. MANN. What is the necessity of this building? As I understand, they have just completed a building at the school already provided for by Congress, and what is the necessity of this?

Mr. HULL of Iowa. Oh, no.

Mr. MANN. What is the necessity of this building?

Mr. HULL of Iowa. We have completed the building that has been appropriated for, but not this building, which is provided under the plans adopted by the War Department.

Mr. MANN. Not the building upon plans adopted by the War Department, but plans adopted by Congress.

Mr. TAWNEY. The particular building was the library and museum.

Mr. HULL of Iowa. I will call the attention of the gentleman to what is contained here in the hearings, and the gentleman, of course, has the estimates before him, which set out the matter pretty fully.

Mr. MANN. I will confess to the gentleman that I have not read the hearings or estimates on this subject, but I have read the report concerning this school, and from that report I can see no excuse whatever for this building.

Mr. HULL of Iowa. This is not a school entirely. It is also a place where the entire Corps of Engineers that are not on active duty, the enlisted force, and a few officers of the Engineer Corps have their barracks and quarters.

Mr. MANN. I do not understand that this is to provide barracks and quarters for the engineers. I do not know why we should have any large number of engineers here in Washington in connection with barracks and quarters. The engineers of the Army are scattered all over the country and there is a demand for them.

Mr. HULL of Iowa. That is the officers on river and harbor work, but the men do not go to all parts of the country, and many of the officers are line. We have here an engineer school, training the men in pontooning and the different work of the Engineer Corps, training them constantly. We have only part of the officers here, but part of them are always kept with the troops, and as those that are on river and harbor work are shifted around, their duties changing, they come to take the place of those who are here, so that there are always quite a good many officers here, and necessarily so.

Mr. MANN. I have no criticism to make of the Engineer Department of the Army. I have very great respect for that, and expect to have it as long as I have any river and harbor improvements in my district. [Laughter.]

Mr. HULL of Iowa. The hearings are quite full here as to the matter. The present engineer school building has had to be torn down, and new staff officers' quarters built there. The library building has been removed, the hospital has been removed, and they are in process of erecting the buildings to complete the plan that was provided at the time the school was moved to Washington, and this is one of the buildings. They wanted double this amount, but the committee believed we could carry on the work just as economically if we only gave part each year. In speaking of this main building, where so many different departments of the school are to be housed, I use the word "school" with the explanation that it is more than a school. There is a large detachment of troops permanently located there. The committee thought this large building was more important than any of the others that they asked for.

Mr. MANN. The gentleman's appropriation bill this year carries how many million dollars more than the bill of last year?

Mr. HULL of Iowa. It carries about $7,000,000 more than it did last year.

Mr. TAWNEY. Eight million dollars more.

Mr. HULL of Iowa. No; in round numbers it was $78,000,000 last year and $85,000,000 this year. Of course, it is increased by the action of the House on the pay of enlisted men.

Mr. SLAYDEN. That will make it $90,000,000, will it not?

Mr. MANN. Outside of the increase in pay, for instance, as I understand, you carry about two and a half million dollars in order to get in a supply of clothing.

Mr. HULL of Iowa. Yes.

Mr. MANN. Does not the gentleman think that under the circumstances, with the large increase in the appropriation, they can wait another year for the commencement of a building which is not absolutely necessary, in view of the present condition of our finances?

Mr. HULL of Iowa. I will say to the gentleman, of course they can wait if we do not appropriate, but Major Winslow, in command of this school here, gave a very good reason in his statement, on pages 59, 60, and 61 of the hearings, why this building at least should be built, and the committee believed it was important to commence its erection now. Of course if the gentleman desires to strike it out, I shall be sorry, but I recognize the absolute right of the Committee of the Whole to do it.

Mr. SLAYDEN. Mr. Chairman, I dislike very much to have to differ with the chairman of the committee on any matter, for I believe that we of the Military Affairs Committee all labor in a conscientious and earnest desire to make the needful appropriations, to make them with a view to economy of the public service, and to the saving of the public moneys as far as possible.

But I can not refrain from saying that I believe this engineer school is one of the most expensive, inexcusably expensive, propositions that we have ever had. Two or three years ago I called attention to the manner in which the appropriations were secured. We first made an appropriation of $500,000 under the impression that it would build completely and equip the building, or buildings, that would serve all the purposes of the school.

Mr. HULL of Iowa. If the gentleman from Texas will pardon me, he ought not to charge that up to the Engineer School; that is the War College and has nothing to do with the Engineer School.

Mr. SLAYDEN. I am speaking of the Engineer School. We have spent some hundred thousand dollars on this engineer school and they have eleven students.

Mr. HULL of Iowa. The gentleman is mixing up the War College with the school for engineers.

Mr. SLAYDEN. How many students have they got in this engineer school?

Mr. HULL of Iowa. All the enlisted men.

Mr. SLAYDEN. Student officers?

Mr. HULL of Iowa. Students stationed here, nowhere else.

Mr. SLAYDEN. We have spent $1,010,000. The statement was made the other day that there were nine student officers, and that usually there were an average of eleven. We first made an appropriation of $500,000.

Mr. HULL of Iowa. Major Winslow stated that there were eleven at the War College.

Mr. SLAYDEN. And since then we have appropriated $350,000 to complete it. I will ask the gentleman from Iowa if I am mistaken in these appropriations that I have named, and if they were for the War College?

Mr. HULL of Iowa. The $800,000 was for the War College. We started it at $500,000, and supposed that that would finish it. The only thing that has to do with the Engineer School is it is to be located on the same reservation.

Mr. SLAYDEN. What is this Engineer School?

Mr. HULL of Iowa. It is a collection of buildings, barracks, and quarters for the officers and men of the engineer regiment.

Mr. SLAYDEN. And it has nine student officers at this time.

Mr. HULL of Iowa. The gentleman is mixing up the school with the War College. The amount appropriated here is for barracks for enlisted men and officers' quarters.

Mr. SLAYDEN. I believe that nowhere else in the world will there be found so costly a proposition as these two institutions—the Army War College and the Engineer School—have been for the Government; they are equally extravagant, inexcusably extravagant, and I think this appropriation can well wait.

Mr. MANN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chairman thinks that a strict construction of the rule would make this provision inadmissible. It is true there have been rulings which have stretched the rule almost to the breaking point.

The pioneer decision upon this matter was made by Mr. Cox, of New York, when presiding over the committee, something like twenty years ago, and that decision has been followed in other cases—at one time by the present occupant of the chair in a case that seemed to the Chair at the time was on all fours with the case presented at the time Mr. Cox rendered his decision; and the present occupant of the chair then stated that the decision was based entirely on the ruling of Mr. Cox. The case here presented is not on all fours, it seems to the Chair, with that case presented to Mr. Cox as chairman of the committee. It is going a step further than the rulings have heretofore gone, in the wrong direction, and the Chair thinks we have reached the limit of the elasticity of the rule, and therefore sustains the point of order.

The Clerk read as follows:

Small-arms target practice: Ammunition, targets, and other accessories for small-arms and machine-gun target practice and instruction, and for the military instruction and target practice of students of educational institutions and inmates of soldiers and sailors' orphans' homes to which issues of small arms may lawfully be made; marksmen's medals, prize arms, and insignia for all arms of the service, $1,300,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the

paragraph. I would like to ask the gentleman to what extent it is expected to use $1,300,000 in teaching the babies how to handle firearms?

Mr. HULL of Iowa. I should say a small amount. We issue these obsolete guns practically to all military institutions, or institutions where they have military instruction, and to soldiers and sailors' orphans' homes. We inserted this at request of Chief of Ordnance so that they could issue ammunition fit for these guns for practice.

Mr. MANN. Is not this a new provision in the bill, "and for the military instruction and target practice of students of educational institutions?" I understand they are talking about giving Government instruction to pupils in the primary schools throughout the States as to how to use guns.

Mr. HAY. I will suggest to the gentleman from Iowa that the Chief of Ordnance stated that he had been issuing these guns heretofore, and that it had been the custom of the Department to do it; but he said there was no law for it, and he would not continue to do it unless it was placed in the bill.

Mr. HULL of Iowa. The present law is "ammunition, targets, and other accessories for small-arms and machine-gun target practice and instruction."

Mr. MANN. "And for the military instruction and target practice of students of educational institutions"——

Mr. HULL of Iowa. Yes; from the word "instruction," where it appears in line 19, down to and including the words "may lawfully be made," in line 22, it is all new and subject to the point of order, if the gentleman insists upon it.

Mr. MANN. I shall insist upon it, unless the gentleman can give us some information.

Mr. HULL of Iowa. I have very little information on the subject. They have been issuing it, as the gentleman from Virginia [Mr. HAY] says.

Mr. MANN. I make a point of order commencing in line 19, with the word "and," down to and including the word "made," in line 22. There is no authority of law for this, and it is new legislation.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

National trophy and medals for rifle contests: That for the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, and for the cost of the trophy, prizes, and medals herein provided for, and for the promotion of rifle practice, the sum of $5,000, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by adding at the end of line 14, page 46:
"*Provided*, That the trophies and medals herein authorized shall be contested for only by the enlisted men of the Army, the Navy, the Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, I move to amend by striking out in line 12, page 46, the words "the sum of $5,000." They also appear in line 14.

Mr. MANN. It ought to be out of either one line or the other.

Mr. HULL of Iowa. I would strike it out in the first place.

The CHAIRMAN. Is there objection to striking out the words "the sum of $5,000" appearing in line 12, page 46? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

For range finders and other instruments for fire control in field batteries, $165,000.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After line 17, page 46, insert:
"For the purchase of material, equipment, books of instruction, range finders, and fire-control equipment, for the instruction and use of State coast artillery organizations, $25,000."

Mr. TAWNEY. I reserve a point of order on that.

Mr. HULL of Iowa. Mr. Chairman, this came to us in a supplemental estimate for the use of the militia in connection with the Coast Artillery. If it were for the Coast Artillery proper, it would undoubtedly go to the Committee on Appropriations, but the Committee on Military Affairs has had entire control of all the equipment of militia, both in its field batteries and other matters where it is to go to the militia.

Mr. TAWNEY. I shall not make a point of order on that. As I understand it, the amendment is primarily to enable the Department to furnish the militia with the equipment necessary to the use of the range finders or fire control in the artillery practice.

Mr. HULL of Iowa. Everything that makes them more efficient in cooperating with the Coast Artillery.

Mr. TAWNEY. It relates particularly to fire control, does it not?

Mr. HULL of Iowa. Yes.

Mr. TAWNEY. I have no objection to it, and I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Whenever proposals are invited for the furnishing of articles of ordnance property the character of which or the ingredients thereof are of such a nature that the interests of the public service would be injured by publicly divulging them, the Chief of Ordnance is authorized to purchase such articles in such manner as he may deem most economical and efficient.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. I would like to ask the gentleman some questions. It is the most startling provision I have seen for a long time, to permit any Department of the Government to expend almost any sum of money without any safeguards whatever.

Mr. HULL of Iowa. I want to say to the gentleman that I regard that as the most important provision in the bill. To-day the United States Government, experimenting with high explosives has got to go into the market and advertise to the whole world all the material that enters into what we are manufacturing. No other nation on earth does that. This is to enable the Chief of Ordnance to purchase materials that enter into these high explosives without advertising to the world the line of experiment that he is indulging in.

Of course they would not know exactly how he would combine these high explosives, even if they did know what he was buying or what large quantities he was accumulating, but by their own experimentations in the same line they could very nearly duplicate our work; and I think the committee was unanimous on this, at least I have not heard of any dissent, that this one provision in the bill is of the most vital consequence to us in our preparation of high explosives and munitions of war for the national defense.

Mr. MANN. Well, that may be, in a way. I have been listening for a number of days to arguments and hearings on the subject of the transportation of high explosives. We have just reported into the House a bill giving to the Interstate Commerce Commission regulations to govern the transportation of high explosives which may require them to know of what the high explosives may consist; a bill that ought to be passed and a bill that met the approval of the War Department, by the way, as I understand. Now, you do not confine this to explosives at all. You practically say in this provision that the Chief of Ordnance may spend the entire sum of money appropriated in this bill without inviting any proposals or making public in any way what is to be purchased, and leave it solely within his control. It may be true that no other government does it.

It is undoubtedly true that there is no other government on the face of the globe where honesty is so prevalent in the purchase of public supplies as in the United States, for it is a most common thing, as we know, in a great many foreign countries for officers of the government to get a rake-off on this and a rake-off on that in the way of purchase of public supplies, and I do not want to see that occur in our Government.

Mr. HULL of Iowa. Mr. Chairman, before the gentleman makes his point of order, I want to call attention, because it is subject to the point of order, to the language here. It says:

The character of which or the ingredients thereof are of such a nature that the interests of the public service would be injured by publicly divulging them, the Chief of Ordnance, etc.

That does not and can not apply to the matters carried in the bill generally.

Mr. MANN. Who determines that, the Auditor or the Comptroller?

Mr. HULL of Iowa. The Chief of Ordnance.

Mr. MANN. And all he has to do in purchasing a gun is to certify that it is not desirable to make known the character or ingredients——

Mr. HULL of Iowa. I am inclined to think if the gentleman was Secretary of War and an ordnance officer came with such a proposition to purchase a gun he would hunt up a new ordnance officer at once.

Mr. MANN. I do not know that the Secretary of War has authority to hunt up a new officer.

Mr. HULL of Iowa. The President has, absolutely.

Mr. MANN. The President may have the right to designate, by and with the advice and consent of the Senate, but there is nobody authorized to do it.

Mr. HULL of Iowa. I would like very much to have time granted by the committee to have read simply what General Crozier says in his letter on the subject, and then I am perfectly willing for it to go out on the point of order, if the gentleman desires to make it.

The CHAIRMAN. Without objection, the letter will be read.

The Clerk read as follows:

General CROZIER. One of the propositions is with reference to the purchase of material when it is desired to keep such materials secret. Under the statute, as the law now exists, we have to advertise for everything, and if we want to use something of which we think the rest of the world should not know, there is no method of keeping it secret. We must advertise, and publish to the world that we want it. I have here my letter to the honorable Secretary of War explaining the whole matter, which I will insert:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, January 20, 1908.

The SECRETARY OF WAR.

SIR: I have the honor to invite your attention to the fact that this Department, in procuring ingredients for the manufacture of explosives, is at times embarrassed by reason of the fact that in advertising for proposals these ingredients are fully described, and undoubtedly can be furnished by several chemical concerns in this country. Heretofore it has been customary to procure such ingredients for explosives by circular advertisement sent to such parties only as this Department felt reasonably sure would not divulge the uses to which such ingredients might be put by the Government.

2. It has recently been held by the Comptroller of the Treasury that, when such circular advertisements are issued, a copy thereof must be posted in a public place. If such publication is resorted to it might result in the ingredients entering into explosive mixtures and compounds being known and probably foreign nations informed of the character of the explosives used by this Government. This office has in view at present the explosive used as a bursting charge for shells. The mixture of this explosive is confidential, but the ingredients are procured largely from one chemical concern in this country.

3. As the law in such cases does not relieve officers of the Government from resorting to advertisement for proposals, the following legislation is submitted to meet the requirements of the case:

"Whenever proposals are invited for the furnishing of articles of ordnance property, the character of which or the ingredients thereof are of such a nature that the interests of the public service would be injured by publicly divulging them, the Chief of Ordnance is authorized to purchase such articles in such manner as he may deem most economical and efficient."

4. In case the proposed legislation meets with your approval, it is recommended that it be forwarded for the consideration of Congress. As the Committee on Military Affairs of the House now has the Army bill under consideration, it is suggested that this communication be referred to Congress as early as practicable.

Very respectfully,

WILLIAM CROZIER,
Brig. Gen., Chief of Ordnance, U. S. Army.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. I do.

The CHAIRMAN. The point of order is sustained.

Mr. HULL of Iowa. Mr. Chairman, I move that the committee do now rise and report the bill and amendments favorably to the House, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman withhold that for a moment——

Mr. HULL of Iowa. I will withhold the motion for a moment.

Mr. HUMPHREYS of Mississippi. I will ask the chairman if he is willing now to return to the item——

Mr. HULL of Iowa. I will say to the gentleman that this will go to another body which has ample power to amend the bill in that way. If there is any question about their not getting the proper pay it will be fixed.

Mr. HUMPHREYS of Mississippi. It is not a question of proper pay. The question is, that the Comptroller has put a construction on it which was never intended by this body when the law was passed, and I would like to read the letter now, if the gentleman will yield to me——

Mr. HULL of Iowa. I did not recall what the gentleman requested.

Mr. HUMPHREYS of Mississippi. The Comptroller simply says this:

The Comptroller of the Treasury has decided, in the case of Gen. Robert J. Bates, First Brigade Michigan National Guard, that allowances for heat and light while attending service and garrison schools were not permissible under the present law—the act of March 2, 1907 (34 Stat., 1164), providing for subsistence, mileage, and commutation of quarters only.

That is exactly the proposition here—that commutation of quarters did not include pay for allowance for heat and light. I will ask the gentleman, therefore, not to object to our going back and amending that.

Mr. HULL of Iowa. Mr. Chairman, from what I stated to the gentleman before, I will not personally object to going back for this one thing.

Mr. TAWNEY. I object, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from Iowa [Mr. HULL] that the committee do now rise.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I have just one request. I would like to have permission to extend the remarks that I made on this paragraph.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the motion of the gentleman from Iowa [Mr. HULL].

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the Army appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HULL of Iowa. Mr. Speaker, I move the previous question on the bill and the amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the question will be taken on the amendments in gross.

A separate vote was not demanded.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was read the third time and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

INCREASE OF NAVY.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to insert in the RECORD a petition and memorial to Congress signed by certain members of faculties in universities and colleges, and educators of New York City, in opposition to the extravagant demand for $60,000,000 to build four new battle ships, cruisers, and so forth, as an addition to the naval budget of the year.

The SPEAKER. Is there objection?

There was no objection.

The petition and memorial are as follows:

To the Representatives and Senators in Congress:

We, the undersigned members of faculties in universities and colleges and educators of New York City, voicing, as we believe, the sentiments of many thousands of American citizens, earnestly protest against the extravagant demand for an addition of over $60,000,000 in the form of four new battle ships, cruisers, etc., to the naval budget of last year, inasmuch as no danger threatens the country not known last April when President Roosevelt told the world: "We are no longer enlarging our Navy. We are simply keeping up its strength. The addition of one battle ship a year barely enables us to make good the units which become obsolete."

Sixty-five per cent of the national income is now expended on war, past and present. The increase of our naval budget has recently been used in the French Assembly as a reason for increasing its own; is largely responsible for the increase of armaments among Asiatic nations, and is well-nigh certain to retard that reduction in the armaments of the world for which we have so long been waiting.

The growing discontent throughout the world at the appalling increase of waste of national resources must be heeded. We feel that this protest is the more necessary inasmuch as there are various new and effective methods now available for promoting international friendship and rationally settling difficulties which these new demands seem to ignore.

William H. Maxwell, city superintendent of schools.
John H. Finley, president of the College of the City of New York.
Clarence D. Ashley, dean of the law school, New York University.
Henry W. Leipziger, supervisor of public lectures.
John Bates Clark, Columbia University.
George W. Kirchwey, dean of the law school, Columbia University.
Charles P. Fagnani, Union Theological Seminary.
Andrew W. Edson, associate city superintendent of schools.
Samuel T. Dutton, Teachers' College, Columbia University.
H. C. Bumpus, American Museum Natural History.
Frederick Dielman, College of the City of New York.
Alfred G. Compton, College of the City of New York.
James C. Egbert, Columbia University.
James Voorhees, Columbia University.
Francis H. Stoddard, New York University.
Carl Lorentzen, New York University.
James Harvey Robinson, Columbia University.
Henry R. Seager, Columbia University.
Edward L. Thorndike, Teachers' College, Columbia University.
John Dewey, Columbia University.
A. D. T. Hamlin, Columbia University.
Calvin Thomas, Columbia University.
Francis M. Burdick, Columbia University.
J. E. Spingarn, Columbia University.
J. R. Wheeler, Columbia University.
Conzalez Lodge, Teachers' College, Columbia University.
Herbert L. Osgood, Columbia University.
Joseph French Johnson, New York University.
D. W. Hering, New York University.

Arthur B. Lamb, New York University.
Dr. Henry G. Piffard, Columbia University.
Charles Lane Poor, Columbia University.
Louis Celamarre, College of the City of New York.
George C. Scott, College of the City of New York.
William J. Brewster, Columbia University.
William G. McGuckin, College of the City of New York.
Anna M. Olsson, principal Public School 141, Brooklyn.
George Meason Whieher, Normal College.
Hiram H. Bice.
Eugene H. Pool, M. D., Columbia University.
F. W. Osborn, Adelphi College.
James C. Reynolds.
Edwin A. Greenlaw, Adelphi College.
Ellen Murray, Public School 38, Bronx.
Annie J. Farley, Public School 183.
Isabel D. Fisher, Adelphi College.
Agnes E. De Monde, principal Public School 116, Brooklyn.
Kate S. Anthony, Horace Mann School.
C. F. Chandler, Columbia University.
May F. M. Aleer, principal Public School 188.
Charles A. Beard, Columbia University.
Ernest Ilgen, College of the City of New York.
A. Beatrice Beard, Adelphi College.
W. E. Waters, New York University.
Ida Ikeller, Public School 68.
C. L. Speranza, Columbia University.
Frederick L. Ludgueer, principal Public School 152, Brooklyn.
Mrs. Maria Kraus-Bueite, Kraus' Seminary for Kindergarteners.
Mary C. Bergen, Public School 73.
K. R. Brady, Public School 151, Brooklyn.
Charles Perrine, principal Public School 110, Brooklyn.
Eliza S. Pell, principal Public School 96.
M. A. Regan, Public School 107.
A. B. Turner, College of the City of New York.
Joseph Allen, College of the City of New York.
Samuel Newman, College of the City of New York.
J. H. Grotecloss, Public School 11.
Margaretta Uehlein, Public School 54.
Henry C. Pearson, Teachers' College.
Gustave Le Gros, College of the City of New York.
Emma S. Saudrine, Public School 93.
Jeannette S. Sewett, Normal College.
Graham Lusk, New York University.
Henry Edward Crampton, Columbia University.
William M. Campbell, New York University.
Joseph S. Taylor, district superintendent of schools.
Elizabeth A. Duggan, Public School 57.
M. B. Coles, Normal College.
Cecile Freese, Horace Mann School.
Edmund Burke, College of the City of New York.
Ellen M. Philips, principal Public School 131.
J. G. Bowtell, Normal College.
Royal Whitman, Columbia University.
A. G. Jacob, Jamaica High School.
H. F. Walker, Columbia University.
G. M. Swift, Columbia University.
George N. Boardman, Columbia University.
Edwin C. Broome, Adelphi College.
A. Henry Grant, Jersey City High School.
Samuel Ayers, Public School 132.
J. C. Gordy, New York University.
Caroline Emanuel, Public School 50.
Charles C. Roberts, Public School 25.
Emma L. Johnston, Brooklyn Training School.
M. A. Bigelow, Teachers' College, Columbia University.
Isabella Sullvan, Public School 170.
Maurice J. Thompson, Public School 6.
M. Allen Starr, Columbia University.
William E. Grady, Public School 64.
Ellen T. O'Brien, Public School 36.
Kate M. Falvey, Public School 78.
Jessie Ashley, New York University.
Jennie Birmingham, Public School 90.
Charles Bikle, Horace Mann School.
George Philip Krapp, Columbia University.
Augusta L. Cassidy, Public School 49.
Benjamin Veit, Public School 1.
William B. Coley, Columbia University.
M. B. Barringer, Public School 39.
Teresa C. Burke, Public School 121.
Downing Bain, New York University.
Clara American, Public School 127.
Gertrude Hirst, Columbia University.
William N. Story, Public School 34.
Elizabeth J. Hofer, Public School 174.
William J. O'Leary, Public School 5, Brooklyn.
Elizabeth V. Gaines, Adelphi College.
John F. Reigart, principal School 2.
Emma Sylvester, principal Public School 35.
Paul Monroe, Teachers' College.
V. E. Kilpatrick, principal Public School 52.
Millicent Baum, principal Public School 168.
William L. Ettinger, Public School 147.
Isaac Price, Public School 65b.
Olivia J. Hall, Public School 157.
James Sullivan, Boys' High School, Brooklyn.
Charles J. Pickett, principal Public School 26, Bronx.
Margaret E. Maltby, Barnard College.
H. M. C. Vedder, New York University.
William L. Fuller, Girls' High School.
Charles Gray Shaw, New York University.
J. F. Kemp, Columbia University.
Florence M. Marshall, Horace Mann School.
W. L. Bulkley, principal Public School 80.
F. M. McMurry, Teachers' College, Columbia University.
William E. B. Starkweather, College of the City of New York.
John F. Harris, principal Public School 95.
M. F. O'Connell, principal Public School 31.
Jennie M. Tower, principal Public School 114.
Sadia E. Baird, Public School 48.
Helena A. Hulskamp, Elementary School 63.
Mary L. Brady, Public School 177.
Florence E. Viet, Packer Collegiate Institute, Brooklyn.
Mary A. Willis, Packer Collegiate Institute.
John F. Woodhull, Columbia University.
M. Adelainde Nutting, Teachers' College, Columbia University.
George N. Olcott, Columbia University.
Charles P. Berkey, Columbia University.
Julia Emery Turner, Packer Collegiate Institute.
E. L. Kuntz, Columbia University.
Joseph E. Messenger, New York.
Clarence H. Young, Columbia University.
Edith C. Squires, Packer Collegiate Institute.
E. Kelly, Public School 87, Brooklyn.
Lyman A. Best, Public School 108.
John J. Wells, Public School 35, Brooklyn.
M. D. Batchelder, Horace Mann School.
E. G. Sihler, New York University.
F. A. Irvine, Public School 68, Brooklyn.
Elenore E. Elliott, Public School 57.
Catherine P. Candler, Normal College.
E. Aubert, Normal College.
Herbert G. Lord, Columbia University.
Laura B. Collier, Packer Collegiate Institute.
E. F. Nichols, Columbia University.
Robert Peele, Columbia University.
Virgil Prettyman, Horace Mann School.
Thomas C. Baker, Public School 44, Brooklyn.
Bernard J. Devlin, Public School 13, Bronx.
M. E. Quinn, Public School 125.
Ella Keith, Normal College.
Kathleen M. Kullen, Public School 66, Brooklyn.
Margaret S. Winslow, Public School 18, Brooklyn.
Harriet L. Bogue, Public School 55, Brooklyn.
Gertrude E. Hale, Packer Collegiate Institute, Brooklyn.
Julia B. Anthony, Paker Collegiate Institute, Brooklyn.
Emily H. Welch, Packer Collegiate Institute, Brooklyn.
Edwin B. Uline, Public School 27.
Mary Walsemaim, Public School 8, Brooklyn.
Matilda C. Skine, Public School 20, Brooklyn.
M. W. Kennerly, Normal College.
M. J. Merritt, Public School 29, Brooklyn.
Joseph C. Pfister, Columbia University.
Mary A. Regan, Public School 31, Bronx.
William P. McCarthy, Public School 42, Bronx.
Mary C. V. Connolly, Public School 113.
L. A. McLauth, New York University.
Channing Rudd, New York University.
Charles C. Holden, Public School 17, Bronx.
James S. C. Wells, Columbia University.
James C. Rogers, Public School 128, Brooklyn.
Olin Cartridge, Horace Mann School.
Elizabeth F. Doherty, Public School 42, Brooklyn.
Henry C. Sherman, Columbia University.
Miss Miriam Werner, Normal College, New York.
William Fox, The College of the City of New York.
Priscilla Fletcher, Normal College.
Henry E. Bliss, College of the City of New York.
C. Howard Parmly, College of the City of New York.
Sarah Goldie, Public School 190.
Kate M. Stephens, Public School 135.
Walter W. Arnold, Horace Mann School.
Ida E. Robins, Teachers College, Columbia University.
Elizabeth M. Wheelock, Horace Mann School.
Edmund M. Foote, College of Physicians and Surgeons, Columbia University.
John S. Fitzpatrick, Public School 81, Brooklyn.
Augusta Beck, Public School 88, Brooklyn.
Kate Van Wagenen, Public School 2, Bronx.
Andrew E. Eichman, Public School 97, Brooklyn.
James E. Lough, New York University.
Louise Castle, Public School 92, Brooklyn.
Edward Bush, Public School 18, Brooklyn.
Curtis Claassen, New York University and Bellevue Hospital Medical College.
Leslie J. Tompkins, New York University Law School.
Gorham Bacon, Columbia University.
Carlos F. MacDonald, University and Bellevue Medical College.
Barclay W. Bradley, College of the City of New York.
Edward Mandell, Public School 188.
Mary A. Mason, Public School 79, Brooklyn.
Moses Becker, jr., Public School 118, Brooklyn.
Kate Morgan Ward, Packer Collegiate Institute.
Fred H. Sykes, Columbia University.
F. N. Cole, Columbia University.
David Sneddon, Columbia University.
Allan Abbott, Horace Mann School.
C. M. Baker, Horace Mann School.
Adolph Werner, College of the City of New York.
Emory B. Lease, College of the City of New York.
Marie-Louise Raoux, Normal College.
Mary Amelia Sheldon, Normal College.
Lewis F. Mott, College of the City of New York.
Charles A. Downer, College of the City of New York.
Marion S. Coan, Normal College.
Susan E. Van Wert, Normal College.
Thomas J. Meighan, Public School 27, Bronx.
L. G. Simmons, Normal College.
A. Wadsworth, Columbia University.
Frederica J. Constantini, Normal College.
Margaret Laing, Public School 117, Brooklyn.
Henry G. Kost, College of the City of New York.
Joseph G. Furey, Public School 123, Brooklyn.
Lilla A. Nourse, Columbia University.
Jefferson B. Fletcher, Columbia University.
Herbert M. Richards, Barnard College.
Marie H. Brooks, Horace Mann School.
John King Clark, Public School 23, Bronx.
Roland H. Williams, Horace Mann School.
Frank E. Brooks, Horace Mann School.
A. L. McDevitt, Public School 61, Brooklyn.
Maud V. Keyes, Horace Mann School.
Charles D. Raine, principal Public School 147.
Winifred T. Cullen, Public School 56.
E. G. Bridgham, Public School 111.
Lillian E. Rogers, Horace Mann School.
Mary E. O'Donnell, Public School 90, Brooklyn.

C. C. Calkins, Public School 6, Brooklyn.
M. Louise Rockwood, Public School 46, Brooklyn.
Honor E. Quinn, Public School 63, Brooklyn.
Lizzie F. Spafford, Public School 161.
C. F. Kayser, Normal College.
James T. Shorwell, Columbia University.
Eugenie C. Levie, Public School 124.
Walter B. James, Columbia University.
Isabella F. Wright, Public School 104.
N. B. Foster, Columbia University.
L. G. Forward, Bellevue Hospital Medical School.
Prince A. Movine, Bellevue Hospital Medical School.
Mary S. Woolman, Teachers' College, Columbia University.
Oliver C. Mordock, Public School 10, Brooklyn.
Marion Clarey, Public School 19.
Robert F. Smith, College of the City of New York.
Dorothy C. Hess, Normal College.
Mary G. Peabody, Horace Mann School.
H. H. Presby, New York College of Pharmacy.
Edward S. Page, Public School 77.
Margaret Knox, Public School 15.
J. Loaz, Packer Collegiate Institute, Brooklyn.
Freda M. Brunn, Adelphi College, Brooklyn.
Eugenie Menut, Horace Mann School.
Stephen P. Duggan, College of the City of New York.
Linneas E. La Ferra, Columbia University.
L. Emmett Holt, Columbia University.
Charles P. Warren, Columbia University.
Emma J. MacAlarney, Horace Mann School.
J. D. Miller.
Charles F. Horne, College of the City of New York.
Frank Rollins, The Stuyvesant High School.
Leon Brummer, New York University.
Nathan Abbott, Columbia University.
George T. Holm, Columbia University.
N. Louise Roethgen, Adelphi College, Brooklyn.
Phillip D. Kurrison, University, Bellevue Medical School.
Franz Boas, Columbia University.
Carl Leonardo Speranza, Columbia University.
Frederick H. Wilkens, New York University.
Rudolph M. Binder, New York University.
Helen H. Tanzer, Normal College of the City of New York.
Mary J. McHench, principal Public School 114, Brooklyn.
Margaret M. Slattery, principal Public School 53, New York City.
Eliza A. Caterson, Public School 21, New York City.
Julia C. Cremins, New York University.
Amanda C. Northrop, Normal College.
Jesse H. Bigham, Department of Manual Training, New York City.
Mabel L. Chesley, Erasmus High School, New York City.
Arthur Schultze, New York University.

EXTENSION OF TIME FOR HOMESTEAD ENTRYMEN.

Mr. PRAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 14043, which I send to the Clerk's desk and ask to be read.

The Clerk read as follows:

A bill (H. R. 14043) to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana.

Be it enacted, etc., That the homestead entrymen on lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana, opened to entry July 22, 1907, be, and they are hereby, granted an extension of time in which to establish their residence upon the lands so opened and filed upon until the 15th day of May, 1908: *Provided, however*, That this act shall in no manner affect the regularity or validity of such filings, or any of them, so made by the said entrymen on the lands aforesaid; and it is only intended hereby to extend the time for the establishment of such residence as herein provided.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I would like to ask if this is a unanimous report of the committee?

Mr. PRAY. This is a unanimous report from the Committee on the Public Lands, and it also has the approval of the Secretary of the Interior.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PRAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNLAWFUL OCCUPANCY OF PUBLIC LANDS.

Mr. PRAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 3941.

The Clerk read as follows:

An act (S. 3941) to amend section 4 of an act entitled "An act to prevent unlawful occupancy of the public lands," approved February 25, 1885.

Be it enacted, etc., That section 4 of an act entitled "An act to prevent unlawful occupancy of the public lands," approved February 25, 1885, be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That any person violating any of the provisions hereof, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding $1,000, or be imprisoned not exceeding one year, or both, for each offense."

The SPEAKER. Is there objection?

There was no objection.

The bill was read a third time and passed.

On motion of Mr. PRAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same.

H. R. 17227. An act to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth.

BRIDGE ACROSS ROCK RIVER, COLONA FERRY, ILLINOIS.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17422) to authorize the counties of Henry and Rock Island, in the State of Illinois, to construct a bridge across Rock River at or near Colona Ferry, in said State.

The bill was read, as follows:

A bill (H. R. 17422) to authorize the counties of Henry and Rock Island, in the State of Illinois, to construct a bridge across Rock River at or near Colona Ferry, in said State.

Be it enacted, etc., That the counties of Henry and Rock Island, in the State of Illinois, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rock River at or near Colona Ferry, in the State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. WILLIAMS. I will ask the gentleman from Illinois if this is a unanimous report from the committee?

Mr. PRINCE. It is.

Mr. WILLIAMS. And the bill is drawn in accordance with the general law governing the construction of bridges across navigable streams?

Mr. PRINCE. It is.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

BIOLOGICAL AND FISH-CULTURAL STATION, SECOND CONGRESSIONAL DISTRICT, IOWA.

Mr. GREENE. Mr. Speaker, by direction of the Committee on the Merchant Marine and Fisheries, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill H. R. 13659 and that it be recommitted to the committee.

The SPEAKER. The gentleman from Massachusetts, by direction of the Committee on the Merchant Marine and Fisheries, asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of the bill, the title of which the Clerk will report, and that the same be recommitted to the Committee on the Merchant Marine and Fisheries.

The Clerk read as follows:

A bill (H. R. 13659) to establish a biological and fish-cultural station in the Second Congressional District of the State of Iowa.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

UNPAID HAWAIIAN POSTAL SAVINGS-BANK DEPOSITS.

Mr. DRAPER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 11560) relating to unpaid Hawaiian Postal Savings Bank deposits.

Be it enacted, etc., That whenever, by reason of the death of any person and the want of an executor or administrator, any demand for moneys deposited in the Hawaiian Postal Savings Bank can not be certified to by the governor of Hawaii as provided in section 102 of "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, the governor may, upon written application, certify to such demand as due to the persons satisfactorily proved to him to be the persons who would be entitled to the personal estate of the decedent by the terms of the laws of Hawaii relating to the distribution of estate of intestates, and his certificate so made, when sealed, countersigned, and approved as provided in said section for other certificates shall have the same force and effect as such other certificates.

SEC. 2. That all claims to moneys deposited in the Hawaiian Postal Savings Bank not presented for certification as provided by law within two years after the passage of this act shall be forever barred.

SEC. 3. That when all claims certified as provided by law have been paid the Secretary of the Interior shall draw his warrant for the balance, if any, of the Hawaiian Postal Savings Bank deposits then remaining unpaid upon the Treasurer of the United States payable to the treasurer of the Territory of Hawaii, who shall thereupon apply the same toward the payment of the public debt of Hawaii, in conformity with the provisions of the "Joint resolution to provide for annexing the Hawaiian Islands to the United States," approved July 7, 1898.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Reserving the right to object, I do not precisely understand this. It seems to be a somewhat complicated matter. Is this a payment out of the United States Treasury or is it a payment out of the Hawaiian treasury?

Mr. DRAPER. This relates to a sum of $2,244.74 unpaid deposits in the Hawaiian Postal Savings Bank. This is to authorize the governor to certify to the heirs——

Mr. WILLIAMS. I understand that. How does this money get there?

Mr. DRAPER. Why, it is a balance of money in the Hawaiian Postal Savings Bank.

Mr. WILLIAMS. Then why was the money paid into the Treasury from the Postal Savings Bank?

Mr. DRAPER. It was money that was in the savings bank seven years ago when the bank commenced to liquidate, and this is the balance on hand.

Mr. WILLIAMS. Well, what I am getting at is this: This comes out of the funds of the Hawaii Savings Bank and is not paid out of the Treasury?

Mr. DRAPER. That is right.

Mr. DALZELL. It is not public money at all.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading, and being engrossed it was accordingly read the third time and passed.

ADJOURNMENT.

Mr. HULL of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 13 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Ammon F. Lindley, administrator of estate of Martha W. Lindley, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Merit F. Thomas against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Jane S. Bishop, administratrix of estate of E. W. Bishop, against The United States—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GREGG, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 305) to reorganize and increase the efficiency of the Hospital Corps of the United States Navy, and regulate its pay, reported the same without amendment, accompanied by a report (No. 1122), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 4063) for the widening of Benning road, and for other purposes, reported the same with amendments, accompanied by a report (No. 1123), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSTER of Indiana, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16269) authorizing the extension of Ninth street NW., reported the same with amendments, accompanied by a report (No. 1124), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17303) authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW., reported the same with amendments, accompanied by a report (No. 1125), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 12677) to establish a simple and scientific monetary system, founded upon gold, guaranteed bank notes, and silver, with uniform banking and bank reserves in gold coin or its equivalent; to guarantee all deposits and note issues, and to fix certain rules and regulations whereby the financial operations of the Government shall cease to be a disturbing factor in our trade and commerce, reported the same with amendments, accompanied by a report (No. 1126), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 15230) to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia," reported the same with amendments, accompanied by a report (No. 1128), which said bill and report were referred to the House Calendar.

Mr. McMILLAN, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 15231) to amend the license law approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire, reported the same without amendment, accompanied by a report (No. 1129), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17979) requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said Commission, reported the same with amendment, accompanied by a report (No. 1130), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14549) granting a pension to Benjamin C. Durham, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MUDD: A bill (H. R. 18442) to provide for the purchase of ground for and the erection of a public building for an immigration station, on a site to be selected for such station in the city of Baltimore, State of Maryland—to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 18443) authorizing a resurvey of certain townships in the State of Wyoming—to the Committee on the Public Lands.

By Mr. SULLOWAY: A bill (H. R. 18444) to provide for the extension of S street NW. from Second street to Third street, and for other purposes—to the Committee on the District of Columbia.

By Mr. DALZELL (by request): A bill (H. R. 18445) to investigate and develop methods of treatment of tuberculosis—to the Committee on Appropriations.

By Mr. VREELAND: A bill (H. R. 18446) forbidding the importation, exportation, or carriage in interstate commerce of gold-filled or gold-plated watch cases bearing words or marks importing a guaranty of wear for a specified time, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: A bill (H. R. 18447) to establish a subtreasury at Kansas City, Kans.—to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: A bill (H. R. 18448) for the erection of a public building at Faribault, Minn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18449) to provide for a survey for the improvement of the navigation of the Minnesota River and for the removal of the dam from the mouth of said river—to the Committee on Rivers and Harbors.

By Mr. BEDE: A bill (H. R. 18450) authorizing the construction of a railroad bridge over the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERWOOD: A bill (H. R. 18451) increasing the limit of cost of a public building at Toledo, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. BRUNDIDGE: A bill (H. R. 18452) to provide for the erection of a public building at Searcy, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. HILL of Connecticut: A bill (H. R. 18453) to provide for the purchase of a site and the erection of a public building thereon at Danbury, in the State of Connecticut—to the Committee on Public Buildings and Grounds.

By Mr. BURLESON: A bill (H. R. 18454) for the erection of a public building at San Marcos, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. SHERWOOD: Joint resolution (H. J. Res. 146) to create a commission to inquire into the practicability of acquiring Government ownership of and preserving as public grounds the estate known as Monticello, in Virginia, home of Thomas Jefferson—to the Committee on Public Buildings and Grounds.

By Mr. MANN, from the Committee on Distribution of House Rooms: Resolution (H. Res. 269) for the further assignment of House Office Building rooms—to the House Calendar.

By Mr. SCOTT: Resolution (H. Res. 270) for additional pay for the clerk to Committee on Agriculture—to the Committee on Accounts.

By Mr. FORDNEY: Resolution (H. Res. 271) for assignment of a janitor to room 503 in the Congressional Office Building—to the Committee on Accounts.

By Mr. DAVENPORT: Memorial of the legislature of Oklahoma, asking Congress to grant to the settlers of the Kiowa, Comanche, and Apache Indian reservations in Oklahoma, free homes—to the Committee on Indian Affairs.

By Mr. SPARKMAN: Memorial of the legislature of Florida, asking Congress to pass a law requiring the War Department to furnish the adjutant-general of Florida a list of soldiers from that State who served in the various wars of the United States—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEALE of Pennsylvania: A bill (H. R. 18455) granting an increase of pension to George W. Frazier—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 18456) granting an increase of pension to Eliza Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18457) granting an increase of pension to Jane Lupton—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 18458) granting an increase of pension to Thomas B. Evans—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 18459) to correct the military record of W. H. Newman—to the Committee on Military Affairs.

By Mr. CLAYTON: A bill (H. R. 18460) granting an increase of pension to Curtis G. Bagwell—to the Committee on Pensions.

Also, a bill (H. R. 18461) to pay Brewer & Patterson, or the survivors thereof, for cotton taken during the civil war—to the Committee on War Claims.

By Mr. DAVENPORT: A bill (H. R. 18462) to issue patents in fee simple for and to remove the restrictions upon the alienation of lands allotted to Lan-e-pe-shaw, or Frank Beaver, and others, members of the Peoria tribe of Indians in Oklahoma—to the Committee on Indian Affairs.

By Mr. DRAPER: A bill (H. R. 18463) granting an increase of pension to Charles H. Trumble—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 18464) granting an increase of pension to Charles O. Baker—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 18465) for the relief of Rufus L. King—to the Committee on Claims.

By Mr. FOSS: A bill (H. R. 18466) granting an increase of pension to Leander F. Merrill—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 18467) granting an increase of pension to Alphonzo N. Nicholds—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 18468) granting an increase of pension to Josiah Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18469) granting an increase of pension to Isaac W. Whitsett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18470) granting a pension to James G. Johnson—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 18471) for the relief of the heirs of Benjamin Morgan, deceased—to the Committee on War Claims.

By Mr. HILL of Mississippi: A bill (H. R. 18472) granting a pension to John Chatman—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 18473) for the relief of A. V. Coles—to the Committee on Claims.

By Mr. LAMAR of Florida: A bill (H. R. 18474) granting an increase of pension to Thomas W. Crosby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18475) granting an increase of pension to William Geddes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18476) granting a pension to William A. Lee—to the Committee on Pensions.

Also, a bill (H. R. 18477) granting a pension to William Barnett—to the Committee on Pensions.

Also, a bill (H. R. 18478) granting a pension to Emma C. Theinlin—to the Committee on Pensions.

Also, a bill (H. R. 18479) for the relief of Sarah E. Callahan—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 18480) for the relief of the heirs of William O'Bryant—to the Committee on War Claims.

By Mr. LEE: A bill (H. R. 18481) for the relief of the estate of Major E. Davis—to the Committee on War Claims.

By Mr. McLAIN: A bill (H. R. 18482) for the relief of A. P. Sparkman—to the Committee on War Claims.

By Mr. MUDD: A bill (H. R. 18483) granting a pension to Ida S. Conway—to the Committee on Pensions.

Also, a bill (H. R. 18484) for the relief of Jeanie G. Lyles—to the Committee on War Claims.

By Mr. PARSONS: A bill (H. R. 18485) to complete the military record of William M. Burrows—to the Committee on Military Affairs.

By Mr. RUSSELL of Missouri: A bill (H. R. 18486) granting a pension to R. D. Fleming—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 18487) for the relief of Charles H. Dunning—to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 18488) for the relief of George T. Larkin—to the Committee on Claims.

By Mr. SMALL: A bill (H. R. 18489) for the relief of Walter T. Dough—to the Committee on War Claims.

Also, a bill (H. R. 18490) for the relief of Hannah B. Sabiston—to the Committee on Claims.

Also, a bill (H. R. 18491) for the relief of the estate of D. L. Pritchard, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18492) to correct the military record of Wiley W. Woolard—to the Committee on Military Affairs.

Also, a bill (H. R. 18493) granting a pension to Emma Swanner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18494) for the relief of the estate of Esau Berry, deceased—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 18495) granting an increase of pension to Edward Martin—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 18496) for the relief of James W. Fitzgerald—to the Committee on Claims.

Also, a bill (H. R. 18497) for the relief of Robert B. Watson—to the Committee on Claims.

Also, a bill (H. R. 18498) for the relief of Jacob H. Mays—to the Committee on Claims.

Also, a bill (H. R. 18499) for the relief of the heirs of Elias E. Blackburn, late marshal of the northern district of Florida—to the Committee on Claims.

By Mr. TAYLOR of Alabama: A bill (H. R. 18500) to authorize the issuance of a patent to William Gibson for land located in Choctaw County, State of Alabama—to the Committee on the Public Lands.

By Mr. TAYLOR of Ohio: A bill (H. R. 18501) for the relief of the legal representatives of Joseph White, deceased—to the Committee on War Claims.

By Mr. THISTLEWOOD: A bill (H. R. 18502) granting an increase of pension to James R. Candle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18503) granting an increase of pension to Joshua G. Collins—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 18504) granting an increase of pension to James B. Waters—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 18505) for the relief of Rebecca Walthall, widow, and the heirs of John Walthall, deceased—to the Committee on War Claims.

By Mr. WANGER: A bill (H. R. 18506) granting an increase of pension to Samuel R. Fisher—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 18507) granting an increase of pension to James A. Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18508) granting an increase of pension to Caldwell G. Byers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18509) granting an increase of pension to Charles Dalrymple—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BENNET of New York: Petition of New York Board of Trade and Transportation, for appropriation for a seagoing tug for rescue work off Point Judith (previously referred to the Committee on the Merchant Marine and Fisheries)—to the Committee on Interstate and Foreign Commerce.

By Mr. BRICK: Petition of Plumbers' Union No. 172, of Indiana, for battle-ship construction in navy-yards—to the Committee on Naval Affairs.

By Mr. BURLEIGH: Petition of C. C. Harvey, of Fort Fairfield, Me., against order of Postmaster-General relative to credit subscriptions—to the Committee on the Post-Office and Post-Roads.

Also, petition of Honesty Grange, No. 83, of Morrill, Me., for a national highway commission—to the Committee on Agriculture.

By Mr. BUTLER: Petition of Glass Bottle Blowers' Association of United States and Canada, Branch No. 31, of Spring City, Pa., against S. 2926 (Tillman bill)—to the Committee on the Judiciary.

Also, petition of James Ledom, jr., of Media, Pa., for S. 3152 (protection of dairy interests)—to the Committee on Agriculture.

By Mr. CALDER: Petition of International Stereotypers and Electrotypers' Local Union No. 1, of New York, for removal of duty on white paper and wood pulp, etc.—to the Committee on Ways and Means.

By Mr. CHAPMAN: Petitions of Grand Army of the Republic posts in the following towns of Illinois: Clay City, No. 269; Chicago, Nos. 740, 444, and 91; Jacksonville, No. 328; Galena, No. 502; Pontiac, No. 105; Springfield, No. 30; Newton, No. 550; Rockwood, No. 734, and Sparta, No. 181, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Petition of Henry Concklin Post, No. 171, Grand Army of the Republic, of East Troy, Wis., against abolition of pension agencies—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of Board of Trade of Apalachicola, Fla., favoring action of National Rivers and Harbors Congress relative to improvement of waterways—to the Committee on Rivers and Harbors.

Also, petition of the Jacksonville Credit Men's Association, favoring the passage of H. R. 13266, relative to bankruptcy law—to the Committee on the Judiciary.

Also, petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. DAVIS of Minnesota: Petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains—to the Committee on Agriculture.

By Mr. DRAPER: Petition of Local Union No. 1, of International Stereotypers and Electrotypers, of New York, for removal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

Also, petition of educators of New York City, against increase of Navy—to the Committee on Naval Affairs.

By Mr. DUREY: Paper to accompany bill for relief of Elmira Ames—to the Committee on Pensions.

By Mr. ESCH: Paper to accompany bill for relief of Charles O. Baker—to the Committee on Invalid Pensions.

By Mr. FOCHT: Paper to accompany bill for relief of John Shull—to the Committee on Claims.

By Mr. FULLER: Paper to accompany bill for relief of Alphonzo N. Nicholds—to the Committee on Invalid Pensions.

Also, petition of F. W. Chickering, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. GOULDEN: Petition of National Guards of New York, for H. R. 14783 and S. 4316, for improvement of the militia—to the Committee on Militia.

Also, petition of Local Union No. 1, International Stereotypers and Electrotypers, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. HAMLIN: Petition of I. O. Striker and 39 others, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAWLEY: Paper to accompany bill for relief of Enoch Wimberly—to the Committee on Invalid Pensions.

By Mr. HEFLIN: Senate joint resolution of State of Alabama, according the Hon. Jabez Lamar Monroe Curry the tribute of a statue in the national Statuary Hall—to the Committee on the Library.

By Mr. HOUSTON: Paper to accompany bill for relief of James W. Crook—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Frederick C. Lang, of Hoboken, N. J., for H. R. 15004, granting American register to steamship *Eva*—to the Committee on the Merchant Marine and Fisheries.

By Mr. HUMPHREY of Washington: Petition of Grace Methodist Episcopal Church, of Seattle, Wash., for closing gates of Alaska-Yukon-Pacific Exposition on Sundays—to the Select Committee on Industrial Arts and Expositions.

Also, petition of F. E. Coolidge and others, of Everett, Wash., for adequate and effective Asiatic-exclusion laws—to the Committee on Immigration and Naturalization.

Also, petitions of Grace Methodist Episcopal Church and Madison Street Methodist Episcopal Church, of Seattle, Wash., against sale of intoxicating liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. KENNEDY of Iowa: Paper to accompany bill for relief of A. C. Coles—to the Committee on Claims.

By Mr. LLOYD: Petition of soldier citizens of La Plata, Mo., for increase of pensions for all soldiers to $20 per month and for all widows of soldiers to $12 per month—to the Committee on Invalid Pensions.

By Mr. MALBY: Paper to accompany bill for relief of N. M. Curtis—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: Petition of Boston Architectural Club, of Boston, Mass., favoring plan of Park Commission for the improvement of Washington—to the Committee on Public Buildings and Grounds.

By Mr. RIORDAN: Petition of Local Union No. 1, International Stereotypers and Electrotypers, of New York, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Charles E. Davis, of the National Guard Association, State of New York, favoring S. 4316 and H. R. 14783, amending militia act of January 21, 1903—to the Committee on Militia.

Also, petition of educators of New York City, against increase of Navy—to the Committee on Naval Affairs.

By Mr. RYAN: Petition of Merchants' Association of New York, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of drug trade secretary of New York Board of Trade and Transportation, against S. 42 and 3043 and H. R. 6089—to the Committee on Interstate and Foreign Commerce.

Also, petition of national convention of the unemployed, for appropriation of $150,000,000 for improvement of waterways—to the Committee on Rivers and Harbors.

Also, petition of Chicago Federation of Labor, for H. R. 15123 and S. 4395 (investigation of telegraph companies)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Buffalo Lodge, No. 12, Brotherhood of Locomotive Engineers and Firemen, for S. 4260 (Clapp free-pass amendment)—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: Petition of North Hudson Ministerial Association, of Hudson County, N. J., representing churches with 5,000 members, for the Sims prohibitory bill (H. R. 9086)—to the Committee on the District of Columbia.

By Mr. SPARKMAN: Petition of Benjamin M. Caldwell, favoring parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Washington County Union, of the National Educational and Cooperative Union of America, for legislation improving our banking laws—to the Committee on Banking and Currency.

Also, petition of Central Trades and Labor Assembly, of Tampa, Fla., for battle-ship construction in navy-yards—to the Committee on Naval Affairs.

By Mr. SULZER: Petition of educators of the city of New York, against increase of the Navy—to the Committee on Naval Affairs.

Also, petition of W. D. Hamilton, of Columbus, Ohio, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. WALLACE: Paper to accompany bill for relief of George W. Robinson—to the Committee on Pensions.

SENATE.

MONDAY, *March 2, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. MCCREARY, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

STATUE OF COUNT DE ROCHAMBEAU.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a letter from the French ambassador expressing his appreciation of the presentation to him of 500 copies of the proceedings attending the unveiling in Washington, D. C., of the statue of Count de Rochambeau, which, with the accompanying paper, was referred to the Committee on Foreign Relations and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims transmitting certified copies of the findings of fact found by the court in the following causes:

In the cause of the Trustees of the Cumberland Presbyterian Church of Larkinsville, Ala., *v.* United States;

In the cause of the Trustees of McDaniel's Chapel, Methodist Episcopal Church South, of Shellmound, Tenn., *v.* United States;

In the cause of the County of Phelps, State of Missouri, *v.* United States;

In the cause of Leroy P. Walker, sole heir at law of Eliza D. Walker, and L. P. Walker, her husband, *v.* United States;

In the cause of the Christian Church, near Old Austin, Lonoke County, Ark., *v.* United States; and

In the cause of the Trustees of the Methodist Episcopal Church South, of Unison, Va., *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3941) to amend section 4 of an act entitled "An act to prevent unlawful occupancy of the public lands," approved February 25, 1885.

The message also announced that the House had passed the concurrent resolution authorizing the Department of State to invite the governments of other countries, through their ministries, to send representatives to the International Congress on Tuberculosis to be held in Washington, D. C., September 21 to October 12, 1908, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11560. An act relating to unpaid Hawaiian Postal Savings Bank deposits;

H. R. 14043. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana;

H. R. 17288. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1909;

H. R. 17422. An act to authorize the counties of Henry and Rock Island, in the State of Illinois, to construct a bridge across Rock River at or near Colona Ferry, in said State; and

H. R. 17703. An act to repeal section 4885 of the Revised Statutes and to substitute another section therefor.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice-President:

H. R. 16051. An act to authorize the Cahaba Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala.;

H. R. 16955. An act to extend the time for building a bridge across Red River at Shreveport, La.; and

H. R. 17227. An act to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth.

H. J. Res. 102. Joint resolution authorizing the Secretary of War to furnish three condemned cannon to the mayor of the city of Detroit, Mich., to be placed on the base of the statue of the late Maj. Gen. Alexander Macomb, United States Army; and

H. J. Res. 120. Joint resolution authorizing the Secretary of War to apply the unexpended balance of the donation made by the citizens of Dallas, Tex., under the provisions of the river and harbor act of March 3, 1905, to work in construction of Lock and Dam No. 2 in section 1 of Trinity River.

PETITIONS AND MEMORIALS.

Mr. MCLAURIN presented a joint resolution of the legislature of Mississippi, which was referred to the Committee on Claims and ordered to be printed in the RECORD, as follows:

A joint resolution memorializing Members of Congress to pass a law appropriating cotton-tax fund now in the United States Treasury to pension ex-Confederate soldiers and their widows and orphans.

Whereas there has remained in the United States Treasury for a number of years a sum approximating $60,000,000 illegally collected as a tax on cotton produced and marketed in Southern States during the years 1865, 1866, and 1867 and 1868; and

Whereas after the passage of so many years it becomes impossible to secure the return of this tax in an equalized manner to the greater number of those who paid this illegal tax; and

Whereas recognizing it is the wish and desire of the people of the Southern cotton-growing States who paid this tax and their descendants that this fund now held by the United States Treasury be paid out for the pensioning of old ex-Confederate soldiers, their widows, and orphans, understandingly, by this method would, in a practical way, reach the class of people who bore this injustice: Therefore be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States is hereby respectfully memorialized and urged to pass a law authorizing and instructing the Treasurer of the United States to pay over this cotton-tax fund to the treasurers of the different Southern cotton-growing States in the proportion as each State contributed and paid this tax that constitutes this fund for the purpose of distributing the same as pensions to the old Confederate soldiers as the legislatures of the different States may deem proper: Be it further

Resolved, That the Members of Congress from Mississippi are earnestly requested to take such steps as will aid in accomplishing this end.

Mr. BRIGGS presented a petition of the New Jersey State Funeral Directors' Association, praying for the enactment of legislation providing for the discontinuance of the custom of burials at sea, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the Surgery Publishing Company, of New York City, N. Y., remonstrating against the passage of the bill (S. 1518) to amend section 3893 of the Revised Statutes, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Baptist Ministers' Conference, of Trenton, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented the petition of Dr. Henry N. Dodge, of Morristown, N. J., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachians and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Grange No. 170, Patrons of Husbandry, of Lawrenceville, N. J., praying for the passage of the so-called "parcels-post bill," and also for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BROWN presented a memorial of sundry citizens of Axtell, Nebr., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Lancaster County Woman's Christian Temperance Union, of Lincoln, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which was referred to the Select Committee on Woman Suffrage.

Mr. GALLINGER presented a petition of sundry citizens of Portsmouth, N. H., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry residents on Sixteenth street, in Washington, D. C., praying for the enactment of legislation to change the name of Sixteenth street to Presidents' avenue, which was referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Christian Temperance Union of Winchester, N. H., of sundry citizens of Mount Holly, N. J., and Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors, which were referred to the Committee on the District of Columbia.

Mr. TAYLOR presented a memorial of the Druggists' Association of Bedford County, Tenn., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 19, Mailers' Union, of Memphis, Tenn., praying for the repeal of the duty

on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. SCOTT presented a petition of the West Virginia State Federation of Labor praying for the adoption of a certain amendment to the so-called "Sherman antitrust law," which was referred to the Committee on the Judiciary.

He also presented petitions of Green Valley Lodge, No. 223, Brotherhood of Locomotive Firemen and Engineers; of Ohio Valley Lodge, No. 13, Brotherhood of Railroad Trainmen; and of Hinton Lodge, No. 256, Brotherhood of Locomotive Firemen and Enginemen, of Hinton, all in the State of West Virginia, praying for the passage of the so-called "employers' liability bill," which were referred to the Committee on the Judiciary.

Mr. GAMBLE presented a memorial of sundry citizens of Alcester, S. Dak., remonstrating against the enactment of legislation to amend section 549 of the postal laws of the United States relating to post-offices and post-roads, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LONG presented memorials of sundry citizens of Burns, Utica, Norton, Jennings, Dodge City, Hutchinson, Lawrence, Salina, Abilene, Benedict, Robinson, White City, Lamont, Palco, Hartford, Whitecloud, Anthony, and Elgin, all in the State of Kansas, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens and organizations of Bazine, Fort Scott, Gardner, Gridley, Larned, Little River, Newton, Nickerson, Nortonville, Phillipsburg, and Williamsburg, all in the State of Kansas, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the Mercantile Club of Kansas City, Kans., praying for the enactment of legislation to improve the present financial system, and also for the guaranty of national-bank deposits, which was referred to the Committee on Finance.

He also presented a petition of the legislative committee of the State Society of Labor and Industry, of Pittsburg, Kans., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," and also for the passage of the so-called "Rodenberg anti-injunction bill," which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of the American Association of Masters, Mates, and Pilots, of New London Conn., remonstrating against the enactment of legislation to remove discriminations against American sailing vessels in the coasting trade, which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Rocky Hill, Conn., and the memorial of J. F. Donovan, of New Haven, Conn., remonstrating against the passage of the so-called "Crumpacker census bill" providing for the employment of additional clerks for taking the Thirteenth and subsequent censuses, which were referred to the Committee on the Census.

Mr. BURKETT presented a petition of the postmasters of Valley, Arlington, and Benson, in the State of Nebraska, praying that an appropriation of $2,000,000 be made for clerk hire for third-class post-offices, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Axtell, Nebr., remonstrating against the passage of the so-called "parcels post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALDRICH presented a petition of the masters and pilots of steam vessels navigating on Block Island Sound praying that an appropriation be made for a light-house at the Harbor of Refuge at Point Judith, Rhode Island, which was referred to the Committee on Commerce.

Mr. HOPKINS presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation providing for the construction of at least two of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of Northwestern Lodge, No. 424, Brotherhood of Railroad Trainmen, of Chicago, Ill., praying for the passage of the so-called "anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a memorial of Northwestern Lodge, No. 424, Brotherhood of Railroad Trainmen, of Chicago, Ill., remonstrating against the passage of the so-called "Knox employers' liability bill," which was referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of Local Union No. 6, International Photo-Engravers' Union of North America, of Minneapolis, Minn., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Osage Indian Council of Pawhuska, Okla., praying for the enactment of legislation providing for the holding of two terms of the Federal courts for the western district of Oklahoma at that city, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the town council of Narragansett, R. I., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, which was referred to the Committee on Commerce.

He also presented a memorial of the Rhode Island Radical Peace Society, of Providence, R. I., remonstrating against any appropriation being made for the construction of new battle ships, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Providence, R. I., praying for the adoption of an amendment to the Constitution providing for the disfranchisement of citizens of the United States on account of sex, which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of the Woman's Christian Temperance Union of Providence, R. I., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. TALIAFERRO presented a petition of sundry citizens of Lakeland, Fla., praying for the passage of the so-called "La Follette employers' liability bill," which was referred to the Committee on the Judiciary.

Mr. BROWN. For the senior Senator from Wisconsin [Mr. LA FOLLETTE] I present a petition of sundry citizens of Louisiana relative to the condition of the telegraph companies of the country. The petition is signed by a large number of citizens, and I ask that it be referred to the Committee on Education and Labor and printed in the RECORD, omitting the names.

The VICE-PRESIDENT. Without objection the petition will be referred to the Committee on Education and Labor and printed in the RECORD, omitting the names.

The petition is as follows:

To the Members of the Senate and House of Representatives in Congress assembled:

We, the undersigned, respectfully petition Congress as follows:

1. To enact legislation placing the telegraph systems of the United States under the provisions of an act whereby in any controversy threatening to interfere with or interrupt the telegraph service the Federal Government shall cause an investigation to be made on request of either party to the controversy. President Roosevelt said on this subject in his message to Congress, "the need for some provision for such investigation was forcibly illustrated during the past summer. A strike of telegraph operators seriously interfered with telegraph communication, causing great damage to business interests and serious inconvenience to the general public," etc.

2. To enact legislation compelling telegraph companies to show plainly and accurately on each telegram delivered by them the time such telegram was filed for transmission at the place from whence it came and the time such telegram was received at the office from which it was delivered. (House of Representatives bills Nos. 15123 and 15267 and Senate bill No. 4395.)

3. To enact legislation designed to prevent mailing of telegrams by telegraph companies which are accepted for telegraphic transmission. Telegrams were mailed in every State in the Union during the recent telegraphers' strike, and the evidence is on file at Washington. (House of Representatives bill 15929.)

4. To cause general investigation of the telegraph companies, especially as to justifiability of their joint increase in telegraphic rates to the public of 20 per cent to 60 per cent, the reduction of 10 per cent in salaries of employees, and the conduction of their business during the telegraphers' strike. (House joint resolution No. 126.)

REPORT OF COMMITTEE.

Mr. BURROWS, from the Committee on Naval Affairs, to whom was referred the bill (S. 5473) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service, reported it without amendment and submitted a report thereon.

MONONGAHELA RIVER BRIDGE.

Mr. PILES. From the Committee on Commerce I report back without amendment the bill (H. R. 17220) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906. I call the attention of the Senator from Pennsylvania [Mr. KNOX] to the report.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KNOX. I move that the bill (S. 5367) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, be indefinitely postponed.

The motion was agreed to.

TOMB OF JOHN PAUL JONES.

Mr. McENERY. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 5434) to provide for finishing the crypt of the chapel, United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN ALABAMA.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 17524) to provide for circuit and district courts of the United States at Dothan, Ala., to report it favorably without amendment.

Mr. JOHNSTON. I ask unanimous consent that the bill be now considered. It is purely a local measure.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. McLAURIN introduced a bill (S. 5829) for the relief of Emily Donnelly, which was read twice by its title and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 5830) granting an increase of pension to Jacob Watson, which was read twice by its title and, with accompanying papers, referred to the Committee on Pensions.

Mr. TAYLOR introduced a bill (S. 5831) for the relief of Marion B. Patterson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. BANKHEAD introduced a bill (S. 5832) for the relief of the late firm of Martin, Weakley & Co., which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. KEAN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 5833) for the purchase of a site and the erection of a public building thereon in the city of Plainfield, N. J.; and

A bill (S. 5834) to provide for the enlargement of the post-office building at Hoboken, N. J.

Mr. TILLMAN (by request) introduced a bill (S. 5835) for the relief of the estate of Robert Kirkley, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 5836) for the relief of Olive P. Tibbitts, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. KNOX introduced a bill (S. 5837) for the refunding of money illegally collected by the United States Treasury Department as excise taxes from the Fort Pitt Gas Company, Pittsburg, Pa., which was read twice by its title and referred to the Committee on Finance.

Mr. HOPKINS introduced a bill (S. 5838) granting an increase of pension to Mattie J. Stark, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 5839) for the relief of George W. Wickes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. CLAY introduced a bill (S. 5840) to provide for the extension, improvement, and enlargement of the post-office and court-house building at Augusta, Ga., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5841) for the relief of the estate of George Patten, deceased; and

A bill (S. 5842) for the relief of the heirs of George Winfrey, deceased.

Mr. ANKENY introduced a bill (S. 5843) granting an increase of pension to Edward Cornwell, which was read twice by its title and referred to the Committee on Pensions.

Mr. SMITH introduced a bill (S. 5844) granting an honorable discharge to Henry S. Hunter, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. du PONT introduced a bill (S. 5845) granting a pension to John C. Ripperger, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURKETT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5846) granting a pension to Edward D. Satterlee;

A bill (S. 5847) granting an increase of pension to Alfred Opelt; and

A bill (S. 5848) granting an increase of pension to Elisha Biggerstaff.

Mr. NEWLANDS introduced a bill (S. 5849) granting an increase of pension to Jeremiah Regan, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RAYNER introduced a bill (S. 5850) to appropriate money for the payment of certain advances made to the United States by the State of Maryland, which was read twice by its title and referred to the Committee on Claims.

Mr. BEVERIDGE introduced a bill (S. 5851) granting an increase of pension to Andrew J. Moore, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 5852) to provide for town sites in connection with projects under the reclamation act and for the construction of schools and municipal improvements, and for other purposes, which was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. NEWLANDS introduced a bill (S. 5853) to provide for the extension of Reno road in the District of Columbia, for the assessment of benefits and the award of damages in connection therewith, and to provide a fund for the cost and expenses of condemnation proceedings, and for the payment of all judgments and awards in connection therewith, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. OWEN introduced a bill (S. 5854) to amend section 3643 of the Revised Statutes and penalize false entries of public moneys, which was read wice by its title and referred to the Committee on the Judiciary.

Mr. SIMMONS introduced a bill (S. 5855) providing for an additional circuit judge in the fourth judicial circuit, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. TELLER introduced a joint resolution (S. R. 62) authorizing and directing the Secretary of War to dispose of certain obsolete guns, which was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SUTHERLAND submitted an amendment proposing to increase the salary of one law clerk in office of the Solicitor of Internal Revenue, Department of Justice, from $1,800 to $2,000, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment relieving from further service July 1, 1908, on account of age, clerk of class 4 employed at the Naval Observatory, Washington, D. C., etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. McENERY submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT TO OMNIBUS PENSION BILL.

Mr. BURROWS submitted an amendment intended to be proposed by him to House bill 15653, known as the "omnibus pension bill," which was referred to the Committee on Pensions and ordered to be printed.

AMENDMENTS TO FINANCIAL BILL.

Mr. CULBERSON submitted two amendments intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which were ordered to lie on the table and be printed.

RIGHTS OF WAY THROUGH FOREST RESERVES.

Mr. ANKENY submitted an amendment intended to be proposed by him to the bill (S. 4179) granting rights of way and easements for the construction, use, maintenance, and operation of roads, highways, canals, ditches, reservoirs, telephone and telegraph lines, and lines for the transmission of electric light and power within and through forest reserves on the public lands of the United States, which was referred to the Committee on Public Lands, and ordered to be printed.

OCEAN MAIL SERVICE.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," which was ordered to lie on the table and be printed.

IMPROVEMENT OF COOSA AND ALABAMA RIVERS.

Mr. BANKHEAD. I ask unanimous consent for the consideration of Senate concurrent resolution No. 42.

The VICE-PRESIDENT. The concurrent resolution will be read for the information of the Senate.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That for the purpose of ascertaining the practicability and cost of improving navigation on Coosa and Alabama rivers by means of storage reservoirs at, near, or above the sites selected for locks and dams Nos. 12, 14, and 15 by cooperation with the Alabama Power Company, or any other corporation duly organized under the laws of the State of Alabama, in the development of water power for industrial purposes, the Secretary of War is hereby authorized to cause a survey to be made of that portion of Coosa River above and below the sites selected for locks and dams Nos. 12, 14, and 15, and to submit to Congress as early as practicable a report giving the results of said survey, including plans and estimates of the whole cost of the work and the proportion thereof which should be borne by the United States; and that the cost of said survey shall be paid from funds heretofore appropriated for examinations, surveys, and contingencies of rivers and harbors.

Mr. GALLINGER. Mr. President, let us have the regular order.

The VICE-PRESIDENT. Concurrent and other resolutions are in order.

CHOCTAW AND CHICKASAW INDIAN ROLLS.

Mr. TELLER. I submit a resolution which I ask be referred to the Select Committee on the Five Civilized Tribes.

The resolution was read and referred to the Select Committee on the Five Civilized Tribes, as follows:

Resolved, That the Secretary of the Treasury and the Secretary of the Interior be, and they are hereby, authorized and directed to, immediately upon the passage of this resolution, transmit to the Public Printer either the original or a true and correct copy of the original of each and every roll of the Choctaw and Chickasaw Indians now in the possession and custody of either of said Departments, or of any Bureau, division, or commission thereof or thereunder, prepared by United States officers, agents, or representatives during the years 1830 to 1890, inclusive; and the Public Printer is hereby directed, immediately upon the receipt of said rolls, to print 500 copies of the same, the expenses of printing the said rolls to be paid out of the contingent fund of the Senate, and immediately upon the completion of the printing of said rolls the original copies shall be returned to the Department from which they were received.

SEAL ISLANDS OF ALASKA.

Mr. TELLER submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, directed to furnish, for the information and use of the Senate, copies of all the reports made by the chief and special agents of the Department of Commerce and Labor in charge of the Seal Islands of Alaska during the years 1906 and 1907, and including all reports made to him by his assistants upon the condition of the fur-seal herd and the conduct of affairs on said islands.

DISPOSITION OF CHICKASAW FUNDS.

Mr. TILLMAN. I ask for immediate consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Whereas it is alleged that on the 24th day of June, 1905, a grand jury of the United States of America duly selected, summoned, impaneled, sworn, and charged to inquire fully in and for the body of the southern district of the Indian Territory in the name and by the authority of the United States of America did, upon the oaths of the members thereof, find, present, and charge that one D. H. Johnson, one P. S. Mosely, one George Mansfield, one J. F. McMurray, and one Melvin Cornish, and others to the grand jurors unknown, on certain days in the year 1902, within the southern district of the said Indian Territory, did unlawfully and feloniously commit the crime of conspiracy to defraud (an offense against the laws of the United States) by defrauding the Chickasaw Nation out of the sum of $28,876.90, the exact amounts fraudulently obtained from the Chickasaw Nation and the exact times and places where and when the said fraudulent transactions occurred being set out in said indictment; and

Whereas it is alleged that on or about the 15th day of December, 1905, the Attorney-General of the United States did direct one W. B. Johnson, then United States attorney for the southern district of the Indian Territory, to dismiss, by entering a nolle prosequi in said case, the said indictment; and

Whereas it is alleged that the said W. B. Johnson refused to dismiss the said indictment as directed by the Attorney-General of the United States; and

Whereas it is alleged that the Attorney-General of the United States on or about the 15th day of January, 1905, removed the said W. B. Johnson from office, said removal being by telegraphic communication, and said removal being based upon the refusal of the said W. B. Johnson to carry out the directions of the Attorney-General of the United States; and

Whereas it is alleged that the said Attorney-General of the United States did, on or about the 15th day of January, 1905, by telegraphic communication, reinstate the said W. B. Johnson in the office of United States attorney for the southern district of the Indian Territory; and

Whereas it is alleged that the said W. B. Johnson refused and continued to refuse to dismiss the said indictment against the said persons during his term of office; and

Whereas it is alleged that on or about the 13th day of November, 1907, the Attorney-General of the United States did send a telegram to the United States attorney for the southern district of the Indian Territory, one George R. Walker, directing him to "be sure" and dismiss the said indictment against the said persons "before the Territorial courts pass out of existence and the creation of the new State;" and

Whereas it is alleged that on or about the 14th day of November, 1907, the assistant United States attorney for the southern district of the Indian Territory (the United States attorney being absent at the time), one James E. Humphrey, did cause an order to be entered upon the records of the United States court for the southern district of the Indian Territory, sitting at Ardmore, dismissing the said indictment with the notation "by the direction of the Attorney-General of the United States:" Therefore be it

Resolved, That the Attorney-General of the United States be, and he is hereby, directed to transmit to the Senate a true and correct copy of the said indictment, all correspondence of every kind and description that has passed between the Department and the United States attorney or attorneys and his or their assistant attorney or attorneys for the southern district of the Indian Territory, and all correspondence of every kind and description between any officer of the United States Government and any other person or persons pertaining or appertaining to said indictment.

That the Attorney-General of the United States be, and he is hereby, directed to inform the Senate why said indictment was dismissed and whether it is customary for the Attorney-General to interfere with the prosecution of persons against whom an indictment or indictments have been returned in the State or Federal courts of the country, and whether other indictments have been dismissed by direction of the Attorney-General within the past five years, and if so, what indictments, and the cause therefor.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. GALLINGER. It has been submitted this morning?

Mr. TILLMAN. Yes, sir.

Mr. GALLINGER. I think I should like to see it in print. I will ask that it go over.

The VICE-PRESIDENT. Objection is made, and the resolution will go over.

PORTSMOUTH, N. H., HARBOR.

Mr. GALLINGER submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Portsmouth Harbor, in the State of New Hampshire, with a view to obtaining slack-water navigation therein by the construction of a dam, and to submit estimates for the same.

RECEIPTS AND DISBURSEMENTS OF PUBLIC MONEY.

Mr. OWEN. I submit a resolution, and ask that it be read and referred to the Committee on Expenditures in the Treasury Department.

The resolution was read and referred to the Committee on Expenditures in the Treasury Department, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate the following information:

First. A revised statement of Table No. 7, of the Treasurer's annual report, entitled "Receipts and disbursements of each kind of money on all accounts at the subtreasury in New York for the fiscal year 1907," in which statement all the checks or drafts now included in or represented to be amounts of coins or notes shall be entered in a separate column to show the actual receipts and disbursements of each kind of money, as well as the amounts of checks or drafts received and disbursed on all accounts, this statement to be made without delay and transmitted immediately upon completion.

Second. Similarly arranged statements of receipts and disbursements at the Treasury in Washington and at each of the eight subtreasuries outside of New York; that is to say, statements revising and correcting Tables Nos. 5, 6, 8, 9, 10, 11, 12, 13, 14, and 15 of the Treasurer's report for 1907.

Third. All correspondence with and departmental reports to the Secretary of the Treasury or the Treasurer of the United States in 1907, and previously from 1884 to 1907, on the subject of entering amounts of checks or drafts as actual moneys received and disbursed in the tables accompanying the annual report of the Treasurer.

Mr. OWEN. I ask that the correspondence I send to the desk, which is explanatory of the resolution, be printed in the RECORD for the information of the Senate.

The VICE-PRESIDENT. The Senator from Oklahoma asks unanimous consent that the matter referred to by him be printed in the RECORD without reading. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

322 MARYLAND AVENUE NE.,
Washington, D. C., November 7, 1907.

Hon. GEORGE B. CORTELYOU,
Secretary of the Treasury, Washington, D. C.

DEAR SIR: At your request I inclose a memorandum of those false entries of several hundred million dollars in the account of the assistant treasurer at New York, falsifications which, for the fiscal year 1906, amounted to about one thousand millions on each side of the account.

The inclosed letter explaining the sophistication you will remember reading at Huntington in my presence, on August 23. The fraud consists in entering checks as gold certificates, silver certificates, United States notes, subsidiary silver, and minor coin, when no coin or note is paid or received.

Treasury officials have been telling me you would not order the discontinuance of even such deliberate, enormous falsifications and their correction in the account for 1907 soon to be published. Since the entries balance, being equally false as debits and credits, they do not indicate abstraction or diversion of public funds. The only evil intent is to deceive the Appropriations Committees of the House and Senate by making the business done at the subtreasury in New York and Treasury in Washington appear greater than it is in proportion to that of other offices.

These false entries are still being made daily at the subtreasury in New York, where you were recently. Their correction will be an act of honesty entirely yours, due to your individual courage. The Department shows no sense of shame at making a false statement of billions.

* * * * * * *

Very respectfully, JAMES C. HALLOCK.

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24 SEVENTH AVENUE,
Brooklyn, N. Y., August 22, 1907.

Hon. GEORGE B. CORTELYOU,
Secretary of the Treasury, Washington, D. C.

DEAR SIR: In mine of August 19 I showed by forty years of Treasury circulars the Secretary's power to have disbursements made by checks on banks in Washington, New York, etc.

In this I wish to call your attention particularly to a sophistication of Treasury accounts in which several hundred million dollars of imaginary disbursements are entered as real transactions. This padding is connected with the refusal of bank checks in payment of customs duties at New York. Its complete correction can be easily effected by accepting such checks under a simple rule insuring absolute safety, as will be explained.

Misled by the last annual report of the United States Treasurer (p. 53), I wrote you on July 12 that "in 1906 disbursements at New York amounted to $740,205,722 by United States disbursing agents." The Treasurer gives the total expenditures (p. 7) for 1906 as $568,784,799, or $171,420,923 less than these officers are reported as disbursing. How do they come to disburse more than the entire expenditures of the Government?

Upon investigation I find an error of $352,959,158, which reduces their disbursements nearly half of the reported amount, namely, to $387,246,564. This error is a figment of bookkeeping. It appears in Table No. 7 of the Treasurer's report (p. 53) as "Special customs deposit."

What is this so-called deposit? It is supposed to be money which New York banks deposited during the year with the assistant treasurer to pay duties for their customers. Such deposits are made daily in advance and far exceed the amount of duties paid at New York and elsewhere. A bank, for instance, deposits $50,000 in the morning and gives its importing customers during the day "special customs fund transfers" aggregating $20,000, which the collector of customs accepts in payment and deposits with the assistant treasurer who, at the close of business, enters in his account $20,000 as customs receipts and $30,000 as "special customs deposit." This deposit, then, is the unused portion.

What is done with the balance? First, the cashier of the subtreasury mails the bank immediately a check on the assistant treasurer for $30,000. The next day the bank returns this check with $20,000 in money to make a deposit of $50,000 for that day, and so on through the year. In 1906 the total amount of checks returned to the New York banks daily appears to have averaged about $1,161,000. These checks represented so much money constantly on deposit and undrawn because in excess of requirements.

These cashier's checks were really never cashed, but every morning there was an imaginary cashing: an imaginary presentation of the checks for payment, an imaginary payment of them in gold certificates, etc., and an imaginary deposit of these gold certificates, etc. This imaginary payment and deposit of the real $1,161,000 taking place daily swelled the imaginary "special customs deposit" during the year to nearly $353,000,000. The Treasurer reports this deposit as paid in $352,951,630 of gold certificates which are wholly imaginary, $5,873 of imaginary United States notes (fives), $1,501 of imaginary silver certificates (ones and twos), $133 of subsidiary silver (imaginary halves, quarters, and dimes), and $21 of imaginary nickels and coppers. The cashier is the imaginary disbursing officer of these imaginary deposits; what he imagines he receives on deposit in the morning he imagines he disburses in the afternoon.

The real money deposited (say, $1,161,000 at the beginning of the year with real additions or deductions from day to day) should be considered as collateral to secure the balance carried overnight and not as an ever-recurring daily receipt at the opening of business and a disbursement at its close.

The best way to proceed would be for the Secretary of the Treasury to authorize: 1. The collector of customs at New York to deposit customs receipts in depositary banks there.

2. The collector to accept in payment of duties any certified checks on New York banks which any depositary bank there will place as cash to the credit of the United States Treasurer, giving the collector a certificate of deposit for the same.

3. Disbursing officers to deposit in New York banks, specially designated for each officer, any public moneys intrusted to them for disbursement.

4. No further transfers from regular depositaries in New York to the Treasury or subtreasury of any public money that can be disbursed as well or better by checks on banks.

5. Any excess of deposit over the amount of security held by the Government to be transferred to other regular depositaries that furnish the security.

The Secretary of the Treasury who authorizes all this will do more than any Secretary has done or been able to do for two generations (sixty-one years). And should the Secretary now refuse to have checks drawn on depositary banks in Washington, New York, Baltimore, or any other of the nine subtreasury cities, he would merit the condemnation of every business man, every banker, every woman and child that understands what a check is, and how unbusinesslike it is, instead of paying in checks, to run upon the banks for coin or currency, as the Government does.

Very respectfully, JAMES C. HALLOCK.

MEMORANDUM.

In the annual report of the United States Treasurer for 1906, page 53, Table No. 7 purports to give the "receipts and disbursements of each kind of money on all accounts at the subtreasury in New York for the fiscal year 1906." In this table there are nine columns for as many kinds of money, but no column for checks received and paid.

On page 94 of the report, Table No. 46 gives the "transactions between the subtreasury and clearing house in New York during each month," showing "checks sent to clearing house" and "checks received from clearing house," both aggregating hundreds of millions for the year. The amounts appear in Table No. 7, but disguised as receipts and disbursements in various forms of coin or notes.

The item of "special customs deposit" as receipts in Table No. 7 represents checks for $352,959,158 drawn by the cashier of the subtreasury in favor of New York banks and deposited by them the next morning. These checks are falsely entered as "subsidiary silver," $133; "United States notes," $5,873; "gold certificates," $352,951,630; "silver certificates," $1,501, and "minor coin," $21. These same amounts are merged in the disbursements of disbursing officers to whom the cashier's checks are charged, making nearly $353,000,000 of fiction in their alleged disbursements of $740,205,722 in the five kinds of money named above.

The item of "transfers," purporting to be the receipt of $540,609,560 in gold certificates, is largely one of checks. Where the corresponding disbursements appear on the other side of the account is not known.

These false entries appear to a greater or less extent in all the eleven tables from No. 5 to No. 15, pages 51–61 of the report, and summarized in Table No. 15.

The correction of these false entries will require a separate column for "checks" as receipts and disbursements in all of the tables named.

SPECIAL CUSTOMS FUND TRANSFER.

CLEARING HOUSE No. 42.

THE MARKET AND FULTON NATIONAL BANK

OF NEW YORK.

No. C 900 NEW YORK _____ 190___ $_____

THE COLLECTOR OF CUSTOMS AT THE PORT OF NEW YORK WILL CHARGE AND TRANSFER TO THE ACCOUNT OF "DUTIES PAID" _____ *DOLLARS FROM THE AMOUNT DEPOSITED BY* THE MARKET AND FULTON NATIONAL BANK OF NEW YORK *WITH THE ASSISTANT TREASURER OF THE UNITED STATES AT NEW YORK, TO THE ACCOUNT OF "SPECIAL CUSTOMS FUND."*

Countersigned

_____ TELLER. _____ CASHIER.

Report of Treasurer of the United States—Receipts and disbursements of each kind of money on all accounts at the subtreasury in New York for the fiscal year 1906.

Account.	Gold coin.	Standard silver dollars.	Subsidiary silver.	United States notes.	Treasury notes.	National-bank notes.	Gold certificates.	Silver certificates.	Minor coin.	Total.
RECEIPTS.										
Customs	$4,829,385	$204,564	$362	$1,149,932			$197,137,910	$865,612	$28	$204,187,793
Internal-revenue				1			250			251
Miscellaneous	285		1,932	19,883		$786	10,006,160	103,789	85	10,132,900
Disbursing officers	1,200	4,270	348	151,739		153,175	25,118,190	174,075	26	25,603,023
Post-Office Department	16,184	7,500	502	830,094		937,900	14,792,070	1,118,332	49	17,732,631
Transfers	599,800	8,635	503,319	21,060,988	$156,397	6,568,794	540,609,560	33,419,628	301,543	603,228,694
Gold bars			17				20,055,370			20,055,387
Standard silver dollars	1,660			251,940		41,100	3,633,600	329,935		4,258,235
Subsidiary silver	6,500			352,045		78,310	6,305,260	418,485		7,160,600
Minor coin				55,040		13,615	981,450	57,165		1,107,270
Gold certificates	1,000,000									1,000,000
Redemption and exchange	58,915,158	5,435,651	16,587,187	47,299,910	385,507	656,565	98,599,880	147,113,427	2,258,610	377,231,881
Special customs deposit			133	5,873			352,951,630	1,501	21	352,959,158
Issues							19,930,000			19,930,000
Total	65,370,172	5,660,650	17,073,800	71,207,431	541,904	8,448,245	1,290,121,310	183,601,949	2,560,362	1,644,585,823
DISBURSEMENTS.										
Warrants and checks	4		1,571	9,590			29,569,080	22,911	133	29,603,289
Disbursing officers	590,008	6,819	74,543	4,157,288		2,105,000	732,771,300	495,459	5,305	740,205,722
Post-Office Department			13				3,449,690	150	1	3,449,854
Transfers		1,414,100	7,202,918	35,602,000	542,200	6,235,000	191,707,930	80,701,013	491,411	323,896,572
Redemption and exchange:										
Gold coin		5	4,209				59,917,970			59,922,184
Standard silver dollars								5,401,780		5,401,780
Subsidiary silver								16,555,145		16,555,145
United States notes			373,054	32,093,750			1,000	14,772,900	85,381	47,326,085
Treasury notes of 1890		100	1,000					334,858	70	335,028
National-bank notes			519,800						136,765	656,565
Gold certificates	33,804,800	1,217,300	10,134,000				51,718,080		1,747,500	98,621,680
Silver certificates		831,400	108,650				82,970,000	63,356,143	127,981	147,394,174
Minor coin			212					2,255,868	643	2,256,723
Fractional currency										
Clearing-house balances			104	205,838			140,289,000		10	140,494,952
Total	34,394,812	3,469,724	18,420,074	72,068,466	542,200	8,340,000	1,292,394,050	183,946,227	2,595,200	1,616,170,753

Report of Treasurer of the United States—Transactions between the subtreasury and clearing house in New York during each month from January, 1900.

Month.	Checks sent to clearing house.	Checks received from clearing house.	Balances due subtreasury.	Balances due clearing house.
* * * * *	* * *	* * *	* * *	* * *
1905.				
July	$27,483,118.04	$47,223,942.71	$2,689,536.49	$22,425,361.16
August	26,073,192.76	40,694,438.55	1,029,218.17	15,650,463.96
September	26,972,085.09	32,676,093.16	3,423,974.43	9,127,982.50
October	28,235,116.35	40,686,938.83	556,804.30	13,008,716.78
November	23,270,632.20	32,351,829.68	638,113.11	9,719,310.59
December	24,309,278.05	32,187,315.89	1,059,374.77	8,937,412.61
1906.				
January	25,456,394.18	46,710,493.94	325,392.65	21,585,492.41
February	30,608,404.33	31,688,622.75	7,268,975.27	8,349,193.69
March	29,174,220.00	31,214,215.38	3,750,494.87	5,790,490.25
April	23,738,833.42	32,776,428.45	1,453,127.16	10,490,722.19
May	23,291,358.19	29,305,626.23	724,748.49	6,739,016.53
June	24,473,190.24	29,795,611.40	3,348,367.87	8,670,789.03
Total for fiscal year 1906	313,090,822.85	427,317,556.97	26,268,217.53	140,494,951.70

The object of clearing is to economize the use of coin or currency by balancing accounts so as to offset debts with claims, leaving only a difference to be settled in money.

Checks sent to clearing house		$313,090,823
Balances paid to subtreasury		26,268,218
Amount offset by clearing house		286,822,605
Checks received from clearing house		427,317,557
Balances paid by subtreasury		140,494,952
Amount offset by subtreasury		286,822,605
Checks sent to clearing house		313,090,823
Checks received from clearing house		427,317,557
Total		740,408,380
Balances due subtreasury	$26,268,218	
Balances paid by subtreasury	140,494,952	
Total of coins and notes involved		166,763,170
Total amount offset		573,645,210
Half offset by each		286,822,605
Imaginary receipts:		
Special customs deposit		352,959,158
Offsets at clearing house		286,822,605
		639,781,763
Imaginary disbursements:		
By disbursing officers		$352,959,158
Offsets at clearing house		286,822,605
		639,781,763
Total imaginary receipts		639,781,763
Total imaginary disbursements		639,781,763
Total for both sides of account		1,279,563,526

COMPANIES B, C, AND D, TWENTY-FIFTH U. S. INFANTRY.

On motion of Mr. FORAKER, it was

Ordered, That there be printed for the use of the Senate document room 500 copies of the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth United States Infantry, etc.

AFFAIRS IN ALASKA.

Mr. NELSON. I present the final report of the grand jury to the Hon. Silas H. Reid, judge of the United States district court for the Territory of Alaska, third division, held at Valdez, Alaska. It relates to a very important matter in that Territory. I move that the report be printed as a document and that it be referred to the Committee on Territories.

The motion was agreed to.

RESIGNATION OF JUDGES.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (S. 4535) to amend section 714 of the Revised Statutes of the United States relating to the resignation of judges of the courts of the United States.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 714 of the Revised Statutes of the United States to read as follows:

SEC. 714. When any judge of any court of the United States resigns his office, after having held a commission or commissions as judge of any such court or courts at least ten years, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMOAN CLAIMS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit a report by the Secretary of State concerning this Government's obligation to pay to the Government of Norway the sum

of $200 under the convention between the United States, Great Britain, and Germany for the settlement of Samoan claims, which was signed at Washington on November 7, 1899.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 2, 1908.*

HOUSE BILLS REFERRED.

H. R. 11560. An act relating to unpaid Hawaiian Postal Savings Bank deposits was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

H. R. 14043. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana, was read twice by its title and referred to the Committee on Public Lands.

H. R. 17288. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1909, was read twice by its title and referred to the Committee on Military Affairs.

H. R. 17422. An act to authorize the counties of Henry and Rock Island, in the State of Illinois, to construct a bridge across Rock River at or near Colona Ferry, in said State, was read twice by its title and referred to the Committee on Commerce.

H. R. 17703. An act to repeal section 4885 of the Revised Statutes and to substitute another section therefor, was read twice by its title and referred to the Committee on Patents.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had, on the 29th ultimo, approved and signed the following act:

S. 3726. An act to authorize the Twin City Power Company to build, operate, and maintain three dams across the Savannah River, above the city of Augusta, in the State of Georgia.

INTERNATIONAL CONGRESS ON TUBERCULOSIS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the concurrent resolution of the Senate authorizing the Department of State to invite the governments of other countries, through their ministries, to send representatives to the International Congress on Tuberculosis, to be held in Washington September 21 to October 12, 1908, which were, on page 1, to strike out the resolving clause and insert:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.

On page 1, insert as a title:

Joint resolution authorizing the invitation of governments of other countries to send representatives to the International Congress on Tuberculosis.

Mr. GALLINGER. I move that the Senate agree to the amendments made by the House of Representatives.

The motion was agreed to.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. SMITH. I submit an amendment intended to be proposed by me to the bill (S. 3023) to amend the national banking laws.

The VICE-PRESIDENT. Does the Senator desire to have the proposed amendment read?

Mr. SMITH. I ask that it be read.

The VICE-PRESIDENT. It will be read.

The SECRETARY. On page 4, line 15, strike out all after the words "taxes" down to and including the word "bonds," page 4, line 23.

Mr. SMITH. Mr. President, the purpose of my amendment is to strike out the railroad-bond feature of the so-called "emergency currency bill," because I believe it would be unwise to predicate our currency on a private security, and while I do not care to take much time I desire that the amendment may not be misunderstood. I dislike very much to disagree with the Senate Committee on Finance regarding the wisdom of this section of the proposed bill, and what I have to say about it may be immature and disconnected, but feeling as I do, I can not resist the temptation to express my views regarding it.

Mr. President, I believe that the railroad-bond feature of this bill will operate to check, rather than to stimulate, bond securities, as a whole, giving them a political rather than a commercial status, and that the attempt to supply a new use for railroad bonds by this legislation will be abortive, ultimately resulting in discrimination and diminution of value. The Government has never before attempted to give legislative value to commercial securities, and this attempt is as unwise as it is radical and unnecessary and should find no place in our financial system. A bond-secured currency is bad enough at best. This bill would weaken it in the eyes of our own people and subject it to unenviable criticism abroad.

Bond currency was originally proposed by Lincoln's great Secretary of the Treasury for the purpose of making a bond market for Government securities, in order to meet the extraordinary expenses growing out of the war. I have no criticism to make upon it. That was a Government function and met the expectation of its author. It was indeed emergency legislation, and the statesmen who planned it builded even better than they knew, although the best financial students have always believed it unscientific and undesirable as a permanent basis of circulation.

Mr. President, I do not question the patriotic purpose of the Finance Committee. I give them credit for being prompted by the highest motives. Yet I can not but feel that the experiment is doubtful and the conditions with which it is hedged about will operate to cast discredit upon every bond not coming within the purview of this legislation.

Under this law not more than two or three hundred million dollars of railroad security could possibly be utilized as the basis for currency issue. The act only provides for $500,000,000 of emergency money, and it is well understood that municipal, State, and county bonds will absorb a large proportion of this currency.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Rhode Island?

Mr. SMITH. Certainly.

Mr. ALDRICH. The Senator from Michigan, as I understand his statement, believes that if we issued $500,000,000 currency it would be largely based upon other bonds than railroad bonds?

Mr. SMITH. I am inclined to that opinion.

Mr. ALDRICH. I understood the Senator to state that there are two or three hundred million dollars of bonds that would be available.

Mr. SMITH. No; I did not say that. What I said was this: That of the bonds available under the provisions of this law there would not probably be over two or three hundred million dollars of railroad securities deposited, if municipal and State bonds are to be deposited. According to the Senator's own statement in opening the debate, there might be perhaps $250,000,000 of each.

Mr. ALDRICH. The Senator from Michigan, I suppose, does not doubt the safety of these bonds.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Colorado?

Mr. SMITH. Certainly.

Mr. TELLER. I do not wish to interfere with the discussion going on, but we want to hear it in this part of the Chamber.

Mr. SMITH. In answer to the inquiry of the Senator from Rhode Island, who asks whether I doubt the safety of these bonds, I will say: No, Mr. President, I do not doubt their safety. What I doubt is the expediency of permitting any commercial bond to be the basis of a currency issue. What is to become of the millions of railroad bonds that are thus discriminated against, that are not to be receivable for this purpose? Who will take them? The public? Or will the Government later be asked to do it?

Mr. ALDRICH. There are over six thousand million dollars of railroad bonds.

Mr. SMITH. Yes; I thank the Senator. There are over six thousand million dollars of railroad bonds, most of which will be discriminated against. I have here on my desk a letter from one of the most prominent bankers in New York who says, "For God's sake do not discriminate against our Philippine railroad bonds; it would be a black eye to our issue." Why should we enter that field at all? Why not permit this class of desirable securities to find their own market, on their merits, without artificial aid by the Government? We are not called upon to go into copartnership with these transportation companies. The Government's business is to honestly regulate and justly protect the right of property and not to become banker for special interests.

Mr. President, I contend that to select any class of private securities by law and say that only that class may be used as a basis for emergency currency is to discriminate against every other issue outside that circle. This, sir, is not the function of popular government.

I do believe, however, that municipal, State, and county bonds may be appropriately used in an emergency. These are

generally described, and if legally issued are all included within the act. Every bond of this description will appreciate in value by reason of this legislation, and the people as a whole in the various geographical subdivisions will profit by the privilege, and I am willing they should. That is their Government and this is their Government. We are merely their servants, acting in their interest; and so long as they live up to their contracts and are animated by civic pride no loss can result to the Government.

You say that the railroad bond to be available at the Treasury must have paid interest for five years, and that the railroad company must have paid 4 per cent dividend on its stock for a period of five years. Four per cent dividend on its stock is not necessarily the measure of the value of a bond.

I would rather have a railroad bond upon a railroad modestly bonded and honestly built in a desirable territory, with an indebtedness, perhaps, of not over $25,000 to $30,000 a mile, an underlying security guaranteed by a leasing company for a period of years, than to have the bond of a road that has merely for the period of five years paid dividends upon its stock, perhaps at the expense of its physical condition, and which sudden business depression may impair. The dividend feature of this bill does not strengthen the situation at all.

And let me advise Senators that in my opinion this proposition, most novel in character, now presented for the first time in the history of the Government, will result in putting a responsibility upon this Government which may ultimately oblige us to take over these roads by foreclosure in order to realize upon our security. It is the first serious step toward the Government ownership of railroads, in my judgment. Whoever takes a mortgage or security thereunder must take the risk of ultimately being called upon to foreclose that mortgage. Senators may shake their heads. How little we thought in the St. Louis Exposition and in the Jamestown Exposition that we would ever be obliged to enforce our lien to protect the Government and even then suffer a loss. Whenever we go outside our true sphere we must be prepared to accept all the responsibility that goes with the experiment, and the time may come when you will be obliged to enforce your lien and foreclose your security, even going so far as to assert proprietorship over the physical property which you have made the basis for circulation.

Another thing, most of the great railroad systems of the country are made up of small lines. Those lines are leased, and on a basis providing for payment of the interest on the bonds, betterments, and taxes. They have no stock on the market or on a dividend basis. That class of securities are, in my judgment, generally regarded as good, and yet this bill discriminates against them.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from North Dakota?

Mr. SMITH. Certainly.

Mr. McCUMBER. Will it disturb the Senator to be interrupted by a question?

Mr. SMITH. Not at all.

Mr. McCUMBER. The Senator has several times mentioned the disastrous effect of discriminating against railroad bonds which would not be taken under the bill.

Mr. SMITH. Yes; although that is not my principal objection to its passage. I think the bill fundamentally wrong.

Mr. McCUMBER. And in his statement I believe he admitted that there are about $6,000,000,000 of railroad bonds in the United States, and $2,000,000,000 of railroad bonds that would be proper as security for the issue of this emergency currency. Assuming that it is $6,000,000,000, and every dollar's worth of the issue was based upon railroad securities alone, there would be only 7 per cent, and if half of it would be based upon municipal securities the whole extent left would be only 3½ per cent of the entire amount of railroad bonds in the United States. Now, does the Senator believe that utilizing 3½ per cent of all the railroad bonds in the United States would so discriminate as to seriously affect the other 96½ per cent of the bonds?

Mr. SMITH. What I believe is this, that whenever a bond buyer is sought he will inquire of the seller: "Is this bond recognized by the Government?" "Is this bond good for the emergency currency?" "Has the Government put the stamp of its approval upon this issue?" If not, then I say he will be less liable to take it and would quickly note the difference in value.

Mr. McCUMBER. Assuming, Mr. President, that those bonds which would be taken by the Government would not be upon the market—and they could not be upon the market because they would be held at that time—would the public, as purchasers, pay any less for the other 96½ per cent of bonds in the market because the Government gave a special credit to the 3½ per cent?

Mr. SMITH. I think the trouble to-day with our bond market is not that the bonds are not good, because everyone knows they are good; but the trouble with the bond market is that people will not buy them and they are hypothecated and deposited in the vaults of banks all over the country. The people will not buy them under present conditions, and this bill creates a harbor of refuge until the storm passes, which may be temporary, but which I think if ever adopted will be permanent. I think the step proposed most ill advised, even dangerous to our financial stability, inviting unnecessary controversy, and introducing new and questionable practices into our Treasury operations.

Mr. President, I hope I shall not be misunderstood in what I have said. In the first place, I believe in treating the corporation with perfect fairness. The public man who would arouse class against class or section against section or people against corporations has very little standing in my sight. I am one of those public servants who believe that an artificial person and a natural person should have equal rights before the law, no more and no less, and I shall square my conduct by this wholesome maxim. I am, however, strongly opposed to a bond-secured currency at all, and this measure in some respects, at least, only aggravates the objections, and will make it more difficult to ever bring about a change in policy, desirable though it might be.

What did it mean when one of the most prominent bankers in the city of New York stated to me in a letter yesterday:

For God's sake do not leave the Philippine railroad bonds out of this bill, for it would be a black eye that they never would recover from?

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Indiana?

Mr. SMITH. Certainly.

Mr. BEVERIDGE. I am very much interested in the Senator's lucid remarks, and I should like to know whether he would exclude as a basis of this emergency currency all the railroad bonds that he says would be discriminated against, or, on the other hand, all railroad bonds? Where would he make the discrimination? Would he include all of them?

Mr. SMITH. I thank the Senator from Indiana. No; I would not have any railroad bonds or other quasi-public bonds as a basis for our currency.

Mr. BEVERIDGE. I understand the Senator now.

Mr. SMITH. I believe such a policy to be most ill advised and unwise, and that it would recoil upon the government that adopts it to her disadvantage and discomfiture.

Mr. BEVERIDGE. So that the Senator would exclude all railroad bonds as a basis?

Mr. SMITH. Yes.

Mr. BEVERIDGE. I now understand the Senator.

Mr. SMITH. The bonds of municipalities, States, and counties, being geographical subdivisions of our country controlled by all the people, may properly be included in our emergency legislation under such regulations as seem wise. I would not antagonize that feature at all; present conditions may justify it and no serious harm can come from it, but the other feature is most dangerous. How may you ascertain the value of these railroad bonds? What machinery of the Government is now at work by which you can ascertain their value?

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Rhode Island?

Mr. SMITH. Certainly.

Mr. ALDRICH. The twentieth section of the interstate-commerce act as amended by the legislation known as the "railroad-rate law" furnishes ample machinery.

Mr. BEVERIDGE. We can not hear the Senator at all. Nobody can hear him over here.

Mr. ALDRICH. I said that the twentieth section of the interstate-commerce act as amended by the rate law, so called, furnishes ample machinery to ascertain the character and the value of these bonds.

Mr. SMITH. Mr. President——

Mr. ALDRICH. And it is the intention that an amendment shall be offered for the purpose of putting machinery in operation for ascertaining the value of these bonds.

Mr. SMITH. I dislike very much to disagree with the Senator, and yet I am very familiar with that section. I am very familiar with the Senator's letter to the Interstate Commerce Commission. I am entirely familiar with the Interstate Commerce Commission's answer. The Interstate Commerce Commission told the Senator in their answer that there was no machinery of the Government by which to ascertain the value of this property; they told the Senator it would require a force of nearly 200 men to get into shape for this work; and the

answer of Mr. Adams for the Interstate Commerce Commission pointed out that thus far they had only accomplished the classification of accounts of the railroads, not taking into account their physical value at all.

Mr. ALDRICH. That was not the suggestion I made. I am glad the Senator is familiar with the twentieth section of the act, but if he will reread it, he will find that the Commission have ample authority to do everything that I have suggested.

Mr. SMITH. Mr. President, Mr. Adams answered the Senator——

Mr. ALDRICH. I am not talking about Mr. Adams's answer; I am talking about the twentieth section of the interstate-commerce act as amended.

Mr. SMITH. But the Senator asked the Interstate Commerce Commission to give the Senate information upon which they might base an approximate value of this class of securities. I will read the letter of the Senator. I have it before me.

Mr. ALDRICH. I am not talking about the correspondence at all at this moment. I am talking about the provision of the twentieth section of the interstate-commerce act.

Mr. SMITH. But I am talking about this correspondence, because it relates directly to the point which he made and directly to the inquiry of the Senator from Rhode Island. I will read the letter of the Senator from Rhode Island to the Interstate Commerce Commission, as I have it before me.

COMMITTEE ON FINANCE, UNITED STATES SENATE,
January 21, 1908.

GENTLEMEN: In connection with the proposition that the Government should accept railroad bonds as a part of the securities required from national banks for additional circulating notes, I would be glad if you would advise me:

First. What has been done under the twentieth section of the act to regulate commerce, as amended, relative to a prescribed system of railroad accounts?

Second. What principles or rules have been promulgated in the orders of the Commission thus far issued relative to operating accounts, and what principles or rules are under advisement pertaining to capital accounts, to be covered by subsequent orders of the Commission, that will tend to give security and stability to railway securities?

Third. What has been done under the twentieth section of the act to regulate commerce, as amended, relative to the appointment of a board of special examiners into railway accounts?

Fourth. Would it be possible, in your opinion, after the various provisions of the twentieth section shall have been carried into effect, for the Secretary of the Treasury, from the records in the possession of the Interstate Commerce Commission, to select classes of bonds which it would be safe for the Government to accept as security for the ultimate payment of these circulating notes?

Very truly, yours, NELSON W. ALDRICH.

The INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

I am very familiar with the answer to the Senator, and I contend that the answer of Mr. Adams was to the effect that there is no machinery of the Government now in operation for the purpose of ascertaining the values about which the Senator inquired. The Interstate Commerce Commission has a system of classified accounts by which it separates the earnings from the expenditures of the railroad property, and, deducting the expenditures from the earnings, leaves the net balance for dividends and for the payment of interest on bonds. But the Senator from Rhode Island knows that the whole tenor of Mr. Adams's statement is to the effect that the Government does not at the present time have anything by which they can ascertain the value of these securities. Their selection is entirely a matter of discretion with the Secretary of the Treasury.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Rhode Island?

Mr. SMITH. Certainly.

Mr. ALDRICH. I think the Senator from Michigan fails entirely to reach the point which I was suggesting.

Mr. SMITH. The Senator from Rhode Island also fails to reach my point.

Mr. ALDRICH. It is not a question at all whether that machinery is in operation. The question is whether the twentieth section of the interstate-commerce act gives the Interstate Commerce Commission power to make these inquiries——

Mr. SMITH. It does give it power.

Mr. ALDRICH. And when the machinery provided in that section is put in operation, whether then the Secretary would be able to obtain this information.

Mr. SMITH. Certainly. But the public examiners have not been designated and no work has been accomplished by the Commission beyond a system of classified accounts, as you will see by Mr. Adams's letter to the Senate, which says, among other things:

The fact that public examiners must test this account has not been lost to view. A balance sheet, if correctly drawn, taken in connection with the operating accounts and the property accounts of a carrier, should furnish adequate information *for testing the stability and certainty of underlying securities.*

The third question is as follows:

"What has been done under the twentieth section of the act to regulate commerce, as amended, relative to the appointment of a board of special examiners into railway accounts?"

The board of special examiners is the means proposed by Congress to make effective a prescribed system of railway accounts. In direct response to the question, it should be said that *no board* of examiners *has as yet been formally organized.* Ten special examiners have been appointed, but for the most part they have been engaged in investigations bearing upon the character of the accounts to be prescribed. With the exception of special examinations into claims and into the manner in which the depreciation accounts have been *applied, no formal examinations, such as were contemplated by Congress, have been undertaken.*

It will require the permanent employment *of 260 men* to enable the Commission to exercise administrative supervision over the accounts of steam railways. *The Civil Service Commission has provided,* through special examination, a roster from which perhaps half of this number of men may be secured, and a new examination will be undertaken when necessary. *A programme for the organization of a board of examiners, including a plan for branch offices at certain selected railway centers and a set of instructions prescribing the manner in which these examinations shall be carried on, are sufficiently advanced to warrant the statement that this formal examination may be effectively begun on July 1, 1908, so far as this office is concerned. No further steps can be taken in this direction, however, until it is known what appropriation is to be placed at the disposal of the Commission for this purpose.*

Mr. ALDRICH. The Senator from Michigan agrees with me then, does he?

Mr. SMITH. I agree this far and no further, that the twentieth section, to which the Senator refers, did give the Commission the power, but you have failed to give them the appropriation necessary to employ the force.

Mr. ALDRICH. I was simply saying that we gave them the power. I understood the Senator to deny that.

Mr. SMITH. Oh, I do not deny that. I deny that the Interstate Commerce Commission have any information upon which to base the value of railroad securities now.

Mr. ALDRICH. The matter of dereliction is on the part of Congress, if anywhere, for failing to make proper appropriation.

Mr. SMITH. I understand that the dereliction is with Congress. The selection of bonds now must be a discretionary matter, left entirely to the Secretary of the Treasury, as there is no machinery now by which these values can be ascertained.

Mr. President, I did not intend to occupy the time of the Senate so long. I only wished to record my objection to this provision, which is experimental in its character, and will be dangerous in its effect, possibly leading to a condition where you may be obliged to take the railroads and operate them in order to save the Government from loss.

I do not question the value of these securities. But, Mr. President, I question the wisdom of taking into our financial system quasi public corporation security of any kind. If there are two thousand millions of State, municipal, and county securities available for that purpose, why not exhaust those, thereby confining ourselves to strictly public obligations, in which every citizen is interested, where the indebtedness has been created for a public purpose under direct authority of law?

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. SMITH. Certainly.

Mr. HOPKINS. If he has followed the debate on this bill, the Senator will recognize the fact that the contention is made by some that the amount of State, county, and municipal bonds is not sufficient to afford by themselves a basis for emergency currency. Therefore, if this bill should become a law, and we were limited to them, their value would be greatly enhanced, and it would be made not only unprofitable for the banks to use the proposed emergency currency, but it would be made almost prohibitive. What does the Senator say upon that point? What is his judgment upon that?

Mr. McCUMBER. If I may be permitted, I will state that a corner might be more easily secured upon a small quantity of stock than upon a great quantity.

Mr. SMITH. Yes; but let me ask the Senator from Illinois if the effect of this bill, with this provision in it, is not to stimulate the railroad bond market, what is it for?

Mr. HOPKINS. The Senator does not answer my question. What is the Senator's judgment, whether these criticisms are correct or not, as to the amount and value of the municipal and State bonds——

Mr. SMITH. As to their amount?

Mr. HOPKINS. Are they sufficient, in the Senator's judgment, or are they not?

Mr. SMITH. If the impression of the Finance Committee is to be accepted as final, there will be very few of these securities presented for this emergency money anyway. The Senator from Illinois knows that the Treasury Department to-day is calling in large sums of money that it has deposited with various banks

of the country. Why? Because the emergency which caused that money to be deposited has passed, and it may safely be withdrawn now. Why was it that the Secretary of the Treasury refused——

Mr. HOPKINS. Will the Senator from Michigan allow me to make a suggestion right there?

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. SMITH. Certainly.

Mr. HOPKINS. I am in accord with the Senator from Michigan on the proposition he is now discussing, but what I want is the Senator's judgment as to whether the basis is broad enough by using State and municipal bonds for this emergency currency?

Mr. SMITH. Go one step further—broad enough for what? Broad enough to furnish how much money?

Mr. HOPKINS. Five hundred million or a thousand million dollars.

Mr. SMITH. Does the Senator believe we need that now?

Mr. HOPKINS. Not now.

Mr. SMITH. Well, then, if we do not need it, if we are not going to avail ourselves of the maximum provided by the bill, certainly there are enough municipal and other public securities for that purpose. Only last week $50,000,000 of New York City bonds were sold in the city of New York. Municipalities are issuing these bonds all the time. If they are to be given the additional value of convertibility they will increase in value and, I think, prove ample for the purposes intended.

Mr. HOPKINS. Mr. President——

Mr. SMITH. If the Senator will permit me, there is no general market to-day for railroad bonds, and, Mr. President, there was no market for United States bonds in 1863, when Secretary Chase told the country that if they bought Government bonds they would be the basis of a currency issue by national banks. Does the Senator deny that it operated to accomplish just that purpose?

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. SMITH. Certainly.

Mr. HOPKINS. The Senator from Michigan asks why these bonds are placed in the bill. I think I am disclosing no secrets of the committee in saying that the purpose of the committee was to get bonds sufficient in amount so that no corner could be obtained by people dealing in bonds, and that any bank that desired this additional currency could go into the market and procure the bonds at the normal price. Under this bill the Secretary of the Treasury is not required to take any bonds at all; it is left entirely to his discretion; and none of the troubles the Senator from Michigan has presented here can possibly arise. It is impossible for the Government, under this bill, to become the owner of a railroad for this reason: That the Secretary of the Treasury is required, on page 5 of the bill, to acquire additional security or to make them change the securities.

Mr. SMITH. The Senator is mistaken.

Mr. HOPKINS. Let me read the provision.

Mr. SMITH. Wait a moment.

Mr. HOPKINS. Let me read it to the Senator.

Mr. SMITH. Just one moment. Section 1 of this bill prescribes the conditions upon which new circulation may be taken out; section 2 designates the security for the additional circulating notes and enumerates the class of bonds that will be acceptable, placing the supervisory responsibility with the Secretary of the Treasury.

Mr. HOPKINS. One moment. Let me read the provision in section 2 of the bill:

> The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept, for the purposes of this act, securities herein enumerated in such proportions as he may from time to time determine, and he may with such approval at any time require the deposit of additional securities, or require any association to change the character of the securities already on deposit.

Mr. SMITH. Ah!

Mr. HOPKINS. So the Senator can see that under that clause the Secretary is not required even to accept one of those bonds if, in his judgment, it is not safe security for the Government.

Mr. SMITH. Well, it is admitted that the Secretary of the Treasury has discretion to call for additional securities——

Mr. HOPKINS. Change the security.

Mr. SMITH. Under that bill he may blacklist any bond on deposit with him. He may say to the bank that deposited it, "You will have to take this up and substitute something else." He has very wide discretion, as he should have, but, Mr. President, all this is merely detail. My criticism is fundamental, and questions the wisdom or necessity of attempting by legislation to fix a new bond market for railroad securities, so intimately interwoven with Government affairs and so completely at variance with our past history.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Rhode Island?

Mr. SMITH. I do not object to a better bond market or a higher bond market, but I feel sure that it is not the function of government to create it by special legislation.

Mr. ALDRICH. I will wait until the Senator gets through.

Mr. SMITH. I think that the effect of the bill will be to discourage railroad construction instead of stimulate it. A new road, ever so valuable, connecting two or more important cities, modestly bonded and honestly managed, must go on five years' probation before its bonds will be received.

Mr. HOPKINS. Mr. President, will the Senator allow me right there——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. SMITH. Certainly.

Mr. HOPKINS. By the terms of the bill, safeguards are thrown around State and municipal bonds precisely as they are thrown around the other class of bonds.

Mr. SMITH. Greater safeguards.

Mr. HOPKINS. I do not think so.

Mr. SMITH. Yes; because the State and municipal bonds must be within the constitutional limitation of the State or the municipality, and whose funded indebtedness does not exceed 10 per cent of the valuation of its taxable property.

Mr. HOPKINS. Does not the Senator think that it is wisdom on the part of the committee and of Congress, if we are to have legislation of this kind, to throw every safeguard around these bonds, so that there can be no possible default?

Mr. SMITH. I am not complaining of the safeguards around this class of securities. I believe the committee has abundantly safeguarded them. I do not believe there is a railroad in the State of Michigan that has for five years paid 4 per cent upon its capital stock, or that can avail itself of this law, and I do not believe the banks of our State hold the class of railroad securities this bill describes. If they avail themselves of this law they will be obliged to go into the open market and buy them, curtailing to just that extent the commercial business ordinarily transacted with merchants, manufacturers, and tradesmen.

Mr. President, I have not one word of criticism and much of praise for the great Senator from Rhode Island, whose attempt to relieve the country by the issue of emergency currency is most praiseworthy. I honor him for it, but I do not believe this provision is salutary. I think it will retard rather than assist his purpose.

The Senator may say with reference to my observation regarding the Philippine Railroad bonds that the interest on those bonds is guaranteed by the Government and that they stand in a different class from other securities which are left outside the effect of this legislation. Possibly that is so, but in the minds of the security holders this recognition would be very helpful.

Is there a Senator on this floor who is willing to say that the bonds that are so favored will not be benefited by it—that their value to the banks for investment will not be increased? I think not. Will not all the bonds that come within this law be sought for because they have the additional value of being available for Government notes of issue? To-day the Treasury Department is calling in its deposits from the various banks of the country. Why were those deposits not called in earlier? Because it was not prudent to do so, and the Secretary of the Treasury has shown splendid judgment in his management of this entire affair; but it is a vastly different thing for the Secretary of the Treasury to say to the banks of the country, "Bring your collateral, and we will let you have so much Government deposits," and for Congress to write into the statute that only such railroad bonds as have been issued by companies that have paid 4 per cent on their stock for five years may have any standing with the Treasury of the country—a virtual condemnation of every single security that does not come within the provisions of your law.

A great French financier and writer, only a little while ago, in the New York Evening Post indicated the French estimate of our bond-circulating money, saying, in very caustic language, that we were engaged as a Government in a bond-selling device at the expense of our monetary stability. I think it is a trifle paradoxical, if the Senator will permit me to say it, for us to sit here in solemn conclave planning employers' liability legislation and the abolishment of the doctrine of fellow-servant and contributory negligence—sitting here in solemn convocation to secure the passage of laws seeking to regulate interstate

commerce and in the same breath seeking to bolster up their securities. I regard it as a trifle paradoxical, to say the least, for us to sit here passing antirailroad legislation just as fast as the roll is called tending to diminish the profits and the earnings of these interstate carriers, and on the other hand attempting to bolster up these securities by this kind of legislation. I fancy that some time in the near future I will see the managers and operators of these railroads, whose securities are the basis of a currency issue, and hear their voices before the Committee on Interstate Commerce asking that the Government security be not injuriously affected or diminished by further hostile legislation.

We have not yet finished railroad regulation. The President, only a few days ago, in a solemn message to Congress told us "That in some form the Federal Government must exercise supervision over the financial operations of our interstate railroads," and, further, that "the Federal Government must assume a certain measure of control over the physical operation of railroads in the handling of interstate traffic." He has told us that it would be our duty to prescribe the class and form of their accounts; that their expenditures may properly be a matter of governmental supervision. Do not Senators believe that the time may come when, with our Treasury filled with bonds of railroad companies, we may be asked to halt in making further legislative attempts to regulate these companies, lest we jeopardize our financial security and alarm currency holders?

Then, again, can not Senators see that a railroad which pays 4 per cent upon its stock may, by political reversal in this country, be placed in the attitude of not being able to pay a dividend on its stock, and if it ever reaches the point where it can not pay a dividend, does not the Senate believe that the officers of these railroads which have been benefited by this legislation will some day come to Congress and ask us to strike off the dividend feature in order that their securities may still rest in the Treasury as a basis for circulation?

I firmly believe that if we embark upon this very questionable arrangement, we are opening the door very wide to the possibility of those very quasi-public corporations taking a hand in politics as their only means of defense.

I do not want to force railroad companies into politics. They are the creatures of the laws, and should neither make the law nor break it.

Is there a Senator upon this floor who does not know that the moment this law is passed every European investor in American railroad securities will ask his broker the question, "Are my bonds included in this legislation?" If they are not covered, those securities will gradually be returned to us, and will our people take them? No. Every Senator here knows why. Our people will not buy them because State legislation and Congressional action jeopardize them as a safe and sound investment.

Can not Senators see that if an adverse party should succeed us in the administration of affairs on the 4th day of next March, or at some future time—a party that does not believe in this legislation for the advantage of special interests—do not Senators believe that the repeal of this bill will be a bad blow to the transportation interests of this country overbalancing by considerable any small advantage now derived?

I am in favor of being perfectly fair with the corporations of this country. This bill is neither fair nor wise in its present form.

Mr. President, I will not trespass longer upon the Senate. I thank you sincerely for your courtesy and your consideration. I have spoken against this bill because I believe it to be harmful, because I believe it to be the first step of a serious character in the direction of Government ownership of railroads, and that possibility, remote as it may be, I would, if I had the power, avoid. I do not believe in the Government usurping the functions of individual enterprise. It is the individual initiative that has lifted our people above the world's throng to the high standard they now enjoy. While our neighbors across the sea, the great Russian Empire, are seeking by revolution and otherwise to rid themselves of government paternalism whereby everything originates with the state and nothing with the individual, while Russia has failed utterly to demonstrate that that is the wise or the just policy toward its own people and is endeavoring to throw it off as a danger to the future of the country, is it not a little singular that we should drift toward the dangers they would now avoid?

Mr. President, I was very reluctant to say anything upon this measure, realizing that one new in the Senate should not lightly set aside its historic traditions, but should be content to permit those of larger experience to guide the affairs of state. No one, sir, has a higher appreciation of the whole-hearted devotion of the Senator from Rhode Island to his country than I. I would not for one moment impugn his motives or attack by innuendo his honorable purpose. But, sir, I come here as the representative of my State, mindful of my own unworthiness. I would not prove myself undeserving of the esteem of my colleagues or the respect of the people I serve. But if my best judgment told me that a measure of importance here pending was not for the best interests of all the people of the country, I should feel myself unworthy to bear the commission which they have given me if I did not record my solemn protest against it.

I protest against this clause in the bill as being unnecessary. I protest against it as being unwise. I protest against it because it introduces into our monetary system a commercial security over which the Government has no control. I protest against it because it is a most unfair discrimination against billions of dollars' worth of securities that do not come within its scope.

Mr. President, I hope it will not pass. We have difficulties enough to overcome as a country, while our party can not afford to enter the next campaign handicapped with a proposition to introduce into our national monetary system the securities of railroad companies.

I thank you, Mr. President and the Senate, for doing me the honor to listen to my remarks, not formally, but informally expressed, fragmentary and disconnected as they are. I simply desire to avoid for our Government what I believe will be a most harmful experiment now being urged for the first time in the financial history of our country.

Mr. ALDRICH obtained the floor.

Mr. GALLINGER. I demand the regular order.

Mr. ALDRICH. I hope the Senator from New Hampshire will give me two or three minutes.

Mr. GALLINGER. I will.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire withdraw his demand for the regular order?

Mr. GALLINGER. I will withdraw it until the Senator from Rhode Island gets through.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. Mr. President, the provisions of the pending bill——

Mr. TILLMAN. Mr. President——

Mr. ALDRICH. I hope the Senator will permit me to proceed.

Mr. TILLMAN. I will; but I want to have a little understanding. We all know that the Senator from Michigan [Mr. SMITH] has occupied the floor out of order, and that he could have been called down, but no one did, as the Senator wanted to make his speech and we wanted to hear him. He has made a very fine speech, and we are glad to have heard him. But there are other things pending which will go by the board at 2 o'clock unless the Senator who has charge will agree that we may take another hour, or whatever time may be necessary, for morning business.

Mr. ALDRICH. I am perfectly willing that the time for morning business shall be extended. I shall not take more than two or three minutes at this time. If the Senator from South Carolina does not desire me to speak——

Mr. TILLMAN. I want to hear the Senator from Rhode Island. This is a very beautiful exchange of compliments between our friends on the other side, and I should like to hear it. The only reason why I did not interrupt the Senator from Michigan and call for the regular order was that I did not want him to miss the opportunity to make his speech, and I want the Senator from Rhode Island to have a full opportunity to answer, and all I ask is that when 2 o'clock comes my little resolution shall not go by the board.

Mr. ALDRICH. I shall be perfectly willing to lay aside the unfinished business at 2 o'clock for any purpose which the Senator from South Carolina has in mind.

Mr. President, the provision of the pending bill in regard to railroads and railroad bonds has been passed over at my suggestion. It was passed over with a statement on my part that the committee had under consideration various amendments to the provision which they would present in due time. I do not make this statement, however, for the purpose of finding fault with any criticism which any Senator sees fit to make to the bill as it now stands. I do not intend to take the time of the Senate now to go at any considerable extent into the argument upon the question whether railroad bonds should be accepted as security for the notes which we propose to issue. I must say, however, that I was greatly puzzled at the argument of the Senator from Michigan [Mr. SMITH]. Possibly when I come to read it in print, and have time to consider it, its inconsistencies may not be as apparent as they seem to me now. The Senator

from Michigan objects to the use of railroad bonds as security, and his principal argument against such use is that we have excluded certain classes of railroad bonds from acceptance under the provisions of the bill. He would have us accept, as I understand it, all railroad bonds——

Mr. SMITH. No; I would accept none.

Mr. ALDRICH. The Senator would accept none, and he gives as a reason for accepting none that we have unwisely restricted the character of the bonds to be accepted by the bill to a small amount, and that not more than two or three hundred millions can be so received. The Senator insists that we have improperly discriminated against certain bonds, therefore that the use of two or three hundred millions out of a total of six or seven thousand millions will imperil the liberties of the people and that the Government of the United States may be forced to take possession of the railroads.

The bonds accepted must be first-mortgage bonds. They must be the bonds of railroad companies that have paid dividends on all their stock to the extent of 4 per cent per annum for five years. The Senator from Michigan says there are too few of those bonds in existence. The Secretary of the Treasury is not obliged under the provisions of this proposed act to accept any railroad bonds.

Mr. SMITH. I am sure the Senator from Rhode Island misunderstood me. I did not say there were few in existence. What I did say was that compared with the mileage of the railroads of the country this class of securities represented a very small proportion of that mileage.

Mr. ALDRICH. I stated for the committee in the argument which I submitted to the Senate two or three weeks ago the reasons which led the committee to think that the basis of State and municipal bonds was not sufficiently broad for the purpose of securing the currency which we proposed to issue. As the Senator from Illinois [Mr. HOPKINS] has said, that provision of the bill was inserted because of criticisms which were made in the committee and outside of it that we would unduly enhance the value or the price of State and municipal bonds if we did not accept other bonds for security.

Now, first-mortgage railroad bonds are made by the law of every State in the Union which has legislation on the subject acceptable as first-class security for savings-bank investment. They are acceptable as the best possible collateral by every financial institution in the country.

The Senator from Michigan himself says that there can be no question as to the value of the security or the safety of the bonds. But he says we ought not to go outside of State and municipal bonds. That, of course, is a question which every Senator must decide for himself. Whether railroad bonds are or are not accepted will not interfere with the purpose of the bill.

I will suggest to the Senator from Michigan that it was not the main purpose of the committee to inquire into what the effect of this legislation should be either upon banks or upon railroads. We are legislating for the people of the United States, and we are not here to consider primarily the effect this legislation will have upon the railroads of Michigan or the people who own them.

Mr. SMITH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Michigan?

Mr. ALDRICH. Certainly.

Mr. SMITH. If the Senator will permit me, it was not necessary to state the effect of this legislation upon the bond market. It is apparent.

Mr. ALDRICH. What is apparent?

Mr. SMITH. It is very apparent that the purpose is to increase the value of railroad securities.

Mr. ALDRICH. How apparent?

Mr. SMITH. The object of the bill speaks for itself.

Mr. ALDRICH. The railroads of the United States are the only corporations in existence that are under Government control and regulation. Their accounts and everything connected with them are subject to Government regulation. They are quasi-public institutions, and the committee believed that if they were to go outside of State, municipal, and Government bonds they must include first-class railroad bonds. It is not and should not be the controlling purpose of this legislation to improve the value of railroad bonds or of State bonds or municipal bonds. Our first duty is to give the people of this country a safe and sound currency, if we are to have an emergency currency, and to take the best securities for such issues which we can find, whatever they may be. If this legislation shall have the effect of giving a wider market for or a better value to the railroad securities of the United States, and the Government can do it without any loss to itself or any danger of damage to itself, then we should not hesitate to legislate simply because the securities would have a better status than they have now.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from Rhode Island yield to the Senator from Michigan?

Mr. ALDRICH. Certainly.

Mr. SMITH. If the Senator will permit me, I should like to ask him a question. Just at this particular time when there is really no necessity for additional circulation, when Government deposits are being withdrawn from the banks because they may safely be withdrawn, when the reserves in the banks of the country are perfectly safe, when our monetary system is not in the least degree jeopardized, does the Senator think the effect will not be merely to stimulate the price of the securities which this bill affects?

Mr. ALDRICH. The Senator evidently does not understand at all the purpose of the bill.

Mr. BEVERIDGE. We here can not hear the Senator from Rhode Island.

Mr. ALDRICH. I say the Senator from Michigan certainly fails to understand the purpose of the committee in reporting this legislation. In opening the debate on this bill I made the statement that it must be apparent to everybody that there is no demand at this moment for emergency circulation. The question of withdrawals of public money by the Treasury from the banks has nothing to do with the question. These withdrawals do not reduce the amount of money in circulation in the United States. None of the conditions to which the Senator from Michigan has alluded are affected by the relative amount of currency outstanding. It is not a question whether or not there is an additional currency issue demanded now, but the point is that when the emergency arrives, whether it shall be tomorrow, or next day, or next week, or next year, or ten years from now—I hope it will be deferred ten years or twenty or thirty—we should be prepared for it; that it is the paramount duty of Congress to furnish the necessary machinery which will be effective when the demand arises.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from North Dakota?

Mr. ALDRICH. Certainly.

Mr. McCUMBER. May I ask the Senator a question? If I understand it correctly, the same character of bonds were under the law of 1907 made available as security for deposits from the Treasury to the banks. I want to know whether making them available for that purpose has to any degree given other bonds a black eye or depreciated their market value because these were given a special value, if they were given any, by reason of being made security for deposits by the Treasury?

Mr. ALDRICH. Certainly not.

Mr. BEVERIDGE. I should like to ask the Senator from Rhode Island a question. I shall be glad to hear the Senator's answer to the point made by the Senator from Michigan. It impressed the whole Senate, I think, and that is this: Here is a railroad bond given as the basis of currency issued. Of course it must be the most secure possible. Therefore the bill provides that it shall not only be the bond of a railroad company which has paid interest on its bonds, but also one which shall have paid dividends of a certain per cent on its stock for four or five years.

The Senator from Michigan very clearly pointed out that on account of mutations in business or a change in politics or many other things the earnings of a road might fall off, and that a situation was entirely conceivable where the Government itself in order to realize upon the security for its emergency circulation would have to foreclose upon the road itself.

I say that I will be very glad to hear the Senator answer that question. Whether this bill increases the securities of railroads is not the question. It is a question of having a perfectly safe and sound currency. But the question has been raised, in my mind, by the Senator from Michigan whether or not a basis for emergency currency of securities which themselves might depreciate by reason of changes in business or politics or anything else is the surest foundation for emergency currency. I do not know the answer. I presume the Senator does.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Colorado?

Mr. ALDRICH. I do.

Mr. TELLER. I should like to suggest to the Senator from Indiana that under this bill——

The PRESIDING OFFICER. It is impossible for the Senator from Colorado to be heard at the desk.

Mr. TELLER. It is only a question of protecting the Government when it issues the bills to the banks. That is all there is of it.

Mr. BEVERIDGE. That merely changes the form of the question.

Mr. TELLER. It is not a question of the protection of the currency issued.

Mr. BEVERIDGE. The credit of the Government is back of the currency, to be sure, but in order to insure the Government the deposit of bonds is provided for as security. That merely changes the form of the question.

Mr. ALDRICH. I think I can answer the Senator's question. In the first place, the Secretary of the Treasury determines the character and amount of any bonds to be received as security for circulation. It is fair to assume that the Secretary of the Treasury will not accept any bonds of a questionable character or when any doubt can be raised of their security. Second, the amount of currency issued is limited to 75 per cent of the market value of the bonds. In the third place, the Secretary of the Treasury can at any time change the securities—every one of them—and require additional securities to be deposited. In the next place, the Government of the United States, which assumes the redemption of these notes, has ample security aside from the bonds. When the Government redeems these notes it sends them to the bank for redemption. The bank either has to go into bankruptcy or redeem them. The Government has next the securities deposited, which the Treasury is required to sell at public auction under the law, in case of default or insolvency. The Government does not foreclose mortgages. It has back of and beyond all this a prior lien upon all the assets of the bank.

Now, does the Senator from Indiana think there is any question about the security of the Government? As the Senator from Wyoming [Mr. WARREN] suggests to me, it has also the liability of every stockholder to double the amount of his stock. Does the Senator from Indiana think there is any question about the security of the Government of the United States under those conditions?

Mr. SMITH. Mr. President.——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Michigan?

Mr. ALDRICH. Certainly.

Mr. SMITH. If it will not interrupt the Senator, I should like to say right here that, very wisely, the bill provides that the Government shall take over the legal title to these bonds; in other words, the Government becomes the mortgagee. Now, if the Government becomes the mortgagee, can not the Senator from Rhode Island imagine such a condition of affairs, for instance, as with the Mercantile National Bank, in New York, where the bank has deposited these bonds with the Government and the indorsement will absolutely fail? Can not the Senator imagine a condition, without being too remote or exaggerated, where the railroad company may default upon its dividends and may not be able to place new securities? What is there to prevent the Government from foreclosing its title to save loss to the people?

Mr. ALDRICH. Because——

Mr. SMITH. One moment further——

Mr. ALDRICH. I will be glad to answer that question very promptly.

Mr. SMITH. Another may hold some of this same bond issue and begin proceedings making the Government a party in spite of itself.

Mr. ALDRICH. All this would be very well if it were not for the fact that it is the duty of the Comptroller of the Currency to sell these bonds at public auction immediately.

Mr. BEVERIDGE. Suppose he did not? Suppose there is another holder——

Mr. ALDRICH. Suppose he did not?

Mr. BEVERIDGE. Pardon me; the point the Senator from Michigan makes can not be disposed of so quickly. Suppose these were in default of interest, and the holders of other bonds of the same issue should bring suit for foreclosure; they would have to make the United States a party to their suit.

Mr. ALDRICH. Before they were sold, you mean?

Mr. BEVERIDGE. Certainly.

Mr. BAILEY. I wish to ask the Senator from Indiana and the Senator from Michigan if they will not join me then in repealing the law, if it be a law. I think it is not now the law; and they ought to join me then in condemning the present practice of the Secretary of the Treasury in receiving these railroad bonds as a deposit for Government money, for reports here will show that he has without any authority of the law been receiving for months and even for years these very railroad bonds, subject to all the criticisms which have been made. I shall expect the Senator from Michigan and the Senator from Indiana at least to join me in disapproving such a practice.

Mr. ALDRICH. Mr. President, I think I will have to resume the floor.

Mr. GALLINGER. Mr. President, I rise to a point of order.

Mr. ALDRICH. Let me go on for a few minutes.

Mr. GALLINGER. The Senator was going to take only two or three minutes twenty-five minutes ago.

Mr. BAILEY. The Senator from New Hampshire comes readily to the relief of the Secretary of the Treasury, who has been doing what I say he ought not to do.

Mr. GALLINGER. Mr. President, I have been waiting for something over an hour to do a little morning business. This question of the bond issue is to come up at 2 o'clock in regular order, if we had gone along under the rules of the Senate. I have no objection to waiting a few minutes longer, but I think, as there is other business before the Senate, it is a very practical thing for us to do it.

Mr. ALDRICH. I was about to say, in answer to the suggestion of the Senator from Indiana, that it is conceivable, of course, that the Government of the United States might find itself in the possession of bonds of a road that went into the hands of a receiver, that went into bankruptcy, and there would have to be a foreclosure of the mortgage. I repeat, it is the duty of the Comptroller of the Currency to sell these bonds, and the duty would be equally mandatory whether the road was in the hands of a receiver or not. In any event the Government of the United States, holding a small fraction of these bonds, would not take over the railroad. The property would be sold, I take it, and the proceeds would be paid to the bondholders, and the deficiency in this case, whatever there was, would have to be paid by the banks.

Mr. BEVERIDGE. It would be exactly in the position of any other creditor.

Mr. ALDRICH. But the Government as a creditor would not and could not take the property.

Mr. BEVERIDGE. The receiver under the orders of the court would administer the property for the benefit of the bondholders, of which the Government would be one.

Mr. ALDRICH. And sell it?

Mr. BEVERIDGE. Just as the court says. It might sell it or administer it.

Mr. ALDRICH. The court would administer it or sell it, and not the Government.

Mr. BEVERIDGE. Most undoubtedly the court would administer it for the benefit of all the bondholders, including the Government.

Mr. ALDRICH. I say it is not a conceivable condition where the court would turn that property over to the Government of the United States.

Mr. BEVERIDGE. Such a condition is conceivable, if the Senator wants to go into that, although I am not in this debate. I merely asked this question for clarification. But since the Senator mentioned it, is not a case conceivable where the Government of the United States held the bonds and would have to buy the property to protect its interests, just as the holders of bonds have had to do in numberless instances?

Mr. ALDRICH. It does not have to protect itself at all. It sells the bonds and falls back upon the bank for the deficiency.

Mr. BEVERIDGE. It probably would not sell the bonds after the receivership. It would find a very poor market for the bonds if it did.

Mr. ALDRICH. It must sell them.

Mr. BEVERIDGE. During a receivership it would only sell them if it wanted to sell them at a loss.

Mr. ALDRICH. It is the plain duty of the Government officers to sell these bonds at public auction in case of default, and there can be no delay or hesitancy on their part.

Mr. BAILEY. Will the Senator from Rhode Island tell the Senate if all this might not happen under the present practice of the Treasury Department?

Mr. ALDRICH. Absolutely.

Mr. BAILEY. Except as to bond sales under the law.

Mr. ALDRICH. They are held under a different provision of law. There is no definite authorization or direction requiring the sale of the bonds held as security for deposits, although they can undoubtedly be sold under the general pledge of title.

Mr. BAILEY. If this ought not to be in the bill, then the Secretary of the Treasury ought not to have accepted these railroad bonds as security for Government deposits.

Mr. ALDRICH. The Senator from Texas is entirely right; and it is the plain duty of Congress, if they think that railroad

bonds ought not to be received by the Government as a security for deposits, to say so.

Mr. BAILEY. I will not agree that it is the plain duty of Congress, for I believe the law is plain. The law says they shall secure them by United States bonds and otherwise. The Secretary of the Treasury reads it, that they shall secure them by United States bonds or otherwise. There is a vast difference between "and" and "or," even when a Republican Secretary of the Treasury construes the law.

Mr. ELKINS. Mr. President, I call for the regular order.

CHOCTAW-CHICKASAW CITIZENSHIP COURT.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over under the rule, which will be read.

The Secretary read the resolution submitted by Mr. TILLMAN on Friday last, as follows:

Whereas there appears in the CONGRESSIONAL RECORD of February 11, 1908, at page 1934, in relation to the Choctaw-Chickasaw citizenship court, the following statement:

"It is alleged that the members of that court were bribed and received as a consideration for their decisions a part of the fee paid these attorneys. Counsel for claimants are reliably informed that the Secretary of the Interior now has in his possession positive proof of the bribery of certain members of that court, said proof setting forth the amount paid certain members of that court, the time and place the payments were made, and the manner of the payments. This evidence has been in the possession of the Secretary of the Interior for more than three months and yet no investigation, so far as counsel for claimants have been able to ascertain, has been inaugurated and no proceedings have been instituted calculated to bring these guilty persons before the bar of justice, although the time in which they can be criminally prosecuted is rapidly expiring:" Therefore,

Resolved by the Senate, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what foundation there is for such charges, and to transmit to the Senate all correspondence, affidavits, evidence, papers, and information pertaining or appertaining thereto.

Mr. GALLINGER. I offer the following as a substitute for the resolution.

The PRESIDING OFFICER. The substitute will be read by the Secretary.

The Secretary read as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what foundation, if any, there is for the charge that members of the Choctaw-Chickasaw court were bribed and received as a consideration for certain decisions rendered by them a part of the fee paid to the attorneys in certain cases.

The PRESIDING OFFICER. The question is on agreeing to the substitute offered by the Senator from New Hampshire.

Mr. TILLMAN. Mr. President, why does the Senator from New Hampshire object to having the Secretary send all the evidence in the case, the facts, the correspondence, and reports?

Mr. GALLINGER. What I object to, Mr. President, is the long preamble which recites certain things have been alleged. I think if we get the information called for in the substitute resolution, it will disclose whether or not there is a basis for calling for further information. If it appears that there is any basis for these alleged charges, then the Senator can follow it up with a resolution calling for additional information and the papers in the case.

Mr. TILLMAN. I can not conceive that the Secretary of the Interior will do more than reply that he has no such information. If you omit to call on him to furnish the reports in the case, he will not send the necessary evidence or the basis for additional inquiry. I think the Senator from New Hampshire himself will recognize that his substitute is in the nature of how not to do it.

Mr. GALLINGER. It is not so intended, I will say to the Senator, Mr. President.

Mr. TILLMAN. Of course I recognize that the Senator's honesty of purpose is as great as my own, and I hope none of us want to do more than get at the facts. If there are no facts, then the Secretary of the Interior can tell us so, but at the same time if there is any correspondence or any evidence in the Department, he can send that along with the statement that he has no evidence to submit.

Mr. GALLINGER. Then I think the Senator and I can get an agreement in reference to this question.

Mr. TILLMAN. I think so, too.

Mr. GALLINGER. If the Senator will drop out the "whereas" and simply amend the resolution so that it will read: That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what foundation there is for the charges that relate to the matter.

Mr. TILLMAN. And all the balance. Put that in, too.

Mr. OVERMAN. Will the Senator from South Carolina yield to me to submit an amendment?

Mr. TILLMAN. With pleasure.

Mr. OVERMAN. I move to add:

Resolved (second), That the Attorney-General be, and he is hereby, directed to transmit to the Senate the evidence taken by the Choctaw-Chickasaw citizens' court in relation to the proper compensation to be allowed the attorneys for the Indians, now on file in the Department of Justice.

I move the amendment by reason of the fact that I have just received a letter from one of the court, which I ask may be read.

The PRESIDING OFFICER. The letter will be read by the Secretary.

The Secretary read as follows:

115 COURT SQUARE,
Greensboro, N. C., March 1, 1908.

Hon. LEE S. OVERMAN, *Washington, D. C.*

MY DEAR SENATOR: I see in this morning's newspapers that Senator TILLMAN has introduced a resolution in the Senate calling upon the Secretary of the Interior for information and papers relating to certain charges of bribery against the judges of the Choctaw and Chickasaw citizenship court, of which I was a member.

I inclose copy of a telegram which I have sent to the Secretary of the Interior, urging him to do what he can to further a full and speedy investigation of these charges, and I hope this will be done.

I write you to say that the charges are wholly without foundation, and, in justice to myself and the other members of the court, I trust you will insist upon a full investigation.

The articles in the newspapers this morning refer to a statement or speech delivered in the House on February 10 by Representative STEPHENS of Texas, of which I had no knowledge until this morning. This statement is in the CONGRESSIONAL RECORD of Tuesday, February 11, 1908, beginning at page 1918, second column. You will notice that Mr. STEPHENS, under leave to extend his remarks, printed in the RECORD a brief filed by the attorneys of the court claimants against whom our court decided, and on page 1934, about the middle of the second column, will be found the language copied from the brief and embraced in Senator TILLMAN'S resolution. This language reflects very seriously upon my character and integrity, and as the charges are utterly false I insist upon an investigation.

The citizenship court heard evidence for quite a while as to the proper compensation to be allowed the attorneys for the Indians. A copy of this evidence is on file in the Department of Justice, and includes the testimony of many prominent lawyers, among the number Chief Justice Hill, of Arkansas, a native of this State. All of the testimony was to the effect that the attorneys were entitled to receive more than twice as much as the court allowed them. The duty was devolved upon the court by act of Congress to fix their compensation, and the court found they had a written contract, by the terms of which they were entitled to receive 9 per cent of the amount recovered, which would have given them nearly one and one-half million dollars, while the court disregarded the contract and fixed their compensation at one-half that amount.

This evidence was taken by a stenographer and reduced to writing, and will be found on file in the Department of Justice, and in justice to the court Senator TILLMAN'S resolution should be amended so as to call for this evidence.

Very truly, yours, SPENCER B. ADAMS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3023) to amend the national-banking laws.

Mr. ALDRICH. I ask that the unfinished business may be laid aside temporarily.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

Mr. FORAKER. Mr. President, a few days ago my attention was called to what appeared in the CONGRESSIONAL RECORD of February 11, which has just been referred to in the letter that has been read. Inasmuch as it amounted to a specific charge affecting the integrity of the members of that court, one of whom was a citizen of Ohio, and inasmuch as the charge also was that the Secretary of the Interior, Mr. Garfield, had had this testimony in his possession for the past three months without taking any action, I felt it my duty to write to Secretary Garfield calling his attention to the statement and requesting him to inform me whether or not there was any truth in the charge.

Yesterday morning there came to me in the mail an answer from Mr. Garfield. I intended to bring it here, so that I might read it in connection with the offering of this resolution and put it in the RECORD, but, unfortunately, I forgot to bring it. However, as soon as the matter was called to my attention I dispatched a riding page for the letter and I will have it presently and I want to put it in the RECORD as soon as it comes. The Senator from Wyoming [Mr. WARREN] tells me that he has a copy of the letter. It will obviate the necessity of sending after the letter itself if the Senate will allow me to put this copy in the RECORD as a substitute.

I wish to state that in this letter from Secretary Garfield he said that there was no truth in the charges, and that he had so informed the gentlemen who had put the statement in the RECORD.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. In this connection, before being interrupted, if the Senator will allow me, I will read Mr. Garfield's letter.

Mr. TELLER. All right; go ahead.

Mr. FORAKER. It is as follows:

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 29, 1908.

DEAR SIR: I beg to acknowledge your letter of February 28, calling my attention to the following statement:

"It is alleged that the members of that court were bribed and received as a consideration for their decisions a part of the fee paid these attorneys. Counsel for claimants are reliably informed that the Secretary of the Interior now has in his possession positive proof of the bribery of certain members of that court, the time and place the payments were made, and the manner of the payments. This evidence has been in the possession of the Secretary of the Interior for more than three months and yet no investigation, so far as counsel for claimants have been able to ascertain, has been inaugurated and no proceedings have been instituted calculated to bring these guilty persons before the bar of justice, although the time in which they can be criminally prosecuted is rapidly expiring."

This statement is an extract from a brief submitted by certain attorneys in connection with an Indian case, and was printed in the RECORD by Mr. STEPHENS of Texas. This statement, I notice, is the subject-matter of a resolution introduced in the Senate by Senator TILLMAN yesterday.

I advised Mr. STEPHENS that the statement was false, and am pleased to give you the same information I gave him. No evidence was filed in this office or with me as alleged in the statement. Several months ago a man came to my office and made statements regarding what he claimed to be the improper conduct of a certain firm of attorneys and members of the former citizenship court, but as he declined to allow his name to be used, would not reduce his statements to writing, and declined to substantiate his statements, I gave the matter no further consideration.

Very truly, yours, JAMES RUDOLPH GARFIELD,
Secretary.

Hon. J. B. FORAKER,
United States Senate.

Now, the Senator from Wyoming asks me to also read this letter. I did not advise the Secretary what I wanted the information for, and he may have drawn an incorrect deduction from the fact that I had written him on the subject.

The Senator from South Carolina introduced his resolution in the language of the statement that is quoted in this letter from the Secretary. I suggest to the Senator from New Hampshire that in the preparation of his substitute he should call for information also upon the specific point that would interest the Secretary of the Interior, whether or not he has had this information, as charged, in his possession for a period of three months, not taking any action whatever to bring the guilty parties, if there are any, to justice. In other words, this is a sort of double-barrel charge, one against the Secretary of the Interior and the other against the members of that court, and I think whatever resolution we pass (and I think it has reached such a stage now that a resolution should be passed) should apply to both charges, and call for information upon both. That is all I care to say about it.

Mr. WARREN. It was late in the afternoon of Friday when this resolution was presented. I could not distinguish well from the reading what was the language of the Senator from South Carolina and what the language of the quotation, but it seemed to me unnecessarily severe. I discovered afterwards that the offensive part was a quotation. Desiring to know upon what foundation the charges rested, I asked the Secretary of the Interior what, if anything, there was in it, so that I might to-day be prepared to make some reply or give some reason for my objection. He stated that he had had an inquiry from the Senator from Ohio [Mr. FORAKER], which he had just answered, and that instead of writing another letter he would send me a copy, so that I could have the information I desired. That accounts for the letter which I handed to the Senator, and which I would not have used had he not expressed a desire to have it.

Mr. FORAKER. Yes; I used that instead of the original.

Mr. TELLER. Mr. President, the preamble of the resolution contains the charge copied from the RECORD. That is simply to give notice to the Secretary when he comes to answer the resolution what the charge was. This is what the resolution proposes to say:

That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what foundation there is for such charges—

Charges such as are contained in the preamble—

and to transmit to the Senate all correspondence, affidavits, evidence, papers, and information pertaining or appertaining thereto.

I want to say to the Senator from New Hampshire that the offense is not having taken part of the money that the lawyers got. The question is whether the court took any money at all. It is quite immaterial whether they got it from the lawyers or whether they got it from the plaintiffs in the controversy or anybody else.

Mr. President, just a word or two about the history of this matter. Some years ago a court was authorized to inquire whether certain people were entitled to go on the rolls in the Cherokee and Chickasaw country. That was determined by the court by putting a very large number of people on the rolls. It was alleged, when that had been done, that there was some improper work done by this court. It was a court which I understand was entitled to render a judgment which was appealable from if the proper authorities charged down there had seen fit so to do.

They came to Congress and inaugurated a system of legislation perhaps unheard of before, and I think it escaped general attention, although I believe one or two Senators objected to it here at the time. But the legislation authorized the appointment of a special court of three individuals, if you call it a court, which I doubt whether it ought to be called. They were authorized to review this decision of a court and to pass upon all the questions that the court had passed on, and if they did not think the court had properly passed upon them, then to reverse the action of the court. When this special commission or citizens' court, as it was called, got through they had reversed the action of the other court and had stricken from the rolls a large number of people whom the court had put on.

Mr. President, in the first place, there are some charges against the first court. I think it was three or four years ago that this decision of the citizens' court was made. There have been charges against that court. I know absolutely nothing about the charges except the public rumor and public reports, and I know nothing about the three men who compose it. I do not even know the names of the men who compose the court. I can see no reason why the resolution ought not to be passed, and we will then get from the Secretary whatever he has on the subject.

If there has been injustice done to people, it is probably too late and it has passed beyond our opportunity to remedy any evils or any errors they have committed; but I think it would be well to let the Secretary give us all the facts, at least; and I think the men who composed that court ought to want the facts as well as anybody else. It is very unfortunate when the public get an idea that our courts are corrupt, whether they be special or regular. I do not suppose that anybody who is the friend of the three judges will object to a fair presentation of the facts. The resolution does not confine the investigation to the question whether they took a part of the attorneys' fees, but whether they took any bribe at all.

Mr. GALLINGER. The language the Senator objects to I took from the original resolution.

Mr. TELLER. No; not from the resolution, from the preamble.

Mr. GALLINGER. From the preamble. I was about to state it—

It is alleged that the members of that court were bribed and received as a consideration for their decisions a part of the fee paid these attorneys.

I took the words found in my substitute from the preamble, and I supposed that was the charge. I want to modify the substitute resolution I offered, and I trust the modified resolution will be accepted by the Senator from South Carolina:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what foundation, if any, there is for the charges which appear in the CONGRESSIONAL RECORD of February 11, 1908, that certain members of the Choctaw-Chickasaw court were bribed in connection with certain decisions rendered by them, and to transmit to the Senate all correspondence, affidavits, evidence, papers, and all other information in his possession pertaining thereto; also to inform the Senate whether he has had in his possession, as alleged, for more than three months certain evidence in connection with the case and has ordered no investigation whatever.

Mr. TELLER. Or at any other time. Do not confine it to three months.

Mr. GALLINGER. Very well, we will have that stricken out. Let it read:

Whether he has had in his possession, as alleged, certain evidence.

That does not confine it to three months. I submit that as a substitute for the original resolution.

Mr. OVERMAN. Will the Senator object to including my amendment as a second resolution

Mr. GALLINGER. Not at all.

Mr. OVERMAN. I do not see why both should not be embodied in one resolution and a copy sent to each Cabinet officer. They would all get the same paper at one time then.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Will the Senator from South Carolina let the substitute resolution, as modified by the Senator from New Hampshire, be stated?

Mr. TILLMAN. Let it be read, please.

The VICE-PRESIDENT. The modified substitute will be stated.

The Secretary read as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what foundation, if any, there is for the charge which appears in the CONGRESSIONAL RECORD of February 11, 1908, that certain members of the Choctaw-Chickasaw court were bribed in connection with certain decisions rendered by them, and to transmit to the Senate all correspondence, affidavits, evidence, papers, and all other information in his possession pertaining thereto; also to inform the Senate whether he has had in his possession, as alleged, certain evidence in connection with the case and has ordered no investigation of the matter.

Mr. TILLMAN. Mr. President, I want to say just a word. I occupy the very important position as chairman of the Committee on the Five Civilized Tribes. Some Senators here are disposed to forget that, and my friend from Minnesota [Mr. CLAPP], who is not in his seat, has appeared at times a little anxious to monopolize all Indian matters for his committee. But being chairman of the Committee on the Five Civilized Tribes and supposedly charged with their affairs, in some small degree at least, a good many things come to me in that connection, and I feel the responsibility to those Indians, in a way.

I have been somewhat active in criticising the various schemes for spoliation and manipulation of their affairs which I have watched go through here in the last three or four years, and when this accusation was published in the RECORD by a very "sane and safe" Congressman from Texas [Mr. STEPHENS], a man who is not given to sensationalism or anything of that sort, I felt that the charge ought not to be allowed to rest without some further ventilation at least; so I offered the resolution on Friday which is now under consideration. This morning I offered another resolution relating to Indian affairs, which my friend from New Hampshire [Mr. GALLINGER] objected to being considered, and it has gone over. It deals, on somewhat similar lines, with the rascality, fraud, bribery, and other deviltry which the lawyers who are dealing with Indian affairs are apparently constantly on the alert to slip through here and to slip through down there.

That resolution, I will say, related to the charge that the Attorney-General had ordered the district attorney in that Indian Territory court to quash an indictment and removed him because he would not obey, and then, after he was reinstated, at the instigation or through the instrumentality of the Senator from Texas [Mr. BAILEY], ordered the record of the court changed so as to state that the indictment had been withdrawn or quashed before the State government became vitalized, so that the matter would be considered res adjudicata.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. TILLMAN. With pleasure.

Mr. GALLINGER. I am sure the Senator did not mean to imply in any way that when I asked that the resolution should go over under the rule I desired to prevent its consideration.

Mr. TILLMAN. Not at all. The Senator from New Hampshire has always been entirely courteous to me and has always been liberal and fair in endeavoring to get light on any subject we needed light on.

Mr. GALLINGER. It was a long resolution and was read when the Senate was in some confusion. I did not at all understand it, and I thought it might well go over for a day, so that we might see it in print.

Mr. TILLMAN. I had no objection in the world to that, and I would not have said a word about it, except for the fact that the matter has come in this shape. Unfortunately, the Senator from New Hampshire is not satisfied with that, either, so that, without any malice aforethought on his part, he is apparently defending, in a way, or postponing, or acting as a buffer between investigation and these Indian frauds.

Mr. GALLINGER. The Senator, Mr. President, if he will permit me a moment, is quite mistaken in my purpose.

Mr. TILLMAN. I say I absolve the Senator from New Hampshire from any evil purpose whatever. He merely wanted to read the long whereases and preambles to the resolution.

Mr. GALLINGER. That is all. I think it is rather a dangerous business to be legislating with whereases or by whereases.

Mr. TILLMAN. But the resolution is the vitals of the proposition, and the whereases only give an excuse for the resolution.

Mr. GALLINGER. Precisely; but the Senator will pardon me for saying that I have not intended to be, nor have I ever allowed myself to be, a buffer in matters of legislation.

Mr. TILLMAN. A what?

Mr. GALLINGER. A buffer in matters of legislation.

Mr. TILLMAN. A buffer. Oh!

Mr. GALLINGER. That was the Senator's language.

Mr. TILLMAN. If it is offensive to the Senator, I will take back the word "buffer," for I would not offend or wound the Senator from New Hampshire under any consideration.

Mr. GALLINGER. It is not at all offensive, only the word does not apply to me; that is all.

What I want to do in this matter, as I desired to do in the matter of the resolution the Senator offered this morning, is to get the facts, and if there are guilty persons to have them investigated and punished. I will cooperate with the Senator along that line to the extent of my ability.

Mr. TILLMAN. I do not doubt that in the slightest, and therefore I am endeavoring in this way to see whether we need an investigation. That was the reason I offered the resolution calling for the papers in the case. I only threw in the suggestion in regard to this additional evidence in the way of a copy of the indictment which the Attorney-General ordered to be quashed, although the grand jury found a true bill, which was rather a remarkable thing. I suppose the Attorney-General will be able to explain why it was done, but still I do not like this way of interfering in Congress or in Washington with the proceedings of the courts. I have seen several cases come up here in litigation affecting Indians' rights in which Congress took a hand and stepped in and ordered the litigation stopped. I have had occasion to believe that some of those things were done in the interest of swindling and rascality and the robbery of the Indians.

I do not know anything about this special case, but, as I said, being chairman of the Committee on the Five Civilized Tribes, I get these things more by way of accident than malice or design, and I do feel that these civilized Indians, or the "late civilized" Indians, or whatever they may be, citizens or what not, are somewhat under, not my supervision at all, but rather wards of mine in a way.

The two points involved here, Mr. President, are these: Has the Secretary of the Interior neglected his duty in not paying attention to charges that have been made by somebody? He, of course, will give us the information and the character of the information which came to him, whether there is anything in it worth while or not. I, of course, have not any idea that the Secretary of the Interior is a man of that kind, and he will explain, doubtless to our entire satisfaction, why he took no steps, as his letter in a way already explains; but the essential charge here, the one I am peculiarly interested in, is whether or not this court, which was created ostensibly for a very reasonable and fair purpose, namely, to pass upon the question of Indian citizenship, or, rather, upon the citizenship of certain parties, was tampered with or not. We are told that several thousand persons, who have as much right to be called "Indians" as the two distinguished Senators from Kansas and Oklahoma, were denied participation in the rich lands of those tribes down there, and by some hook or crook, either right or wrong, their claims to citizenship or Indian rights were thrown out, and that in order to obtain that result the court was bribed.

As some of these men are under indictment here for another piece of rascality, that lends some color to the necessity for an investigation, and as one of the judges has appealed to the "dear Senator" from North Carolina to get the fullest possible investigation of the charges, I do not see why anybody should object. Therefore I am perfectly willing that the resolution which the Senator from New Hampshire [Mr. GALLINGER] has drawn as a substitute should go to the Secretary of the Interior, and if the answer of the Secretary is not satisfactory perhaps we shall pursue the case further.

Mr. GALLINGER. That is right.

Mr. WARREN. I am entirely in sympathy with the Senator from South Carolina in desiring to protect the business of his committee and the rights of Indians that may be affected in connection with the resolution. It was in no spirit of opposition to his desire that I objected to the consideration of the resolution on Friday night, and I hope the substitute will be adopted. The original was unnecessarily severe in its preamble. Such allegations as those set forth in the preamble serve no good purpose. It is true that the Senator simply quoted from what was said at another place in this building, but I am sorry it was said there, as it would seem that there was no occasion for it.

Mr. TILLMAN. What has become of the amendment of the Senator from North Carolina [Mr. OVERMAN]? I suggest that that amendment had better go over and come up in the morning along with the other resolution introduced by me, calling upon the Department of Justice for certain information. I think the amendment would be more appropriate on that resolution.

Mr. OVERMAN. That is all right.

The VICE-PRESIDENT. The Senator from New Hampshire has accepted the amendment by the Senator from North Carolina. The question now is on the amendment proposed by the Senator from New Hampshire as modified.

The amendment as modified was agreed to.

The resolution as amended was agreed to.

OCEAN MAIL SERVICE.

Mr. GALLINGER. Mr. President, I call attention to the special order. It was agreed by unanimous consent that the so-called "shipping bill" should be taken up after the morning business this morning. I want to say, Mr. President, that the Senator from Nevada [Mr. NEWLANDS] will be prepared to discuss the bill on Thursday next, and the Senator from North Carolina [Mr. SIMMONS] will follow at his early convenience. No one is present to speak on the bill at this time, and I rise to ask unanimous consent that it may be considered after the routine business on Thursday next, which will be the 5th day of the month.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the special order set for to-day, being the bill (S. 28) to amend the act of March 3, 1891, relating to ocean mail service, be changed to come in after the routine morning business on Thursday, March 5, at the same hour. Is there objection? The Chair hears none, and that order is made.

MATERIAL AND EQUIPMENT FOR THE PANAMA CANAL.

Mr. FRYE. I ask unanimous consent that Order of Business 204, being the joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal, may be assigned for consideration on Monday next immediately after the conclusion of the routine morning business.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the joint resolution named by him be taken up for consideration immediately after the close of the routine morning business on Monday, March 9. Is there objection? The Chair hears none, and that order is made.

PUBLIC BUILDING AT PERU, IND.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (S. 3160) providing for the erection of a public building in the city of Peru, Ind.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments. The first amendment was, in section 1, page 1, line 6, after the word "used," to strike out "as and;" in line 7, after the word "building," to strike out "as a place for holding United States courts," and in line 10, before the word "thousand," to strike out "seventy-five" and insert "eighty," so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected and purchased by him in the city of Peru, Ind., a building to be used for a post-office building, and for other purposes of the Federal Government at the said city of Peru, Ind., which said building shall cost, complete, not to exceed the sum of $80,000.

The amendment was agreed to.

The next amendment was, to strike out section 2, as follows:

SEC. 2. That the plans, specifications, and full estimate for said building shall be made and approved according to law before work thereon shall be commenced. Until this is done none of the money so appropriated shall be used.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT LANDER, WYO.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the bill (S. 2938) to provide for the erection of a public building at Lander, Wyo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 11, after the word "dollars," to strike out "which said sum of $100,000 is hereby appropriated for said purpose out of any money in the United States Treasury not otherwise appropriated."

The amendment was agreed to.

Mr. CLARK of Wyoming. Mr. President, this bill was first reported at the last session. Since that time United States courts have been established at the town of Lander. I ask that the bill be amended, in line 7, before the words "United States," by inserting the words "United States courts" and a comma.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 7, before the words "United States," it is proposed to insert the words "United States courts" and a comma, so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected at Lander, Wyo., on a site already owned and possessed by the United States, a suitable building for the use and accommodation of the United States courts, United States land office, post-office, and other Government offices in the city of Lander, etc.

The amendment was agreed to.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the senior Senator from Wyoming yield to the junior Senator from Wyoming?

Mr. CLARK of Wyoming. Certainly.

Mr. WARREN. Noticing the amendment of my colleague, which I hope will be adopted, I desire to say that in reporting the bill the Committee on Public Buildings and Grounds named the amount which my colleague had used in making up his bill, because at that time there was not a court established at Lander. The court bill has passed since, and I hope the amendment will be agreed to.

Mr. CLARK of Wyoming. I move further to amend the bill by inserting, after the word "hundred," in line 11, the words "and sixty-five."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 11, after the word "hundred," it is proposed to insert "and sixty-five," so as to read:

Not to exceed the sum of $165,000.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. CLARK of Wyoming. Certainly.

Mr. CLAY. With the Senator's permission, the bill as it came from the Committee on Public Buildings and Grounds proposed to appropriate $100,000, did it not?

Mr. CLARK of Wyoming. It did.

Mr. CLAY. And the Senator proposes to amend it by adding $65,000?

Mr. CLARK of Wyoming. I do, for a reason which I was about to state. The estimate of the Secretary of the Treasury, which I have before me, gives the amount of space that will be needed and an estimate of the amount that will be necessary to provide for that space. Since the bill has been reported from the committee, I will state to the Senator, the town has been made a sitting place for the United States circuit and district courts, and in that immediate vicinity a very large percentage of the United States business in that State originates, no other court being within 300 miles of the place.

Mr. CLAY. That state of facts might justify a change in the amount of the appropriation, but I was going to say to the Senator that the Committee on Public Buildings and Grounds I know are very careful about always appropriating enough in such bills, to say the least.

Mr. CLARK of Wyoming. I will say to the Senator that I would not have offered the amendment except after consultation with the chairman of the committee.

Mr. CLAY. I will not raise any objection to it.

The amendment was agreed to.

Mr. CLAY. Since the amendment has been agreed to, I will take occasion to say that I believe we ought not to attempt to amend a bill in the Senate that has been reported by the Committee on Public Buildings and Grounds by adding fifty or sixty thousand dollars. An amendment of that kind ought always to be referred to the Committee on Public Buildings and Grounds, and that committee ought to consider it and send it back to the Senate. I believe it to be a bad practice to offer such amendments on the floor of the Senate, and have them agreed to without their ever having been considered by the Committee on Public Buildings and Grounds.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ROCHESTER, N. H.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 906) to provide for the purchase of a site and the erection of a public building thereon at Rochester, in the State of New Hampshire.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 2, after the words "sum of," to strike out "one hundred" and insert "eighty;" and in line 3, after the word "dollars," to strike out "which said sum of $100,000 is hereby appropriated for said purpose out of any moneys in the United States Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Rochester and State of New Hampshire, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $80,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed site and such others as he may think proper to designate to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROBATE FEES IN THE DISTRICT OF COLUMBIA.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 3507) to fix fees and costs in the probate court of the District of Columbia, and to provide for the collection and payment of the same, and for other purposes.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. CULBERSON. Mr. President, I dislike to object to the present consideration of the bill, but I suggest to the Senator in charge of it that it appears to be a bill intended to reform the fee system of the probate court of the District of Columbia. It is a long bill and apparently of very general importance. I think it would be very well to let it go over. I submit that suggestion to the Senator without making formal objection to consideration of the bill.

Mr. GAMBLE. I do not think there will be any objection to that. The bill was considered very fully by the Committee on the District of Columbia and the committee had before it on the hearing Judge Gould, who is the presiding judge of the court, and the register of wills. The fee system, as now provided by law, is very, very unsatisfactory, and it was thought that this modification should be made so that the burden of the expense would be borne more justly and fairly by those coming before the court. As it is now under the fee law the great burden of the cost falls upon the small estates.

Of course if there is any objection to the present consideration of the bill, I am not in a position to insist upon its consideration. I know there is quite a desire among those interested in the bill that it should be promptly considered in order that it may go to the other House.

Mr. CULBERSON. It is a long bill, and I think it is impossible for Senators present to understand it from merely hearing it read. Speaking for myself I have never been able to read it. It manifestly is intended to reform the fee system to a degree in the District. The legal question possibly ought to have gone to the Committee on the Judiciary, although I make no question about it. The Committee on the District of Columbia is as well qualified as any committee of this body to consider the matter.

Mr. GALLINGER. Will the Senator from Texas permit me?

Mr. CULBERSON. Certainly.

Mr. GALLINGER. I will say it is in the line of the simplification, rather than a reform, of the law. The present system is antiquated and burdensome to the office, and in the opinion of the court and the register of wills, as well as the committee, this modification is very desirable.

Mr. CULBERSON. I will ask the Senator whether the general average of fees is reduced or increased?

Mr. GALLINGER. There is a slight increase, but there is an equalization to a much greater extent than the present system provides for. The bill will doubtless go over, and if the Senator from Texas will turn to a letter from the register of wills, which I presume has been printed in the report, he will get exactly the existing status and see, I think, very clearly the necessity for this change.

Mr. CULBERSON. I will endeavor to read it.

Mr. GALLINGER. Let the bill go over.

Mr. CULBERSON. I repeat that I do not desire to be put in the attitude of objecting to the present consideration of the bill, but I shall be glad if it can go over.

Mr. GAMBLE. We have no desire to insist upon the present consideration of the bill, and are perfectly willing that it may go over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

PUBLIC BUILDING AT ROCK SPRINGS, WYO.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 649) to provide for the purchase of a site and the erection of a public building thereon at Rock Springs, in the State of Wyoming.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments, in section 1, page 1, line 7, after the word "apparatus," to strike out "elevators;" in line 11, after the word "apparatus," to strike out "elevators;" and in line 1, on page 2, to strike out "one hundred" and insert "eighty-five," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Rock Springs and State of Wyoming, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of $85,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENTRY OF ARID AND SEMIARID PUBLIC LANDS.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 1543) to authorize entry of arid and semiarid public lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 3, before the word "under," to strike out "may" and insert "shall;" in line 5, after the word "prescribe," to insert "in accordance with the terms of this act;" in line 7, after the word "semiarid," to insert "nonmineral," and in line 8, after the word "lands," to strike out "devoid of potable water," so as to make the section read:

That the Secretary of the Interior shall, under and pursuant to such regulations, terms, and conditions as he may prescribe, in accordance with the terms of this act, permit not more than 320 acres of such arid or semiarid nonmineral, nontimbered, nonirrigable, unappropriated, unreserved, surveyed public lands, as he may designate, to be entered in a compact body by any person qualified to make a homestead entry.

The amendment was agreed to.

The next amendment was, in section 2, page 1, line 12, after the word "before," to strike out "the proper officers" and insert "some officer authorized to administer oaths under the homestead laws," and on page 2, line 3, after the word "he," to insert "is a bona fide resident of the State or Territory in which the land proposed to be entered is located and," so as to read:

SEC. 2. That every person applying to enter lands under this act shall make and subscribe before some officer authorized to administer oaths under the homestead laws and file in the proper land office an affidavit that he is the head of a family, or is over 21 years of age; that he is a bona fide resident of the State or Territory in which the land proposed to be entered is located and is a citizen of the United States, etc.

The amendment was agreed to.

The next amendment was on page 2, line 18, after the word "thereof," to strike out "or the timber thereon," so as to read:

That he is not acting as agent for any person, corporation, or syndicate in making such entry nor in collusion with any person, corporation, or syndicate to give them the benefit of the lands entered, or any part thereof; that he does not apply to enter the same for the purpose of speculation.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 15, after the word "heirs," to insert "personal representatives;" in line 16, after the word "by," to insert "his or their oath and by the oath of;" in line 22, after the word "section," to strike out "2287" and insert "2288," and on page 4, line 1, after the word "law," to insert "but notice of the making of such proof shall be made and published in the manner provided by the homestead laws for the publication of notices of final proof," so as to make the section read:

SEC. 4. No certificate, however, shall be given or patent issued for any lands entered under this act until the expiration of five years from the date of such entry, and if at the expiration of such time or at any time within two years thereafter, the person making such entry, or his heirs, personal representatives, or devisees, proves by his or their oath and by the oath of two credible witnesses to the satisfaction of the Commissioner of the General Land Office that he, or they, have actually and in good faith cultivated the lands entered by him as required by this act, and makes affidavit that no part of such land has been alienated except as provided in section 2288 of the Revised Statutes of the United States, he, if at that time is a citizen of the United States, shall

be entitled to a patent as in other cases provided by law, but notice of the making of such proof shall be made and published in the manner provided by the homestead laws for the publication of notices of final proof.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 4, after the words "Sec. 5," to strike out "That all persons making entry under this act shall be required to pay the same fees and commissions as are required under the homestead laws" and insert "That the fees and commissions on all entries under this act shall be uniformly the same as those charged under the homestead law for a maximum entry at the minimum price," and in line 15, after the words "United States," to insert "but no entry will be canceled because of the entryman's failure to reside on the lands covered thereby," so as to make the section read:

SEC. 5. That the fees and commissions on all entries under this act shall be uniformly the same as those charged under the homestead law for a maximum entry at the minimum price, and all entries made under this act shall be subject to contest as provided by law relating to homestead cases for illegal inception, abandonment, or for failure to comply with the requirements of law, and upon satisfactory proof thereof shall be canceled and the lands and all moneys paid under such entries shall be forfeited to the United States, but no entry will be canceled because of the entryman's failure to reside on the lands covered thereby.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FRANKLIN, LA.

Mr. FOSTER. I ask unanimous consent for the present consideration of the bill (S. 5363) to provide for the purchase of a site and the erection of a public building thereon at Franklin, La.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, to insert after line 9 the following:

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to erected thereon a suitable building for the use and accommodation of the United States post-office in the city of Franklin, State of Louisiana, the cost of said site and building not to exceed the sum of $50,000.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

Mr. WHYTE. I ask unanimous consent to call up the bill (S. 3405) to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MISSOULA, MONT.

Mr. DIXON. I ask unanimous consent for consideration at this time of the bill (S. 2244) to provide for the erection of a public building at Missoula, Mont.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 1, after the words "sum of," to strike out "two hundred" and insert "one hundred and thirty," and after the word "thousand," to strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected on the site purchased pursuant to the act of June 30, 1906, a suitable building, with fireproof vaults therein, for the accommodation of the United States post-office, land office, forestry officials, and other Government offices at the city of Missoula, in the county of Missoula and State of Montana. The plans and specifications and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the building complete the sum of $130,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REORGANIZATION OF THE CONSULAR SERVICE.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent for the present consideration of a bill, which will be read for information.

The Secretary proceeded to read the bill.

Mr. CULBERSON. I suggest that general bills had better go over.

Mr. LODGE. If the Senator from Texas has any objection to the bill being read and amended, I will let it go over.

Mr. CULBERSON. I have no objection to that.

Mr. LODGE. There are only one or two amendments made. I will say to the Senator it is the unanimous report of the committee, and I do not think there is any objection at all to the bill. It cures some defects in existing law.

Mr. CULBERSON. Let the bill be read for the information of the Senate.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. CULBERSON. And I will withhold the objection until that has been done.

The Secretary read the bill.

Mr. CULBERSON. I notice that this is a bill "to amend an act entitled 'An act to provide for the reorganization of the consular service of the United States' approved April 5, 1906," less than two years ago. In view of my experience with legislation since I have been in the Senate I do not hesitate to assume that the fees have been increased in this new bill. If my assumption is correct, I will ask the Senator in general terms what increase there is in the consular fees.

Mr. LODGE. Consular fees are all abolished by the act of 1906 and all consulates were put on a salary basis. All fees were abolished—notarial, etc.

Mr. CULBERSON. What increase is there in salaries by the bill?

Mr. LODGE. The net result of this bill is a decrease of expenditures of about a thousand dollars. There are twenty-eight consulates that are closed and there are seventeen new ones created. The balance has been used to change the classification of certain consuls who are underpaid.

When the bill was framed two years ago the only information the committee or the Department had to go upon was the existing salary plus the fees and the general business of the office. That bill created, as the Senator will remember, five consular inspectors, and since that time all the consulates have been thoroughly inspected and reports made. So the Department is now able to make a proper and, I think, a permanent classification.

Their reports have resulted in the abolition of twenty-eight consulates which I think were totally unnecessary. They are all stated in the report and the reasons given, as well as for the creation of the seventeen new ones. No consul will be dropped out owing to the abolition of the consulates. The eleven consuls will not be dropped out, because there have been enough vacancies which have been held back to provide for all the twenty-eight consuls—that is, assuming they are good men. The net result of those changes, as I have said, is a decrease in expense of a thousand dollars.

The committee went over the bill at several sessions with the greatest possible care and proposed only three amendments, those mentioned—Melbourne, Limoges, and Gibraltar. It appeared, on examination, that they ought to be moved. The report, as I have stated, is a unanimous report. The committee has given a good deal of attention to the matter, and I think it is as thoroughly done as it is possible to do it—that is, I think the salaries are as equitably adjusted for the time being. Of course, business must vary at different points, but I think they are as accurately adjusted as is possible under the circumstances.

Mr. CULBERSON. Mr. President, this bill is so unusual in the reduction of the expenses of the Government that I shall not object to its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments.

The first amendment of the Committee on Foreign Relations was, under the subhead "Consuls," on page 2, line 22, before the word "Lyon," to insert "Melbourne," so as to make the clause read:

Class 3, $5,000: Amsterdam, Bremen, Dawson, Belfast, Havre, Johannesburg, Kobe, Lourenço Marquez, Melbourne, Lyon.

The amendment was agreed to.

The next amendment was, on page 3, line 12, before the word "Mannheim," to insert "Limoges," so as to make the clause read:

Class 6, $3,500: Alexandria, Apia, Barmen, Barranquilla, Basel, Berne, Bluefields, Bradford, Chemnitz, Chunking, Cologne, Dalny, Durban, Edinburgh, Fiume, Geneva, Georgetown, Guadelajara, Limoges, Mannheim, Montevideo, Nagasaki, Odessa, Palermo, Port Elizabeth, Prague, Quebec, Rangoon, Rheims, Rimouski, Rome, St. Petersburg, Saloniki, Sherbrooke, Vladivostok.

The amendment was agreed to.

The next amendment was, on page 3, line 19, after the word "Ghent," to insert "Gibraltar;" and in line 22, before the word "Nantes," to strike out "Melbourne," so as to make the clause read:

Class 7, $3,000: Aix la Chapelle, Aleppo, Barbados, Batavia, Belgrade, Bursiem, Calais, Calgary, Carlsbad, Colombo, Corinto, Dunfermline, Florence, Frontera, Ghent, Gibraltar, Hamilton (Ontario), Hanover, Harput, Huddersfield, Iquitos, Iquique, Jerusalem, Karachi, Kehl, La Guaira, Leghorn, Liege, Madras, Malaga, Managua, Nantes, Nassau, Newcastle (New South Wales), Newcastle (England), Port Antonio, Punta Arenas, Port au Prince, Riga, Sandakan, Progreso, Seville, St. John (New Brunswick), St. Michaels, St. Thomas (West Indies), San Jose, Sheffield, Swansea, Sydney (Nova Scotia), Tabriz, Tampico, Tamsui, Trieste, Trinidad.

The amendment was agreed to.

The next amendment was, on page 4, line 21, after the words "Fort Erie," to strike out "Gibraltar," and in line 22, after the words "La Paz," to strike out "Limoges," so as to make the clause read:

Class 9, $2,000: Aguascalientes, Asuncion, Bagdad, Bristol, Campbellton, Cape Gracias, Cape Haitien, Cartagena, Ceiba, Charlottetown, Cornwall, Durango, Ensenada, Fernie, Fort Erie, Gorée-Dakar, Grenobel, Guadeloupe, Hermosillo, Hobart, La Paz, Manzanillo, Maskat, Messina, Moncton, Niagara Falls, Patras, Port Louis, Puerto Cabello, Puerto Plata, Rouen, Saigon, St. Johns (Quebec), St. Pierre, St. Stephen, Salina Cruz, Saltillo, Sierra Leone, Sivas, Stavanger, Suva, Tahita, Tapachula, Turin, Turks Island, Venice.

The amendment was agreed to.

Mr. LODGE. I move to insert as a new section what I send to the desk.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment which will be stated.

The SECRETARY. It is proposed to insert as a new section:

SEC. 2. This act shall take effect on the 1st day of July, 1908.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUSTOMS LAUNCH FOR LOS ANGELES, CAL.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill (S. 520) for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal.

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to insert after the word "dollars," in line 8, the following proviso:

Provided, That the Secretary of the Treasury may use said boat at any customs port in the United States, as the exigency of the service may require.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to purchase or have constructed for the customs service a suitable launch, of such motive power as may be determined by the Secretary of the Treasury, for use at and in the vicinity of Los Angeles, Cal.; and the cost thereof shall not exceed the sum of $10,000: *Provided*, That the Secretary of the Treasury may use said boat at any customs port in the United States, as the exigency of the service may require.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PERSONAL DAMAGE CASES IN NEW MEXICO.

Mr. NELSON. I ask unanimous consent for the immediate consideration of the joint resolution (S. R. 37) disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution which disapproves and declares null and void and of no effect an act of the legislative assembly of New Mexico, entitled "An act establishing the law and procedure in certain cases," passed over veto March 11, 1903, which act reads as follows:

Be it enacted by the legislative assembly of the Territory of New Mexico:

SECTION 1. Hereafter there shall be no civil liability under either the common law or any statute of this Territory on the part of any person or corporation for any personal injuries inflicted or death caused by such person or corporation in this Territory, unless the person claiming damages therefor shall within ninety days after such injuries shall have been inflicted make and serve upon the person or corporation against whom the same is claimed, and at least thirty days before commencing suit to recover judgment therefor, an affidavit which shall be made before some officer within this Territory who is authorized to administer oaths, in which the affiant shall state his name and address, the name of the person receiving such injuries, if such person be other than the affiant, the character and extent of such injuries in so far as the same may be known to affiant, the way or manner in which such injuries were caused in so far as the affiant has any knowledge thereof, and the names and addresses of all witnesses to the happening of the facts or any part thereof causing such injuries as may at such time be known to affiant, and unless the person so claiming such damages shall also commence an action to recover the same within one year after such injuries occur, in the district court of this Territory in and for the county in which such injuries occur, or in and for the county of this Territory where the claimant or person against whom such claim is asserted resides, or in event such claim is asserted against a corporation, in the county in this Territory where such corporation has its principal place of business; and said suit after having been commenced shall not be dismissed by plaintiff unless by written consent of the defendant filed in the case, or for good cause shown to the court; it being hereby expressly provided and understood that such right of action is given only on the understanding that the foregoing conditions precedent are made a part of the law under which right to recover can exist for such injuries, except as herein otherwise provided.

SEC. 2. Whenever any person or corporation shall file a petition in the district court of this Territory for the county in which said petitioner lives, or, if a corporation, in the district court for the county in which such corporation has its principal place of business, stating in effect that such petitioner is informed and believes that some party named in said petition claims that he is entitled to damages from said petitioner for personal injuries inflicted in this Territory upon the party named in said petition, or for personal injuries inflicted upon or death caused to some other person for which such party claims to have a cause of action against said petitioner, and stating as near as may be the general character of such injuries, and the manner and the date said party claims they were inflicted, and the place where he claims they were inflicted, as near as petitioner knows or is informed as to such facts, and praying that the said party may be required to appear in said court and file therein a statement of his cause of action in the form of a complaint against said petitioner, summons shall issue out of said court and be served and returnable as other process, commanding and requiring the said party named in said petition to appear in said court and file such statement in the form of a complaint against said petitioner, if he has to make, and upon such complaint being filed by such party as required, the defendant named therein may demur to or answer the same and such further pleading had as the parties may be entitled to, or as may be meet and proper as in other cases of a similar character, and from thenceforward such further proceedings shall be had in such cause as in other cases, and the same shall be determined upon its merits, and final judgment, subject, however, to appeal or writ of error, shall be rendered therein either for the petitioner named in said complaint or for the adverse party, and if the court finds the petitioner guilty of any of the wrongs, injuries, or trespasses complained of against him in said statement such damages shall be assessed against the said petitioner as the law and the facts may require, in the same manner as though said cause had been instituted by the filing of said statement as a complaint.

In event said party complained of in said petition, after being duly served with such summons, shall fail or refuse to appear or file his said statement as required herein, judgment shall be rendered by default against him and in favor of the petitioner as in other cases, and thereupon the court shall try and determine the issues raised by such petition, including the question as to whether or not the petitioner is liable to said party on account of any of the matters or things stated in said petition in any sum of money whatsoever, and, if so, in what amount, and final judgment shall be rendered in accordance with the facts and the law, and such judgment as the court may render shall be final and conclusive upon the question of the liability or nonliability of said petitioner to said party, and of the amount of the liability.

SEC. 3. It shall be unlawful for any person to institute, carry on, or maintain any suit for the recovery of any such damages in any other State or Territory, and upon it being made to appear to the court in which any proceeding has been instituted in this Territory, as herein provided, that any such suit has also been commenced, or is being maintained in any other State or Territory contrary to the intent of this act, it shall be the duty of the court to set down for hearing and try and determine the proceeding so pending in this Territory as expeditiously as possible upon such short notice to the other party thereto or his attorneys as the court may direct; and for the purpose of trying the same said court shall have the power to compel the parties thereto to plead or answer on such short day as it may determine; and in event the same is triable by jury it shall be the duty of the court, upon motion, to change the venue thereof to such county in said district as in the opinion of the court will afford an opportunity for the most speedy hearing; but in event such action is not triable by jury, then the court shall immediately proceed to try and determine the same, giving such reasonable notice as it may determine, to the parties or their attorneys, at any place in the Territory which the court may designate, and witnesses may be compelled by subpœna to attend such place personally, from any part of the Territory, and testify, as at present, at such time and place. The institution of any such suit in any other State or Territory shall be construed by the court as a waiver upon the part of the party so instituting the same of the right of trial by jury in the case pending in the courts of this Territory.

SEC. 4. Whenever it shall be made to appear to the district court of this Territory for the county in which petitioner or plaintiff lives, by any petition filed under section 3 hereof, or by a supplemental petition, or by an original complaint filed for that purpose, that petitioner or plaintiff fears or has good reason to fear that any other person is threatening or contemplating instituting suit in some other State or Territory to recover damages against petitioner or plaintiff for personal injuries inflicted or death caused in this Territory, or that he has already instituted and is then maintaining such a suit, it shall be the duty of the court, upon such bond as the court may require being given, to issue its injunction pendente lite restraining such party from instituting or maintaining such suit in any court sitting in any other State or Territory, and, at the final hearing, if such facts are found by the court to be true, the court shall make such

injunction perpetual; and at the final hearing in all cases instituted under the provisions of section 3 hereof the party complained of in the petition shall be perpetually enjoined from further instituting or maintaining any suit or action to recover damages by reason of any of the matters or things set up in said petition.

SEC. 5. This act shall not apply to cases in which the persons or corporation against whom damages for personal injuries are claimed can not be duly served with process in this Territory.

SEC. 6. Nothing herein contained shall be construed as in any way preventing anyone in this Territory claiming to have a right of action for any such damages from compromising such claim.

SEC. 7. All acts and parts of acts and laws in conflict with this act are hereby repealed, and this act shall be in effect from and after its passage.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PUBLIC BUILDING AT LEWISTON, IDAHO.

Mr. HEYBURN. I ask for the present consideration of the bill (S. 123) to establish a Government building at Lewiston, county of Nez Perce, State of Idaho.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected on a site already purchased by the Government a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Lewiston and State of Idaho, the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $85,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the erection of a public building at Lewiston, county of Nez Perce, State of Idaho."

INLAND WATERWAY FROM MOBILE BAY.

Mr. JOHNSTON. I ask unanimous consent for the consideration of the concurrent resolution reported by the Senator from Arkansas [Mr. CLARKE] on the 24th of February from the Committee on Commerce.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of an inland waterway from Mobile Bay to Perdido Bay, in the State of Alabama, and from said Perdido Bay to Escambia Bay, in the State of Florida, for the purpose of estimating the probable cost of the construction of a canal 300 feet wide by 9 feet deep, or of such width and depth as will be sufficient to permit of the navigation of such vessels as ordinarily navigate said bays, and for other purposes.

LIGHT-HOUSE TENDER FOR TWELFTH LIGHT-HOUSE DISTRICT.

Mr. PERKINS. I ask unanimous consent for the consideration of the bill (S. 5085) authorizing the construction of a light-house tender for the light-house inspector of the twelfth light-house district.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill.

The bill was reported from the Committee on Commerce with an amendment, to add the following as an additional section:

SEC. 2. That the Light-House Board is authorized to employ temporarily, at Washington, not exceeding three draftsmen, to be paid at current rates, to prepare plans for the tender provided for herein, and to be paid from the appropriation therefor; such employment to terminate on or before the date on which the plans or alterations therein for this tender are finally completed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF INDIAN TRADERS AGAINST MENOMINEE INDIANS.

Mr. BROWN. I ask for the present consideration of the bill (S. 4791) providing for the determination and payment of claims of certain Indian traders and others against the Menominee tribe of Indians in Wisconsin and against individual members of said tribe.

The Secretary read the bill, and there being on objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with amendments, on page 2, line 11, after the word "Indians," to insert "as a tribe;" and in line 20, after the word "Indians," to insert "as a tribe," so as to read:

Said claims shall be presented to said court by verified petitions to be filed within six months from the date of the approval of this act. Said court shall, in rendering judgment, ascertain and determine the amount, if any, due upon each of said claims, and if the court find that there is a liability upon any of said claims, it shall then determine if such liability be that of the said Menominee tribe of Indians as a tribe or that of individual members of said tribe, and it shall render judgment for the amount, if any, found due from said tribe to any of said claimants, and it shall render judgment for the amounts, if any, found due from any of the individual members of said tribe to any of said claimants. Upon the rendition of final judgments, the court shall certify the same to the Secretary of the Interior, who shall thereupon, in case judgments be against the said Menominee tribe of Indians as a tribe, direct the payment of said judgments out of any funds in the Treasury of the United States to the credit of said tribe, etc.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN WARNER.

Mr. KEAN. I ask unanimous consent for the consideration of the bill (S. 1669) granting an honorable discharge to Benjamin Warner.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that Benjamin Warner hereafter shall be held and considered to have been honorably discharged as a private of Company B, Third New Jersey Cavalry Volunteers, on October 31, 1864, and that an honorable discharge shall be issued to him by the Secretary of War. But no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. CULBERSON. I ask the Senator if it is the purpose of the bill to remove the charge of desertion?

Mr. KEAN. That is the object.

Mr. TILLMAN. In order to get a pension, of course.

Mr. KEAN. I do not know, but I suppose a pension is to come hereafter.

Mr. TILLMAN. Did he deserve to be dishonorably discharged, or did he not?

Mr. KEAN. He says he did not.

Mr. CULBERSON. Is the report very lengthy?

Mr. KEAN. I do not think the report is very lengthy. The report was drawn by the Senator from Louisiana [Mr. FOSTER], and it is a very able document, without doubt. I have not read the report.

Mr. CULBERSON. I ask that it be read?

The VICE-PRESIDENT. Without objection, the Secretary will read the report.

The Secretary read, in part, the report submitted by Mr. FOSTER February 27, 1908, the entire report being as follows:

The Committee on Military Affairs, which has had under consideration the bill (S. 1669) granting an honorable discharge to Benjamin Warner, reports it back to the Senate favorably and recommends that it be passed without amendment.

A similar measure was favorably reported to the Senate in the Fifty-ninth Congress by Senate Report No. 7261 and passed the Senate.

Attention is invited to the soldier's record, as follows:

It is shown by the records that Benjamin Warner was enrolled September 3, 1862, and mustered into service September 17, 1862, as a private in Company I, Thirty-first New Jersey Infantry Volunteers, to serve nine months. He appears to have served faithfully until June 24, 1863, when he was mustered out with his company and honorably discharged the service.

He was again enrolled January 5, 1864, and mustered into service January 29, 1864, as a private in Company B, Third New Jersey Cavalry Volunteers, to serve three years. He is reported present with his company to August 31, 1864, and on the company muster roll, dated October 31, 1864, he is reported absent sick in hospital.

The medical reports afford no information relative to him, nor has any record been found to show that he was discharged or that he left the service by permission of competent authority, and in the absence of such record it must be held that he deserted on or about October 31, 1864. He never reported his whereabouts or the cause of his absence to the military authorities, although his company remained in service until August 1, 1865.

Applying for removal of the charge of desertion, Warner testified July 9, 1887, as follows:

"That he is the identical Benjamin Warner who was a private in Company B, in the Third Regiment of New Jersey Volunteer Cavalry; that he served faithfully until on or about the 18th day of May, 1865, when, without any intention of deserting, he left the regiment under the following circumstances: Was home on sick furlough, and while at home the war closed and the regiment was mustered out, and he never received his discharge."

In his petition to the committee Warner, after reciting his earlier military service, claims that he served with the Third Regiment of New Jersey Cavalry until about the 18th day of October, 1864, when, by reason of illness, he was sent to the general hospital at Harpers Ferry, Va., which fact he believes is the last account of him on the records of the War Department. Also "that no charge of desertion was ever preferred against him by anyone, but the same was inferred

by the War Department because they had no other record of him, and was unknown to him until he applied for a pension on account of disability."

The petitioner further states that—

"After he was sent to hospital at Harpers Ferry he remained there about two weeks, and no improvement in his condition being manifest, he was sent home on a furlough, to remain until he was able to join his regiment again for service; that he reached his home, at Oxford, in the county of Warren, N. J., in the early part of November and was openly at his home all winter, sometimes gaining a little and then losing ground, and all that winter was unable to go out to report to the provost-marshal, but was frequently visited by deputy provost-marshals, who were active in picking up soldiers that were at home without leave; that they always examined his furlough and his condition, and, being satisfied that he was no good to the service, left him undisturbed; that as warm weather approached he began to improve, and was making preparation to get back to his regiment when he heard that Richmond had fallen and the war was ended and was informed that there was no need of his returning to the Army; and as he had not fully recovered, and never did, he remained at home and has remained there ever since."

In an affidavit executed October 11, 1888, John Rowe, 67 years of age, a resident of Phillipsburg, N. J., substantiates what Warner says regarding his furlough and illness at home.

So does Robert M. Bishop, 63 years of age, a resident of Bridgeville, N. J., in an affidavit dated October 29, 1888.

Testifying under date of November 13, 1888, Warner said he was "unable to furnish any evidence of a physician or of any medical treatment or treatment of a physician during the period between September 15, 1864, and August 1, 1865, or thereabouts, because the physician who attended on this deponent, and who was his family physician, is now dead."

In this connection Samuel Kries, 52 years of age, a resident of Franklin Township, Warren County, N. J., in an affidavit executed October 14, 1899, testifies as follows:

"Has lived in the county of Warren, N. J., for the forty years past, and has been acquainted with Benjamin Warner, a member of Company B, Third Regiment New Jersey Cavalry, for all that period, and knows that he was in said company and regiment; that he remembers that said Benjamin Warner came home to his family in the fall of 1864, and that he had a furlough to come home, and was sick all the while that he remained at home, until the war closed, in 1865, and was still unfit for service; that during the period he was at home deponent saw Benjamin Warner every week or every two weeks, and knows that he was visited by an officer, who examined him and his furlough and let him go; that deponent during the time brought medicine to said Benjamin Warner from Doctor Glenn, late of Washington, N. J., now deceased, and knows that Doctor Glenn, by whom said Warner was being treated, stated to deponent that said Warner was unfit for service and unable to return, and that said Warner continued sick after the close of the war for some considerable time, and that among other things he suffered from rheumatism and chronic diarrhea; that when he lay down he had to be assisted to get up."

W. H. H. Warman, M. D., 3343 Seventeenth street NW., Washington, D. C., in an affidavit sworn to March 14, 1906, says he knew Warner since 1862, and has "always regarded him as a true patriot and an honest, honorable man, though uneducated and unacquainted with the customs and ways of the world and military rules and somewhat simple-minded. He was a true and faithful soldier during his service in the Thirty-first New Jersey Regiment. He and I served in the same company and were intimately associated as comrades, performing like duties."

Martin Wyckhoff, of Asbury, Warren County, N. J., adjutant of the regiment and also captain and acting inspector of staff of Gen. Gabriel R. Paul, certifies that he is well acquainted with Warner; that he was a faithful soldier while connected with the Thirty-first Regiment of New Jersey, and was honorably discharged therefrom; that he afterwards reenlisted in the Third New Jersey Cavalry and served some time; that he was at home in the winter of 1864–65 sick, and during that time took no measures to conceal himself, stating he was on furlough. Continuing, Mr. Wyckhoff says:

"While I did not see his furlough, I never doubted he had it, as the military authorities were active in picking up all soldiers that could not show some authority for being absent from the regiment. I further certify that I am and have been since 1862 well and intimately acquainted with said Warner; that he is a simple-minded man and one that could never have concealed himself had he been a deserter. He knew just enough to make a good soldier, but not enough to make a deserter, and I certify that, learning his troubles, I interested myself in his behalf, without fee or hope of reward, to have him set right on the record, deeming it a shame that a man who had been a faithful soldier, honorably discharged, then reenlisting and sent home to recruit, unable to return, should be called a deserter when the only record they have is 'October 18, sick in hospital.'"

Mr. CULBERSON. I do not ask for a further reading of the report.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIGHT OF APPEAL IN HABEAS CORPUS PROCEEDINGS.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill (H. R. 4777) restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that from a final decision by a court of the United States in a proceeding in habeas corpus where the detention complained of is by virtue of process issued out of a State court no appeal to the Supreme Court shall be allowed, unless the United States court by which the final decision was rendered or a justice of the Supreme Court shall be of opinion that there exists probable cause for an appeal, in which event, on allowing the same, the said court or justice shall certify that there is probable cause for such allowance.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE HERMITAGE.

Mr. FRAZIER. I ask unanimous consent for the present consideration of the bill (S. 4797) for the care and preservation of the Hermitage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $25,000 for the following purposes: For the repair, improvement, and care of "the Hermitage," the home of President Andrew Jackson, situated in Davidson County, Tenn., to be paid to the Ladies' Hermitage Association of Tennessee; $5,000 of the sum to be immediately available for repairing the buildings and tomb, and improving and beautifying the grounds and premises; the remaining $20,000 to be held by the Ladies' Hermitage Association in trust, and the interest thereon only used for the purpose of keeping in repair and caring for the buildings, tomb, and premises. It also provides that $20,000 shall be invested by the Ladies' Hermitage Association in United States bonds, bonds of the State of Tennessee, or some other good and safe security, to be approved by the Secretary of the Treasury, and to be held by the association as a permanent trust fund, and the interest on the fund to be forever devoted and applied as herein directed, and for no other purpose.

Mr. KEAN. I ask the Senator from Tennessee if there is any precedent for such a bill?

Mr. FRAZIER. I am unable to say just whether there is any precedent or not; but, if there is not, I think we can very readily make one.

These premises embrace the tomb of President Jackson. The State of Tennessee some years ago, in 1889, transferred this building, embracing the Hermitage, the tomb of President Jackson, and twenty-five acres of land to the Ladies' Hermitage Association, who have had the care of these premises since then. It has been supported entirely by voluntary contribution. The President, on his recent visit to Tennessee, visited the Hermitage, and in his annual message on the convening of Congress in December last recommended that an appropriation be made to aid these ladies in the care of the Hermitage and the tomb of President Jackson.

Mr. KEAN. Do I understand that this bill simply makes a contribution to this association, and that the Government of the United States does not acquire the land or anything of that kind?

Mr. FRAZIER. No, sir; the land belongs to this charitable association of ladies.

Mr. KEAN. And this is merely a gift of the Government, and not the purchase of the land?

Mr. FRAZIER. Not at all.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATE CLAIM OF NORTH CAROLINA.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill (S. 450) for the relief of the State of North Carolina.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the State of North Carolina $42,532 for cotton taken from the authorities of that State immediately after the close of the late civil war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 3, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1908.

SECRETARY OF LEGATION.

William Heimké, of Kansas, now secretary of the legation at Bogota, for promotion to be envoy extraordinary and minister plenipotentiary of the United States to Guatemala, vice Joseph W. J. Lee, resigned.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Lieut. Col. William T. Rossell, Corps of Engineers, to be colonel from February 28, 1908, vice Willard, retired from active service.

Maj. Lansing H. Beach, Corps of Engineers, to be lieutenant-colonel from February 28, 1908, vice Rossell, promoted.

Capt. James P. Jervey, Corps of Engineers, to be major from February 28, 1908, vice Beach, promoted.

First Lieut. John H. Poole, Corps of Engineers, to be captain from February 28, 1908, vice Jervey, promoted.

Second Lieut. Robert S. Thomas, Corps of Engineers, to be first lieutenant from February 28, 1908, vice Poole, promoted.

Cavalry Arm.

Second Lieut. Howard C. Tatum, Seventh Cavalry, to be first lieutenant from February 25, 1908, vice Jennings, Seventh Cavalry, resigned.

Ordnance Department.

Lieut. Col. Ira MacNutt, Ordnance Department, to be colonel from February 29, 1908, vice Russell, retired from active service.

Maj. Ormond M. Lissak, Ordnance Department, to be lieutenant-colonel from February 29, 1908, vice MacNutt, promoted.

Capt. David M. King, Ordnance Department, to be major from February 29, 1908, vice Lissak, promoted.

Field Artillery.

Lieut. Col. Edward T. Brown, First Field Artillery, to be colonel from February 25, 1908, vice Potts, Fifth Field Artillery, appointed brigadier-general.

Maj. David J. Rumbough, Third Field Artillery, to be lieutenant-colonel from February 25, 1908, vice Brown, First Field Artillery, promoted.

Capt. William Lassiter, Sixth Field Artillery, to be major from February 25, 1908, vice Rumbough, Third Field Artillery, promoted.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Frank Rorschach to be a lieutenant in the Navy from the 30th day of July, 1907, to fill a vacancy existing in that grade on that date.

P. A. Engineer Henry E. Rhoades, who was confirmed by the Senate on January 23, 1907, for advancement from the grade of assistant engineer, with the rank of lieutenant (junior grade), to the grade of passed assistant engineer, with the rank of lieutenant (junior grade), in accordance with the provisions of an act of Congress approved June 29, 1906, to be a passed assistant engineer, with the rank of lieutenant, on the retired list, from the date of his advancement, in accordance with an opinion of the Attorney-General, dated January 13, 1908.

Asaph Hall, a citizen of Michigan, to be a professor of mathematics in the Navy from the 26th day of February, 1908, to fill a vacancy existing in that grade on that date.

WITHDRAWALS.

Executive nominations withdrawn from the Senate March 2, 1908.

Second Lieut. Harry S. Adams, Twenty-third Infantry, for promotion to the grade of first lieutenant of infantry in the Army of the United States, with rank from November 8, 1907, which was submitted to the Senate February 21, 1908, his nomination for such promotion having been previously submitted to the Senate on January 9, 1908, and confirmed by that body on January 27, 1908.

Grosvenor A. Porter, of Oklahoma, to be United States marshal for the eastern district of Oklahoma.

Benjamin F. Niesz, to be postmaster at Steamboat Springs, in the State of Colorado.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2, 1908.

ASSISTANT APPRAISER OF MERCHANDISE.

Samuel W. George, of Massachusetts, to be assistant appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts.

POSTMASTERS.

CALIFORNIA.

Charles S. Graham to be postmaster at Pleasanton, Alameda County, Cal.

KANSAS.

Sheridan Crumrine to be postmaster at Longton, Elk County, Kans.

LOUISIANA.

John T. Charnley to be postmaster at Alexandria, Rapides Parish, La.

NORTH CAROLINA.

Roy C. Flanagan to be postmaster at Greenville, Pitt County, N. C.

WASHINGTON.

William M. Clemenson to be postmaster at Clarkston, Asotin County, Wash.

Francis M. Clow to be postmaster at St. John, Whitman County, Wash.

William O. Gregory to be postmaster at Burlington, Skagit County, Wash.

James Lane to be postmaster at Roslyn, Kittitas County, Wash., in place of James Lane.

Tilton S. Phillips to be postmaster at Mabton, Yakima County, Wash.

WYOMING.

Arnold O. Heyer to be postmaster at Shoshoni, Fremont County, Wyo.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 2, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, February 29, was read and approved.

COMPENSATION OF THE PHILIPPINE COMMISSIONERS.

The SPEAKER. The Chair desires to lay before the House a letter from the Comptroller of the Treasury, touching the pay of the Commissioners from the Philippines, if there is no objection. The Chair hears none, and the Clerk will read the communication.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, March 2, 1908.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

SIR: I have received your letter of the 28th instant in reference to the compensation of the Resident Commissioners from the Philippine Islands, elected by the Philippine legislature November 26, 1907. You ask for my opinion upon the following questions:

1. Have they been paid any sums under section 8 of the act of July 1, 1902 (32 Stat., 694) from the Treasury of the United States?

2. When does their compensation begin under the terms of the joint resolution of Congress approved February 24, 1908?

As to the first question I am informed that no payment has been made to these Commissioners by the statement of an account in the office of the Auditor for the State and other Departments.

As to the second question, the act of July 1, 1902 (32 Stat., 694), provides in section 7 for a Philippine legislature consisting of the Philippine Commission and the Philippine assembly, the members of the latter branch to be elected. In said section it is also provided that—

"The legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included): *Provided*, That the first meeting of the legislature shall be held upon the call of the governor within ninety days after the first election."

Section 8 of the same act provides:

"That at the same time with the first meeting of the Philippine legislature, and biennially thereafter, there shall be chosen by said legislature, each house voting separately, two Resident Commissioners to the United States, who shall be entitled to an official recognition as such by all Departments upon presentation to the President of a certificate of election by the civil governor of said islands, and each of whom shall be entitled to a salary payable monthly by the United States at the rate of $5,000 per annum, and $2,000 additional to cover all expenses: *Provided*, That no person shall be eligible to such election who is not a qualified elector of said islands, owing allegiance to the United States, and who is not 30 years of age."

The joint resolution of Congress approved February 24, 1908, is as follows:

"That the Sergeant-at-Arms of the House of Representatives is authorized to pay to each of the two Resident Commissioners from the Philippine Islands, out of the appropriation made for the current fiscal year for compensation of the Members of the House of Representatives, the same rate of compensation as is authorized and being paid to the Resident Commissioner from Porto Rico, together with $2,000 each, as authorized by law, in lieu of mileage."

The compensation appropriated and being paid to the Resident Commissioner from Porto Rico is at the rate of $7,500 per annum as fixed by section 4 of the act of February 26, 1907 (34 Stat., 993).

When the compensation of the Commissioners from the Philippine Islands begins under the law is a question of serious doubt. It is to be noticed that the law is similar to that under which the Commissioner from Porto Rico is elected (sec. 39, act of April 12, 1900; 31 Stat., 86). The latter was first elected November 6, 1900; his certificate of election was dated November 16, 1900, and he took the oath of office in Porto Rico on November 17, 1900. The Treasury Department of the United States paid him salary beginning on the date he took the oath. The law provided for his election, but did not fix the time when his term of office began. Subsequently, by section 3 of the act of July 1, 1902 (32 Stat., 732), it was provided that the term of office of the Commissioner should commence on the 4th of March next succeeding the date of his election.

The Philippine act is in the same language as to term of office, amount of salary, etc., as the earlier act relating to Porto Rico.

Although the matter is by no means clear, I am of the opinion that it was intended by the joint resolution of February 24, 1908, to pay the resident Commissioners from the Philippine Islands at the rate of $7,500 from the date of their certificates of election.

When their terms will expire is a question not now to be decided, but no doubt Congress will, as in the case of the Commissioner from Porto

Rico (act of July 1, 1902, 32 Stats., 732), amend the Philippine act to fix the term of the Commissioners, especially in view of the fact that while the present Commissioners were elected in November, 1907, the Philippine legislature is by the law to meet hereafter in February of each year.

I have answered your questions as best I could, not as an official decision, but as an expression of my views for your information. Under section 48 of the Revised Statutes the Speaker's certificate is conclusive on the accounting officers, and therefore all questions as to salary and mileage of Members and Delegates are to be decided by the Speaker.

It is the practice to treat the Speaker's certificate as to a Commissioner's salary as having the same effect as it has in the case of Members and Delegates.

Respectfully, R. J. TRACEWELL, *Comptroller.*

The SPEAKER. Under that letter and under the law, unless the House directs to the contrary, the Chair will sign the certificates which will entitle these Commissioners to the compensation indicated in the letter, which will be at the rate of $7,500 a year from the date of their certificates, which, I believe, was in November.

COMMITTEE ON POST-OFFICE DEPARTMENT EXPENDITURES.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Post-Office Department, or such subcommittee as it may designate, shall have leave to sit during the sessions of the House during the Sixtieth Congress.

The SPEAKER. Is there objection?

There was no objection.

Mr. WANGER. Mr. Speaker, I desire to say a few words upon the subject to which this resolution relates, and first to make a brief statement of fact which seems opportune and just to those members of the Committee on Expenditures in the Post-Office Department who have been making an investigation for several days in order that the House may know that the committee has been organized and at work for some time past.

This is important in view of a misstatement in debate during my brief absence from the session on Saturday, when the resolution reported by the Committee on Accounts authorizing a clerk for this session to each of the House committees on expenditures was under consideration, which misstatement was evidently made through misapprehension and was, that only three of these committees on expenditures (naming three which did not include the one of which I have the honor to be chairman) were at work, or purposed, so far as the speaker referred to had heard, to work in discharge of the duties imposed upon them by the rules of the House, and more particularly does this statement of work done by my committee seem appropriate from the fact that that usually accurate and always fair newspaper, the Washington Post, this morning attributes to an honored Member of this House, who is a prominent member of the Committee on Expenditures in the Post-Office Department, this statement relative to that committee:

While the committee had had several meetings already, so far it had done little more than prepare for the work, and that it would probably not get to the investigation until some of the appropriation bills had been disposed of—

I desire to say that this gentleman, whom I have been pleased to regard as my personal friend, has been kept from most of the meetings of the committee by reason of work upon another and more prominent committee, and I do not suppose, if he uttered the remark attributed to him, that he meant to ridicule or reflect upon or even criticise the investigation which is actually being and has for some days been conducted by our committee and such of its members as were able to attend its meetings. That the work of the committee might have been better done had he been present at its investigations may be conceded without thereby acknowledging that it was little more than preparatory.

On the subject of a session clerk for the committee, I wish to say that if the committee were to comply literally with the rule, it would require a great bureau instead of one clerk to do its work. In order to reasonably and properly perform the duties which may justly be expected from this committee by this House—among other things to investigate and report upon the economy and justness of expenditures, retrenchment, abolition of useless offices, and fairness of salaries paid and asked for—it should have a clerk of the ability, capacity, and willingness to serve the committee and the House equal to that, for instance, of Mr. Courts, the clerk of the Committee on Appropriations, and its work should go on the year round, whether the House is in session or in vacation; and I trust that before this House adjourns it will make better provision to increase the effectiveness of the Committee on Expenditures in the Post-Office Department. Unless the position of clerk is made sufficiently certain and remunerative the committee can not secure the kind of clerk it should have and perform its reasonable duties fully or satisfactorily.

Mr. BARTLETT of Georgia. Mr. Speaker, may I ask the gentleman a question?

Mr. WANGER. Certainly.

Mr. BARTLETT of Georgia. The gentleman spoke to me before the House met. Did I understand the gentleman to say that the Washington Post attributes what he read to some Member of the House?

Mr. WANGER. Yes; to a Member of the House who is a member of the Committee on Expenditures in the Post-Office Department.

Mr. BARTLETT of Georgia. I thought the gentleman, from his conversation with me prior to the meeting of the House, had reference to myself.

Mr. WANGER. I had no reference in my remarks touching the Post article to the subject respecting which I had before spoken to the gentleman from Georgia. My only reference to him since I took the floor was in comment upon what he said in the House on Saturday as printed in the RECORD.

Mr. Speaker, the committee has had two or three hearings during the sessions of the House in violation of the rule. We can not properly perform our functions unless we have many more such hearings, and I ask the adoption of the resolution to make them in harmony with the law of the House.

Mr. BARTLETT of Georgia. If the gentleman will yield for a moment, I understood from the gentleman's remarks that he had read something in the Washington Post that he had attributed to me.

Mr. WANGER. Not at all.

Mr. BARTLETT of Georgia. I want to say with reference to my remarks on Saturday last, if the gentleman will permit, that nothing I said could properly be construed as in any manner reflecting on the committee over which the gentleman from Pennsylvania presides. I was ready to vote for a clerk of any committee that would do the work, and I would know, had I heard the gentleman's statement before the committee, that if he had undertaken to do the work the House could rely upon its being done and well done.

The resolution was agreed to.

INVESTIGATION OF PEONAGE.

Mr. WILLIAMS. Mr. Speaker, I move to suspend the rules and pass the resolution No. 266.

The SPEAKER. The gentleman from Mississippi moves to suspend the rules and pass the resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the Immigration Commission be requested to make an investigation into the treatment and conditions of work of immigrants on the cotton plantations of the Mississippi Delta, in the States of Mississippi and Arkansas, and upon the turpentine farms, lumber camps, and railway camps in the States of Florida, Mississippi, Louisiana, and other States; and to report them at as early a date as possible.

The SPEAKER. The gentleman can move to suspend the rules and pass the resolution as reported.

Mr. WILLIAMS. That is what I have done——

The SPEAKER. Or the gentleman can move to suspend the rules and pass the resolution with the amendment to the original resolution, which strikes out the word "Southern."

Mr. WILLIAMS. There is no amendment to the original resolution. The resolution was recommitted to the Committee on Rules and reported back with the one word "Southern" stricken out. This is a new resolution.

The SPEAKER. The resolution as reported strikes out the word "Southern."

Mr. WILLIAMS. Then I will change my motion to suspend the rules and pass the resolution as amended.

The SPEAKER. Is a second demanded?

Mr. HARDWICK. Mr. Speaker, I demand a second.

Mr. WILLIAMS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Mr. Speaker, there is no necessity for any long explanation in connection with this resolution. Charges have been made of the existence of a condition of peonage among immigrants in certain States of the Union, Mississippi being one of them and Florida being another. Some of these charges have taken a quasi or semi official aspect, and, while not published as official documents, have in some unexplained way obtained access to the newspapers of the country, have been translated into Italian, Swedish, and several other languages, and have done and are doing a great deal of harm to the cause of immigration into these States.

It was therefore thought well by those who had the welfare of these States at heart to have an investigation made by an impartial body which should determine whether or not such a condition of things existed. If such a condition of things does

not exist, it is due to the communities where it was alleged to exist that the truth should be known. If such a condition of things does exist, it is due to everybody that that should be known. For this reason the resolution was introduced. Two resolutions were introduced, one by the gentleman from Florida [Mr. CLARK] and the other by the gentleman from Mississippi [Mr. HUMPHREYS], and the resolution which comes from the Committee on Rules is an amalgamation of and a substitute for those two resolutions.

The other day when the resolution was reported the word "Southern" was inadvertently left in—that language occurring in one of the resolutions as originally introduced—so that it read "in other Southern States." Upon recommittal to the Committee on Rules the word "Southern" was unanimously stricken out, so that it now reads "other States." There was a well-grounded opposition to it in its first form, because it seemed to be singling out the Southern States for investigation.

I will now yield three minutes to the gentleman from New York [Mr. BENNET].

Mr. MANN. Will the gentleman first yield for a question?

Mr. WILLIAMS. Certainly.

Mr. MANN. Will the gentleman explain to the House what interest it was that translated these reports and, as I understand, spread them over Europe?

Mr. WILLIAMS. In answer to the question of the gentleman from Illinois, I will state that I am not sufficiently certain of my own opinion being well grounded to be willing to make a statement of it as a proven fact, but the allegations were used both abroad and by immigration agents in New York, so as to divert immigration from these sections of the country to other sections of the country. I have my own opinion as to what the interests were that were making use of this, but as I am not sure and can not prove it, I do not care to make the statement. I now yield three minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, as a member of the Immigration Commission I desire to say that so far as I know there is no opposition on the part of the Commission to this request from the House. We have already the authority to do this work under the existing law, and I think I ought to say, in justice to the members of the Commission who are not members of this House, that very probably we would do it in any event; but, of course, our Commission would pay especial attention to a request from this body.

While I am on my feet I want to make what is in the nature of a personal statement. In relation to this subject of peonage I possess as profound ignorance as any gentleman in this House. However, in response to an invitation from the governor of Florida, addressed to our Commission, I attended an immigration conference at Tampa, and was very kindly and courteously treated. The newspapers of that section did, however, publish some things about some remarks which I made which were inaccurate. I do not think they were intentionally inaccurate, but they quoted me as expressing an opinion in regard to peonage, something which I said in my remarks I knew absolutely nothing about, and also as expressing an opinion in relation to a lady who was an assistant United States district attorney, a lady whom I know and whom I respect. I expressed no opinion whatever, and if this investigation is asked at the hands of the Immigration Committee I want to say frankly and fairly to both sides of this House that so far as I am concerned as a member I intend that the investigation shall be fair, accurate, and so far as I can make it conclusive, no matter what we may find.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I want to say a few words only in explanation of the resolution which I introduced. It asked that the Immigration Commission be requested to go to the State of Mississippi and to the State of Arkansas and make an investigation to ascertain if there was a condition of peonage existing there. I included the State of Arkansas, because the gentleman who represents the particular district in which the peonage was alleged to exist wanted the investigation made, and for the further reason that although the plantation upon which the peonage is charged to exist is in the State of Arkansas it is operated and managed by citizens of Mississippi, residents of my home town.

In answer to the gentleman from Illinois [Mr. MANN], I want to make an explanation which, I think, will throw some light on his question. I will first give very briefly an outline of the history of the one Italian colony in Arkansas, on the Sunnyside plantation, which has caused so much comment in the newspapers, and which, in fact, has inspired the resolution which I have introduced. This colony was established eighteen years ago by Mr. Austin Corbin, of New York City, and an Italian nobleman, who, I believe, at the time was the mayor of the city of Rome. That colony has prospered as few colonies have ever prospered. A few years ago Mr. Alfred Holt Stone, a scholarly gentleman who has given a great deal of study to such questions and who has had large experience as a cotton planter, and who, in addition to all that, and best of all, is blessed with an abundance of the saving grace of common sense, went over to Sunnyside for the purpose of investigating this colony and made a report of his observations there to the American Economic Society, of which he is a very conspicuous member. That paper attracted a great deal of attention throughout this country, and with your permission I will read a few extracts from it.

Before reading, however, let me explain that Mr. Stone is perhaps the most profound student of the race question in this country to-day. He is invited frequently by the faculties of all the great colleges of the North to address them on this question, and is everywhere recognized as a man of the highest character and a writer and speaker of unusual ability. Having heard much of the success of the Sunnyside colony, he went over to investigate conditions there, the particular thought which inspired him being to make a comparative study of the negro and the Italian as farmers on the same plantation and under identical conditions.

The extract follows:

As the current year's business is not yet closed, I shall eliminate it also. This gives us a six-year period for a comparative exhibit of the two classes of labor, working literally side by side, their land indiscriminately allotted, each on the same tenure, each under the same conditions of soil, climate, and management. I shall confine this exhibit to the salient features of the operations. These are the number of families and hands, cotton acreage and production, and the value per hand. I shall consider only the cash commodities of cotton and seed, and shall reduce the figures to annual averages.

This gives us the following results: Average number of squads—Italians, 52; negroes, 167. Average number of working hands—Italians, 269; negroes, 433. Average number of acres per working hand—Italians, 6.2; negroes, 5.1. Average pounds of lint per hand—Italians, 2,584; negroes, 1,174. Average pounds of lint per acre—Italians, 403; negroes, 233. Average cash product value per hand (cotton and seed)—Italians, $277.36; negroes, $128.47. Average cash product value per acre—Italians, $44.77; negroes, $26.36. Thus the Italian is seen to have produced more lint per hand by 1,410 pounds, or 120.1 per cent, and to have exceeded the negro's yield per acre by 170 pounds, or 72.9 per cent. The difference in money value in favor of the Italian was $148.89 per hand, or 115.8 per cent, and $18.41 per acre, or 69.8 per cent.

Mr. SHACKLEFORD. What is the gentleman reading?

Mr. HUMPHREYS of Mississippi. I am reading from Mr. Stone's paper in the Papers of the American Society of Economics, at the meeting in Baltimore in 1905.

In another place, speaking of a squad of Italians, composed of four working hands, he says:

They had 43 acres, and made 437 pounds of lint per acre, and 3,135 pounds per hand. This squad has been on the place several years, and is reputed to have accumulated more than $15,000 in cash. It goes without saying that they owed no supply account. Their other account, rent, ginning, etc., amounted to $426.66. Their crop brought $2,172.10, leaving a net balance of $1,745.44.

Now, I wish to call your especial attention to this paragraph, remembering that this is on a plantation where we are told peonage is the system under which it is operated:

The first of these two squads illustrates what may develop into a tendency of considerable sociological importance. This is the withdrawing of their women and children from regular field labor as soon as the step is warranted by an improved economic condition. Here and there this is being done, though in no case until the stage in which their labor is necessary has been passed. It is frequently true that although women and children are included in the statement of working hands, they merely assist at intervals, according to the necessities of the crop.

It is alleged that peonage is made possible by an imprisonment for debt statute. Of course we have no such statute, but the following extract shows how utterly without foundation are all such charges, be the law what it may:

We need not multiply accounts for the mere purpose of comparison. The general results possess a meaning sufficiently significant. Of the 110 Italian squads who started to work at the beginning of the current year 44 were new arrivals. Yet of the total number 65 squads, or 59 per cent, had no supply accounts during 1905. That is to say, practically all who were on the place last year were in a condition of independence this year.

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This situation may be understood when we know that back of it lies the fact that to the sixty-six Italian families in 1904 cash balances above accounts were paid in the sum of $38,764.58, an average of $587.35 per squad.

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Take another illustration of what these operations have meant for the two races: There are 107 Italian squads at the end of 1905. Of these 104 own 123 head of work stock and other live stock, such as cattle, sheep, and hogs, to the total value of $23,400.

And so the story goes, Mr. Chairman, through the entire article.

Dr. Victor H. Clark, a gentleman who has frequently been employed by the United States Government to make investigations of this character, and who has visited several of the countries of Europe for that purpose, was so much impressed

by the report which Mr. Stone made that he went down to investigate for himself, and he reported that he found conditions there even more favorable than Mr. Stone had represented. But there were two interests, I will say in further answer to the gentleman from Illinois [Mr. MANN], which would be served best by an unfavorable report going out from the Sunnyside property. Those two interests were the Italian Government and the immigration agents located in the large cities of the North.

The interest which the Italian Government had was to prevent any emigration of her agricultural classes from her northern provinces. There is as much difference, as we all know, between the Italian farmer of north Italy and the south Italy fruit vendor as there is between the German and the Scandinavian of the north and the people of southern Europe generally. It was very natural that the Government of Italy should discourage the emigration of these, the best people of the Kingdom, and I have no quarrel with her on that account. I bid her God speed in her undertaking. But I do object to having my native State held up to the other countries of the world as a land of crime and slavery, to be avoided as a thing unclean.

Another interest which would be served by damning Sunnyside, and through it the entire cotton belt, is that represented by labor agents in our large cities. They have always opposed the proper distribution of immigrants throughout the country. That is her business, and, so far as I am personally concerned, They wish to keep them in the city, so that they may supply them first to this contractor and then to another, and thereby retain them as a permanent asset. Every immigrant who goes into the country and settles upon a farm is lost to them forever.

Reports began to emanate suspiciously near the Italian consulate at New Orleans charging all manner of cruelty, charging peonage to exist as a universal condition on this plantation, and the newspapers of the country took them up and sowed them to the winds. They were translated into foreign languages, circulated all over Europe, and I am advised that in the railway stations of a number of countries in Europe placards are posted in which emigrants who are contemplating going to America are warned to stay away from the State of Mississippi if they desire to keep out of slavery. I do not believe, Mr. Speaker, that newspaper misrepresentation—I do not believe that newspaper criticism, or, I may say, newspaper slander—ought either to inspire or justify Congressional action.

But this case stands upon a different footing. True the newspapers have been industrious in circulating the falsehoods to which my colleague has referred. Take these headlines, for instance, which are only types of many others equally lurid and atrocious. The stories of lawlessness which thus thunder in the index have been translated into all the tongues of Europe:

White slavery Dixie's burden—Further exposé of conditions shows many immigrants are held as vassals for alleged debt—Mississippi act an aid—Law permits employer to seize "agricultural servant" in arrears; probe for Sunnyside Farm.

Complaint as to treatment of immigrants causes Austria to put Mississippi on black list—Problem for Uncle Sam—Peonage and burdensome contracts injure plans for development of Southern States.

And then an item like this, which is as false as dicers' oaths:

CAPTURED; WORK UNDER ARMED GUARD.

Men have been captured on the streets of a Mississippi city in open daylight by an armed planter, transported across the river to Arkansas, and put to work there under a guard of men armed with rifles. All of this was legal, according to local law, although it is in direct violation of the laws of the United States.

We of the South have been made the target for similar envenomed shafts for so many years. We have been traduced and misrepresented so persistently for the past few decades that we have almost grown callous. We have learned by sad experience the utter uselessness of attempting to correct these libels and the senselessness of expecting anything approaching a square deal from the great metropolitan dailies, and so we have long since learned to pass all such by with silent contempt. That course would still be followed, even under the aggravating provocation of these recent eruptions, if the sins against us had still been confined to the customary abuses of the privileges of free speech so frequently interpreted by a large part of our press as license to slander; but this is not the case. This ceased to be mere newspaper gossip. These stories are told now upon the alleged authority of an official report made to the Department of Justice by agents specially designated to investigate these conditions; and so they go forth with the added weight of the alleged indorsement of this great Government. No man who loves his State, Mr. Speaker, can sit silently by and permit such charges to go thus officially authenticated without an effort at least to refute them. No more serious charge could be brought against a State than that a system of white slavery exists in it, which is sanctioned by its laws and upheld by its courts. The charge is not the old and threadbare story that a superior race is denying equality to an inferior one, but that a system of peonage is maintained under the forms of law, and that white men are inveigled there by fraud and misrepresentations, and when they come are thrown into slavery and denied the simplest rights which the laws both of God and man guarantee.

We are warned by the overcautious to avoid and even to oppose any investigation. That would certainly be an easy course to pursue. It is along the lines of least resistance and therefore the less liable to friction. As a politician, therefore, I would embrace that suggestion with composure, but as a patriot I must reject it with contempt.

Mr. Speaker, I love the State of Mississippi. Beneath her soil all the generations of my ancestors, so far as I know aught about them, sleep the sleep that knows no waking. She has been generous to me and mine, and when this fitful dream has passed I, too, hope for eternal rest beneath her sacred sod. In my humble opinion there has never been a day in her long and eventful history when she was afraid of the truth; there was never a time when the light of God's sunshine would reveal aught in her domestic economy that would bring a blush to the cheek of her sons. And I shall not at this late day, Mr. Speaker, commissioned as I am in part to represent her here, sit silent in my seat while her good name—the most immediate jewel to the soul—is filched from her. [Applause.]

The United States Government has made an investigation of this matter, and in view of what I have stated just now, that certain interests would best be served by an unfavorable report, it is interesting to note that the agents which the Federal Government employed to make the investigation were two in number—one suggested and recommended by the Italian ambassador and the other himself an immigration agent in the city of New York.

First, the reports are sent out from sources suspiciously near the Italian consulate at New Orleans, and subsequently, at the request of the Italian ambassador, the Attorney-General of the United States undertakes an investigation and employs as the chief investigator a lady whom the Italian ambassador suggests and, in fact, nominates.

This extract from a personal letter written by Mr. Percy, one of the partners in the Sunnyside plantation, one of the most distinguished gentlemen in the South, and wholly incapable of uttering a falsehood, tells its own story better than I can tell it:

Our Government then proceeded to investigate conditions, and if it had aimed to absolutely damn and discredit the South by its investigation it would have pursued precisely the same course it did pursue. It sent out special paid attorneys, aided by a corps of interpreters, detectives, and special agents, with instructions *to discover violations of the law*. Each violation discovered redoubled the zeal and industry of the explorer and vindicated the wisdom of the Government in having the investigation made. The investigation was made with a brass-band accompaniment. The country was raked with a fine tooth comb for malefactors, and the discovery of each one was heralded as a triumph. Not ordinary, but extraordinary, publicity was given to each step of this investigation. Just as an illustration: The attorney investigating Sunnyside, among the thousands of Italians who have been upon it, discovered, in his judgment, one case of peonage.

The proof sustaining it was not submitted to the Federal grand jury according to the ordinary procedure, although there was not a possibility of the party accused leaving the country, but an affidavit was made before a commissioner, so that the entire country might be advised of the fact that in the opinion of the investigator a prima facie case of peonage had been discovered.

No notice was taken, no report was presented as to the condition of the thousands of Italians who had fared well throughout the South, and to whom just treatment had been accorded.

Mr. Speaker, it is not my purpose to criticise harshly or unfavorably the lady who made this investigation. I do not know whether she went beyond the terms of her employment or not. I do know, however, that she at least exceeded the scope of the authority of the Department of Justice. She did not confine herself to an investigation to ascertain whether the law had been violated or not, but she went into a full and complete investigation of the conditions of work and of labor there, a matter which properly belongs to another Department of this Government.

The SPEAKER. The time of the gentleman has expired.

Mr. HARDWICK. I yield five minutes additional to the gentleman.

Mr. HUMPHREYS of Mississippi. Now, Mr. Speaker, the fact that the agent who made the investigation was a lady of high character, was honest, was high-purposed, is of itself by no means conclusive that the investigation was fair or that her report was impartial. It is immaterial whether the investigator be corrupted beforehand to bring in a certain report, or whether an agent is selected whose habits of thought, whose

mental processes are known in advance to be such as will lead inevitably to a given conclusion. It is immaterial so long as the result itself is predestined. Whether Cæsar was killed by the "well beloved" Brutus or by the "envious Casca" made no difference to him; the result was equally disastrous.

Now, this good lady has spent much of her useful life in the investigation and study of the unhappy conditions of the extremely poor in the great cities of this country. Whether as a result of that study she reached her conclusion or whether the study was the result of a preformed conviction on the subject, the fact is that when she undertook this investigation she was thoroughly saturated with those ideas of the proper relations of the rich and the poor, of society to man, of the individual to society, which are the high tenets of socialism. In this mental condition she was regaled with these stories of cruelties and peonage, of oppression of the weak and friendless by the rich and the powerful on this plantation, way down in the black belt of the far away and benighted South, and she started upon her crusade with all the enthusiasm, and I might say with all the lack of wisdom and with all the misdirected zeal that characterized the knights of old in their—I was about to say senseless—but at any rate fruitless though heroic efforts to repossess the holy sepulchre. Such was the mental equipment of this "sociological expert," as my colleague has put it, when she turned her face toward Damascus, and, sad to relate, "there shined round about her no light from heaven as she journeyed and no voice spake to her to convert her."

Mr. Speaker, the men of the South have inherited the lessons of chivalry from their cavalier ancestors. Respect for women is taken into their being with their mother's milk. High-spirited, proud, quick-tempered, too prone to answer affront with a blow, a prince among men, acknowledging no superior, he stands always, hat in hand, before her imperial majesty, Woman. And so Mrs. Quackenbos tells us that she was received with marked courtesy by the owners of Sunnyside when she arrived to begin her investigations. A buggy was tendered her for her use in going about the property, which she declined. Other courtesies were likewise declined. Whatever may have been her fears, these were not attempts to gain her favor and so temper her zeal. How foolish would such an effort have been.

Was ever woman in this humor wooed?
Was ever woman in this humor won?

Her first lieutenant, who went with her as "interpreter," was a Mr. Pettek, a member of the firm of Pettek & Rossi, labor agents, New York City. He was sent on beforehand, as a sort of John the Baptist, but with instructions not to make his employment known; and so for a few days he went about the plantation talking with the tenants in such a way as to excite the suspicion of the company's agents, who began to question him about what he was doing there, and he said he was seeking employment. They believed he was a labor agent, trying to induce their tenants to leave, and they warned him to quit the plantation or he would be prosecuted as a trespasser.

He subsequently stated that he was a labor agent and produced a business card of Pettek & Rossi. He refused to go, and accordingly was arrested and carried before a justice of the peace; and he then for the first time said that he was an agent of the United States Government, sent there on business of the Department of Justice, but he failed to show his credentials. He was fined, and the case was appealed to the circuit court and is now pending. It developed afterwards that, as a matter of fact, he was a representative of the Government. Now, note how this circumstance has been used to harm that colony. Newspaper men who had been most industrious in circulating these slanders were written to by the owners of this plantation and were told that they were being misinformed. "You are doing us a great injustice; come down and make an investigation and see for yourself." They were answered by this statement: "Why, the Federal Government sent a man to make an investigation and you at once set upon him and cast him into prison," and then in more flaming headlines they warned all people not to accept employment at Sunnyside and not to go there to make any investigation, if they did not want to be put in the chain gang.

The SPEAKER. The gentleman's time has expired.

Mr. HARDWICK. I yield five minutes to the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. Now, Mr. Speaker, I have a letter which I am going to print in the RECORD. Prof. Bushnell Hart, of Harvard University, hearing of these stories, was sent by the corporation to make an investigation. He went to Sunnyside in January and afterwards wrote a personal letter to President Roosevelt, a classmate and lifelong friend of his, which I will read. I find this letter published in the Vicksburg Herald, together with several others, in an article written by Governor X. O. Pindall, of Arkansas:

LETTER TO LEROY PERCY.

Professor Hart's letter to Mr. Percy, in part, is as follows:

"There must, of course, be more in the Quackenbos and Pettek episodes than I understand, and I have made no attempt to enter into any pending legal questions; but the frankness and straightforwardness of your employees, the visible comfort of the tenants, and the general air of thrift and good business management show that the impressions that have gone abroad through the country with regard to Sunny Side are not justified."

LETTER TO THE PRESIDENT.

Professor Hart's letter to President Roosevelt, in part, is as follows:

JANUARY 10, 1908.

Mr. PRESIDENT: The corporation has given me two months leave of absence in order to go through the cotton belt of the South and to get some personal impression of the actual conditions of the agricultural population, both white and negro. A few days ago, through the good offices of Prof. Franklin L. Riley, of the Mississippi State University, I was introduced to Mr. Percy, of Greenville, one of the owners with Mr. Crittenden of the Sunnyside plantation in Arkansas, a place which has been much in the public eye because of the investigations by Mrs. Quackenbos there, and of the charge of peonage now pending against Mr. Crittenden. Mr. Percy gave us credentials to the plantation and we spent twenty-four interesting hours.

Without entering at all into the question of the charge against Mr. Crittenden, upon which in any case I should not feel justified in expressing an opinion, I think you may be interested to hear at first hand some general conclusions that impressed themselves upon Professor Riley and myself as to the conditions of that plantation, especially with reference to the three issues of the reports of investigators sent by the Federal Government and apparently by the Italian Government, the Pettek case, and the frame of mind down there of the people on peonage.

As to the condition of the people on Sunnyside, both Italian and negroes, they are better housed and better cared for than on any plantation that I have seen or visited. There is no want among them and has been none. I visited the family which is alleged to have been reported as starving, and they had a cow, calves, hogs, provisions, and credit at the store. The water supply is the pump water, common throughout the Delta. The people throughout are well fed, and there is on the place a very intelligent and highly skilled doctor. If any report has been made that the people are badly treated by the owners of the plantation, I feel sure that it is erroneous.

As to the arrest and fining of Mr. Pettek, he may, of course, have had a purpose and an authority which he did not reveal; but I believe that Mr. Wright, the manager, the bookkeeper, Doctor Norton, and Father Galioni, the Italian priest, were all candid in the accounts which they gave and agreed with each other to the effect that Pettek behaved in a suspicious manner and absolutely declined to show any credentials other than a printed card.

As for restraint or violence on the plantation, it is on the face of it very unlikely. The plantation lies for 8 miles along the Mississippi, is easily accessible from the interior, is very near a railroad station, and people can come and go to it freely. I was allowed to examine the accounts of any tenant and did go through carefully and analyzed the account of an Italian and of a negro. Being an old accountant myself, I was interested to see that the books were well and clearly kept. There is, is course, the usual plantation system of advances, interest charges, and the like, but the impression made on my mind was that they were more than usually careful in keeping straight and comprehensive accounts. I saw where one of the Italians had carried over a credit balance of $2,600, which he was leaving with the company on interest, and the fact that more than nineteen-twentieths of the Italian families who were in the plantation's employ in 1907 have contracted again for 1908 is a proof that they are satisfied.

As a result of all this hurrah—and I do not feel justified in dignifying it beyond a hurrah—one charge of peonage was preferred against one of the partners in the Sunnyside business. An affidavit was made before a United States commissioner as though it was feared that he might flee the realm before the grand jury met. The fact was telegraphed everywhere that one of the Sunnyside planters had been *indicted* and sometimes it was said *convicted* of peonage. "A MILLIONAIRE INDICTED" was the usual headline. That, of course, made it more interesting.

When the grand jury met and heard only the Government witnesses testify they made the following report to the court:

We have examined all the witnesses that the Government has presented before us. We have investigated six cases charged with peonage. We have failed to return a single indictment of peonage on the evidence adduced by the Government alone. In our judgment the condition of peonage, or any arrest for the purpose of returning to a condition of servitude, was not shown.

We were mindful of your honor's charge, that if sitting as a petit jury we would convict on the evidence submitted sitting as a grand jury, it would be our duty to indict on such evidence. The evidence adduced was not of such character as would, in our judgment, have sustained in any instance a conviction, and, therefore, could not warrant an indictment.

When court adjourned the Assistant Attorney-General, who had been sent to Vicksburg to look after these peonage charges, in his report to the Attorney-General said:

No permanently established system of peonage of a set of laborers was proven to have been maintained on any plantation, nor was there proven any shocking systematic cruelty, though there were many arrests and some rough treatment.

Bearing in mind that his impression had been formed from the report and examinations of Mrs. Quackenbos, the concluding paragraph of his report is very significant:

More has been accomplished than I expected, knowing of inspired newspaper abuse, and Delta conditions, with regard to Italian peonage, are far milder than I expected to find.

RUSSELL.

This, Mr. Speaker, is the story briefly and imperfectly told of what I believe to be an outrage on the State of Mississippi. Sunnyside was selected because it was the best known of all the southern colonies. As Professor Hart expresses it, "It had been much in the public eye." It was the bright particular star whose glory must be dimmed, if it could not be obliterated entirely from the firmament, in order that the wicked purposes of certain interests might best be served. Other plantations were attacked with like intent but less of zeal, but in my limited time I can not go into them. I may take occasion hereafter to say something about the methods employed by the officials of the Department of Justice in their vain efforts to extort an indictment from the grand jury. The recent term of the Federal court at Vicksburg, with its strange mingling of Italian count and attorneys-general, would make a chapter unique in the history of our jurisprudence. But I am admonished that my time is about to expire.

Let me add just one word, Mr. Speaker, on the subject of foreign immigration.

We want immigration to Mississippi, but provided always it is of the right sort, and to such we will extend that protection which the law and the Constitution guarantee. But we are not immigration mad. Our children are to live after us, and we are not afraid to leave to them in some proper measure the task of developing our natural resources.

There is plenty of work for willing hands, but the world will not come to an end to-morrow. Speaking for my single self, I will say that, while I would welcome the industrious, law-loving citizens of Europe who come among us to help us uphold the law and upbuild the State, I believe no greater calamity could befall us than to take down the bars and lift the flood gates and turn the tide of unrestricted immigration toward the South. Let Italy check her emigration as she sees proper to do. I say, God prosper her in the undertaking. But I do protest with all the earnestness of my nature against the vile slanders upon the State of Mississippi which are being circulated to-day throughout the world to serve the selfish interests which are responsible for them. [Applause.]

Mr. WILLIAMS. Mr. Speaker, I yield to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, for more than a year I have been seeking to get some responsible, honest, and fair-minded body, in whose report of findings of fact the public would have confidence, to make an examination into alleged peonage conditions in the State of Florida. Conscious of the fact that the lurid accounts of "peonage," "slavery," "involuntary servitude," "brutal and inhuman treatment of laborers," and other sensational rot, which for months past have found space in a number of the infamous "yellow journals" of the country, in the columns of slimy publications which smell of the "slums" and which are miscalled "magazines," and also in some most remarkable documents emanating from the Department of Justice of the United States, were absolutely false in all essential particulars, the people of the State of Florida, through their servants at this capital, through the public press of the State, through responsible commercial bodies, through the legislature of the State, as evidenced by resolutions passed by the house of representatives, and in almost every conceivable proper way have been earnestly and constantly demanding that a fair, honest, thorough, and impartial investigation be had to the end that the truth might be laid bare and the world might be correctly informed as to the real conditions in that American Commonwealth as affecting labor.

Now that the Committee on Rules, to whom the resolutions asking this investigation were referred, has reported a resolution as a substitute for the resolution offered by the gentleman from Mississippi [Mr. HUMPHREYS] and for the resolutions offered by myself providing for the investigation which our constituencies desire, I sincerely trust that this House will, by a unanimous vote, adopt the substitute resolution and thus make way for the speedy, impartial, and thorough investigation of these matters which in their practical effect have been of so much injury to the fair name of the great and good State of Florida, which I have the distinguished honor to represent in part upon the floor of this historic Chamber.

As the investigation will now, in all probability, be made, Mr. Speaker, I shall at this time refrain from a discussion of the merits of the various charges that have been given world-wide publicity, and which directly affect the honor of my State and her people, preferring to quietly wait until such time as we can have before us the result of the labors of the honorable gentlemen who will undertake this great work. My people, as noble, as honest, as truthful, as honorable, as brave, and as patriotic a people as ever breathed the liberty-laden air of this Republic, will come through the ordeal of investigation "without the smell of fire upon their garments," and, in spite of the vile batteries of slander which for the past year have been belching their infamous "slum-begotten" fabrications in the direction of the "land of flowers," Florida will, when it is all over, with smiling face and her proud escutcheon unstained, greet her sisters of the Union as proud as the proudest and with her glorious record still as pure as the lilies that adorn her bosom.

While I shall not enter the realm of discussion as to the merits of the accusations, I shall call to the attention of the House and the country a few facts, in the short time allowed me, with reference to the Department of Justice of the United States. While that Department of the Government has never been specially distinguished for the legal knowledge of the alleged lawyers who are generally supposed to be housed therein, I think I may say that usually we have had at the head of the Department something of a lawyer. I fear, Mr. Speaker, that we have "fallen upon evil times" with reference to the "big chief" of the Department of Justice.

Personally, I know very little of the present head of the Department of Justice. Whatever may be his qualifications as a lawyer, he has certainly been extremely unfortunate in the selection of some of his inferiors, and particularly with reference to those to whom he has committed these prosecutions in the State of Florida, and presumably in other States, for alleged peonage practices.

It seems that when the present head of the law department of the Government, and which ought to be the very fountain head of justice, got well into the saddle, he, instead of looking after the law business of the United States Government, began a crusade in certain States to regulate sociological conditions. It seems that in the course of his undertaking this transplanted bud of alleged French nobility became acquainted with a lady bearing the euphonious cognomen of Mrs. "Mary Grace Quackenbos," whose field of labor previous to her acquaintance with the great Baltimore lawyer was in the slums on the "East Side" of "dear old Manhattan Isle." I presume that the learned Mr. Bonaparte, the head of the Department of Justice, the highest law officer of the Government, was of the opinion that this "slum worker" from New York was a very proper and fit person to send into the State of Florida and other benighted regions of our country to regulate conditions, legal and otherwise. At any rate, Mr. Speaker, we find that one Charles W. Russell, who styles himself as "a Southern man and a Democrat," was selected by this great lawyer, and given complete charge of the investigation of alleged peonage conditions in the Southern States.

This "Southern man and a Democrat" quickly called to his aid from the "slums" of the "East Side" of "dear old Manhattan Isle" Mrs. Mary Grace Quackenbos. My God, what a combination! In normal times, Mr. Speaker, it would be an affliction upon any people to send into their midst Charles W. Russell, "a Southern man and a Democrat," and "Mary Grace Quackenbos"—in combination or separately. [Applause.]

I have not the time to fully discuss this pair as I would like to discuss them in this presence, and as I may discuss them after the investigation contemplated shall have been made. Suffice it now to say that of all the ridiculous, farcical proceedings under the forms of law the capers cut by these people in the Federal courts in Florida take the palm. As I have said, I can not at this time discuss either the merits of the case or the conduct of these people as I would like to. The time will not come when I can discuss their conduct, and particularly that of Mr. Russell, in this presence as it ought to be discussed and exposed. This presence forbids my characterizing him as he ought to be characterized, as he deserves to be designated, and as I would designate him if I could do so without offending the proprieties of this presence. The parliamentary rules which govern this great body prohibit my characterizing this man, who styles himself as "a Southern man and a Democrat," as he deserves to be characterized and as I ought to characterize him. "It is a dirty bird that fouls its own nest," and this man says he is "a Southern man and a Democrat."

At this time I shall content myself, so far as he is concerned, with calling attention to a report which he made to his chief on February 14, 1907. This report has never been published, to my knowledge, and it certainly has never come to the knowledge of any of the Florida delegation in Congress until a few days ago, when he filed it with the Committee on Rules. In this report which this man made to his chief he writes himself down as absolutely unworthy to be intrusted with a high place, where the honor, the integrity, or the liberty of the citizen is involved. In this report, which I have not the time to read, he makes statements relative to the people of Florida which I unhesitatingly denounce as absolutely, and I believe willfully, untrue. In-

stead of this alleged report being what it ought to have been—a simple statement of fact and such views as he might have of the law—it is written in "dime-novel" style, of course with Russell figuring conspicuously as the hero of the story, and is entirely unworthy of a place in the files of any Government Department. He goes out of his way to attack me, and places words in my mouth in a manner in which they were not used. So far as the attack of this man upon me is concerned, if I were somewhere else, where the rules would permit, I would not hesitate to denounce his statement in language about the meaning of which there could be no mistake. I will simply say here that his statement with reference to me and my motives, made to his chief in a report which appears to have been zealously guarded for a year, is a base fabrication cut out of the whole cloth.

Again, he intimates in this secret report that while he was in Jacksonville looking after these alleged violations of law, the district attorney was absent, pretending to be sick. I want to say, Mr. Speaker, that the district attorney for that district is the Hon. John M. Cheney, a Republican, appointed by the present occupant of the White House. John M. Cheney is a lawyer of recognized ability in the State of Florida, a man of high character, in whom the people, without regard to party, have confidence. At the time this man speaks of, Mr. Cheney was dangerously ill at his home in Orlando, and for weeks it was daily expected by his friends to see a notice of his death in the newspapers. Mr. Russell, when he penned his vile insinuation relative to Mr. Cheney, either knew this fact or could easily have ascertained it. If he knew the fact and made the insinuation that Cheney was shirking his duty, let honorable men judge of his character. If he did not know the fact, but could have ascertained the truth, and made no inquiry, but thus recklessly reflected upon the character of Mr. Cheney, again I say, let honorable men judge of his (Russell's) character.

While in Jacksonville, Mr. Russell and his assistant, Mrs. Quackenbos, who, I understand, is now and has been for some time past a special assistant attorney-general of the United States, had entire charge of these alleged cases of peonage. They tried at least two alleged peonage cases in the Federal court at Jacksonville. Mr. O'Hara, a gentleman of high standing and character in that city, and I do not hesitate to say in this presence that notwithstanding his indictment for peonage he is a gentleman, the latchet of whose shoes this assistant attorney-general is not worthy to loosen. He tried O'Hara upon two indictments in the Federal court. The first trial took some two or three weeks, and O'Hara was acquitted by a jury of his country. Immediately, or within a few days, O'Hara was put upon trial in the Federal court by Russell and Quackenbos upon a second indictment, and after two or three weeks of another trial, before another and a different jury, another verdict of not guilty was promptly returned. This man Russell, in his secret report to the "big chief," in attempting to explain his failure to convict O'Hara, inveighs against the community, indulges in insinuations against the jurors, and makes the basest of attacks, by inuendo and insinuation, upon the character of all our people in that community. In this manner in that report he makes an attack upon Mr. Charles B. Rogers, who happened to be on the first jury that tried O'Hara, and, I believe, the foreman. Mr. Rogers is at the head of one of the largest business institutions in the State of Florida. His name is known and honored in the financial centers of this country. By his own efforts, from a poor, friendless orphan, his father having given his life to the "lost cause," he has risen to a proud eminence in the commercial world, and his word is as good as the bond of any man anywhere. No man who has the honor of the acquaintance of Charles B. Rogers would believe him guilty of a dishonorable act, such as the violation of his oath as a juror, if ten thousand Russells and Quackenboses should make affidavit thereto. In addition to his attack upon Mr. Rogers, he attacks the newspapers of the State; he attacks particularly the East Coast Railroad of Florida and its owner, Mr. Flagler. In fact, this man in his reckless desire to earn office in a Republican Administration, he being "a southern man and a Democrat," attacks everybody and anybody in this secret report, if such attack may tend to bring a smile of approval to the countenance of our alleged product of transplanted royalty.

I want to say that the court in which the O'Hara cases were tried was presided over by Judge James W. Locke, a northern man. If the jurors had so flagrantly violated their oaths in the acquittal of O'Hara as this man intimates in his secret report, Judge Locke, as an honorable judge, would not only have discharged them from that case, but would have discharged them from the term of court.

Having had the pleasure to be closely associated with Judge Locke for some years, I can truthfully say that I know him well. I want to say in this presence and to all the world that there is no man from Maine to the Philippine Islands, wherever the Stars and Stripes float, who is more beloved, more respected, and more honored by the people among whom he lives and where his judicial labors are performed than is Judge James W. Locke. No man in all this Union wears the ermine with more of honor and of credit than does he. No man need fear injustice in his court. But take this defendant, O'Hara: Mr. O'Hara is not a rich man, yet he was forced to expend thousands of dollars in defending himself from charges which two successive juries, composed of intelligent, honorable men, after long and patient investigations, and under their oaths, declared to be groundless. This man has no redress. These people have used the machinery of the courts to almost ruin him financially, and, although entirely innocent, he is perfectly helpless, and must simply "pocket his losses." Gentlemen must agree with me that it is an awful condition of affairs when the unoffending citizen can be dragged from his labors at the behest of people like Russell and Mrs. Quackenbos, be subjected to the ignominy of indictment and trial, at enormous expense of both time and money, on groundless charges, and upon acquittal find himself helpless in the matter of redress.

But bad as was the treatment of O'Hara, he could vindicate himself before a jury of his peers, and did do so. If an indictment were preferred in a court against all of the people of Florida we would not be asking for this investigation, because a forum would be furnished in which we could seek vindication. But as this can not be done, and as these people have preferred an indictment against us before the "bar of public opinion," we plead "not guilty" and demand a trial before the only tribunal open to us—a body of honorable men charged with the duty and empowered with the authority to seek the truth.

I am appealing to my colleagues, and I know I voice the wish of the entire Florida delegation in both branches of the Congress, to give our people the opportunity to meet, before an impartial and honest body of investigators, the maligners of the fair name of Florida, and there, face to face, let "the truth, the whole truth, and nothing but the truth," be fully developed. [Applause.]

Mr. WILLIAMS. I now yield the remaining two minutes of my time to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, from certain matters which have come within the range of my own observation I am convinced that, originating I know not where, there is an organized effort to prevent immigrants from moving into or staying in certain Southern States, particularly Louisiana and Mississsippi. A prominent contractor who had built hundreds of miles of railroad in Pennsylvania, himself an Italian, a very reputable and responsible man, obtained the contract for building a railroad in Mississippi and Louisiana. He went himself upon the ground and reported that he found it particularly adapted to settlement by his fellow-countrymen, both as to climate and soil conditions. He said he would take them there and was satisfied that they would never come away; that they would find it such a desirable locality in which to build their homes that they would remain there. He took 300 or 400 of them down there and at first they were delighted; but they had not been there ten days before there were emissaries among them spreading all manner of reports as to labor conditions in which they were likely to find themselves involved, and it was not thirty days——

Mr. WILLIAMS. And they threatened them with yellow fever, too.

Mr. OLMSTED. Yellow fever and cholera and all sorts of diseases. Another Pennsylvanian engaged there in the lumber works found that whenever he engaged an Italian there was the same influence at work to get him out of that country. Now, I know nothing of any condition of peonage there among immigrants; I doubt if it will be found to exist; but I do believe that in view of conditions that do exist having a tendency to prevent immigrants from settling in those States, an investigation ought to be had, and I hope that the resolution will pass.

Mr. HARDWICK. Mr. Speaker, I do not care particularly about this resolution in its present form. I objected to it last week principally because it had the word "southern" in it. I am opposed to any investigation that, on its face, in terms, is professedly and admittedly sectional.

I was delighted this morning to hear the gentleman from Mississippi [Mr. WILLIAMS] explain, for himself and the Committee on Rules, that the word "southern" was inadvertently put into the resolution. I am glad to know that it is now withdrawn, and that the proposition is now in its present form. But, Mr. Speaker, this resolution is entirely unnecessary. Under the provisions of the act of February 20, 1907, the Immigration

Commission has now full authority of law to investigate immigration conditions all over this country, and this request from one House to the Commission established by both Houses of Congress is entirely unnecessary. They already have the authority under the provisions of this act of 1907 to make this investigation, and they are already engaged in the work.

Now, Mr. Speaker, it seems to me that when the Immigration Commission is operating under the law passed by both Houses of Congress and approved by the President, it is entirely unnecessary and wholly undignified for this House to request of the Commission something that it can already do under existing law; something that it is directed to do, as I understand it, by the act of February 20, 1907. Therefore, without caring particularly about the result of this motion to suspend the rules and pass the resolution, I do say that it is an entirely undignified proceeding, and that there is no necessity whatever for the passage of the resolution.

Mr. GARRETT. Will the gentleman yield?

Mr. HARDWICK. I will yield to the gentleman from Tennessee.

Mr. GARRETT. I want to suggest to the gentleman—I do not know what it is worth, and I have no particular objection to the resolution as it now stands—but I want to suggest to him and to the House, that notwithstanding the word "Southern" has been stricken out, yet the definition of the industries here leave it so that it is confined entirely to the Southern States.

Mr. HARDWICK. I think so, and I want to say that another reason why I object is because I know, that so far as the State that I represent in part on this floor is concerned, we feel that we need neither certificate of character nor bill of health from this Industrial Commission.

The SPEAKER. The question is on suspending the rules and passing the resolution as amended.

The question was taken, and, on a division (demanded by Mr. HARDWICK), there were—yeas 163, nays 35.

So two-thirds having voted in favor thereof, the rules were suspended and the resolution was agreed to.

COMMITTEE ON EXPENDITURES IN THE POST-OFFICE DEPARTMENT.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The Clerk read as follows:

Resolved, That authority be, and hereby is, granted to the Committee on Expenditures in the Post-Office Department to have such printing and binding done as may be deemed necessary in the transaction of its business.

The resolution was agreed to.

AMENDING IMMIGRATION LAW RELATING TO DEPORTATION OF ALIENS.

Mr. BENNET of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13079) to amend section 21 of the immigration law.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 21 of the act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, is hereby amended by adding at the end thereof the following:

"*Provided further*, That any alien who is now under sentence because of conviction in this country of a felony, or who may be hereafter convicted of a felony, shall, at the expiration of his sentence, be taken into custody and returned to the country whence he came in the manner provided by section 20 of this act."

SEC. 2. That section 21 of the said act, as so amended, is hereby reenacted.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman for some explanation.

Mr. MANN. I demand a second.

Mr. BENNET of New York. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. BENNET] is entitled to twenty minutes and the gentleman from Illinois [Mr. MANN] to twenty minutes.

Mr. BENNET of New York. Mr. Speaker, this bill provides that an alien now under conviction and sentence because of a felony committed in this country and any alien who is hereafter convicted and sentenced for a felony shall, at the expiration of that sentence, be taken into custody, as provided in other sections as to the machinery, and deported to the country from whence he came. The reason for it is brief.

In my judgment we have room in this country for every desirable immigrant, but when the immigrant accepts our hospitality and abuses it by committing felonies, he ought at the expiration of his term to go back to the country whence he came. My idea is that the bill, if enacted, will not only deport from our country a number of criminals that we can well afford to lose, but it will deter aliens from committing crimes in this country.

Mr. SULZER. Mr. Speaker, will the gentleman yield for a question?

Mr. BENNET of New York. I yield.

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman from New York if this bill, if it became a law, would deport an alien who had declared his intention to become a citizen, and who subsequently committed a crime?

Mr. BENNET of New York. It would.

Mr. HUGHES of New Jersey. Does the gentleman mean a crime or a felony? Does the gentleman make any distinction between a crime and a felony?

Mr. BENNET of New York. Yes; this only applies to men who commit felonies.

Mr. DRISCOLL. I suppose that applies to all cases where either men or women are convicted of felonies in the courts of the several States.

Mr. BENNET of New York. Yes.

Mr. DRISCOLL. Are the laws uniform in all the States so as to determine what is a felony?

Mr. BENNET of New York. Mr. Speaker, they are not, any more than they are uniform abroad, but we already provide that the man who abroad has been convicted of a felony, although the laws there may differ, shall be barred out, and I see no reason why he should attempt to enter into a distinction between the laws of the various States. They are not very important. Felony is a crime of a high grade and a misdemeanor is a crime of a lower grade.

Mr. DRISCOLL. In other words, this law can not be applied and enforced uniformly all over this country, because of the fact that the laws determining what felonies are are not uniform in the several States.

Mr. BENNET of New York. It can be enforced uniformly, because it will be enforced against any man in any State under the interpretation that that State itself has placed on the word "felony."

Mr. DRISCOLL. For instance, one State may call a certain act a felony, which another State may call only a misdemeanor.

Mr. BENNET of New York. Exactly.

Mr. DRISCOLL. And therefore, of course, the application of this law imposing a punishment under it—because it is a punishment to deport a man—can not be uniform.

Mr. BENNET of New York. The reasons for deportations will, as my colleague says, differ in the different States, truly.

Mr. DRISCOLL. The idea and principle contained in this bill are sound and right. This is the land of promise and opportunity, of freedom and equality before the law. But it is not a land for lawlessness or license. Foreigners should understand they must behave themselves and obey the law. American citizenship is a great privilege and should be more fully appreciated than it is by some. But this bill should be amended in some respects. It should be uniform in its application to all immigrants in whatever State they may be when they are convicted of the crimes for which they are deported. Does not the gentleman think so?

Mr. BENNET of New York. My answer to that is that when a State has enacted that a certain act within its borders is a felony, the Government of the United States ought to respect the act of that State to the extent of deporting a criminal who comes within that law.

Mr. SULZER. Mr. Speaker, just one other question, in line with the question I formerly asked the gentleman. It is this: Does or does not an alien acquire some rights, or a legal status, by reason of his declaration of intention to become a citizen?

Mr. BENNET of New York. He acquires just this much, that on application to the State Department he can receive a passport to go back to any country except his own. He can, in the State of Indiana and, I believe, four other States, vote after six months' residence, and he can, in any State where there is public land, file a homestead entry.

Mr. SULZER. And he can take up mining claims.

Mr. BENNET of New York. Yes.

Mr. CRUMPACKER. Does he not renounce his allegiance to his former foreign sovereign, so that he has no nation?

Mr. SULZER. There is no question about that.

Mr. CRUMPACKER. He renounces his allegiance to his former sovereign, so that he is a man without a country. Where would you send him then?

Mr. BENNET of New York. We would send him back to the country whence he came.

Mr. CRUMPACKER. Then the gentleman would make a penal colony out of a foreign country?

Mr. BURLESON. Who is to pay the cost of the deportation?

Mr. BENNET of New York. The immigrant fund.

Mr. MADDEN. In the declaration which the immigrant makes of his intent to become a citizen does not he swear allegiance to this country?

Mr. BENNET of New York. He does not.

Mr. MADDEN. Well, does not he renounce allegiance to his country?

Mr. BENNET of New York. He renounces allegiance to his own country and gives notice that some time in the future, after he has been here five years, he will take the oath of allegiance to our country.

Mr. MADDEN. To what country does he belong when he makes that declaration?

Mr. BENNET of New York. That question has troubled our State Department and the chancelleries of Europe for some time and it depends largely upon the laws of the different countries.

Mr. MADDEN. In the face of that condition then what would you consider him, an alien?

Mr. BENNET of New York. An alien.

Mr. MADDEN. Just how does he get the rights you describe in the various States?

Mr. BENNET of New York. They are given to him by our laws and State laws.

Mr. GAINES of West Virginia. They are not right; they are privileges.

Mr. BENNET of New York. The gentleman from West Virginia very properly calls my attention to the fact that they are not rights; that they are privileges.

Mr. SULZER. Mr. Speaker, just another question, and it is this: Suppose an alien came to this country, declares his intention to become a citizen, marries an American woman, has a number of children, and after he has been here four years, we will say, or four years and a half, he commits a felony and is sent to prison and at the expiration of his term he is deported. Now, what is to become of his children and what is to become of his wife? Where do they go, and what is to become of them?

Mr. BENNET of New York. What became of them the time he was in jail?

Mr. SULZER. They would stay here, of course.

Mr. BENNET of New York. Then, they would stay here after he got out.

Mr. SULZER. Who is to support them after he is deported?

Mr. BENNET of New York. The same people who are supporting them when he came out of jail; when as a criminal he commits some other criminal act, as 90 per cent of the criminals do who come——

Mr. SULZER. Then, you intend to separate these families forever. In my opinion this bill presents several very serious aspects, to say nothing about its doubtful constitutionality.

Mr. BENNET of New York. I do not; he does. He does it by his act.

Mr. SULZER. No; it is to be done by this law.

Mr. COOPER of Wisconsin. May I ask the gentleman a question? Suppose this felony committed by an alien was a murder and under the statute he was to be hung?

Mr. BENNET of New York. At the expiration of his term, if the warrant could get him, he would be sent back.

Mr. COOPER of Wisconsin. Then your resolution ought to be amended to provide for cases in which the death penalty is to be inflicted.

Mr. BENNET of New York. I have thought that out very thoroughly, and I will say to the gentleman from Wisconsin it does not seem worth while to make the exception, because if some party goes where the warrant could not operate because he would not be there——

Mr. COOPER of Wisconsin. Will the gentleman allow me to ask him one more question?

Mr. BENNET of New York. Certainly.

Mr. COOPER of Wisconsin. What provision of law is there to-day for the deportation of a convict coming here from a foreign country who is pardoned in that country upon the condition that he leave it?

Mr. BENNET of New York. Any criminal who comes to this country, if he gets through our barriers in the first instance, can be deported at any time within three years and sent back to the country from whence he comes.

Mr. COOPER of Wisconsin. Will the gentleman permit me to state an instance which came under my observation in the city of Chicago? A number of years ago I went to call on a friend, a former classmate, who was engaged in a criminal trial in the city of Chicago. The defendant, Frank Mulkowski, a swarthy fellow about 40 years of age, was on the witness stand when I entered the court room. He was charged with killing and robbing a woman by the name of Agnes Klietziek, in whose home he boarded. The prosecution had a record from Europe showing that when he was 18 years of age across the water he had killed a man for the purpose of robbery, for which crime he had received a life sentence. After serving twenty years or more he had been pardoned on condition that he leave that country. On leaving prison he came to the United States and after being here only about six months had killed this woman for purpose of robbery. For this murder he was hung. In his case there must have been something exceedingly lax in the administration of our immigration laws.

Mr. BENNET of New York. If I had the time I could explain four different ways in which they might get into this country without reflecting in any degree upon our administration on our shores. But I want to say to the gentleman from Wisconsin [Mr. COOPER] and to the House that this is one of the objects of this bill, so that the criminals abroad will not have, as I find that some of them do have, as I am told by chiefs of police in foreign countries they do have, the idea that this is an asylum of refuge for criminals. It is not and ought not to be, and if you pass this law it will deter the criminal class from coming. As everybody in this House knows, I am in favor of sound, decent, able-bodied, and moral immigrants coming, and one of the best ways to protect them here and in coming is to provide that the criminal and vicious shall be both barred.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. BENNET of New York. Certainly.

Mr. HUGHES of New Jersey. As I heard the reading of this act it provides only for felonies?

Mr. BENNET of New York. Yes.

Mr. HUGHES of New Jersey. The crimes act in my State, as I remember it, makes no practical recognition of felony in terms. It classifies crimes as misdemeanors and high misdemeanors. I want to say that I believe my community would be very much benefited by the passage of this law, and I would not want my community to be barred from taking advantage of the provisions of the act by reason of the fact that it was not concisely and properly stated.

Mr. BENNET of New York. I will say to the gentleman, if his recollection is correct and the bill passes this House, I will be very glad to go with him to the Senate committee and see that we put his criminals in the bill.

Mr. SULZER. Suppose a governor should pardon a man.

Mr. BENNET of New York. Then the law would not act on him.

Mr. SULZER. He would be restored to all his rights, and hence could not be sent back.

Mr. BENNET of New York. Yes.

Mr. SULZER. There is nothing in your bill to that effect, however.

Mr. BENNET of New York. The pardon wipes out the conviction. This law only acts at the expiration of his sentence. Similarly it would not act on a man on whom sentence was suspended.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has occupied fourteen minutes, and he has six minutes remaining.

Mr. BENNET of New York. I reserve the balance of my time.

Mr. MANN. Mr. Speaker, I think there is considerable doubt about the desirability of this legislation. Let us take one or two cases, for instance. Many of the States have the parole system. Under the operation of this bill any man who, in the heat of passion or under stress of circumstances, may have committed some crime for which he is sentenced to the penitentiary, comes out on parole, endeavors to be a good citizen, and his sentence has not yet expired. Perhaps he marries; perhaps he does not know this law. I have even seen Members of Congress who did not know all the laws. He may have children; but at the end of his term of service—without trial, without investigation so far as his rights are concerned—he is seized by the officers of the law and taken into a foreign country. Take the particular case and present it to this House and there is not a man here who would vote to deport such a person.

Now, this bill is not designed to prevent criminals coming to this country. It is designed to add punishment after the sentence of the law has been complied with. I have always been taught to believe that when a man has paid the penalty provided by the law for his crime that, so far as the State was concerned, he stood on an even footing. Here is a proposition

to add an additional penalty—not merely take away that which the law takes away from you or me or other citizens, but to add to his penalty. In other words, to make a crime committed by an alien subject to greater penalties than a crime committed by a citizen.

Mr. DRISCOLL. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. DRISCOLL. Does not the gentleman think that the courts would be apt to consider the fact that he would be deported after the expiration of his imprisonment in imposing a sentence, and does not the gentleman think really that some courts might make it very short in order to get rid of him? I do not know but it might be as well to make the sentence very short and avoid the expense.

Mr. MANN. It may be, for aught I know, that in the State of New York the judges consider these matters in giving sentences.

Mr. DRISCOLL. They consider all things and all matters.

Mr. MANN. And it so happens in a majority of the States that the judges do not determine the sentence in felony cases. It is left to the jury in most cases, and the jury would have no knowledge in reference to this law——

Mr. OLMSTED. Will the gentleman yield to me?

Mr. MANN (continuing). It would be error to instruct the jury under such a law as this—plainly and clearly error. Now I yield to the gentleman from Pennsylvania.

Mr. OLMSTED. This resolution provides that at the expiration of his sentence he shall be returned. Now, in Pennsylvania we have a custom of allowing a certain commutation for good behavior in prison, so that a man sentenced for four years might get out three months short of that time. Is the gentleman sure, and can anybody be sure, that under this bill as it now reads, he could be deported under these circumstances?

Mr. MANN. I do not know; no one can answer any question with authority on law. So far as the terms of this resolution provides, it would take the opinion of a court, and a man who had been hanged could be taken back from the country from which he came. Whether that would be executed I suppose would depend upon the diligence and desire of the Commissioner of Immigration, because all officers do not obey the letter of the law, in spite of what it says. I have seen no demand for the passage of a law like this and no reason given for it. We have just passed the immigration act. The immigration and naturalization act has just gone into effect. Why, now, should we be endeavoring to add more penalties before the law we have recently enacted has well gone into effect?

I know the horror that men have of having criminals brought to the country. Why, two-thirds—sometimes three-fourths—of the crimes committed in the country are not committed by habitual criminals at all. Nor do I think we ought to take the right to say that we will permit a man to come here, accept his renunciation of allegiance to a foreign potentate, grant to him the homestead privilege and other privileges, that we permit him to marry, permit him to have children in the country, and permit him to be taken away as an additional penalty for a crime he may have committed, at the expense not of himself alone, but at the expense also of those who are dependent on him.

Mr. RUSSELL of Missouri. Will the gentleman permit me to ask him a question?

Mr. MANN. Certainly.

Mr. RUSSELL of Missouri. I would like to ask if it is not often the case that where a man is convicted of a felony, after he has been confined some time, the governor grants him a pardon? In these cases under this bill would not that man be deported?

Mr. MANN. I suppose that he would be deported, whether pardoned or not; I do not know, and nobody knows. Now I yield to my colleague from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, the gentleman from New York [Mr. BENNET] would have this House believe that this bill applies to criminals whom, as he says, we can well afford to lose. He would also have it understood that felony signifies a crime of high degree, and he would impress us to the effect that this bill intends only the deportation of persons guilty of high crimes. If this were true, I should not object to the passage of this bill. But had the gentleman taken my advice and accepted the amendment which I suggested to him, namely, that the provision of this bill should apply only to such crimes as are made felonies by the United States Statutes, or clearly set out the crimes, causes, and conditions for and under which such alien shall be deported, then the bill should have my unqualified support, for I approve and acquiesce in its underlying principle.

On the face there is nothing alarming about this bill, for the language employed is perfectly simple. Yet, notwithstanding its guileless phraseology, it comes dangerously near being a "wolf in sheep's clothing," because its terms are misleading.

In order that I may not be misunderstood, I want to impress upon you from the very outset that I am unalterably opposed to any crime or offense, and I hold that all malefactors, transgressors, and violators of law, whether rich or poor, high or low, should have such lawful punishment meted out to them as is commensurate with their evil doings. I am proud to be able to point to my record of twelve years on the bench in one of the busiest, most trying, and most cosmopolitan courts in the world in proof of my assertion. Much, however, as I am opposed to disobedience to and disregard of the precepts of society—the law—I am equally opposed to any and all unjust and unfair laws, and to cruel, inhuman, and barbarous penalties. Far be it from me to set myself in opposition to any law conducive to the betterment of conditions or to the preservation of the safety of the people of the United States. Just as far be it from me to be silent when I apprehend that that safety is endangered by ill-advised legislation. The interests of our country and the welfare of our people are as near and dear to my heart as to that of any Member of this House. [Applause.]

Now, I do not question in the least the sincerity and honesty of purpose of the gentleman from New York who introduced and who is now urging the passage of this bill. I firmly believe that he failed to realize the far-reaching effect its passage would have and the awful cruelties and injustice it would work. For fear that you may not have grasped the importance and ultimate effect of this bill I shall read it to you:

A bill to amend section 21 of the immigration law.

Be it enacted, etc., That section 21 of the act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, is hereby amended by adding at the end thereof the following:

"*Provided further*, That any alien who is now under sentence because of conviction in this country of a felony, or who may be hereafter convicted of a felony, shall, at the expiration of his sentence, be taken into custody and returned to the country whence he came in the manner provided by section 20 of this act."

SEC. 2. That section 21 of the said act, as so amended, is hereby reenacted.

Now, what is a felony? Bishop and other authorities say that felonies in this country are generally held to be offenses or crimes punishable by death or imprisonment in the penitentiary. The greatest authorities on criminal jurisprudence say that a felony is so generally associated with the idea of capital punishment that it is hard to separate the two. The distinction between felonies and misdemeanors corresponds roughly to that between grave offenses and such as are less heinous in character. In most of the States the distinction between felony and misdemeanor has been abolished by statutory enactment, an example likely to be followed more widely in the near future. To this question I now invite your special attention.

Felony, as will have been noticed, has been universally accepted as, and construed to mean, a grave, infamous, and atrocious crime punishable by death. But at the present time nearly every offense punishable with imprisonment in the State prison or penitentiary is a felony. In nearly all the States imprisonment in the penitentiary has been made the penalty for almost all misdemeanors, thereby transforming them into felonies. No one will deny the fact that many felonies of to-day were looked upon as minor offenses only in former times, in times known to us as days of barbarism, when corporal torture was a favorite punishment. In some of our States the stealing of a lamb, a chicken, a chunk of coal, a loaf of bread, or anything, no matter how insignificant, the selling of liquor, playing cards, or wagering on a horse race are made felonies.

Have you considered the cruelty of the punishment which this bill, if passed, would inflict upon an unfortunate alien who may be guilty of some minor offense for which the statutory penalty would be imprisonment in the penitentiary? Have you considered the case of an alien, perhaps a sober, industrious working man, stricken down by some illness long drawn out? His savings from his hard-earned wages have become exhausted, his credit cut off; misery knocks at his door; there is no way to provide for the dire necessities of his family which thus finds itself on the verge of starvation. Perhaps he makes use of money intrusted to him or, let us call it by the uglier name of stealing, yet honestly intending to replace the money he has taken as soon as he is able to earn it. He is detected, called upon to make restitution, and is unable to do so. He is guilty of embezzlement, perhaps of grand larceny; both felonies in every State. To such a man scant mercy is shown in a court of justice; the very fact that he is an alien is a circumstance that weighs against him. He is convicted, sentenced, sent to prison. The family is fatherless and without a provider. In the midst of all the trials and tribulations to which it is subjected it struggles along bravely, hoping for the day that the husband and

father will return and take from them the burden they now carry when the prison doors shall have opened for him. Eagerly, anxiously, impatiently do they bide this time. At last the day comes when the term of his imprisonment has expired; the day to which he and his loved ones have looked forward for the reunion after months, perhaps years, of separation. Behold, the law steps in and, horribile dictu, tells him that he is a felon, that he must be deported, that the law will tear him away from wife and children, leaving them to the mercies of a rude world. Can you imagine the heartrending scene which then ensues? The state erects a barrier between him and those nearest and dearest to him. What is to become of them? Friendless, the wife and children of a felon—a felon by the force of our unfair and unequal law, shunned by neighbors, unable to obtain work wherewith to earn a living, destitution staring them in the face. Who will provide for them? Who will so shape their affairs for them that the children may have the advantage of an education and grow up to become good citizens?

We cry out against pauperism. We bring to bear all the ingenuity of philanthropy to lessen its evils and to deplete its army. Yet, in the instance I have cited, we make paupers of a family and surrender them without regard or compassion to all the misery that waits upon the condition of such as they. Truly, we make the innocent suffer for the guilty. Our laws provide against the abandonment of the wife by the husband, against the abandonment of the children by their father, against the failure on the part of the man to support those whom he has sworn to support. Yet, if this bill is passed, we bring about the very things which ordinarily we forbid. Think you that laws are just, that laws are righteous and fair which would so severely punish a man by imprisonment and subsequent deportation because he has stolen, perhaps, something of small value, the while we allow to go unpunished men who are guilty of stealing millions of the savings of the people, thereby causing unspeakable suffering and hardship. [Applause.] I do not mean that where an alien commits an illegal act the fact that he is an alien should condone or mitigate such illegal act. I believe that all aliens to whom we extend the advantages of civic liberty should conform with the legal as well as moral obligations which we as citizens owe our country.

In a recent speech before the New York State Bar Association, having for his subject "Centralization by Construction and Interpretation of the Constitution," Judge J. M. Dickinson is quoted as having branded Congress, both the House and Senate, with ignorance and charged them with disregard of the constitutionality of bills brought before their august body for consideration and execution. He is said to have pointed out that it was the tendency on the part of men in both Houses to yield to the popular clamor and vote for bills which on their face were of doubtful constitutionality. I for one shall not go on record as being in favor of an unconstitutional bill, and I trust that none of you gentlemen will. Our Constitution is the foundation of our laws, and it must be upheld in any and all events. If there is a bill which appears to me to be unconstitutional, I feel it my duty to point it out and insist upon it being made constitutional, if possible.

And the mere fact that a bill may be a popular one, tending to appease the temporary clamor of some people, will not in any way influence me in the least if I believe that the same is unfair, unjust, or unconstitutional.

I am quite satisfied that this bill, besides being essentially cruel in its effects, is also clearly unconstitutional. It conflicts with section 9 of Article I of the Constitution, which provides that "no bill of attainder or ex post facto law shall be passed." The bill provides that "any alien who is now under sentence because of conviction of a felony shall at the expiration of his sentence be taken into custody and returned to the country whence he came." Bishop, in his work on Criminal Law, says:

> An ex post facto law may, with reasonable precision, be defined to be one making punishable what was innocent when done, or subjecting the doer to a heavier penalty or burden than was then provided.

The bill is also in contravention of Article VIII, which provides that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted." Surely the deportation and separation forever from those nearest and dearest to him of a person for any minor offense which we constitute or call a felony is so cruel and unusual a punishment as to come clearly within the purview of this article of the Federal Constitution.

The bill is further in contravention of Article XIV, section 1, which provides as follows:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

In so far as this section deals with the rights and privileges of citizens of the United States, it does not of course apply to the case under consideration. But it is to be noted that the section makes a distinction as to citizens of the United States and "persons" within the jurisdiction of the United States. To such "persons" this section of the Constitution guarantees "the equal protection of the laws." Equal with what, or with whom? Evidently the protection of the law is to be vouchsafed equally to citizens and to "persons" not citizens of the United States. Now, sir, this bill, I submit, is clearly in violation of the terms of the section I have just quoted, in that it does discriminate against "persons" not citizens but within the jurisdiction of the United States. It fails to accord to these "persons" the equal protection of the laws, or, more correctly stated, it deprives them of the same. A citizen of the United States, having suffered imprisonment for a given offense, could not be deported; a "person," not a citizen of the United States, having suffered such imprisonment should not be subjected to further punishment without due process of law. This bill, if passed, would cause that to be done, and would thus be in violation of Article V of the amendments to the Constitution, which provides that no "person be subject for the same offense to be twice put in jeopardy of life or limb; * * * nor be deprived of life, liberty, or property without due process of law." I am thus careful, Mr. Speaker, to quote these provisions of the Constitution in order that I may warn the House not to commit itself to a measure which would violate it in more particulars than one, and which, I firmly believe, would not stand the tests of the courts. There is another aspect of this case which it occurs to me to urge upon the consideration of this House, and that is that most of our treaties with foreign powers provide "that the citizens of either country shall in all cases enjoy the same security and protection as the natives of the country in which they reside, on condition that they submit to the laws, decrees, and ordinances there prevailing." I invite attention to the fact that an alien who for some offense may have undergone a term of imprisonment in the United States, may upon termination of such imprisonment have the best intention to submit to the laws, decrees, and ordinances prevailing in the United States, and having by his imprisonment satisfied the law of the land for the offense which he committed, he is entitled, in accordance with the treaty provisions I have quoted, to the same security and protection as the natives of the country. Again, Mr. Speaker, I desire to emphasize the fact that I have no sympathy with violators of law, no matter whence they hail or what may be the nature of their offense, but I must confess that my sense of justice will not permit me to stand by idly and see an injustice perpetrated where justice only should be done.

In this connection permit me to read an excerpt from a speech delivered by the Hon. William H. Taft, Secretary of War, and prospective candidate for President, at the annual dinner of the Brooklyn Bar Association, at the Union League Club in Brooklyn, last Saturday. He said: "Certainly Congress ought to take some steps directly authorizing the Executive to use the forces at his command to protect the treaty rights of such aliens, and ought to vest the courts of the United States with power to punish the person who would violate such alien rights." But he should not have stopped there; he should also have said that the Congress should insist upon the enforcement by the Secretary of State of our treaties with those foreign countries which are violating those treaties by refusing to honor the passports of the United States, as the "Goldfogle resolution," passed in the Fifty-eighth Congress, requested and instructed him to do. [Applause.]

Let us pass for the moment from the contemplation of the unconstitutional features of this bill, and view it from the wholly humanitarian and rational standpoint. A law which contemplates vengeance is void ab initio, because the very reason and purpose of inflicting punishment for the transgression of the law is to instill respect for it and to prevent a repetition of the offense. Its further object and purpose is to reform and uplift the offender morally and to aid him to become a useful member of society. Its object is not to cast him into gloom and misery; nor to exhibit him as an object of scorn, or as a leper in a healthy community, despised by all, and finally compel him to go to his grave with the indelible brand of shame and degradation. On the contrary, sir, the object of all law, especially criminal law, is not only to inflict punishment, not only to protect society against the evil-doer, but its highest and noblest purpose is to restore the transgressor to normal conditions of right-doing and to open up again to him the honorable

paths of an honorable life. [Applause.] Let our love for liberty and humane treatment guide us aright and away from the course of blind and indiscriminate severity. Let our judgment be tempered with mercy. [Applause.] Let us remember that—

The greatest attribute of heaven is mercy;
And 'tis the crown of justice and the glory.

Mr. Speaker, I take it that the people of the United States can, through their Government, suppress crime, so far as crime can be suppressed, and can punish it so far as it ought to be punished without incurring the danger of going beyond the lines of demarcation between the vengeance of the law and revenge. Because of the misdeeds of some aliens who thereby proclaim themselves almost outcasts from society, we should not seek to encompass retribution by the enactment of laws that bear with equal severity upon the totally depraved and those who for a moment only have strayed from the straight and narrow path of right. We should not place ourselves in the same position with a country where brute power is the law of the land. A country that is governed by moral lepers and physical cowards, the soldiery of which is utterly destitute of human feeling and wholly without mercy; where justice and honesty are unknown and bribery reigns; where the natural rights of humanity are totally disregarded. A country that encourages, yes, instigates savage massacres, where mothers and daughters are subjected to criminal outrages of the beastly Cossacks; where innocent babes are torn from the breasts of helpless and defenseless mothers and slaughtered; where children are deprived of their inalienable right to self-improvement and knowledge; where the suppression of education is of great use to the autocracy—ignorance being the best safeguard of loyalty. A country of insecurity, perpetual inconstancy, and inequality, where the most deplorable venality reigns. A country which imprisons men and women in dungeons, there to rot and never to be heard from again, or whence they are deported, banished, and exiled to the horrors of hellish Siberia, because they are pleading for personal rights, liberty, and humanity.

Be it to the indelible and everlasting shame of Russia, where these atrocities are committed and it is that Government which is responsible for the growth and breeding of anarchy.

I have no compassion or charity for the doctrine of anarchism, nor for its followers, nor for criminals, whether they be aliens or citizens of the United States; they should be dealt with sternly and promptly.

But, Mr. Speaker, let us not, while seeking to do justice to society in general, do that which in the last analysis is unjust. Because an alien may have committed a minor offense which for the time being has subjected him to punishment, let us not for that reason only put him in the same class with those other aliens the sole object and purpose of whose being is to do evil, who would overturn the very foundations of society and bring chaos where order now reigns; and against the latter our laws give us ample protection. The act to regulate immigration passed by the last Congress contains, among others, the following provisions:

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose.

SEC. 19. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessel shall refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens, or shall fail to detain them thereon, or shall refuse or fail to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine of not less than $300 for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid.

SEC. 21. That in case the Secretary of Commerce and Labor shall be satisfied that an alien has been found in the United States in violation of this act, or that an alien is subject to deportation under the provisions of this act or of any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section 20 of this act, and a failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 19 of this act.

SEC. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of Commerce and Labor under such rules and regulations as he shall prescribe. That any person who knowingly aids or assists any such person to enter the United States or any territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of Commerce and Labor shall be fined not more than $5,000, or imprisoned for not more than five years, or both.

Let us have laws that are humane, just, and fair. Let us not lay too heavy a hand upon an erring fellow-being who perhaps through want and misery was driven into committing an offense. [Applause.]

In behalf of thousands upon thousands of honest, upright, industrious, liberty-loving, and self-reliant people, who fled from lands of bigotry, oppression, and tyranny, many of whom sacrificed everything to erect on these hospitable shores the altars of religious and political liberty; who, like men everywhere, may err sometimes, may commit an offense which is branded as a felony—in behalf of all these I pray you to lay aside all prejudices which might interpose an obstacle to dealing with them as you would be dealt by, and which would prevent you from being guided by a righteous judgment by the higher and nobler principles of fairness, justice, and humanity. [Long and continued applause.]

Mr. MANN. I yield three minutes to the gentleman from Illinois [Mr. LOWDEN].

Mr. LOWDEN. Mr. Speaker, there is one phase of this resolution to which I desire to call the attention of the House. Under our policy aliens are welcomed to this country. We give them the protection of our laws, and if while they are under our jurisdiction, while they are without the protection of the country they have left, they commit a crime, then we say, after they have committed the crime, that we will deport them back to the country from which they came. Suppose that former country, they having renounced allegiance to that country, did not desire them back, when the only reason in the world for sending them back was for an offense committed on American soil. Would it not embroil us in all sorts of international complications with other countries?

There are certain countries which make it a crime for their citizens to emigrate to a foreign country. We welcome them, however, and under our law they are safe, while within our jurisdiction. But when we deport them, they having given up allegiance to their foreign country, as they have in certain cases, they are men without a country. In other words, we would deliberately deport them to the country of their birth, there to be punished for crimes which were not crimes in the eye of our law. I do not believe that any law which makes a distinction between an alien who has been welcomed here for anything he does while here and our own citizens native born is a safe distinction to make. [Applause.]

Mr. MANN. I yield to the gentleman from New York [Mr. GOLDFOGLE] three minutes.

Mr. GOLDFOGLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GOLDFOGLE. I desire to offer an amendment to the bill, which amendment I send to the Clerk's desk, and ask to have it read. Will it be in order now to offer an amendment to the bill?

The SPEAKER. The gentleman may have anything read that he desires in his own time, but the Chair fancies that the gentleman is possibly aware of the rule that under a motion to suspend the rules no amendment is in order.

Mr. GOLDFOGLE. I will ask to have my amendment read, which I proposed to offer.

The SPEAKER. It will be read in the time of the gentleman, as a part of his remarks.

The Clerk read as follows:

Add to the bill the following:

"Provided always, That such deportation shall not take place until thirty days after the service of the warrant issued by the Secretary of the Department of Commerce and Labor: *And provided always,* That the Secretary of the Department of Commerce and Labor may, if he

deems that the interests of the public will not be injured thereby, allow such convicted alien to remain in the United States, anything hereinbefore contained notwithstanding."

Mr. BENNET of New York. I make the point of order against the gentleman's amendment.

The SPEAKER. The gentleman's amendment is not in order under a motion to suspend the rules. It is read as a part of his remarks.

[Mr. GOLDFOGLE addressed the House. See Appendix.]

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. I now yield two minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I shall not undertake in the two minutes' time I have to discuss the constitutionality of this bill. I think myself any lawyer who examines it carefully will be convinced that there is one provision of it that makes it unconstitutional. But if it was absolutely constitutional, it is as unwise a piece of legislation as has ever been proposed to this House, in my judgment. The proposition is practically this: That the law shall put all proper safeguards around the admission of aliens—and that is right—and then the immigrant having passed these safeguards, and having been given the right to come into this country, and having given up his allegiance to the country from which he came, shall, if he subsequently be convicted of an offense declared to be a felony, and which may be a very immaterial offense, by virtue of that fact, be deported.

Now, it was well brought out by the gentleman from Illinois that we might declare he should be deported to the country from which he came without having it altogether in our power to carry out our declaration. Certainly if an American went to England, renounced his allegiance to this country, was guilty of an offense there, and England undertook to deport him to America, America might very well question the right of England so to do.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. SHERLEY. I will yield for a question.

Mr. GOLDFOGLE. And suppose, too, the country whence he came had in the meantime passed the statute forbidding his return, what then?

Mr. SHERLEY. The gentleman simply further illustrates the fact that this might create a condition in which a man is without a country. We do not proceed in this civilized age upon the assumption that a man who is convicted of a crime and who serves his penalty for having committed that crime is necessarily a person beyond the pale of the law or of civilization. There are hundreds of men who have been guilty of wrongdoing that subsequently became good and desirable citizens and residents of the community. And without any investigation, but simply upon the fact that he has been convicted of what may be a very ordinary offense, this bill requires that he be deported. It is a barbarous proposition and against every instinct of humanity and all fair dealing. [Applause.]

Mr. BENNET of New York. Mr. Speaker, I yield two minutes to my colleague [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, we are all agreed that nothing is more important for the welfare of this country than to get in a proper class of foreigners and keep out an improper class. The law provides that no foreigner shall be received into our citizenship if he has committed a felony in his own country. By what reasoning shall it be said that the man who commits a felony in Italy we will not take in, but the man who commits one in this land after he arrives here we will keep? Where is the distinction? Why is the one an unfit man that must be kept out from the fact that his crime was committed abroad, and the other is a fit man because his crime was committed here?

The objections offered by the gentleman from Illinois and the gentleman from Kentucky about international complications are not well taken. No nation has ever refused to receive back anybody that sought to come to these shores. International complications have arisen where people coming from a foreign land, having come here, have returned to their own country, and then their government said to them——

Mr. SHERLEY. But the gentleman has never had this sort of condition arise, where a man might stay here in America ten years under sentence, and then having been ten years from his own country, allegiance to which he has renounced to come here, is returned there.

Mr. PERKINS. But the man long before he had been here ten years would become a citizen.

Mr. SHERLEY. Not at all. Here is a man who is here for six months, we will say, and he is convicted of a felony, and he is put into a penitentiary and serves a ten-year sentence.

Mr. PERKINS. Let me suggest in reply to that that we are constantly sending back to these countries persons who, though they have landed, by reason of becoming a public charge or for other reasons are returned to their own country, and never has there been any international question or any trouble with any government receiving back on its own shores its own citizens, though they have come here with the desire of staying here and we have sent them back. The apprehension of any international troubles from sending back these men convicted of crime is without foundation. The only question is whether it is not good policy for our protection, for the protection of the others of the same nationality, that those among them who commit crime should be deported.

The SPEAKER. The time of the gentleman has expired.

Mr. BENNET of New York. I yield one more minute to the gentleman.

Mr. PERKINS. There is a large Italian population and most of them are eminently good citizens. A very small proportion are very bad citizens, who commit crimes. Those crimes are almost entirely at the expense of other Italian citizens. The demand comes up from the Italians themselves, from those who wish to become citizens, that those who are of their own nation who have come over with them and who are guilty of felonies should be separated from them and sent back to the land whence they came. Why should any gentleman be strenuous to keep in the midst of communities of well-behaved aliens who come here, as well as those of us who are already citizens, a class of criminals who commit crimes and are convicted of them, and whose further stay is detrimental alike to their own people and to us of whom they will become a part. This bill which my friend from Illinois said was not demanded has had demands, I think, from almost all the persons connected with the charge of this class from our part of the country.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, the gentleman from Illinois [Mr. SABATH] gave reasons why the bill ought not to pass, which reminds me that two years ago a question was raised as to the citizenship of his predecessor. It was claimed, on the one hand, that Mr. Michalek, his predecessor, was an alien, and on the other that he was a citizen. He had come here as an infant. Under this bill if it had been determined that Mr. Michalek had not acquired citizenship by reason of his father having become a citizen, and it was shown that he had voted in the State of Illinois, he would have been subject, first, to a conviction for voting, and then to deportation under this bill. A more preposterous thing it is impossible for me to imagine. A few years ago there was a contest as to who was elected the governor of the State of Nebraska. Governor Boyd had received the most votes. It was urged that he was not a citizen. The State was nominally Republican. He was a Democrat. It was claimed that he had never been naturalized. He supposed he had been naturalized. He had held office for many years, had voted for more than a quarter of a century, and if the question was raised under this bill, if it had been determined that he, coming here as an infant, had not been naturalized by the naturalization of his father, he might have been deported. What more preposterous thing could be brought into this House? [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BENNET of New York. Mr. Speaker, the gentleman from Illinois [Mr. MANN], I think, forgets that in a case such as he states there are two conditions; first, a man to come under the operation of this law at all must have committed a felony, and, second, that this law applies only to aliens in the same way that it has applied for fourteen years to other aliens who are being deported under section 20 at the rate of about fifty a month.

Mr. MANN. But these men would have committed felonies if they were not citizens by voting.

Mr. BENNET of New York. Then, if they committed felonies and they were not citizens, they ought to be deported.

Mr. MANN. It would have been unintentional upon their part.

Mr. BENNET of New York. If it was unintentional on their part the court would have suspended its sentence.

Mr. MANN. But there is no authority in this for a suspension of sentence.

Mr. BENNET of New York. Any court has that power. My friend from Kentucky [Mr. SHERLEY] I think was misled by an error of my own, in which I said that a man who declared his intention renounced allegiance. In the haste of debate that was my impression. I have sent for the law, and it is that a man who declares his intention simply says: "It is my bona fide in-

tention to renounce forever"—his intention to renounce at some future time all allegiance, fidelity, and so forth. So that he does not renounce——

Mr. SHERLEY. Why, the gentleman knows that frequently the very fact that he makes application to this country or any other country for admission as a citizen is by the laws of the country from which he comes taken as a renouncement of allegiance.

Mr. BENNET of New York. The gentleman from New York knows of no country in which that is law.

Mr. SHERLEY. If the gentleman will investigate, he will find that is the law of several countries.

Mr. BENNET of New York. I have so investigated. And, furthermore, almost every country in Europe has this law now. If an American citizen goes to England and commits a felony, at the expiration of his term he is sent back to this country. Germany has the same law, only in a more stringent shape.

Mr. SABATH. So has Russia.

Mr. BENNET of New York. And other countries. We hear a good deal about the individual case of hardship. Of course that is so, and it is so every time a man is sent to State prison; it is an individual hardship on his family, but we have not heard a word about our right to protect society, the innocent and guiltless, from the acts and aggressions of these others. I am in favor of liberal immigration and——

Mr. SHERLEY. But does the gentleman consider it necessary in order to protect society to put out of any country every man who is guilty of a felony? Now, that is the proposition.

Mr. BENNET of New York. I will answer it squarely. I say in our country we are entitled for the protection of society to deport every criminal alien who comes here with the implied promise to abide by our laws and obey them, then disobeys them.

Mr. SHERLEY. For the protection of society we have the right to do anything, but is it necessary for the protection of society to deport these people?

Mr. BENNET of New York. I decline to yield further except to say that in my judgment after investigation abroad for five months since the expiration of the last Congress, in the judgment of the Commission, every member of the Immigration Commission has thought that this bill was proper. I have nothing further to say except——

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. BENNET of New York. In a moment. If you pass this bill, you will decrease crime amongst aliens, you will decrease suffering amongst their families, you will deter the criminal alien abroad from coming to our shores.

The SPEAKER. The time of the gentleman has expired. All time has expired. The question is upon suspending the rules and passing the bill.

The question was taken, and the Speaker announced that the Chair was in doubt.

The SPEAKER. As many as favor suspending rules will rise and stand until counted. [After counting.] The ayes will be seated and the noes will rise. [After counting.] Upon this vote the ayes are 64 and the noes are 50.

Mr. BENNET of New York. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman from New York demands tellers. As many as there are in favor of ordering tellers will rise and stand until counted. [After counting.] Twenty-five gentlemen have risen, not a sufficient number, and tellers are refused. Two-thirds not having voted for the passage of the bill, the same is rejected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15219. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1476. An act to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch; and

S. 2982. An act to codify, revise, and amend the penal laws of the United States.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2982. An act to codify, revise, and amend the penal laws of the United States—to the Committee on the Revision of the Laws.

S. 1476. An act to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch—to the Committee on the District of Columbia.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask that pension bills on the Private Calendar may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills upon the Private Calendar in order for to-day be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, if the gentleman from New Hampshire will modify his request so as to make it apply only to pension bills, I will not object.

Mr. SULLOWAY. That is what I did say.

The SPEAKER. The Chair probably stated it wrongly. The gentleman from New Hampshire asks unanimous consent that pension bills on the Private Calendar in order for to-day may be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and a joint resolution of the following titles:

On February 26, 1908:

H. J. Res. 138. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes;"

H. R. 12398. An act to authorize the War Department to transfer to the State of Kansas certain land now a part of the Fort Riley Military Reservation;

H. R. 12401. An act to legalize a bridge across the Mississippi River at Rice, Minn.; and

H. R. 586. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

On February 28, 1908:

H. R. 6515. An act for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased.

REPORT CONCERNING SETTLEMENT OF SAMOAN CLAIMS.

The SPEAKER laid before the House a message from the President, which was read and, with the accompanying document, referred to the Committee on Appropriations and ordered to be printed, as follows:

To the Senate and House of Representatives:

I transmit a report by the Secretary of State concerning this Government's obligation to pay to the Government of Norway the sum of $200 under the convention between the United States, Great Britain, and Germany for the settlement of Samoan claims, which was signed at Washington on November 7, 1899.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 2, 1908.*

PENSION BILLS.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

The bill (H. R. 3510) granting an increase of pension to Henry McCall.

Mr. SULLOWAY. Mr. Speaker, I ask that this bill may be passed without prejudice, at the request of the beneficiary, and to remain on the Calendar.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ANDREW GODDARD.

The next pension business was the bill (H. R. 1378) granting a pension to Andrew Goddard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Goddard, late of Company H, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the words "Companies M and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SUSAN M. YEOMAN.

The next pension business was the bill (H. R. 1589) granting an increase of pension to Susan M. Yeoman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan M. Yeoman, widow of Samuel N. Yeoman, late colonel Ninetieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "colonel" and insert the word "lieutenant-colonel."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES JEFFERS.

The next pension business was the bill (H. R. 3012) granting an increase of pension to James Jeffreis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Jeffreis, late of Company C, Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Jeffreis" and insert in lieu thereof the word "Jeffers."

In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to James Jeffers."

JAMES B. SMITH.

The next pension business was the bill (H. R. 4121) granting an increase of pension to James B. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Smith, late of Company H, Sixty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and in lieu thereof insert the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

FRANCIS H. SWIFT.

The next pension business was the bill (H. R. 4337) granting an increase of pension to Francis H. Swift.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis H. Swift, late of Company I, Fortieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "and," insert the words "and unassigned, Veteran Reserve Corps."

In same line strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ALEXANDER BECKWITH.

The next pension business was the bill (H. R. 4413) granting an increase of pension to Alexander Beckwith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Beckwith, late of Company C, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN O. EVANS.

The next pension business was the bill (H. R. 4974) granting an increase of pension to John O. Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John O. Evans, late of Company H, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JULIUS M. DUTTON.

The next pension business was the bill (H. R. 4979) granting an increase of pension to Julius M. Dutton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julius M. Dutton, late of Company B, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

KIRK BROWN.

The next pension business was the bill (H. R. 5298) granting a pension to Kirk Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kirk Brown, late of Company G, Ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Kirk Brown."

JOHN H. ARNOLD.

The next pension business was the bill (H. R. 6407) granting an increase of pension to John H. Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John

H. Arnold, late of Company E, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

THOMAS CARTEN.

The next pension business was the bill (H. R. 6529) granting a pension to Thomas Carten.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Carten, late of Company D, Sixty-third Regiment Missouri Enrolled Volunteer Infantry, and pay him a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias Carton."
In line 7 strike out the word "Missouri."
In the same line strike out the words "Volunteer Infantry" and insert in lieu thereof the words "Missouri Militia."
In line 8 strike out the word "forty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting a pension to Thomas Carten, alias Carton."

EDWARD MARDEN.

The next pension business was the bill (H. R. 6654) granting an increase of pension to Edward Marden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Marden, late of Company E, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

LANGDON SHERRIFF.

The next pension business was the bill (H. R. 7220) granting an increase of pension to Langdon Sheriff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Langdon Sheriff, late of Company K, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sheriff" and insert in lieu thereof the word "Sherriff."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Langdon Sherriff."

DE WITT NASH.

The next pension business was the bill (H. R. 7388) granting an increase of pension to De Witt Nash.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of De Witt Nash, late of Company D, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

OLIVER JONES.

The next pension business was the bill (H. R. 7440) granting an increase of pension to Oliver Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver Jones, late of Company G, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM SHEPPARD.

The next pension business was the bill (H. R. 7745) granting an increase of pension to William Sheppard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Sheppard, late of Company K, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Volunteer," insert the words "State Militia."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM D. WILLIAMS.

The next pension business was the bill (H. R. 7746) granting an increase of pension to William D. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Williams, late of Company F, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES B. WILSON.

The next pension business was the bill (H. R. 7938) granting a pension to James B. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Wilson, late of Battery E, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Battery" and insert in lieu thereof the word "Company."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James B. Wilson."

HULDAH L. BARBER.

The next pension business was the bill (H. R. 7939) granting a pension to Mrs. Gershom M. Barber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Gershom M. Barber, widow of Gen. Gershom M. Barber, late captain, Fifth Regiment Ohio Volunteer Sharpshooters, lieutenant-

colonel One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and brigadier-general of volunteers, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Mrs. Gershom M." and insert in lieu thereof the words "Huldah L."
In same line strike out the word "General."
In line 7 strike out the word "Regiment" and insert in lieu thereof the words "Independent Company."
In line 8, before the word "lieutenant," insert the word "and."
In line 9 strike out the words "and brigadier-general."
In line 10 strike out the words "of volunteers."
In same line strike out the word "thirty" and insert in lieu thereof the word "fifteen."
In line 11, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Huldah L. Barber."

GEORGE JENKINS.

The next pension business was the bill (H. R. 8333) granting an increase of pension to George Jenkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Jenkins, late of Company H, Fifth Regiment Illinois Volunteer Cavalry, and Company I, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "and Company I, Thirty-third."
In line 8 strike out the words "Regiment Illinois Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN GIBSON.

The next pension business was the bill (H. R. 8628) granting an increase of pension to John Gibson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Gibson, late of Company C, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CHARLES TITTERINGTON.

The next pension business was the bill (H. R. 8743) granting an increase of pension to Charles Titterington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Titterington, late of Company A, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN F. LANE.

The next pension business was the bill (H. R. 10158) granting an increase of pension to John F. Lane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Lane, late of Company I, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ALEXANDER KEEFE.

The next pension business was the bill (H. R. 11041) granting an increase of pension to Alexander Keefe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Keefe, late of Company A, Second Regiment United States Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GEORGE W. ROBB.

The next pension business was the bill (H. R. 11367) granting an increase of pension to George W. Robb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Robb, late a private in the Ringgold Pennsylvania Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private in the" and insert in lieu thereof the words "of Company D."
In same line, before the word "Pennsylvania," insert the word "Battalion."
In line 7, before the word "Cavalry," insert the word "Volunteer."
In same line strike out the word "fifty" and insert in lieu thereof the word "twenty."
In line 8 strike out the words "in lieu of that he is now receiving" and insert in lieu thereof the words ", the same to be paid to him under the rules of the Pension Bureau as to mode and time of payments, without any reduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting a pension to George W. Robb."

ALONZO KNOX.

The next pension business was the bill (H. R. 11687) granting an increase of pension to Alonzo Knox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo Knox, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PHILIP BOWERS.

The next pension business was the bill (H. R. 11939) granting an increase of pension to Philip Bowers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Bowers, late of Company M, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

FREDERICK WIFFIN.

The next pension business was the bill (H. R. 12026) granting an increase of pension to Fred Wiffin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fred Wiffin, late of Company I, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Fred" and insert in lieu thereof the word "Frederick."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Frederick Wiffin."

JOHN WAGNER.

The next pension business was the bill (H. R. 12490) granting an increase of pension to John Wagner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Wagner, late of Company F, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ALBERT NEWTON.

The next pension business was the bill (H. R. 12629) granting an increase of pension to Albert Newton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Newton, late of Company C, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN O. MATTHEWS.

The next pension business was the bill (H. R. 13140) granting an increase of pension to John O. Matthews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John O. Matthews, late lieutenant Sixteenth Regiment New York Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the word "second."

In same line, after the word "lieutenant," insert the words "Company M."

In line 7, before the word "Heavy," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GRANVILLE W. SMITH.

The next pension business was the bill (H. R. 13536) granting a pension to Granville W. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Granville W. Smith, late of Company H, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any reduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GEORGE A. OSBORN.

The next pension business was the bill (H. R. 13627) granting an increase of pension to George A. Osborn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Osborn, late of Company B, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CHARLES W. HEISLER.

The next pension business was the bill (H. R. 14084) granting an increase of pension to Charles W. Heisler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Heisler, late of Company F, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

THOMAS G. ORR.

The next pension business was the bill (H. R. 14531) granting an increase of pension to Thomas G. Orr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas G. Orr, late of Company C, Fifth Regiment Iowa Volunteer Infantry, reenlisted as veteran and transferred to Company G, Fifth Iowa Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "reenlisted as veteran and transferred to."

In line 8 strike out the words "Company G, Fifth Iowa Cavalry."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOSEPH A. TURNER.

The next pension business was the bill (H. R. 14547) granting an increase of pension to Joseph A. Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Turner, late first lieutenant and regimental quartermaster, Eighteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "seventy-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GEORGE W. STABLER.

The next pension business was the bill (H. R. 14972) granting an increase of pension to G. W. Stabler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of G. W. Stabler, late of Company D, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "G." and insert in lieu thereof the word "George."

In same line, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In same line strike out the letter "D" and insert in lieu thereof the letter "C."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to George W. Stabler."

JOHN W. DON, ALIAS JOHN DUNN.

The next pension business was the bill (H. R. 14981) granting an increase of pension to John W. Don, sr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Don, sr., late of the United States gunboat Perle, No. 57, and the U. S. gunboat Fort Hindman, No. 13, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "senior" and insert in lieu thereof the words "alias John Dunn."
In the same line strike out the word "gunboat" and insert in lieu thereof the word "ships."
Strike out all of line 7.
In line 8 strike out the words "Fort Hindman, No. 13," and insert in lieu thereof the words "Grampus, Perl, and Collier, United States Navy."
In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to John W. Don, alias John Dunn."

EDWARD P. HOWE.

The next pension business was the bill (H. R. 15369) granting an increase of pension to Edward P. Howe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward P. Howe, late captain Company A, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

RICHARD H. JONES.

The next pension business was the bill (H. R. 15893) granting an increase of pension to Richard H. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard H. Jones, late of Company H, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

THOMAS SHEPPARD.

The next pension business was the bill (H. R. 16286) granting an increase of pension to Thomas Sheppard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Sheppard, late of Company I, Thirty-third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOSEPH RICKEY.

The next pension business was the bill (H. R. 16415) granting an increase of pension to Joseph Rickey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Rickey, late of Company A, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

LOUIS N. BRADY.

The next pension business was the bill (H. R. 16444) granting an increase of pension to Louis N. Brady.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis N. Brady, late of Company G, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "and," insert the word "Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GRAHAM MAFFETT.

The next pension business was the bill (H. R. 4123) granting an increase of pension to Graham Maffett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Graham Maffett, late of Company H, Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

LELA L. ELLIS.

The next pension business was the bill (H. R. 1549) granting a pension to Lela Ellis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lela Ellis, widow of Luke Ellis, late of Company ——, First Regiment Tennessee Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

Change claimant's name in title and body of the bill to "Lela L. Ellis."
In line 6, after "Luke," insert "T."
In the same line, after "Company," insert "C."
In line 7 strike out "Volunteer."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HARRIS ALVIN CONRAD.

The next pension business was the bill (H. R. 4173) granting a pension to Harris Alvin Conrad.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harris Alvin Conrad, minor heir of Alvin S. Conrad, late of Company L, Sixth Regiment United State Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "heir" and insert "child."
In line 7, after "Infantry," insert "war with Spain."
Add to the end of the bill the words "until he reaches the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JORGE BENAVIDES ANDERSON.

The next pension business was the bill (H. R. 4327) granting an increase of pension to Jorge Benavides Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pensions laws, the name of Jorge

Benavides Anderson, widow of Tandy K. Anderson, late of Capt. H. B. Lamar's independent company, Texas Mounted Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the initial "H" and insert "M."
In line 8, after "Volunteers," insert "war with Mexico."
In line 9 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

DAVID M'GINNIS.

The next pension business was the bill (H. R. 5138) granting a pension to David McGinnis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David McGinnis, late of Company ——, Third Regiment of Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of company" and insert "recruit."
In line 8 strike out "twenty-four" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JENNIE H. THOMAS.

The next pension business was the bill (H. R. 7169) granting an increase of pension to Jennie H. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie H. Thomas, widow of Edward Loyd Thomas, late lieutenant Captain Loyall's company, Georgia Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Loyd" to "L."
In line 7, before "lieutenant," insert "second."
In line 9 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PETER A. RAINBOLT.

The next pension business was the bill (H. R. 12856) granting an increase of pension to Peter A. Rainbolt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter A. Rainbolt, late of California and Texas Indian wars, 1851, 1854, and 1855, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Boling's Company B, Mounted California Volunteers."
In the same line strike out the words "and Texas."
In line 7 change "wars" to "war."
In lines 7 and 8 strike out "1851, 1854, and 1855."
In line 9 strike out "thirty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

FENEMORE AMES.

The next pension business was the bill (H. R. 15137) granting an increase of pension to Fenemore Ames.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fenemore Ames, late of the United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late" insert "landsman, United States ship Hartford."
In the same line strike out the words "of the."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARTHA E. M'DONALD.

The next pension business was the bill (H. R. 15179) granting an increase of pension to Martha E. McDonald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. McDonald, widow of William B. McDonald, late of First Regiment Georgia Volunteer Infantry, Mexican war, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change the initial "B." to "P."
In line 7, after "late of," insert "Company E."
In the same line strike out "Georgia" and insert "Missouri Mounted."
In the same line change "Volunteer" to "Volunteers."
In the same line strike out "Infantry, Mexican."
In line 8, after "war," insert "with Mexico."
In the same line strike out "twenty-four" and insert "twelve"

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARY A. L. HAWK.

The next pension business was the bill (H. R. 15473) granting an increase of pension to Mary A. L. Hawk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. L. Hawk, widow of George F. Hawk, late ensign in the Navy, and pay her a pension at the rate of — dollars per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "in the" and insert "United States."
In line same line, after "rate of," insert "twenty-five."
In line 8, after "month," insert "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN T. MALONEY, JR.

The next pension business was the bill (H. R. 15546) granting a pension to John T. Maloney, jr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Maloney, jr., late of Company F, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "and" and all thereafter.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARY E. LEIGH.

The next pension business was the bill (H. R. 15947) granting an increase of pension to Mary E. Leigh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Leigh, widow of soldier of Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "widow of," insert "Benjamin Leigh, late of Captain Green's company, Georgia Militia, Creek Indian war."
In the same line strike out "soldier of Indian wars."
In line 7 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES COCHRAN KEY.

The next pension business was the bill (H. R. 16184) granting an increase of pension to James Cochran Key.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws the name of James Cochran Key, late of Company ——, —— Regiment Georgia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Garmany's."
In the same line strike out "Regiment."
In line 7 change "Volunteer" to "Volunteers."
In the same line strike out "Infantry" and insert "Florida Indian war."
In line 8 strike out "twenty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

SARAH W. PASSMORE.

The next pension business was the bill (H. R. 16241) granting an increase of pension to Sarah W. Passmore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah W. Passmore, widow of Brewington Passmore, late of Company ——, First Regiment North Carolina Volunteer Infantry, Mexican war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Company," insert "B."
In line 7 change "Volunteer" to "Volunteers."
In line 8 strike out "Infantry, Mexican."
In the same line, after "war," insert "with Mexico."
In line 9 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ANNIE RICKS.

The next pension business was the bill (H. R. 16331) granting an increase of pension to Annie Ricks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie Ricks, widow of Edward Ricks, late of Company —, ——— Regiment Texas Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Buckel's."
In line 7, before "Regiment," insert "Johnson's."
In the same line, after "Texas," insert "Rifle."
In the same line change "Volunteer" to "Volunteers" and strike out "Infantry."

The amendments were agree to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WILLIAM ABT.

The next pension business was the bill (H. R. 16803) granting a pension to William Abt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Abt, late of Eighth Company Coast Artillery, and pay him a pension at the rate of $50 per month for disability received in line of duty.

The amendments recommended by the committee were read, as follows:

In line 6, after "Company," insert "United States."
In line 7 strike out "fifty" and insert "forty-six."
Strike out line 8.

The amendments were agree to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

THOMAS J. PERKINS.

The next pension business was the bill (H. R. 17073) granting an increase of pension to Thomas J. Perkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Perkins, late of Company B, Washington Territory Volunteers, Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Hay's."
In the same line, before "Washington," insert "First Regiment."
In line 7, after "Volunteers," insert "Oregon and Washington."

The amendments were agree to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

INCREASE OF PENSIONS TO SOLDIERS AND SAILORS.

The next pension business was the bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Daniel H. Parrott, late of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James C. Fackenthall, late first lieutenant Company E, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Thompson, late of Company B, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Hardy, late of Company K, One hundredth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Rupp, late of Company F, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank Cart, late of Company D, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Woodward, late sergeant-major Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David N. Anderson, late of Company I, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Hall, late of Company A, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Miller, jr., late of Company G, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles T. Haines, late of Company G, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Turner, late of Company G, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philip S. Smock, late of Company A, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Crowder, late of Company B, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Kephart, late of Company H, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George T. Batty, helpless and dependent child of Edward Batty, late of Company H, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Nelson Clark, late of Company D, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. H. Hurry, late second lieutenant Companies E and F, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Elder, late of Companies H and A, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bazil Hall, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael McNally, late captain Company E, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $24 per month in lieu of that he is now receiving.

The name of Thomas R. Luckhardt, late of Company E, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $24 per month in lieu of that he is now receiving.

The name of Samuel Read, late of Company E, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension of $36 per month in lieu of that he is now receiving.

The name of Horatio Webster, late of Company E, First Regiment Michigan Volunteer Light Artillery, and pay him a pension of $46 per month in lieu of that he is now receiving.

The name of Mark Harrington, late of Company C, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Bolles, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Solomon C. Grim, late of Company D, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Butler Case, first lieutenant Company F, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Theophilus Jones, late of Company F, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Walter H. Farwell, late of Company A, Fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John P. Patton, late of Company F, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Bireley, late of Company D, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oliver T. Bundy, late assistant surgeon One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Studley, late of Company C, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane M. Ketcham, late nurse Medical Department United States Volunteers, and pay her a pension at the rate of $12 per month.

The name of Parker A. Emery, late of Company D, Fourteenth Regiment New Hampshire Volunteer Infantry, and One hundred and fourteenth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward P. Rice, late of Companies F and K, Third Regiment United States Reserve Corps, Missouri Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Joseph Ott, late of Company K, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Adkins, late of Company H, Twelfth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ira Tupper, late of Company E, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alem Snyder, late of Companies E and C, Sixth Regiment Pennsylvania Volunteer Cavalry, and Company C, Second Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Hughes, late of Company E, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Hawley, late of Company E, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Crofutt, late of Company H, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cyrus T. Swain, late of Company C, Eighty-fourth Regiment Indiana Volunteer Infantry, and One hundred and thirty-ninth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Sine, late of Company F, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abram W. Labagh, late of Company K, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William P. Pease, late of Company B, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Slater, late of Company K, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Martin, late of Company D, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Augustus Bunting, late of Company E, Eightieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. McKevitt, late of Company E, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan T. Moore, late of Company K, Twelfth Regiment Ohio Volunteer Infantry, and Company I, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Keefer, late of Company E, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. McNair, late first lieutenant Company B, Twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Firth, late of Company C, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry S. Rider, late of Company L, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company L, Third Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion B. Patterson, widow of Robert F. Patterson, late lieutenant-colonel Twenty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Thomas W. Ritchie, late of Company A, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Johns, late of Company C, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jane E. Seaman, widow of Harmanus V. V. Seaman, late of Company A, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Francis A. Gere, late of Company A, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Smith, late of Company D, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of Oliver M. Allen, late of Company A, One hundred and fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry B. Haley, late captain Company M, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward E. Spencer, late of Company G, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred P. Slater, late of Company B, Fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George A. Hawley, late of Company I, Fifteenth Regiment, and Company G, Twentieth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Brown, late of Company H, Forty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bankson T. Morgan, late lieutenant-colonel Fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William I. Protzman, late of Company C, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Crippen, late of Company K, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Stark, late of Company H, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel J. Stogden, late of Company I, Eleventh Regiment, and Company I, One Hundred and Ninetieth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William T. Gullett, late of Company I, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward A. Chapman, late of Company A, Eighty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theophilus McConnell, late of Company D, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Bowler, late of Company N, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Dallis Johnson, alias Dallas Johnson, late of Company G, Forty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reuben J. Clarkson, late of Company F, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George C. Heberling, late of Company A, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Francis, late of Company H, Thirty-first Regiment Wisconsin Volunteer Infantry, and Company C, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William T. Edwards, late of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Asa B. Park, late of Company B, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Hess, helpless and dependent son of Samuel Hess, late major and lieutenant-colonel Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Frank E. Wadhams, late of Company E, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Hines, late of Company G, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William H. Watson, late of Company I, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rudolph B. Scott, alias Charles R. Scott, late of U. S. S. North Carolina and Chicopee, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harmon M. Billings, late captain Company E, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Lemon, late of Company D, Seventh Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. G. Green, late of Company D, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Joy, late of Company A, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Mastilla, late of Company E, Ninth Regiment United States Colored Volunteer Heavy Artillery, and Company K, Third Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph N. Dawson, late of Company E, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram F. Hollister, late of Company A, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Heman R. Lybolt, late of Company F, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elicum Ayres, late of Company K, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Moore, late of Company E, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Oswald Ihme, late of Company G, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Matthew J. McRaith, late of Company G, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rudolph Frey, late of Company A, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Homan, late of Company C, Twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Albert E. Oviatt, late of Company D, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonson D. Grinnell, late of Company I, Ninetieth Regiment, and Company E Battalion, Ninetieth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Gugumus, late of Company B, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert J. Meserve, late of Company A, Forty-second Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Gray, late of Battery F, First Regiment Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth McCarthy, widow of Cornelius McCarthy, late of Company D, Twelfth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Selden S. Hall, late of Company F, One hundred and third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth S. Hess, widow of Jacob Hess, late of Company A, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Cecilia W. Simon, widow of Alexander W. Simon, late sergeant-major, Fifth Regiment United States Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Virgil D. Poe, late of Company F, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Graves, late of Company C, Eleventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adeline K. Hart, widow of Andrew Hart, late captain of Company K, First Regiment United States Reserve Corps, Missouri Home Guards, and pay her a pension at the rate of $12 per month.

The name of Isaac Holcomb, late of Company C, Third Regiment North Carolina Mounted Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Robert D. Robinson, late of Company D, Thirty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry L. Patterson, late of Company H, Nineteenth Regiment Maine Volunteer Infantry, and Company E, Third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adelaide E. Randolph, widow of Asa A. F. Randolph, late of Company K, Twelfth Regiment New Jersey Volunteer Infantry, and Seventeenth Company Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Anna J. Randolph, helpless and dependent child of said Asa A. F. Randolph, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of said Adelaide E. Randolph the name of said Anna J. Randolph shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death of said Adelaide E. Randolph.

The name of William McLain, late of Company M, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton Charles, late of Company C, Fifth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred R. Bradeen, late of Company E, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles M. Massie, late of Company L, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Carroll, late of Company D, Twenty-fifth Regiment, and Company K, One hundred and fiftieth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis Gault, late of Company A, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah B. Goehler, widow of Philip Goehler, late second lieutenant of Company G, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and captain Company C, Third Battalion Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Rufus H. Washburn, late of Company A, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Gardner, late of Company F, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William V. Carr, late of Company A, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Nelson, late of Company E, Fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward McGinniss, late of Company B, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah E. Wilkin, widow of Jacob W. Wilkin, late captain Companies C and K, One hundred and thirtieth Regiment, and Company K, Seventy-seventh Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Caroline King, widow of Joseph King, late of Company C, Twelfth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John A. King, helpless and dependent son of said Joseph King, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Caroline King the name of said John A. King shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death of said Caroline King.

The name of Benjamin F. Harris, late of Company D, First Regiment Missouri Volunteer Infantry, and Company F, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Timothy C. Moore, late lieutenant-colonel Thirty-fourth Regiment New Jersey Volunteer Infantry, and captain Company K, Sixth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Michael Unbehaun, late of Company I, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah M. Sandford, late of Company F, Twenty-fourth Regiment New York Volunteer Cavalry, and Company F, First Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Timoney, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Knudson, late of Company D, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna Fick, helpless and dependent daughter of Carl Fick, late of Companies F and C, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alwilda Blades, widow of John H. Blades, late of Company D, Third Regiment Maryland Volunteer Infantry, and pay her a pension at the rate $12 per month.

Mr. SULLOWAY. Mr. Speaker, in the case of Edward McGinniss, in line 3, page 24, strike out 20 and insert 24.

The Clerk read as follows:

Page 24, line 3, strike out 20 and insert 24.

The question was taken, and the amendment was agreed to.

Mr. SULLOWAY. Mr. Speaker, on page 25, line 16, strike out the initial "M." and insert "D."

The Clerk read as follows:

Page 25, line 16, strike out the initial "M." and insert "D."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

AGNES LANGE SMITH.

The next pension business was the bill (S. 712) granting a pension to Agnes Lange Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agnes Lange Smith, widow of Lewis Smith, late major, Fourth Regiment United States Artillery, and lieutenant-colonel, Artillery Corps, United States Army, retired, and pay her a pension at the rate of $30 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

INCREASE OF PENSIONS TO SOLDIERS AND SAILORS.

The next pension business was the bill (S. 4376) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Walter S. Sylvester, late of Company F, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alvin S. Doughty, late of Company H, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Linehan, widow of John C. Linehan, late musician, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Horace L. Ingalls, late of Company H, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hattie S. Nourse, widow of Frederick A. Nourse, late captain Company A, Fourteenth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Daniel Wagner, late of Company E, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Havens, late of Company K, Eighteenth Regiment New York Volunteer Infantry, and Company A, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Maria Wells, widow of Moses Wells, late of Company H, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Littleton T. Morgan, late of Company B, Third Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Royal M. Bones, late of Companies C and B, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josephine Pagett, widow of Charles W. Pagett, late of Company L, First Regiment Wisconsin Volunteer Cavalry, and landsman, U. S. S. Great Western, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of John C. Roth, late of Company H, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Allen, widow of James Allen, late captain Company L, Fifth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Lockwood, late of Company H, One hundred and nineteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George L. Courtney, late of Company A, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ambros W. Geer, late of Company D, Forty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Baker, late first lieutenant Company G, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Matilda Daly, widow of Edward Daly, late of Company E, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Sarah E. Hasler, widow of Samuel J. Hasler, late first lieutenant Company G, Twentieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of Theodore M. Burge, late of Company E, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard Black, late of First Independent Battery, Iowa Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Augusta A. Hawes, widow of Eugene M. Hawes, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and Company D, Eleventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Hiram M. Tarbell, late of Company E, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William L. S. Tabor, late of Company K, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah S. Luther, widow of William H. Luther, late of Company F, Tenth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Frances E. Topliff, widow of Thomas D. Topliff, late acting master's mate, United States Navy, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Sarah Cullen, widow of Philip Cullen, late of Company F, Ninth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Patrick Devitt, late of Company G, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Helen Jeffcoat, widow of John Jeffcoat, late first lieutenant of Company B, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of James I. Walker, late of Company K, Twenty-second Regiment Ohio Volunteer Infantry, and Twenty-second Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas H. Ewing, late of Company C, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William P. Snowden, late of Company C, First Regiment Missouri Mounted Volunteers, war with Mexico, and veterinary surgeon Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Stannah, late of Company B, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. G. Maver, late sergeant-major, Twenty-eight Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel M. Smith, late of Company K, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nelson Miner, late of Company C, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis F. Clark, late of Company A, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Euretta Betts, widow of Willis W. Betts, late of Company D, Fourth New York Volunteer Heavy Artillery, and pay her a pension at the rate of $8 per month.

The name of William C. Piatt, late of Company H, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary H. Yule, widow of Thomas Yule, late of Company H, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Sophia Froelich, widow of Louis Froelich, alias August Zimmermann, late of Company D, First Regiment Louisiana Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The name of Mary McCarty, widow of Owen McCarty, late of Company K, Sixty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of Daniel H. Dornsife, late of Company K, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jeremiah Hazen, late of Company E, Thirty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles M. Kell, late of Company C, First Regiment Mountaineers, California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha A. Spalding, widow of David C. Spalding, late surgeon Tenth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Allison Varney, late of Company G, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah Trollope, late of Company I, Twentieth Regiment, and Company G, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Plummer, widow of William Plummer, late of Company B, Eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of James M. Grimes Keyton, late of Company M, Fourth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Imogene P. Hunsdon, widow of Charles Hunsdon, late colonel Eleventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Peter B. Hoffman, late of Company I, Eighth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ada G. Dickerson, widow of Perley B. Dickerson, late first lieutenant Company H, Thirteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of James M. Procter, late of Company G, Third Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie E. Creary, widow of William E. Creary, late of Company K, Nineteenth Regiment, and Independent Company, Veteran Reserve Corps, and major and paymaster, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Monroe A. White, late of Company D, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Beal, late of Companies I and D, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Fenimore P. Cochran, late of Company E, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion B. Mullen, widow of John H. Mullen, late captain Company C, Twelfth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Criss Becker, late of Company G, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry M. Lester, late of Company G, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Tyler, late of Company F, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Delu Norris, late of Company E, Twenty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin D. Allen, late of Company H, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. H. Miller, late of Company F, Thirty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Parnel B. Moor, late of Company B, Sixth Regiment Maine Volunteer Infantry, and Company E, First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amanda M. P. Brock, widow of Alvan D. Brock, late captain Company L, Thirty-first Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Naomi V. Culley, widow of Joseph Culley, late acting second assistant engineer, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Job Musgrave, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Truman L. Walden, late of U. S. S. Great Western and Kickapoo, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Mulock, of Company D, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Newell S. Swett, late of Second Company Massachusetts Sharpshooters, attached to Twenty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

On page 12 strike out lines 11, 12, 13, and 14, as follows: "The name of Delu Morris, late of Company E, Twenty-third Regiment Iowa Volunter Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and it was accordingly read the third time and passed.

INCREASE OF PENSIONS TO SOLDIERS AND SAILORS.

The next pension business was the bill (S. 4740) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William P. Damon, late of Company B, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nathan H. Landers, late second lieutenant Company H, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joel Brown, late of Third Battery, Kansas Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis T. Penwell, late of Company B, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Noah Greer, late of Company C, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Marsh, late of Company K, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry, alias Halden, Hanson, late of Company G, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew F. Kenyon, late of Company E, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catherine Kolb, widow of George Kolb, late of Company F, Third Regiment, and Company K, Forty-fourth Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Samuel D. Chase, late of Company H, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Showaker, late of Company F, Twenty-seventh Regiment, and Company I, One hundred and ninety-eighth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Edmondson, widow of Sylvester Edmondson, late of Company D, One hundred and ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of Susan A. Vantine, widow of Joseph E. Vantine, late of U. S. S. North Carolina, Richmond, and Princeton, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving and $2 per month additional on account of each of the minor children of the said Joseph E. Vantine until they reach the age of 16 years.

The name of William C. Shook, late of Company D, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edward C. Ellet, late second lieutenant Company A, First Regiment Mississippi Marine Brigade Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Downin, late hospital steward, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Morrison, late of Company G, Seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Catherine J. V. Racey Young, widow of J. Morris Young, late colonel Fifth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Victoria Ficker, former widow of John Stotzheim, late of Company C, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of William W. Payton, late of Company K, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Martin, widow of Robert B. Martin, late captain Company D, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Sargent, late of Company A, First Battalion Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josephine E. Peabody, widow of Warren A. Peabody, late musician, First Brigade Band, Second Division, Ninth Army Corps, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Charles W. Foss, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hattie T. Atwood, widow of Ambrose L. Atwood, late of Company K, Ninth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Elizabeth W. Shaw, widow of James Shaw, late colonel Seventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Robert P. Faris, late of Companies G and B, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of J. Rock Williamson, late of Company G, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick A. Heebner, late of Company F, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month.

The name of Charles Clark, late of Company K, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary C. Mulholland, widow of Charles Bradley Mulholland, late acting third assistant engineer, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of John H. Vickery, late of Company B, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eliza J. Roberts, widow of David F. Roberts, late of U. S. S. North Carolina, Niagara, and Anacostia, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Jona H. Roberts, helpless and dependent child of the said David F. Roberts, the additional pension herein granted shall cease and determine.

The name of Josephine E. Wooster, widow of Samuel R. Wooster, late major and surgeon, First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Ennis, late of Company A, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. Wolgemuth, late of Company H, Seventy-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William S. Clark, late of Company K, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lucretia Wilson, widow of John W. Wilson, late second lieutenant Company H, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Legare Potter, late first lieutenant Company K, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen J. Hook, late of Company F, Forty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo D. Holland, late of Company M, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Sirrine, late of Company C, Seventieth Regiment New York Volunteer Infantry, and Company D, Second Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse F. Logsdon, late of Company A, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis C. Cleavinger, late of Company C, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Paul Stowell, late of Company G, One hundred and Fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Weston, late of Company E, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Chase, late of Company K, Thirty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Allman, late of Company E, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nelson Moore, late of Company A, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph M. Feather, late of Company F, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ambrose P. Phillips, late of Company G, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred W. Wright, late of Company H, and first lieutenant Company B, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isabella Ann Irvin, widow of Charles H. Irvin, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John S. Landon, late of Company C, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lavinia B. Persons, widow of Henry S. Persons, late of Company C, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Charles S. Leonard, alias Abner L. Wilcox, late of Company B, Second Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ida L. Read, widow of Burleigh C. D. Read, late of Company B, One hundred and thirty-second Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $12 per month

in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Burleigh C. D. Read until he reaches the age of 16 years.

The name of John A. Van Pelt, late of Company D, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hugh H. McCurry, late of Company F, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Celia A. Smith, widow of Sidney G. Smith, late of Company K, Seventeenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of George M. D. Wells, late of Company K, Fifteenth Regiment, and Company F, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Stiles, late of Company G, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

INCREASE OF PENSIONS TO SOLDIERS AND SAILORS, CIVIL WAR.

The next pension business was the bill (S. 5110) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Cassie R. Hatch, helpless and dependent child of Albion L. Hatch, late of Company F, Twenty-fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Franklin L. Mead, late of Company E, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James B. Fox, late of Company C, Forty-first Regiment Iowa Volunteer Infantry, and Company M, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Daniels, late of Company H, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah S. Long, widow of Daniel P. Long, late major, Eighth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Waldo W. Gifford, late of Company G, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rose L. Gibbon, widow of Homer E. Gibbon, late of Company F, Eighty-fifth Regiment, and Company E, One hundred and twenty-ninth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Henry Kinyon, late of Company A, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Beddis, widow of Charles Beddis, late of Company D, Fifth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ellis A. Cloud, late of Company G, Fifth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Jasper N. Clark, late of Company I, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. Cole, late of Company E, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Minish, late of Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Clara M. Foreman, widow of William Foreman, late of Company A, First Battalion Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Philo M. Russell, late of Company G, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary J. McReynolds, widow of James T. McReynolds, late of Company C, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John C. McReynolds, helpless and dependent child of said James T. McReynolds, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death or remarriage of Mary J. McReynolds, the name of the said John C. McReynolds shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death or remarriage of said Mary J. McReynolds.

The name of Virginia C. Cole, widow of Edwin A. Cole, late of Companies D and F, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Herbert Cole, helpless and dependent child of said Edwin A. Cole, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death or remarriage of Virginia C. Cole the name of the said Herbert Cole shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death or remarriage of said Virginia C. Cole.

The name of Dorothy M. Van Hart, widow of Isaac Van Hart, late of Company B, Thirtieth and Thirty-fifth Regiments New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Henrietta Hayes, widow of William Hayes, late first lieutenant Company C, Thirteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The name of Ellen Jenkins, widow of Jacob Jenkins, late of Company K, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Chauncey Harris, late captain Company C, Fourteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Byron D. Brown, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Caswell, late musician, band, Second Brigade, Third Division, Twenty-fourth Army Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. Walsh, late quartermaster-sergeant, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Collins Van Cleve, late captain Company F, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William O. Pickett, late of Company H, Twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Farnham, widow of Roswell Farnham, late lieutenant-colonel Twelfth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Peter B. Groat, late of Company A, Marion County Battalion, Missouri Home Guards, and pay him a pension at the rate of $12 per month.

The name of Duncan M. Vinsonhaler, late first lieutenant Company I, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jennie P. Douglas, widow of Henry C. Douglas, late captain Company K, Thirty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Anna R. Shattuck, widow of George S. Shattuck, late of Company C, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Lewis Shampine, late of Company K, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Spencer Phillips, late of Company E, Third Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David Schooley, late of Company I, Eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles W. Salter, late of Company K, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis H. Shiery, late of Company E, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rosa A. Kinkead, widow of James W. Kinkead, late of Company H, Eighth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of George Steckenbauer, late of Company A, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nellie B. Young, widow of George W. Young, late of Company H, Thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of William H. Iliff, late of Company D, Twelfth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Fisher, late of Company C, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary L. Marpe, widow of Theodore Henry Marpe, late of Company G, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The name of Emeline H. Ewer, widow of James K. Ewer, late of Company C, Third Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Joseph H. Suits, late of Company B, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah F. Wimmer, widow of John P. Wimmer, late of Captain Smith's independent company, Utah Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving and $2 per month additional on account of the minor child of the said John P. Wimmer until she reaches the age of 16 years.

The name of Martin Bahrenburg, late of Company C, Fifth Regiment Missouri State Militia Cavalry, and Company E, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis Ashens, late of Company M, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lavinia Ogden, widow of Joseph G. Ogden, late of Company A, First Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Louis H. Leland, late of Companies C and D, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Draper, late of Company K, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Saunders, late of Company B, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen H. Pulling, late of Company E, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Donna M. Blatter, widow of John Blatter, late first lieutenant Company D, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Elizabeth P. Collins, former widow of Charles B. Peterson, late of Company A, Twenty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of Edmund J. Pickett, late of Company A, Sixteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Hattie L. Collins, widow of William T. Collins, late of Company A, Second Regiment United States Sharpshooters, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Robert Flett, late of Company F, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles L. Hewitt, late of Company E, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram W. Shepard, late of Company D, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Linn, late assistant surgeon, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Moore, late of Company E, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louise Ladue Duffield, widow of William W. Duffield, late colonel Ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Jesse Prickett, late second lieutenant Company E, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Young, late of Company C, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arthur Ricker, late of Company B, Fifth Regiment Maine Volunteer Infantry, and Company I, Thirtieth Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ruth E. Bannatyne, widow of Robert W. Bannatyne, late captain Company B, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Austin Parks, late of Company F, Thirty-ninth Regiment, and Company F, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Louisa S. Wilson, helpless and dependent child of John F. Wilson, late of Company E, Sixteenth Regiment Connecticut Volunteer Infantry, and Company F, Third Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of De Forest Safford, late of Company F, Forty-fourth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas S. Ball, late of Company B, Tenth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emma H. Cotton, widow of John A. Cotton, late first lieutenant and commissary Seventeenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of Hugh H. Tarbet, U. S. S. Great Western, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Helen A. Pulsifer, widow of Josiah D. Pulsifer, late major and additional paymaster, United States Volunteers, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Henry Dorman, late of Company F, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, on page 14, line 22, I move to strike out "thirty" and insert "forty." I desire to state to the House that this beneficiary is 109 years old. He served two years and a half during the civil war. I think he ought to have an increase of $10.

The Clerk read as follows:

On page 14, line 22, strike out "thirty" and insert "forty."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it being engrossed, it was accordingly read the third time and passed.

JOHN M'NALLY.

The next pension business was the bill (H. R. 10377) granting an increase of pension to John McNally.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McNally, late of Company F, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill as amended was ordered to be engrossed for a third reading; and it being engrossed, it was accordingly read the third time and passed.

CALESTA CLARK.

The next pension business was the bill (S. 406) granting a pension to Calesta Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calesta Clark, widow of Joseph Clark, late of Company G, Twenty-fifth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ELMER HONNYMAN.

The next pension business was the bill (S. 1746) granting a pension to Elmer Honnyman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elmer Honnyman, late of Company A, First Regiment Nevada Volunteer Cavalry, war with Spain, and pay him a pension at the rate of $20 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

INCREASE OF PENSIONS TO SOLDIERS AND SAILORS, REGULAR ARMY AND NAVY.

The next pension business was the bill (S. 5255) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Rachel Beatty, widow of William L. Beatty, late of Company A, Third Regiment United States Dragoons, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Jane Payne, widow of Anderson L. Payne, late of Company K, First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Frances V. Dallas, widow of Alexander James Dallas, late major Twenty-third Regiment, and lieutenant-colonel Twenty-second Regiment United States Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of William Lind, late of Capt. William Young's company, California Volunteers, California Indian disturbance, and pay him a pension at the rate of $8 per month.

The name of George H. Thorpe, late of Company L, Second Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Augusta C. Stouch, widow of George W. H. Stouch, late captain, Third Regiment United States Infantry, and lieutenant-colonel, United States Army, retired, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Van Ogle, late first lieutenant Company B, Washington Territory Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Adam S. Bridgefarmer, late of Capt. Hiram Wilber's Company B, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John Burkman, late of Company K, Fifth Regiment Missouri Volunteer Infantry, and Troop L, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hardin E. Runnels, late of Company B, Eighth Regiment United States Cavalry, and pay him a pension at the rate of $10 per month.

The name of Sadonia Pierce, widow of Riley W. Pierce, late of Capt. James Smith's company, Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $8 per month.

The name of Hansford D. Wall, late of Capt. Winston Stephen's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Annie M. Dancy, dependent mother of George L. Dancy, late of Company F, First Regiment Florida Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Mary M. Wells, widow of Giles Wells, late of Company K, Second Regiment Illinois Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Fannie W. Reading, widow of Pearson B. Reading, late paymaster, Fremont's Battalion, California Volunteers, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Eloise Wilkinson, widow of George Wilkinson, late of Troop E, Fifth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of Lavinia A. E. Rogers, widow of William W. Rogers, late of Captain Sweat's company, Georgia Mounted Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Mary Varn, widow of George Varn, late of Captain Hutchinson's company, Florida Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Owen J. Revels, late of Captain Whitehead's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Anna Cochran, widow of Charles H. Cochran, late first lieutenant, Seventh Regiment United States Infantry and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of H. Rowan Saufley, late second lieutenant Company F, Second Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Archibald N. Hogans, late of Captain Hart's independent company, Florida Mounted Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Emil Kuhlblank, late landsman United States steamship Palos, United States Navy, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

On page 2 strike out lines 11, 12, 13, and 14.
On page 3 strike out lines 9, 10, 11, 12, and 13.
On page 5 strike out lines 12, 13, 14, 15, 20, 21, 22.
On page 4 in line 11, after "Volunteers," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time and passed.

WILLIAM R. PHILLIPS.

The next pension business was the bill (H. R. 1399) granting a pension to William R. Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Phillips, late of Company —, Seventy-sixth Regiment Coast Artillery, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," strike out "Company."
In line 7 strike out "Regiment" and insert "Company, United States."
Strike out all in the bill after the word "Artillery."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ROY L. JONES.

The next pension business was the bill (H. R. 2932) granting a pension to Roy L. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Roy L. Jones, late of Company L, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN HEARN.

The next pension business was the bill (H. R. 9621) granting a pension to John Hearn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hearn, late of Company E, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain."
In line 8 strike out "twenty" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARTHA A. SIMMS.

The next pension business was the bill (H. R. 10848) granting an increase of pension to Martha A. Simms.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Simms, widow of John H. Simms, late private of Captain Edgington's company, Virginia Militia, war of 1812, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "private."
In line 7 change "Edgington's" to "Edington's."
In line 9 strike out "forty" and insert "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GAY W. SCHELL.

The next pension business was the bill (H. R. 13584) granting an increase of pension to Gay Warren Schell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gay Warren Schell, widow of Franklin J. Schell, late a lieutenant-commander in the United States Navy, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late," strike out "a."
In line 7 strike out "commander in the."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill granting an increase of pension to Gay W. Schell."

JOHN LICHTENBERGER.

The next pension business was the bill (H. R. 13887) granting a pension to John Lichtenberger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lichtenberger, late of Company C, Ninth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer," and strike out all in the bill after the word "Spain."

The amendments was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

STERLING A. GALT.

The next pension business was the bill (H. R. 14368) granting a pension to Sterling A. Galt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sterling A. Galt, late of Company G, First North Dakota Infantry, and Company F, Thirty-sixth United States Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after "Infantry," insert "war with Spain."
In the same line strike out "twenty" and insert "fifteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

REBECCA WILLIAMS.

The next pension business was the bill (H. R. 15531) granting an increase of pension to Rebeckah Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebeckah Williams, widow of Augustus H. Williams, late of — company, Georgia Volunteers, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Amend so as to change claimant's name where it appears in the title and body of the bill to "Rebecca."
In line 7, after "of," insert "Captain Greer's."
In the same line, before "Indian," insert "Creek."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

WYATT ROBERSON.

The next pension business was the bill (H. R. 15810) granting an increase of pension to Wyatt Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wyatt Robinson, late of Captain Kelsey's independent company, North Carolina Mounted Infantry, Cherokee war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change "Robinson," where it appears in the title and body of the bill, to "Roberson."
In line 6, after "Captain," insert "N."
In the same line strike out "independent."
In line 7 strike out "Mounted Infantry" and insert "Volunteers."
In the same line, after "Cherokee," insert "Indian," and in the same line strike out "war" and insert "disturbance."
In line 8 strike out "thirty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MARGARET E. M'GUIRE.

The next pension business was the bill (H. R. 15904) granting an increase of pension to Margaret E. McGuire.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. McGuire, widow of Terance McGuire, late private in First Georgia Volunteers, in Mexican war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Terance" to "Terrance."
In line 7 strike out "private in" and insert "of Captain Dill's company.
In the same line, after "First," insert "Regiment."
In the same line strike out "in Mexican," and after "war," in the same line, insert "with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

THETUS R. HOBBS.

The next pension business was the bill (H. R. 17483) granting an increase of pension to T. R. Hobbs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of T. R. Hobbs, widow of Calvin Hobbs, late of Company E, First Regiment Mississippi Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "T." where it appears in claimant's name in the title and body of the bill to "Thetus."
In line 7 change "Volunteer" to "Volunteers," and in the same line strike out "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

CHARLES PHARAZYN.

The next pension business was the bill (H. R. 17763) granting an increase of pension to Charles Phorazyn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Phorazyn, late of Batteries E and I, Third United States Artillery, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change "Phorazyn" where it appears in the title and the body of the bill to "Pharazyn."
In line 7, after "Artillery," insert "Florida Indian war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. LOUDENSLAGER, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I call up for consideration the bill H. R. 15852, with an amendment.

Mr. MANN. Well, Mr. Speaker, I supposed the gentleman would move to consider the bills in Committee of the Whole House.

The SPEAKER. All bills on the Private Calendar under the rule will be considered in the Committee of the Whole House, unless by unanimous consent.

Mr. MANN. The gentleman can move to go into Committee of the Whole for consideration of the bills.

Mr. MONDELL. Well, Mr. Speaker, I ask unanimous consent that the bills may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the bills on the Private Calendar reported from the Committee on the Public Lands be considered in the House as in Committee of the Whole.

Mr. MANN. I object. The gentleman knew I would object.

Mr. MONDELL. I call up the bill now.

Mr. MANN. All bills on the House Calendar under the rules must be considered in the Committee of the Whole House. Now, unanimous consent was not given, and the gentleman can move to go into Committee of the Whole House.

The SPEAKER. Undoubtedly.

Mr. MANN. For the purpose of considering the bills on the Private Calendar reported from his committee.

The SPEAKER. From the Committee on the Public Lands.

Mr. MONDELL. Well, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar reported from the Committee on the Public Lands.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. LOUDENSLAGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar reported from the Committee on the Public Lands. The Clerk will report the first bill.

HOT SPRINGS RESERVATION, ARK.

The first business was the bill H. R. 15852.

A bill (H. R. 15852) to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes.

Whereas by section 5 of the act of the Congress entitled "An act for the establishment of land titles in Hot Springs, and for other purposes," approved June 16, 1880, the Secretary of the Interior was authorized to designate six lots of the unawarded grounds on the Hot Springs Reservation for the use of the common schools of the corporation of the town of Hot Springs as sites for schoolhouses, to be used, controlled, and managed by the common school officers of the district in which they may be located for such purposes only; and

Whereas the Secretary of the Interior, pursuant to said act, did, by his order dated January 14, 1881, and a subsequent order dated February 19, 1881, designate for the purposes in said act mentioned the following lots situate on said reservation, namely: Lot No. 2, in block No. 72; lot No. 10, in block No. 48; lot No. 8, in block No. 93; lot No. 8, in block No. 146; lot No. 18, in block No. 135, and lot No. 21, in block No. 138; and

Whereas by a subsequent act of the Congress the school officers of said school district were authorized to sell the said lot No. 8, in block No. 93; and

Whereas the best interest of the public schools of the said school district of Hot Springs, in which said lots are situated, will be subserved by vesting the absolute title to said lots in said district: Therefore

Be it enacted, etc., That all the estate, right, title, and interest, and all right of reversion of the United States in and to lot No. 2, in block No. 72; lot No. 10, in block No. 48; lot No. 8, in block No. 146; lot No. 18, in block No. 135; and lot No. 21, in block No. 138, situate on the Hot Springs reservation, in the school district of Hot Springs, in the State of Arkansas, be, and is, granted to and vested in the said school district of Hot Springs, with full power and authority of the officers of said school district to manage, control, sell, pledge, or dispose of the same, or any part thereof, at their discretion, for the use of said school district and the public schools thereof.

SEC. 2. That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Mr. MONDELL. Mr. Speaker, I move that the bill be amended by striking out the preamble, and that, when so amended, it be laid aside with a favorable recommendation.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HOMESTEAD TO CHILDREN OF PAUL CLENDENIN.

The next business on the Private Calendar was the bill (S. 392) to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon major, United States Volunteers.

The bill was read, as follows:

An act (S. 392) to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon major, United States Volunteers.

Be it enacted, etc., That homestead entry No. 24024, made July 15, 1903, at Minot, now Williston, N. Dak., land district, by Clement A. Lounsberry, guardian of the person and estate of Dorothea Clendenin, under section 2307 of the Revised Statutes of the United States, for the northwest quarter of the northeast quarter, northeast quarter of the northwest quarter section 14, and southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter section 11, township 152 north, range 104 west, fifth principal meridian, containing 160 acres, be, and is hereby, confirmed; and upon satisfactory proof of compliance with the requirements of the homestead laws as to cultivation and improvements the Commissioner of the General Land

Office is hereby directed to issue patent for the said described land in favor of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon major, United States Volunteers.

Mr. MONDELL. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

WOODWARD, OKLA.

The next business on the Private Calendar was the bill (H. R. 12773) granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other public purposes.

The bill was read, as follows:

A bill (H. R. 12773) granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other public purposes.

Be it enacted, etc., That lot No. 1, in block No. 48, in the city of Woodward and State of Oklahoma, be, and the same is hereby, granted to said city of Woodward, for the use and benefit of the inhabitants of said city, for park and other public purposes.

The amendment recommended by the committee was read, as follows:

Strike out the word "one" in line 3 and insert in lieu thereof the word "two," and that as thus amended the bill do pass.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman why they did not accept the proposition or the recommendation made by the Secretary of the Interior in regard to this bill.

Mr. MONDELL. What recommendation? My impression is that the Secretary made no other recommendation than that carried out in the bill.

Mr. MANN. Then the gentleman's impression is incorrect. Has the gentleman a copy of the report there?

Mr. MONDELL. I have.

Mr. MANN. He will notice that in next to the last paragraph of the report the Secretary says:

I recommend, if deemed wise to enact the contemplated legislation, that the body of the bill be amended to read:

Then he sets out the way he thinks the bill ought to read, but it does not read that way at all. No such change was made by the committee.

Mr. MONDELL. Well, Mr. Chairman, the committee was under the impression that that charge was not necessary; that there was no question as to the grantee in this case, and could be no question, and therefore the change suggested by the Secretary was not necessary.

Mr. FULTON. If the gentleman will permit me, the form as suggested by the Secretary was simply, if the town was duly incorporated, etc. I think I made the statement there that it was. I know that was not very good evidence; possibly the best evidence that it was incorporated would be that it was incorporated.

Mr. MANN. The gentleman's evidence would be good with me as to that.

Mr. FULTON. From a legal standpoint. It is on that ground that he made the suggestion.

Mr. MANN. I suppose the gentleman is well posted in reference to this bill?

Mr. FULTON. Yes.

Mr. MANN. It seems that the Government has already granted title to land to this city—it is a city?

Mr. FULTON. Yes.

Mr. MANN. How many inhabitants has it?

Mr. FULTON. About 3,000.

Mr. MANN. The Government has already granted to this city 8.82 acres and also 26.74 acres, or 35 acres of ground, a considerable amount of ground, but they are not satisfied with that. They want all that the Government has there. Does not the gentleman think there ought to be a limit to the demand made by a city of 3,000 people upon the amount of land they want to take away from the Government?

Mr. FULTON. Certainly, but if the gentleman will permit me, these other tracts were granted at the time of the incorporation of the town, at the time of the opening of the land for settlement, and were reserved for different public purposes. Now, in this tract, including what we want, there are 6 acres, according to my recollection. It is used now for city purposes. It was originally granted to the county for the county courthouse, and they deeded it back to the Government, and the Government deeded it back to the town, all except this acre and a half additional. It is of no use to anybody as it is now. The Government does not want it, and it spoils the remainder of the tract. That is the reason why we ask for it.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MONDELL. I move that the bill as amended be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

CHANDLER BASSETT.

The next business on the Private Calendar was the bill (H. R. 12803) allowing Chandler Bassett to perfect final proof in his homestead entry.

The bill was read, as follows:

Be it enacted, etc., That homestead entry No. 2810, made by Chandler Bassett, for lots 1 and 2 and the south one-half of the northeast one-quarter of section 5, township 30 north, range 25 east, of the Willamette meridian, in the State of Washington, shall proceed to patent if there is no other objection thereto than the fact that said Chandler Bassett commuted homestead entry No. 4267 for the northwest one-quarter of section 18, township 140 north, range 63 west, Fargo, N. Dak., under section 2 of the act of June 15, 1880.

Mr. MONDELL. Mr. Chairman, my attention has been called to the fact that the name of the party whose title is to be confirmed is "Chandler" in the bill and "Chanler" in the report of the Department. I should like to inquire of the gentleman from Washington if he knows which is the correct spelling.

Mr. JONES of Washington. I think it should be "Chandler," because I took it from the letter of the entryman.

Mr. MANN. The report of the Department shows that the other man made the entry.

Mr. JONES of Washington. I think that is a mistake in the printing of the report, because there is no doubt about this referring to the gentleman named in the bill.

Mr. MONDELL. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

GERTRUDE HALVERSON AABY.

The next business on the Private Calendar was the bill (S. 720) to confirm an entry made by Gertrude Halverson Aaby, widow of Sigbjorn H. Aaby.

The bill was read, as follows:

Be it enacted, etc., That the final homestead entry heretofore made by Gertrude Halverson Aaby, widow of Sigbjorn H. Aaby, for the east half of the northwest quarter of section 27, township 148 north, range 38 west, fifth principal meridian, in the State of Minnesota, be, and the same is hereby, confirmed, and the Commissioner of the General Land Office is hereby authorized and directed to cause patent to issue thereunder.

Mr. MONDELL. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

STENE ENGEBERG.

The next business on the Private Calendar was the bill (S. 1666) for the relief of Stene Engeberg.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to cause a patent to issue to Stene Engeberg for lots 1 and 2 and the south half of the northeast quarter of section 2, in township 159 north, of range 87 west, in the State of North Dakota.

Mr. MONDELL. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

DOLLIE A. FOUNTAIN.

The next business on the Private Calendar was the bill (S. 1774) to permit Dollie A. Fountain, of Walworth County, S. Dak., to purchase certain land.

The bill was read, as follows:

Be it enacted, etc., That Dollie A. Fountain be, and she is hereby, permitted to purchase the west half of the southeast quarter of section 5 and the west half of the northeast quarter of section 8, in township 128 north of range 78 west of the fifth principal meridian from the Government by paying therefor the Government price of $1.25 per acre, and that upon the payment of said Government price a patent in usual form shall be issued for said land conveying the same in fee simple to the said Dollie A. Fountain, her heirs and assigns, forever, any law of the United States to the contrary notwithstanding.

Mr. MONDELL. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

WESTERN POWER COMPANY.

The next business on the Private Calendar was the bill (H. R. 15725) to relinquish, release, and confirm the title of certain lands in California to the Western Power Company.

The bill was read, as follows:

Whereas the lands hereinafter described and embraced within certain Indian allotments, and also situate in Susanville land district, have been condemned for public uses and paid for, under the act of March 3, 1901 (31 Stats., pp. 1058 and 1084), by the Western Power Company, a corporation; and

Whereas said company has no other evidence of title to said lands than the decrees of condemnation rendered by the superior court of Plumas County, State of California, in favor of said company against those certain Indian allotments embracing said lands, whereby the fee-simple title to said lands was vested in said company, and in order that the title to said lands may be confirmed to said company: Therefore

Be it enacted, etc., That all the interest of the United States in and to the land in the Susanville land district, in the State of California, known and described as the north half of the northwest quarter of section 22, the southwest quarter of the northwest quarter and the west half of the southwest quarter of section 27, the west half of the northwest quarter of section 34 in township 27 north, range 7 east, Mount Diablo base and meridian, and the southeast quarter of the southeast quarter of section 7, the north half of the southwest quarter of section 8, the southeast quarter of the southwest quarter of section 15, the northwest quarter, the west half of the northeast quarter, and the southeast quarter of the northeast quarter of section 17, the northeast quarter of the northeast quarter of section 18; also a portion of section 21, beginning at the east quarter corner of section 21; thence south 660 feet; thence south 45 degrees west 1,866 feet, to a point 660 feet north from the south section line of the said section; thence north 1,980 feet to the east and west half section line of said section; thence east 1,320 feet to the point of beginning, containing 40 acres; and the east half of the northwest quarter of section 22 in township 27 north, range 8 east, Mount Diablo base and meridian, and the southwest quarter of the northeast quarter of the northeast quarter of section 28 in township 28 north, range 8 east, Mount Diablo base and meridian, aggregating in all 890 acres, is hereby relinquished, released, and confirmed to the Western Power Company, a corporation organized and existing under the laws of the State of California.

With the following committee amendment:

Strike out the preamble.

Mr. MONDELL. I move that the committee amendment be adopted and that the bill as amended be laid aside, to be reported to the House with a favorable recommendation.

Mr. MANN. Was this bill transferred to the Private Calendar?

Mr. MONDELL. This bill is on the Private Calendar.

Mr. MANN. It did not go to the Private Calendar when it was reported?

Mr. MONDELL. It is now on the Private Calendar.

The CHAIRMAN. Does the gentleman from Illinois raise a question as to the Calendar to which this bill was referred?

Mr. MANN. If it is not on the Private Calendar, I do.

The CHAIRMAN. It was so transferred.

Mr. MANN. That was what I asked.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside, to be reported to the House with a favorable recommendation.

ANNA JOHNSON.

The next bill on the Private Calendar reported from the Committee on Public Lands was the bill (H. R. 16770) granting land to Anna Johnson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue to Anna Johnson, wife of Ging Sing, alias Jim Johnson, a patent to the following-described land, to wit: The south quarter of section 29 in township 13 south of range 3 east of the New Mexico principal meridian.

With the following committee amendments:

In line 6 strike out the word "south" and insert "southwest."
In line 7 strike out the word "three" and insert "twenty-five."

The amendments were agreed to.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. MONDELL. Mr. Chairman, I move that the committee do now rise and report the bills to the House with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DAWSON, Chairman of the Committee of the Whole House, reported that that committee had had under consideration certain bills reported from the Committee on the Public Lands under the special order and ordered him to report the same back, some with and some without amendments, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

The bill (H. R. 15852) to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes.

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

The Clerk read as follows:

The bill (S. 392) to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon-major, United States Volunteers.

The bill was ordered to be read a third time, was read the third time, and passed.

The Clerk read as follows:

The bill (H. R. 12773) granting to the city of Woodward, in the State of Oklahoma, lot 2 in block 48 for a park and other public purposes.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The Clerk read as follows:

The bill (H. R. 12803) allowing Chandler Bassett to perfect final proof in his homestead entry.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The Clerk read as follows:

The bill (S. 720) to confirm an entry made by Gertrude Halverson Aaby, widow of Sigbjorn H. Aaby.

The bill was ordered to be read a third time, was read the third time, and passed.

The Clerk read as follows:

The bill (S. 1666) for the relief of Stene Engbert.

The bill was ordered to be read a third time, was read the third time, and passed.

The Clerk read as follows:

The bill (S. 1774) to permit Dollie A. Fountain, of Walworth County, S. Dak., to purchase certain lands.

The bill was ordered to be read a third time, was read the third time, and passed.

The Clerk read as follows:

The bill (H. R. 15725) to relinquish, release, and confirm the title of certain lands in California to the Western Power Company.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The Clerk read as follows:

The bill (H. R. 16730) granting land to Anna Johnson.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

CHANGE OF REFERENCE.

By unanimous consent reference of House Document 704 was changed from the Committee on Accounts to the Committee on Appropriations.

LEAVE OF ABSENCE.

Mr. LANDIS, by unanimous consent, was given leave of absence for one week on account of important business.

WITHDRAWAL OF PAPERS.

Mr. BARCHFELD, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of John Hand (H. R. 22165, Fifty-ninth Congress), no adverse report having been made thereon.

Mr. SOUTHWICK, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Daniel Leary (Fifty-ninth and subsequent Congresses) no adverse report having been made thereon.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 18347) making appropriations for the postal service; and pending that motion, I ask unanimous consent that until further order by the House whatever time may be used in general debate may be controlled equally by myself and the gentleman from Tennessee [Mr. MOON].

Mr. MANN. The gentleman will occupy the remainder of the afternoon in general debate?

Mr. OVERSTREET. All of to-day and to-morrow; to-morrow we hope to come to some agreement as to the limit of debate.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the time in general debate may be controlled by himself and the gentleman from Tennessee [Mr. MOON]. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks that the first reading of the bill be dispensed with. Is their objection?

There was no objection.

Mr. OVERSTREET. Mr. Chairman, the aggregate amount carried by the bill now before the committee is very large. There are only a reasonable number of items, many of them, however, being in large amounts, making apparently a heavy appropriation in the aggregate. A great proportion of the postal service under existing law fixes the compensation, and appropriations depending only upon the increase and changed conditions which flow from year to year in that large service. We have seen this enormous service increase in recent years until it is doubled practically every ten years. By comparison one year with another, however, it may be shown, and very clearly shown, that a careful scrutiny is had of the entire service by the Department. The estimates by the Department are in the main carefully drawn, and the committee have in the preparation of the bill in recent years, speaking only from my personal experience, given exceedingly great care in the preparation of the various items.

In bringing this measure to-day before the committee, carrying as it does $220,766,192, the committee has not only been actuated by an honest and patient effort at economy, but has striven industriously and intelligently, we believe, with such adequate and ample provision for the various branches of the service that the high standard of efficiency which the country has enjoyed in the postal service will be maintained.

The appropriations for the entire service for the present fiscal year amount in the aggregate to $212,091,193. Therefore the bill to-day recommended to the House carries an increase of appropriation over the current fiscal year in the aggregate of $8,674,999. That proportion is not as great as the estimates recommended by the Department by reason of the fact that the committee make some reductions in the estimates upon its own initiative, and the Department itself, by reason of a number of revised estimates, conceded a less sum than the original estimates carried. It is fair to say that under existing laws estimates are prepared by the Department in the early fall.

In a service increasing as rapidly as the postal service January is a better time to accurately estimate than August or September. Therefore, when the Department officials appeared before the committee at its hearings and were able, by reason of more accurate information than they had in the early fall, to submit revised estimates, the committee was better prepared to pass upon those estimates than the Department was prepared to the early fall, when the first estimates were prepared. Consequently the apparent great reduction by the terms of the committee from the original estimates are explained in large measure by the changed conditions which came before the committee when the committee's bill was under preparation. For example, in the Second Assistant Postmaster-General's bureau the revised estimate for railway mail transportation pay was $3,900,000 less than the first estimate. This grew out of the fact that the operation of the law passed at the last session of Congress and a new ruling of the bureau, known as "Order 412," concerning the method of computing transportation pay, had not gone into effect at the date of the first estimate, but the revised estimate was made at a time when all of those provisions had gone into effect, and therefore the change in the estimate resulted in a saving from the first estimate of $3,900,000. In the First Assistant's bureau the estimates of that officer were based in the early fall upon recommendations of that bureau for certain changes of legislation, and in the event Congress approved of those changes and new laws were passed then additional appropriation would be made, but, basing the estimates of the First Assistant's bureau upon existing law, without taking into account an assumption that new law will be made requiring a revision of the estimates in that bureau, it amounted in the aggregate to approximately $4,000,000. Consequently the heavy estimate of the Department first submitted to Congress in the usual way by preparation in the early fall was necessarily considerably reduced by the committee because of the facts that I have named. Among the recommendations from the Department that were not approved by the committee because they would require changes of legislation—and, in the first place, would have been subject to points of order when the measure was brought before the House, for a variety of reasons—were, briefly, the recommendation of the First Assistant to enlarge the field of free-delivery offices so as to permit them in communities where the gross receipts of the office were $5,000 a year and upward. The second was the recommendation of the extension of the classified act to the grades of employment above the grade of clerk in offices of the first and second classes, a recommendation for an increased vacation period, and a recommendation for an increase of 60 per cent in carriers of the $1,100 grade and of 50 per cent in clerks of the $1,100 grade, a recommendation to repeal the existing law relative to the method of appropriating for clerical services in offices of the third class, and appropriating a lump sum of $2,000,000. There may be some others, but the main reduction from the estimate of the First Assistant's office by the committee was due to the fact that his estimates were based originally upon the assumption of certain changes of law, and the committee believe the appropriation should be made upon existing law. We believe we have in each of the various branches of the service made a sufficient appropriation to maintain at the high standard of efficiency the service as it is now controlled by law.

I wish just in a brief way, but in what I think will give the committee full information, to take up in their order the five divisions of the postal service and note the general character of the changes in the appropriations. Under the Postmaster-General directly the committee recommends a reduction of the force of post-office inspectors, believing, as the committee does, that the large increase in that inspection service by merging with it the so-called rural agents and the rapid decrease of the work of the rural installation department will not require as large a number of post-office inspectors as in recent years. The committee therefore recommends that this force be reduced by twenty-two. In October last there were twenty-seven vacancies in the post-office inspection service, and I think at the time of the hearings there were twenty-one vacancies, something about that number, so that in the reduction recommended it will not necessarily mean the displacement of some employee, but failure to fill some vacancies which have not been filled because of the lack of necessity from the service itself. We recommend two small items of appropriation under the Postmaster-General which are new law, but the reasons are as follows: First, an item of $10,000 to cover the cost of purchase and installation of conveyors and other mechanical devices in the Washington city post-office. These mechanical appliances are for the improvement of the service in this city, and that office, it is found, can be greatly benefited in this service by this small item of expenditure. The second item of $10,000 is an appropriation authorized under the Postmaster-General for the investigation and testing of mechanical and labor-saving devices in the service. Under the general policy of Congress, wisely providing, as I believe, for a very general segregation of items of appropriation, it makes it exceedingly difficult at times for the service to receive in some particular cases appropriation for the investigation of new appliances and devices which an investigation might prove to be of great advantage, and the limited sum of $10,000 does not perhaps seem large, but there are a great many instances where they need no sum at all.

They have, for example, the question of the tying device for the ease and convenience of the post-office clerks and railway mail clerks for tying up bundles of letters that go to one common destination. There is a device of the mail catcher, which the Government has been struggling with for many years to ascertain a cheaper and lighter appliance. There is no fund now from which either one of these devices might be defrayed. The same is true about the stamp-vending machine. The committee hesitated about making a larger appropriation for such purposes in the absence of fuller and more complete knowledge. Under the First Assistant Postmaster-General's bureau, a bureau which carries almost half of the entire amount of the appropriation for the service, we have established in the preparation of the bill a policy governing us with reference to increase of salaries. That policy was that we would not make any provision for the increase of salaries of the employees now in the service. Of course I do not mean that we do not make provision, and adequate provision, to carry out existing law under the automatic scale of the classification act whereby clerks and carriers after a year's service in one grade are promoted automatically to the next grade upon proper efficiency record up to the $1,200 grade. Of course provision is made to carry that method of promotion, but there is no provision made for the increase of salaries other than that provided in the classification act passed last winter. There is one exception, and that is the grade of clerks of the $1,100 grade. Provision

is made for the advancement of 15 per cent of the clerks of that class to the next class at $1,200. The reason for that is, briefly, that the appointment of station superintendents when necessary by reason of the establishment of new stations, occasioned either by the growth of the business or discontinuance of smaller post-offices adjacent to larger offices and creating instead of an office a substation, requires designation, as a rule, from the clerks of the $1,100 class, and in order to provide for the very strong probability a limited provision of increase to the extent of 15 per cent has been provided. It is true that the classification act passed last year creates a grade of $1,200 for carrier service, and there has been some demand for a provision for the increase of the $1,100 grade of carriers to the $1,200 grade of the law. The committee has not felt it proper to make that provision. The reason is that just one session ago we were very liberal in the appropriation for the increase pay of the employees, carriers among others, and under that provision approximately $12,000,000 were distributed for increases of salaries alone. We are making only a 15 per cent increase of the clerks of the $1,100 grade for the reason just stated. We are not providing for an increase of the remaining clerks of the $1,100 grade to the $1,200 grade for the same reason I have suggested. Furthermore, we have suffered in the last few months from a falling off in the postal revenues of the service, a condition which the history of the country shows follows each currency disturbance. How much it will be, no man can foretell. The losses to the postal revenues are sufficient in recent months to challenge the attention to the possibility of a continued falling off in the service at least for a period of half a year yet.

In view of that, the business of the service will not increase to such an extent as to justify an increase of salary to those employees. Furthermore, industrial concerns, private corporations, are not this year increasing salaries as liberally as they did last year, and in keeping with these general conditions, with no fear of an impairment of the efficiency of the service, the committee has thought it unwise to make at this session, immediately following a session of such liberal provisions, a second provision for an increase of salaries. Under the First Assistant of the Department, however, fall the third-class post-offices, where a few years ago we sought to inaugurate a method to cover the clerical cost of the service in those offices. The administration of the third-class offices is one of the most difficult things we have to contend with. The ripening of the third-class office into the second-class office brings with it immediately an enlargement of privileges and employment and salaries, which puts the second-class office upon a far different footing from the third-class office before it so ripened. We, therefore, a few years ago made provision for a schedule of allowances providing not to exceed $200 in offices where the salary of the postmaster was $1,100 or $1,200; an allowance not to exceed $300 to offices of the third class, where the salaries were $1,300, $1,400, and $1,500, and by one amendment later an allowance not to exceed $400 in offices of $1,600 and $1,700, and $500 in offices of $1,800 and $1,900 a year. It has been found, however, that the amount appropriated under this class has not been adequate to the conditions existing in a large per cent of these offices.

The appropriation for the current year for the clerical allowances at third-class offices is $800,000. The committee has recommended $1,125,000, an increase of $325,000 in that method of appropriation. But we have made a change in the schedule so as to provide the distribution of $500,000 of that total to the third-class offices where the salaries are below $1,600 a year, and $625,000 to be distributed to offices where the salaries are above $1,500 a year. It is believed, under a fair computation after inquiry, that that provision of appropriation will enable a very material increase of allowance for clerical cost in the third-class offices. The $625,000 will, under these estimates, provide for the payment of the maximum allowances in 92½ per cent of the third-class offices where the salaries are above $1,500 and allow the maximum allowance in the offices below $1,600 in 58.80 per cent of the cases. So liberal an allowance, therefore, will undoubtedly result in a better and a more sensible distribution of the fund for the benefit of those smaller offices.

In the item carrying the appropriation for rent, light, and fuel at first, second, and third class offices we recommend an increase in the maximum amount for rent which may be allowed from $480 to $500 a year and a maximum allowance for fuel and light, an increase from $80 to $100 a year, and have made provision by the aggregate amount of that item of appropriation sufficient to meet the differences by the increased cost of fuel and light and rental purposes in all the grades of offices of the first, second, and third class.

In the appropriation for the letter-carrier service of free-delivery offices, aside from our not making appropriation sufficient to pemit the increase of salaries of carriers in the $1,100 grade, ample provision has been made to carry out the provisions of the classification act under the automatic scale of promotion and to provide what is found to be a sufficient number of new carriers to meet whatever reasonable demand that may be occasioned by the increase of volume of the general service. The same is true with reference to the additional clerks in offices of the first and second class.

Under the Second Assistant Postmaster-General's items the chief point of interest has always been the railway-mail and post-office car appropriation. We make a very decided reduction in the amount carried by this bill from that which has been carried in former bills, occasioned by the legislation of the last Congress.

There have been four different things or transactions which have occurred in connection with the railway mail transportation pay and railway post-office car pay which have resulted in a decided reduction in the annual charge of expense. Last year Members will recall that we reduced the rate of pay for railway post-office cars; that we provided for a reduction in the rate of the railway mail pay on routes carrying in excess of 5,000 pounds of mail a day. We also provided two years ago, I think it is, for the gradual withdrawing from the mail, preceding immediately the weighing period in the four great territorial sections of the country, of the equipment, of supplies, furniture, and the mail bags not needed for immediate use and their carriage thereafter by freight. The purpose of this latter provision was to enable the Government to ship its equipment and supplies generally by freight at a lower charge than would follow when they are weighed as a part of the mails at the weighing periods in the four different sections. Since Congress adjourned, by order No. 412, of the Postmaster General, a different method in the computation of the weights was authorized, known as the "change of divisors." While the change of divisors, or order 412, has not yet gone into effect in all of the divisions, because under the rule of the Department it is made applicable only as new divisions of weight occur, still making the estimate based upon existing knowledge of the weights and the estimate for the divisions not weighed, the effect of the new divisor transportation in the annual charge upon the Government is a reduction of $4,619,285.85, or 9.65 per cent. The effect of the law of the last Congress relative to the change of rate in the transportation where the weight exceeds 5,000 pounds daily is a saving annually of $1,740,494.63, or a saving of 3.63 per cent.

The effect of the law of last Congress changing the rate of pay of railway post-office cars results in a saving of $935,974.09, or 16.36 per cent. And the effect on the annual charge by reason of the withdrawal of equipment under the same method of computation results in an annual saving of $805,679.13, or 1.77 per cent.

I will print in the RECORD at this point the table which I have read from, showing the effect in the different weighing divisions of the country and the items which make up the saving which I have just announced.

The table is as follows:

Contract section.	Effect of new divisor, transportation.	Estimated rate of per cent except in third division.	Effect of law of 1907, transportation.	Rate of per cent.	Effect of law 1907, R. P. O. pay.	Rate of per cent.	Effect on withdrawal of equipment.	Estimated rate of per cent.
First	$990,945.45	9.65	$547,909.01	5.33	$239,670.49	17.59	$181,758.90	1.77
Second	446,600.78	9.65	70,192.45	1.52	85,196.83	15.73	81,878.69	1.77
Third	1,787,378.10	9.65	759,145.88	4.10	442,755.76	16.70	283,251.50	1.77
Fourth	1,394,561.52	9.65	363,247.29	2.51	168,350.98	14.42	255,790.04	1.77
Total	4,619,285.85	9.65	1,740,494.63	3.63	935,974.09	16.36	805,679.13	1.77

We have, however, made provision, adequate, as we believe, with the appropriation of an amount quite sufficient to take care of this service, both transportation and post-office car pay, for the next fiscal year without detriment to the service.

In the item referring to the charge on freight and expressage on equipments, I say that that is a matter of guesswork almost entirely as to how much money will be required for freight charges when the equipment has once been withdrawn from the division, because there are no data upon which a safe estimate can be made in advance of the withdrawal to determine accurately just what that might be. I am inclined to think if the committee has erred at all in the item for express of freight and equipment, it has made a larger appropriation than might possibly be necessary; but with a view of making proper provision, we have been rather more liberal than not quite liberal enough. In the railway mail pay, or in the appropriation intended for the pay of the salaries of the railway mail service—clerks, chief clerks, assistant superintendents—we accepted the revised estimate of the Second Assistant's office, which resulted in a slight reduction. It is believed that after the Department had made very careful estimates, as the Department did, and its estimates have been scrutinized and analyzed by the committee, no better provision could be recommended than that which the superintendent of the railway mail service and Second Assistant Postmaster-General have recommended.

In the item for electric and cable car appropriation pay we make a new recommendation, to cover what seems to be a limited number of emergency cases. We provide that of the total appropriation made, not exceeding $30,000 may be used without regard to the present existing law governing the rate of pay for a cable-car or an electric-car service where it does not exceed the cost of the service under present conditions, and is, in the judgment of the Department, of advantage to the service. By that means we cover an incident which was called to the attention of the committee where because of the proximity of two communities a very frequent and efficient cable-car service was in progress, that would not accept the rate of pay which the law grants under the schedule of pay for the electric and cable car service, and the Government was compelled to resort to star service. The cost of the service by star service is greater than usual to the electric and cable car service, and the Department wanted to give it to the electric cable car company. Although it is larger than the schedule which the law provides for cable and electric car service, it will undoubtedly be of benefit to the service, and it will be cheaper service, more expeditious for the community, but it will be an increase over the existing rate.

Mr. MANN. Will the gentleman yield for a question?

Mr. OVERSTREET. I will.

Mr. MANN. We require the steam railroads to carry the mails, as I understand, by law. Have we no such authority over the electric roads?

Mr. OVERSTREET. I am inclined to think we have; but a further illustration of the explanation that I was giving would indicate that where there is but one coach carried, as in this instance, and the accommodations for the mail are exceedingly limited, not nearly the accommodations found upon steam railroads, and as in nearly every case a steam road parallels the line and does carry the mail, the Government would be slow, I should say, in compelling that road to carry the mail at a rate fixed by the regulations in the transportation law.

Mr. MANN. That is the reason for the change that the gentleman's bill proposes, and is not that no authority exists? The committee thinks that the present rate of pay is not sufficient in this case.

Mr. OVERSTREET. That is my view of it, although I may say that there has never been any test of the law as to whether Congress had control over electric roads. I am inclined to think it has.

Mr. STAFFORD. If the gentleman will allow me; I hardly think he intends to convey the impression that we have the right or that there is any authority now vested in Congress by any law to compel the railroads to carry the mail.

Mr. OVERSTREET. The exercise of the power of the Government over post-roads has been construed to mean at least what is equivalent to a compulsory law for the carriage of mails. It has never been put to a test, and I can not say whether or not there is any authority; but I think it would be that the Government would probably have the authority to compel the roads to carry the mail.

Mr. STAFFORD. There is no question of the authority of Congress to designate certain roads as post-roads, and in a sense the railroads are post-roads, over which Congress has exclusive control, so far as postal transportation is concerned, if it wishes to exercise it; but there is no law, and I wish to direct the attention of the chairman to that fact, and I did not understand him to make such a broad statement, that gives Congress the authority to compel a railroad to carry the mails to the different points on its line; nor can Congress compel an electric car line without its consent to do a similar service.

Mr. MANN. The question which I addressed to the chairman went to our authority to declare these roads post-roads, and thus be authorized to compel them to carry the mails.

Mr. OVERSTREET. That was my understanding, and my answer was with that understanding.

Mr. NORRIS. Will the gentleman permit another question right on this point?

Mr. OVERSTREET. Yes.

Mr. NORRIS. Does the gentleman desire to convey the impression that an ordinary electric road, chartered under some State law and entirely within a State, would be compelled, if Congress passed a law that said it should be a post-road, to carry the mail without its consent? Does the gentleman mean to say that we could do that?

Mr. OVERSTREET. I stated in answer to the gentleman from Illinois [Mr. MANN] that I was not prepared to say that we had complete authority, but that we never had tested it fully in relation to the electric roads. I am not sufficiently familiar with the precedents in the cases that have been tested to warrant an opinion as to just how far the authority of the Government in compelling all kinds of roads to carry the mail might go. I know that it was held in the early cases that the authority of the Government to determine what shall be post-roads was pretty broad, but I do not know of a single instance where that determination was sought to be exercised on a road lying entirely within the limits of a State. My recollection is that in one of the earliest cases, brought in the Pennsylvania courts, there was a strong leaning toward an affirmative answer to the gentleman's question; and I am inclined to believe—although I say it with a good deal of qualification and without thorough inquiry—that the power of the Government in a proper way to determine what may and shall be post-roads is pretty broad under the Constitution, and that when that power has been exercised and a given road has been declared and determined by the Government to be a post-road I think the Government would have the right to compel the carriage of the mail over it.

Mr. MANN. If the gentleman will pardon me, the power to declare post-roads has nothing to do with the question of interstate commerce, and has no relation to the question whether a road is wholly within a State or whether it crosses State lines. The power to regulate commerce may depend upon interstate commerce, but the power to declare post-roads depends upon that paragraph of the Constitution which gives Congress authority to establish post-offices and post-roads.

Mr. OVERSTREET. Mr. Chairman, in the Third Assistant Postmaster-General's items of appropriation there are a very limited number of changes made, and those only because of the belief that the increased appropriations may probably be needed on account of the public demand. There is, however, one change which the committee has made, to which I wish to call your attention. That is with reference to the indemnity upon registered mail.

We have transferred from the department of the Second Assistant to the department of the Third Assistant the regulation of the disbursement of the indemnity for registered foreign or international mail. This was done both upon the recommendation of the Postmaster-General and of the Second and Third Assistants. We have increased the appropriation to $10,000, the amount recommended by the Department. We have increased considerably the appropriation for the indemnity of registered domestic mail of the first class. The last appropriation was for $5,000. We recommend $25,000. That recommendation is made in order to enable the Department to dispose of a very large number of cases now pending.

The evidence before the committee informed us that there are approximately 9,000 cases of loss of registered domestic first-class mail, the demands aggregating on their face approximately $25,000. Because of the limited amount of the appropriation it has been necessary to postpone the consideration of the cases from year to year, for the reason that if the cases were all determined there was not a sufficient amount appropriated to meet the charge. The rule and practice of the Department, followed universally wherever a loss of registered domestic first-class mail is reported, is at once to set in motion an inquiry to try and locate the trouble, and if found, either to return the article to its owner or to collect from the person who is chargeable with it the amount of the loss. This neces-

sitates holding up all the claims until that entire proceeding has been gone through with. There is no disposition to change that practice or policy. The committee, however, have come to the conclusion that a larger appropriation for this fund will permit a wiser and more equitable administration of it than in the past. In connection with that the committee recommend the creation of an indemnity fund for the loss of registered first-class domestic mail.

That is to say, that hereafter whenever a fund has been collected by reason of registered matter, the owner can not be found, or something comes up which prevents the payment of it, instead of that being covered into the Treasury, as has occurred under recent appropriations, it goes into this fund and forms a segregated fund to be used in the payment of other indemnity, and if that fund should be sufficient from time to time by reason of the payments and application to the fund, it would become administered uniformly under the practice and care and attention and appropriate disbursement when collected.

Mr. MANN. Will the gentleman yield?

Mr. OVERSTREET. Certainly.

Mr. MANN. Under what authority of law do people hold out money from control and deposit from the Treasury and deposit in a separate fund?

Mr. OVERSTREET. Heretofore the item of appropriation for indemnity for the loss of registered articles is an annual item of appropriation, and under the law an unexpended balance at the end of the fiscal year is returned to the Treasury; so it would not be segregated any longer than the limit of the fiscal year.

Mr. MANN. Is the gentleman speaking of a new proposition?

Mr. OVERSTREET. The new proposition will be entirely new. If the House should ratify the recommendation of the committee and create a limited indemnity registry fund, then the amount which might be left or paid in by reason of the collection would remain intact and would not go into the Treasury.

Mr. MANN. Does the gentleman think it desirable to create a fund about which Congress knows nothing, and concerning which the public knows nothing, so that nobody is informed as to the amount of the loss which may come from registered mail, and leave it there wholly in the control of officials, practically in a private way?

Mr. OVERSTREET. It comes under the general method of reports of that Department, and undoubtedly there would be an annual report of it. There must be.

Mr. MANN. The Constitution requires annual reports of officers, and yet I dare say the gentleman has never seen one; I never have. Does this bill carry any appropriation for this item?

Mr. OVERSTREET. Twenty-five thousand dollars.

Mr. MANN. A permanent fund?

Mr. OVERSTREET. Oh, no.

Mr. MANN. I ask the gentleman because this very morning the chairman of the Committee on Appropriations called my attention to a communication he had received from the Comptroller relative to special deposits of funds which seemed to be entirely outside of the rule and the law regulating the appropriation of money out of the Treasury. I am afraid that is where this would go.

Mr. OVERSTREET. I think the gentleman from Illinois perhaps failed to catch the provision which must be carried every year in this item and which necessarily will keep it related to Congress annually, so that it will have a proper report. The appropriation must be made or else there will be no payment of losses from that fund if that fund is exhausted. Therefore, annually, the committee preparing the appropriation bill for postal service must necessarily have information about this particular item, and know whether any additional fund will be necessary for the ensuing fiscal year.

For example, the appropriation this year is $25,000 for paying the indemnity of loss by registered mail of the first class. There is a statute fixing the charge upon the Government for such a loss, and the statute would be wholly inoperative unless there was an appropriation made of the item. We carry annually some appropriation to conform with that statute. The only change recommended in this bill is that hereafter when there is any fund collected upon the loss of registered matter where the party to whom it belongs can not be found, or whereby he has not the settlement of it, and later the collection of it, which had not been made in the first instance, that money would go into a fund, to be supplemented each year with whatever appropriation would be required to meet the requirements of the statute which governs that matter.

Mr. MANN. What is the objection to covering the money into the Treasury like all other money and then appropriating a sufficient amount to meet the demands which may be made upon it by reason of the statute?

Mr. OVERSTREET. Well, the attitude of the gentleman from Illinois, under the exercise of his privilege of making a point of order, indicates that that probably will have to be done. I believe it is a wise provision and I am undertaking to call attention of the House to what the committee thought would be a more effective and uniform administration of that particular law. It is utterly impossible to tell how many losses may occur in a year on account of the registered matter.

The law fixes the amount of indemnity, and we appropriate to meet that situation and to make it easier for the Department to continue to consider these cases which are always before them. The docket is never clear. There is never a time when there is not a case before the Department. We thought it wise to provide a continuing fund, so that they would be able to meet these cases in less time than it now takes, and in order that those who have suffered by the loss with which the Government is charged might be repaid within a reasonable period.

Mr. MANN. I do not wish to take the gentleman's time nor to impose upon it, but the gentleman has not at all to my satisfaction shown any reason why creating this fund in this way would enable claimants to get their money any quicker.

Mr. OVERSTREET. Because it enlarges the fund as rapidly as there is an increment of increase there occasioned by failure to find a person who owns it, and by reason of the collection of the claim after the claim has been paid.

Mr. MANN. But the gentleman's committee every year expects to bring in an appropriation item, and hence must take into consideration the probability as to the amount of the claims, and if the committee is mistaken, then the claimants will have to wait anyhow.

Mr. OVERSTREET. Yes.

Mr. MANN. No one pretends there is any large amount of this money.

Mr. OVERSTREET. I just stated there are 9,000 claims pending now.

Mr. MANN. I mean of the money to be paid into this special deposit.

Mr. OVERSTREET. Not a great amount of it.

Mr. MANN. Not enough except to give an excuse at all times that here is a fund that they can be paid out of, and no one knows how much it is.

Mr. HARDY. I would like to know if it ever has occurred that the amount of the collections from this registration fund, of sums not claimed, has exceeded the amount of expense for loss incurred.

Mr. OVERSTREET. Oh, no; it could not.

Mr. HARDY. In other words, is not there always a deficiency necessary to be made up by appropriation?

Mr. OVERSTREET. Oh, always; because all of the lost registered articles are not found and all of the persons responsible are not detected.

Mr. HARDY. I understand the gentleman's purpose to be by this method simply to make the account continuing, it is to keep it in one successive order.

Mr. OVERSTREET. That was the purpose of it.

Mr. HARDY. And there is no surplus left anyhow.

Mr. OVERSTREET. No surplus left anyhow.

Mr. Chairman, in just a few moments I think I will be able to conclude my statement. In the Fourth Assistant Postmaster-General's office, covering rural delivery and supply department, the committee has endeavored to appropriate, as in the other instances, an amount sufficient to meet the real demands of that department. Unfortunately, the estimates from the Fourth Assistant's office, so far as they related to supplies, were not sufficiently full and accurate to enable the committee to accept them. There has been much complaint in past years of the lack of supplies for post-offices of all classes, and in too many cases I think criticism has been made against Congress when Congress does not deserve the criticism. There was some excuse for the delay in the shipment of supplies last summer and early fall on account of the transfer of the supply depot. It was scattered in various places in this city, and under a provision of law authorized at the last session one supply station or house or home for supplies was provided and the transfer to that agency necessitated some delay. I am happy to say that the information from the Department now is that these supplies are not being delayed, but the demands are being met with unusual accuracy and sufficiency, and the items appropriated by the committee to meet the manufacture and shipment of supplies for the next fiscal year the committee believes are ample. The same is true of the rural delivery service.

There has been some controversy between the committee and the Fourth Assistant's bureau in the appropriations for the rural delivery service in the past. The committee does not appropriate this year the full amount estimated, and I wish to draw attention to that here in order to emphasize the fact that that reduction is not because the committee purposes any less attention to the rural delivery service. We believe we have appropriated amply to cover all the needs of that service for the next fiscal year, although we have reduced the amount from that carried in the estimate. In the fiscal year ending June 30, 1906, there was approximately $1,000,000 unexpended balance in the item for the rural delivery service under the Fourth Assistant. At the end of the fiscal year 1907, June 30, there was an unexpended balance of $1,596,498. The condition of this fund at the time of the hearings before the committee convinced the committee that there will be a very handsome unexpended balance at the end of the present fiscal year; and so far as your committee is concerned, hoping that it may impress the House with the care it takes in preparing a great bill carrying the number of items of detail that this carries, we are led to believe that it is foolhardy upon our part or upon the part of the bureau officer to recommend a heavy appropriation when it is clearly shown that it will not need all of it, and we have reduced that estimate.

But in that reduction I make the prediction now that there will be an unexpended balance in that item at the end of the fiscal year 1909, and I am satisfied that my associates upon the committee believe equally with me that that will occur. So that no one need fear that there is any change of policy with respect to proper administration and appropriation for the rural delivery service. There is one new item carried in the bill, under the Fourth Assistant Postmaster-General, where it is intended as new legislation, which does not apply to the Fourth Assistant's office, to which I wish to call attention in conclusion. Under existing practices when any of our war vessels are away from port there is no provision at all for the sailors, soldiers, and officers to receive their mail in any other way than the common practice of having it addressed to a specific vessel and carried to some certain port. The constant change of location of our war vessels and the large number of men carried upon them has resulted in great inconvenience to the men upon those vessels in the receipt and dispatch of their personal and registered mail. Our committee, therefore, following the recommendation of the Secretary of the Treasury and the Postmaster-General, through whom the recommendation comes to our committee, makes provision of law authorizing the designation by the proper officer of the Navy of mail clerks, who will be under bond and under the regulations of the Post-Office Department and in all respects as in the others, with powers to take the mail addressed to the various men and officers upon these vessels, see to its proper distribution and delivery, and in turn take from them the mail for dispatch and see that it is properly dispatched from the nearest port. This also will safeguard the registered mail which very frequently is addressed to men upon these vessels. It carries no appropriation whatever, and merely grants authority with proper safeguards and limitations and provision for a bonding of these clerks the same as clerks for post-offices, leaving entirely to the Navy Department, if it shall see fit to exercise the authority, to make provision for any compensation which may be proper. With that statement, Mr. Chairman, I think I can add nothing further. I can only say what I said in the outset, that great care has been exercised in the preparation of this bill in all of its variety of service, and we believe in it ample provision has been made to keep the standard of efficiency in full measure up to what it now enjoys in the collection, dispatch, and delivery of mail.

Mr. BARTHOLDT. Mr. Chairman, I would like to ask the gentleman from Indiana a question or two. Is there anything in this bill changing the present law with respect to second-class mail matter?

Mr. OVERSTREET. The rate; nothing at all.

Mr. BARTHOLDT. My next question is, Have you provided for an increase in the pay of letter carriers in accordance with the reclassification law passed by the last Congress?

Mr. OVERSTREET. I explained that fully at an early hour this afternoon. The gentleman perhaps was not present. We have made ample provision under the law known as the "classification act." We have not made provision for increasing the salaries of the $1,100 clerks and carriers.

Mr. BARTHOLDT. That was provided for in the classification act—an increase from $1,100 to $1,200?

Mr. OVERSTREET. No, sir; there is a $1,200 grade of clerks and has been, and we appropriate to carry all these clerks who are in the service and 15 per cent additional for reasons which I stated at the time. There is a grade of $1,200 in the carriers under the classification act; but we have not made an appropriation to promote them, because, I stated, the handsome appropriation for increased salaries made last year we thought ought not to be followed under the present conditions the first session following that enactment by a further increase, and for the further reason we were not making increases of salaries of any employees in the service other than provided for by that law.

Mr. BARTHOLDT. Now, one more question, Mr. Chairman. Have you made any provision to extend the annual leaves of post-office employees to the same extent that employees in other Departments enjoy, namely, from fifteen days to one month?

Mr. OVERSTREET. We have not; and I regret the gentleman from Missouri was not present when I explained that, and I went into that, I think, in much detail. We have made no provision for any increase of the vacation privilege.

Mr. BARTHOLDT. Did the gentleman explain the reasons which actuated the committee in reaching that conclusion?

Mr. OVERSTREET. I did.

Mr. THOMAS of North Carolina. Mr. Chairman, under the former bill there was a graduated system of promotions provided for clerks in the first-class post-offices. Now, I am informed that, while that provision was made, there is no appropriation to carry such provision, and I want to ask the gentleman from Indiana if any provision has been made in this bill to cover the compensation of clerks who should be promoted under that former law?

Mr. OVERSTREET. I could answer that question with the simple word "no," but that, I am satisfied, would not carry the information which the gentleman wants. The point is that the gentleman evidently is referring to what is known as the "classification act," providing for the automatic promotion of clerks and carriers.

Mr. THOMAS of North Carolina. Yes, sir.

Mr. OVERSTREET. That I explained at the same time, as I stated to my friend from Missouri [Mr. BARTHOLDT] earlier in the afternoon, and if the gentleman had been present he would understand I was not seeking to overlook it.

Mr. THOMAS of North Carolina. I did not hear the gentleman's statement. I have a letter from these clerks.

Mr. OVERSTREET. This bill carries enough appropriation to provide for the classification act in the matter of the promotion covered by that law. Now, that law is this: That clerks and carriers in offices of the first and second class shall be appointed in the first instance at the $600 grade. There are six grades, namely, $600, $800, $900, $1,000, $1,100, and $1,200. One thousand dollars is the last grade in offices of the second class, and $1,200 is the limit or last grade in the offices of the first class. Under that bill, when a clerk or carrier has been appointed at the lowest, or $600, grade, thereafter he shall be promoted automatically to the next higher grade after he has served at least one year in the lower grade and has enjoyed an efficiency record which justifies a promotion. The automatic operation of that law stops arbitrarily at the $1,100 grade. There is no law that provides for the arbitrary promotion of either clerk or carrier to the $1,200 grade.

Mr. THOMAS of North Carolina. That is very clear, but I am informed that there are some clerks under that automatic system of classification who are entitled to promotion, but there is not an adequate appropriation to pay them.

Mr. OVERSTREET. That can not be true, I am satisfied.

Mr. THOMAS of North Carolina. Then I was misinformed.

Mr. OVERSTREET. Of course there might have been a mistake in the amount carried.

Mr. MANN. The gentleman rectified that in the urgent deficiency bill.

Mr. OVERSTREET. Of course we have to make these estimates, and wherever there is a deficiency under the law it is provided for. Under the existing law the Department found that by reason of the increased number of clerks they would not have enough money to provide for the automatic promotion of the clerks, and at this session of Congress, in the urgent deficiency appropriation bill, under the guidance of the Appropriation Committee, $750,000 was carried for that item.

Mr. THOMAS of North Carolina. Probably that will carry it.

Mr. OVERSTREET. That may be. Now, so far as this bill is concerned, of course we may make a wrong estimate on it, but on the best estimate that can be made we have counted for the clerks and carriers in all of those grades from $600 to $1,000 to be promoted within the year, provided they have served at least a year in the next lower grade and have an efficiency record up to the standard. Now, it is not always the case that all of the clerks either have a full year's service in the next lower grade or have an efficiency record, but we appropriate

in this bill for what is believed to be absolutely enough to cover that. But we make no provision for the increase of the carriers of the $1,100 grade, notwithstanding there is a grade of carriers at $1,200. There is no law that requires it. It depends entirely upon the item of appropriation. The reason, as I stated, and which I would just as soon repeat for the benefit of the committee, is that, in the first place, we made an appropriation last year for increases of salary for all the postal employees, city and country carriers, post-office clerks and railway mail clerks, that aggregated approximately $12,000,000. Let me say in passing that if that provision for appropriation for increases of salary had not been made there would not have been a deficit at the end of the present fiscal year. In other words, the administration of the service and the method of appropriation for it has been such that if we had withheld the liberal appropriation for the increased salaries of employees last winter we would have had a surplus in the postal receipts over expenditures at the end of the present year, in my judgment. That was a wise provision. But we made no provision, because we did make a very liberal provision last session, and we doubt the propriety of making a provision of appropriation for increases of salaries alone at the next succeeding session. If we had made it for the carrier, then also for the clerk. If we had made it for the clerk, then also for the railway mail clerk and rural letter carrier. But under the condition of a handsome appropriation last winter, the strong probability of a falling off in postal receipts during the next several months as they have in the past few months, the fact that no industrial business concern is increasing salaries of employees this winter as they did last, the committee felt justified in withholding it.

Mr. THOMAS of North Carolina. The statement of the gentleman has been very complete. The case that I have in mind is the case of a clerk who is entitled to a promotion. I have received a letter from the Department in which the Department says that, although entitled to the promotion, there is no appropriation adequate to pay it.

Mr. OVERSTREET. When did the gentleman receive that letter?

Mr. THOMAS of North Carolina. In the last month, I think.

Mr. OVERSTREET. I do not know who your informant is, but I venture the assertion that I could convince him in five minutes he is mistaken, provided that the clerk has served a year and has an efficiency record.

Mr. THOMAS of North Carolina. If that be true, he is entitled to the increase.

Mr. OVERSTREET. He is entitled under the law. We have added to the appropriation for clerks of the first and second class post-offices $750,000 for this year, which we think will be ample. Maybe your letter antedates the signing of the urgent deficiency bill.

Mr. THOMAS of North Carolina. One other question. There are some third-class post-offices which in postal receipts and volume of business almost equal second-class offices, and yet under the maximum allowance for assistants and separation of the mail the amount given these third-class offices is very inadequate. Has that been corrected in this bill?

Mr. OVERSTREET. In the interest of time, I must ask the gentleman to refer to my remarks. I went over it and explained it fully.

Mr. SCOTT. Mr. Chairman, I have listened attentively to the gentleman's statement, and I do not remember that he made any reference to the compensation of the postmasters of fourth-class post-offices.

Mr. OVERSTREET. There is no change at all.

Mr. SCOTT. Does not the chairman think that the fourth-class postmasters, as a rule, are paid smaller compensation than any other postal employees?

Mr. OVERSTREET. Well, I am not prepared to say that; but even giving them the benefit of the doubt, I do not think this is an opportune session to recommend increases of salaries of postal employees and postmasters in view of the action of the last session of Congress. It is true the fourth-class postmasters were not in the category of increases. There was a recommendation from the Department for a change of the basis of the pay of postmasters which would have benefited the fourth-class postmasters. The committee, under the policy that I have announced, decided to make no further increases, and therefore did not recommend it.

Mr. SCOTT. I appreciate the wisdom of the policy, but I know one post-office where the compensation of the postmaster, who gives his entire time to the work, is only $35 a month; and I think probably that this is a matter which could well have the attention of the committee in the future.

Mr. HOLLIDAY. I would like to ask the gentleman a question, if he will yield.

Mr. OVERSTREET. Certainly.

Mr. HOLLIDAY. I wanted to know what has been the estimated deficiency. Has the committee made an estimate as to whether it will be greater or less than that of this fiscal year?

Mr. OVERSTREET. That is very difficult to answer, for this reason: The Department in its estimate estimated that the expenditures would be $230,441,016, and, of course, recommends an appropriation covering that amount.

But by reason of revised estimates, and the fact that the committee did not follow the recommendations for changes of law which would have required additional appropriation, instead of appropriating $230,441,016, appropriated in this bill $221,766,192. Assuming that the estimates of the Department for the expenditures had been $230,000,000, that would assume the deficit which they estimate. They estimate $10,318,004.70. But my judgment is, notwithstanding we have not carried in the bill the full amount of appropriations originally estimated by the Department, that by reason of the falling off of the receipts which we fear will occur on account of the currency disturbances and industrial conditions, I am very much afraid that the deficiency will be very close to $10,000,000.

Mr. BENNET of New York. Will the gentleman allow me to ask him about three questions?

Mr. OVERSTREET. Certainly.

Mr. BENNET of New York. First, did the committee in determining not to increase the appropriation for the $1,200 carrier grade take into consideration the fact that $800 carriers that would have now been receiving $1,000 are now only getting $900, and therefore the country was saving the amount of salary?

Mr. OVERSTREET. We took into account that fact, and in detail the whole scope of the classification law, and thought it unwise to make a provision to increase the salary of any of the employees that would undoubtedly have resulted in an increase of the $1,100 grade. Now, then, your carrier receiving $1,000 goes to $1,100; therefore I do not think that question would make much difference if he would make it apply to the $1,200.

Mr. BENNET of New York. Of course the $1,100 is the grade to which the $1,000 man must go.

Mr. OVERSTREET. Therefore the $800 clerk has not been interfered with.

Mr. BENNET of New York. The person is interfered with.

Mr. OVERSTREET. So that, without the suggestion which I have made, I am inclined to the belief that the RECORD, if left at the point where the gentleman left it, would create the impression that his $800 friend had not been cared for.

Mr. BENNET of New York. Oh, yes; he has.

Mr. OVERSTREET. Certainly, he has.

Mr. BENNET of New York. Certain, he has. I had no intention of leaving that impression.

In the second place—and in this I may not have heard the gentleman; I was occupied part of the time, although here—did the committee consider and lay aside for any particular reason the recommendation of the Department relative to the classification of the clerical force in first-class offices above $1,200?

Mr. OVERSTREET. I did refer to that, but the committee did not think it advisable to enlarge the classification, because it would result in increases; and we established the policy in the committee that we would not make any provision either by change of law or by appropriation which would increase the salaries of employees.

Mr. BENNET of New York. And similarly, has the committee considered the question of a classification of clerks in charge of contract stations?

Mr. OVERSTREET. It has not considered it.

Mr. PARSONS. In the grade above $1,200 no increases are allowed, as I read the bill?

Mr. OVERSTREET. No increases of salary. Increases of clerks are provided to meet the probable increase of the volume of business. There are some changes.

Mr. PARSONS. Outside of the $1,200 grade there is no increase over the appropriation bill of last year?

Mr. OVERSTREET. That is right. There is no change above the $1,200 grade.

Mr. STAFFORD. If my committee colleague will allow me, while there is no change, there are at present several vacancies in several of the grades, which permit of accommodating increased business throughout the country.

Mr. OVERSTREET. That is what I was going to state.

Mr. PARSONS. In New York, for instance, we have opened two new stations during the year. Now, therefore we ought to have an allotment of more superintendents.

Mr. OVERSTREET. What sort of stations are they—lettered or numbered?

Mr. PARSONS. Lettered stations. But I find here no increase that would warrant a superintendent for one of those new stations being advanced in salary or an assistant superintendent being advanced in his salary.

Mr. OVERSTREET. There is no provision for that increase of salary. There is provision, as I have suggested, for an increase of the $1,100 to $1,200, of 15 per cent, to take care of those substations where the salary is ordinarily $1,200. Now, if these New York substations were more than $1,200 there would not be any provision for any salaries higher than that, but there is some provision, where the salary would not be in excess of $1,200, for a superintendent of such a substation.

Mr. BENNET of New York. When you say substation you mean branch office?

Mr. OVERSTREET. Yes; a lettered station is a branch office.

Mr. PARSONS. I notice in the bill a change in the form of the appropriation for labor. What is the effect of that? Does that change the salaries at all?

Mr. OVERSTREET. It does not. Under the classification act, the general law regulating clerks and carriers alone, we provided for an automatic increase by grades. The laborers, watchmen, and mechanics, and those other designated employees, were not provided for in the way of annual promotions in the classification act. Therefore we took out of the general item of appropriation just the laborers, watchmen, etc., at the salaries provided in the current law which they are now receiving, and simply put them in a separate item.

Mr. PARSONS. Then the watchmen, messengers, and laborers provided for in this bill in first and second class post-offices are to get the same salaries that they now receive?

Mr. OVERSTREET. That is right; and I will say that the $400 grade is abolished, and those in the $400 grade are covered into the $500 grade.

Mr. PARSONS. I hope we have no $500 grade in New York.

Mr. OVERSTREET. Not in New York.

Mr. MANN. Will the gentleman yield?

Mr. OVERSTREET. Yes.

Mr. MANN. In reference to the matter of contract stations. The Department calls them numbered stations; the Post-Office Department calls them substations. You have an item of $250,000 for contract stations above $300 salary?

Mr. OVERSTREET. That is an increase of $10,000.

Mr. MANN. Does the Department think that is a sufficient increase?

Mr. OVERSTREET. I will say to the gentleman that that is one of the items that was so confused in the general estimates of the First Assistant that I am unable to answer his question. He wanted to cover these stations under some other head and allow a different method of appropriation. He prepared a bill which covered his various numerous recommendations and made his estimates upon the bill.

Mr. JOHNSON of South Carolina. Instead of making his estimates on the existing law, he made them on some sort of an imaginary bill?

Mr. OVERSTREET. Yes; and we had to separate it and reduce it to make appropriations according to existing law.

Mr. MANN. Now, if the gentleman from Indiana will permit me to make a statement in reference to that—I do not want to take the gentleman's time——

Mr. OVERSTREET. Very well.

Mr. MANN. The salaries of the contract stations as now regulated by the Department are fixed on a basis of the amount of money orders and registered business done at each station. They have the figures, but they have not been able to adjust those salaries according to official regulations, for the reason that we appropriate so much money for salaries less than $300, and another amount for salaries above $300, and there is no way of getting out of the $300 class into the $400 class when the business justifies it. That is the reason they made a proposition to put the two sums together.

I have a number of cases in the city of Chicago where they transact the business required by the Department under the regulation basing it on certain salaries, and are told in advance that when that business reaches that amount they will receive the salary, but they do not get it. I have had a number of resignations in my district on account of it, and in some places where it is impossible to get anyone to take the place.

Mr. OVERSTREET. Mr. Chairman, I will yield to the gentleman from Wisconsin to answer the gentleman from Illinois.

Mr. STAFFORD. In reply to the criticism of the action of the committee in not making larger appropriations for the higher class of stations, I wish to say that we follow the recommendation of the retiring First Assistant Postmaster-General, of several years ago, when he said it would be far better for the service to create additional stations at the salary of $300 and under than to increase those of the higher-priced stations from $400 to $1,000. The committee has followed that recommendation by providing adequately for a larger number of contract places of the $300 grade and under, as it brought the conveniences of the postal service more generally to the people in the cities than if we increased the high-priced stations. The appropriations for these stations of $300 and under have been more than adequate to meet the demands of the service.

Mr. MANN. The gentleman is mistaken about that.

Mr. STAFFORD. The gentleman is not mistaken.

Mr. MANN. Oh, you have money left in the fund, but you can not get it out.

Mr. STAFFORD. The money is there by several thousand dollars and is available at present for new stations. Of course the Department has not granted every request to establish a contract station. They follow the rule that there shall not be any new stations within a half a mile of each other. Every corner drug store wants to have a station, because it attracts trade, but the Department is following the rule, and there is ample appropriation at present for the $300 grade.

Mr. OLCOTT. I want to say that I hold in my hand a letter which I will ask to have read, where one of these substations does a great deal of business and receives a compensation of $4 a week.

Mr. OVERSTREET. That is not the fault of the law or the Appropriation Committee. There is money in the fund unexpended, and the gentleman should present his case to the Department.

Mr. OLCOTT. I would like to have the letter read.

Mr. STAFFORD. I would suggest that it be deferred until we reach this item under the five-minute rule.

Mr. OLCOTT. Very well.

Mr. OVERSTREET. Now, Mr. Chairman, if there is no other inquiry on any item in the bill, I will yield the floor to the gentleman from Tennessee [Mr. MOON], if he cares to occupy any of his time.

Mr. MOON of Tennessee. I yield thirty minutes to the gentleman from South Carolina [Mr. PATTERSON].

Mr. PATTERSON. Mr. Chairman, the distinguished gentlemen of this House who have indulged in speechmaking at this session of Congress have taken a very wide range and have discussed in an able, intelligent, interesting, and exhaustive manner a great variety of subjects, embracing legislative, judicial, executive, and political. It seems to be the rule in general debate upon a bill for the Member addressing the House to speak about anything and everything except the subject-matter of the pending measure, and I will not at this time make an exception to the rule, but will take advantage of the time allotted to me to address the House upon two subjects, contained in separate bills which I have introduced at this session of Congress. To my mind these are very important matters, and I trust that the Members of this House will give me their attention and these measures that due and careful consideration which they deserve.

The first of these to which I ask your attention is H. R. 16758, which provides: "That no judge of any court of the United States inferior to the Supreme Court shall issue any writ of injunction or prohibition in any case wherein the validity of a law of any State of the United States, or the act of any officer of any such State done, or required to be done, in pursuance of such law, is called in question." In view of the recent acts of Federal judges, fresh in the minds of the people, assuming powers never delegated to them, this question becomes of great interest and importance. Such an assumption of power by the judges of the United States courts can not be too severely criticised and condemned. It is calculated to bring about a clash and conflict between the State and Federal authorities, and a check should be placed upon them and they should be compelled to respect the sovereign rights of the States to enact laws and to enforce them, subject only to interference by injunction of the supreme court of the State or of the Supreme Court of the United States.

Since the expiration of the Fifty-ninth Congress the people of the United States have witnessed many things tending to demonstrate the correctness of Jefferson's solemn declaration that Federal judges are the "sappers and miners" of despotism. We have seen Federal judges attempting to nullify the laws of the States by granting injunctions forbidding and restraining the officers of the States of Virginia, North Carolina, Alabama, and Minnesota, who are charged with the execution of the laws of those States, to execute those laws, unless and until the Supreme Court of the United States has passed upon their validity, thus making State laws enforcible only upon a condition never contemplated by the

framers of the Constitution of the United States. And we have seen this new usurpation of authority followed immediately upon the suggestion of the President, who appointed the particular judges guilty of such usurpation, that the Constitution needed to be remodeled by executive, legislative, and judicial constructions, and not by amendments in the proper and authorized manner, in order to adapt it to the needs of the times. In this way, by the appointment to judgeships of men who are overzealous to please their benefactor, the President is seeking and securing what amounts to a veto upon all State legislation, absolutely destroying the sovereignty of the State by indirection.

While the States are being shorn of all initiative in the matter of legislation for the protection of their citizens against the oppressions and abuses of corporations, through the instrumentality of the former attorneys of those same corporations whom the President has transformed into judges, the initiative of the Federal Government, or, rather, of the President of the United States, has been correspondingly increased by means of commissions of all kinds, exercising legislative, executive, and judicial powers all at once. As the gentleman from Massachusetts [Mr. McCALL] said in a speech at the Jamestown Exposition on Constitution day—

> We are all to be regulated in our business and modes of life by gentlemen sent out from Washington, and the gentlemen sent out from Washington are to be regulated by one man in the White House. Would it be possible to conceive of a more ideal centralized paternalistic government?

The judges are not removable by the President, but these Commissioners are; so that, in effect, we have a new semi-judiciary system, by means of which the President may put in train whatever measures he may like through instruments dependent upon himself for their offices and emoluments; and besides this, a perverted judicial system by means of which he may nullify all measures adopted by the States which do not please him.

Our condition in these respects is worse to-day than it was in 1798, when Jefferson and Madison aroused the nation with the Kentucky and Virginia resolutions. Federalism, or nationalism, as it is now called, had then run wild, indeed, under John Adams; but not so wild as it has run under Theodore Roosevelt. Many useless offices had been created as means of propagating the faith and perpetuating the power of the Federalist party; but the number was insignificant, and the emoluments still more insignificant, when compared with the 36,000 new offices and $36,000,000 in new salaries created by the Fifty-eighth and Fifty-ninth Congresses. The alien and sedition laws had been passed by Congress under the whip and spur of the Administration in violation of the Constitution; but those were as nothing compared with the tariff bills, the subsidy bill, the financial bills, and other measures intended to benefit special interests at the expense of the public, which have passed this House in recent years. Nor were the direct usurpations of undelegated powers committed by Adams to be compared with those which the present President has committed.

I have not the time to go into the details of all these matters; but in respect to the judiciary system, as it was treated by the Sixth Congress under Adams and the Seventh under Jefferson, I wish to speak at length, in order to show that Congress has complete authority to destroy, as well as to create, courts inferior to the Supreme Court, and therefore to abolish judicial offices and to deprive those persons who hold them of their salaries.

After Jefferson had been elected in 1800, and before he had taken his seat in 1801, President Adams conceived the design of perpetuating his "policies"—all enemies of the Constitution have "policies"—by creating new Federal courts and filling them with judges who could be depended on to nullify any law passed by the new Congress or by any State legislature which might conflict with his monarchical policies. In his fourth annual message, November 22, 1800, he said:

> It is in every point of view of such primary importance to carry the laws into prompt and faithful execution, and to render that part of the administration of justice which the Constitution and laws devolve on the Federal courts as convenient to the people as may consist with their present circumstance, that I can not omit to once more recommend to your serious consideration the judiciary system of the United States.

And having received from a House of Representatives devoted to his service a complacent reply, he added on the 27th of November the following:

> I thank you, gentlemen, for your assurance that the various subjects recommended to your consideration shall receive your deliberate attention.

The President was greatly interested in the "improvement" of the judiciary system. He contended that after courts had once been created and judges appointed those courts could not be abolished or those judges removed by Congress.

In pursuance of this theory, the Sixth Congress, the last Federalist Congress, with its expiring gasp, passed "An act for the more convenient organization of the courts of the United States," which was approved by President Adams, February 13, 1801—less than a month before Jefferson was inaugurated. This act created certain new judicial offices and also established certain new courts, called "circuit courts of the United States." In virtue of appointments made by President Adams in pursuance of this act, William Tilghman, Oliver Wolcott, Richard Bassett, Charles Magill, Samuel Hitchcock, Benjamin Bourne, Egbert Benson, Philip B. Key, William Griffith, Jeremiah Smith, and George K. Taylor became judges of said circuit courts, with salaries of $2,000 a year each. These judges were known as "John Adams's judges," and were extremely objectionable to the Democrats, then called Republicans, of whom Jefferson was the leader. In order to get rid of them, Jefferson, in his first annual message, December 8, 1801, suggested the repeal of the act. His remarks will be found in volume 1 of Richardson's Presidents' Messages, p. 331:

> The judiciary system of the United States—
>
> Said he—
>
> and especially that portion of it recently enacted, will of course present itself to the contemplation of Congress; and, that they may be able to judge of the proportion which the institution bears to the business it has to perform, I have caused to be procured from the several States, and now lay before Congress, an exact statement of all the causes decided since the first establishment of the courts, and of those which were depending when additional courts were brought in to their aid.
>
> *And while on the judiciary organization, it will be worth your consideration whether the protection of the inestimable institution of juries has been extended to all cases involving the security of our persons and property. Their impartial selection also being essential to their value, we ought further to consider whether that is sufficiently secured in those States where they are named by a marshal depending on Executive will, or designated by the courts, or by officers dependent on them.*

In the first place, then, Jefferson showed that these Federalist courts were unnecessary and expensive. That was of itself a valid objection to them. But in the second place, he raised a far more serious objection by reference to "the inestimable institution of juries" in all cases involving the security of persons and property. He foresaw, even then, that these Federal courts would, in the very nature of things, resort to government by injunction—to the decision of cases without the intervention of a jury. The Pritchards and Joneses of to-day were not hidden from his prophetic vision. Nor were the abuses of the jury system, even when trial by jury was not dispensed with, overlooked by him. He abhorred the idea that a Federal judge should without a jury try any case whatever involving personal or property rights.

The legislature of North Carolina, on the 17th of December, 1801, instructed the Senators and requested the Representatives from that State to urge the repeal of the act of February 13, 1801. And immediately afterwards a bill to that effect was introduced in the Senate. It was entitled "A bill to repeal certain acts of Congress respecting the organization of the courts of the United States, and for other purposes." When it reached the House it was referred to the Committee of the Whole House and was debated at great length. The discussion of its constitutionality was opened by Henderson and Williams, of North Carolina, on the 6th of February, 1802. (See Annals of Congress for that day.) Henderson opened the debate. He deprecated the fact that the legislature of North Carolina had instructed the Senators and requested the Representatives of that State in Congress to vote for the repeal of the act of 1801. He then made several points against the constitutionality of the repealing bill, all of which were taken up by Williams seriatim and fully answered. I regret that I can not conveniently insert this great speech in my remarks on this occasion. Those who wish to examine it will find it reported in the Annals of Congress for February 16, 1802, at pages 530–533. I would also call attention to the remarks of Philip R. Thompson, of Virginia, made in reply to Henderson on the following day (ib., p. 547).

There were great debates in both Houses of Congress on this bill repealing the act of 1801, by which the John Adams circuit courts were established; and it was finally passed; thus proving the right of Congress to deprive judges of all judicial power.

At the next session of Congress, on January 27, 1803, the deposed judges presented petitions in which they said:

> That, by an act of Congress, passed on the 13th day of February, 1801, entitled "An act for the more convenient organization of the courts of the United States," certain judicial offices were created, and courts established, called circuit courts of the United States, the petitioners became vested with the offices so created, and received commissions, authorizing them to hold the same, with the emoluments thereunto appertaining during their good behavior; that, during the last session, an act of Congress passed, by which the above-mentioned law was declared to be repealed, since which no law has been made for assigning to the petitioners the execution of any judicial function, nor has any provision been made for the payment of their stipulated compensations; that, under these circumstances, and finding it expressly declared in the Constitution of the United States that "the judges both of the Supreme and inferior courts shall hold their offices during good

behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office," the petitioners are compelled to represent it as their opinion, that the rights secured to them by the Constitution, as members of the judicial department, have been impaired; that, "with this sincere conviction, and influenced by a sense of public duty, they most respectfully request of Congress to review the existing laws, which respect the offices in question, and to define the duties to be performed by the petitioners, by such provision as shall be consistent with the Constitution and the convenient administration of justice;" that, "the right of the petitioners to their compensations, they sincerely believe to be secured by the Constitution, notwithstanding any modification of the judicial department, which, in the opinion of Congress, public convenience may recommend; this right, however, involving a personal interest, will cheerfully be submitted to judicial examination and decision in such manner as the wisdom and impartiality of Congress may prescribe; that judges should not be deprived of their offices or compensations, without misbehavior, appears, to the petitioners, to be among the first and best established principles of the American Constitution; and, in the various reforms they have undergone, it has been preserved and guarded with increased solicitude; that, on this basis, the Constitution of the United States has laid the foundation of the judicial department, and expressed its meaning in terms equally plain and peremptory;" that, "this being the deliberate and solmen opinion of the petitioners, the duty of their stations requires that they should express it to the legislative body. They regret the necessity which compels them to make the representation; and they confide that it will be attributed to a conviction that they ought not, voluntarily, to surrender rights and authorities intrusted to their protection, not for their personal advantage, but for the benefit of the community."

This matter was debated in Committee of the Whole House on the same day, and the House again decided that Congress had the right to deprive the judges of all judicial powers; and also that it had the right to deprive them of their salaries wherever the office was disestablished. In other words, the House, by a vote of 61 yeas to 37 nays, adopted a resolution declaring:

That the prayer of the petitions of William Tilghman, Oliver Wolcott, Richard Bassett, Charles Magill, Samuel Hitchcock, Benjamin Bourne, Egbert Benson, Philip B. Key, William Griffith, Jeremiah Smith, and George K. Taylor ought not to be granted, and that the petitioners have leave to withdraw their petitions.

(Annals, Seventh Congress, second session, p. 440.)

And on the same day (p. 439) the House by a vote of 57 noes to 35 ayes rejected a resolution declaring—

That provision ought to be made by law for submitting to judicial decision the right of (the same persons, naming them) late judges of the circuit courts appointed under an act entitled:

"An act for the more convenient organization of the courts of the United States, passed on the 13th day of February, 1801, which said act was repealed at the last session of Congress, to their compensations."

Now, in view of this history, I desire to call attention to a publication of the Department of Justice, issued during the present year, and entitled "A list of United States Judges, Attorneys, and Marshals." This document shows that since his accession to office in 1901 President Roosevelt has appointed Federal judges as follows:

Supreme Court of the United States, three associate judges—one-third of the membership of that great tribunal.

Circuit courts of the United States, twelve of the twenty-nine judges, or 41.7 per cent.

District courts of the United States, forty-two of the eighty judges, or 52.5 per cent.

Judging these appointees by the character of Judges Pritchard and Jones, we may assume that some of them, at least, hold the opinions of the appointing authority respecting the necessity of changing the Constitution by judicial construction in order to meet the exigencies of those corporations which contribute most liberally to the corruption fund of the Republican party.

And before his present term expires the President will probably have the opportunity of packing the courts with enough men of the same class to insure the perpetuation of his so-called "policies," by judicial action, unless we act as our predecessors did in 1802, and deprive some of these useless and time-serving judges of some or all of their judicial powers. Disregarding the fact that before March 4, 1909, there is a probability of our having seven Roosevelt judges on the Supreme Court bench, we may by that time have in office for life seventeen of the twenty-nine circuit court judges and forty-seven of the eighty district court judges. If Mr. Roosevelt should be reelected, as many of our Republican friends anticipate, we should probably have on the bench by 1913, as Roosevelt appointees, twenty of the twenty-nine circuit court judges and fifty-nine of the eighty district court judges. If this should happen the hands of Congress and of every State legislature would surely be tied hard and fast by judicial usurpation. Will the people of the Union submit to this? Will we, as the representatives of the people of the States, submit to it? I think not. I know that it ought not to be submitted to. We have the power to abolish these inferior Federal courts. Cujus est instituere ejus est abrogare. Shall we be dominated, abused, insulted, racked, and ruined by our creatures, or shall we put an end to their insolence and their usurpations by following the precedent established in 1802? In principle it is our right to abolish these inferior courts.

As to the question of expediency, it lies wholly within our legislative discretion to continue them under proper restrictions of jurisdiction and powers, or to discontinue them and provide a different system, to be administered by new appointees, whose antecedents prove that they respect the "inestimable institution of juries" and are not disposed to exercise usurped power in order to nullify the laws of the States and the constitutional rights of citizens by means of writs of injunction or prohibition or by punishments inflicted for constructive contempts of court. To this end I favor the complete reorganization of the Federal judiciary, and shall, in all probability, introduce a bill for that purpose, unless the evils of the present system can be remedied by milder means.

The other bill I have reference to is H. R. 16952, which amends the act of 1887 as to removal of causes from the State courts to the United States courts and fixes the sum or value involved in any suit of which the circuit courts of the United States have original cognizance, concurrent with the courts of the several States, at $20,000 instead of $2,000 as now provided by said act.

This, too, is a matter of great importance to the citizens of this country. Under the law as it is at present, if a suit between a citizen of South Carolina and a citizen of another State or a foreign corporation involves the sum or value of $2,000 or more the defendant may remove the same to the circuit court of the United States.

This law appears upon its face to be unfair, unjust, and discriminating in favor of the citizen of another State or a foreign corporation and against the citizen of the State in which the suit was brought, in that it gives to the citizen of another State, and to the foreign corporation, the choice of one of two tribunals in which to try his case, whereas the citizen who sues another citizen of his own State has no choice but to sue in the courts of his own State. These removals cause great complaint and dissatisfaction, especially at this time when foreign corporations are so numerous, doing business as common carriers, express, telephone, and telegraph companies, being incorporated in one State and doing business in a dozen or more States. It works a hardship, especially upon the citizen in moderate circumstances, and often results in a denial of justice to the poor man, the widow, and the orphan, who have not the means to conduct and carry on a lawsuit with a foreign corporation in the United States circuit courts. It may be and often is many miles distant from the home of the plaintiff, owing to the very few courts established in any one State. It is against the policy and principles of our Government and of all civilized nations to place the machinery of the courts of justice beyond the reach of the poorest and humblest citizen who seeks redress for a wrong or remedy for an existing evil. [Applause.]

The act of 1875 fixed the right of the foreign corporation to remove the cause when the amount involved in the suit was $500 or more. This act was amended in 1887 and the amount of $2,000 fixed as the limit. Twenty years have elapsed since this amendment, and it has been twenty years of such progress and prosperity as were never known or experienced by any nation or government in the history of the world. We have advanced in wealth and material prosperity by leaps and bounds unknown to any people of any nation or of any age of the world's history, and a suit now involving $20,000, considering the comparative wealth and prosperity of the country, is no greater and involves relatively no more values than a suit of $2,000 twenty years ago. If it was wise legislation in 1887 to raise the value limit of removals from $500 to $2,000, would it not reflect greater wisdom and more justice and equity to raise the limit of removal in this the year A. D. 1908 to the sum or value of $20,000? In justice, equity, and good conscience I say that it should be done at once. [Applause.]

For further good and sufficient reasons why this bill should become a law I will state what you all know, what has been shown in the experience of every practicing lawyer in this country, that the Federal courts are held by the people of the country in more awe than the State courts; they are not looked upon with favor or regarded with the same degree of confidence as State courts; they are far removed from the people and frequently are presided over by judges appointed by the President from other and distant States from that in which they preside; they are personally unknown to the people, and I regret to say that the knowledge or information the people have gathered concerning some of these judges is not reassuring and not calculated to inspire confidence, respect, or esteem. [Applause.]

The people value more highly than any other the right of trial by jury. That right is often ruthlessly swept aside by a Federal judge in charging a jury upon the facts or in instructing a verdict. For these and many other reasons the people and litigants generally throughout the rural districts are rest-

less and dissatisfied under the present judicial system of the United States and look upon the Federal courts, as now established, as foreign tribunals, whose presiding officers are not in touch or sympathy with the masses of the people and who are altogether ignorant of the character, habits, and customs of the people over whom they wield judicial authority after the manner of a tyrant of the sixteenth century; under this system equity, justice, and mercy are oftentimes most conspicuous by their absence. [Applause on the Democratic side.]

Mr. OVERSTREET. I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18347 (the Post-office appropriation bill) and had come to no resolution thereon.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2872. An act to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901.

ADJOURNMENT.

Then, on motion of Mr. OVERSTREET (at 5 o'clock and 6 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of State, transmitting a copy of a letter from the American minister at Lisbon in relation to the delivery of the resolution of the House of Representatives expressing sorrow and sympathy in view of the assassination of the King and Crown Prince of Portugal—to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Acting Secretary of State, transmitting a copy of a letter from the ambassador of the French Republic acknowledging the receipt by the Government of the Republic of volumes commemorating the erection of the Rochambeau statue—to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, recommending appropriation for work on the new post-office in New York City—to the Committee on Appropriations and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings by the court in the case of Robert B. Howard, heir of estate of James B. Howard, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Philip Michael, son of Philip Michael, deceased, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Director of the Mint submitting an estimate of appropriation for repair of mint at San Francisco—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Spanish Treaty Claims Commission submitting an estimate of appropriation for expenses of taking testimony abroad—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BATES, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 18120) to establish a naval station at Pearl Harbor, Hawaii, reported the same without amendment, accompanied by a report (No. 1132), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 4760) granting an increase of pension to Wilhemina D. Hebb—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7831) granting a pension to Charles F. Friedeck—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11398) granting a pension to Nora R. Willett—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18411) granting bounty and pay to Richard A. Winningham—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 18460) granting an increase of pension to Curtis G. Bagwell—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18477) granting a pension to William Barnett—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18478) granting a pension to Emma C. Theinlin—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 17172) for the relief of R. F. Pippin, of Putnam County, Tenn.—Committee on War Claims discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PADGETT: A bill (H. R. 18510) authorizing the Secretary of War to have erected at Hohenwald, Tenn., a monument in honor of Meriwether Lewis—to the Committee on the Library.

By Mr. HAMLIN: A bill (H. R. 18511) to provide for the erection of an extension to the Federal building at Springfield, Mo., and to appropriate money for the same—to the Committee on Public Buildings and Grounds.

By Mr. FASSETT: A bill (H. R. 18512) for the erection of a public building at Hornell, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 18513) to repeal section 5 of an act entitled "An act relating to the sale of gas in the District of Columbia," approved June 6, 1896—to the Committee on the District of Columbia.

By Mr. PUJO: A bill (H. R. 18514) for the erection of a public building at Crowley, La.—to the Committee on Public Buildings and Grounds.

By Mr. DAVENPORT: A bill (H. R. 18515) to provide for the terms and places of holding the courts of the United States in the eastern district of Oklahoma, and for other purposes—to the Committee on the Judiciary.

By Mr. SMITH of Missouri: A bill (H. R. 18516) relating to conspiracies in cases that now or hereafter may arise within the jurisdiction of the laws of the courts of the United States—to the Committee on the Judiciary.

By Mr. HARRISON: A bill (H. R. 18517) making the 12th day of October in each year a legal holiday—to the Committee on the Judiciary.

By Mr. FLOOD: A bill (H. R. 18518) providing for the erection of a public building in the town of Covington, Va.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18519) to authorize the Secretary of War to furnish two condemned cannon and cannon balls to the Confederate Monument Association at Appomattox, Va.—to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 18520) to amend the internal-revenue laws—to the Committee on Ways and Means.

By Mr. BROUSSARD: A bill (H. R. 18521) to provide for a preliminary survey and examination of Bayou Queue de Tortue, Louisiana—to the Committee on Rivers and Harbors.

By Mr. HAMILTON of Michigan: A bill (H. R. 18522) to protect national banking associations from libel and slander—to the Committee on Banking and Currency.

By Mr. BRADLEY: A bill (H. R. 18523) to create in the War Department a roll to be known as the "Volunteer retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Volunteer or Regular Army, Navy, or Marine Corps of the United States in the war of the rebellion, and who are not now on the retired list of the Regular Army or Navy, and for other purposes—to the Committee on Military Affairs.

By Mr. GREENE: A bill (H. R. 18524) to provide for the survey for a ship canal from Fall River Harbor to Weymouth, Fore River, Boston Harbor, Massachusetts—to the Committee on Rivers and Harbors.

By Mr. HEPBURN: A bill (H. R. 18525) relating to the public revenue—to the Committee on Ways and Means.

By Mr. CRUMPACKER: A bill (H. R. 18606) fixing the rate of mileage for Senators, Representatives, and Delegates in Congress—to the Committee on the Judiciary.

By Mr. HARDING: A bill (H. R. 18607) to amend an act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico—to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 18526) granting an increase of pension to John Burkett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18527) granting an increase of pension to Jacob Clute—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 18528) granting a pension to Robert L. McCullough—to the Committee on Pensions.

Also, a bill (H. R. 18529) granting an increase of pension to Milton E. McClure—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 18530) granting an increase of pension to Hattie R. Schott—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 18531) for the refunding of money illegally collected by the United States Treasury Department as excise taxes from the Fort Pitt Gas Company, Pittsburg, Pa.—to the Committee on Claims.

By Mr. BATES: A bill (H. R. 18532) granting a pension to Lafayette Jaques—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18533) granting a pension to Adam Bible—to the Committee on Pensions.

By Mr. BROUSSARD: A bill (H. R. 18534) for the relief of the heirs of Joseph Piernas, deceased—to the Committee on Private Land Claims.

By Mr. CANNON: A bill (H. R. 18535) granting an increase of Pension to Daniel Hull—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 18536) granting an increase of pension to Isaac C. France—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 18537) granting an increase of pension to Robert Atkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18538) granting an increase of pension to Allen Conner—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 18539) granting a pension to Martha R. O. Oleson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18540) granting a pension to Martin J. Frey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18541) granting an increase of pension to Jonas P. Davis—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 18542) granting an increase of pension to Johnathan H. Sykes—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 18543) granting an increase of pension to Orra M. Dimcan—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 18544) granting a pension to Daniel Updike—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 18545) granting an increase of pension to Lewis A. Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18546) granting an increase of pension to John Anderson—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 18547) granting an increase of pension to I. H. Condon—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 18548) granting an increase of pension to Benjamin V. Carey—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 18549) granting an increase of pension to Simon Stroud—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18550) granting an increase of pension to George W. Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18551) granting an increase of pension to Jacob Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18552) granting an increase of pension to Joshua S. Sisson—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 18553) for the relief of Walter Barbee—to the Committee on Claims.

Also, a bill (H. R. 18554) for the relief of Tennessee J. Spiller—to the Committee on Claims.

Also, a bill (H. R. 18555) for the relief of William F. McGee—to the Committee on Claims.

Also, a bill (H. R. 18556) for the relief of Thomas H. Holcomb—to the Committee on Claims.

Also, a bill (H. R. 18557) for the relief of Seletha J. Powers, widow, and the heirs of John Powers, deceased—to the Committee on Claims.

Also, a bill (H. R. 18558) for the relief of Thomas C. Capell—to the Committee on Claims.

Also, a bill (H. R. 18559) for the relief of the heirs of M. O. Coker, deceased—to the Committee on Claims.

By Mr. HACKETT: A bill (H. R. 18560) granting a pension to Shadrach F. Brown—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 18561) for the relief of the widow of Harrison S. Weeks—to the Committee on War Claims.

By Mr. HARDING: A bill (H. R. 18562) granting a pension to Richard Murphy—to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 18563) providing for payment to Putnam County, in the State of Tennessee, for the occupation and incidental destruction of its court-house during the late war between the States—to the Committee on War Claims.

Also, a bill (H. R. 18564) for the relief of the estate of John W. Spradlin, deceased—to the Committee on War Claims.

By Mr. ADDISON D. JAMES: A bill (H. R. 18565) granting an increase of pension to James W. Grubb—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 18566) to provide an American register for the barkentine *Andromeda*—to the Committee on the Merchant Marine and Fisheries.

By Mr. KINKAID: A bill (H. R. 18567) granting an increase of pension to Joseph Posey—to the Committee on Pensions.

By Mr. KIPP: A bill (H. R. 18568) granting an increase of pension to Morris McClenn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18569) granting an increase of pension to Henry Bentley—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 18570) granting an increase of pension to Spencer Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18571) granting an increase of pension to John P. Mead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18572) granting a pension to William Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18573) to correct the military record of Martin Lunsford—to the Committee on Military Affairs.

By Mr. LANING: A bill (H. R. 18574) granting an increase of pension to Charles C. Early—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18575) granting an increase of pension to Payton Shields—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 18576) for the relief of James W. Andrews—to the Committee on Military Affairs.

By Mr. LINDBERGH: A bill (H. R. 18577) granting an increase of pension to Jason L. Newell—to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 18578) for the relief of Carlos Manjarrez—to the Committee on War Claims.

Also, a bill (H. R. 18579) for the relief of Ella Phillips, widow, and the heirs of David Phillips, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18580) for the relief of the heirs of John Pace, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18581) authorizing the appointment of Maj. James H. Spencer to the rank of colonel—to the Committee on Military Affairs.

By Mr. O'CONNELL: A bill (H. R. 18582) for the relief of Joseph Manning—to the Committee on Claims.

By Mr. PARKER of South Dakota: A bill (H. R. 18583) granting an increase of pension to Joseph Shanbarker—to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 18584) for the relief of the heirs of the estates of Jacob E. and Martha Keller, deceased—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 18585) granting an increase of pension to Charles W. Harford—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 18586) for the relief of John Armstrong, jr.—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 18587) for the relief of James W. Fitzgerald—to the Committee on War Claims.

Also, a bill (H. R. 18588) for the relief of Robert B. Watson—to the Committee on War Claims.

Also, a bill (H. R. 18589) for the relief of Jacob H. Mays—to the Committee on War Claims.

Also, a bill (H. R. 18590) for the relief of the heirs of Elias E. Blackburn, late marshal of the northern district of Florida—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 18591) for the relief of the administrator and heirs of John G. Campbell, to permit prosecution of Indian depredation claims—to the Committee on Indian Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 18592) granting an increase of pension to Alford A. Fulford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18593) granting an increase of pension to John W. Clem—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18594) granting an increase of pension to John McGuire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18595) granting a pension to Walter M. Corn—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 18596) granting an increase of pension to Frederick Schneider—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 18597) for the relief of P. A. Wingate—to the Committee on War Claims.

By Mr. HULL of Iowa: A bill (H. R. 18598) granting an increase of pension to George Camp—to the Committee on Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 18599) granting an increase of pension to John Byron—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 18600) for the relief of John M. Hill—to the Committee on Claims.

Also, a bill (H. R. 18601) for the relief of Elmore A. McKenna, late captain, United States Volunteer Signal Corps—to the Committee on Military Affairs.

By Mr. LIVINGSTON: A bill (H. R. 18602) granting an increase of pension to Kate S. West—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 18603) granting an increase of pension to Francis N. Thompson—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 18604) granting a pension to Elizabeth Ann Hinman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18605) granting an increase of pension to Thomas Radford—to the Committee on Invalid Pensions.

By Mr. OLCOTT: Joint resolution (H. J. Res. 147) for the relief of the heirs of George B. Simpson—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDRUS: Petition of Local No. 1, International Stereotypers and Electrotypers Union, of New York, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. ANSBERRY: Petitions of Toledo and Cleveland Associations of Credit Men, for H. R. 13266 (bankruptcy act)—to the Committee on the Judiciary.

By Mr. ASHBROOK: Papers to accompany bills for relief of Elijah Jennings, Hattie R. Schott, and John P. Swigert—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: Petition of International Typographical Union of Macon, Ga., for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of P. A. Wingate—to the Committee on War Claims.

By Mr. BATES: Petition of Bail T. Graham, of Conneautville, Pa., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of T. N. Geist, against the Penrose amendment to the postal laws (known as S. 1518)—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Adam Bible—to the Committee on Invalid Pensions.

Also, petition of Army and Navy Union of Titusville, Pa., for increase and equalization of pay of Army, Navy, and Revenue-Cutter Service—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of L. W. Jaques—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Petition of J. H. Callier and others; Wholesale and Retail Hardware Joint Committee, of Richmond, Va.; W. R. Bragdon and others, of Buford, Ga.; and C. J. Bolton, of Norcross, Ga., for a parcels-post law—to the Committee on the Post-Office and Post Roads.

By Mr. BENNET of New York: Petition of Joseph Revans and others, of New York City, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BOOHER: Paper to accompany bill for relief of Nora R. Willett (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. BURKE: Petition of Thomas J. Stewart, of Pennsylvania, for appropriation of $1,000,000 for annual militia maneuvers—to the Committee on Militia.

Also, petition of R. W. Johnson, against clause in copyright bill inimical to photographers—to the Committee on Patents.

Also, petitions of J. H. Redpath, John A. Roberts, Mrs. L. M. T. Redpath, C. W. Redpath, and M. Barr, against sale of intoxicants on all property owned by the United States—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Brotherhood of Locomotive Firemen and Enginemen, favoring the La Follette liability bill (S. 5307), etc.—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of George W. Given—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of New York Advertising League, favoring the Coudrey bill (H. R. 14387) relative to fraudulent and misleading advertising—to the Committee on the District of Columbia.

Also, papers to accompany bills for relief of Henrietta V. Miller and Samuel S. Conklin—to the Committee on Invalid Pensions.

Also, petition of Lumber Trade Journal of New York, for forest reservations in White Mountains and southern Appalachian Mountains (Currier bill)—to the Committee on Agriculture.

Also, petition of Savannah Pilots' Association, American Association of Masters, Mates, and Pilots, against the Littlefield pilotage bill (H. R. 4771)—to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDERHEAD: Petition of Over Clothing Company, of Salina, Kans., against any extension of present parcels-post laws, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. A. Mather and A. E. Coleman, of Manhattan, Kans., for the Littlefield original-package bill and the Hill bill—to the Committee on the Judiciary.

Also, petition of Southwestern Lumbermen's Association, against giving out names of patrons of post-offices, etc., and against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Southwestern Lumbermen's Association, against change of rates by railways without permission of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Axtell, Kans., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CHANEY: Petition of C. A. Manden and others, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Linton, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Linton, Ind., for H. R. 40, to prohibit sale of intoxicants in the District of Columbia—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Allen Conner—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of Woman's Christian Temperance Union, of East End, Pittsburg, in favor of the Tirrell bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of sundry citizens of Thirtieth Congressional District, for legislation against liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. DAWSON: Petition of Lumber Dealers' Association, of Connecticut, for forest reservation in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Farmers' Institute of Iowa, for the Culberson bill, empowering Interstate Commerce Commission to regulate speed of all stock trains on interstate railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of Farmers' Institute of Iowa County, Iowa, for abolishing the free-seed distribution—to the Committee on Agriculture.

By Mr. DE ARMOND: Petition of voters of Cedar County, Mo., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of Milwaukee Clearing House Association, against H. R. 7546, 14641, and kindred bills relative to dealings in futures, unlawfulness of national banks to receive deposits from such dealings, etc.—to the Committee on Banking and Currency.

By Mr. FOSTER of Indiana: Petition of citizens of Chrisney, Ind., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Memorial of the Illinois legislature, for the Hamilton bill, granting pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of Wholesale and Retail Hardware Joint Committee, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Illinois State Undertakers' Association, against the custom of burial at sea—to the Committee on the Judiciary.

By Mr. GOLDFOGLE: Petition of National German-American Alliance, for restoration of Army canteen—to the Committee on Military Affairs.

Also, petition of Merchants' Association of New York, against Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of New York Board of Trade and Transportation, against S. 42 and H. R. 6089—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petition of National Guard Association of New York, for appropriation for national maneuvers of militia—to the Committee on Militia.

Also, petition of Savannah Pilots' Association, against H. R. 4771 (Littlefield bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRANGER: Petition of town council of Narragansett Pier, R. I., for H. R. 6160, to promote efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of William T. Adair, against sale of intoxicants on Government property—to the Committee on Alcoholic Liquor Traffic.

Also, petition of W. A. Way, for Federal registration of automobiles—to the Committee on Interstate and Foreign Commerce.

Also, petition of Thomas J. Stewart, for $1,000,000 appropriation for militia maneuvers—to the Committee on Militia.

Also, petition of American Association of Masters, Mates, and Pilots, against Littlefield pilotage bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HARRISON: Petition of Local Union No. 1, International Stereotypers and Electrotypers, of New York City, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. HAWLEY: Paper to accompany bill for relief of Daniel R. Cone (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. HOLLIDAY: Petition of District of Columbia Society of Sons of American Revolution, for the name of Lafayette avenue for Sixteenth street NW., in the city of Washington—to the Committee on the District of Columbia.

By Mr. HOWELL of Utah: Papers to accompany bill in support of an appropriation for improvement of navigation of Green River, Utah—to the Committee on Rivers and Harbors.

Also, petition of Utah Association of Credit Men, for H. R. 13266, amending national bankruptcy act—to the Committee on the Judiciary.

Also, petition of Cigar Makers' Union of Ogden, Utah, for battle-ship construction in navy yards—to the Committee on Naval Affairs.

By Mr. LAW: Petition of Grand Army of the Republic of Kings County, Department of New York, against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. LINDSAY: Petition of International Stereotypers and Electrotypers' Union No. 1, of New York, for removal of duty on white paper and pulp, etc.—to the Committee on Ways and Means.

Also, petition of National Guard Association of New York State, for S. 4316 and H. R. 14783 (improvements of the militia)—to the Committee on Militia.

Also, petitions of Charlotte Hardware Company and Francis N. Johnston, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Manufacturers' Association of New York, for H. R. 31 and 225, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Advertising League, for H. R. 14387, against fraudulent advertising—to the Committee on the District of Columbia.

By Mr. KAHN: Petition of California State Federation of Labor, against naturalization of Asiatics or their admission into the United States—to the Committee on Immigration and Naturalization.

Also, petition of Golden Gate Harbor, No. 4, American Association of Masters, Mates, and Pilots, of San Francisco, Cal., for H. R. 14941—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Gas Workers of San Francisco, No. 9840, favoring battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Commandery of California, Military Order of Loyal Legion of the United States, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Petrero Commercial and Manufacturers' Association of San Francisco, Cal., for improvement of the Presidio Military Reservation at San Francisco, Cal.—to the Committee on Military Affairs.

Also, petition of California State Federation of Labor, in favor of a postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Frances S. Comba—to the Committee on Pensions.

By Mr. KELIHER: Petition of general assembly of Commercial Telegraphers' Union, for investigation of telegraph conditions in the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of Boston Credit Men's Association, for amendment to bankruptcy law—to the Committee on the Judiciary.

Also, petition of Boston Merchants' Association, against repeal of bankruptcy act—to the Committee on the Judiciary.

Also, petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of clergymen of New York, against increase of Navy budget—to the Committee on Naval Affairs.

Also, petition of Massachusetts Institute of Technology, Society of Arts, for forest reservations in the White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of American Society of Wireless Engineers of Boston, for legislation to stop needless interference in receiving of official wireless messages—to the Committee on Naval Affairs.

Also petitions of congregation of Kenesseth Israel, of Boston; S. Goldman, of Boston, and Bay State Lodge, No. 215, O. B. A., against educational test, etc., for immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the National German-American Alliance, for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of National Board of Trade of Boston, favoring extension of the credit system of all branches of consular service, for school of diplomacy and advance in salaries of consuls—to the Committee on Foreign Affairs.

Also, petition of Boston Architectural Club, indorsing plan for development of the capital—to the Committee on Public Buildings and Grounds.

By Mr. KÜSTERMANN: Petitions of Polish citizens of Krakow and Green Bay, Wis., against expropriation bill of the Prussian Diet—to the Committee on Foreign Affairs.

By Mr. NEEDHAM: Petition of American Association of Masters, Mates, and Pilots, against the Littlefield bill (H. R. 4771)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of California State Federation of Labor, for a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of California State Federation of Labor, against all Asiatic laborers—to the Committee on Immigration and Naturalization.

Also, petition of California State Federation of Labor, against enlisted musicians competing with civilian musicians—to the Committee on Labor.

Also, petition of California State Federation of Labor, for laws to protect employees in clear line of duty in Government service in the United States as well as to the Filipino employees—to the Committee on the Judiciary.

Also, petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, favoring H. R. 15657—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of California, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. OLCOTT: Petition of Board of Trade and citizens of New York, and business men of New York City, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. OVERSTREET: Petition of Woman's Home Missionary Society of Edwin Ray Methodist Episcopal Church, of Indianapolis, Ind., for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. PETERS: Petition of Boston Credit Men's Association, favoring the bankruptcy act—to the Committee on the Judiciary.

Also, petition of business men of Boston, against increase of Navy—to the Committee on Naval Affairs.

By Mr. REEDER: Petition of twentieth annual convention of Southwestern Lumbermen's Association, against postmasters furnishing lists of names of patrons of their offices, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. REYNOLDS: Paper to accompany bill for relief of John D. Landis—to the Committee on Invalid Pensions.

Also, petition of A. D. Hershberger and others, for S. 3152 (additional protection to dairy interests)—to the Committee on Agriculture.

By Mr. SULZER: Petition of Dr. J. W. M. Dixon, for the Littlefield original-package and Crumpacker bills—to the Committee on the Judiciary.

Also, petition of O. H. Beck and others, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of New York Advertising League, for H. R. 14387 (Coudrey bill), against misleading advertising—to the Committee on the District of Columbia.

By Mr. TOWNSEND: Petition of Safford Post, No. 330, and Rowley Post, Grand Army of the Republic, of Clayton, Mich., for Sherwood bill—to the Committee on Invalid Pensions.

By Mr. WEEMS: Petition of J. D. Mills and others, for a national highway commission—to the Committee on Agriculture.

Also, petition of Jefferson County Trades and Labor Assembly and Toronto (Ohio) Trades and Labor Assembly, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

SENATE.

TUESDAY, *March 3, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Louis A. Cornthwaite *v.* United States;

In the cause of Lila J. Baldwin, widow of William S. Baldwin, deceased, *v.* United States;

In the cause of the Trustees of the Methodist Episcopal Church South, of Rectortown, Va., *v.* United States;

In the cause of the New Hope Baptist Church, of Orange County, Va., *v.* United States;

In the cause of J. B. Hubbard, administrator of David L. Hubbard, deceased, *v.* United States;

In the cause of the Trustees of the Trinity Protestant Episcopal Church, of Martinsburg, W. Va., *v.* United States;

In the cause of John Crosby Brown, executor of James Brown, deceased, *v.* United States; and

In the cause of Velma C. Williams, administratrix d. b. n. of Paul Curtis, deceased, *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 392. An act to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon major. United States Volunteers;

S. 406. An act granting a pension to Celesta Clark;

S. 712. An act granting a pension to Agnes Lange Smith;

S. 720. An act to confirm an entry made by Gertrude Halverson Aaby, widow of Sigbjorn H. Aaby;

S. 1666. An act for the relief of Stene Engeberg;

S. 1746. An act granting a pension to Elmer Honnyman;

S. 1774. An act to permit Dollie A. Fountain, of Walworth County, S. Dak., to purchase certain lands; and

S. 4740. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

The message also announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 4376. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors;

S. 5110. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors; and

S. 5255. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1378. An act granting a pension to Andrew Goddard;

H. R. 1399. An act granting a pension to William R. Phillips;

H. R. 1549. An act granting a pension to Lela L. Ellis;

H. R. 1589. An act granting an increase of pension to Susan M. Yeoman;

H. R. 2932. An act granting a pension to Roy L. Jones;

H. R. 3012. An act granting an increase of pension to James Jeffers;

H. R. 4121. An act granting an increase of pension to James B. Smith;

H. R. 4123. An act granting an increase of pension to Graham Maffett;

H. R. 4173. An act granting a pension to Harris Alvin Conrad;

H. R. 4327. An act granting an increase of pension to Jorge Benavides Anderson;

H. R. 4337. An act granting an increase of pension to Francis H. Swift;

H. R. 4413. An act granting an increase of pension to Alexander Beckwith;

H. R. 4974. An act granting an increase of pension to John O. Evans;

H. R. 4979. An act granting an increase of pension to Julius M. Dutton;

H. R. 5138. An act granting a pension to David McGinnis;

H. R. 5298. An act granting an increase of pension to Kirk Brown;

H. R. 6407. An act granting an increase of pension to John H. Arnold;

H. R. 6529. An act granting a pension to Thomas Carten, alias Carton;

H. R. 6654. An act granting an increase of pension to Edward Marden;

H. R. 7169. An act granting an increase of pension to Jennie H. Thomas;

H. R. 7220. An act granting an increase of pension to Langdon Sherriff;

H. R. 7388. An act granting an increase of pension to De Witt Nash;

H. R. 7440. An act granting an increase of pension to Oliver Jones;

H. R. 7745. An act granting an increase of pension to William Sheppard;

H. R. 7746. An act granting an increase of pension to William D. Williams;

H. R. 7938. An act granting an increase of pension to James B. Wilson;

H. R. 7939. An act granting an increase of pension to Huldah L. Barber;

H. R. 8333. An act granting an increase of pension to George Jenkins;

H. R. 8628. An act granting an increase of pension to John Gibson;

H. R. 8743. An act granting an increase of pension to Charles Titterington;

H. R. 9621. An act granting a pension to John Hearn;

H. R. 10158. An act granting an increase of pension to John F. Lane;

H. R. 10377. An act granting an increase of pension to John McNally;
H. R. 10848. An act granting an increase of pension to Martha A. Simms;
H. R. 11041. An act granting an increase of pension to Alexander Keefe;
H. R. 11367. An act granting a pension to George W. Robb;
H. R. 11687. An act granting an increase of pension to Alonzo Knox;
H. R. 11939. An act granting an increase of pension to Philip Bowers;
H. R. 12026. An act granting an increase of pension to Frederick Wiffin;
H. R. 12490. An act granting an increase of pension to John Wagner;
H. R. 12629. An act granting an increase of pension to Albert Newton;
H. R. 12773. An act granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for a park and other public purposes;
H. R. 12803. An act allowing Chandler Bassett to perfect final proof in his homestead entry;
H. R. 12856. An act granting an increase of pension to Peter A. Rainbolt;
H. R. 13140. An act granting an increase of pension to John O. Matthews;
H. R. 13536. An act granting a pension to Granville W. Smith;
H. R. 13584. An act granting an increase of pension to Gay W. Schell;
H. R. 13627. An act granting an increase of pension to George A. Osborn;
H. R. 13887. An act granting a pension to John Lichtenberger;
H. R. 14084. An act granting an increase of pension to Charles W. Heisler;
H. R. 14368. An act granting a pension to Sterling A. Galt;
H. R. 14531. An act granting an increase of pension to Thomas G. Orr;
H. R. 14547. An act granting an increase of pension to Joseph A. Turner;
H. R. 14972. An act granting an increase of pension to George W. Stabler;
H. R. 14981. An act granting an increase of pension to John W. Don, sr., alias John Dunn;
H. R. 15137. An act granting an increase of pension to Fenemore Ames;
H. R. 15179. An act granting an increase of pension to Martha E. McDonald;
H. R. 15473. An act granting an increase of pension to Mary A. L. Hawk;
H. R. 15531. An act granting an increase of pension to Rebecca Williams;
H. R. 15539. An act granting an increase of pension to Edward P. Howe;
H. R. 15546. An act granting a pension to John T. Maloney, jr.;
H. R. 15725. An act to relinquish, release, and confirm the title of certain lands in California to the Western Power Company;
H. R. 15810. An act granting an increase of pension to Wyatt Roberson;
H. R. 15852. An act to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes;
H. R. 15893. An act granting an increase of pension to Richard H. Jones;
H. R. 15904. An act granting an increase of pension to Margaret E. McGuire;
H. R. 15947. An act granting an increase of pension to Mary E. Leigh;
H. R. 16184. An act granting an increase of pension to James Cochran Key;
H. R. 16236. An act granting an increase of pension to Thomas Sheppard;
H. R. 16241. An act granting an increase of pension to Sarah W. Passmore;
H. R. 16331. An act granting an increase of pension to Annie Ricks;
H. R. 16415. An act granting an increase of pension to Joseph Rickey;
H. R. 16444. An act granting an increase of pension to Louis N. Brady;
H. R. 16770. An act granting land to Anna Johnson;
H. R. 16803. An act granting a pension to William Abt;
H. R. 17073. An act granting an increase of pension to Thomas J. Perkins;
H. R. 17483. An act granting an increase of pension to Thetus R. Hobbs;
H. R. 17763. An act granting an increase of pension to Charles Pharazyn; and
H. R. 17874. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war.

The foregoing pension bills received this day from the House of Representatives were severally read twice by their titles and referred to the Committee on Pensions.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2872) to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Pierce Mercantile Company, of Farmington, N. Mex., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of the Lancaster County Christian Temperance Union, of Lincoln, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which were referred to the Select Committee on Woman Suffrage.

He also presented a memorial of the faculties of universities and colleges and sundry educators of New York City, N. Y., remonstrating against any appropriation being made for the construction of the proposed new battle ships, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the mayor and aldermen of Brunswick, Ga., remonstrating against the enactment of legislation depriving the several States of the right to enact pilotage laws for the government of their respective ports, which was referred to the Committee on Commerce.

He also presented sundry petitions of Robert D. Kinney, of Philadelphia, Pa., praying that an investigation be made and redress granted for the course pursued in the name of the Supreme Court of the United States in the case of Robert D. Kinney *v.* James T. Mitchell, etc., which were referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of Local Union No. 6, International Photo-Engravers' Union, of Minneapolis, Minn., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Red Wing, Minn., praying that an appropriation be made for the maintenance of agricultural high schools and branch agricultural experiment stations, which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. KITTREDGE) presented a petition of sundry citizens of Yankton, S. Dak., praying for the passage of the so-called "Sherwood pension bill," granting more liberal rates of pensions, which was referred to the Committee on Pensions.

He also (for Mr. KITTREDGE) presented a memorial of sundry citizens of Alcester, S. Dak., remonstrating against the enactment of legislation to amend the Revised Statutes relating to post-offices and post-roads, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a petition of Chapel Corners Grange, No. 872, Patrons of Husbandry, of Poughkeepsie, N. Y., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of District Lodge, No. 15, International Association of Machinists, of New York City, N. Y., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 1, International Stereotypers and Electrotypers' Union, of New York City, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented petitions of Northern Central Lodge, No. 413, Brotherhood of Railroad Trainmen, of Elmira; of Local Lodge, Brotherhood of Railroad Trainmen, of Niagara Falls, and of L. R. Skinner Lodge, No. 276, Brotherhood of Locomotive Firemen and Engineers, of Buffalo, all in the State of New York, praying for the passage of the so-called "La Follette

employers' liability bill," and also for the passage of the so-called "Rodenburg anti-injunction bill," which were referred to the Committee on the Judiciary.

Mr. GAMBLE presented a petition of Phil K. Faulk Regiment, No. 18, Union Veteran Union, Department of South Dakota, praying for the enactment of legislation granting a pension of $1 a day to all Union veterans of the civil war who served eighteen months, which was referred to the Committee on Pensions.

He also presented petitions of the congregation of the Congregational Church of Watertown, of the Ministerial Association of Watertown, and of the Christian Endeavor Society and sundry citizens of Raymond and Oacoma, all in the State of South Dakota, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Parkston, Canastota, Yankton, Lemmon, and Oldham, all in the State of South Dakota, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a petition of Local Union No. 1, International Stereotypers and Electrotypers' Union of New York City, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Trades Assembly of Schenectady, N. Y., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the New York Branch of the American Federation of Labor, remonstrating against the enactment of any legislation which will interfere with or impair the present efficient pilotage system of the United States, which was referred to the Committee on Commerce.

He also presented a memorial of Chapin Post, No. 2, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., and a memorial of Bidwell-Wilkeson Post, No. 9, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

Mr. DICK presented a memorial of the South Side Improvement Association of Columbus, Ohio, remonstrating against the passage of the so-called "Aldrich emergency currency bill," which was referred to the Committee on Finance.

He also presented a petition of the Lakeside Federation of Woman's Clubs of Berlin Heights, Ohio, praying for the enactment of legislation to repeal the duty on works of art, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Troy, Lima, and Dayton, all in the State of Ohio, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Greenfield and Columbus, in the State of Ohio, remonstrating against the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of Local Lodge No. 286, Brotherhood of Railroad Trainmen, of Wellsville, Ohio, praying for the passage of the so-called "Rodenburg anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Conroy, Bethlehem, and Mount Zion, all in the State of Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Chillicothe, Canton, Wellsville, and Cleveland, all in the State of Ohio, praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Toledo, Zanesville, and Salem, all in the State of Ohio, praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented a petition of Stoker Post, No. 54, Department of Ohio, Grand Army of the Republic, of Findlay, Ohio, praying for the enactment of legislation to readjust the pay of soldiers during the civil war on a gold basis, which was referred to the Committee on Pensions.

He also presented a memorial of Local Branch No. 20, Glass Bottle Blowers' Association, of Zanesville, Ohio, remonstrating against the enactment of legislation to prohibit the interstate transportation of inoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

Mr. PILES presented petitions of sundry citizens of Seattle, Port Orchard, and Tacoma, all in the State of Washington, praying for the enactment of legislation providing for the closing on Sunday of the gates of the Alaska-Yukon-Pacific Exposition, which were referred to the Select Committee on Industrial Expositions.

He also presented petitions of sundry citizens of Seattle and Port Orchard, in the State of Washington, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships, which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Local Union No. 261, International Union of United Brewery Engineers, of Seattle, Wash., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. BULKELEY presented a memorial of 41 citizens of Rocky Hill, Conn., remonstrating against the enactment of legislation providing for the appointment of a clerical force through noncompetitive examination for the taking of the Thirteenth Census, which was referred to the Committee on the Census.

He also presented a memorial of 12 citizens of Bridgeport, Conn., remonstrating against the enactment of legislation to provide for the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on the Census.

Mr. WHYTE presented a memorial of sundry citizens of Baltimore, Md., remonstrating against any appropriation being made for the construction of the proposed new battle ships, which was referred to the Committee on Naval Affairs.

Mr. TALIAFERRO presented a memorial of E. L. Ferran & Co., of Eustis, Fla., and the memorial of G. A. Dreka, of De Land, Fla., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of sundry educators of the United States, praying for the enactment of legislation to increase the salary of the Commissioner of Education, which was referred to the Committee on Appropriations.

He also presented a petition of sundry volunteer officers of the civil war, of Collinsville, Ill., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 16, Bricklayers, Stonemasons, and Plasterers' Union, of Aurora, Ill., praying for the enactment of legislation providing for the construction of one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. STEPHENSON presented resolutions adopted by sundry Polish citizens of Green Bay, Wis., and resolutions adopted by sundry Polish-American citizens of Stevens Point, Wis., expressing their disapproval of the Polish expropriation bill enacted by the Prussian Diet, which were referred to the Committee on Foreign Relations.

Mr. DOLLIVER presented petitions of sundry citizens of Toledo, Iowa City, Sutherland, and Ames, all in the State of Iowa, praying for the enactment of legislation to regulate the employment of child labor, which were referred to the Committee on Education and Labor.

He also presented a memorial of the Manufacturers' Bureau of Indianapolis, Ind., remonstrating against the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Cantril, Iowa, praying for the enactment of legislation for the relief of Margaret E. Davis, which was referred to the Committee on Claims.

He also presented a petition of Armory, Company D, Fifty-fourth Infantry, Iowa National Guard, of Washington, Iowa, and a petition of Regimental Band, Fifty-fourth Infantry, Iowa National Guard, of Ottumwa, Iowa, praying for the enactment of legislation to promote the efficiency of the militia, which were referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 174, Journeymen Horseshoers' Union, of Dubuque, Iowa, and a petition of

Julian Lodge No. 322, Brotherhood of Locomotive Firemen of Dubuque, Iowa, praying for the enactment of legislation providing for the construction of the first proposed new battle ship at the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented a petition of the congregation of the First Presbyterian Church of Chariton, Iowa, and a petition of sundry citizens of Winfield, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Taylor County, Iowa, remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Equal Suffrage Association of Des Moines, Iowa, praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which was referred to the Select Committee on Woman Suffrage.

Mr. HOPKINS presented a petition of the Trades Assembly of Aurora, Ill., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of Colonel Nodine Post, No. 140, Department of Illinois, Grand Army of the Republic, of Champaign, Ill., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Palmyra, Ill., praying for the passage of the so-called "per diem pension bill," which was referred to the Committee on Pensions.

Mr. SCOTT presented a memorial of Fairmont Union, No. 428, United Brotherhood of Carpenters and Joiners of America, of Fairmont, W. Va., remonstrating against the enactment of legislation excluding nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Tygart Valley Division, No. 284, Brotherhood of Locomotive Engineers, of Grafton, W. Va., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

Mr. CURTIS presented a petition of sundry citizens of Gridley, Kans., praying for the enactment of legislation prohibiting the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry volunteer officers of the civil war of Sedgwick County, Kans., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Club of Kansas City, Kans., praying for the enactment of legislation to relieve the present financial stringency, which was referred to the Committee on Finance.

He also presented a memorial of the United Commercial Travelers' Association of Salina, Kans., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Burlington, Kans., remonstrating against the enactment of a Sunday-rest law in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BROWN presented a petition of the Nebraska Woman's Christian Temperance Union, of Lincoln, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of Ingram Lodge, No. 303, Brotherhood of Locomotive Engineers, of Chadrón, Nebr., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

Mr. FOSTER presented a petition of sundry citizens of New Orleans, La., praying for the enactment of legislation placing the telegraph system of the country under the provisions of an act whereby in any controversy threatening to interfere with or interrupt the telegraph service the Federal Government shall cause an investigation to be made, which was referred to the Committee on Interstate Commerce.

Mr. PERKINS presented a petition of the California State Federation of Labor, praying for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Military Order of the Loyal Legion of the United States, Commandery of California, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments of the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of Oakland, Cal., praying for the adoption of an amendment to section 6 of the interstate-commerce law, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the California State Federation of Labor, praying for the enactment of legislation to prohibit the importation of Asiatics into this country, which was referred to the Committee on Immigration.

He also presented a petition of Golden Gate Harbor, No. 40, American Association of Masters, Mates, and Pilots of Steam Vessels, of San Francisco, Cal., praying for the enactment of legislation relating to the licensing of officers and crews of steam vessels, which was referred to the Committee on Commerce.

Mr. GALLINGER presented a petition of the District of Columbia Society, Sons of the American Revolution, of Washington, D. C., praying that the name of Sixteenth street NW. in that city be changed to Lafayette avenue, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Brightwood Park Citizens' Association, of the District of Columbia, praying for the enactment of legislation to increase the Metropolitan police force in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the petition of George Mead Hughes, of Mount Holly, N. J., and petitions of sundry citizens of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Hillsdale Citizens' Association, of the District of Columbia, remonstrating against the passage of the so-called "Dolliver bill" providing for the direction and control of public education in the District of Columbia, which was ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 5705) granting an increase of pension to Genevieve Paul Hosley, which were referred to the Committee on Pensions.

Mr. KEAN presented a petition of Local Union No. 18, International Stereotypers and Electrotypers' Union of Newark, N. J., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Department of New Jersey, United Spanish War Veterans, of Rutherford, N. J., praying for the enactment of legislation authorizing the issuance of discarded arms to organized camps of the United Spanish War Veterans, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Montclair, Camden, and Newark, all in the State of New Jersey, praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White Mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of sundry citizens of Moorestown, N. J., praying for the enactment of legislation to establish national highways, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of District Assembly No. 197, Knights of Labor, of Jersey City, N. J., remonstrating against the enactment of legislation excluding nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of David Gray Archibold, of Newark, N. J., remonstrating against the adoption of certain amendments to the present copyright law relating to photographic reproductions, which was referred to the Committee on Patents.

SUNDAY LEGISLATION.

Mr. KEAN. I present a memorial of the Seventh Day Baptists of the United States, signed by Stephen Babcock, of Yonkers, N. Y., president, and Rev. Abram Herbert Lewis, of Plainfield, N. J., corresponding secretary. I ask that it be read.

There being no objection, the memorial was read, as follows:

MEMORIAL AGAINST SUNDAY LEGISLATION.

To the Honorable Senate and House of Representatives in Congress Assembled:

The Seventh Day Baptists of the United States, for and in behalf of whom this memorial is laid before you, beg leave to call attention to their record as advocates and defenders of constitutional, civil, and religious liberty ever since their organization in Newport, R. I., in 1671 A. D. That record includes colonial governments, the Continental Congress, where they were represented by Hon. Samuel Ward, the services of German Seventh Day Baptists of Ephrata, Pa., and other points of interest. Having such a history and inheritance, we respectfully and confidently ask and petition that you will not enact any of the following bills, now in the hands of the Committees on the District of Columbia, namely:

"S. 1518. A bill to prevent Sunday banking in post-offices in the handling of money orders and registered letters.

"H. R. 4897. A bill to further protect the first day of the week as a day of rest in the District of Columbia.

"H. R. 4929. A bill prohibiting labor on buildings, etc., in the District of Columbia on the Sabbath Day.

"H. R. 13471. A bill prohibiting work in the District of Columbia on the first day of the week, commonly called 'Sunday.'

"S. 3940. A bill requiring certain places of business in the District of Columbia to be closed on Sunday."

We base this memorial on the following grounds:

First. The Constitution of the United States declares that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." That Sunday legislation is forbidden under this act is shown by the records of Congress from 1808 to 1830. The question came to the front under an act of April 30, 1810, establishing the Postal Department and requiring the opening of post-offices and the transmission of mail on every day in the week. Remonstrances and petitions followed the enactment of this law. Postmaster-General Gideon Granger, January 30, 1811, reported that he had sent the following instructions to postmasters:

"At post-offices where the mail arrives on Sunday the office is to be kept open for the delivery of letters, etc., for one hour after arrival and assorting of the mail; but in case that would interfere with the hours of public worship, then the office is to be kept open for one hour after the usual time of dissolving the meetings for that purpose."

He also reported that an officer had been prosecuted in Pennsylvania for refusing to deliver a letter on Sunday not called for within the time prescribed, and said he doubted whether mail could be legally refused to any citizen at any reasonable hour on any day of the week. (American State Papers, vol. 15, p. 45.)

Reports, discussions, and petitions concerning Sunday mails crowd the annals of Congress from 1811 to 1830. Mr. Rhea, chairman of the Committee on Post-Offices, reported adversely concerning efforts to secure a change in the law requiring Sunday opening on January 3, 1812; June 15, 1812, and January 20, 1815. Postmaster-General Granger made adverse report January 16, 1815, saying:

"The usage of transporting the mails on the Sabbath is coeval with the Constitution of the United States."

January 27, 1815, Mr. Daggett made an adverse report, that was considered by the House in Committee of the Whole February 10, 1815, and after various efforts at amendment was passed, as follows:

Resolved, That at this time it is inexpedient to interfere and pass any laws on the subject-matter of the several petitions praying the prohibition of the transportation and opening of the mail on the Sabbath."

March 3, 1825, an act was passed "To reduce into one the several acts establishing the Post-Office Department," section 11 of which reads as follows:

"And be it further enacted, That every postmaster shall keep an office, in which one or more persons shall attend on every day on which a mail shall arrive, by land or water, as well as on other days, at such hours as the Postmaster-General shall direct, for the purpose of performing the duties thereof; and it shall be the duty of the postmaster, at all reasonable hours, on every day of the week, to deliver, on demand, any letter, paper, or packet, to the person entitled to, or authorized to receive, the same."

This renewed the discussion throughout the country, and Congress was flooded with petitions and counter petitions, which were referred to the Committee on Post-Offices and Post-Roads, of which Richard M. Johnson was chairman. He made an elaborate report to the Senate January 19, 1829, and to the House March 4 and 5, 1830. These reports were exhaustive and able documents. They centered around the question of Congressional legislation on religious subjects, all phases of which were considered with marked ability and candor.

When he presented the report before the Senate Mr. Johnson said:

"Now, some denominations considered one day the most sacred and some looked to another, and these petitions for the repeal of the law of 1825 did, in fact, call upon Congress to settle what was the law of God. The committee had framed their report upon principles of policy and expediency. It was but the first step taken, that they were to legislate upon religious grounds, and it made no sort of difference which was the day asked to be set apart, which day was to be considered sacred, whether it was the first or the seventh, the principle was wrong. It was upon this ground that the committee went in making their report." (Register of Debates in Congress, vol. 5, pp. 42–43.)

Representative passages from Senator Johnson's report are as follows:

"Extensive religious combinations, to effect a political object, are, in the opinion of the committee, always dangerous. This first effort of the kind calls for the establishment of a principle which, in the opinion of the committee, would lay the foundation for dangerous innovations upon the spirit of the Constitution and upon the religious rights of the citizens.

* * * * * * *

"Congress has never legislated upon the subject. It rests, as it ever has done, in the legal discretion of the Postmaster-General, under the repeated refusals of Congress to discontinue the Sabbath mails.

* * * * * * *

"While the mail is transported on Saturday, the Jew and the Sabbatarian may abstain from any agency in carrying it from conscientious scruples. While it is transported on the first day of the week, any other class may abstain from the same religious scruples. The obligation of the Government is the same to both these classes; and the committee can discern no principle on which the claims of one should be respected more than those of the other, unless it should be admitted that the consciences of the minority are less sacred than those of the majority." (S. Docs., 2d sess., 20th Cong., Doc. 46; also Register of Debates, vol. 5, Appendix, p. 24.)

The adoption of Mr. Johnson's report settled the question of Sunday legislation by Congress for many years. Its revival calls forth this memorial asking that Congress will not reverse its decision made in 1830.

Second. In addition to the fact that after a discussion lasting twenty years, Congress determined to abide by its constitutional restrictions touching Sunday laws, we offer another objection to the bills now before it. Leaving out the historic fact that Sunday laws have always been avowedly religious, we call attention to the religious elements and principles contained in the bills now before you. They create crime by assuming that secular labor and ordinary worldly affairs become criminal at 12 o'clock on Saturday night and cease to be criminal twenty-four hours later; they assume that the specific twenty-four hours known as the "First day" of the week may not be devoted to ordinary affairs, because of the sinfulness and immorality resulting from such use of those specific hours. The fact that religious leaders are the main promoters of Sunday legislation shows that religious convictions are at the basis of Sunday laws and that religious ends are sought through their enforcement. The terms used, although somewhat modified in modern times, denote that the proposed laws spring from religious conceptions. There can be no distinction between "secular" and "sacred," "worldly" and "unworldly," except on religious grounds. There is no reason, either in logic or in the nature of our civil institutions, why the first day of the week should be legislated into a day of idleness any more than the fourth day. Through all history cessation from "worldly pursuits" on either the seventh or the first day of the week has been considered a form of religious duty.

Actions and transactions intrinsically right which promote prosperity, good order, and righteousness can not be changed into crimes at a given moment—by the clock—and purged from criminality "by act of Parliament" twenty-four hours later.

If there be need of protecting employed persons from abuse or overwork, that need will be met in full by some law like the following:

"*Be it enacted*, That every employed person shall be entitled to one day of rest each week. The claiming of this right shall not prejudice, injure, nor interfere with any engagement, position, employment, or remuneration as between employed persons and those by whom they are employed."

In view of the foregoing and of many similar reasons, your memorialists respectfully urge Congress not to enact any of the Sunday-law bills now before your honorable body.

In behalf of the Seventh Day Baptists of the United States, by the American Sabbath Tract Society, Plainfield, N. J.

STEPHEN BABCOCK, A. M., *President*,
48 Livingston avenue, Yonkers, N. Y.
ABRAM HERBERT LEWIS, D. D., LL. D.,
Corresponding Secretary,
633 West Seventh street, Plainfield, N. J.

FEBRUARY, 1908.

Some of the facts referred to in the opening of the foregoing memorial are these: Through the Hon. Samuel Ward and others, Seventh-day Baptists took a prominent part in the struggle by which the nation was brought into existence. Being then governor of the colony of Rhode Island, Mr. Ward was the first of the colonial governors who refused to enforce the stamp act of 1765. His published letters—Westerly, R. I., December 31, 1773, and Newport, R. I., May 17, 1774—had much influence in the formation of the Continental Congress that met at Philadelphia, September 5, 1774. Mr. Ward and Stephen Hopkins were the first two delegates to that Congress elected by any colony. They were chosen June 15, 1774. Mr. Ward was a member of subsequent Congresses until his untimely death, March 26, 1776, because of which his name did not appear among the signers of the Declaration of Independence. He was one of the most prominent and efficient men in the Congress. John Hancock called him to be presiding officer of Congress, sitting in "Committee of the Whole" May 26, 1775, in which committee all the important work of Congress was formulated. Mr. Ward occupied that place almost continually during the sessions of 1775 and 1776. In his official capacity, June 15, 1775, he reported the appointment of Col. George Washington, of Virginia, to be Commander in Chief of the Continental forces. His published correspondence with Washington and others are important documents touching the work of the Continental Congress. Mr. Ward's son, Samuel, was a captain in the Twelfth Rhode Island Regiment. George Washington wrote to Governor Ward, from Cambridge, Mass., in August, 1775, speaking highly of his son as a competent officer.

The assembly of Rhode Island led in the movement for a colonial navy. On the 3d of October, 1775, Mr. Ward presented the recommendations of the Rhode Island assembly, and on December 11 of that year Congress acted upon those recommendations, and the first thirteen ships were ordered, these being the nucleus of the Navy of the United States. Mr. Ward's last letter was dated at Philadelphia, March 6, 1776. It was a high type of Christian patriotism, and his relations with Benjamin Franklin are shown in the closing sentence: "Doctor Franklin does me the favor to take charge of this letter." March 15, he was compelled to leave his place while Congress was in session. Virulent smallpox developed, from which he died March 26, 1776. The Continental Congress, the general assembly of Pennsylvania, and the mayor and councilmen of the city of Philadelphia attended the funeral officially and the Members of Congress wore mourning crape for a month in memory of Mr. Ward. The published correspondence of John Adams describes Mr. Ward's funeral and speaks in high terms of his ability and influence.

IN PENNSYLVANIA.

The German Seventh-day Baptists of Pennsylvania were also prominent supporters of the Colonial Government through their representative at Ephrata, Pa. After the battle of Brandywine, September 11, 1777, the public buildings of the Seventh-day Baptists and their private homes were thrown open as hospitals, in which not less than 500 sick and wounded soldiers became the guests of the Seventh Day Baptists during the dreary winter of 1777–78. "Typhus" became epidemic and many soldiers died, together with a number of Seventh-day Baptist women who acted as nurses. These soldiers were buried in the Seventh-day Baptist Cemetery, where a fitting monument stands above their dust.

When the Declaration of Independence was to be sent out, through which the infant Republic asked place among the nations of the world, Peter Miller, a Seventh-day Baptist scholar of Ephrata, translated that Declaration into various foreign languages, and copies of these were prepared in the printing office of the Seventh-day Baptists at Ephrata.

The VICE-PRESIDENT. What reference does the Senator from New Jersey desire to have made of the memorial?

Mr. KEAN. It should be referred to the Committee on the District of Columbia, I think.

Mr. GALLINGER. Mr. President, in connection with the memorial I feel it my duty, as chairman of the Committee on the District of Columbia, to make a very brief statement.

For several years we have had bills before that committee along the lines of the bills that are named in the memorial, and I believe there is one such bill before the committee at the present time. During the last Congress the committee had one or more hearings on the subject, but no conclusion was reached. The bill now before the committee will have consideration in the near future to the extent of a hearing, to which all the parties in interest, of course, will be invited.

I think it is proper I should say that, in respect to Sunday legislation, the District of Columbia is somewhat unique. Only a few days ago I was in a photograph gallery in Washington when a man employed there said to me, "I wish Congress would enact some legislation looking to Sunday as a day of rest." I inquired how it affected him, and he said, "Simply because our photograph gallery is open all day Sunday; we are doing work here precisely as we do on week days; and we are compelled to do it because all the other galleries in the city of Washington are open for that purpose."

Mr. President, I am not going to intrude upon the Senate my views on this subject, but I do think it is of sufficient consequence to have the matter thoroughly heard before the committee and thoroughly discussed in this body; and as chairman of the Committee on the District of Columbia I shall endeavor to see that that shall be done in the near future.

The VICE-PRESIDENT. The memorial will be referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 15653) to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war, reported it with amendments, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2326) to provide for the purchase of a site for the erection of a custom-house and Federal court building thereon at Wilmington, N. C., reported it with amendments and submitted a report thereon.

ROCK RIVER BRIDGE, ILLINOIS.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 17422) to authorize the counties of Henry and Rock Island, in the State of Illinois, to construct a bridge across Rock River at or near Colona Ferry, in said State, to report it favorably without amendment. I call the attention of the Senator from Illinois [Mr. HOPKINS] to the bill.

Mr. HOPKINS. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND WARRANTS AND CERTIFICATES.

Mr. BANKHEAD. From the Committee on Public Lands, I report back with amendments the bill (S. 1036) for the relief of locators of military bounty-land warrants and surveyors-general's certificates, and I submit a report thereon.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Alabama.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. LODGE. It seems to be a rather complicated bill, as I have listened to it, and I should like to have some explanation of it.

Mr. McLAURIN. Mr. President, the bill practically explains itself.

The Secretary of the Interior made a ruling that military bounty-land warrants and surveyors-general's certificates could be used in the purchase of land anywhere in the United States. Afterwards the Land Department reversed that decision and held that they could only be used to purchase land in Missouri. Afterwards that decision was reversed and the Land Department went back to the original decision. Now, I understand that the Land Department has again reversed itself.

During the time the decision of the Land Department was in vogue a number of persons who held these warrants and certificates used them in purchasing land in other portions of the country than Missouri. They have purchased lands and made improvements upon them. The lands have in some instances, I suppose, been conveyed to vendees and subvendees, so that their titles are very much complicated. The warrants have been canceled, and to validate those sales would be only an act of justice to the men who, relying upon the decision of the Land Department, used their certificates and warrants in the purchase of land.

Mr. LODGE. How much land is involved?

Mr. McLAURIN. I do not know the amount of land that is involved. I do not think there is a large amount of land involved, but I am not prepared to state the amount. I am not prepared to say that there is not a considerable amount involved, but not enough, I think, to raise any objection to the bill. I think the bill is one that is properly guarded.

Mr. BANKHEAD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. McLAURIN. With pleasure.

Mr. BANKHEAD. I suggest that there is a letter from the Secretary of the Interior accompanying the bill which explains fully the situation and the necessity for its passage. If the letter is read it will give the information desired.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Colorado?

Mr. McLAURIN. With pleasure.

Mr. TELLER. This is a bill, I understand, reported this morning. I have on various occasions objected to taking up any bills except bridge bills, or something of that kind, when reported. I do not mean to antagonize this bill, but I think it ought to be laid over and the report ought to be printed. There is a long report with it and it is an important measure. It affects the public lands. Therefore I object to its present consideration.

The VICE-PRESIDENT. Objection is made and the bill will go to the Calendar.

Mr. McLAURIN. I ask that in the printing of the bill and report the letter of the Secretary of the Interior be also printed.

The VICE-PRESIDENT. It will be printed with the report.

RELIEF OF MADISON COUNTY, KY.

Mr. OVERMAN. I am directed by the Committee on Claims, to whom was referred the bill (S. 5349) for the relief of Madison County, Ky., to report it favorably without amendment, and I submit a report thereon.

Mr. McCREARY. I ask unanimous consent that the bill just reported by the Senator from North Carolina may be considered by the Senate. A similar bill passed the Senate in the last Congress.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury and the Commissioner of Internal Revenue to audit and adjust the claim of Madison County, Ky., for internal-revenue taxes on dividends on shares of stock or bonds owned by that county in the Louisville and Nashville Railroad to the extent that such taxes were deducted from any dividends due and payable to the county, any statute of limitations to the contrary notwithstanding; and it authorizes the Secretary of the Treasury to pay to Madison County, Ky., the amount of the claim so audited and adjusted.

Mr. LODGE. I should like to hear the report accompanying that bill.

Mr. McCREARY. I, of course, am perfectly willing to have the report read, but I will say to the Senator from Massachusetts that this bill passed the Senate unanimously at the last session, and is reported favorably now.

Mr. LODGE. Does the Senator from Kentucky state that the bill was reported favorably last year?

Mr. McCREARY. Yes; it was reported favorably last year and passed the Senate unanimously at the last session.

Mr. LODGE. Then I make no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 5856) granting pensions to officers and enlisted men of the military and naval service of the United States who served ninety days or more during the war of the rebellion, and for other purposes, which was read twice by its title and referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 5857) for the erec-

tion of a public building at Ephraim, Utah, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. NELSON introduced a bill (S. 5858) for the relief of Daniel Wells, which was read twice by its title and referred to the Committee on Military Affairs.

He also (for Mr. KITTREDGE) introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 5859) to correct the military record of Patrick Devine, alias Patrick O'Donnell; and

A bill (S. 5860) to grant an honorable discharge to Richard W. McCumsey.

He also (for Mr. KITTREDGE) introduced a bill (S. 5861) granting an increase of pension to Oscar Dunlap, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GUGGENHEIM introduced a bill (S. 5862) to purchase certain lands adjacent to the present site of Fort Logan, Colo., which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5863) granting an increase of pension to Harry C. Gallaher (with the accompanying papers);

A bill (S. 5864) granting an increase of pension to Charles R. Crouch;

A bill (S. 5865) granting an increase of pension to W. W. Ferguson;

A bill (S. 5866) granting an increase of pension to Charles Carlisle;

A bill (S. 5867) granting an increase of pension to John G. Geiling;

A bill (S. 5868) granting an increase of pension to William F. Peters;

A bill (S. 5869) granting a pension to Mary A. Grant;

A bill (S. 5870) granting an increase of pension to William H. Stannah;

A bill (S. 5871) granting a pension to George J. Reed;

A bill (S. 5872) granting an increase of pension to Helen E. South;

A bill (S. 5873) granting an increase of pension to Lawrence F. Larkin;

A bill (S. 5874) granting an increase of pension to Samuel H. McCurdy;

A bill (S. 5875) granting an increase of pension to Louis Grossman; and

A bill (S. 5876) granting an increase of pension to George W. Ragland.

Mr. WHYTE introduced a bill (S. 5877) granting an increase of pension to Rachel A. Ardeeser, which was read twice by its title and referred to the Committee on Pensions.

Mr. McLAURIN (for Mr. MONEY) introduced a bill (S. 5878) for the relief of Henry L. Blake and others, which was read twice by its title and referred to the Committee on Claims.

Mr. CLARKE of Arkansas introduced a bill (S. 5879) to provide for the purchase of a site and the erection thereon of a public building at Jonesboro, Ark., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. TAYLOR introduced a bill (S. 5880) for the relief of Marion B. Patterson, which was read twice by its title and referred to the Committee on Claims.

Mr. SMOOT introduced a bill (S. 5881) granting an increase of pension to William J. King, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 5882) granting an increase of pension to Rolando S. Fuller, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BULKELEY introduced a bill (S. 5883) to correct the military record of John A. Oates, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. BURROWS introduced a bill (S. 5884) granting an increase of pension to Joseph M. Swarthout, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5885) for the relief of John S. May, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. DIXON introduced a bill (S. 5886) granting an increase of pension to Leonard Goss, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 5887) to place on the citizenship roll of the Cherokee Nation, Letitia F. Colding, Letitia L. Randolph, and Charles Colding Lawrence, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. FRAZIER introduced the following bills, which were severally read twice by their titles and referred to the Committee on the Judiciary:

A bill (S. 5888) limiting the issuance of restraining orders and injunctions and requiring notice before issuance; and

A bill (S. 5889) to limit the power of circuit and district judges of the United States in issuing injunctions and restraining orders against State laws and State officers.

Mr. STEPHENSON (for Mr. LA FOLLETTE) introduced a bill (S. 5890) reserving from entry and sale the mineral rights to coal and other minerals mined for fuel, oil, gas, or asphalt, upon or underlying the public lands of the United States, and providing for the entry of the surface of public lands underlaid with or containing coal or other minerals mined for fuel, oil, gas, or asphalt, and providing for the leasing of the mineral rights in such lands, which was read twice by its title and referred to the Committee on Public Lands.

He also (for Mr. LA FOLLETTE) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 5891) providing for the valuation of the segregated coal and asphalt lands in the Choctaw and Chickasaw nations in the State of Oklahoma, and for the sale of the surface and the disposition of the mineral rights therein; and

A bill (S. 5892) providing for the valuation of the segregated coal and asphalt lands and the surplus lands in the Choctaw and Chickasaw nations and of the surplus lands in the Creek Nation, in the State of Oklahoma, and for the sale of the surface and the disposition of the mineral rights therein.

Mr. CURTIS introduced a bill (S. 5893) for the relief of D. W. Boutwell, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5894) to provide for the completion of the enlargement of the Government building at Wichita, Kans., and for other purposes, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. TALIAFERRO introduced the following bills, which were severally read twice by their title and referred to the Committee on Pensions:

A bill (S. 5895) granting an increase of pension to Edward C. McGeachy (with accompanying papers); and

A bill (S. 5896) granting an increase of pension to Antoinette A. Darnall.

Mr. CULLOM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5897) granting a pension to Martha J. Kellogg; and

A bill (S. 5898) granting an increase of pension to P. R. Williams.

Mr. BOURNE introduced a joint resolution (S. R. 64) providing for the operation of the dredge in maintaining channel depths in the inner harbor of Coos Bay, Oregon, which was read twice by its title and, with the accompanying paper, referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SIMMONS submitted an amendment providing that hereafter the rate of postage on books and merchandise mailed at distributing post-offices for rural free-delivery routes shall be 5 cents for the first pound and 2 cents for each additional pound or fractional part thereof, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. McENERY submitted an amendment relative to the purchase of all repairs and wagons, automobiles, and harness, and purchase of all feed for horses and cows, other than for hospitals, under the Bureau of Medicine and Surgery, Navy Department, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. WHYTE submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

POSTAL SAVINGS BANKS.

On motion of Mr. KNOX it was

Ordered, That 5,000 additional copies of the bill (S. 5508) to establish a system of postal savings banks, and for other purposes, be printed for the use of the Senate document room.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. HOPKINS. Mr. President, I desire to give notice that to-morrow morning after the routine morning business I will submit some remarks on Senate bill 3023 and answer some of the objections which have been made to the bill.

BANK LOANS UPON COLLATERAL SECURITY.

Mr. TILLMAN. I ask for the immediate consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Whereas many banks in cities where stock exchanges are located loan money of depositors which are trust funds upon worthless stocks and bonds traded in on these stock exchanges on terms that make such loans most dangerous, putting banks making such loans in position of menace to the public: Therefore, be it

Resolved, That the Comptroller of the Currency be directed to send to the Senate at the earliest day possible a detailed statement of all loans made by the national banks in New York City upon collateral security during the six months from June 1, 1907, to December 1, 1907, such statement setting out in full names of borrowers, amounts of loans, lists of stocks and bonds deposited with each loan as collateral security, and also stating whether such loans are time or call loans and whether call loans are made by executive officers of the several banks or by order of the board of directors of the several banks.

Mr. ALDRICH. Let the resolution go over, Mr. President.

The VICE-PRESIDENT. The resolution will go over.

Mr. TILLMAN. In explanation to the Senator from Rhode Island, who is very solicitous that we shall do only the wise thing here, I want to say, with the permission of the Senate, that stock gambling is recognized by a great many people, if not by the Senator from Rhode Island, as one of the most pernicious, dangerous, and devilish of all the present pernicious, dangerous, and devilish things that are being done in New York. In order to get at the facts, Mr. HEPBURN has introduced a bill at the other end, and is rushing it to its death or to its enactment, to put a tax on all these transactions, I believe. Evidently something needs to be done.

I want the facts, that is all. I am perfectly willing to let the matter go over until to-morrow, so that the Senator from Rhode Island can examine it and see what special interests are jeopardized by it.

Mr. ALDRICH. I will suggest to the Senator from South Carolina that from hearing the resolution read and without being able to take in its full scope, perhaps——

Mr. TILLMAN. I am perfectly willing that it shall go over.

Mr. ALDRICH. I suggest to the Senator from South Carolina that he should not confine his investigation to New York.

Mr. TILLMAN. But that is the head center of devilment in stock gambling.

Mr. ALDRICH. But there are stock gamblers outside of New York, and if we are to have the names of all the persons who borrow money from national banks——

Mr. TILLMAN. I am perfectly willing the resolution shall go over. I thought the Senator would object to it because it would take in New York. I am perfectly willing to take in every city in the country.

Mr. ALDRICH. I think the Senator ought to do that, in justice, because if we are going to publish the names of the banking people who loan money on collateral security, I think it ought to take in everybody.

Mr. TILLMAN. All right. If the Senator will agree to that, in the morning we can arrange it to entire satisfaction, so far as I am concerned.

RIVER IMPROVEMENTS IN NORTH CAROLINA.

Mr. SIMMONS submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause surveys and examinations to be made of Neuse River from Pamlico Sound to Kinston, N. C.; of Trent River from its junction with Neuse River to Trenton, N. C.; of Tar River from Pamlico Sound to Washington, N. C.; of Pasquotank River from Albemarle Sound to Elizabeth City, N. C.; of Roanoke River from Albemarle Sound to Weldon, N. C.; of Chowan River from Albemarle Sound to a point opposite Winton, N. C., with a view to improving the navigability of all said rivers and providing channels of 10 feet depth, so as to conform the depth of said rivers from their mouths in said sounds to the points specified with the depth of the canal authorized by the river and harbor act of 1906, to connect the waters of Pamlico Sound and its connecting sounds with the Atlantic Ocean at Beaufort, N. C.

RIVER IMPROVEMENTS IN DELAWARE.

Mr. du PONT submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made, and to submit a plan and estimate for dredging and otherwise improving the navigation of each of the following-named waters:

The upper waters of the Pocomoke River from the town of Snow Hill, Md., up to or near the town of Gumboro, Del.;

The Nanticoke River from the town of Seaford to the town of Middleford, in Sussex County, Del.;

The Christiana River from the city of Wilmington to the town of Christiana, in Newcastle County, Del.;

The Laurel River in Sussex County, Del., from the town of Laurel to its mouth.

That the expense of such surveys and investigations be paid out of the fund appropriated for such examinations and surveys.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 12773. An act granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other public purposes;

H. R. 12803. An act allowing Chandler Bassett to perfect final proof in his homestead entry;

H. R. 15725. An act to relinquish, release, and confirm the title of certain lands in California to the Western Power Company;

H. R. 15852. An act to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes; and

H. R. 16770. An act granting land to Anna Johnson.

DISPOSITION OF CHICKASAW FUNDS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. TILLMAN, as follows:

Whereas it is alleged that on the 24th day of June, 1905, a grand jury of the United States of America duly selected, summoned, impaneled, sworn, and charged to inquire fully in and for the body of the southern district of the Indian Territory in the name and by the authority of the United States of America did, upon the oaths of the members thereof, find, present, and charge that one D. H. Johnson, one P. S. Mosely, one George Mansfield, one J. F. McMurray, and one Melvin Cornish, and others to the grand jurors unknown, on certain days in the year 1902, within the southern district of the said Indian Territory, did unlawfully and feloniously commit the crime of conspiracy to defraud (an offense against the laws of the United States) by defrauding the Chickasaw Nation out of the sum of $28,876.90, the exact amounts fraudulently obtained from the Chickasaw Nation and the exact times and places where and when the said fraudulent transactions occurred being set out in said indictment; and

Whereas it is alleged that on or about the 15th day of December, 1905, the Attorney-General of the United States did direct one W. B. Johnson, then United States attorney for the southern district of the Indian Territory, to dismiss, by entering a nolle prosequi in said case, the said indictment; and

Whereas it is alleged that the said W. B. Johnson refused to dismiss the said indictment as directed by the Attorney-General of the United States; and

Whereas it is alleged that the Attorney-General of the United States on or about the 15th day of January, 1905, removed the said W. B. Johnson from office, said removal being by telegraphic communication, and said removal being based upon the refusal of the said W. B. Johnson to carry out the directions of the Attorney-General of the United States; and

Whereas it is alleged that the said Attorney-General of the United States did, on or about the 15th day of January, 1905, by telegraphic communication, reinstate the said W. B. Johnson in the office of United States attorney for the southern district of the Indian Territory; and

Whereas it is alleged that the said W. B. Johnson refused and continued to refuse to dismiss the said indictment against the said persons during his term of office; and

Whereas it is alleged that on or about the 13th day of November, 1907, the Attorney-General of the United States did send a telegram to the United States attorney for the southern district of the Indian Territory, one George R. Walker, directing him to "be sure" and dismiss the said indictment against the said persons "before the Territorial courts pass out of existence and the creation of the new State;" and

Whereas it is alleged that on or about the 14th day of November, 1907, the assistant United States attorney for the southern district of the Indian Territory (the United States attorney being absent at the time), one James E. Humphrey, did cause an order to be entered upon the records of the United States court for the southern district of the Indian Territory, sitting at Ardmore, dismissing the said indictment with the notation "by the direction of the Attorney-General of the United States:" Therefore, be it

Resolved, That the Attorney-General of the United States be, and he is hereby, directed to transmit to the Senate a true and correct copy of the said indictment, all correspondence of every kind and description that has passed between the Department and the United States attorney or attorneys and his or their assistant attorney or attorneys for the southern district of the Indian Territory, and all correspondence of every kind and description between any officer of the United States Government and any other person or persons pertaining or appertaining to said indictment.

That the Attorney-General of the United States be, and he is hereby, directed to inform the Senate why said indictment was dismissed and whether it is customary for the Attorney-General to interfere with the prosecution of persons against whom an indictment or indictments have been returned in the State or Federal courts of the country, and whether other indictments have been dismissed by direction of the Attorney-General within the past five years, and if so, what indictments, and the cause therefor.

Mr. TILLMAN. Mr. President, I desire to amend the resolution. On page 3, in the last "whereas," strike out the words "with the notation" in the second line in the paragraph.

The VICE-PRESIDENT. The Senator from South Carolina modifies his resolution as stated.

Mr. TILLMAN. And strike out the quotation marks on that line and on the last line before "Therefore," and strike out the balance of the resolution and insert the following.

The VICE-PRESIDENT. The modification will be made. The modified resolution will be read.

The SECRETARY. Strike out the resolving clause and insert:

Resolved, That the Attorney-General of the United States be, and he is hereby, directed to transmit to the Senate a true and correct copy of the report of Special Agent J. S. Mosby, upon which report the said indictment was returned; the minutes of the grand jury and the documentary evidence presented to said grand jury; a true and correct copy of the indictment; all correspondence of every kind and description that has passed between the Department and the United States district attorney or attorneys and his or their assistant attorney or attorneys for the southern district of the Indian Territory; all correspondence of every kind and description between any officer, agent, or employee of the United States Government, and any other person or persons whomsoever pertaining or appertaining to said indictment.

That the Attorney-General be, and he is hereby, directed to inform the Senate why said indictment was dismissed, whether upon insufficiency of law or fact, and particularly whether the facts alleged were in the form of documentary evidence, and the guilt of the defendants thereby established beyond question; and whether it is customary for the Attorney-General to interfere in the prosecution of persons against whom an indictment or indictments have been returned in the State or Federal courts of the country; and if so, by what authority of law; and whether other indictments of a similar nature have been dismissed by direction of the Attorney-General within the past five years; and if so, what indictment or indictments and the cause therefor.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

TECHNOLOGY BRANCH IN THE GEOLOGICAL SURVEY.

The VICE-PRESIDENT. Morning business has closed. The Calendar, under Rule VIII, is in order. The Secretary will state the first business on the Calendar.

The joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey was announced as first in order.

Mr. TELLER. Mr. President, I want to object to that joint resolution. I ask that it go to the Calendar under Rule IX.

The VICE-PRESIDENT. The joint resolution will go to the Calendar under Rule IX at the request of the Senator from Colorado.

PAY OF THE ARMY.

The bill (S. 4030) to fix the pay of the Army was announced as next in order.

Mr. TELLER. Mr. President, as I do not see the chairman of the Committee on Military Affairs in the Chamber at present, I will ask that the bill may go over until he is present, keeping its place on the Calendar.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Colorado.

OCEAN MAIL SERVICE.

The bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

ADDITIONAL LAND DISTRICT IN SOUTH DAKOTA.

The bill (S. 4132) creating an additional land district in the State of South Dakota was announced as next in order.

The VICE-PRESIDENT. There is a memorandum accompanying this bill to the effect that the senior Senator from South Dakota [Mr. KITTREDGE] desires to be present when the bill is considered.

Mr. GALLINGER. Let the bill go over, Mr. President.

Mr. GAMBLE. Mr. President, no request has been made of me to delay the consideration of this bill. It is a matter of great importance to the region of the State affected by it and should be passed. It was favorably reported to the Senate on February 5, and its consideration has heretofore been objected to and action thereon delayed. If, however, it is the desire of my colleague to be heard upon the measure and substantial objections can be urged against its passage, of course I shall not now insist upon the consideration of the bill in his absence. Time is rapidly passing, and this delay endangers the possibility of the bill becoming a law at this session of Congress. The creation of this land district is strongly urged by the Interior Department.

The proposed district embraces an area of about three or four million acres in the northwest part of the State, far removed from the adjoining land offices. Its eastern boundary is about 200 miles from the land office immediately east, and its northern boundary is over 150 miles from the land office in which it is now situated. The present land office is inaccessible to the settlers in this particular section and will be to the prospective settlers. They have to drive nearly a hundred miles to reach the railway, and then it is a distance of 50 miles to reach the land office. Many applications for filings are made through commissioners, and such filings are very frequently duplicated. This leads to delay and to great inconvenience to settlers.

Upward of 350,000 acres were taken in this region during the last fiscal year, and there is a large area of public land in the proposed district still open to prospective settlers. The Chicago, Milwaukee and St. Paul Railway has recently extended its line westward through the northern part of the State, reaching this region. The creation of this land district would make the land office accessible and convenient to settlers. Its establishment is strongly urged, not only by the Interior Department, but also by the people in that region of the State immediately interested therein.

I regret exceedingly an objection should be interposed to the passage or consideration of the bill. I have no disposition to insist upon its consideration if anyone has a valid objection to it, or can give substantial reasons why the measure should not be passed. I, however, do not want its consideration so delayed that its passage may be defeated at this session as a result. Action thereon has already been unduly delayed.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill, the title of which has been stated?

Mr. NELSON. I dislike to make any objection, Mr. President, but the junior Senator from South Dakota [Mr. KITTREDGE] having indicated his desire to be present——

Mr. GAMBLE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from South Dakota?

Mr. NELSON. Certainly.

Mr. GAMBLE. I do not want the Senator from Minnesota to understand that I shall insist upon the consideration of the bill in the absence of my colleague. I simply desired to make the statement I have so that my position may be understood. Of course if there are substantial reasons for delay——

Mr. NELSON. Very well, then, let the bill go over, retaining its place upon the Calendar.

Mr. GAMBLE. Retaining its place on the Calendar. I was anxious the bill should be considered, and hoped no objection would be interposed.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

MATERIAL AND EQUIPMENT FOR THE PANAMA CANAL.

The joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal was announced as next in order.

Mr. FRYE. Let that go over, retaining its place.

The VICE-PRESIDENT. The joint resolution will go over at the request of the Senator from Maine, retaining its place.

SPOKANE RIVER BRIDGE IN IDAHO.

The bill (H. R. 15247) to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River near the city of Coeur d'Alene, Idaho, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The bill (S. 48) to reimburse depositors of the late Freedman's Savings and Trust Company was announced as next in order.

Mr. OVERMAN. Let that bill go over under Rule IX, Mr. President.

The VICE-PRESIDENT. The bill will go over under Rule IX, at the request of the Senator from North Carolina.

Mr. FLINT subsequently said: At the request of the Senator from North Carolina [Mr. OVERMAN] Senate bill 48 went to the Calendar, under Rule IX. I desire to have it restored to its place on the Calendar, and he has withdrawn his objection.

The VICE-PRESIDENT. The Senator from California asks that the bill be restored to its place on the Calendar, under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

PATENT FOR SANTEE RESERVATION LANDS IN NEBRASKA.

The bill (S. 4549) to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr., was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to issue

patent in fee simple to the directors of school district No. 36, Knox County, Nebr., for a tract of not exceeding 2½ acres from the lands reserved for the Santee Agency, Nebr., described as the northwest quarter of the southwest quarter of the southeast quarter of the northwest quarter of section 13, township 33 north, range 5 west of the sixth principal meridian, Nebraska, upon compliance with such terms and conditions as the Secretary of the Interior may prescribe; the tract to be used for school purposes under the laws of the State of Nebraska.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNAPPROPRIATED AND UNRESERVED LANDS IN MONTANA.

The bill (S. 3639) to amend the homestead laws as to unappropriated and unreserved lands in the State of Montana was announced as next in order.

Mr. McCREARY. I ask that that bill go over under Rule IX.

The VICE-PRESIDENT. The bill will go over under Rule IX at the request of the Senator from Kentucky.

SPECIAL LEAVE PRIVILEGES FOR MILITARY ACADEMY OFFICERS.

The bill (S. 650) to extend the special leave privileges authorized for officers of the Military Academy by section 1330, Revised Statutes, to certain instructors and student officers at service schools was considered as in Committee of the Whole.

Mr. LODGE. I offer a committee amendment to come in at the end of the bill.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated by the Secretary.

The SECRETARY. It is proposed to add to the bill the following:

And such student officers of the Coast Artillery School as may have completed the first year's course and may be detailed to pursue the second year's course.

So as to make the bill read:

Be it enacted, etc., That the provisions of section 1330, Revised Statutes, authorizing leaves of absence to certain officers of the Military Academy, during the period of the suspension of the ordinary academic studies, without deduction from pay and allowances, be, and are hereby, extended to include officers on duty exclusively as instructors at the special service schools or at the Staff College, and to include such student officers for the Staff College or the Signal School as may be detailed from the graduates of the latest class at a special service school and such student officers of the Coast Artillery School as may have completed the first year's course and may be detailed to pursue the second year's course.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PATENTS TO SANTEE INDIANS.

The bill (S. 3202) to authorize patents to Santee Indians was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to cause a patent to issue under the provisions of the act of February 8, 1887 (24 Stat. L., p. 388), and the amendments thereto, to any Santee Indian to whom lands were assigned under the provisions of the treaty of April 29, 1868 (15 Stat. L., p. 637), who has not heretofore obtained a patent to his land under the provisions of that treaty.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARIZONA AND CALIFORNIA RAILWAY COMPANY.

The bill (S. 2948) to provide additional station grounds and terminal facilities for the Arizona and California Railway Company in the Colorado River Indian Reservation, Ariz., was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, on page 1, line 3, after the word "That," to insert "subject to the approval of the Secretary of the Interior;" in line 4, after the word "area," to insert "adjacent to its approved right of way;" in line 7, after the word "granted," to insert "for additional station grounds and terminal facilities;" and on page 2, line 6, after the word "purposes," to insert:

Provided, That such additional lands are granted subject to the right of the United States to cross the same and the works constructed thereon, with canals or water conduits of any kind or with roadways, or transmission lines for telephone, telegraph, or electric power, which may in the future be built by the United States across such lands; and the said company shall build and maintain at its own expense all structures that may be required at crossings, and in accepting this grant shall release the United States from all damages which may result from the construction and use of such crossings, canals, conduits, and lines.

So as to make the bill read:

Be it enacted, etc., That, subject to the approval of the Secretary of the Interior, additional lands not exceeding 40 acres in area adjacent to its approved right of way in the Colorado River Indian Reservation, in the Territory of Arizona, be, and the same are hereby, granted for additional station grounds and terminal facilities to the Arizona and California Railway Company, a corporation organized under the laws of said Territory, subject to the payment by said company of full compensation therefor in the manner provided in section 3 of the act approved March 2, 1899, entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, Indian allotments, and for other purposes:" *Provided*, That such additional lands as are granted subject to the right of the United States to cross the same and the works constructed thereon, with canals or water conduits of any kind or with roadways, or transmission lines for telephone, telegraph, or electric power, which may in the future be built by the United States across such lands; and the said company shall build and maintain at its own expense all structures that may be required at crossings, and in accepting this grant shall release the United States from all damages which may result from the construction and use of such crossings, canals, conduits, and lines.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN WISCONSIN.

The bill (S. 5253) to establish a fish-cultural station in the State of Wisconsin was considered as in Committee of the Whole. It proposes to appropriate $25,000, or so much thereof as may be necessary, for the establishment of a fish-cultural station in the State of Wisconsin, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Commissioner of Fish and Fisheries.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEES AND COSTS IN DISTRICT PROBATE COURT.

The bill (S. 3507) to fix fees and costs in the probate court of the District of Columbia and to provide for the collection and payment of the same, and for other purposes, was announced as next in order.

Mr. GALLINGER. Mr. President, the Senator from Texas [Mr. CULBERSON] objected to this bill on yesterday, and as he is not in his seat I ask that the bill go over, retaining its place.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

CALAVERAS BIG TREE NATIONAL FOREST.

The bill (S. 1574) to create the Calaveras Big Tree National Forest, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Forest Reservations and the Protection of Game with amendments on page 2, line 13, after the word "and," to insert "shall;" in line 15, before the word "reproduction," to insert "promote the;" on page 3, line 16, after the word "resources," to insert "within the State of California;" in line 20, after the word "sell," to insert "any trees;" and in the same line, after the word "improvement," to strike out "cutting any," so as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture, to secure and protect for all time the big trees scientifically known as Sequoia washintoniana, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the following-described lands in the State of California: In township 4 north, range 15 east, Mount Diablo meridian, the northeast quarter of section 1; in township 4 north, range 16 east, Mount Diablo meridian, the north half of section 6; in township 5 north, range 15 east, Mount Diablo meridian, the southwest quarter of section 14, south half of section 15, north half of section 22, northwest quarter of section 23, and southeast quarter of section 36, and in township 5 north, range 16 east, Mount Diablo meridian, the west half of section 28, the east half and southwest quarter of section 29, the southeast quarter of section 30, all of sections 31, 32, and the northwest quarter of section 33. And such area or areas, as fast as complete title is acquired, shall be known as the Calaveras Big Tree National Forest and shall be administered, protected, and improved by the Secretary of Agriculture to prolong the existence, growth, and promote the reproduction of said big trees, and to make said national forest accessible and convenient for the public: *Provided*, That the owners of land acquired hereunder shall convey to the United States full title to any of the above-described areas approved for said national forest by the Secretary of Agriculture, the completeness of such title to be determined by the Secretary of the Interior in each case, and shall be reimbursed therefor only in any or all of three ways: They may be given the right to file with the Secretary of the Interior, within sixty days after any such conveyance, selections for an equal area of surveyed, unreserved, unappropriated, nonmineral public lands which shall, if found subject to such lieu selection, be patented to said owners in lieu of the land conveyed, and if any selection is rejected other selections may be made under conditions applicable to the one rejected; or the Secretary of Agriculture may grant to any such conveying owner the right to cut from national forest reserve land an amount of timber and wood, the stumpage value of which is equal to the value of any land conveyed, as determined by the Secretary of Agriculture; or any money subscribed privately or appropriated by the State of California for such purpose may be used by the Secretary of Agriculture to pay wholly or in part for any land acquired under the terms of this section: *And provided*, That the special forest-reserve fund obtained from charges now made for timber, grazing, and for the use of other forest-reserve resources within the State of California is hereby further appropriated and made available, as the Secretary of

Agriculture may direct, to administer, protect, and improve said Calaveras Big Tree National Forest; and the Secretary of Agriculture may sell any trees for improvement except the big trees within said Calaveras National Forest, the proceeds to be deposited in and become part of said forest-reserve special fund.

Mr. GALLINGER. Mr. President, I do not rise to oppose this bill, but to make the suggestion that the Senate has passed a bill creating a forest reserve in the Appalachian and White Mountains. It has gone to the other House, and I think I am not transgressing the rules of the Senate when I say that that bill has been sent to the Committee on the Judiciary of the other body to inquire into its constitutionality. I had never before supposed that the Government of the United States could not constitutionally make a purchase of land for a park, but it seems to be questioned in a certain place. I simply wanted to call the attention of the Senator from California to this fact, which possibly he has looked into, as to whether or not we can constitutionally buy the big trees of California, which I think ought to be taken care of, or whether that proposition will encounter constitutional difficulties in another place.

Mr. PERKINS. Mr. President, this bill makes no appropriation whatever for the purchase of these trees or any land. It simply authorizes the Secretary of Agriculture, under certain conditions, to make exchanges. I think it can be better explained by asking the Secretary to read the letter from the Secretary of Agriculture, on page 1 of the report, which explains the bill.

Mr. GALLINGER. Let that be inserted in the RECORD without reading. I do not object to the bill at all.

Mr. BACON. I should like to ask the Senator, in lieu of taking the time in having the letter read, if I understand him correctly to say that the bill proposes simply to make a certain interchange of land; in other words, that certain public lands shall be exchanged for the land on which these trees stand?

Mr. PERKINS. Mr. President, the Calaveras Big Tree Grove belongs to private individuals. They have asked an exorbitant sum for it in trying to sell it. There is land adjacent to this grove in a Government reservation, and the object of this bill is to authorize the Secretary of Agriculture, in his discretion to make an exchange of timber that is better and more merchantable timber than these big trees the *Sequoia gigantea* and the *Sequoia washingtoniana*. The people of California have formed an improvement association and propose to raise a certain sum of money for this purpose and donate it to the purchase of these trees, thus perpetuating them for all time and give the Government title. I should like to have the Secretary read the letter from Secretary Wilson, which I think fully explains the purpose and the provisions of this bill.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested by the Senator from California.

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY,
Washington, January 28, 1907.

DEAR SIR: In accordance with your request made to the Forest Service, I have the honor to report upon the propriety of S. 8117, for the creation of the Calaveras Big Tree National Forest.

During the last field season the Forester caused a survey and complete examination to be made of the areas in California in which the big trees are located. I inclose maps and a report on the investigation, in which the location of the Calaveras Big Tree Grove, the ownership of the land especially desirable for a national forest to protect and prolong the life of the big trees, the number and size of the big trees and other species found with them, and a liberal estimate of the value of these groves have been set forth with care and detail.

Unless the principal owner of these groves will not accept a reasonable offer, I believe it will be possible in one or all of the ways authorized by S. 8117 to procure the title to the desired area without a direct appropriation from Congress. The Forester has received a definite suggestion from a citizen of California that it might be possible to procure by private subscription money amounting to one-third of the necessary purchase price. If this can be brought about it ought to be possible, either under the lieu selection provision or the stumpage exchange authorization, or both, to make up the remaining two-thirds.

I can not express too strongly my feeling that these great national wonders, famed throughout the world, should become the property of the nation and be protected from intentional or accidental destruction as far as possible. It has taken thousands of years to produce many of these trees, and if they were once destroyed no skill or expense could bring similar wonders of creation into existence within a time represented by the known history of the world.

Very truly, yours,

JAMES WILSON, *Secretary.*

Hon. GEORGE C. PERKINS,
United States Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF KENYON STREET, DISTRICT OF COLUMBIA.

The bill (S. 2995) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes, was considered as in Committee of the Whole. It authorizes the Commissioners of the District of Columbia, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to extend Kenyon street from Seventeenth street to Mount Pleasant street with a width of 80 feet and to extend Seventeenth street from Kenyon street to Irving street with a width of 90 feet; but the entire amount found to be due and awarded by the jury in the proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of the proceeding, shall be assessed by the jury as benefits, and nothing in subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder, etc.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF OAK STREET NW., DISTRICT OF COLUMBIA.

The bill (S. 31) authorizing the extension of Oak street NW., was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia, with an amendment to strike out all after the enacting clause and insert: :

That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Oak street northwest from its present terminus east of Center street to Fourteenth street northwest with a width of 50 feet: *Provided, however,* That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further,* That nothing in said subchapter 1 of chapter 15 of said Code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUSINESS STREETS IN THE DISTRICT OF COLUMBIA.

The bill (S. 4118) in relation to business streets in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment in section 1, on page 2, line 7, after the word "business," to insert "street and there exists adjoining such portion a block or more," so as to make the section read:

That the last proviso of the act of July 1, 1898, entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District," is amended so as to read as follows: "That the Commissioners of the District of Columbia are authorized and directed to denominate portions of streets in the District of Columbia as business streets and to authorize the use, on such portions of streets, for business purposes by abutting property owners, under such general regulations as said Commissioners may prescribe, of so much of the sidewalk and parking as may not be needed, in the judgment of said Commissioners, by the general public, under the following conditions, namely: First, where in a portion of a street not already denominated a business street a majority of a frontage not less than three blocks in length is occupied and used for business purposes; second, where a portion of a street has already been denominated a business street and there exists adjoining such portion a block or more in continuation thereof a majority of whose frontage is occupied and used for business purposes; and, third, where a portion of a street has already been denominated a business street and there exists at some point not at the end of such business portion of said street a block or more of adjoining and intersecting street a majority of whose frontage is occupied and used for business purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIM OF CONTRACTORS FOR BATTLE SHIP "INDIANA."

The bill (S. 3126) to carry into effect the judgment of the Court of Claims in favor of the contractors for building the U. S. battle ship *Indiana* was announced as next in order.

Mr. OVERMAN. Let that bill go over, under Rule IX, Mr. President.

The VICE-PRESIDENT. The bill will go over, under Rule IX, at the request of the Senator from North Carolina.

Mr. OVERMAN. At the request of the Senator from Kentucky [Mr. PAYNTER] I ask that the bill go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice.

INVESTIGATION OF RAILROAD SWITCHES.

The joint resolution (S. R. 24) directing the Interstate Commerce Commission to investigate and report on facing point switches and the appliances for the automatic control of such switches was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Interstate Commerce with an amendment, on page 2, after line 3, to strike out:

To carry out and give effect to the provisions of this resolution the Commission shall have power to issue subpœnas, administer oaths, examine witnesses, require the production of books and papers, and receive depositions taken before any proper officer in any State or Territory of the United States.

So as to make the joint resolution read:

Resolved, etc., That the Interstate Commerce Commission be, and it is hereby, directed to investigate and report on the use of facing point switches, their number, and the necessity for protecting them on railways in the United States, and also as to the appliances for the automatic control of such switches. For this purpose the Commission is authorized to employ persons who are familiar with the subject, and may use such of its own employees as are necessary to make a thorough examination into the matter.

In transmitting its report to the Congress the Commission shall recommend such legislation as to the Commission seems advisable.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

DEPUTY CLERK AT BIG STONE GAP, VA.

The bill (H. R. 14282) to authorize the appointment of a deputy clerk at Big Stone Gap, Va., was announced as the next business in order.

Mr. CLARK of Wyoming. I ask that the bill be passed over at the request of the Senator from Virginia [Mr. MARTIN].

The VICE-PRESIDENT. The bill will go over without prejudice.

STATE EXPENSES IN WAR WITH SPAIN.

The bill (H. R. 3923) to fix the limitation applicable in certain cases was considered as in Committee of the Whole. It provides that the limitation of the act approved April 27, 1904, entitled "An act to amend an act approved March 3, 1899, entitled 'An act to amend an act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1899,' etc., and for other purposes," and the limitations of the acts of which it is amendatory, shall be January 1, 1910.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CERTAIN LANDS IN FORT HALL, IDAHO, RESERVATION.

The bill (S. 4916) authorizing the Secretary of the Interior to issue patent in fee to the Board of Missions of the Protestant Episcopal Church for certain lands situated in the State of Idaho was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to insert at the end of the bill the following proviso:

Provided, That the said patent shall not issue until the Indians of the said reservation shall have given their consent to the grant through their business committee or council in such manner as the Secretary of the Interior shall provide.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent in fee to the board of missions of the Protestant Episcopal Church of the United States for certain lands heretofore set apart and used for church purposes, and more particularly described as follows:

The southeast quarter of section 36, township 4 south of range 34 east of Boise meridian, county of Bingham, State of Idaho, containing 160 acres, more or less, being a part of the lands included within the Fort Hall Indian Reservation: *Provided*, That the said patent shall not issue until the Indians of the said reservation shall have given their consent to the grant through their business committee or council in such manner as the Secretary of the Interior shall provide.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

S. R. GREEN.

The bill (S. 213) for the relief of S. R. Green was considered as in Committee of the Whole. It proposes to pay to S. R. Green, of Clackamas County, Oreg., $85, being the amount deposited by him for office fees in connection with the survey of certain mining claims, which survey was duly abandoned.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC PARK ON GEORGETOWN HEIGHTS, DISTRICT OF COLUMBIA.

The bill (S. 33) to provide a public park on Georgetown Heights, in the District of Columbia, was considered as in Committee of the Whole. It directs the Commissioners of the District of Columbia to acquire for a park the tract of land known as Montrose, on Georgetown Heights, containing 16 acres, more or less, at an expense not exceeding $150,000; and for that purpose the sum of $150,000 is appropriated, payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CERTAIN LANDS IN WIND RIVER RESERVATION, WYO.

The bill (S. 4801) granting certain lands in the Wind River Reservation, in Wyoming, to the Protestant Episcopal Church was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ELGIN, ILL.

The bill (S. 4196) to provide for the enlargement and improvement of the public building at Elgin, Ill., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to cause to be constructed upon the site now owned by the United States in Elgin, Ill., and upon part of which is situated the public building, suitable improvements, enlargements, and additions, the cost not to exceed $50,000, which sum is appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE DEPOT AT YERBA BUENA ISLAND, CALIFORNIA.

The bill (S. 5341) to authorize the enlargement, improvement, and equipment of the light-house depot at Yerba Buena Island, California, was considered as in Committee of the Whole. It authorizes the enlargement, improvement, and equipment of the light-house depot at Yerba Buena Island, California, at a cost not to exceed $100,000, which sum is appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WHITE RIVER UTES, ETC.

The bill (S. 5038) for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the "Confederated Bands of Ute Indians of Colorado," was announced as the next business in order on the Calendar.

Mr. LODGE. Let the bill go over under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX at the request of the Senator from Massachusetts.

Mr. TELLER subsequently said: Mr. President, what became of Senate bill 5038?

The VICE-PRESIDENT. It was passed to the Calendar under Rule IX at the request of the Senator from Massachusetts.

Mr. TELLER. I desire that the bill may keep its place, if the Senator from Massachusetts does not object.

Mr. LODGE. I have no objection to its keeping its place on the Calendar, but the bill carries an immense sum of money, and I desire to enter my objection to its being passed by unanimous consent.

Mr. TELLER. The Senator from Utah [Mr. SUTHERLAND], who reported the bill, is not in the Chamber, and I should like to have it keep its place on the Calendar.

The VICE-PRESIDENT. It will be passed over without prejudice.

J. M. BLOOM.

The bill (S. 1204) for the relief of J. M. Bloom was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post-Offices and Post-Roads with amendments, on page 1, line 6, after the words "one hundred and," to strike out "eighty-nine dollars and twelve cents" and insert "eighteen dollars and eighteen cents," and on page 2, line 4, after the words "one hundred and," to strike out "eighty-nine dollars and twelve cents" and insert "eighteen dollars and eighteen cents," so as to make the bill read:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to cause the account of J. M. Bloom, late postmaster at Clearfield, State of Pennsylvania, to be credited with the sum on $118.18, and that he cause said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of loss of $123 in postal funds by robbery of said post-office on the 10th day of February, 1897, and $66.12 for expenses incurred in the effort to apprehend the burglars, it appearing that said loss was without fault or negligence on the part of said late postmaster; and the sum of $118.18 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay said claim.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT OF CERTAIN POSTMASTERS.

The bill (S. 1751) to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance, was announced as the next business in order on the Calendar, and was read.

Mr. OVERMAN. Was the clerk employed by authority of the Post-Office Department? Let the bill go over under Rule IX.

The VICE-PRESIDENT. It will go over to the Calendar under Rule IX, at the request of the Senator from North Carolina.

The bill (S. 1752) to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance, was announced as the next business in order on the Calendar.

Mr. OVERMAN. I do not see why we should reimburse a postmaster for money expended for clerk hire. What right has a postmaster to employ clerks unless he has authority from the Postmaster-General?

Mr. LODGE. That is all stated in the report.

Mr. OVERMAN. If there is any explanation for it, I should like to hear it.

Mr. LODGE. I suggest that the report be read. I think those bills are all right. Unless the Senator from North Carolina has a particular objection to the bill previously passed over, let the report in that case be read.

Mr. OVERMAN. I have no particular objection to the bill, but I want to know the facts in the case.

Mr. LODGE. I have no interest whatever in the bills, but I suggest that the report in the case of Anna B. Moore be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read the report, submitted by Mr. PENROSE February 21, 1908, as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1751) to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Post-Office Department, as will appear by the following letter:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 4, 1908.

MY DEAR SENATOR: In reply to your letter of the 29th ultimo relative to the merits of Senate bill 1751, "to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance," I beg leave to quote from a letter addressed to you by my predecessor under date of January 26, 1907, in answer to yours of January 19, 1907, inclosing a copy of Senate bill 7922 of the same title, introduced in the second session of the Fifty-ninth Congress:

"The post-office at Rhyolite was established in June, 1905, and owing to the rapid increase in the receipts became Presidential on October 1, 1906. The $1,852 claimed by Mrs. Moore represents the amount paid by her for clerical assistance from September 1, 1905, to June 30, 1906, while the office was of the fourth class.

"Under date of October 20, 1905, the postmaster applied to the Department for an allowance effective October 1, 1905, sufficient to enable her to employ one clerk. On January 10, 1906, she renewed her application, suggesting that the allowance be made effective November 1, 1905.

"The only appropriation available for the payment of clerical assistance at the Rhyolite office during the period mentioned was the appropriation for 'unusual business at third and fourth class post-offices.' The appropriation, however, was so far depleted at the time the postmaster at Rhyolite made an application for an allowance that the Department found it impracticable to allow but $30, effective April 1, 1906, to cover the months of April, May, and June, 1906.

"The conditions obtaining at Rhyolite during the nine months when the postmaster made the payments for which she asks reimbursement were extraordinary and the need for clerical assistance was undoubtedly an urgent one, and notwithstanding that the conditions at fourth-class offices are frequently such that the postmaster is obliged to use a portion of his or her own salary to maintain the service, it is hardly reasonable to expect that the postmaster at Rhyolite, whose compensation was derived from cancellations and could not exceed in amount $1,000 per annum, should employ assistance costing at the rate of not less than $4 per day, as was necessary, according to the correspondence on file in the Department, both from the postmaster and from the field representative of the Department whose station is in that section of the country. But it is difficult to determine the precise amount to which the postmaster is justly entitled. Inasmuch as the postmaster at no time during the nine months involved suggested the necessity for employing more than one clerk, and as late as May 25, 1906, mentions the fact that she had employed one since October, 1905, it is believed that the claim should be reduced to the equivalent of $4 per day from October 1, 1905, to June 30, 1906, which would amount to $1,092. This would be in addition to the $30 allowed by the Department for the quarter ended June 30, 1906.

"Therefore I am of the opinion that Mrs. Moore is entitled to relief as contemplated by the bill to the extent of $1,092."

It will be observed from the concluding paragraph of the above letter that this Department is of the opinion that Mrs. Moore is entitled to relief as contemplated to the extent of $1,092.

Faithfully, yours, G. V. L. MEYER.

Hon. BOISE PENROSE,
Chairman Committee on Post-Offices and Post-Roads.

Mr. LODGE. If the Senator from North Carolina has no further objection, I suggest that we return to the bill to which the report relates.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1751) to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1752) to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance. It proposes to pay the beneficiary $442.14 for the purpose stated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES A. RUSSELL.

The bill (S. 3848) for the relief of James A. Russell was considered as in Committee of the Whole. It proposes to pay to James A. Russell, for transporting the mail from New Smyrna to Indian River, Florida, from January 1 to March 31, 1861, the sum of $100.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASES OF PENSIONS TO CERTAIN PERSONS.

The bill (H. R. 598) granting an increase of pension to William Poor was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William Poor, late of Company C, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Noah E. Thornburgh, late of Company B, Fourth Regiment East Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen H. Sanborn, late of Company D, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Stidd, late of Company D, One hundred and twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah K. Adams, widow of Benjamin Adams, late of Company C, Thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Hiram L. Russell, late of Company I, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Fillmore, late of Company C, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew C. Gibson, late of Company L, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard F. Williams, late of United States ships Grampus, Great Western, and Rattler, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Carter, late of Company M, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Collins, late of Company C, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Lambert, late of Company A, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Spencer, late of Company A, First Regiment Michigan Volunteer Light Artillery, second lieutenant Company E, First Regiment Middle Tennessee Volunteer Cavalry, and Company K, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick J. Meyer, late of Company M, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore F. Ray, late of Company F, Seventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Henderson, late of Company G, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Mull, late of Company B, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Arnold Mattingly, late of Company D, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Pavey, late second lieutenant Company E, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mott V. Eames, late of Company H, One hundred and fifth Regiment Illinois Volunteer Infantry, and One hundred and forty-ninth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. H. Craver, late of Company A, Sixteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lee P. Garrett, late of Captain Jones's company, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Adams, late of Company B, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis L. Bingham, late of Company I, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. Paige, late of Company G, Ninth New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Leander M. Clark, late of Company A, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cyrus Chapin, late of Company E, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David D. Reese, late of Company L, Third Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amos B. Batchelder, late of Company D, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Bates, late of Captain Gilbreath's company Alabama Scouts and Guides, and pay him a pension at the rate of $8 per month.

The name of Patrick Fitzgerald, late of Company A, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Milton M. Orton, late of Company I, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Becking,, widow of Julius Becking, late of Company D, Eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of Henry Julius, late of Company C, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Andrews, late of Company A, Purnell Legion, Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anna E. Lucas, widow of Simeon S. Lucas, late of Company F, First Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The name of Elkanah A. Richards, late of Company F, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willet Shottenkirk, late of Company C, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Marcus A. Stephenson, late of Company B, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Greenlee, late of Company B, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah Miller, widow of Jacob Miller, late of Company A, Ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Thomas Casey, late of U. S. S. Mattahasset, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Matilda C. Carruth, widow of William W. Carruth, late captain Sixth Independent Battery Massachusetts Volunteer Light Artillery, and captain and assistant adjutant-general, United States Volunteers, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Swen Dahlberg, late of Company D, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Belville, late of Company M, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David W. Conrath, late of Company D, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 dollars per month in lieu of that he is now receiving.

The name of Peter Leonard, late of Company G, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Clark, late of Company D, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward A. Tomlin, late of Company D, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Daly, late of Company D, First Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William F. Carter, late of Company K, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William E. Cox, late of Company B, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jennings Branham, late first lieutenant Company H, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary H. Christian, widow of William H. Christian, late colonel Twenty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Walter C. Knight, late of Company C, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John V. Larrimer, late of Company F, Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jeremiah Haley, late of Company E, Seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah J. Jones, widow of Uriah Jones, late of Company F, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of William Jones, helpless and dependent child of said Uriah Jones, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah J. Jones the name of said William Jones shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah J. Jones.

The name of Thomas B. Aber, late of Company F, Sixth Regiment Pennsylvania Volunteer Cavalry, and Company F, Second Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Martin, late of Company D, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Maria Green, widow of John W. Green, late of Company I, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Sophia Conlon, widow of Thomas Conlon, late of Company F, Eightieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month, and $2 per month additional for each of the two minor children of said soldier until they shall attain the age of 16 years.

The name of Francis O. Vandersluis, late of Company L, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nicodemus D. Henry, late of Company E, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Tannery, late of Company B, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Austin Green, late of Company H, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bridget D. Farrell, widow of John Farrell, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Patrick H. Fern, late of Company I, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Winslow H. Furrows, late of Company H, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin B. Brininger, late of Company G, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William H. Clark, late of Company K, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theresa M. Randall, widow of Asa B. Randall, late chaplain Fifty-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Eliza J. McPherson, widow of Allan McPherson, late of Company F, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of William S. Aukerman, late of Company K, Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Eastman, late of Company D, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Minick, late of Company A, First Regiment Pennsylvania Volunteer Cavalry, and Company E, Second Regiment

Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles C. Gage, late of Company I, Thirty-third Regiment New York Volunteer Infantry, and of Company H, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Lewis, late of Company A, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Teeling, late of Company K, Second Regiment Maine Volunteer Infantry, and U. S. S. Vermont and North Carolina, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jose M. Jaramillo, late of Company E, First Regiment New Mexico Volunteer Cavalry, and Company D, Battalion New Mexico Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Clendenin, widow of Frank Clendenin, late major, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Elisha H. Colburn, alias William H. Lowry, late of Company A, Third Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry D. Lewis, late of Company H, Fifteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry R. Darst, late of Company A, Eighty-sixth Regiment, and Company G, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Joseph W. King, late of Company I, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Richard W. Jones, late of Company D, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane E. Chapel, widow of John L. Chapel, late assistant surgeon, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of George H. Williams, late of Company E, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clark Kelly, late of Company E, Seventh Regiment West Virginia Volunteer Infantry, and Company E, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles S. Baker, late of Companies B and E, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Leabo, late of Company H, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Lamountain, late of Company B, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Julia Burns, widow of James Burns, late of Company A, Sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Lodema Cooley, widow of Levi Cooley, late of Company F, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of William A. Barnes, late of Company K, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew Balbach, late of Company H, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Ricketts, widow of Abner C. Ricketts, late of Company H, Eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Nellie P. Coyle, widow of George R. Coyle, late of Company A, Fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of James Brown, late of Company E, Twentieth Regiment Michigan Volunteer Infantry, and Fifty-first Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fred B. Bowman, late of Company C, Seventy-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gustavus A. Dwelly, late of Company F, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel H. Chambers, late of Company G, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Truman H. Baldwin, late of Company D, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen Loranger, late of Company E, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick McGrain, late of Company F, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin L. Haynes, late of Company K, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaiah Smith, late of Company D, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Helper, late of Company I, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and Second Battalion (unassigned) Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Sennet, late of Company A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rufus Lucore, late unassigned, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Bean, late of Company K, Twenty-eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles P. Jeannin, late of Company G, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 month in lieu of that he is now receiving.

The name of Albert W. Parker, late of Company G, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas P. Clark, late of Company G, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles M. Curtess, late of Company H, Thirty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Zelotus J. Stewart, late of Company F, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram A. McDonald, late of Company H, and second lieutenant Company D, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph W. Peirce, late second lieutenant Company K, Forty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Myers, late of Company H, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas D. Scott, late of Company D, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Bering, late major, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Calvin A. Eason, late of Company I, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ely E. Baker, late of Company I, Eighty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Doyle, late of United States Marine Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Baldwin Cann, late first lieutenant Company A, Fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Day Wheller, late of Companies D and B, Eighth Regiment Missouri Volunteer Infantry, and second lieutenant Company G, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane M. Buchanan, helpless and dependent daughter of Royal D. Buchanan, late of Company D, Twentieth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George Aschemoor, late of Company B, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel W. Tobey, late of Company B, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey D. McCormick, late of Company A, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Aaron T. Dooley, late of Company C, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Abram G. Spellman, late of Company E, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Fletcher, late of Company E, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Armand Dufloo, late assistant surgeon, Seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isabel Seaman, widow of Noah Seaman, late of Company B, Enfans Perdu's independent battalion New York Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of Samuel N. Dickerman, late of Eleventh Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Preuitt, widow of Valentine Preuitt, late captain Company M, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Luthis B. Delman, alias Lawson R. Lane, late second lieutenant Company K, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adam Emge, late of Company G, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew H. Hazlett, late first lieutenant Company G, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles M. Hobbs, late of Company M, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli S. Dunklee, late of Company G, Fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Cook, widow of Benjamin Cook, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, and Company A, Eighteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Jacob Mercer, late of Company C, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Pratt, late of Company K, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Redeker, late of Company H, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Kresge, late of Company G, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and Company C, Third Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James E. Hoisington, late of Company E, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles B. Love, late of Company G, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Morris Hayes, late of Company K, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rosamond Ensley, widow of Allen Ensley, late of Company F, Second Regiment California Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of William S. Kidder, late of Company I, Seventh Regiment California Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Horace E. Adams, late of Company H, Forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Mathis, late of Company M, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James T. Thrasher, late of Company G, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John R. Bevilheimer, late of Company K, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Berry May, late of Company E, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas W. Quine, late of Company E, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Lytle, late of Company A, One hundred and thirty-fifth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Walker, late of Company A, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. Kenyon, late first lieutenant Company G, Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore Schaeffer, late captain Company F, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Hollander, late of Company I, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Matthias Dye, late of Company B, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Fetters, late of Company E, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James McDowell, late of Company D, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Rupert, late of Company A, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Earl Henry Cooper, late of Company H, Fifth Regiment, and Company M, Eleventh Regiment, Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Burton Walters, helpless and dependent son of Borda Walters, late of Company K, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of James W. King, late of Company K, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Mayes, late of band, First Brigade, First Division, Seventeenth Army Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George C. Gutelius, late of Company E, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Isett, late of Company C, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Peter Weatherby, late major, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Hicks, late of Company C, Second Regiment East Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harriet B. Nichols, widow of Henry C. Nichols, late captain Company E, Seventy-third Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Thomas H. Addison, late of Company A, Twenty-third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert S. Clark, late of Company C, One hundred and thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Catharine E. Koontz, widow of Thomas E. Koontz, late of Company H, Sixth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John S. Barr, late of Company A, Second Regiment, subsequently Fourth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James C. Vorhes, late of Company A, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert A. Hodges, late of Company A, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Berry, late of Company H, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Caroline H. G. Dralle, widow of John H. W. Dralle, alias John Dralle, late of Company I, Twentieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Patrick J. O'Brien, late of Company K, Sixty-ninth Regiment New York State Militia Infantry, and pay him a pension at the rate of $12 per month.

The name of Milton Kinder, late of Company K, Sixtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George B. Follett, late of Company G, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi B. Gaylord, late of Company C, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Maria Johnson, widow of William J. Johnson, late of Companies L and G, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of John Bear, late of Company D, Fifty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Horder, late of Company H, and principal musician, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Cowing, late of Company K, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Smyser, late of Company H, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anestatia C. Seiss, widow of John A. Seiss, late of Company B, Seventy-fourth Regiment Ohio Volunteer Infantry, and captain Company G, One hundred and fifty-fourth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Stephen Glanden, late of Company I, Sixth Regiment Missouri Volunteer Cavalry, and Company E, First Regiment New Orleans (Louisiana) Volunteer Infantry, and pay him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of William Guthrie, late of Company C, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wesley M. Niblock, late of Company F, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia A. Wilcoxon, widow of Samuel Wilcoxon, late of Company M, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $8 per month.

The name of Robert B. Thomas, late of U. S. S. Vermont and Fort Morgan, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. George, late of Company F, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Williams, widow of Amos C. Williams, late of Company C, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles Williams, helpless and dependent child of said Amos C. Williams, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary Williams the name of said Charles Williams shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary Williams.

The name of Henry Cash, late of Company A, Thirteenth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aurelia E. Willard, widow of George S. Willard, late of Company G, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Alice L. Willard, helpless and dependent child of said George S. Willard, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Aurelia E. Willard the name of said Alice L. Willard shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Aurelia E. Willard.

The name of John N. Moeller, late of Company A, Eighth Battalion District of Columbia Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Lydia E. Patterson, widow of John Patterson, late of Company E, Ninety-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Rolan M. Clark, late of Company D, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Fauciei, late of Company D, Fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Daniel J. Duffy, late of Company D, Ninth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph S. Pratt, late of Company G, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Hadfield, late of Company D, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Schofield, late of Company F, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth Gritzner, widow of Charles Gritzner, late of Company E, Twentieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $8 per month; the same to be paid to her under the rules of the Pension Bureau as to mode and time of payments, without any deductions or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Samuel A. Gettys, late of Company C, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William G. McConnell, late first lieutenant Company C, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Barney Stone, late of Company E, One hundred and eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Abram H. Brown, late unassigned, Twenty-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Jacob Glass, late of Company A, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Corydon S. Hickman, late of U. S. S. Clara Dolsen, Ouachita, and Great Western, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Stulen, late of Company G, Eleventh Regiment Pennsylvania Volunteer Infantry, and band, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Smith, late of Company I, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simeon S. Goodrich, late second principal musician Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi M. Briddell, late of Company I, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Philip Lutz, late of Company L, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Seneca R. Randall, late of Company I, One hundredth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Mitchell, late of Company A, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Smith H. Simpson, late captain Company I, First Regiment New Mexico Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Penord, late of Company G, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Madison, late of Company I, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eri B. Sabin, late of Company B, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and One hundred and forty-sixth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. McCUMBER. I move to strike out lines 11, 12, 13, and 14 on page 37. The reason for the amendment to the amendment is the death of the beneficiary.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors."

PUBLIC BUILDING AT LE MARS, IOWA.

Mr. SCOTT. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4833) to provide for the erection of a public building at Lemars, Iowa, to report it with amendments. I call the attention of the Senator from Iowa [Mr. ALLISON] to the bill.

Mr. ALLISON. I ask unanimous consent that the bill be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Public Buildings and Grounds were, in line 8, to strike out "Lemars" and insert "Le Mars" and at the end of the bill to insert:

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults and heating and ventilating apparatus, for the use and accommodation of the United States post-office at Le Mars, Iowa, the cost of same not to exceed $75,000. The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Le Mars, Iowa."

PUBLIC BUILDING AT OTTUMWA, IOWA.

Mr. SCOTT. From the Committee on Public Buildings and Grounds I report favorably the bill (S. 4832) to provide for the erection of a public building at Ottumwa, Iowa.

Mr. ALLISON. I ask unanimous consent that that bill may now be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to cause the United States post-office building at Ottumwa, Iowa, to be taken down and a new building to be erected on the site thereof, at a total cost to the Government complete not to exceed $225,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FORT DODGE, IOWA.

Mr. SCOTT. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5709) for extending, repairing, and improving the public building at Fort Dodge, Iowa, to report it favorably without amendment.

Mr. ALLISON. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury, upon the site now owned by the Government, at Fort Dodge, Iowa, to suitably extend, repair, and improve the present public building. The building, when completed, shall not exceed in the aggregate the sum of $130,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED PATENT LEGISLATION.

The bill (S. 3970) to revise and amend the statutes relating to patents was announced as next in order on the Calendar.

Mr. LODGE. I think this bill and the next one, being the bill (S. 3972) to amend section 4885 of the Revised Statutes, should go over. The Senator in charge of them is not here, and they are very elaborate, complicated measures relating to the patent laws.

The VICE-PRESIDENT. At the request of the Senator from Massachusetts, the bills referred to by him will be passed over.

S. R. GREEN.

The bill (S. 212) to reimburse S. R. Green, postmaster of Oregon City, Oreg., for moneys lost by burglary, was considered as in Committee of the Whole. It proposes to repay to S. R. Green, postmaster at Oregon City, Oreg., $206.40, to reimburse him for key-deposit funds lost by burglary.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS TO CERTAIN PERSONS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5255) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, which were, on page 2, to strike out lines 11 to 14, inclusive; on page 3, to strike out lines 9 to 13, inclusive; on page 4, line 11, after the word "volunteers," to insert "war with Mexico;" on page 5, to strike out lines 10 to 13, inclusive; on page 5, to strike out lines 18 to 20, inclusive.

Mr. McCUMBER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate the amendment

of the House to the bill (S. 5110) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors, which was, on page 14, line 22, to strike out "thirty" and insert "forty."

Mr. McCUMBER. I move that the Senate concur in the amendment.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4376) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors, which was, on page 12, to strike out lines 11 to 14, inclusive.

Mr. McCUMBER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

RECLAMATION OF SWAMP AND OVERFLOWED LANDS.

The bill (S. 4855) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes, was announced as next in order on the Calendar.

Mr. TELLER. That is a pretty important bill. It involves some questions that I think ought to be discussed.

Mr. LODGE. The bill should be passed over.

Mr. FLINT. It seems to me if one would be kind enough to read the report there certainly could not be any objection to such a meritorious measure.

Mr. TELLER. It is a bill dealing with the public lands of the several States. It establishes a new principle. It may be a proper one; I do not mean now to say that it is not; but for that reason I do not believe it can ever be considered under the five-minute rule.

Mr. LODGE. I think it is rather a large bill to be considered by unanimous consent.

Mr. TELLER. I think it will present some constitutional difficulties. At all events, it can not be properly considered under the eighth rule. Therefore I object. Let it go to the Calendar under Rule IX.

Mr. FLINT. I ask the Senator to let the bill retain its place on the Calendar.

Mr. TELLER. No; I do not want to discuss it under the eighth rule. I want it to be where it can be properly discussed.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX at the request of the Senator from Colorado.

PUBLIC BUILDING AT APPLETON, WIS.

Mr. STEPHENSON. I ask the Senate to take up the bill (S. 2317) for the erection of a public building at Appleton, Wis.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, on page 1, line 12, before the word "thousand," to strike out "one hundred" and insert "seventy-five," and in the same line, after the word "dollars," to strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected on a site already purchased by the Government a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Appleton and State of Wisconsin, the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $75,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. Let us have the regular order.

The VICE-PRESIDENT. The Senator from Massachusetts demands the regular order.

DAM ACROSS CHOCTAWHATCHEE RIVER, ALABAMA.

The bill (H. R. 6195) to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGISTRATION OF TRADE-MARKS.

Mr. LODGE. The next three bills on the Calendar are the bill (S. 3973) to amend the laws of the United States relating to registration of trade-marks; the bill (S. 3971) to amend section 4896 of the Revised Statutes, and the bill (S. 3969) to amend the laws of the United States relating to the registration of trade-marks.

These are very important bills, and they can be passed over. The Senator in charge of them is absent. I ask that they may go over without prejudice.

The VICE-PRESIDENT. The bills will go over without prejudice.

LANDS IN OTOE AND MISSOURIA RESERVATION.

The bill (S. 5212) to authorize the Secretary of the Interior to convey by fee-simple patent certain lands in the Otoe and Missouria Reservation, Okla., to the Society of Friends was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMPLOYMENT OF CHILD LABOR IN THE DISTRICT OF COLUMBIA.

The bill (S. 4812) to regulate the employment of child labor in the District of Columbia was announced as next in order.

Mr. NELSON. Let the bill go over under Rule IX.

Mr. GALLINGER. I trust the Senator will not insist upon that.

Mr. NELSON. I think it is a bill too important to pass by unanimous consent.

Mr. GALLINGER. Let it retain its place.

Mr. NELSON. Very well; that is all right.

The VICE-PRESIDENT. The bill will go over, retaining its place.

Mr. GALLINGER. I will suggest if it shall become necessary to move in the near future to take up the bill for consideration I shall make such a motion. I think it is very important legislation, and we ought to consider it.

The VICE-PRESIDENT. The bill will go over without prejudice.

Mr. NELSON. I wish to say that I am not opposed to the bill. I desire certain amendments made, which I think ought to be made to it. I want to protect newsboys, particularly.

Mr. BEVERIDGE. I wish to state to the Senator from New Hampshire at this time that I trust he will not ask for the consideration of the bill during my absence, if that will be convenient to the Senator.

Mr. GALLINGER. I shall certainly not do so, Mr. President, but I will venture to make the suggestion that I trust the Senator from Indiana will not embarrass it by offering the amendment he did last year, which was so broad that I am sure it will defeat the purpose of those of us who desire this legislation.

Mr. BEVERIDGE. I do not think I can agree with the Senator's view. I do not see that the opportunity to vote on any amendment would embarrass the measure itself. However, that is a question we can discuss when the matter comes up.

The VICE-PRESIDENT. The bill will go over.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. McLAURIN. As I came into the Chamber a few moments ago, I thought I heard something said about the bill (S. 48) to reimburse depositors of the late Freedman's Savings and Trust Company, and I understood that the bill went over under Rule IX.

The VICE-PRESIDENT. It retains its place on the Calendar.

Mr. McLAURIN. Under the order, retaining its place on the Calendar, will it be debated under the five-minute rule?

The VICE-PRESIDENT. Yes; under Rule VIII.

Mr. McLAURIN. If it is not too late to object, I wish to object. I do not think the bill ought to be limited to five minutes debate.

The VICE-PRESIDENT. The bill went to the Calendar under Rule IX. Then at the request of a Senator it was restored to its place on the Calendar under Rule VIII, and if it comes up for consideration under Rule VIII it can only be debated under the five-minute rule.

Mr. McLAURIN. If it is not too late, I object to its being restored to the Calendar under Rule VIII.

The VICE-PRESIDENT. The Chair would state to the Senator that by consent, of course, there can be longer debate than five minutes under Rule VIII, but by the strict terms of the rule debate is limited to five minutes.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Massachusetts.

Mr. McLAURIN. Certainly.

Mr. LODGE. I was only going to say that the bill was retained on the Calendar under Rule VIII at the request of the Senator from California [Mr. FLINT], who is not now in the Chamber, and of course the Senator can send it to the Calendar under Rule IX, whenever it comes up, by a single objection.

Mr. McLAURIN. With that understanding, I make no further objection to it now.

The VICE-PRESIDENT. The next bill on the Calendar will be stated.

PAYMENTS IN LAND ENTRIES.

The bill (H. R. 15660) to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws was announced as next in order.

Mr. CULBERSON. That seems to be a very important bill. I ask that it may go over. I do not insist that it shall go to the Calendar under Rule IX particularly, but——

Mr. CLARK of Wyoming. I will say to the Senator that it is a very important bill, and the explanation of it is very simple and very short.

Mr. CULBERSON. I notice that it gives almost unlimited authority to the Secretary of the Interior for refunding money in certain cases.

Mr. CLARK of Wyoming. No; I will state what is the situation, if the Senator will allow me before formal objection is made.

Up to a short time ago payments made for lands, erroneously or otherwise, until the final adjudication of them in the General Land Office, were retained in the local offices. When it was found that moneys had been erroneously paid, without fraud upon the part of the entrymen, the moneys were then in a position where they could be repaid to the entryman.

The accumulation of these moneys in the hands of the local officers became so great that their bonds would not protect the amount. So a new practice was inaugurated—that of turning the money into the Treasury of the United States. There is no way now by which a man who has paid an excessive amount or an amount through error in the Land Office itself, can recover the money, nor can the Secretary of the Interior refund it, except by special act of Congress. The bill is to cover those cases, and only those cases. There is a very short letter from the Secretary of the Interior covering the matter. It is in the House report, if the Senator will care to have it read.

Mr. CULBERSON. There is no report accompanying the bill. I should like to look into it further. I insist that it shall go over.

Mr. CLARK of Wyoming. I have no objection, if the Senator desires to examine it further.

The VICE-PRESIDENT. The bill will go over without prejudice.

MINING TECHNOLOGY BRANCH.

Mr. DICK. I ask the consent of the Senator for the restoration to its place on the Calendar of the joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey.

The VICE-PRESIDENT. The Senator from Ohio asks that Senate joint resolution No. 35 be restored to its place on the Calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

Mr. LODGE. Who asked to have the joint resolution go over under Rule IX.

Mr. DICK. The senior Senator from Colorado [Mr. TELLER].

Mr. LODGE. He is in his seat.

MEMORIAL TO JOHN WESLEY POWELL.

The bill (S. 4469) for the erection of a memorial to John Wesley Powell was considered as in Committee of the Whole. It provides that there shall be erected on the brink of the Grand Canyon, in the Grand Canyon Forest Reserve, in Arizona, a memorial to the late John Wesley Powell, in recognition of his distinguished public services as a soldier, explorer, and administrator of Government scientific work; and appropriates for the purpose of procuring and erecting said memorial, with a suitable pedestal if necessary, $5,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE BUILDING IN BEATRICE, NEBR.

The bill (S. 1073) to authorize the extension and enlargement of the post-office building in the city of Beatrice, Nebr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 7, before the word "thousand," to strike out "seventy-five" and insert "fifty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the post-office building in the city of Beatrice, Nebr., to be extended and enlarged at a total cost to the United States of not to exceed $50,000, including all necessary changes in, additions thereto, alterations of, and repairs to the present building, and of the heating and plumbing systems therein, and drainage and approaches thereto, which may be incident to such extension and enlargement of said building.

SEC. 2. That the Secretary of the Treasury is authorized to enter into contracts within the limit of cost hereby fixed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIM OF FIRE INSURANCE COMPANIES.

The bill (S. 1368) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was announced as next in order.

Mr. CULBERSON. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Texas.

PUBLIC BUILDINGS IN GEORGIA.

Mr. CLAY. The next in order on the Calendar are the bill (S. 2736) to provide for the erection of a public building in the city of La Grange, Ga., and the bill (S. 2732) to provide for the erection of a public building in the city of Cordele, Ga. Let the bills be passed over for the present, retaining their places on the Calendar.

The VICE-PRESIDENT. The bills will be passed over without prejudice, retaining their places on the Calendar.

AMENDMENT OF NATIONAL BANKING LAWS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. ALDRICH. It was my purpose this morning to request the Senate to fix a time for taking a vote on the bill, but I was asked by the senior Senator from Wisconsin [Mr. LA FOLLETTE] yesterday, he having been ill for two weeks, to defer that request until later in the week. In compliance with his suggestion I do not make the proposition at this time, but give notice that I shall ask the continued consideration of the bill at an early day.

Mr. HEYBURN. Mr. President, I would suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Cullom	Hopkins	Rayner
Allison	Curtis	Johnston	Scott
Ankeny	Dick	Kean	Smith
Bacon	Dillingham	Knox	Smoot
Bankhead	Dixon	Lodge	Stephenson
Beveridge	Dolliver	McCreary	Stone
Bourne	Du Pont	McCumber	Sutherland
Brandegee	Elkins	McLaurin	Taylor
Briggs	Flint	Martin	Teller
Brown	Foster	Nelson	Tillman
Bulkeley	Frazier	Newlands	Warner
Burrows	Fulton	Nixon	Warren
Carter	Gallinger	Owen	Wetmore
Clark, Wyo.	Gamble	Overman	Whyte
Clarke, Ark.	Gore	Paynter	
Clay	Guggenheim	Perkins	
Culberson	Heyburn	Piles	

The VICE-PRESIDENT. Sixty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. McCUMBER. Mr. President, the disgrace of this age, in my opinion, is the inefficiency of our monetary system. The progress of the world during the last century has been phenomenal. It is keeping clearly within demonstrable facts to assert that we have progressed further during the last century than during the previous five hundred years of the world's history. Mechanical inventions and appliances have given us a new industrial and commercial world, while instantaneous communication, rapid transportation, and universal education have given us a new intellectual world. Progress along every line of human activity has forced a corresponding progress along every other line.

There is one important exception to this general progress. It can scarcely be said that our monetary system has shown any material improvement for several centuries. It certainly has not kept apace with advancement along industrial and commercial lines. Never having had a stable foundation—subject to great variations in its production, affected enormously by the balance of trade—there is, of course, some excuse for the failure of the circulating medium of the world to meet either the exigencies of trade or the demands of justice.

But the real wonder is that human ingenuity, with its phenomenal advancement along every other line of science, has never evolved a proper solution of the monetary question—has utterly failed to invent a new and reliable system, or to patch up the old one so as to make it work satisfactory results.

Mr. President, a currency that shrinks in its purchasing

value during every day of the year, and which during the last ten years of these prosperous times has depreciated at least 4 or 5 per cent annually, is not a fit currency for any civilized community.

We have been continually experimenting with the subject until we have demonstrated that many theories were pernicious and dangerous, but have never succeeded in approximating a perfect system. The knowledge gained has been of a negative value only. We have learned by experience what not to do, but have failed to learn what to do to maintain either financial safety or financial integrity.

It has always been preached to us that the great financiers of the country, as they are called, the great captains of industry, were better qualified to determine these intricate questions of finance than those of us who are said to be outside of its golden circle. But, Mr. President, if observation and the history of the last ten years count for anything, it has demonstrated that these great bankers and financiers have wandered further from the line of safety in their intense desire to get rich quickly than the ordinary business men of the country.

The reasons of this are quite apparent. We can no longer regard any one of these great banking institutions as a separate entity, operating entirely for its own exclusive benefit and that of its stockholders and to the exclusion of outside interests. Every year they are becoming more and more connected with industrial promoters and managers of large interests. The stockholders of other industries, the great commercial and transportation lines, are also stockholders of these great banks, and vice versa.

They are becoming so interwoven with other interests that they can no longer be said to be separate entities, but form a component part of one great whole.

They have used the banks to assist them in unloading their promoters' and their irrigated stock. The banks have given credit on these stocks on speculative values as such values have been upheld in the exchanges by the gambling instincts of the public or by the delusion that our abnormal prosperity of the past few years would continue without abatement.

We have had a most novel experience during the last few months, novel in that while heretofore monetary crises have been brought about by the distrust of the public culminating in that panicky sentiment which is always followed by a run on the banks; in the present instance the banks themselves have been panic-stricken while the public have shown most commendable common sense and forbearance.

The banks themselves have done everything in their power to invite discredit in the future, to create the very distrust which they have been in the habit of ardently denouncing. But so far they have failed to stampede the people. They have said to every depositor in the country, present and prospective: "Place your money with us and when times are easy and you do not need it it will be subject to your check, but when credit is bad and you do need it, you can not get it."

The banks, after having given a credit of about $10,000,000,000 on about $1,000,000,000 of available circulating medium, have been attempting by hoarding and by keeping their money within their vaults to secure an amount to pay off this entire indebtedness, assuming that one dollar would pay off the ten dollars of their indebtedness and forgetting that the only way that one dollar will ever pay ten dollars' liability is to keep that one dollar moving.

I sometimes become suspicious, Mr. President, of what we call "expert knowledge" upon any given subject under consideration, for the reason that the expert, in his close analysis of all the intricate questions which beset him, is too liable to forget all about the great governing principle which we can all understand and comprehend. So in the consideration of any subject, which by reason of its ramifications becomes exceedingly complex, I like to get hold of these great first principles which we can thoroughly and at all times understand, and to hold onto them. Our newspapers, during the critical period of our financial history of the last few months, made the demand—a demand that they have always made under like conditions—that we expand the volume of our circulating medium; in other words, that we debase the currency temporarily for the purpose of meeting an abnormal condition. They said that if we could increase the volume of our currency three or four hundred million dollars it would enable the great concerns to wipe out the debts which were demanding immediate payment; and when those debts were paid, the money could be again contracted and we could go on again in the old lines of business. Not having such a bill as is proposed here to help us out of that situation, the country was forced to adopt another mode of procedure, and this result was to be brought about by a very simple device: The Secretary of the Treasury, already having placed Government money to the extent of about $135,000,000 in the several banks of the United States, deposited about $60,000,000 more.

Then he proposed to issue $50,000,000 of 2 per cent interest-bearing bonds. The banks could then take $50,000,000 of this $60,000,000, which had already been deposited with them, purchase those bonds, and issue upon them a currency to the amount of $50,000,000. The Government would then again place back $40,000,000 out of this $50,000,000 which it received in the purchase of these bonds, and thus, without the expenditure of one single cent, the banks of the country would suddenly find themselves in the possession of $100,000,000, which they could loan at exceedingly remunerative rates of interest during those precarious times.

That such a scheme is unjust, everyone will admit; that it may have been the only safe remedy at that time we will concede, and excuse it upon that ground. In fact, I think it was the only remedy to prevent enormous losses to the people of the country, and that the whole country was not overwhelmed by a great financial catastrophe was without doubt due to the timely and energetic action of the Secretary of the Treasury.

These papers are, of course, correct in a sense. There is a money stringency whenever money ceases to move and whenever the day of payment of credit arrives, and the greater the amount of credit the greater the stringency. A man who has property worth $10,000 under ordinary circumstances, but who, in a period of eight or ten years of exceedingly prosperous times and good prices, has made that property net him 50 per cent more income than before and who has therefore placed an additional value of 50 per cent upon his property, has borrowed $15,000 upon it, can fully understand when that debt becomes due and conditions return to the normal and he must go back to the old normal income, that there is a stringency in the money market of the country. And he naturally thinks that if he can increase the quantity of money 50 per cent he may be able to liquidate without loss. That is just exactly the condition of the country to-day—an inflated valuation of our properties and too great an issuance of stock or bonds for the income-bearing value under normal conditions.

When we began to return to normal conditions the owners who, to a great extent, were speculators got caught with property on hand. They were unable to sell it to the public, and thereby spread the burden of loss over a larger number and trouble followed.

Mr. President, we are now again brought face to face with the arguments that were made in 1896. The followers of the Nebraska statesman declared that there was not enough money in circulation to do the business of the country. The followers of McKinley declared that there was not enough business in the country to keep the money in circulation. Bryan said: "We want more money, and then there will be work for all." McKinley said: "We want more work, and then there will be enough money for all. Without work the present volume of currency can not circulate." The two great parties went to battle upon that simple issue. The American people, in their good judgment, supported the McKinley principle, the sound-money principle, and that principle is just as sound to-day as it was twelve years ago.

I am opposed to any expansion of the currency of the country at any time of the year or under any conditions whatever, unless it be to save the country against some great catastrophe. There can be no such thing, Mr. President, as an expansion of our currency one month, or two months, or three months, or any other number of months without causing more or less injustice to some of the American people.

A few months ago the country was in an exceedingly prosperous condition. All of our mills were in operation; the manufacturers were receiving orders for goods beyond their capacity to fill them; our merchants were stocking up for a good winter's business, and money could be obtained in any of the banks of the United States at reasonable figures. There was enough money then, Mr. President, in the United States to do all of the business of this country. Then, suddenly following a run upon a single banking institution in the city of New York, every one of the leading banks of the country immediately closed its doors so far as performing the usual functions of a bank is concerned. They refused to pay out money which they had on deposit; they refused to make loans upon the very best security which could possibly be offered them; and we were immediately met with a cry for an increased currency to meet those conditions. The money available for circulation during that time was the greatest that it had ever been during all the previous years of our prosperity.

I want to call attention briefly to the conditions which are shown by the reports from the Treasury Department for the

last few months. On October 1, 1907, just prior to the panic, we had in circulation $2,812,133,694. That was a per capita circulation of $33.08. On December 1, when perhaps the panic was at its worst, we had in circulation $2,869,074,255, or a per capita of $33.63. On January 1 the amount was increased until it had reached $3,078,989,298, or $35.48 per capita. On February 1 it amounted to $3,094,362,699, or $35.65 per capita.

It will therefore be seen, Mr. President, that we have been increasing our volume of currency which is available for the business of the country during all this period. From October 1 to February 1, it increased $282,229,000, or more than one-half of the entire amount that it is proposed to increase the volume of currency under the Aldrich bill.

Mr. President, if that amount of the influx of money from abroad and from the Treasury of the United States was insufficient to relieve the industrial condition of this country, what hope have we in the proposition that adding $500,000,000 is going to seriously affect our industrial condition? It seems to me that it demonstrates one thing, and that is that the expanding of our currency does not expand the confidence of the public in American securities. As we are led by our argument to conclude that an expansion of currency is not the remedy, then we are led by the logic of that conclusion to infer that we will have to find some other means of getting our money into active circulation. It is but fair to say, however, for the author of this bill, that he does not pretend to claim that it will act as a tonic to our industrial conditions, but that it will meet an exigency in the matter of runs upon banks in a particularly precarious period, which may arise at some time in the future. For that particular purpose we might be inclined to support it. That would be the only basis in the world, it seems to me, upon which it could invite the support of anyone, namely, that it would prevent a worse condition, which might happen without it.

Due to the cause which I have mentioned, the closing of the banks to the ordinary business of the country, money ceased for a time to perform its functions, and the remedy of currency expansion was immediately proposed. In other words, it was proposed to increase the stock of money a sufficient amount to pay off pressing debts without the use of that which is now stagnant. The weakness of the proposition is that it does not propose a means of moving the stagnant currency. It is claimed that men are now being discharged from employment at the rate of a great many thousands a month and that by next spring there will be a quarter of a million laboring men out of employment, and all the money that we could put into the banks would not change those particular conditions.

That the scheme that was devised was unjust every thinking man must necessarily admit. That it was necessary under conditions as they then existed, Mr. President, we may well admit, and we excuse the action of the Secretary of the Treasury for that reason. I believe myself it was absolutely necessary, and I believe that the action of the Treasury Department—although I may have some doubts of its legality—saved this country from a great catastrophe. What we are now interested in is to find some means of avoiding a repetition of that particular result. We can not do it by expanding our currency.

Mr. President, I read a good many years ago that the Chinese Government, ascertaining that the poor people did not have enough money to buy the goods of the country, ascertaining that the goods, in other words, were too high and money too dear, concluded that they would issue some cheaper money. They thereupon issued iron money, instead of their old brass and silver coin. Immediately the prices of all goods rose to an amount equal to the issue. They made a second attempt, and again the prices of goods went up to meet the extra issue. They made a third attempt, and the prices of goods went up to the very skies; and when at last it required two Chinamen to carry enough money to buy soup for one, it was apparent that their particular scheme of relieving the country was not a successful one.

It will not be any better, Mr. President, in this country. We never seem to thoroughly impress ourselves with the lesson that it is the activity and not the bulk of money that pays debts; that a dollar that is stagnant pays nothing; that a dollar in active operation may pay ten dollars in a single day. When the whole American people become impressed with that simple proposition in finance and understand and thoroughly digest it, we will not have the clamor of the great press of the country, every time we have a financial flurry, for a debasement of the currency of the country.

I repeat, Mr. President, that there can be nothing but injustice result by adding to the circulating medium of the country suddenly and only for a few months. Other things being equal, the volume of money and the price of a commodity will always balance each other. There is as close a relation between the volume of the currency in the United States and the price of the great articles of commerce as there is between the water in two vessels so connected that the fluid may pass unobstructed from one to the other. One will always level itself exactly with the other. Cheaper methods of production and varying demands may, within this general law, advance or lessen the comparative values of specific articles, but will not change the rule as applicable to the commercial commodities of the country taken as a whole. This being true, our volume of currency ought to maintain an approximately fixed relation to something. That something must necessarily be either bulk of material property or population, and as bulk of property acquired and being acquired changes rapidly, varies greatly from year to year, and is out of all proportion to the number of individuals owning it, it follows that the nearest approach to a just, fair, and honest system of currency would be one whose increase in volume would keep exact pace with increase in population. The per capita available volume of currency should remain about stationary. If we compare the increase per capita, for instance, in the volume of the currency for the past ten years with the increase in the price of our commodities within that period, we will find that the one exactly balances the other. It may be that the price of the bare necessities of life have not kept pace with the advance in the volume of the currency per capita, but when we take into consideration all the things which advanced civilization produces for the people, and admitting that each one of us is entitled to his proportionate share according to his means of purchasing it, it will be found that the rule of equilibrium still holds good.

The bill which is now before the Senate, Mr. President, is in response to a strong demand over the entire country for an elastic currency. While I am not generally in favor of any elasticity in our currency, believing that such elasticity is absolutely pernicious, and almost as bad as an elastic conscience, nevertheless I can conceive that, if our monetary conditions are unchanged and if our industrial conditions are unchanged, there will necessarily arise a condition again that will demand that elasticity in order to prevent a great catastrophe to the country. For that single purpose, and that alone, and influenced somewhat, I may admit, by the universal demand of the people of the United States for an elastic currency, I am willing to vote for this bill, with some amendments which I think should be made for the purpose of answering the demand of the public and meeting those conditions if they shall arise.

The only excuse for a measure of this character, which necessarily carries with it an injustice, is that it will prevent a greater injustice. I want to impress upon the Senate the injustice of the expansion of our currency under any conditions. Who lose and who gain by the expansion? No matter whether it is for one month or whether it is for ten months, every payee of a contract based upon present values will necessarily lose by it.

It is safe to say, Mr. President, that every depositor in every savings bank in the country will lose by this expansion. It is also true that every man who pays for an insurance policy will necessarily lose by an expansion of our currency, and, in my humble opinion, the reason that the great insurance companies of the country have been able to maintain an unimpaired credit in the face of what the world understands to be, and what I think are, extravagances, and great extravagances in their conduct, is due to the fact that a twenty-year policy is paid in a 50-cent dollar, so far as its purchasing value is concerned. A dollar which ten years ago represented in the lowest channels of labor eight hours of the energy of one man with the spade or the pick will represent only half as many hours of the same expended energy to-day.

Who else suffers? Every laboring man necessarily suffers. The merchant and the manufacturer can change the price tag upon his goods overnight to meet any sudden expansion of our currency. The laboring man can secure a raise in his wages only after extreme and long-continued effort, and during the time that elapses between the sudden expansion of our currency, and the consequent rise in the price of all goods which he must purchase, and the raise of his wages he necessarily loses enormously.

The next man who loses, Mr. President, is the man who contracts in the present condition of the money market. If I agree to sell 1,000 bushels of wheat which I own, and which constitute my asset, to another for $1,000, which constitutes his particular asset, and then the Government comes in the very day that that sale is to be consummated and immediately dilutes his dollars so as to make them $1,500, can anyone deny that that has been a fraud upon me? All of the business conditions of the country are conditions of trade. If one-half of the American people agree during the next month to sell to the

other half $2,500,000,000 worth of property which, approximately, is the amount of the circulating medium of the United States and which is also approximately the amount that does pass from the one one-half to the other during a single month, that if you dilute that money $500,000,000 and make $3,000,000,000 out of $2,500,000,000, can any man say that has not operated as a fraud upon those who must accept that diluted money for their property?

It seems to me, Mr. President, that it is unjust that we should accept this bill unless upon such conditions that it will not be able to operate for more than from a month to two months during the year, so that our financial system may immediately get back to normal conditions.

Mr. President, what is the real cause of the panic we have had? What is the remedy? Admitting that financial crises are not due to the stringency of money, to what condition are they due? The answer is quite a simple one. They are due to the expansion of the values of all classes of American securities beyond their inherent value. That is the cause that is back of these panics, and back of that, you may say, is the weakness of our human nature—weakness in the matter of its overzealous desire to get rich without the expenditure of time or money. We can not remedy the defects and imperfections of human nature, but we can legislate so as to remedy the conditions upon which those peculiar characteristics may operate, and thereby prevent to a considerable extent the disastrous consequences which otherwise would naturally follow.

It is said that 90 per cent of all our business is done on credit, and it is truthfully said also that a proper confidence is absolutely essential for business credit. If we will consider the reverse of this—which proposition is equally true—that a proper credit is essential to the confidence of the people, we will have taken our first step, and a long step, toward remedying the conditions which we have had to meet during the last few months.

If A has invested in a manufacturing plant $100,000, and that plant has averaged him a net income over and above the expenses for say fifteen years, of $7,000, the plant and business will safely carry $100,000 of bonds, or in lieu of that $100,000 of stock. Any bank can safely give credit of 75 to 90 per cent of the face value of such stock or bonds. Whenever the bank desires to realize on this stock, if the debtor is unable to pay, there will be found thousands of persons who will be glad to take it at its face. But if the owner of this business during the last ten years of abnormally profitable times has increased the capital stock or the bonded indebtedness to $300,000, and 75 to 90 per cent credit is secured upon that, it can only be sold at an enormous sacrifice. Speculation, the efforts of promoters supported by the banks, may for a short time hold up speculative values, but sooner or later these values will reduce themselves to a level with earning capacity under ordinary conditions, and some one must lose. This is the present condition throughout the eastern portion of the country.

That is exactly the condition which resulted just previous to the panic in New York. Swollen securities could not be immediately sold. They were held by the banks, and the money had been used to float some great project. The securities which embarrassed the banks were not the good securities that have been selling at a fair price for years, because they have always brought, under normal conditions and even under these conditions, a fair sum; but it was that class of securities of which the public itself was suspicious. The public believed, and honestly believed, that these conditions could not continue indefinitely, and they were looking for this cramped condition when the time of the payment of credit should arrive, and those banks which were overloaded with those swollen stocks were unable to dispose of them, and the result we all know.

During these years of unexcelled prosperity we, as a people, have forgotten the one truth—that all excessive prosperity is abnormal and must come to an end. We have builded hopes upon the theory not only that this prosperity must continue, but that it must increase as well. We have issued stocks and bonds upon our lighting plants, our street railways, and other property two or three times in excess of the first cost, depending upon the prosperity of the public to make the business pay a dividend upon the excessive increase.

Mr. President, the most that can be said against these policies of the Government which have brought about a condition of speculation during the past ten years is that they have made the country too prosperous; that they have made it so prosperous that it has incited men to speculation; they have made it so prosperous that we have had a balance of trade of $500,000,000 a year in our favor, making $5,000,000,000 in the last ten years that have come from across the ocean and have been piled up on this side. It has filled the banks to overflowing. It has raised the value of all classes of property. It has infused the speculative spirit into all of our American citizens, and the result is that shrewd men, taking advantage of these conditions, have been able to amass mighty fortunes and to a certain extent to control many of the industries upon which the people of the United States are dependent.

Mr. President, we all know when things go wrong the first impulse is to place the blame on someone. So, when certain lines of business, some of whose methods had been rebuked by the President, were having trouble in securing credit, they naturally placed upon him the responsibility for their woes, forgetting that every thinking man in the country has for several years past been prophesying just such a condition when the day of payment of the immense credits should arrive and when there would be a halt in our enormously prosperous conditions.

Those who are against his policies declare that his acts and words have so destroyed confidence in American securities as to paralyze that credit so essential to business development and prosperity. There is no foundation whatever for this charge. That confidence has been shaken must be admitted. But the reasons are the well-known inflation of all values and the growing feeling that we are advancing at too rapid a pace for safety. Nor can we lose sight of the influence of lurid and sensational journalism upon which we have been fed for several years, publications which have exaggerated all the bad and minimized all the good in the great business concerns of the country.

There are many reasons outside of any assertions made by the President of the United States why the public are suspicious of the conditions as they exist to-day. One is the overvaluation of all property. The other is the sensational and the lurid articles that we have been fed on through the press of the country and the great magazines for the last six months.

When we place side by side the declarations of the President of the United States in his efforts to protect the business of the country against unlawful acts with his declarations in favor of the high character of our American securities and American business, we can but have a renewed faith in the industrial future of the United States. They who are opposed to that policy declare that it threatens to destroy the remunerative employment of capital. I want to undertake to refute that proposition by a single paragraph in the last message of the President to Congress, and every message has been replete with the same character of utterances. He says:

> In fixing the charges of our railroads, I believe that, considering the interests of the public alone, it is better to allow too liberal rather than too scanty earnings, for, otherwise, there is a grave danger that our railway development may not keep pace with the demand for transportation.

Is there anything there that threatens the remunerative employment of the railroads of the country if they should be placed more or less under Government control?

They say that his messages discredits the business of all our great exchanges. Let that same message answer again that proposition. He says:

> The great bulk of the business transacted on the exchanges is not only legitimate, but is necessary to the working of our modern industrial system, and extreme care would have to be taken not to interfere with this business in doing away with the "bucket-shop" type of operation.

Does not this answer that charge?

They say he attacks property and wealth. I answer that with another paragraph from the same message of the President. He says:

> Under no circumstances would we countenance attacks upon law-abiding property or do aught but condemn those who hold up rich men as being evil men because of their riches.

And further:

> Sweeping attacks upon all property, upon all men of means, without regard to whether they do well or ill, would sound the death knell of the Republic.

If the press of the country would give one-half of the attention and space to these great declarations of the Executive in favor of American securities and American finance and American business and industries that they give to the few words of condemnation against some of the evils, there would be little cause to complain of the utterances of the President of the United States.

Mr. President, we can not change human nature. It is doubtful whether the evil which is sought to be corrected by this very bill may not be accentuated by it. If the knowledge that there is $500,000,000 which can be drawn on at any time to meet any run upon banks will have a tendency to eliminate the timidity and the suspicion of holders of bank certificates or those having deposits in them, will not the same knowledge tend to give a new and effective support to the speculative

spirit which in time may consume the entire $500,000,000, and at the end of that time we find a demand for at least another $500,000,000?

I do not think there is any immediate danger of that, because I do not believe it is possible for us to continue times as prosperous as we have had them in the last ten years, and I believe there has been a lesson which will check speculation on the part of the American public. I also believe that before the time arrives to test the efficiency of this measure we will have probably found some means to deal not only with this everlasting overcapitalization, but also improve our general monetary system.

What is the remedy, then, against these panics? Mr. President, the remedy against panics and runs on financial institutions is the riddance of the country of these puffed and swollen securities. Every bond and every certificate of stock ought to represent approximate face value. But the question is asked, "How will we determine the value of property?" The answer is, "Just as any sensible business man would determine the value of any property, and that is on the basis of its net income." By that I mean its net income under ordinary conditions which may be determined by running over a number of years. The remedy therefore is for the Government of the United States, so far as lies within its power under the interstate-commerce clause of the Constitution, to control the stock issues and the bonds of every industry entering into interstate commerce, and when it has succeeded in eliminating all these overswollen bonds and stocks there will be but little left for the gambling instinct of the American public to act upon.

The Government should see to it that all stocks and bonds and all property that go into the exchanges should as near as possible represent face value. I do not believe in putting the commerce of the country into a strait-jacket, but I do believe in sufficient Government control to insure honesty and fair competition, and the securing of those two essentials—honesty and competition—should measure the extreme limit of governmental interference.

We are compelled to conclude that a remedy of business methods is the only real preventive against a recurrence of the conditions through which we have just passed. That we have not applied a remedy before is due to the one weakness of our dual form of government. The States have allowed the great corporations a free hand in overcapitalization and inflation. The Government will not allow a national bank to start on wind, nor to continue on water. The result is that bank stocks of the country are always regarded as good security; they do not go begging for customers. If anyone has a fear that Government control tends to limit profits, let the bank dividends of the country answer that fear. If I am correctly informed, the average dividend of all the banks for last year was about 13 per cent upon the stock of such banks.

Mr. President, before closing my argument on this bill I want to say just one word with respect to the suggestion that was made yesterday. The argument of the Senator from Michigan [Mr. SMITH] to me was the most startling. As I reduce it down to a simple proposition it means this, that there was no objection to the Government of the United States providing for an emergency currency, but that in accepting securities and in determining what securities it would adopt, the Government should not take the very best possible securities. Why? Because by accepting them it would naturally discredit others that are not so good. I can not imagine how we are going to have a currency based upon other than bonds of the United States Government unless we base it upon the most safe and reliable securities in the United States.

For my part, instead of contracting the class of securities I believe we ought to expand it to the greatest possible extent. I would have no objection to basing it upon certificates for wheat, if it could be done, for the wheat has to be consumed; the world consumes all the grain that is raised, and it is pretty good security. The only trouble is that it is transient. It can not be kept. It passes out of existence at the end of the year. I would have no objection to cotton as security. The world has to have the cotton crop that is raised in the world during the year. The stability of the price of cotton, like grain, is pretty good, but I would not issue currency upon them, because you can not hold on to the property itself. It passes out of existence. I would have no objection to taking in any kind of bonds that would be long-running bonds and would have a fixed valuation in the markets of the country.

I can see no reason why we should not take in the Philippine bonds, which have been described by the Senator from Michigan. The interest on those bonds for thirty years, if I remember rightly, is guaranteed by the Government of the United States, and I can not imagine anything that would have a more stable value than bonds whose interest and income were provided for by the Government.

Now, why should we expand as far as possible the class of securities? Because we want to have those securities in such a condition that any bank can easily get hold of them. We want the class so broad that in times of stringency, when we draw upon the Government for an extra issue, we may have forthcoming immediately that upon which the issue must be based, and we can not afford to so contract and limit the class of securities that they can be controlled by a few banks of the country and the prices sent up to the skies just exactly at a time when we need them the most. Therefore the idea of expansion of the class of securities should be indulged in rather than the idea of contraction.

The Senator from Michigan [Mr. SMITH] says that the acceptance of these bonds for this purpose will have a tendency to give a black eye to or to discredit all other bonds of the same class. It will have a tendency, to a certain extent, to discredit every other kind of security. Any of us would sooner take any kind of security that the Government has placed its stamp upon and says is all right. We would naturally reach for such securities. It will affect all other securities. You and I, if we ever succeed in saving enough money to buy a bond of any kind, would naturally prefer to buy one that the Government has investigated and has said "it is good," without reference to whether it is a railroad bond or whether it is any other kind of a bond.

But I again call the attention of the Senator to the fact that there are six billions of railroad bonds in the United States, and the entire amount accepted could not be over 7 per cent of all the bonds in the country; and many of these railroad bonds may be in other countries. So it could not reach more than 7 per cent, and if half of the issue was based upon municipal bonds, then there would not be over 3½ per cent. I can not believe that accepting as good and putting in the vaults of the Government 3½ per cent of any class of securities is going seriously to affect all of the other 96½ per cent.

Let us admit, as the Senator from Michigan has said, that naturally it will enhance the value of those which the Government will accept. I would sooner accept a note which had been passed upon by a bank than one that I did not know, because I have confidence in the bank. But the fact that I would be compelled under the law to accept only those which a bank had passed upon I would not regard as being detrimental to the interest of other persons who desired to circulate their negotiable paper. It seems to me there is no great reason for fear along that line.

If I follow that a step further I find that about two years ago, if I remember aright, we made provision whereby the Secretary of the Treasury could accept these very bonds, bearing such and such interest and so forth, as a basis for deposits. I do not know whether he accepted any or not, but the fact is that the bill, as I remember in the bill—if I am mistaken I can be corrected—described the character of those securities, and it has not in the slightest degree given a black eye to other securities.

Another complaint is made; and this is a general complaint, I think, of the western banks. I want to say that the banks of my State have written me very little upon this subject. I do not know a single bank in the State which did not continue its business in its accustomed manner during all this time. I am aware that they tried to encourage depositors not to draw too heavily, but they never refused to cash a draft or check drawn upon them, and not a single bank closed its doors during all this time. I think for the most part they are practically satisfied with the present conditions.

But the western banks generally make this complaint, if I am properly informed. They say, "These securities, the municipal bonds and the bonds of railways, are in eastern banks, that eastern banks hold them, and they will not be available if we need them." There is not a single security that you and I would have any confidence in which is not exactly in the same condition. That is absolutely true of municipal bonds. All of the municipal bonds of the Northwest are sent to the East and sold. Nearly all of the railroad bonds are held in the East. We deal more in negotiable instruments in the West, and I do not believe our banks would ask to use those negotiable instruments for the basis of an issue of money. If not, what will they use? It forces them either to say they will have to adopt securities something like those that are mentioned in this bill or else they can not have any security whatever, unless they will go further and say they want a currency based upon assets. That is really what it means. So we are forced in either instance to go to the East for these particular securities.

There is another objection that I have to this bill——

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly.

Mr. NELSON. Will the Senator allow me to make a brief statement in connection with this matter of securities?

Mr. McCUMBER. With pleasure.

Mr. NELSON. I understand it is a fact that out of the one hundred and eighty-five or one hundred and ninety million dollars of outside bonds, not Government bonds, deposited for Government deposits during the recent year, about one hundred and sixty or one hundred and sixty-five millions were actually borrowed; that is, that the institutions which deposited them borrowed them from other institutions, mainly in New York City.

Mr. McCUMBER. Of course they will have to be borrowed anyway in the future. There would be nothing gained by these particular banks under this bill if they have to pay out currency for the bonds and then issue currency upon them.

Now, on the question of the priority of lien, I should like to ask the Senator from Rhode Island why this priority of lien is given to the Government over the depositors. Are we going to secure confidence on the part of the depositors of the country by lessening their security and making it subject to a prior lien? Why does the Government need a priority? The Government has it in its power to say, "I will take this bond or that bond. I will not issue more than 75 per cent upon this or 90 per cent upon the other bond." Then why should it come in and say, in addition to having the absolute control over what security it will accept, the poor man who deposits his money in the bank must be subordinated to the rights of the Government of the United States, which can afford to lose if there is going to be any loss whatever in the transaction?

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. Certainly.

Mr. BEVERIDGE. If the securities are as absolutely safe as the Senator from Rhode Island [Mr. ALDRICH] indicated yesterday, then giving a priority to the Government on those securities could not possibly hurt the depositor, could it?

Mr. McCUMBER. It could not, but the fellow who comes here from another country, and who has been at work and has earned a hundred dollars and put it in the bank will not understand and reason it out quite as fully as the Senator from Indiana. If he has knowledge that somebody else has a prior lien, he at least will understand naturally that that lien is better than his, and that he will be subordinated. So I believe if we are going to inspire confidence and if we do not need this priority, then certainly we should not ask it.

Mr. BEVERIDGE. The question of a prior lien then is a question of insuring confidence—a mental state—in the issue based on those bonds, is it not?

Mr. McCUMBER. No; I hardly think so.

Mr. BEVERIDGE. Wait a minute. If it is not, then there is no point to it.

Mr. McCUMBER. No.

Mr. BEVERIDGE. It brings us back to the point made by the Senator from Michigan yesterday, that it was not so much a matter of discrimination, as I understood him to say, but a question of the entire adequacy of those securities.

The Senator will remember that he pointed out that on account of many business conditions or political conditions there might be a great deal of difference in the value of these securities from year to year, and even though this does not imperil the currency issued upon it, because the credit of the whole Government is back of the currency, nevertheless it goes to the very question the Senator is raising now—the question of the confidence of this fellow from a foreign shore, not only in the bank in which he has his deposit, but in the securities on which the Government thinks it is necessary to have a prior lien in order to secure the currency issued upon it.

Mr. McCUMBER. The first proposition is that all would have confidence in the issue backed by the Government, whether there was one dollar of property to sustain it.

Mr. BEVERIDGE. Oh, Mr. President——

Mr. McCUMBER. We have confidence in that anyway, because the Government will take care of it. I am speaking as the average American citizen will look at it.

Mr. BEVERIDGE. I hope the Senator will not leave that last statement unmodified, because the Senator will see in a minute, if he leaves that statement unmodified, that any currency issued by the Government, regardless of security or whether it has any security, would have the confidence of the people. He at once is in favor of any issue of greenbacks or anything else, Treasury notes, without any security whatever, except the credit of the Government. I do not understand the Senator to take that position. If that proposition of the Senator is true, then, of course, all of this arrangement for securities for a currency issue is not only unnecessary but absurd, and we come back to the greenbacker's proposition of issuing any amount of money we want to issue simply upon the credit of the Government. So I hope the Senator will not leave that unmodified.

Mr. McCUMBER. I do not think I need to modify my statement in connection with the matter under discussion. I stated that the people of the United States would have confidence in the fact that this money issued for a temporary purpose—this money alone; issued for a temporary purpose, bearing such a rate of interest as to force it back into the hands of the Government, and thereby be destroyed—that the Government would take care of it, and that they would suffer no loss whatever, whether there was any security back of it or not. That is the proposition I desire to make.

Mr. SMITH. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Michigan?

Mr. McCUMBER. Certainly.

Mr. SMITH. I should like to ask the Senator if he thinks it would affect the purchasing power or the confidence in this emergency currency that we propose to issue if there was written across the face of each note as it left the engraver, "This note is secured by a railroad bond?"

Mr. McCUMBER. I do not, Mr. President. I am free to say I would put no more confidence in it, and I do not think any other American citizen would put more confidence in it than if it said, "This is emergency currency that has got to go back to the Government, and is issued only for the emergency, and the Government is back of it."

Mr. SMITH. Then it would make no difference, if I understand the Senator, if it were to be stated upon that note that it was redeemable by the street railway company of the city of Wichita, Kans.

Mr. McCUMBER. That is not the proposition, of course, but I do not care where it is redeemable, so that finally the Government redeems it. The Government is on a gold basis to-day. The American people understand that it is on a gold basis. They understand that every dollar that will be issued by the Government will be taken care of on a gold basis. That is all the confidence that they need.

Mr. HOPKINS. I desire to say to the Senator that the condition suggested by the Senator from Michigan can not arise for this reason. This currency is issued by the Government of the United States. The United States simply uses the banks as agencies in getting the currency out. The bill holder looks to the Government and not to a railroad out in Kansas or any other place. He takes this security and he knows it will be safe. In dealing with the note holder, it is a matter between the note holder and the Government.

Mr. SMITH. If the Senator from North Dakota will permit me——

Mr. McCUMBER. With pleasure.

Mr. SMITH. I did not intimate that this currency was to be redeemed by any corporation.

Mr. McCUMBER. I understood that the Senator put simply a supposable case.

Mr. SMITH. I wanted to see how far the Senator would go in relieving these circulating notes from actual security value.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. In just one moment. The Senator understands well that since the world began we have been educated to believe that gold is the basis of all values. That is almost an inherited belief by the people of the world. They have a confidence in gold that is superior to confidence in governments. They know that the gold is the same everywhere in the world and has like values. They know that nothing that is not based upon gold has an equivalent value anywhere else in the world. So if we go into such a broad subject as the basis of human confidence, we have finally got to get back to that simple proposition. But, subject to that, the people have confidence in any money issued by the Government of the United States, because they know that as long as the Government is on a gold basis that money will be as good as gold and interchangeable for gold. I now yield to the Senator from Indiana.

Mr. BEVERIDGE. I think the Senator made a very hazardous statement, of which I should like to hear from the Senator from Texas, when he said that gold was universally recognized as the sole standard of value. I understood that the Senators on that side of the Chamber but recently had different views on that subject, but I suppose they have changed.

The question I rose to ask the Senator is this: He said, in

answer to my question about confidence, that he was speaking directly as to the issue contemplated by this bill, and that the people would have confidence in an emergency currency which had the backing of the Government and was taxed, and so forth. Why would the people have more confidence in an emergency currency than in ordinary currency?

Mr. McCUMBER. They will not have any more confidence in an emergency currency than in any other.

Mr. BEVERIDGE. Then that takes away the Senator's limitation.

Mr. McCUMBER. They will have confidence in any currency issued by the Government of the United States so long as the Government is upon a gold basis.

Now, Mr. President, there is one other proposition——

Mr. SMITH. If it will not interrupt the Senator——

Mr. McCUMBER. Never at all. I am glad to be interrupted.

Mr. SMITH. The point I was seeking to make is that back of every twenty-dollar gold note there is $20 in gold, and back of every silver certificate there is the amount which pretends to carry on its face an equivalent.

Mr. McCUMBER. And back of every silver dollar which is back of that is gold again.

Mr. SMITH. Is supposed to be the gold again. Now, then, back of the greenback there is the fiat of the Government.

Mr. HOPKINS. There is $150,000,000 of gold reserve.

Mr. SMITH. The point I make is this: If the Senator can go so far as to say that he would merely deposit these railroad bonds without any reference to their market value and keep them there as security, then I say that the people who take the notes of the Government must take them upon the faith of the Government, and they are just about as well off without the security mentioned as they are with it.

Mr. McCUMBER. Certainly, Mr. President; the security is for the benefit of the Government.

Mr. BEVERIDGE. The Government is the people.

Mr. McCUMBER. But we differentiate between the people who make the deposits and the Government which backs the deposits. In this case we are taking these securities to protect the Government. The Government in its turn will protect the people. The Senator is indulging in a very violent presumption if he assumes that I have suggested that we should take any railroad stock without reference to its value. On the contrary, I want the very best of the railroad stock and the best of all other stock, and all the stock we can possibly get, so that it can not be cornered by any combination of capitalists.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. Certainly.

Mr. BACON. I hope the Senator from North Dakota will pardon me a moment if I ask the Senator from Michigan if he weighed his words when he said the greenback was supported simply by the fiat of the Government. The Senator used the word "fiat."

Mr. SMITH. Well, there is a goodly quantity of gold in reserve also.

Mr. BACON. The difference between a fiat issue and an issue payable upon demand is very great. If the Senator will pardon me a moment, as the Senator well knows, a fiat bill is one in which the Government stamps upon a note the declaration that that is a dollar, but when the Government makes a promise to pay and has $150,000,000 in the Treasury to make that promise good, it can not be said with any proper construction of the word "fiat" to be a fiat bill. There is no such issue by the Federal Government as a fiat bill.

Mr. SMITH. I meant to designate that character of note which stands merely upon the pledge of the Government to redeem it.

Mr. BEVERIDGE. In what?

Mr. SMITH. In the standard of value that the Government attempts to maintain, and that standard of value with us is gold.

Mr. BEVERIDGE. It might or it might not be. Taking the case of greenbacks, what was the promise to pay there? The United States promised to pay the bearer on demand $1, whatever the standard of value at that time might be. The Senator says it might be gold, or it might be something else.

In reference to the criticism of the Senator from Georgia of the Senator from Michigan, everybody understands perfectly well the common expression that the fiat of the Government was the term currently used with reference to the issue of greenbacks, but as a matter of fact it comes very nearly down to that because suppose we would issue $1,000,000,000 of greenbacks and had $150,000,000 to redeem those greenback promises to pay on demand. Of course there would not be any money to pay on demand. It would be practically upon the faith in the solidity of the Government that people took them, and the depreciation of those greenbacks would be measured precisely by the faith of the people in the ability of the Government to redeem them.

So the statement of the Senator from Michigan was not so far wrong after all as a practical matter, although it was incorrect from the very technical point of view.

Mr. BACON. Mr. President, I think the Senator from Michigan will be very greatly obliged to the Senator from Indiana for offering his assistance in this slight controversy which we have. Nevertheless, I stand to the proposition, and I think the Senator from Michigan has put himself in much better light than the explanation of the Senator from Indiana would put him in.

Mr. BEVERIDGE. If the Senator from Georgia, after having said that the greenback did not depend for its validity as currency merely upon the faith of the people in the Government to redeem it at its full value, is satisfied with that statement of what a greenback is, or what a promise to pay is, or what a demand note is, then I am satisfied the rest of the Senate is satisfied with the Senator's knowledge upon that subject, because the Senator certainly knows—when he thinks a moment or for half a minute—that if we issue an enormous amount of promises to pay and have only one hundred million or one hundred and fifty millions of gold to redeem them, their value as current money does depend upon the faith of the people in the Government to redeem them, and not in any securities at hand.

Mr. BACON. If the Senator from North Dakota will pardon me just a moment——

Mr. BEVERIDGE. As far as the Senator from Michigan is concerned, he does not need, I take it, the aid of the Senator from Georgia to thank me for any contribution I may make to this debate. The Senator from Georgia is in the habit of making universal contributions to debate, and no person criticises him for doing so.

Mr. BACON. I am satisfied the Senator from Michigan is so thoroughly grateful to the Senator from Indiana that no assistance from me in that regard is needed.

Mr. BEVERIDGE. Nor from anyone else.

Mr. BACON. I simply wish to say that upon calling the attention of the Senator from Michigan to his use of the word "fiat," which I thought was not exactly justified, the Senator made a response which I think set him entirely right. It was to the effect that he had used it in a general way, not intending that it should import what the word literally means, fiat; but the explanation and the apology of the Senator from Indiana puts the Senator from Michigan in an entirely different light, as justifying the use of the word as a correct word from the fact that there are not $346,000,000 of gold in the Treasury. Therefore the Senator from Indiana deduces the conclusion that it must be fiat.

Now, Mr. President, I state as a proposition, if I correctly understand the use of the word "fiat," that if there was not a dollar of gold in the Treasury, and if the Government of the United States were to issue $346,000,000 of promises to pay, it would still not be fiat. It would be promises to pay. Everybody knows what "fiat" means. It is a Latin word, which commands a certain thing shall be. Fiat, let it be. It is putting upon a piece of paper an inscription which shall constitute that as money. But whenever there is a promise to pay there is no command that it shall be money. There is simply a promise that upon presentation it will be redeemed, and even if that promise is not redeemed it will not be fiat money, and I do not understand that the Senator from Michigan intended it to be so understood.

Mr. SMITH. With the permission of the Senator from North Dakota, I will say that I used the word as I have qualified it advisedly, but I yield very gracefully to the technical construction of the Senator from Georgia, who is usually correct in his use of words.

Mr. McCUMBER. Mr. President, passing out of the kindergarten discussion of finance, I want to consider another proposition that is in this bill. It provides for an emergency currency. That emergency currency bears 6 per cent. The object of that currency is to be used only under grave and apprehensive conditions. It is assumed that that 6 per cent is sufficient to drive it back in a very short time. I am a little doubtful whether it will in some sections of the country. I can not conceive of its being very dangerous times or very close times when money will not demand more than 6 per cent.

Now, this is money in a certain sense. It is borrowed capital, to be sure—that is, borrowed for the purpose of loaning again to pay off debts. It is borrowed, then, from the Government at one-half of 1 per cent a month. It could be loaned out in my

State the year round at 8 and 9 and 10 per cent. It will be profitable for every bank in the State to hold that money and hold it the year round. If it gets out into that State under present conditions, and almost anywhere in the West, it would not be very quickly driven back and out of the channels of trade. Many bankers that I know are paying all the way from 4 to 6 per cent on certificates of deposits where they are held for one year. They can loan that money profitably above 6 per cent a year. So I fear that this money will not be soon driven out of the channels of trade, unless we place upon it a percentage that is so great that it could not afford to be used except in very extreme emergencies. I would not place the interest myself less than 8 or 10 per cent.

I am aware that in the old countries 5 per cent is sufficient to drive the currency back again whenever it is issued as an emergency, but I am aware, also, that the conditions of the Old World differ very materially from the conditions in this country. When you can not afford to pay 10 per cent during the time of an emergency, I do not believe that the conditions are so bad in any part of the country that we need to issue an emergency currency so as to make the money worth less than that.

The idea of this bill is to issue a currency which will get back and out of the channels of trade where it is disastrous to the value of money as soon as it is possible to drive it back, and I would not vote for it under any conditions if I believed that a dollar of it would stay longer than three months in circulation.

Mr. HOPKINS. I suggest to the Senator that that objection can be remedied by an increase each month. Under the bill it is one-half per cent per month. At the end of three months it can be made three-quarters of a cent, and at the end of six months 1 per cent. That certainly would drive it out of circulation.

Mr. McCUMBER. It would in time. I am certainly in favor of raising it by a gradual scale or in the first instance, so it can not stay out and debase all of the balance of the currency of the country.

Now, Mr. President, there is another method of preventing these raids upon the banks. There is another method of securing confidence. There is another method proposed of keeping every dollar of the currency in circulation. That is by a guaranty of all the deposits in our national banks. Is such a scheme feasible? Is it a hardship upon the banks themselves or upon the individuals? I know there is objection against this policy upon the ground that the Government ought not to guarantee private contracts. But I know many Senators who have objected to that feature have even voted in favor of the Government guaranteeing private contracts of very much less value to all the American people than that of securing bank deposits.

Let us take the Philippine railroad bonds. There is a guaranty of the payment of 4 per cent for thirty years, if I remember rightly. I did not vote for it myself, because I did not think it was right. We recount many instances in which the Government, for the benefit of the public, has guaranteed a private contract, and if it can guarantee it for a very few of the public without danger, I can see no reasonable objection to its guaranteeing that which would benefit every depositor in the country, abolish runs upon the banks, and at the same time cost the banks comparatively nothing.

Mr. NELSON. Will the Senator yield to me?

Mr. McCUMBER. I yield with pleasure.

Mr. NELSON. I desire to call the Senator's attention to the fact that the proposition is not to guarantee absolutely the depositors, but simply to provide a fund out of which those depositors are to be paid.

Mr. McCUMBER. It is the same thing, because in providing for a fund we provide a fund that will be sufficient, or which we believe will be absolutely sufficient to guarantee the deposit. So it does not make any difference whether it is done directly by the Government or whether it is indirectly done by a tax upon the banks.

Now, why can it not be done? What objection is there to it? What cost would it be to the banks themselves? What wonderful benefit it would be to the banks and to the business of the country, every thinking man must comprehend.

In October, 1907, there was $4,319,035,402 on deposit. Now, suppose that we tax the average yearly deposit of each bank one-thirtieth of 1 per cent. That certainly is a mere bagatelle; and it would produce $1,439,678 for a fund to guarantee the payment of all the deposits.

The annual loss by reason of runs on banks and from all other causes from 1865 to 1903 was an average of $851,000 per year. That is only one-fiftieth of 1 per cent of the entire amount of the deposits. The average deposit during this time was $1,281,147,136. The amount of loss during those years was one-sixtieth of 1 per cent of the entire bank deposits.

Now, remember, Mr. President, that if we secure these deposits we will eliminate that cause which has forced the banks into bankruptcy, the runs upon the banks, and which is probably responsible for at least four-fifths of all the failures. In other words, probably four-fifths of them would get out in some way if they were allowed to go on without having a raid made upon them. The expense is absolutely nothing when we consider the amount of benefit that will accrue from it.

What would be the effect upon our State banks, Mr. President? It would be disastrous unless every State would also guarantee the banks as well. My own belief is that it would be better for every one of the State banks to nationalize. To be sure, we have a great number of State banks with a capital of $10,000 and from that up to $15,000, and they could not nationalize without increasing their capital stock; but in case the State itself did not pass similar legislation for the protection of the depositors, which I believe it would do, they would have to nationalize in order to receive the deposits of the country. So that nothing would be lost in reality by the State banks.

There is another objection, Mr. President, that I have to the present law, and that is the provision in regard to reserve centers. From my study of the banking law I can not see anything that has been gained by adopting the system of great reserve centers.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. McCUMBER. With pleasure.

Mr. FULTON. Before the Senator from North Dakota leaves the subject of the guaranty of deposits I should like to ask him a question which has occurred to my mind. I understand the Senator favors a guaranty and would go further than the Senator from Minnesota (Mr. NELSON) proposed to go, who, as I understand, proposes to create a fund by a tax which he assumes, and is confident, will be a sufficient guaranty.

Mr. McCUMBER. I will say, in answer to that, so that we can understand each other, that it would make no difference to me whether the Government guaranteed it absolutely and then raised the tax to meet the guaranty, or whether it would fix a certain sum which would be assumed to be sufficient, because I believe the result would be absolutely the same.

Mr. FULTON. I am not certain but what that is a correct position, and I am not arguing against it. The question I want to ask the Senator is this: If he has thought, in view of the adoption of some proposition of that character, whether or not any provision should be made for requiring a new bank, which is just starting, to contribute more than the old banks have contributed? For instance, suppose that the law has been in operation for ten years and a fund has accumulated to which the existing banks have contributed and in which they have an interest. Now a new bank starts up. It has contributed nothing to the tax. Should there not be some provision that it shall in some way become responsible at once for its proportion of this guaranty fund of which it gets an equal benefit with those banks which have been contributing to it for years?

Mr. McCUMBER. Oh, Mr. President, undoubtedly a fair estimate could be made of the deposits for a single year, if that were necessary. It is assumed that the amount levied and collected, whether it is one-sixtieth of 1 per cent of the deposits or whether it is one one-hundredth of 1 per cent, would be sufficient for that year and that there would be no greater sum levied in any other year than experience would prove to be necessary for the losses of that year. Then the bank which is organized that year would only pay its proportionate share, which probably would be paid at the end of the year. It may be that it would not furnish its proportionate part for losses that occurred in the very beginning of that time, but it would be but one of the constituents of a composite whole, and, considering it in that light, it would be paying its proportion as it comes into existence.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. With pleasure.

Mr. SMOOT. I should like to ask the Senator if he does not think that the comparison he made between the Government guaranteeing the interest on the Philippine railroad bonds for thirty years and the Government guaranteeing the bank deposits was unhappy for the reason that the Government, in guaranteeing the interest on the Philippine railroad bonds, does

so after having passed specifically upon the work done upon the railroads, and knowing positively that the work had been done before they ever issued the bonds, but in the case of bank deposits anybody can go and deposit money in the banks, and the Government has no supervision over it whatever? I think the Senator's comparison in that respect is a very unhappy one.

Mr. McCUMBER. I thank the Senator for his suggestion. I think he did not consider his last statement, that the Government has no supervision over the banks, or he scarcely would have made it. I base my statement upon the proposition that the Government has supervision over the banks. The Government declares, in the first instance, that a bank can not start on wind and that it can not continue on water. It must have the actual money paid in, in the first instance, equivalent to the amount of the stock. It must then loan upon good security. The Government keeps its agents constantly out to see that a bank is doing business in a proper manner. Those agents may not always succeed in keeping the banks in a safe line of conduct, but, on the whole, they have a salutary effect. The Government can say to the bank, "The securities which you are holding for these notes are not good; they are not sufficient. By the next time that the bank examiner comes around we want you to call these loans in or to get some additional security. Your bank does not appear to be in the best condition." The Government can practically force the officials of the bank to keep it solvent at all times. It is under the control of the Government; it is a Government institution, in fact, and is run as much for the business of the people as it is for the interest of the stockholders themselves. The Government regards it as a quasi public corporation, as a part of the great machinery of the Government, and in passing upon its securities is interested in keeping it solvent.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. Certainly.

Mr. SMOOT. Mr. President, I certainly agree with the Senator from North Dakota that as to the supervision of the bank itself and the organization of it the Government has control. My statement, however, did not apply to that branch of the question. It had reference to the question of depositors. The Government has no supervision over the deposits of a bank. It can not say whether they shall be $1,000 or $100,000, or $10,000,000; but if it is going to guarantee the deposits, it would have to guarantee them whether the bank had $100,000 or $10,000,000 of deposits.

Mr. McCUMBER. It would make very little difference to the Government so long as the Government had control over the assets of the bank and the method of doing business by the bank. The Government, if it does its duty, can compel the bank to do business in a safe and conservative manner. If the Government officials do their entire duty, and if they are competent officials, it will compel them to do a safe and conservative business. Inasmuch as the tax, if levied, would be upon the total amount or the average amount of deposits throughout the year, the Government would be protecting itself upon the amount of deposits in every one of the banks.

But, Mr. President, I was stating something about abolishing these reserve centers. I have failed to see any good which has been accomplished by them. We require the country banks to keep in reserve 15 per cent of their deposits, and then we say that they can take about 7 per cent of that, or something like that, and deposit it in a reserve center, and that reserve center can deposit somewhere else. The result is that the money travels gradually to the great centers, and whenever they close down, the bank, which should have had 15 per cent of its currency available, is unable to get it. If the requirement of 15 per cent is too great, then we ought to modify the law and make it a less amount, but we ought to keep in the banks the amount which we consider necessary for protection and then allow them to deposit wherever they see fit.

Money will naturally go to the place which demands it. If the bank should be in my State, it would naturally deposit in the great cities of Minneapolis, St. Paul, Chicago, and New York, and it would keep deposited in those banks only a sufficient sum to answer the demands for the payment of checks and drafts which it might issue. Money will go naturally where it is demanded, and I believe it is far better to let it take its natural course than to attempt to steer it one way or another by reason of any law which we may place upon the statute book. For that reason, Mr. President, I myself believe that it would be better to entirely abolish the system of central reserve agents.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. McCUMBER. Certainly.

Mr. CARTER. Mr. President, I arise to inquire as to the Senator's understanding with reference to the amount necessary to meet the requirements upon this proposed guaranty fund. I understood the Senator to say that about $800,000 per annum on the average would have been adequate to meet the losses in national banks.

Mr. McCUMBER. As I understand, the losses to depositors during the years from 1865 to 1903.

Mr. CARTER. Now, Mr. President, in order to make this proposed guaranty fund at all efficient for the purpose of inspiring confidence and thus preventing runs on banks, it would obviously be necessary to provide an adequate fund, not to pay the ultimate losses, but to promptly pay all the depositors of a failed bank when the receiver is appointed. It is well known that the ascertainment of the loss frequently requires many years of patient liquidation and a realization upon the assets. The fund suggested by the Senator of $800,000 per annum would be so clearly inadequate that I think it necessary to place in the RECORD, with the Senator's permission, some of the figures which prove the fallacy of the position.

For instance, in 1897 the aggregate liability of the failed banks, disclosed by proved claims of depositors, amounted to $25,535,553—twenty-five millions and a half, in round numbers.

Now, Mr. President, an accumulated guaranty fund of less than $25,500,000 in 1897 would not have been adequate to meet the demands upon the fund. It is true that, after the lapse of some time and a process of liquidation, it was ascertained that the net loss to depositors finally was only $1,244,145. It is not, however, the $1,244,145 ultimate loss, but $25,000,000, the aggregate amount of the deposits, which would constitute the measure of the demand; because I assume it to be a fact which will not be controverted that if the depositor understands that if the bank fails he must wait for his money until all the assets are realized on, he will go to the bank and withdraw his deposit on the first scare just as he does to-day.

Mr. ALDRICH. Will the Senator permit me to interrupt him for one moment?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Rhode Island?

Mr. CARTER. Certainly; but I am speaking in the time of the Senator from North Dakota [Mr. McCUMBER].

Mr. ALDRICH. My impression is—and I think I am absolutely correct—that since the 1st of October banks in the United States have failed with deposits to the extent of $33,000,000. Eight hundred thousand dollars would certainly be a very inadequate sum with which to pay $33,000,000.

Mr. NELSON. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. Certainly.

Mr. NELSON. Will the Senator from Rhode Island [Mr. ALDRICH] please answer me this question: Supposing the depositors during the recent panic had been protected by such a fund, would they have withdrawn deposits to the amount that they were withdrawn?

Mr. ALDRICH. Mr. President, I think that $800,000 in a guaranty fund in any part of the United States would have been entirely inadequate for any purpose.

Mr. McCUMBER. If I may correct both Senators upon this proposition, I stated that the annual loss to depositors from 1865 to 1903, inclusive, was about $850,000, I think.

Mr. ALDRICH. That was after liquidation.

Mr. McCUMBER. That was after liquidation; and it would require only one-sixtieth of 1 per cent of the annual deposits in the United States to have made up that amount. I am not assuming, Mr. President, at all that the Government shall guarantee the immediate payment of all the deposits or that it shall guarantee them any further than the fund which for a given year will be available for that year, but I differ very much from the statement made by the Senator from Montana [Mr. CARTER] when he says that with a guaranty fund of $800,000 there would be exactly the same run upon the banks. The inclination is to trust the bank; the inclination is to trust it under almost any conditions, unless there are serious reasons that frighten depositors; and then, if they believe that there will be raised a fund sufficient ultimately—not immediately, but sufficient ultimately—to take care of their deposits, they will not be rushing to immediately get their money from the bank. That is my opinion, but it seems to differ from that of the Senator from Montana.

Mr. KNOX. I should like to inquire of the Senator from

North Dakota what degree of confidence does he imagine would be inspired in the owners of over $4,000,000,000 of deposits by the knowledge that there was $800,000 put up in any one year for their protection?

Mr. McCUMBER. I can answer that very briefly. No one man has got $4,000,000,000 of deposits.

Mr. KNOX. The question does not even suggest that.

Mr. McCUMBER. And a panic is not going to strike all of the people all over the United States at one time. In the recent flurry it did nearly do so; but ordinarily it is not going to affect all the banks, and, under the very worst conditions we have had, there was not one-tenth of 1 per cent of the banks that were compelled to go into liquidation.

Mr. KNOX. Is it not true that the proposed law is intended for all the people of the whole country, and that all the people of this country have over $4,000,000,000 in the national banks, and therefore all the people of the country who are depositors in national banks would be entitled to look to it as their guaranty fund?

Mr. McCUMBER. The Senator, to make his point applicable, must go on further and say that all of the people will naturally assume that all of the $4,000,000,000 will be a loss, and that all of the people will immediately get after that four billions of deposits, which is an assumption which, it seems to me, is so violent that we can scarcely indulge in it.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. McCUMBER. Certainly.

Mr. CARTER. I then understand the Senator from North Dakota to reply that the guaranty fund he has in contemplation would only be in sufficient proportions to pay the ultimate loss after all the assets of each and every bank had been subjected to the process of liquidation. In that I think he takes issue with the Senator from Minnesota [Mr. NELSON] and with every conception I have ever entertained of the adequacy and satisfactory character of any guaranty fund.

If the Senator will indulge me one moment further—I do not care, in his time, to take issue with his conclusion with reference to the soothing effect of a guaranty fund which promises to return a deficiency at an indefinite time in the future—according to my view, and I have given some little attention to this subject, a guaranty fund would only instill confidence in the minds of the people if it provided an adequate sum to promptly pay every depositor of a failed bank as soon as the balance due him could be ascertained; and thereupon the Government would become subrogated as trustee in the interest of this fund to the rights of the depositor.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Oregon?

Mr. CARTER. Certainly.

Mr. FULTON. Does the Senator from Montana think that the people throughout the country as a rule believe that they could all be paid all of their deposits in one day if they should demand them?

Mr. CARTER. Of course the Senator realizes that the law of average applies to the failure of banks as well as to the condition of human affairs generally.

Mr. FULTON. It is my conviction that the people have confidence in a bank in proportion as they believe it will be ultimately able to pay them their deposits whenever the funds of the bank shall be converted into cash. The depositors know very well that there is no bank that can pay off all of its deposits if they were demanded at once, but if the depositors know that security is behind the bank and that ultimately they will be paid, they will have confidence in that bank. They lose confidence only when they become convinced that a bank is so unsound that, if it were compelled to go into liquidation, they would not be paid in full.

Mr. CARTER. Mr. President, with the permission of the Senator from North Dakota [Mr. McCUMBER], I desire to take this time to explain something of my conception of what the guaranty fund should be.

To begin with, if the fund contained but $800,000 there would be, as the Senator from Pennsylvania [Mr. KNOX] suggests, such a mighty rush to grab this small sum that the ordinary run on a bank would pale into insignificance compared with the run on the fund.

Again, Mr. President, the establishment of a guaranty fund to be administered by the Government should be surrounded, according to my view, with such safeguards, not only in the way of additional examination—and probably this better examination we should have of the national banks on general principles—but the criminal statutes with reference to the administration of the affairs of the banks should be strengthened very materially.

Again, it seems to me that no guaranty should be extended under any condition to a bank engaged in fostering and aiding and abetting the wild speculative schemes in which we have noticed the banking fraternity embarking of late years. The main objection to the guaranty fund rests in this, to wit, that the solvent, conservative bankers of the country would be compelled to pay tribute for the purpose of giving stability to those less prudent, conservative, and able.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. Certainly.

Mr. NELSON. Whom does the Senator call the conservative and safe bankers of the country—the bankers in the city of New York?

Mr. CARTER. Mr. President, there are well-managed banks in all parts of the country. There are undoubtedly in the city of New York as well-conducted national banks as there are anywhere else in the country. There are, perhaps, national banks there chiefly devoting their capital to the work of a stock exchange. There are many other banks there devoting their attention to mercantile business, to the legitimate sphere of commercial activity to which the banking interests should mainly address themselves. No section of the country is free from the disposition to engage in speculative and wild-cat banking when the laws permit it. I should therefore say that before we could make this guaranty fund equitable, just, and generally applicable, it would be necessary to supplement the amendment by a very substantial addition of drastic criminal statute and by an additional inspection of the banks themselves.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Rhode Island?

Mr. CARTER. Certainly.

Mr, ALDRICH. I do not like to take the Senator's time unless he is willing.

Mr. CARTER. It is not my time.

Mr. McCUMBER. I am not being bothered at all.

Mr. ALDRICH. I should like to ask whether the Senator thinks that a fund of $800,000 would have deterred the depositors of the National Bank of Commerce, of Kansas City, Mo., with deposits of over $16,000,000, from starting a run upon that bank? Would the fact that there was somewhere a fund of $800,000 for all the banks of the United States have given confidence or prevented a run on a bank whose deposits were over $16,000,000, a fact which everybody knew?

Mr. CARTER. Mr. President, I do think that the guaranty fund, being adequate, would check the runs and go far toward preventing these periodical panics to which the country has been subjected for over seventy-five years—indeed, since the foundation of the Government itself.

Mr. FULTON. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Oregon?

Mr. CARTER. I yield, if the Senator from North Dakota will permit.

Mr. McCUMBER. I yield to both Senators.

Mr. FULTON. I thank the Senator for yielding. The Senator from Montana contends, as I understand him, that before this proposed guaranty fund can be made effective there must be certain statutes enacted for the protection of the depositors and to insure the proper conduct of the banks. The Senator does not think that such a contention argues against the wisdom of establishing a guaranty fund, does he?

Mr. CARTER. Mr. President, in order that the guaranty of deposits when made by the establishment of a fund may not become the basis of an abuse by reckless bankers, who would willfully and deliberately fortify themselves behind the public confidence established by the fund and abuse a trust, I think there ought to be a clearer way than now exists opened through the closed door of the failed bank to the penitentiary.

Mr. FULTON. I think we will all agree to that; but I contend that that does not argue against the wisdom of a guaranty fund properly surrounded and protected, as the Senator suggests.

Mr. CARTER. I think when the fund is properly surrounded and protected that it will be a benediction to the financial world.

I thank the Senator from North Dakota [Mr. McCUMBER] for the time he has allowed me to occupy.

Mr. McCUMBER. Mr. President, I believe there is $150,000,000 of gold in the reserve fund which stands as security for all the money now outstanding. There is a great deal more money outstanding than there is gold back of it. If a demand were made and granted that all of our other currency should be converted immediately into gold, there would not be gold enough to meet it, and the Treasury would of course go bankrupt. That is practically the argument that is made in this case.

There is no conceivable condition whereby there would be a run upon all of the banks practically at the same time. It is scarcely conceivable. With the right kind of banking laws there would be no such condition. With a guaranty fund there would be practically no such condition.

I stated that the losses annually from 1865 to 1903 were $850,000. Therefore if there had been levied upon the banks of the country a sufficient amount to have met all of those demands after the winding up of the banks it would have required only about $850,000. I stated further that one-thirtieth of 1 per cent of the annual deposits, as shown October 1, 1907, would have realized $1,439,678.

Confidence has always rested upon whether there is a belief that ultimately you will get out; that ultimately there will be no loss. The bank itself first obtains the confidence of its depositors. Under ordinary conditions of the country the character of the banks, its conservative method of doing business, and its known assets are a sufficient guaranty to induce the depositor to put his money there. He places it there for safety and convenience and for no other purpose in the world. He could just as well keep it home. He is willing to put it in the bank for safe-keeping. He relies under ordinary conditions on no guaranty other than the solvency of the bank. If, in addition to that, he knew there was a guaranty by a fund that was levied annually in a sufficient ratio to raise an adequate amount to meet all of the losses during that year, then I submit he would have confidence enough to leave his money there when he otherwise would not leave it, because of the question of ultimately getting his funds back. I admit if he thought that the bank was going to break he would not care to wait until its affairs could be closed up.

So that the fear that $850,000 is not sufficient to pay all the losses immediately and to meet the demands of all the depositors of the country, it seems to me, is very far-fetched indeed. The question is whether it will give confidence to the average depositor that he not only has the solvency of the bank to rely upon, but in addition he has this fund which will be left year after year to finally take care of all the deposits, and if he believes he will not be in a line of three or four thousand people waiting until his chance arrives to get at the vaults of the bank.

I believe such a provision would be of inestimable value. I believe we can guarantee that just as well as we can guarantee the issue that is made by the banks and for which we have the bonds of the Government itself.

The Senator from Montana says we will need a greater force and that we will have to change our laws. I do not see the necessity of changing a single law relative to bank inspection or bank control. We have laws enough now, we have force enough now, if the inspectors will do their whole duty, to keep every bank solvent.

That is all I desire to say on this question, Mr. President. I have taken considerably more time than I expected.

Mr. NEWLANDS. Mr. President, I shall detain the Senate but a few moments. Believing as I do that the recent crisis was due to a panic of bank depositors who feared that the banks were unsafe. I think our legislation should be directed to the protection of bank depositors rather than in the line of emergency currency.

CAPITAL AND RESERVES.

What does the protection of bank depositors involve? It involves adequate capital and sufficient reserves upon the part of the banks. People deposit money in bank for two purposes. One is safety; the other convenience. They think that the money will be more safely kept in the vaults of the bank than in their own pockets or in strong boxes, and then they consult their convenience, for the banks are made the clearing houses of their transactions. Obviously no person would deposit money in a bank if he knew that the only moneys the bank had were the depositors' moneys, and that they were to be loaned out upon time obligations, when the obligation of the bank is to respond at the call of the depositor.

Security is required, and that security should be in every case an average of at least 20 per cent in actual reserves, that proportion of the depositors' money being kept in the bank responsive to the call of the depositors; and the other security should be an ample and adequate capital of the bank itself. The proportion of the bank's capital to its outstanding loans should be the same as that of its reserves to its deposits. We all know that the loans of the banks in the aggregate are about equal to the deposits. So this would mean a bank reserve equal to 20 per cent of the deposits, and a capital equal to 20 per cent of the loans, or, in other words, that the banks should not be permitted to loan their depositors' money where those loans are more than five times the capital of the bank itself. In this way the depositors would have 40 per cent of protection—an average of 20 per cent in bank reserves, an average of 20 per cent in bank capital; and that constitutes safe banking.

Now, have we these precautionary limitations under the national-bank system? So far as concerns the capital we have no limitations. It is in the power of any national bank upon a limited capital of a million dollars to accept deposits of $50,000,000 and to loan out that money in the market upon time obligations. There should be a provision in the national banking law absolutely prohibiting a bank from loaning out more than five times the amount of the bank capital itself, and if it receives deposits in excess of five times the amount of the capital of the bank it should be compelled to keep such excess of deposits in its vaults responsive to the demands of the depositors. Of course, if we wish to be liberal, we might make the proportion of capital to loans 1 to 7 or 10, and even this would be an improvement on the existing status.

STATE BANKS.

Under the State banking laws in many States there is no adequate requirement as to either capital or reserves. Take the case of the Knickerbocker Trust Company, the fruitful cause of all this difficulty, a State institution, organized under the laws of the State of New York, with a banking capital of only $1,000,000 and a reserve of about the same amount, with deposits aggregating $50,000,000, fifty times the amount of its capital, fifty times probably the amount of its reserve. What security had the depositors there? When it became known that that company was in difficulty, when it became known that there was a run upon it, immediately everyone knew, notwithstanding its beautiful and expensive bank building, that it had an inadequate capital, just as it had an inadequate reserve.

We must, therefore, it seems to me, in order to make the national-bank act meet all the requirements of the case, so far as the security of the depositors is concerned, provide that the bank shall not loan its depositors' money except to an amount from five to ten times the amount of the capital of the bank, as the case may be. I myself believe that safe banking requires that they should not be permitted to loan more than five times the bank's capital; but if you should in liberality of spirit permit them to loan ten times you would give the depositors of the country a security now lacking under the law.

CAPITAL OF NATIONAL BANKS.

It is true that in the aggregate the bank capital of all the national banks is adequate. You take all the national banks and all the State banks, and the capital and surplus amount to about $3,000,000,000; the amount of commercial loans made by these banks aggregate $10,000,000,000, and they have deposits to about an equal amount. So in the aggregate the banks of the country have a capital as security for deposits to the extent of one-third of the bank deposits—ample in its requirements.

The difficulty with our system is that one bank may have a very large capital and another bank may have a minimized capital, and the bank with the minimized capital becomes the danger in times of crisis for the bank with large and proportionate capital. It is in the power of any inferior bank, badly secured either in capital or reserves, to involve the entire banking system of the country in a bank panic.

NATIONAL-BANK RESERVES.

So also with reference to the reserves. While our national banks have an average reserve of something less than 20 per cent, we find that the banks in reserve cities can lend 12½ per cent of the 25 per cent reserve required of them to the central reserve cities, and there is no reserve. You can not term that deposit a reserve which is not in the vaults of the bank and actually within its control. To place it in another bank a thousand, fifteen hundred, or three thousand miles away is to turn it into a deposit, and it then loses its character as a reserve and as security to the depositors.

So it is with the reserves in the country banks of 15 per cent, three-fifths of which they can now deposit in the banks of the reserve cities and in the central reserve city banks. They have therefore their actual reserve reduced to 6 per cent, totally inadequate as security to depositors in case of a bank run.

STATE-BANK RESERVES.

As to State banks the condition is still worse. So far as national banks are concerned on an average, they have adequate capital and adequate reserves. So far as the State banks are concerned, while on the average they have perhaps adequate capital, they have not adequate reserves. The national banks have maintained throughout an average reserve of about 18 per cent. The State banks have maintained an average reserve of less than 8 per cent; and if one-half of the banks of the country are national banks and one-half of the banks are State banks, it lies in the power of any State bank inadequately guarded, either as to capital or reserve, to endanger the entire fabric and to involve the entire system of banking, national as well as State.

PERSUASION OR COERCION.

It becomes incumbent upon us as lawmakers, it seems to me, to see that the two banking systems of the country—the State system and the national system—are blended into one harmonious whole, in which the restrictions imposed upon banks and the requirements imposed upon banks as to capital and surplus will be substantially the same. How can this be accomplished? I suggest that it can be accomplished either by persuasion or by coercion. By persuasion by giving the State banks, in case they submit themselves to the supervision, the requirements, and the restrictions of the national banking act, the benefit of that act so far as emergency currency is required, and by that process they might be coaxed into a harmonious system of banking. Or they may be coerced by the national authority, which is supreme in so far as interstate commerce is concerned. All State banks are engaged in interstate commerce. The transaction by which a State railroad ships goods from a consignor in one State to a consignee in another is an interstate-commerce transaction, which subjects that corporation, State corporation though it be, to the control of the United States Government in matters of reports and accounts, in matters of interstate rates, and in matters relating to the public safety. We control such a road as to safety appliances. What difference is there between the transaction of transportation from the consignor in one State to the consignee in another and the transaction of exchange by which the consignee in the latter State ships the money which pays for the goods to the consignor in another State? It seems to me that interstate exchange is just as much a matter of national control under the interstate-commerce clause of the Constitution as is interstate transportation.

Mr. BACON. If the Senator will permit me, he is indicating to us some of the things which are within the power of Congress in the exercise of interstate functions, powers, and authorities, and I should like it very much if the Senator would tell me something that is not within those powers.

Mr. NEWLANDS. It would take me too long to state the things that are beyond the control of Congress.

Mr. BACON. I should suppose from the general trend of the Senator's remarks that he could state it in one word, because, following the same line of reasoning, there must be very few things which would not be within such control. It would not take long to enumerate them.

Mr. NEWLANDS. It would take too long entirely to state——

Mr. BACON. I want to say to the Senator that in the first part of his remarks I was very much in accord with him. I was very much struck with the soundness of his suggestion as to the protection of depositors and the inspiring of confidence in depositors by an adequate reserve and by limiting the authority to loan to a certain percentage, not only of the reserve, but of the capital; and I was greatly disappointed when the Senator destroyed the pleasure which I had in the early part of his remarks by his venturing into the field which he so frequently enters, and which seems absolutely limitless to his comprehension.

Mr. NEWLANDS. I am very sorry I subjected the Senator from Georgia to any disappointment, when, as he stated, complete harmony was so nearly within reach. He invites me to state what matters are not within the control of the National Government. I decline to enter upon that field. It would take me too long to state the things that are not under the control of the National Government. It would not take me very long to state what is within the control of the National Government, and that is interstate commerce and foreign commerce.

Mr. BACON. The Senator will pardon me for a moment.

Mr. NEWLANDS. Will the Senator permit me just one word further? I will state that I have to take the train very shortly. I am making this speech under urgency, for upon my arrival in New York I may be called to the Pacific coast and will not be here during the rest of the debate.

Mr. BACON. I wish simply to state that the Senator misstates, inadvertently, the question. I did not ask him what were the things not within the power of the General Government, but what were the things under the interstate-commerce clause not within its power.

Mr. NEWLANDS. Oh!

Mr. BACON. I will not ask the Senator to answer it in view of what he has stated. I simply wanted to set myself right on the question.

Mr. NEWLANDS. I must decline to enter into that field, because it would take me a long time to enumerate the things not under the commerce clause.

Mr. ALDRICH. Will the Senator permit me one question? In case a business house in New York sends a check to a firm in Connecticut, does that constitute interstate commerce?

Mr. NEWLANDS. I have not the time to consider that question just now. I have simply contented myself with the statement that interstate exchange between banks is, in my judgment, just as much interstate commerce as interstate transportation is interstate commerce, and if a State railroad corporation accepting goods for shipment from one State to another State is engaged in interstate commerce and is subject to the control of the National Government as to interstate rates and is compelled to make reports to the Interstate Commerce Commission and to put upon its cars safety appliances in the interest of the general public, I must assume that the General Government has a similar power with reference to interstate exchange, and that it can compel the banks to put on the safety appliances that are required for the safe administration of interstate commerce, and I can imagine nothing more necessary than adequate capital and adequate reserves for all the banks in the country.

CHANGE MUST BE GRADUAL.

Mr. President, I have not the time to do more than to outline my views upon this question. But I wish to say further that it will not do to immediately require that banks shall conform to wise requirements as to bank reserves, and the reason is that we have been so lax in the past, exacting from them, State and national, an average of only 10 per cent, that we can not in a moment compel them to make those reserves 20 per cent.

There are only two ways in which such a result could be accomplished. One would be by getting sufficient lawful money from the country or from the world—gold coin from abroad, United States notes at home, the domestic production of gold at home—to suddenly make their reserves, now 10 per cent of their bank deposits, equal to 20 per cent. That would be an almost impossible process to be instantaneously executed. The reserves to-day of all the banks in the country, State and national, constitute about one-third of the total money volume of the country—about $1,000,000,000. Twenty per cent of the commercial deposits now in the commercial banks (for I leave out of consideration the savings banks), assuming that the total deposits of all the banks of the country aggregate to-day $10,000,000,000, would mean that they must have in their vaults $2,000,000,000, and they have in their vaults to-day only $1,000,000,000 and a little over.

Where would they get the extra billion of dollars? The only remaining money is in the hands of the people, in their pockets, and in the United States Treasury. It would be impossible to secure it from them.

So if these suggested laws are to go into effect, it means that the banks must immediately contract their bank loans, and we all know that would mean universal liquidation and bankruptcy. In order to meet the requirements of a 20 per cent reserve these banks, State and national, which to-day have commercial loans outstanding to the extent of $10,000,000,000 and reserves of only one billion, would be compelled to call in these loans and reduce them immediately to $5,000,000,000, in order to reduce their deposits to about the same amount, and no one could measure the injury and the suffering which would be caused by that movement. It must be a gradual process. We must give five or ten years for its accomplishment, and the best method of providing for it would be to fix a day within which the ultimate result would be accomplished, giving the Comptroller of the Currency or the Secretary of the Treasury, by proper rules and regulations or by direct action with reference to the banks individually, authority to gradually bring up the reserve to the maximum required by law.

WORLD'S PRODUCTION OF GOLD INSUFFICIENT.

Either you must do that or you must increase the money volume of the country. There are two ways of doing that. One, of course, would be by absorbing a part of the current production of gold. The world produces four hundred millions of gold annually, and the United States has for years been able to absorb one-fourth of that—$100,000,000. Eighty millions

of people out of 1,300,000,000 have been able for the past four or five years to absorb one-fourth of the entire production of gold in the world, leaving the three-fourths for over a billion people in the world. It is impossible for us to claim more than we have absorbed in recent years of the current production of gold.

Mr. TELLER. Will the Senator allow me to suggest to him that we ourselves produce one-fourth of it?

Mr. NEWLANDS. That is true.

Mr. TELLER. And we really consume more than one-fourth of the whole.

Mr. NEWLANDS. Yes; we produce one-fourth, and so we did also produce almost all the gold of the world in the years 1849 and 1850, and yet, due to a defective banking system, that gold slipped away from the country, and we had in its place the shinplaster of the State banks of the country. So the gold will slip away unless we hold it. We have been able to hold it because our whole system of banking has been much wiser than that which prevailed before the civil war.

It is impossible, therefore, for us to get more gold from current production than we have been claiming. We may get this $100,000,000 annually, if the production keeps up, but that will only keep pace with the increase of the business of the country, with the increase in the bank loans necessary to handle the future increase of business in the country, and will not take care of the present deficit of $1,000,000,000 in our bank reserves—State and national.

There is one way in which we may do it, and that is to retire every form of United States notes except one—the simple form of Treasury note or United States note; as the gold certificates and the silver certificates come into the Treasury in the payment of dues, to substitute for them United States Treasury notes, and then turn the gold and silver backing such notes into the general redemption fund. In that way the gold and silver now in the Treasury represented by warehouse receipts, known as gold and silver certificates, will go into this general redemption fund and be applicable to the redemption of all outstanding United States notes. When that is accomplished, we all know that with the best and safest banks of issue 50 per cent of gold is regarded as a sufficient reserve for such bank issues. The Treasury will then be practically a bank of issue. If we get this large amount of gold and of silver into the redemption fund of the Treasury, it will enable the Treasury in times of emergency, or at other times when the business of the country requires it, to make more note issues based upon this redemption fund, which will be steadily increasing, and these may drift into the banks and increase the reserves.

But even then it is a question as to whether we can enlarge these reserves in the banks, requiring at present $2,000,000,000, and at the same time keep pace with the business requirements of the country, if we trust to these United States notes alone.

ENLARGED USE OF SILVER.

There is a way of increasing reserves of the banks, and I mention it with some degree of reluctance now, for the silver cause has been so discredited in the East by the unfair, passionate, and prejudiced attacks made upon it that a man is hardly listened to who suggests that silver can be used as money. But I do not propose to urge the question of bimetallism as such or the question of the free and unlimited coinage of silver. I recognize the fact that by the action of Congress and by the judgment of the country the gold standard has been firmly established in this country.

But that does not involve the absolute disuse of silver. Silver is being used in other countries. It is used in gold-standard Germany; it is used in gold-standard England; and Mr. Goschen, the gold-standard chancellor of the exchequer of England, at a time when this very question as to the inadequacy of the reserves of the banks in England came up, when the production of gold was not so great as now, addressed himself to the question, and urged then that the British Government should authorize the issue of notes based upon the coinage of silver, which would be a limited legal tender, I believe, to the extent of £4, or $20. The argument was that if, as gold came into the bank, they could pay out in the place of gold these silver notes, which were just as good for the pockets of the people, they could withdraw from the pockets of the people the gold that was there and put it in the reserves of the bank, and the reserves being increased, they would have the basis for a future increase of bank loans, upon which the business of the country depended.

This can be done now. In the debate a year ago, in which the Senator from Rhode Island presented his bill, I asked him whether he did not think the United States could with absolute safety and without endangering the gold standard increase the use of subsidiary silver, and he said that, in his judgment, it could.

Recollect that you have $1,000,000,000 of gold, or lawful money rather, full legal-tender money, in the banks, pretty nearly all of it gold, we will say; and you have $500,000,000 of gold, if it is a fact that we have fifteen hundred million dollars of gold in this country, which I very much doubt, in the pockets of the people or in the stores, in the tills, and in their strong boxes. If you can coax that money out of the pockets of the people into the reserves of the banks, it will give a solid basis for your existing volume of bank loans, and it will enable you in the future to gain the basis for additional bank loans that may be required by the business of the country. The effect of this enlarged use of silver would be to raise its value and thus tend to restore the much desired parity of exchange between gold and silver using countries.

So it seems to me that a broad and comprehensive solution of this question depends upon considering the relation of silver to the question, its enlarged use as legal-tender money, to the extent of $20 or $40, and its substitution in the pockets of the people for the gold and legal-tender money that is there now, and the placing of that legal-tender money, gold or notes, in the reserves of the banks, fortifying their present loans and enabling further loans in the future.

CLEARING-HOUSE ASSOCIATIONS.

Mr. President, I believe in the process of evolution. I believe it is the safest process. Our banking system has been the result of evolution, and during this period the clearing-house association has been evolved. It is not, I believe, referred to in terms in the banking act, not in any way authorized by the banking act, and yet it is the growth of the experience of all the banks of the country, the method by which and under which they are combined in harmonious action for the clearing of their exchanges and for mutual support in times of distress. I believe that the clearing-house associations should be legalized under the national banking act; that provision should be made for their incorporation, and that there should be a clearing-house association not only in every great commercial center of the country, but there should be at least one in every State in the Union.

I am not prepared to state now what the range of the operations of such clearing-house associations should be. Their stocks should be held by the banks that are within the range of their influence and are associated with them. Their business, of course, should be as heretofore—the clearing of exchange. To that might be added the rediscount for banks of notes discounted by banks, and to that might be added the holding of the reserves of banks in country districts whose vaults are not strong enough for their protection. Many country banks of limited capital favor the deposit of their reserves in the big banks of the commercial centers, because they will feel that they are safer there; but in making that change they turn them into deposits, and there they are kept subject to loan, and so they get without their reach and without the call of their depositors.

Such clearing-house associations might be the agencies for the safe keeping of the reserves of such banks, under restrictions of law that would compel them to keep them in actual cash as special deposits and not as deposits upon which loans could be based. I can imagine a variety of useful operations in which such clearing houses could be engaged. The whole system would partake somewhat of our form of Government. We would have the national banking system centralized in Washington, and we would have these great central organizations in each State in the Union in touch with the States and in touch with the National Government.

NATIONAL BANKING COMMISSION.

The presidents of these clearing-house associations could meet annually at the capital of the nation. They could be authorized to select from their number, from the different sections of the country, five men who, acting with the Secretary of the Treasury and the Comptroller of the Currency, could be constituted into a banking commission. These men could remain here throughout the year under adequate salary, in close touch with the Treasury Department, in close touch with the entire banking system of the country, and bringing the Treasury Department itself into close connection with every section and every State of the Union.

I could imagine no system that would produce more harmony of action, and that would result in a greater protection to the business interests of the country, to the interests of the depositors, to the interests of the business men of the country, than such a system.

The advantage of such a system would be that we would have a banking commission practically selected by the banks of the country. They would undoubtedly select their best men, their safest men, their soundest men, and we would then have a system under which the Secretary of the Treasury—

oftentimes not a banker, oftentimes not familiar with financial affairs—would be in actual contact with the best judgment of the country upon such questions.

Now, Mr. President, as to the character of emergency currency, I believe with my associates on this side of the Chamber that all money should be issued by the Government. It is the creation of the sovereign, and if we will only pursue this system of gradually drawing into the redemption fund the gold and silver now backing the gold and silver certificates of the country, we can easily devise an emergency system of currency which under the direction of this banking commission, in direct contact with every section of the country, would anticipate danger and make remedial action almost unnecessary.

NO NARCOTICS.

I fear, Mr. President, that if we pass an act now which relates only to emergency circulation, it will have the effect spoken of by Secretary Gage in the recent hearing before the Banking and Currency Committee of the House. His fear was, as he expressed it, that it would be a narcotic—that it would put the country to sleep until another crisis should arise. I agree with the Secretary in that contention. The intellect of the entire country is now aflame upon this question. The intellect of the country was never working better upon any question than it is now upon this question.

Let debate proceed. Let consideration of this question by the press and by the periodicals of the country proceed. Let the Finance Committee, with all the light which has been cast upon the subject by these debates and this discussion, retire to its committee room and bring to us a broad and comprehensive measure that will not put the country to sleep, but will convince the world that the country is awake, and that it has reached the true and logical and scientific solution of this great question.

Mr. KEAN. I ask the Senator from Rhode Island if he wants to go on any further to-night?

Mr. ALDRICH. I think not.

Mr. KEAN. I rose to move an executive session.

Mr. NEWLANDS. Will the Senator from New Jersey withhold the motion for a moment?

Mr. KEAN. Certainly.

OCEAN MAIL SERVICE.

Mr. NEWLANDS. Mr. President, I wish to offer an amendment to the ocean mail service subsidy bill introduced by the Senator from New Hampshire [Mr. GALLINGER]. It is to strike out all after the enacting clause and insert the following:

That the Secretary of the Navy, the Postmaster-General, and the Secretary of Commerce and Labor shall hereafter constitute a Commission to be known as the "Foreign Commerce Commission," and that they are hereby authorized to provide for the construction, either in the private shipyards of the country or in the shipyards of the Navy, or both, twenty-seven vessels not exceeding 6,500 tons capacity each and costing in the aggregate not exceeding $27,000,000; that such vessels shall be so constructed as to be useful to the Navy as auxiliary vessels, such as transports, colliers, dispatch boats, cruisers, and scouts, and also useful in times of peace in opening up new routes of commerce between United States ports and the ports of South America, New Zealand, Australia, and the Philippines; that such Commission make to Congress such recommendations as to it seem advisable regarding the manning of such vessels in whole or in part by the Naval Reserve and the leasing of them so manned in times of peace to shipping companies for the purpose of promoting foreign trade and commerce, and for the incorporation of such shipping companies under national law, and for reports on their operations.

I wish to say in explanation of my proposed substitute that I am in entire sympathy with the purpose, namely, to promote the ocean mail service and to promote our commerce with foreign countries, and that this amendment, intended as a substitute for it, involves the same expenditure that the bill does during a period of ten years, about $27,000,000, the only difference between the bills being that the measure of the Senator from New Hampshire provides for the expenditure in ten annual installments of about $30,000,000 in aiding twenty-seven ships to transport the mails and to carry goods from United States ports to certain ports in South America, Australasia, China, Japan, and the Philippines, while this substitute provides that the United States Government shall cause the ships to be constructed as a part of the auxiliary navy, absolutely required now in order to make our Navy efficient and without which our fighting ships would be derelict in the ocean. It provides for the construction of such ships as a part of the auxiliary navy, with the power to a foreign commerce commission, to be composed of the Secretary of the Navy, the Secretary of Commerce and Labor, and the Postmaster-General, to let out those ships in times of peace to shipping companies, which can conduct this ocean mail service and the service in the interest of interstate and foreign commerce.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After two minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, March 4, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 3, 1908.

CONSULS-GENERAL.

Alfred L. M. Gottschalk, of New York, now consul-general of class 3 at Mexico, to be consul-general at large of the United States, vice Charles M. Dickinson, resigned.

Frank D. Hill, of Minnesota, now consul-general of class 4 at St. Petersburg, to be consul-general of the United States of class 4 at Barcelona, Spain, vice Benjamin H. Ridgely, nominated for promotion to be consul-general of class 3 at Mexico.

James W. Ragsdale, of California, now consul-general of class 4 at Tientsin, to be consul-general of the United States of class 4 at St. Petersburg, Russia, vice Frank D. Hill, nominated to be consul-general of class 4 at Barcelona.

Benjamin H. Ridgely, of Kentucky, now consul-general of class 4 at Barcelona, for promotion to be consul-general of the United States of class 3 at Mexico, Mexico, vice Alfred L. M. Gottschalk, nominated to be consul-general at large.

Edward T. Williams, of Ohio, now Chinese secretary to the legation to China, for promotion to be consul-general of the United States of class 4 at Tientsin, China, vice James W. Ragsdale, nominated to be consul-general of class 4 at St. Petersburg.

CONSUL.

Pierre Paul Demers, of New Hampshire, now consul of class 6 at Barranquilla, for promotion to be consul of the United States of class 5 at Bahia, Brazil, vice Albert R. Morawetz, promoted, to be consul-general at large.

UNITED STATES MARSHAL.

Samuel Grant Victor, of Oklahoma, to be United States marshal for the eastern district of Oklahoma, vice Grosvenor A. Porter, whose nomination has been withdrawn.

MISSISSIPPI RIVER COMMISSION.

Col. William H. Bixby, Corps of Engineers, United States Army, as member of the Mississippi River Commission, provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes, near its mouth, to its headwaters," vice Col. Clinton B. Sears, Corps of Engineers, United States Army, to be retired.

POSTMASTERS.

ALABAMA.

Johnnie McGowan to be postmaster at Union Springs, Bullock County, Ala., in place of Archibald C. Walter, removed.

Robert L. Wilson to be postmaster at Stevenson, Jackson County, Ala. Office became Presidential October 1, 1907.

ALASKA.

Jesse D. Jefferson to be postmaster at Valdez, Alaska, in place of Frank M. Boyle, removed.

Augustus E. Kindell to be postmaster at Skagway, Alaska, in place of William B. Sampson, deceased.

John T. Spickett to be postmaster at Juneau, Alaska, in place of Ernest J. Brooks. Incumbent's commission expired November 17, 1907.

CALIFORNIA.

Charles A. Bills to be postmaster at Dunsmuir, Siskiyou County, Cal., in place of George W. Humphreys, resigned.

George Brown to be postmaster at Corona, Riverside County, Cal., in place of George Brown. Incumbent's commission expired February 20, 1908.

Mary A. Warren to be postmaster at Point Loma, San Diego County, Cal. Office became Presidential January 1, 1908.

CONNECTICUT.

Harry W. Crane to be postmaster at Wethersfield, Hartford County, Conn., in place of Harry W. Crane. Incumbent's commission expired January 26, 1908.

Joseph R. Sperry to be postmaster at Warehouse Point, Hartford County, Conn. Office became Presidential January 1, 1908.

KANSAS.

Joseph H. Smith to be postmaster at Downs, Osborne County, Kans., in place of Joseph H. Smith. Incumbent's commission expires March 12, 1908.

ILLINOIS.

Hugh P. Faught to be postmaster at Tower Hill, Shelby County, Ill. Office became Presidential January 1, 1908.

Lizzie P. McKnight to be postmaster at Alexis, Warren County, Ill., in place of William A. McKnight. Incumbent's commission expired January 27, 1908.

IOWA.

A. G. Roberts to be postmaster at Bonaparte, Van Buren County, Iowa, in place of Alice M. Davis. Incumbent's commission expired November 17, 1907.

MAINE.

Eldridge H. Bryant to be postmaster at Machias, Washington County, Me., in place of Eldridge H. Bryant. Incumbent's commission expires March 4, 1908.

MASSACHUSETTS.

Clarke P. Harding to be postmaster at Medway, Norfolk County, Mass., in place of Clarke P. Harding. Incumbent's commission expires March 16, 1908.

Lyman D. Thurston to be postmaster at Leicester, Worcester County, Mass., in place of Lyman D. Thurston. Incumbent's commission expired March 2, 1908.

MICHIGAN.

E. C. Corbett to be postmaster at Reading, Hillsdale County, Mich., in place of Zebedee G. Culver. Incumbent's commission expired March 2, 1908.

W. E. Wilson to be postmaster at Grand Ledge, Eaton County, Mich., in place of John W. Fitzgerald, deceased.

MINNESOTA.

S. B. Scott to be postmaster at Zumbrota, Goodhue County, Minn., in place of Barker C. Grover. Incumbent's commission expired January 11, 1908.

MISSOURI.

Albert J. Caywood to be postmaster at Laclede, Linn County, Mo. Office became Presidential January 1, 1908.

Percy P. Hummel to be postmaster at Laddonia, Audrain County, Mo. Office became Presidential January 1, 1908.

Rachael A. Smith to be postmaster at Deepwater, Henry County, Mo. Office became Presidential January 1, 1908.

MONTANA.

Lorn D. Bates to be postmaster at Columbia Falls, Flathead County, Mont. Office became Presidential January 1, 1908.

Louis V. Bogy to be postmaster at Chinook, Chouteau County, Mont., in place of Louis V. Bogy. Incumbent's commission expired January 29, 1908.

William R. Crockett to be postmaster at Red Lodge, Carbon County, Mont., in place of Walter Alderson. Incumbent's commission expired February 15, 1908.

NEBRASKA.

James S. Francis to be postmaster at Merna, Custer County, Nebr. Office became Presidential January 1, 1908.

NEVADA.

Jesse Christensen to be postmaster at Beatty, Nye County, Nev. Office became Presidential January 1, 1908.

NEW JERSEY.

William Mall to be postmaster at Egg Harbor City, Atlantic County, N. J., in place of George F. Breder, removed.

NEW YORK.

Fred F. Hawley to be postmaster at Lake George, Warren County, N. Y., in place of Fred F. Hawley. Incumbent's commission expires March 16, 1908.

NORTH DAKOTA.

John W. Doles to be postmaster at Stanley, Ward County, N. Dak. Office became Presidential January 1, 1908. (Postmaster resigned.)

OHIO.

William W. Dowdell to be postmaster at Quaker City, Guernsey County, Ohio, in place of John M. Gallagher, resigned.

OKLAHOMA.

Charles H. Nash to be postmaster at Clinton, Custer County, Okla., in place of Frank H. McCormick, resigned.

PENNSYLVANIA.

Gilbert B. Brindle to be postmaster at Belleville, Mifflin County, Pa. Office became Presidential January 1, 1908.

William H. Longwell to be postmaster at Oil City, Venango County, Pa., in place of William H. Longwell. Incumbent's commission expired February 29, 1908.

Nathaniel B. Miller to be postmaster at Clarendon (late North Clarendon), Warren County, Pa., in place of Nathaniel B. Miller, to change name of office.

Dallas J. Smith to be postmaster at Parsons, Luzerne County, Pa. Office became Presidential October 1, 1907.

PORTO RICO.

Manuel S. Pacheco to be postmaster at Fajardo, Humacao, P. R. Office became Presidential April 1, 1907.

SOUTH CAROLINA.

George A. Reed to be postmaster at Beaufort, Beaufort County, S. C., in place of Elizabeth L. Bampfield. Incumbent's commission expired February 1, 1908.

SOUTH DAKOTA.

Fred N. Dunham to be postmaster at Wessington Springs, Jerauld County, S. Dak., in place of William F. Bancroft, resigned.

A. P. Johnson to be postmaster at Alcester, Union County, S. Dak. Office became Presidential January 1, 1908.

TENNESSEE.

Edwin C. Alexander to be postmaster at Elizabethton, Carter County, Tenn., in place of Edwin C. Alexander. Incumbent's commission expires April 27, 1908.

Leander W. Dutro to be postmaster at Memphis, Shelby County, Tenn., in place of Leander W. Dutro. Incumbent's commission expired February 9, 1908.

TEXAS.

Robert H. Armstrong to be postmaster at Kaufman, Kaufman County, Tex., in place of Robert H. Armstrong. Incumbent's commission expired May 19, 1906.

William N. Merritt to be postmaster at Nocona, Montague County, Tex., in place of William N. Merritt. Incumbent's commission expired January 27, 1908.

Denny E. Walshe to be postmaster at Grand Saline, Van Zandt County, Tex., in place of Denny E. Walshe. Incumbent's commission expired February 19, 1907.

UTAH.

J. A. Harrison to be postmaster at Helper, Carbon County, Utah. Office became Presidential January 1, 1908.

Dennis Wood to be postmaster at Nephi, Juab County, Utah, in place of Edwin R. Booth. Incumbent's commission expired January 29, 1908.

VERMONT.

Alton B. Ashley to be postmaster at Milton, Chittenden County, Vt. Office became Presidential October 1, 1907.

WASHINGTON.

Edwin R. Bissell to be postmaster at Auburn, King County, Wash., in place of Olaf N. Erickson, resigned.

Hugh Eldridge to be postmaster at Bellingham, Whatcom County, Wash., in place of Hugh Eldridge. Incumbent's commission expired February 12, 1908.

Henry A. Rathvon to be postmaster at Marysville, Snohomish County, Wash., in place of Henry A. Rathvon. Incumbent's commission expires March 12, 1908.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 3, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

DISTRIBUTION OF ROOMS IN CAPITOL AND HOUSE OFFICE BUILDING.

Mr. MANN. Mr. Speaker, I call up the privileged resolution, No. 269, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the following assignment of rooms be, and the same is hereby, made, to wit:

For the use of the police in the House Office Building, the room north of and adjoining room permanently No. 185.

To the Committee on the District of Columbia, rooms in the House Office Building, permanent Nos. 375, 377, and 377a.

To the Committee on Reform in the Civil Service, the room in the Capitol formerly occupied by the Committee on Rivers and Harbors.

To the Committee on Military Affairs, the room heretofore occupied by the Committee on the District of Columbia and the room in the Capitol formerly occupied by the Committee on Public Buildings and Grounds, said rooms to be properly connected.

To the Committee on Ways and Means, the room heretofore occupied by the Committee on Military Affairs.

To the Committee on Printing, the rooms in the Capitol formerly occupied by the Committee on the Territories and the Committee on Reform in the Civil Service, said rooms to be properly connected.

To the Committee on Indian Affairs, as additional room, the space heretofore occupied by the Committee on Printing.

To the Journal index clerk, the room in the Capitol formerly occupied by the Committee on the Merchant Marine and Fisheries.

Resolved further, That the small room at the end of the corridor heretofore occupied by the Committee on the District of Columbia be abolished and the space restored as part of the corridor.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

DONATING NEW FLAG TO OKLAHOMA.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution No. 148.

Whereas the first flag bearing forty-six stars, emblematical of forty-six sovereign States, to-day floats over the National Capitol; and

Whereas the State of Oklahoma is for the first time the proud recipient of equal recognition with the sister States of the Union; and

Whereas the flag has a peculiar value to the State of Oklahoma and her million and a half citizens residing within her borders; and

Whereas the intrinsic value of the new flag is of minor consequence to the Government of the United States and to the sister States: Therefore

Resolved, etc., That the new flag bearing forty-six stars, now floating over the National Capitol, be, and the same is hereby, donated to the Commonwealth of Oklahoma, to be kept and remain in the archives of the Oklahoma Historical Society of Oklahoma.

The SPEAKER. Is there objection? [After a pause.] The Chairs hears none. The Chair would suggest to the gentleman from Oklahoma that his resolving clause is slightly informal.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to have that amended in keeping with the usual form.

The SPEAKER. Without objection, the resolving clause will be amended and the Clerk will report the amendment.

The Clerk read as follows:

Amend the resolving clause so as to read:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, read the third time, and passed.

The SPEAKER. Without objection, a title will be added to the resolution.

There was no objection.

EXTENDING TIME OF PAYMENTS ON HOMESTEAD ENTRIES, OKLAHOMA.

Mr. McGUIRE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3409) to extend the time of payments on certain homestead entries in Oklahoma, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the time within which all payments required by the acts entitled "An act to open to settlement 505,000 acres of land in Kiowa-Comanche and Apache Indian reservations in Oklahoma Territory," approved June 5, 1906, and the act entitled "An act giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.," approved June 28, 1906, be, and the same is hereby, postponed and extended for one year from the date on which such payments are now by law required to be made.

With the following amendments:

Page 2, line 2, after the word "made," insert the following:

"*Provided*, That as a condition precedent to said extension in each case the settler shall pay to the Secretary of the Interior, to be held in trust by him for the benefit of the Indian entitled thereto, 4 per cent on the amount of such deferred payments, where such settler had no preference right, and 5 per cent on the amount of the deferred payment where such settler was given a preference right: *And provided further*, That all persons, or their legal assignees, whose applications to purchase any of the pasture land mentioned in the act of June 28, 1906 (and whose applications were rejected because such persons were sublessees), shall have the right to purchase under the provisions of this act the land so originally applied for by them."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

PRINTING AND BINDING FOR COMMITTEE ON EXPENDITURES IN NAVY DEPARTMENT.

Mr. BOUTELL. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Navy Department is hereby authorized to have such printing and binding done as may be necessary in the transaction of its business.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

TUCUMCARI LAND DISTRICT.

Mr. CRAIG. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16860) to establish a United States land district to be known as the Tucumcari land district.

Be it enacted, etc., That all that portion of the Territory of New Mexico bounded and described as follows: Commencing at the intersection of the fourth standard parallel north with the boundary line of the Territory of New Mexico and the State of Texas; thence west along said fourth standard parallel north to its intersection with the third guide meridian east of New Mexico; thence south along said third guide meridian east to its intersection with the first standard parallel north; thence east along said first standard parallel north to its intersection with the boundary line of the Territory of New Mexico and the State of Texas; thence north along said boundary line to the place of beginning, be, and is hereby, constituted a new and separate land district, to be called the Tucumcari land district, the land office of which shall be located in the town of Tucumcari, county of Quay, in the Territory of New Mexico.

SEC. 2. That the President, by and with the advice and consent of the Senate, shall appoint a register and a receiver of public moneys for said district, and said officers shall reside in the place where said land office is located, and shall have the same powers and shall discharge similar duties and receive the same fees and emoluments as officers discharging like duties in the other land offices of the Territory of New Mexico.

The SPEAKER. Is there objection?

Mr. TAWNEY. Mr. Speaker, reserving the right to object, I would like to have the gentleman from Alabama explain this bill. In the confusion here I did not hear it read.

Mr. CRAIG. Mr. Speaker, this bill is introduced for the purpose of creating a separate land district in the Territory of New Mexico. It comprises largely for the most part the county of Quay in that Territory. That county has been in what is known as the "Clayton land district" for the time previous to this. In the last year there were some 100,000 people who went into this part of New Mexico to enter land. In the Clayton land district alone the Secretary of the Interior reports that during the fiscal year ended June 30, 1906, there were 3,526 entries of all classes covering 459,597 acres, made in the Clayton land office. There were 11,014 entries, covering 1,559,019 acres, during the fiscal year ended June 30, 1907, and 4,406 entries, covering 595,847 acres, during the first six months of the current fiscal year, thus showing that there were more entries in the Clayton land district last year than in any other district in this country. The Secretary of the Interior informs the Committee on Public Lands that there is a congested condition of affairs in the Clayton office owing to this influx of people, and that it is absolutely necessary that some relief be granted. Now, the relief should be granted where it will do the most good, farthest away from the Clayton office, where these entries are being made. The people of Quay County in order to get to the Clayton office must either ride 100 or 150 miles over the country on horseback or in wagons or go to Dalhart, Tex., and take the train and then come back into New Mexico and get to Clayton in that way.

Mr. STEPHENS of Texas. Does this bill abolish either the Clayton land office or the Roswell land office?

Mr. CRAIG. As I understand it it does not abolish either.

Mr. STEPHENS of Texas. It creates a new land office.

Mr. CRAIG. It creates a new land office to assist the Clayton land office.

Mr. STEPHENS of Texas. That would be about midway between Roswell and Clayton.

Mr. CRAIG. It is south of Clayton about 100 miles.

Mr. STEPHENS of Texas. I believe the distance is something like about 150 or 200 miles from Clayton to Roswell, and——

Mr. CRAIG. I do not know the exact distance.

Mr. STEPHENS of Texas. I am very familiar with that portion of the Territory, Mr. Speaker, and I think the bill is a very just one. Roswell is situated on the Santa Fe Railroad, and the people from this Tucumcari portion of the country have to go to either Clayton or Roswell. Clayton is on the Fort Worth and Denver Railroad. This land office will be on the Rock Island Railroad and will be of a great advantage to the people of the Tucumcari country, and I hope it will be located at Tucumcari, the point suggested by this bill.

Mr. CRAIG. And I will state further if this land district is located at Tucumcari it will be at a point where two railroads traversing this particular piece of country come through, and will enable the people to reach the land office by railroad, whereas now they can not.

Mr. GOULDEN. I should like to ask whether there was any special reason for this large number of entries of which the gentleman has spoken.

Mr. CRAIG. I could not tell exactly the reason except for the very productive land they have in New Mexico.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

The title was amended so as to read:

A bill to establish a United States land district in the Territory of New Mexico to be known as the Tucumcari land district.

On motion of Mr. CRAIG, a motion to reconsider the last vote was laid on the table.

PRINTING AND BINDING FOR COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT.

Mr. LAWRENCE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the War Department be authorized to have such printing and binding done as may be required in the transaction of its business during the Sixtieth Congress; also that the committee be authorized to sit during the sessions of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

BRIDGE AT PARKDALE, ASHLEY COUNTY, ARK.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 17511) to construct bridge at Parkdale, Ashley County, Ark.

Be it enacted, etc., That the county of Ashley, a corporation organized under the laws of the State of Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a steel drawbridge and approaches thereto across the Bayou Bartholomew at Parkdale, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS TIDE WATERS AT EDGECOMB, ME.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16073) to authorize the town of Edgecomb, Lincoln County, Me., to maintain a free bridge across tide waters.

The bill was read at length.

The amendment recommended by the committee was read.

Mr. McCALL. Mr. Speaker, reserving the right to object, I would ask the gentleman from Maine if he will not let this bill go over until to-morrow. I had a communication in regard to it to-day which I should like to look into, and I will see him again.

Mr. LITTLEFIELD. I have no objection.

AGRICULTURAL LANDS WITHIN FOREST RESERVATIONS.

Mr. SMITH of California. Mr. Speaker, I ask for the present consideration of the following bill:

The Clerk read as follows:

A bill (H. R. 11778) to amend an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves."

Be it enacted, etc., That an act entitled "An act to provide for the entry of agricultural lands within forest reserves," approved June 11, 1906, be amended by striking out of section 1 the following words: "except the following counties in the State of California: Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego."

Mr. MANN. I reserve the right to object.

Mr. WILLIAMS. That looks a right important matter to consider by unanimous consent. I reserve the right to object.

Mr. SMITH of California. Mr. Speaker, I will state to the gentleman from Mississippi that the Fifty-ninth Congress passed a law allowing homesteads to be taken in forest reservations when the Secretary of Agriculture shall indicate that the lands may safely and properly be used for farming purposes without interfering with forest operations. The counties mentioned in this bill constitute my Congressional district and that of Mr. McLACHLAN, of Los Angeles, and we had them exempted for the reason that that is the arid southwest; the water on the ranges is scarce, and we feared that agricultural entries might be made upon springs and small brooks and interfere with range operations. The Agricultural Department says that under the system adopted such matters will be cared for. They also tell us that there are many small valleys that can properly be farmed and still left in the forest. The supervisor from that district told me a day or two ago that he knew where forty or fifty farms could be located properly; and we therefore wish to have that law put into effect in our Congressional districts.

Mr. WILLIAMS. Mr. Speaker, if the present Secretary of Agriculture were to live forever, and be Secretary of Agriculture forever, I have such absolute confidence in him and his desire to take care of the general interests that I would be willing to trust his discretion. But it is a very large discretion to be lodged in an executive officer. He will not be Secretary of Agriculture always. There may be a man there who would allow the taking up of these very fountain heads of water courses, and the balance of it. I think, in fact, that the law which exists in regard to the other counties, permitting the discretion upon the part of the Secretary in regard to them, is a mistake; and I feel compelled to object to this matter being considered by unanimous consent.

Mr. SMITH of California. Will the gentleman withhold his objection until I can make a further explanation?

Mr. WILLIAMS. I will withhold it for the present.

Mr. SMITH of California. You understand that the law now being amended is applicable to all the rest of the forest reserves in the United States. Only those in existence were excepted from its operation.

Mr. WILLIAMS. I have just said that, and I think the mistake is in the discretion existing now in other parts of the country. It ought not to exist anywhere.

Mr. SMITH of California. It is discovered, for instance, that it is the desire of the Department to extend one of the forest reserves, in order to take in a certain mountain, a watershed lying adjacent to what they now have. But in taking in that mountain they cross, and seemingly necessarily include, a fertile valley of many thousand acres that is in no sense forest and never will be and that ought to be devoted to agriculture.

Mr. WILLIAMS. They can leave that out when they define the borders of the forest reserve.

Mr. SMITH of California. In order to run the line across to this mountain they cross that valley.

Mr. WILLIAMS. They can leave that out and leave it subject to homestead location.

Mr. SMITH of California. I have exhausted my remedy in trying to get them to do that, but they insist on taking in the valley. I have a letter from Mr. Pinchot within a few days, stating that if this bill passes he will immediately adjust the matter of settlement in this valley so that it may proceed.

Mr. WILLIAMS. I think I must object.

Mr. MANN. Has the gentleman a letter from the Department of Agriculture approving this bill?

The SPEAKER. The gentleman from Mississippi objects.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Indian appropriation bill, to nonconcur in the Senate amendments thereto, and ask for a conference thereon with the Senate.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the Indian appropriation bill with the Senate amendments, to disagree to the Senate amendments, and ask for a conference.

Mr. MANN. Mr. Speaker, reserving the right to object, I hope the gentleman will let this be printed so that we may be able to see it. The Indian bill has usually been the vehicle of legislation.

Mr. SHERMAN. The bill, with the amendments, is in print.

Mr. MANN. The amendments ought to be numbered. Nobody has been able to see the bill. I endeavored to get it two or three times.

Mr. SHERMAN. Of course there are many amendments. I think there are 102 amendments.

Mr. MANN. Let it go over until to-morrow.

Mr. SHERMAN. Many of the amendments are of minor consequence, but a few of them are of great importance. If the gentleman from Illinois prefers, and the House is willing, of course I am entirely willing to let the matter go over.

Mr. MANN. I see on looking at the bill that the amendments are numbered.

The SPEAKER. The bill is already printed and the amendments numbered, but the bill can go over by unanimous consent until to-morrow morning, or until such other time as may suit the gentlemen.

Mr. SHERMAN. I do not think it is of any great importance whether we go to conference to-day or to-morrow, and if the gentleman from Illinois prefers, I will withdraw the request and renew it to-morrow.

Mr. MANN. We may want a vote on some of these amendments.

Mr. SHERMAN. I will withdraw the request for the present.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill; and pending that motion I ask unanimous consent that general debate upon the bill close at 3 o'clock on Thursday next, the gentleman from Tennessee [Mr. MOON] and myself controlling the time.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, and pending that motion he asks unanimous consent that general debate on the bill may close on Thursday at 3 o'clock, the time to be equally divided between the majority and the minority, and to be under the control of the gentleman from Indiana [Mr. OVERSTREET] and the gentleman from Tennessee [Mr. MOON]. Is there objection?

Mr. WILLIAMS. Is this request concurred in by the gentleman from Tennessee?

Mr. OVERSTREET. Undoubtedly, by the gentleman from Tennessee, the ranking member of the minority of the committee, Mr. MOON.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The motion of Mr. OVERSTREET was then agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

Mr. OVERSTREET. Mr. Chairman, I now yield to the gentleman from Tennessee [Mr. MOON].

Mr. MOON of Tennessee. Mr. Chairman, the numerous provisions of this bill have been very carefully considered by the committee, and in its essential features there is but little disagreement. The large amount which it carries—over $220,000,000—seems necessary for the proper administration of the Post-Office Department and the postal service. It is the largest bill ever presented for the consideration of the House. The uncertainty of the volume of business for the next fiscal year necessarily makes uncertain the amount of the appropriation needed to carry on the service. The bill is liberal, yet a deficit is, of course, expected if there should be a diminution of postal revenues. That this Department of the public service is in an unsatisfactory condition will fully appear from the report of the Postal Commission. That no remedy for this condition can be applied in this appropriation bill is due to the rule of the House preventing new legislation in appropriaton bills. It is hoped that by separate enactment before another appropriation bill is made the business methods of the Department may be so changed that a more satisfactory system may be evolved in accordance with the recommendations of the Commission, a large saving effected to the people, and greater facilities obtained and benefits derived from the service.

There are provisions in this bill that are new law, that perhaps ought to be stricken out. There are other provisions which ought to be amended. Among the questions that I ask the attention of the House to is an amendment which I will propose at the proper time. I will ask the Clerk to read from the bill beginning at line 4 and ending with line 14, both inclusive, on page 27 of the bill.

The Clerk read as follows:

For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferriage, rural delivery service, $35,373,000: *Provided*, That not to exceed $12,000 of the amount hereby appropriated may be used for compensation of clerks in charge of substations: *Provided further*, That in the discretion of the Postmaster-General the pay of any carrier on a water route who furnishes his own power boat and is employed during the summer months may be fixed at an amount not exceeding $900 in any one calendar year.

Mr. MOON of Tennessee. After that section, Mr. Chairman, I shall offer an amendment, which I send to the Clerk's desk and ask permission to have read.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

Provided further, That a sum not to exceed $500,000 of this appropriation may be expended by the Postmaster-General, in cooperation with the Secretary of Agriculture, in improving the conditions of rural delivery routes to be selected by them, for the purpose of ascertaining the possible increase in the territory which could be served by one carrier, and the possible increase of the number of delivery days each year, the amount required for proper maintenance in excess of local expenditure for rural delivery routes, and the relative saving to the Government in the maintenance of rural delivery routes by reason of such improvements: *Provided further*, That the State or county or counties which may be selected for improvement of rural delivery routes therein under this provision shall furnish an equal amount of money for the improvement of the rural routes so selected.

Mr. MOON of Tennessee. Mr. Chairman, this amendment is possibly subject to the point of order that it is new law, and on the objection of a single Member of the House may be precluded from consideration under the rule. No such rule obtains in the Senate. That body may, therefore, act on this question in the public interest and force the House to its final consideration when the disagreeing votes of the two Houses are to be adjusted in conference. But the opportunity will be given to the House to act, if it will, as the amendment will be presented. That this amendment should become the law is essential in the public interest. It need not be concealed that the amendment, if not considered here, will be introduced and acted on in the Senate. Nor is it necessary to conceal the fact that it is intended as an experiment to ascertain the facts on which shall rest the beginning of a sysem of good roads throughout the United States. That it is to the supreme benefit of the people to have a complete system of good roads by Federal aid, if the same can be constitutionally obtained, is so clear that it is idle to discuss it. That such a system is needed for the expeditious transportation of overland rural mail must be clear when the almost intolerable condition of rural-route roads in the greater part of the country is known of all men, for expedition can not be had without such improvement. That the United States and the States or counties getting the benefit of the roads should jointly contribute to their improvement seems only to be just. That the United States and the States or counties are capable of gradually making the necessary road improvement I think will not be denied. That the increased wealth of the people in general, by reason of this needed internal improvement, will more than compensate for the expenditure is at least an incidental inducement to the expenditure, although, logically, it may seem not a justification for it when separated from postal necessities. Then, what is in the way of a modest beginning of this essential public work, which will be worth more to the masses of our people in direct and immediate benefits than the rivers and harbors and the Panama Canal combined? [Applause on the Democratic side.] So magnificent will be the result to our people living in the rural sections that it seems criminal to delay the beginning when the States and counties join, as they will join, in the improvement and share with the United States the benefits. Can it be said that Congress is without power? Shall it be said that it is an unwarranted interference in the affairs of the States? If either proposition could be maintained, then we should desist. If they can not be, why not begin the great work? The second proposition falls if the first can be overcome, because it is involved in it.

The United States is a Government of limited and delegated powers. Just such power as is conferred on Congress by the Constitution it may exercise, and such other power as may be fairly implied from the express power granted and necessary to carry it out. It is sovereign within the sphere of its constitutional jurisdiction; it is powerless outside of it. The State rights consist of the rights and powers that belong to a complete sovereign, save only those conferred on the United States in the Constitution. No State of this Union is therefore a complete sovereign, because it has yielded a part of its sovereign power to another political entity—the United States; and the United States is not a complete sovereignty, because there are sovereign rights that belong to the States—rights reserved and not yielded to the United States. The State is only a partial sovereign. The United States is only a partial sovereign. Their sovereign powers are distinct and separate. It takes both to make a complete sovereignty. In this is the strength of the dual system of government. In which government—State or Federal—rests the power to establish post-roads? The United States Constitution, which is the supreme law of the land, in section 8, subsection 7, Article I, gives to Congress the right to establish post-offices and post-roads. This delegation of power makes Congress supreme on this question. The grant of the power carried with it the right to exercise such other powers as are necessary to enforce the same. It follows that the United States could, by purchase or condemnation proceedings, obtain the right of easement or use in any land in any State for post-road purposes (which is a governmental purpose) not already in use by the State for State governmental purposes, just as the State can condemn United States lands for State governmental purposes not in actual use for United States governmental purposes. These questions have long since been settled by State and Federal judicial decisions. The power exists, therefore, in Congress to establish these roads for postal serv-

ice by express terms of the Constitution. Who shall object to cooperation by the State or the county with the United States in a work in which is joint and mutual benefit? The machinery for the perfection of this work may be Federal or State, as may seem best. These are not new propositions. This is the time for action. There has been enough discussion. If gentlemen complain of the form of the amendment, offer a better suggestion, and let it pass. Let us know now who is for and who is against this system of internal improvement.

It may be that the parcels-post proposition will present itself for consideration under the bill. A parcels-post system confined to rural-delivery routes at a rate compensatory to the Government might prove beneficial, but, in my judgment, this is questionable until the rural routes are so improved as to make the delivery of parcels speedy and satisfactory. The people are demanding improved conditions in all branches of the public service, and where these are practicable, or can be made so, it is the duty of the Representatives to respond to the public demand.

Unfortunately, a great portion of our public men regard the development of Federal power as destructive of the rights of States. This is true if such development be questionable under the Constitution; but if the Constitution confers a power on Congress, the development and exercise of that power to its full limit by the Federal Government neither destroys nor impairs any right of the States, for such right is not reserved, and, being delegated to the United States, does not belong to the State. The more speedy the full and complete development of all Federal power and authority under the Constitution comes, the more accurate will be the lines of demarcation on all questions of jurisdiction between State and Federal governments, and the more readily will the governments, State and Federal, adjust themselves to their constitutional orbits, from which neither may come to encroach upon the other. These governments are not intended to be inimical, but wholly interdependent and cooperative, each maintaining and exercising separately, however, its powers as determined by the Constitution. [Applause.]

When we improve our great waterways, concerning which there is but little difference of opinion, it is for the benefit of the people of the entire Union, but the people of the States where the harbors are, or through which the rivers flow get the most direct benefits. What right has the United States Government to claim jurisdiction over all the navigable waters in the States and remove the obstructions to the transportation of commerce placed therein by nature? The Constitution confers the power. It is a Federal and not a State right exercised in the interest of commerce. The right to establish post-roads in the State is also a Federal constitutional right. Why should it not be exercised in the interest of the expeditious delivery of mail to the people, and incidentally to the benefit of overland commerce? This power is now dormant. No legislative action has imparted vitality to it. It is one of those Federal powers not yet fully exercised. In my judgment, its exercise will be beneficial to the States and to the United States; and surely the exercise by the United States of one of its powers can not be held to impair State rights.

The United States has exclusive jurisdiction, as I said, over the navigable waters in the States—waters navigable in fact, and not merely declared so by statute. It does not own the river bed over which the stream flows; this is the property of the State. It does not own the river banks; these belong to the landowners adjacent. It has no riparian rights. It does not even own the water in the stream, for it may be used by private individuals, unless its use should reduce the quantity of the water or the flow of the stream so as to impair navigation. The United States simply has the right to the use of the stream to maintain navigation. Its jurisdiction for securing and maintaining navigation is complete. It is an express power exercised in pursuance to the Constitution to secure the consummation of a particular purpose, and that purpose is navigation free to all the people of all the States. The power to carry the mails to all the people over any portion of any State in the Union belongs to the United States Government, and it may open up post-roads for this purpose, but in so doing no part of the soil of the State would belong to the United States, but merely an easement or right of way on a chosen road to carry the mails. It would have no special jurisdiction over the roads; the State would reserve its civil and criminal jurisdiction. The United States would have no more right on the road than a citizen would have except for the improvement thereof in cooperation with State or county authorities and for carying mail. The right to protect its mails it now has everywhere. The apprehensions of many on this question are ill-founded. Let us give to our country this initial step to the ultimate consummation of a perfected system of internal improvements which, in connection with our rivers and harbors and ship canal, will so develop and enhance our resources that this Republic shall become more wealthy and more powerful than all the nations of Europe combined. [Applause.]

Mr. Chairman, no one has more devotion to the doctrine of local self-government nor a firmer belief in maintaining unimpaired every right of a sovereign State than myself. These rights, so vital to the people of a State, so necessary to the maintenance of justice and liberty, must not be encroached upon; but there are other rights equally as sacred and essential; these are the constitutional rights of the Republic. Let no man or party despoil the Republic of its power or question the exercise of its constitutional authority. The tendency to the concentration of power in the National Government, the disposition to widen Federal authority by mere construction, often arises from a naturally selfish disposition to extend their jurisdiction by the administrators of government. The unjust prejudice against United States authority in some quarters, the unjust prejudice against and ignorance of State rights in others, are, from whatever causes, potent agencies for discontent among the masses. Perhaps these are conditions that can by patience and wisdom be removed; but under all these are other and more perilous causes, arising from other sources and from other reasons, undermining republican institutions, that challenge our attention.

Mr. Chairman, if there be one time more than another when we should be candid, it is on a day like this, when the House is in solemn session for general debate in the Committee of the Whole House on the state of the Union. We fear not for the present safety of our institutions, but every patriot must feel alarmed at the tendency of the times and the uncertainty, discontent, and unrest of the people. We are accustomed to think and say that the people will bring all things right at last. This is untrue. The masses, under improper and unscrupulous leadership, are too often led into the wrong. They thus are sometimes blinded until "they know not what they do," and almost crucify themselves. The people are willing to do right if they know the right. They have not the time to devote to the study of public questions. They elect men to public office, and particularly to Congress, to study State and national problems and direct aright the affairs of the Government. It is not expected that all shall think alike and act alike. It is from the fierce conflict of ideas that the truth must come, justice be sustained, and liberty preserved. But upon one question there can be tolerated no difference of opinion: No American shall lose faith in the Republic and the final liberty, through its example, of all mankind.

In discussing the state of the Union shall we hesitate to recite the causes that operate to its disadvantage? The unreasonable diversity of party doctrine under the same Constitution; the false and provincial education of the people; the superficial view taken by the masses of the true theory of our institutions, and too often the ignorance of public men on the question; the adoption of temporary expedients in legislation in an emergency in place of following sound principles; a general disregard of constitutional limitations; party partisanship; sectional and racial prejudice; unchecked corporate greed and power; discrimination in taxation, State and Federal; local laws that restrict the liberty of the citizen; excusing public plunder; government by commission; the abrogation of the rights of the people's representatives to bureaus and departments; Executive usurpation; judicial legislation; State and Federal espionage on citizens; the multiplication of State, county, municipal, and national debts for labor to pay; the granting of valuable franchises, without compensation, to corporations; the exemption of corporate interests and wealth from taxation; the unequal distribution of wealth; wealth accumulated by the operation of tariff laws and protection for a few while labor has been without its just reward; specific monopolies; national banks exercising the functions of government; patience with anarchy; trusts in restraint of trade; the expenditure of our national substance in the subjugation of a foreign people; peculation in office; sinecures for favorites; extravagance in administration, and the establishment of colonies in violation of the spirit of American liberty are causes that conspire to destroy the confidence of the people and ruin the Republic, for such untoward conditions encourage dishonesty in the enactment and enforcement of public laws. [Applause on the Democratic side.] Who has created these unholy conditions, and how were they created? Ask the party in power. False policies evolved from false theories of government, the dominion of wealth and power, the contempt of the rights of the individual citizen, inequality in law

and oppression in its enforcement—these afford an unerring answer. Think not that these things can continue. You can not live always in safety over the crater of the volcano.

The spirit of liberty, wounded, may depart. We must call back this Government to law, to order, to equality, and to justice; equality of rights and equality of opportunity for men in all conditions of life. We must open the ways of progress that this people may move forward to the peaceful possession of that inheritance secured by the blood of the Revolutionary fathers, under the blessing of God, for us and for ours.

May I ask, sir, again what has been the cause of these untoward conditions; who has brought them on; what shall be the end?

Mr. Chairman, we never find it pleasant to present the merits of our own party, nor the demerits of the other. We should be ever ready and willing to admit, when we charge the commission of wrong against the rights of our country and countrymen on the Republican party, that often just charges may be made against the Democratic party not to its credit. But who has been in power for the last decade—unrestricted power—in every branch of the Federal Government? That party which holds the scepter of power at this moment—the Republican party; and, sir, I believe that no greater fortune can come to the country, nor to the Republican party itself, than that it should meet defeat at the hands of the people at the coming election. The country would be relieved of the misfortunes now attending, and the Republican party, in vacation, could re-republicanize its doctrines and be reintroduced to the people. Has the Republican party of the United States been true to the interests of the people? I concede here and everywhere else the patriotism of the rank and file of the party and the interest and good purpose, generally, of the majority of the representatives of the party; but I shall ever insist that its doctrines are false and its policies not in pursuance of the best interests and welfare of our country. [Loud applause on the Democratic side.]

Gentlemen, these are the conditions. Can the Republican party remedy them? Some they may; some they can not.

Why yield the power of this House? Why yield the power of Congress to mere administrative officers? Why not hold it within your own hands, delegated representatives of the people? Why do you surrender the only citadel of the people? Do you know that your Government, in form republican, in fact is but a limited monarchy? It is the greatest Government and the greatest Constitution the world ever saw. Yet of the 160,000 or more of Federal officials, Members of Congress alone are elected directly at the ballot box by the people. Why, then, give away your power as representatives of the people to the mere menials of government? You can not do so and stand for the people. You are responsible for these conditions and the results. You established the protective tariff. You are responsible for the conditions that flow from that tariff and the trusts that it shelters. The people are demanding revision in tariff laws; yet the pitiful spectacle is presented that you are helpless to give the country one iota of relief, although in supreme power. For when once you have discarded the theory of protection for protection's sake; when once you have reduced the tariff to a revenue basis, or when you have formulated and presented for consideration in this House a reform tariff bill in which so much of protection is removed as supports monopoly and trusts, that minute the Republican party repudiates its false doctrines and falls a victim to the vengeance of the monopolies and the trusts that it created. [Loud applause on the Democratic side.]

Can you expect this great party to commit political suicide? Ah, well it is that you say you are not prepared to reform the tariff until after the Presidential election in the fall. If you would now present a reform measure to the country from the Committee on Ways and Means there is not a village or hamlet within the confines of this Republic that would not go Democratic in the next election. [Applause.] You can not do it. You have not the ability. I do not mean that you have not the intelligence, but you are so confronted by conditions you created and have been so long mercilessly dominated by the power of wealth, you have been so long the instrument of the enemies of the common people that you dare not act in their behalf. [Applause.]

Mr. Chairman, I regard the Republican party as one of the greatest parties that ever rose to power in this or any other Government, and the skill of its leaders equals that of any political organization that has ever existed in our country. But for more than forty years, Republicans, you have presented to the people false principles and false theories; you have plundered their Treasury whenever you saw fit; you have overturned the rights of States; you have stood with your feet on the necks of the common citizens; you have appealed to none for power save wealth and monopoly, and yet you have successfully run the gamut. You have deceived the people of the United States, not once or twice, but all the time. [Applause on the Democratic side.] If I had to characterize you by one sentence, I would say that the political organization known as the Republican party is a superb opportunist, if not the most sublime and stupendous faker in all the history of the world. [Applause and laughter on the Democratic side.]

Mr. Chairman, another question that presents another view of the versatility of our distinguished friends is the question of finance. According to the doctrines that our fathers taught, for many years the people of all parties stood for the policy of bimetallism. We believed it was right; we believe it yet; but in an hour of emergency the Republican party, although pledged through every day of its existence to the doctrine, changed its front at the behest of its masters and said the theory of bimetallism was wrong; that there must be a gold dollar behind every dollar of money issued by the United States to protect this country in all hours from panic and distress in business. Vainly did we fight; the glittering gold you offered appealed too strongly to the unpatriotic. You carried the country upon the representation, sirs, that behind every dollar issued by the National Government was or would be placed a gold dollar. What a splendid standard that was—a gold standard! Deeply should we regret that such views should take hold of the majority of our countrymen, but, like every other Democrat, I cheerfully submit to the will of the majority.

We are ready, in accordance with the will of the people of the United States, to make, if we can, a true gold standard. Can it be done? About one billion seven hundred and fifty millions of money of all kinds has been issued by the United States. Of that perhaps one-third is gold. The reserve required in your Treasury is only $150,000,000. Assume that you can control the circulation of the gold—which you can not do—and hold it for redemption of the Treasury notes, the greenbacks, and the silver. You have not a gold dollar behind the silver and paper money, but 33 cents in gold, for only one-third of all our money is gold. Your theory of redemption is practically impossible. You have given us, then, not the 50-cent dollar that you said in the campaign the Democratic party would give, but, as a matter of fact, you have given to the United States a 33-cent dollar. What is that dollar worth? It is worth its face, as a silver dollar would have been worth its face, as any paper dollar is worth its face; not because of the intrinsic value of the metal in the dollar as a commodity, but because of the fact that the function of money has been imparted to it and the people of the United States have guaranteed its payment. You did not stop the panic by the alleged gold standard, as you deceived the people into believing could be done. You have not given the gold standard in its perfection, as you promised. You have beheld in an hour of peace and alleged prosperity one of the greatest panics of the world. The very thing you said you could prevent by the gold standard has come under your gold standard. The very thing you said would be prevented by the Republican party and the enforcement of its policies has come to plague you again. Ah, gentlemen, you have never given the true cause of these troubles to the people of the United States. I tell you that the trouble lies with the power that is behind the throne and against the interests of the people. Do not attempt to deceive us with elastic currency bills and asset currency—miserable frauds and subterfuges.

Have you enough money? If you have, then what caused the panic? Is the Government controlling the finances of the country? Is it exercising the functions of a sovereignty when it delegates the power to issue money on any terms to private institutions? So long as you put it in the power of corporations to control, contract, and expand the currency at will, by manipulations, doubling the purchasing power of the dollar or reducing this power at will, you may expect panics, for it is one of the modern business methods by which the money powers or trusts obtain ultimately unlawful and almost boundless accretions in the absorption of commodities and lands at low prices and by extortion in interest rates.

When money is again under control of Government and relegated to its proper functions as a medium of exchange between values, and interest fixed at a low and reasonable rate so as to encourage industrial and commercial pursuits, panics will seldom occur. When money can not profit hoarded, it must come into business channels to obtain accretions, just as labor is forced to the ditch to obtain its living. But it was not my purpose to discuss, but to only incidentally refer to the money question.

Mr. Chairman, I have not sought to unjustly indict the Republican party or unfairly animadvert on its administration. The world knows well the story of its treason to popular gov-

ernment. It is of little consequence to our country, in effect, whether it be the Republican party or the Democratic party or some other party that has contributed most to these conditions. They must be remedied, sir, or the day and hour will come when they can not be remedied peaceably in the interest of the masses of the people.

Mr. Chairman, it is the verdict of history that of all the nations that have lived and flourished and passed away not one has exemplified for the benefit of posterity more than one great thought typical of the essence of its existence. The years and the deeds of a nation are as one moment and one act. They tell but one story and point but one moral, and each nation is so represented in the great historical galleries of time as to leave but one impression to succeeding generations. Look upon that great gallery and tell me what is typical of the mighty Assyrian Empire. Wipe away from her fading portrait the dust of ages, and you behold not a great martial people; you see not her hundreds of thousands of horsemen in clanking armor moving over the fields of carnage, but a lone shepherd playing his lute upon her lofty hills as he looks down on his flocks and herds in the beautiful valleys below. Her pastoral life was her chief glory. Chaldea! What of thy greatness? A lone astronomer is reading the story of the stars by the light of their struggling beams. This is thy contribution to the science of the ages. You behold yonder a great invading force—5,000,000 barbarians. They come. They cross the Hellespont. They go. They flee in broken ranks, in shattered columns, and wild retreat. From that hour Grecian valor has inspired the heroes of all time, and though her civilization perish, glory will ever rekindle at the urn of her Spartan heroes.

But we pass to another scene profound in interest. A great sea opens. A multitude passes over in safety; a pursuing army follows; the waves of the mighty deep clasp in eternal embrace again. The power of Egypt has perished, but a race is restored to the rights of men again, whose influence and whose magnificent achievements have filled the world for centuries since that eventful day.

But let us turn away from this gallery of the ancients. What shall be the contribution of modern nations to this galaxy when He who holds their destiny in the hollow of His hand shall decree that they shall be no more? Neither prophet nor seer may yet tell their fate, nor the impress they shall make upon mankind; but as for us, my countrymen, let us so live in obedience to just laws that truth shall ever triumph and freedom be ours to the end, and when at last we shall be called to answer in the great beyond, heaven forbid that the limner of history shall represent us to posterity by the eagle of the Republic rending with his talons the Declaration of Independence, while his beak is buried in the hearts of the liberties of a defenseless people; but rather by that more glorious and inspiring scene—the Goddess of Liberty still standing proudly erect, waving with one hand o'er her devoted head the banner of the Republic and pressing with the other to her sacred bosom the Constitution of the Union. [Prolonged applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BUTLER having taken the chair as Speaker pro tempore,

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 450. An act for the relief of the State of North Carolina;

S. 4797. An act for the care and preservation of The Hermitage;

S. 1669. An act granting an honorable discharge to Benjamin Warner;

S. 4791. An act providing for the determination and payment of claims of certain Indian traders and others against the Menominee tribe of Indians in Wisconsin and against individual members of said tribe;

S. 5085. An act authorizing the construction of a light-house tender for the light-house inspector of the twelfth light-house district;

S. 123. An act to provide for the erection of a public building at Lewiston, county of Nez Perce, State of Idaho;

S. R. 37. Joint resolution disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico;

S. 520. An act for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal.;

S. 4112. An act to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906;

S. 2244. An act to provide for the erection of a public building at Missoula, Mont.;

S. 3405. An act to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896;

S. 5363. An act to provide for the purchase of a site and the erection of a public building thereon at Franklin, La.;

S. 1543. An act to authorize the entry of arid and semiarid public lands;

S. 649. An act to provide for the purchase of a site and the erection of a public building thereon at Rock Springs, in the State of Wyoming;

S. 906. An act to provide for the purchase of a site and the erection of a public building thereon at Rochester, in the State of New Hampshire;

S. 2938. An act to provide for the erection of a public building at Lander, Wyo.;

S. 3160. An act providing for the erection of a public building in the city of Peru, Ind.;

S. 5434. An act to provide for finishing the crypt of the chapel, United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones.

S. 4535. An act to amend section 714 of the Revised Statutes of the United States relating to the resignation of judges of the courts of the United States.

The message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 36.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of an inland waterway from Mobile Bay to Perdido Bay, in the State of Alabama, and from said Perdido Bay to Escambia Bay, in the State of Florida, for the purpose of estimating the probable cost of the construction of a canal 300 feet wide by 9 feet deep, or of such width and depth as will be sufficient to permit of the navigation of such vessels as ordinarily navigate said bays, and for other purposes.

Senate concurrent resolution 42.

Resolved by the Senate (the House of Representatives concurring), That for the purpose of ascertaining the practicability and cost of improving navigation on Coosa and Alabama rivers by means of storage reservoirs at, near, or above the sites selected for Locks and Dams Nos. 12, 14, and 15 by cooperation with the Alabama Power Company, or any other corporation duly organized under the laws of the State of Alabama, in the development of water power for industrial purposes, the Secretary of War is hereby authorized to cause a survey to be made of that portion of Coosa River above and below the sites selected for Locks and Dams Nos. 12, 14, and 15, and to submit to Congress as early as practicable a report giving the results of said survey, including plans and estimates of the whole cost of the work and the proportion thereof which should be borne by the United States; and that the cost of said survey shall be paid from funds heretofore appropriated for examinations, surveys, and contingencies of rivers and harbors.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to Senate concurrent resolution of the following title:

S. C. Res. 5. Authorizing the invitation of governments of other countries to send representatives to the International Congress on Tuberculosis.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 4777. An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings.

H. R. 17524. An act to provide for circuit and district courts of the United States at Dothan, Ala.;

H. R. 17422. An act to authorize the counties of Henry and Rock Island, in the State of Illinois, to construct a bridge across Rock River at or near Colona Ferry, in said State; and

H. R. 17220. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. OVERSTREET. Mr. Chairman, I yield sixty minutes to the gentleman from Ohio [Mr. GOEBEL].

Mr. GOEBEL. Mr. Chairman, on December 3 last, Mr. HUMPHREY of Washington introduced in the House a bill to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

That bill was referred to the Committee on the Post-Office and Post-Roads, and by the chairman of that committee referred to a subcommittee of which I have the honor to be the chairman. This subcommittee after a careful hearing, by a majority vote, decided to recommend to the general committee with certain amendments a favorable consideration of the bill. The general committee as yet has taken no action on this report and recommendation. Taking the bill as amended by the subcommittee it will be identical with the bill introduced by Sena-

tor GALLINGER, amended and recommended for passage by the Committee on Commerce. As we are now discussing postal affairs, I shall avail myself of the opportunity afforded me by the distinguished chairman of the Committee on the Post-Office and Post-Roads to discuss the bill to which I have made reference, in the hope that I may give some information and more light to the membership of this House to the end that at a later day you may approach the consideration of this bill with such information, and to enable you to come to a just conclusion. The bill when amended will read as follows:

That the Postmaster-General is hereby authorized to pay for ocean mail service under the act of March 3, 1891, in vessels of the second class on routes to South America, to the Philippines, to Japan, to China, and to Australasia, 4,000 miles or more in length, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class as provided in said act.

This bill, if passed, amends section 5 of the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," in the following particulars:

First. It will raise the compensation to ships of the second class from $2 per mile to $4 per mile.

Second. It will require ships of the second class to make a distance of not less than 4,000 miles, outward voyage.

Third. It will establish a direct mail service from the United States to South America, to the Philippines, to Japan, to China, and to Australasia.

It makes no other changes or modifications of the original act of March 3, 1891. That act will stand in every other particular and be in force, and the amendment as proposed is governed in all respects by the provisions of the original act, so far as the same may be applicable. As the original act will have to be considered in connection with the proposed amendment, I shall quote the act in full:

An act to provide for ocean mail service between the United States and foreign ports and to promote commerce.

Be it enacted, etc., That the Postmaster-General is hereby authorized and empowered to enter into contracts for a term not less than five nor more than ten years in duration, with American citizens, for the carrying of mails on American steamships, between ports of the United States and such ports in foreign countries, the Dominion of Canada excepted, as in his judgment will best subserve and promote the postal and commercial interests of the United States, the mail service on such lines to be equitably distributed among the Atlantic, Mexican Gulf, and Pacific ports Said contracts shall be made with the lowest responsible bidder for the performance of said service on each route, and the Postmaster-General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named.

SEC. 2. That before making any contract for carrying ocean mails in accordance with this act the Postmaster-General shall give public notice by advertising once a week, for three months, in such daily papers as he shall select in each of the cities of Boston, New York, Philadelphia, Baltimore, New Orleans, St. Louis, Charleston, Norfolk, Savannah, Galveston, and Mobile, and when the proposed service is to be on the Pacific Ocean, then in San Francisco, Tacoma, and Portland. Such notice shall describe the route, the time when such contract will be made, the duration of same, the size of the steamers to be used, the number of trips a year, the times of sailing, and the time when the service shall commence, which shall not be more than three years after the contract shall be let. The details of the mode of advertising and letting such contracts shall be conducted in the manner prescribed in chapter 8 of title 46 of the Revised Statutes for the letting of inland mail contracts so far as the same shall be applicable to the ocean mail service.

SEC. 3. That the vessels employed in the mail service under the provisions of this act shall be American-built steamships, owned and officered by American citizens, in conformity with the existing laws, or so owned and officered and registered according to law, and upon each departure from the United States the following proportion of the crew shall be citizens of the United States, to wit: During the first two years of such contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one-third thereof; and during the remaining time of the continuance of such contract at least one-half thereof; and shall be constructed after the latest and most approved types, with all the modern improvements and appliances for ocean steamers. They shall be divided into four classes. The first class shall be iron or steel screw steamships, capable of maintaining a speed of 20 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 8,000 tons. No vessel except of said first class shall be accepted for said mail service under the provisions of this act between the United States and Great Britain. The second class shall be iron or steel steamships, capable of maintaining a speed of 16 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 5,000 tons. The third class shall be iron or steel steamships, capable of maintaining a speed of 14 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 2,500 tons. The fourth class shall be iron or steel or wooden steamships, capable of maintaining a speed of 12 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 1,500 tons. It shall be stipulated in the contract or contracts to be entered into for the said mail service that the said vessels may carry passengers with their baggage in addition to said mails and may do all ordinary business done by steamships.

SEC. 4. That all steamships of the first, second, and third classes employed as above and hereafter built shall be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, and according to plans and specifications to be agreed upon by and between the owners and the Secretary of the Navy, and they shall be of sufficient strength and stability to carry and sustain the working and operation of at least four effective rifled cannon of a caliber of not less than 6 inches, and shall be of the highest rating known to maritime commerce. And all vessels of said three classes heretofore built and so employed shall, before they are accepted for the mail service herein provided for, be thoroughly inspected by a competent naval officer or constructor detailed for that service by the Secretary of the Navy; and such officer shall report, in writing to the Secretary of the Navy, who shall transmit said report to the Postmaster-General; and no such vessel not approved by the Secretary of the Navy as suitable for the service required shall be employed by the Postmaster-General as provided for in this act.

SEC. 5. That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of $4 a mile, and for the second-class ships $2 a mile, by the shortest practicable route, for each outward voyage; for the third-class ships shall not exceed $1 a mile and for the fourth-class ships two-thirds of a dollar a mile for the actual number of miles required by the Post-Office Department to be traveled on each outward-bound voyage: *Provided*, That in the case of failure from any cause to perform the regular voyages stipulated for in said contracts or any of them, a pro rata deduction should be made from compensation on account of such omitted voyage or voyages; and that suitable fines and penalties may be imposed for delays or irregularities in the due performance of service according to the contract, to be determined by the Postmaster-General: *Provided further*, That no steamship so employed and so paid for carrying the United States mails shall receive any other bounty or subsidy from the Treasury of the United States.

SEC. 6. That upon each of said vessels the United States shall be entitled to have transported, free of charge, a mail messenger, whose duty it shall be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for the accommodation of himself and mails.

SEC. 7. That officers of the United States Navy may volunteer for service on said mail vessels, and when accepted by the contractor or contractors may be assigned to such duty by the Secretary of the Navy whenever in his opinion such assignment can be made without detriment to the service, and while in said employment they shall receive furlough pay from the Government, and such other compensation from contractor or contractors as may be agreed upon by the parties: *Provided*, That they shall only be required to perform such duties as appertain to the merchant service.

SEC. 8. That said vessels shall take, as cadets or apprentices, one American-born boy under 21 years for each 1,000 tons gross register, and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable.

SEC. 9. That such steamers may be taken and used by the United States as transports or cruisers, upon payment to the owners of the fair actual value of the same at the time of the taking; and if there shall be a disagreement as to the fair actual value of the same at the time of the taking between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, they at the same time selecting a third, who shall act in said appraisement in case the two shall fail to agree.

In substance the original act divides ocean mail steamships into four classes. The first class shall be iron or steel screw steamships, capable of maintaining a speed of 20 knots an hour at sea in ordinary weather, and to have a tonnage of not less than 8,000 tons. The second class shall be iron or steel steamships maintaining a speed of 16 knots an hour at sea in ordinary weather, and to have a tonnage of not less than 5,000 tons. The third class shall be of the same kind and to maintain a speed of 14 knots an hour at sea in ordinary weather, and to have a tonnage of not less 2,500 tons. The fourth class shall be iron, steel, or wooden vessels, of a speed of 12 knots an hour at sea in ordinary weather and a tonnage of not less than 1,500 tons. The original act also provides that steamships of the first, second, and third classes are to be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, according to plans and specifications provided by and under the supervision of the Secretary of the Navy. The compensation, respectively, is $4, $2, and $1.66⅔ per mile outward voyage, and there is to be no other or further compensation. It permits such vessels to carry passengers and to compete for steamship business.

The amendment here proposed will in no way affect steamships of the first class, since they require a speed of 20 knots an hour, and are under the original act confined between the United States and Great Britain, a distance of less than 4,000 miles. And as it can in no way affect ships of the third and fourth class, we may also dismiss them without further comments.

I may say, before discussing the merits of this proposition, that the amendment meets with the approval of the Postmaster-General. The subject-matter has also been considered by the President of the United States, and in his message to Congress at the opening of the present session he said:

The time has come, in my judgment, to set to work seriously to make our ocean mail service correspond more closely with our recent commercial and political development. A beginning was made by the ocean mail act of March 3, 1891, but even at that time the act was known to be inadequate in various particulars. Since that time events have moved rapidly in our history. We have acquired Hawaii, the Philippines, and lesser islands of the Pacific. We are steadily prosecuting the great work of uniting at the Isthmus the waters of the Atlantic and the Pacific. To a greater extent than seemed probable even a dozen years ago we may look to an American future on the sea worthy of the traditions of our past. As the first step in that direction, and the step most feasible at the present time, I recommend the extension of the ocean mail act of 1891. That act has stood for some years free from successful criticism of its principle and purpose. It was based on theories of the obligations of a great maritime nation, undisputed in our own land and followed by other nations since the beginning of steam navigation. Briefly those theories are, that it is the duty of a first-class power, so far as practicable, to carry its ocean mail under its own flag; that the fast ocean steamships and their crews required for such mail service are valuable auxiliaries to the steam sea power

of the nation. Furthermore, the construction of such steamships insures the maintenance in an efficient condition of the shipyards in which our battle ships must be built.

The expenditure of public money for the performance of such necessary functions of government is certainly warranted; nor is it necessary to dwell upon the incidental benefits to our foreign commerce, to the shipbuilding industry, and to the shipowning and navigation which will accompany the discharge of these urgent public duties, though they, too, should have weight.

We now pay, under the act of 1891, $4 a statute mile outward to 20-knot American mail steamships built according to naval plans available as cruisers and manned by Americans. Steamships of that speed are confined exclusively to trans-Atlantic trade with New York. To steamships of 16 knots or over, only $2 a mile can be paid, and it is steamships of this speed and type which are needed to meet the requirements of mail service to South America, Asia (including the Philippines), and Australia. I strongly recommend, therefore, a simple amendment to the ocean mail act of 1891, which shall authorize the Postmaster-General, in his discretion, to enter into contracts for the transportation of mails to the Republics of South America, to Asia, to the Philippines, and Australia at a rate not to exceed $4 a mile for steamships of 16 knots speed or upward, subject to the restrictions and obligations of the act of 1891.

Mr. Chairman, it is sought in this way to extend the ocean mail act of 1891. The original act has been in force for seventeen years. Since that time this nation has made wonderful progress. We have acquired Hawaii, Porto Rico, the Philippines, and other islands of the Pacific. The conditions existing in 1891 for the enactment of the law apply with equal force to-day and with much stronger reasons for an extension of the act. It is essential that we have adequate foreign mail service to meet present conditions, and as we have become a world power, just pride compels us to carry the ocean mail by American ships and under the American flag whenever possible.

In this respect our country is in a most unfortunate condition at this time, depending wholly upon the reluctant, irregular and inefficient service of foreign steamships to carry our mails directly to the principal countries of South America. Our people have the right to demand from us the quickest and most regular dispatch of their foreign mails, and it is a sad commentary that in order to do this we must make use of the fast steamship lines which are subverted in some form by some government, and thereby contribute our portion to a foreign subvention. The British Government to-day, in addition to an admiralty subvention of $750,000 annually, pays to the Cunard line $340,000 for the transportation of the mails. I may say that nearly all maritime nations of Europe and Japan have for their own interests made liberal subventions to maintain great ocean-mail lines direct from their own ports to different ports of the world. Let me read to you what the Postmaster-General said last month in a communication addressed to Senator FRYE, chairman of the Committee on Commerce; which committee had at the time under consideration the identical bill:

> Because of the irregular sailing and the general unsatisfactory service of foreign steamships this Department was compelled on May 6, 1907, to instruct the postmaster at New York to dispatch the mails for Rio de Janeiro by way of Europe in all cases except once a month, when communication could be made at New York with the only two steamers of the foreign fleet having a nominal speed of 14 knots an hour plying between this country and South America. This arrangement compels the use of European ports, as well as European steamers, in the conveyance of the United States mails to some of the most important countries of South America, and brings us face to face with the humiliating conditions of which the Postmaster-General warned Congress in his report for 1905, a condition, as he said, which "might seriously embarrass the Government in the exchange of important official and diplomatic correspondence."
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> Since last March the fifteen American steamships which had been engaged in trade across the Pacific Ocean have been reduced to eight. Not one new steamship is building for that trade, or indeed for any other branch of our foreign commerce. The complete disappearance of the American merchant flag from the Pacific Ocean is imminent unless resolute measures are promptly taken to prevent it. In the meantime, the governments of Great Britain and her autonomous colonies in Australasia are considering a proposition, by liberal grants from imperial and colonial exchequers combined, to establish by British ships on the Pacific Ocean, in connection with the Canadian Pacific Railway, the fastest mail service practicable between England and Australasia. The Japanese Government at the same time, through new and generous mail contracts, is enabling its steamship companies to construct swift new ships which will supplement the navy of Japan in the Pacific with a formidable fleet of auxiliary cruisers.

Mr. Chairman, this is indeed a warning, and the time has come when Congress should take some action. The proposition involves only an ocean mail service. Action on the part of Congress in matters of this kind is not new in the history of our Government.

The act of March 3, 1845 (which was the first act), provided for the transmission of mails between the United States and foreign countries in American ships. It had also for its purpose the encouraging of Americans to build and run steamships. The Postmaster-General was empowered to make contracts with steamship companies for either a fixed subsidy or the postage rates, as follows:

> For points not less than 2,000 miles distant, 24 cents per half ounce; 48 cents per ounce, and 15 cents for every half ounce.
>
> For the postal service to Mexico and the West Indies, 10 cents per half ounce, 20 cents per ounce, and 5 cents for every additional half ounce. United States inland postage was added to the above sums. Unfortunately, however, it did not induce Americans to establish mail steamship lines, and more liberal terms were offered.

The act of March 3, 1847, authorized the Secretary of the Navy to accept the offer made by E. K. Collins & Co. to carry the mails from New York to Liverpool and also the offer made by Mr. Sloo to provide five steamships for carrying mails between New York, New Orleans, and Chagres. The latter service was to cost the Government not more than $290,000. Provision was also made for carrying the mails across the Isthmus of Panama and up the coast of California and Oregon. All of these subsidized ships were subject to purchase or control by the United States Government whenever necessary.

On February 2, 1847, the Post-Office Department concluded a contract for five years under the law of March 3, 1845, with the Ocean Steam Navigation Company for the conveyance of the mails between New York and Bremen and Havre. The contract provided payment on the basis of $100,000 for six round trips a year to Bremen and $75,000 for six trips a year to Havre, which gives mileage rates of $2.23 and $2 respectively, and it was also provided that when the service should be doubled the pay was to be doubled. There was also a stipulation that the steamers engaged should be at least 1,400 tons and faster than the Cunard steamers. The service to Bremen began January 21, 1847, but up to 1851 the vessels had no regular schedule of sailing and payments were made for each voyage separately. Sailings were irregular and so slow that few mails were sent by them. In 1851 the full service, to wit, twelve trips to Bremen and twelve trips to Havre were begun. The Thirty-second Congress extended the contract until 1857. The Post-Office Department also contracted for bimonthly mail service between Charleston and Habana for a payment of $45,000 per annum. In approving this contract Congress added $5,000 for making Savannah a port of call. This service began in 1848 and continued for ten years.

In 1848 the Secretary of the Navy made three mail contracts, all of which were to run for ten years. The first was concluded by a bimonthly service between New York and Chagres, via Habana and New Orleans, to be carried by five new steamers of 1,500 tons each. The subsidy was fixed at $290,000 a year for traversing a distance of about 158,000 miles, or at the rate of $1.83⅓ a mile. The second provided for mail service to be conducted by three new steamers between Astoria and Panama, calling at San Francisco, Monterey, and San Diego. The subsidy was at first $199,000. Later the route was modified, the sailing made bimonthly, and the subsidy increased to $384,250 for sailing about 201,600 miles, or at the rate of $1.90 per mile. The third contract was for a bimonthly service during eight months of the year and a monthly service during the four winter months between New York and Liverpool. It was agreed that five new first-class steamers of at least 2,000 tons burden be constructed. In consideration of this service $385,000 was to be paid for traversing about 124,000 miles, being a mileage rate of $3.11 per mile.

The service between New York and Chagres was begun in 1848 and continued with regularity until the expiration of the contract. The service between Astoria and Panama was not at first satisfactory, partly because of the failure of the company to provide sufficient and suitable vessels and partly because of the impossibility of securing crews on the California coast during the gold excitement.

Through delays in building the necessary ships, the contract known as the "Collins contract" did not go into effect until June 1, 1850. The original terms of this contract granted a subsidy of $19,250 per voyage for twenty voyages a year. At this time the Cunard Line was receiving £145,000 per annum for a weekly service, forty-four trips per year, over the same route, or about $15,000 per voyage. The ships of the Collins Line were in every way superior to the Cunard vessels, and it was the boast of the Americans that they would beat the English in steam navigation as they had already beaten them in fast sailing. But the English had the advantage of twelve years' experience, a larger subsidy for a more frequent service, and all the prestige which accrues to a long-established line. The establishment of the Collins Line was nevertheless productive of some substantial benefits to our country, and as the subsidy was responsible for the starting of the line, it may be credited with bringing about these benefits.

Before 1850 Mr. Cunard had virtually a monopoly of the fast freight business and charged all the traffic would bear. In a very short time after the Collins line started freights fell from £7 10s. per ton to £4 per ton, and commerce and passenger traffic were increasing rapidly. The Collins people, however, being hampered by the severe conditions of the mail contract, made it almost impossible for them to secure any large part of this growing freight business without great outlay for slower cargo

boats, for the quick sailing and with short stays in ports made it impossible for the mail steamers to secure or carry much cargo. It is needless for me to say that the formation of a rival American line was bitterly resented by Mr. Cunard, and he induced Parliament to raise his subsidy of £145,000 and payment for extra service which he put on to New York from Liverpool direct, in the hope of killing off American competition before it actually began. It also appears that in 1851, a year and a half after the Collins line started, Mr. Cunard obtained $834,000 a year as a subsidy for forty-four trips, or about $19,000 per voyage.

In 1852 our Government increased the subsidy to the Collins line by allowing $33,000 per voyage for twenty-six trips a year, or at a rate of more than $5 per mile. And it was then a life and death struggle between the American and the English line, each of them backed by its respective government, and it was evident that both could not survive. While the American boats gave a superior speed and equipment, which greatly increased the passenger traffic, the English boats, however, did most of the freighting, which is the profitable side of most transportation business. It was then maintained by Mr. Collins that his company could not compete with the Cunard people unless the subsidy was again increased. In a statement before a committee of Congress he declared that to save a day or a day and a half in the run between New York and Liverpool cost the company nearly a million of dollars annually. It will be seen that to hold a speed record was rather a costly form of enjoyment.

Again, the economical conditions at the time rendered it impossible that the American line should compete with the English successfully in steam navigation. The final result was that the Collins Line was compelled to suspend operations. It might be said, however, that the actual failure was due to a disaster wholly beyond human foresight or control in the loss of the *Arctic* and of the *Pacific*, two of their best vessels.

In 1856 Congress reduced the subsidy to the original sum of $385,000 a year for twenty trips. Two years after, all contracts for carrying foreign mails were abrogated.

The approximate cost of this subsidy experiment was as follows:

Bremen Line, 1847–1852	$2,000,000
Havre Line, 1852–1853	750,000
Collins Line, 1850–1858	4,500,000
New York to Aspinwall, 1848–1858	2,900,000
Astoria and San Francisco to Panama, 1848–1858	3,750,000
Charleston to Habana, 1848–1858	500,000
Making a total of	14,400,000

From 1858 to 1866 this Government gave no subsidy for ocean mail service. American vessels carrying mails received the sea postage plus the United States inland postage for carrying United States mails. Foreign vessels received the sea postage only.

In 1864 a bill was introduced authorizing the payment by the United States of $150,000 per annum for a monthly steamship service between Rio de Janeiro and a United States port north of the Potomac River, on condition that Brazil pay $100,000 for the service. This bill became a law in August, 1869, and subsequently a contract was made with the United States and Brazil Mail Steamship Company for a monthly service between New York and Rio de Janeiro. The line continued for ten years, costing the two Governments $2,500,000, of which the United States paid $1,500,000. Afterwards the subsidy was withdrawn and the company suspended operations.

On February 16, 1865, Congress enacted a law authorizing a subsidy of $500,000 a year for a monthly service to Japan and China, via Hawaii, and a contract was entered into with the Pacific Mail Steamship Company for the service to the Orient. In the session of 1866 and 1867 Congress released the company from the obligation of stopping at Hawaii on the way to China and Japan, and during the same session voted a subsidy of $75,000 for a distinct service to Hawaii, which was to be taken over by the California, Oregon, and Mexico line.

In 1872 the Pacific Mail Company offered to run another monthly service to China and Japan for an additional $500,000 a year. With some difficulty a bill authorizing such a contract was passed by Congress on June 1, 1872, but in 1874, for good and sufficient reasons not necessary here to relate, the new contract was abrogated by the Government. In 1873 the service to the Sandwich Islands was given up by the California, Oregon and Mexico Company. It had lasted six years and had cost the Government $425,000. The first contract with the Pacific Mail Company for the Japan and China service expired in 1877. It had received from the Government during the ten years of its contract $4,583,333.33. On July 27, 1868, the President approved an act giving to the Commercial Navigation Company, of New York, the monopoly for fifteen years of carrying all European mails weekly or semiweekly to Queenstown, Southampton, and Bremen. The vessels, seven in number, were to be built of iron in the United States. The company was to receive the inland and sea postage until they should amount to $400,000, after which it was to receive sea postage only until up to a limit of $600,000. But the Postmaster-General refused to make the contract, on the ground that it was against all reason to reduce the mails from four a week to two.

Congress took no further action until the enactment of the law in 1891, which is now in force.

Having to some extent presented the primary reason for the extension of the present law, it is believed that the stipulation of $2 per statute mile is wholly inadequate to maintain an American postal service over the longer and more costly routes to the chief ports of South America and the Orient, and this has been fully demonstrated by the inability of the Post-Office Department to establish under the present law and under the second class an American line of American ships to these ports. There is obvious reason for this failure. In the first place, it costs more to construct an American ship. Then, again, the restrictions which the law of 1891 provides, and of which I do not complain, have added very materially to the maintenance of American ships manned with American officers and with American crews. It has been ascertained that the profits of an American ship with a tonnage of approximately 3,500 tons, as compared with a German ship of the same tonnage on the same route, made a difference of $15,315 per annum in favor of the German ship, and also that the profits of an American ship with a tonnage of 2,500 tons, as compared with a British ship of the same tonnage on the same route, made a difference of $18,289.68 per annum in favor of the British ship. It will be readily seen that unless we increase this subsidy we can not expect to obtain American ships in this service.

But aside from the fact that we pay more for material and higher wages in the construction of our ships and to our sailors, we are up against the subsidies of foreign governments, which are far in excess of our subsidies. This takes out of consideration the element of intelligence, skill, industry, and thrift which the American people possess and makes the want of governmental action the cause of this failure.

Now, it may be asked what will be the cost of this service. My answer is that it would depend largely upon the bids which the Postmaster-General may receive. He may decline to pay $4 per mile if by competition he can get a cheaper service. However, making an estimate for the maximum amount which could be paid and at the rate of $4.60 per nautical mile for a fortnightly service to Rio de Janeiro, Buenos Ayres, and Manila, over two routes across the Pacific, one via Hawaii, one direct, and a service once in three weeks from the Pacific coast to Australasia, equal to twenty-six voyages in a year, as contemplated by this amendment, would be as follows:

	Nautical miles.	Amount.
Atlantic or Gulf coast to Rio de Janeiro	5,000	$598,000
Atlantic or Gulf coast to Buenos Ayres	6,000	717,000
Pacific coast via Hawaii to Japan, China, and the Philippines	7,800	932,880
Pacific coast direct to Japan, China, and the Philippines	6,500	777,400
Pacific coast via Hawaii to Australasia	7,300	604,440
Total		3,630,320

From this expenditure must be substracted the present expenditure for carrying our ocean mail in foreign ships to South America and in noncontract ships on the Pacific Ocean, amounting to $188,511.67, so far as ascertained.

If this bill should pass this session of Congress, then, during the fiscal year of 1909, about $1,031,000 can be made available for immediate extension of the mail service between the Pacific coast, Hawaii, Samoa, Australasia, and between the Pacific coast, Hawaii, China, Japan, and the Philippine Islands. For these purposes the Australia line would require, in round figures, $600,000, and the line to the Philippines $431,000. When in full operation, which is not possible before January 1, 1910, owing to the time required for the construction of new ships for this purpose, there will have been constructed at least twenty new, large, and costly ocean mail steamships, at a cost upward of $32,000,000, and there will be in operation on the routes proposed by this legislation at least twenty-seven ships, and under the act of 1891, including the amendment, forty-nine ships.

Mr. Chairman, it is a remarkable fact that notwithstanding our faulty ocean mail service the Government of the United States has made out of it a large profit, and I was agreeably

surprised to learn that for the fiscal year ending June 30, 1907, the net profits over the cost of carrying the mails at sea amounted to $3,637,226.81, exclusive of the receipts from Canada and Mexico.

Mr. SHERLEY. Mr. Chairman, will the gentleman tell the committee how that balance is arrived at, and what, if any, of the cost of transporting the mails to the ships is figured in?

Mr. GOEBEL. It is not figured in at all.

Mr. SHERLEY. In other words, the gentleman has a balance there that is simply arrived at by taking the postage paid for carriage both on land and sea, and then subtracted the expense of the sea carriage only.

Mr. GOEBEL. That is the gentleman's conclusion.

Mr. SHERLEY. Is not that the fact?

Mr. GOEBEL. It is not the fact.

Mr. SHERLEY. What is the fact? Let the committee have the fact.

Mr. GOEBEL. I will at the proper time give the gentleman the facts.

And it would appear that there is a fixed increasing result, as is shown from the following figures:

Year.	Receipts.	Cost.	Surplus.
1907	$6,579,043.48	$2,941,816.67	$3,637,226.81
1906	6,008,807.53	2,965,624.21	3,043,183.32
1905	4,711,215.03	2,670,798.43	2,040,416.60
1904	5,095,389.18	2,516,053.06	2,579,336.12
1903	4,991,974.54	2,383,588.80	2,608,385.74
1902	3,737,318.57	2,245,625.55	1,491,692.02
1901	3,005,323.61	2,062,537.16	942,786.45
1900	3,467,139.26	2,014,537.93	1,452,601.30

Mr. SHERLEY. Will the gentleman permit another interruption? Can the gentleman tell the committee how much more it would have been if the trans-Atlantic mails had been carried at competitive contract price instead of the subsidy price contained under the act of 1891?

Mr. GOEBEL. I can not, because I have not gone into that subject-matter.

It would also appear that the weight of letters and postal cards sent out of the United States by sea increased from 974,000 pounds in 1900 to 1,815,000 pounds in 1906, or 86 per cent. The weight of other mail articles, newspapers, books, samples, etc., increased from 7,351,000 pounds in 1900 to 12,306,000 pounds in 1907, or 67 per cent. Comparing these figures with Great Britain it would appear that the weight of letters and postal cards sent out of the United Kingdom increased from 1,618,000 pounds in 1900 to 3,166,000 in 1906, or over 95 per cent. The weight of other mail articles increased from 15,745,000 pounds in 1900 to 25,324,000 in 1906, or 61 per cent. Ocean transportation of foreign mails in England differs from that of the United States in that nearly half of the volume of British foreign mails is sent only across the 23 miles of sea which hardly keep Dover on a clear day out of sight of Calais, while American mails for Europe cross 3,000 miles of salt water.

As the ocean mail service of the United States is a branch of the Post-Office Department, and it having during the last fiscal year turned into the Treasury a profit of $3,637,226, it would seem from a governmental standpoint to be wise that this amount be used for improving and extending that service; and it also appears that this profit would be sufficient to carry out the extension contemplated by this bill, with a strong probability that when in full operation there would be a large profit. But in no event will the Government be called upon to contribute any additional sums.

Mr. SHERLEY. Will the gentleman permit another inquiry?

Mr. GOEBEL. Yes.

Mr. SHERLEY. Assuming the gentleman's premises to be true, that we should expend the profits we get from ocean carrying mails, ought not we to accurately find out what that profit is, and charge up to the carrying of the mail all the expenses?

Mr. GOEBEL. There is no doubt about that.

Mr. SHERLEY. The gentleman's figures, from his own statement, do not include as an expense or debit item anything other than the cost of the mail transportation on the ocean, and do not take into consideration the cost of maintaining the postal service and the transportation of the mails from the mailing point to the ocean.

Mr. GOEBEL. I wish I had time to answer the gentleman's question fully and as to how these figures are arrived at; but I have not time now. However, before we come to consider this bill, or when we do, I shall gladly give to the gentleman the figures, and tell him how we arrive at the profits.

Mr. SHERLEY. I do not of course mean to embarrass the gentleman, and I will not interrupt again.

Mr. GOEBEL. Mr. Chairman, if this be true, then in the general acceptance of the term this would not be a "subsidy," since the money earned furnished the means to defray the expenditure incurred by the service.

I come now to the consideration of what is known as the "naval feature" in the original act. This was strongly urged by the President of the United States and by the several Departments of the Government as one of the reasons for the enactment of this bill. I was somewhat concerned as to the additional expense which might accure to the shipowner in order to comply with this feature. Upon a careful investigation, however, I find that the additional expense in that regard is but a trifle and would not materially enter into the bidding for a contract to carry the mails. In other words, it would not as a distinct element be taken into consideration by the contractor in making a bid for carrying the mails.

Since, therefore, there would be no additional cost to the Government and compliance with the naval feature of the bill by the shipowner could only be of additional benefit to the Government, and that, too, irrespective as to what view we may take, were it a separate proposition and it were sought to increase our naval forces. As to increasing our Navy I have decided views, not in accord with the views of the Administration, but that is entirely immaterial to this discussion. While the President urges as one of the reasons the benefits which might accrue from the "naval feature" of the original act, I do not urge this measure upon that ground or make it the sole reason, but rather that a compliance can do no possible harm and may be of much benefit.

Now, Mr. Chairman, I have endeavored to present in a humble way my reasons for the extension of our ocean mail service, and have endeavored to give the facts upon which I pin my faith. I have endeavored to treat the proposition from a governmental standpoint, having in view the duty and obligations which the Post-Office Department of this great Government owes to itself, bearing particularly upon its functions and for which it was created. And you will agree with me that one of its functions, at least, is to secure to our citizens the quickest and most regular dispatch of foreign mails, and you will also agree with me that in the performance of this plain duty our Government ought not to be compelled to resort to foreign agencies, and thereby put ourselves under the protection of foreign flags. I have also endeavored to show that this proposition does not involve a "subsidy" in the ordinary sense of that term, from which there may be some political reproach.

I think I know the sentiment of this House on the general proposition of subsidies. To some degree I share it. If I have failed, however, to convince you, my colleagues, that this is not a "subsidy" then I shall attribute it to inability on my part to make myself fully understood, and not to the weakness of the cause for which I plead. And what I shall say bearing on the ship industry of this country and our foreign commerce, I beg of you not to consider it in connection with a "subsidy" proposition.

I have said that if you pass this bill, upward of $32,000,000 will be expended in the construction of new ships. Think of it! American money, paid to American laborers. Do you object? Is the extension of the ocean mail service to be defeated forsooth because it will rehabilitate and revive the shipbuilding industry of our country? Are you willing to deprive the American people of additional benefits that will flow as a "result," by defeating a measure offered for a better mail service and which otherwise would come by passing this bill? Why, sir, there was a time when American ships carried 91 per cent of our sea-borne commerce to the world. To-day the position of the United States as an ocean carrying power is insignificant in comparison with other leading nations, and it is sad to relate that very few American steamships are seen in the world's seaports outside the Caribbean and the Gulf of Mexico. Last year we carried but 10.6 per cent of the combined exports and imports in American ships. Our vessels registered for foreign trade only 871,146 gross tons. Do you know that one foreign shipping corporation operating a fleet equaled in tonnage the entire amount of tonnage registered under the American flag? Are you willing that this shall continue? By passing this measure you will put on the routes proposed twenty new ships, which will make a total of forty-nine ships of the second class sailing to South America and across the Pacific Ocean. They will be American ships, built by Americans, manned by Americans, carrying America's foreign mails and freight, and over these vessels will float the American flag symbolical of the hope and pride and strength of the American people. [Applause.]

Mr. GRIGGS. Mr. Chairman, I am going to deliver a few remarks in connection with the postal service. When I first came to this body, eleven years ago, I was, fortunately for myself, placed on the Committee on the Post-Office and Post-Roads,

one of the greatest committees, in my opinion, in the House of Representatives. I became associated there from the very beginning with seventeen of the very best men on both sides of this House. There are only three members now on that committee who were members of it when I was assigned to membership thereon. There are only three others in the House who were members of the committee when I became a member. It has changed very much in personnel. It has not changed, however, in ability, strength, force, and character. I had the pleasure of serving under two chairmen of that committee during ten years, one a jewel in the rough, a man who sometimes, it was thought, expressed his opinions a little too frankly and a little too boldly, but a man who was recognized by every Member of the House at that time as one of the strongest and most courageous men in any legislative body in the world. A gentleman once said of him here that "the bark was rough, but the heart was sound." We all regretted the change when he, having retired from Congress, was succeeded by the gentleman from Indiana [Mr. OVERSTREET]. The truth is, we all thought we knew more about the postal service than he could possibly ever learn. [Laughter.]

But it soon came to us older members of the committee that we had lost nothing by the change and that the gentleman who now presides in such a distinguished and able manner over this great committee is the equal of perhaps any man who ever served on it. My friends and myself on that committee have had many contests over many questions. I freely and candidly admit that oftener I was mistaken and the gentlemen with whom I had the contests were right. There were a great many questions on which they guessed better than I did. [Laughter.] I confess that I am leaving the committee with great regret. Of course everybody knows I was forced to go on that great committee which was literally kicked upstairs the other day. [Laughter.] The Fifty-fourth Congress appropriated $40,000 for experiments with free rural delivery. The Fifty-fifth Congress proposed $50,000 a year for rural free delivery. I am not now going to trench on the preserves of any gentlemen. Many men believe themselves the fathers of the rural free-delivery service. I am not a candidate for the fatherhood of any service. It is true, as stated in a speech by my colleague [Mr. HARDWICK] some years ago, that Mr. Watson of Georgia obtained the first appropriation for this service. This happened one afternoon when, like almost every day this session, our friends on the other side of the aisle were merrily killing time with perfect harmony of tune and unity of action. Several of us were making claims as to the value of our services to our country. The gentleman from Georgia, my colleague [Mr. HARDWICK], offered some remarks about myself, which I hope I may quote with becoming modesty:

"We have all, Mr. Chairman, arrived at the point where we fully recognize and universally concede the great benefits that have come to the people of this country from rural free delivery. Consequently, Mr. Chairman, a number of gentlemen have sprung up who are not quite so frank as was my colleague from Georgia [Mr. GRIGGS], who addressed the committee before me this afternoon and who claimed more than he did, namely, that he is the stepfather of this great system."

I reiterate that claim to-day and I make it in the presence of gentlemen who have served with me upon that committee and who know the facts about it. This popular child may have many stepfathers; I have no objection to that. I am perfectly willing to serve equally with all of them as partners in building this most beneficent service to its present high standard. Fifty thousand dollars a year was being appropriated to establish rural delivery for about 20,000,000 people. I offered a bill at that session of Congress to appropriate $1,000,000, and I tried in my humble way to press it before the committee. If I had known as much about legislation here then as I know now I would not have pressed it before the committee. I would have offered it here on the floor, where all can see and know what happens. At any rate, while I was urging the bill before the committee a good friend, not now a Member, said, "My friend from Georgia will know what a failure rural free delivery is after a few years' service here." I replied to that in my feeble way, because I was then nothing but a new Member, that the Post-Office Department would be a failure with an appropriation of only $50,000 a year; that this great Republic would be a failure on an appropriation so insignificant and so inadequate.

It was soon found out that some of us on that committee were going to press that million-dollar bill in this House as an amendment to the appropriation bill. Not very long after that it was suggested to me that the Post-Office Department could not spend quite that amount, and we agreed, I think it was, on $250,000. The Department probably could spend no more than that amount the first year of any great increase in an entirely new direction. I have not looked up the figures, but my recollection is that the House appropriated $250,000 that year for this service. The next year we forced the appropriation up near the million-dollar mark. From that day until this there has not been an opponent of rural free delivery on the Post-Office Committee or in the House of Representatives, and when I referred to the declaration of my friend from Georgia, who said that I had stated in a jesting way on this floor that I was simply the stepfather of the service, I meant this, that I was proud of the fact that I have been one of seventeen men who have stood behind and built up that great service. Indeed, I may say seven men, because the work, as everybody knows, is done largely by the subcommittee. I seek to detract nothing from the laurels of anybody. I simply know that I took up my work on that committee with all of the ability and all of the force and all of the energy that I had. After establishing rural delivery the deficit increased for several years and a great many people got afraid of it. The deficit in the Post-Office Department went up from $4,000,000 to $17,000.000 a year, and it was freely charged in many quarters that it was due to the rural free-delivery service, but with that same service increasing in appropriations every year, until this year the appropriation for rural delivery is about $35,000,000, the deficit has gone down from $17,000,000 to $6,000,000.

Somebody has done good service. Whether without rural delivery the deficit would have so decreased that the Post-Office Department would now be paying its way, I do not know and I do not care, but nobody can tell, because it would be impossible for anybody to decide with any sort of accuracy where a profit comes from to the Post-Office Department. Our great cities have said and the Members here have often insisted that the post-office in New York, for illustration, pays its expenses and pays a large profit into the Treasury. I see my friend from Brooklyn who, I doubt not, believes that the Brooklyn post-office pays a great surplus into the Treasury of the United States. It does pay more money into the Treasury than it takes out of it. It does all of that. But what of the great expense in carrying the New York mails to and from the smaller offices all over the land? After deducting the cost of carrying mails to and from New York from all the small towns and cities so far away, New York might still pay a surplus, but who can count the cost of carrying a letter sent from the city of New York to the city of El Paso, Tex., and that must be taken into consideration.

We can not therefore say that any one service, any one city, any one of the Departments contributes more than it takes from the Treasury.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. GRIGGS. Certainly.

Mr. FITZGERALD. It is a fact that all the estimates of the importance of offices are based upon receipts?

Mr. GRIGGS. Oh, yes; it is.

Mr. FITZGERALD. And that is the only method by which any accurate test can be had of the importance of the office?

Mr. GRIGGS. I say that is the only method by which you ascertain anything about it accurately—I mean with any sort of accuracy—but that does not make it accurate. You can not determine it exactly, because a large part of the railway mail pay, which is over $45,000,000 this year, for carrying the mail from and to the city of New York, from two to five thousand miles, probably costs five times the return carrying it in some sections of the country.

Mr. FITZGERALD. Would it not be possible to have some computation made of the percentage of mail carried out of the city compared with the mail carried within the city?

Mr. GRIGGS. Oh, yes; I think my friend could compute almost anything himself on the subject, and I will leave him to make this computation, as I am a little pressed for time.

Mr. FITZGERALD. I suggest would it not be possible to determine how much mail was carried each way?

Mr. COOPER of Wisconsin. Will the gentleman allow me an interruption at this point?

Mr. GRIGGS. Certainly.

Mr. COOPER of Wisconsin. I have just been in conversation with the chairman of the Post-Office Committee, who told me something which I did not expect to hear about the deficit which the gentleman has been discussing. The chairman of the Post-Office Committee informs me that the Post-Office Department this year would have been self-supporting had it not been for the increases of the salaries in the Post-Office Department which Congress voted a year ago, increasing the whole list in the Post-Office Department, officials and employees, by an amount that would meet the deficit this year.

Mr. GRIGGS. I am very glad to hear that, because it gives proof in support of the statement made by me a few moments ago. Of this increase of salaries $6,000,000 in round numbers went to rural carriers, and nobody begrudges that.

Mr. Chairman, I have never been one of those people who believe that the Post-Office Department should be required to pay its own way. I take no pride in the fact that the post-office in my little town pays more than its expenses. I have never worried over what the Post-Office Department costs when compared with efficient service. I never was in favor of throwing other people's money away, and I do not believe that this committee has ever thrown away a dollar of money, and it will not now do so in the making of greater efficiency in the postal service. I have heard a great many people say that the Post-Office Department should be required to pay its own way.

Who has ever suggested that the Navy Department should pay its own way? Who has ever suggested that the War Department, or any other great Department of this Government, should pay its own way? To suggest that the War Department or the Navy Department should do it would mean that they would have to loot and rob as they did ages ago. [Applause.] Why should this great Department—the Department nearest the people, the one that enters all the homes of the country, which carries education and enlightenment into all our homes, the Department that carries its missives from one home to another, sometimes bearing sorrows and oftener joys—why should it be required to pay its own way? Why it is absolute folly even to discuss it. [Applause.]

While I am very much delighted to know that the Department has decreased the deficit from $17,000,000 to $6,000,000, equal to about the increase last year in rural carriers' salaries, I am simply delighted because it shows honesty and good business ability, both on the part of the Department and the gentlemen who form this committee.

A few years ago the Department made an effort to get at the cost of rural delivery, not the cost on particular routes, but the average cost per route. It had to be an estimate to some extent, but it is almost exact. They found that they collected an average of $120 per annum from the sale of stamps, and the returns from mails estimated to be delivered on each route was $260, a total cost of $380. To make it clear, the Government collected $120 from the outgoing mail and $260 from the incoming mail. The cost now outside of any expenses in the way of clerks in post-offices, is $900 per route in the country, leaving an apparent deficit on every rural route of the difference between $900 and $380—$520.

I come now to a question which I wish I had time to discuss at much greater length than I am going to this afternoon, the question of increasing the revenue from these routes and at the same time increasing their efficiency. I refer to the establishment of a parcels post limited to rural routes. I have introduced a bill on that subject, which I will read:

"A bill (H. R. 15458) providing for a parcels post for rural routes.

"*Be it enacted, etc.*, That beginning July 1, 1908, there shall be a parcels post limited to 12 pounds on every rural route in the United States. Said parcels post shall be confined exclusively to the rural route upon which the parcel originates and its rural route connections, and shall not extend beyond said route upon which it originates and routes with which said route connects directly without the intervention of railway mail service, star route, messenger, or any other form of mail service.

"SEC. 2. That the rate of postage on such packages shall be 5 cents for packages weighing not more than 3 pounds, 7 cents for packages weighing not more than 5 pounds, 10 cents for packages weighing more than 5 and not more than 8 pounds, and 15 cents for all packages weighing more than 8 and not more than 12 pounds."

This bill speaks for itself and ought to become the law in some shape immediately. [Loud applause.]

Now, gentlemen, you may say what you please, and our friends on the other side of this aisle may dally over it as long as they please. The people of the country have had a taste of good mail service and they propose to have the best. To the people of the small towns, to the country merchants, and to the farmers this will be a boon unspeakable. It is theirs, and of right they ought to have it. [Applause.] And I may as well tell you they are going to have it. [Applause.]

And when they get it I may say that I made the first speech in Congress for it. I shall add to that, however, that I was only one of many who could and did give it to them. [Applause.] The people are determined on this question. A day or two since, a newspaper man asked my position on this question, and after I gave it to him, I inquired, "How many opinions have you got on it?" He was polling the House, and he said, "Out of two hundred and fifty-six I have only fifty." I know that many Members refuse to be polled on all questions. I often refuse, myself, but if you gentlemen are afraid to express your opinions on this question you may just as well know now, as to find out in defeat later, that the people are going to have it if they have to send some one here in your places to get it for them. [Applause.]

Mr. SMITH of California. Will you allow an interruption?

Mr. GRIGGS. Why, certainly.

Mr. SMITH of California. How long do you think the people of this country would be satisfied with the limited parcels post that you have indicated? Or is that intended to be its ultimate object? I am not asking this for a catch question, but is it intended to be an entering wedge, that we may gradually extend into a universal parcels post?

Mr. GRIGGS. I will say to the gentleman that he can not ask me any catch questions, in the first place.

Mr. SMITH of California. I do not intend to.

Mr. GRIGGS. And he would not intend to, in the second place.

Mr. SMITH of California. That is what I said.

Mr. GRIGGS. I do not know. In my opinion it is not intended as an entering wedge.

Mr. SMITH of California. You say it is not?

Mr. GRIGGS. Not in my opinion; no. It is a convenience that the farmers and merchants of this country want; they need it, and it will increase the efficiency of rural delivery and decrease the net expense of rural delivery. [Applause.] I do not know what an entering wedge is, so far as that is concerned, because good legislation ought to be enacted whether or not it is an entering wedge into other legislation that some people do not want.

Mr. SMITH of California. I have had a good many farmers and villagers talk to me about the parcels post, and in favor of it, but I never in my life had one of them suggest a parcels post limited to the rural routes. I never had one of them intimate that he wanted a parcels post for the purpose of more convenient trading at home, but the idea has been that they may send off to Chicago and New York and other large centers for the things they do not find at the local stores.

Mr. HARDY. If this should prove an entering wedge, is there any reason on earth why the Government should not receive the profits of the parcels post up to 11 pounds instead of the express companies as they now exist?

Mr. GRIGGS. I will say to the gentleman on that question what I said a moment ago, that it does not matter to me whether good and proper legislation is an entering wedge to what some people may consider bad legislation in the future or not. I will let my friend make that statement if he desires to do so. I want to say this, however, simply as information which I happened to get the other day, the source of which I can not now disclose, but will if it is necessary, that at least one express company going out of Chicago has lately carried a package with the expressage prepaid on it by a large mail-order house to a town in Kansas, about 600 miles away, for 16 cents, the statement being made on the bill "we have paid the express charges because we can get a cheaper rate than you can." And certainly with a parcels post from Chicago to that town in Kansas, the cost of carrying that bundle by mail would have been as much as that.

Mr. HARDY. Another question. Is it not a fact that the express companies to-day, instead of lowering their rates per pound as a bundle increases in weight, actually raise the rate after it gets beyond 4 pounds now?

Mr. GRIGGS. I do not know about that. I am only telling what I know to-day. [Laughter.] I believe the parcels post to be one of the biggest and most pressing questions before this House, and I have tried not to talk any politics along with it. In fact, I have only had occasion to mention during this talk the dallying of my friends on the other side of that aisle about it. They will probably do with this as they did with rural free delivery. After Judge MOON and my good friend Mr. SPERRY, Judge FINLEY, General BINGHAM, Joe Sibley, and Tom Hedge—both of blessed memory—and several others of us had made rural delivery a pronounced success without an opponent anywhere in this broad land, the Republican convention met in Philadelphia and promised rural delivery to the people. [Applause on the Democratic side.]

And after we on this side establish the parcels post on rural routes I have not the slightest doubt that when you are making the next Republican platform you will promise to give the people of the United States a rural-delivery parcels post.

There are several of these bills introduced in the House. I have no personal pride in my bill. I would about as soon have the bill of the gentleman from Tennessee [Mr. SIMS] as to have mine. I do not think the Post-Office Department bill is the best one on the subject. It has too many words and says too little. This is a great fault with several of them. I do not like the

bill of the gentleman from Connecticut [Mr. HENRY], who has introduced three bills. He is too loose in his language. For instance, he provides at one point in the bill to limit the size of the parcels to that of an ordinary suit case. [Laughter.] Why, gentlemen, there isn't a postmaster in all the section of the gentleman from Tennessee [Mr. SIMS] that would know what that meant. [Laughter.]

Mr. SIMS. Was the gentleman from Georgia ever in my section of the country?

Mr. GRIGGS. I went to school in Nashville three years, graduated there, and passed through the gentleman's country several times going there. It is a beautiful country.

Mr. SIMS. The gentleman went very much out of his way.

Mr. GRIGGS. Why, in that part of the country they would call it "satchel." [Laughter.]

Mr. SIMS. If the gentleman will allow me one question. Is it not a fact that the bill I had the honor to introduce is the only one that provides for an increase in the rural carriers' salary, provided the parcels post is established?

Mr. GRIGGS. Yes.

Mr. SIMS. Does not the gentleman like that feature of it?

Mr. GRIGGS. Yes; I like all of the gentleman's bill.

Mr. SIMS. I thank the gentleman from Georgia, for his opinion has very great weight. And now he can say anything he pleases about me. [Laughter.]

Mr. GRIGGS. I was about to say that if my friend from Tennessee would take the extremely verbose first section out of his bill and insert mine, which the gentleman himself admits is very clear and concise, I will accept his bill and offer it as an amendment to the post-office appropriation bill just as soon as we get to it.

Mr. SIMS. Mr. Chairman, in view of the long service of the gentleman from Georgia, I would take any suggestion that would benefit my bill in the least. I want results and not words.

Mr. GRIGGS. That is right; I believe that. I have listened to many words and seen a great many good results from my friend from Tennessee on the floor of the House. [Laughter.]

Mr. Chairman, I have not all the time at my command to-day to discuss these matters as I would like to discuss them, but before I conclude, let me say that the greatest pride of my whole life is and shall always be the part I have played in the establishment of quick and prompt communication between the people of the towns and the country. Both are necessary to our civilization and our progress. Neither could long exist without the other. Happy is the man who never forgets either of the statements just made. The farmer is often the "forgotten man." Under the benign influence of the telephone and rural mail delivery the friction long existent between the town and the country is rapidly passing away. Add to these the blessing of the parcels post and the drift of our boys and girls to the towns will immediately change to the country, the great, broad, blessed country, where God always seems nearer and where communion with nature is easiest. [Loud applause.]

Mr. Chairman, I promised not to speak over thirty minutes, and I ask—— [Cries of "Go on!" "Go on!" from all sides.] Gentlemen, I have really concluded the greater part of that which I desired to say, and ask permission only to add to my remarks——

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRIGGS. I desire to include as part of my remarks a letter from the Postmaster-General to me:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 8, 1908.

MY DEAR CONGRESSMAN: It affords me great pleasure, in compliance with your request, to write you concerning the proposed extension of the parcel post.

It does not appear to be generally known that a comprehensive system of parcel post is at this moment in satisfactory operation in most foreign countries. The limit of weight fixed in a number of them is shown:

Great Britain, 11 pounds; Germany, 110 pounds; France, 22 pounds; Italy, 11 pounds; Chile, 11 pounds; New Zealand, 11 pounds; Austria, 110 pounds; Belgium, 132 pounds; The Netherlands, 11 pounds; Cuba, 11 pounds.

The parcel-post rate in all of these countries is lower, in many instances materially lower, than the rate (12 cents a pound) which has been recommended for the general parcel post in the United States.

The present rate on the general parcel post is 16 cents a pound for people in our own country, the limit of weight being 4 pounds, while the rate from the United States to twenty-nine foreign countries is 12 cents a pound, and the limit of weight to 24 of these countries is 11 pounds. In order to have the rate consistent and more equitable the Department has recommended that on packages for delivery in this country it shall be the same as on those sent abroad, namely, 12 cents a pound, a reduction of 4 cents, and the weight limit 11 pounds, an increase of 7 pounds; also:

	Cents.
For 1 ounce	1
Over 1 ounce and not exceeding 3 ounces	2
Over 3 ounces and not exceeding 4 ounces	3
Over 4 and not exceeding 5 ounces	4
Over 5 and not exceeding 6 ounces	5
Over 6 and not exceeding 8 ounces	6
Over 8 and not exceeding 12 ounces	9
Over 12 and not exceeding 16 ounces	12

In my annual report I recommended, in addition to the foregoing, a local parcels post on rural routes, at the rate of 5 cents for the first pound and 2 cents for each additional pound or fractional part of an additional pound up to 11 pounds; and—

	Cents.
For 2 ounces or less	1
Over 2 and up to 4 ounces	2
Over 4 and up to 8 ounces	3
Over 8 and up to 12 ounces	4
Over 12 ounces and up to 1 pound	5

The object of this recommendation is to enable the local merchants to hold and increase their trade on the rural routes, to give to the farmers and patrons of these routes the accommodations which the machinery of the rural service, utilized to a greater extent than at present, will permit.

It is possible to offer these low rates for special local rural parcels post for the reason that, there being no railroad transportation, its operation would involve no additional expense. The necessary machinery is already in existence. There are over 38,000 rural routes in operation, supplying about fifteen millions of people, and even at the rates proposed it would require only three packages of the maximum weight to be taken out each trip over these routes in order to wipe out the deficit of the postal service. The increased cancellations would automatically raise the salaries of postmasters of the fourth class and the establishment of this special service would finally be instrumental in making the rural routes self-sustaining. The rural service will, in all probability, cost the Government this year $34,000,000, an increase of $10,000,000 over last year, and yet the benefits derived therefrom can not be measured in dollars and cents. A local parcels post on rural routes would aid in bringing about the improvement of the roads throughout the country, thus adding to the valuation of the farms, with increased accommodations afforded by the service and better roads. That it would be of material advantage to the retail merchant in competition with the mail-order houses is seen at once when it is pointed out that the latter, at the proposed general parcels-post rate of 12 cents a pound would be obliged to pay $1.32 for sending an 11-pound package to a rural route patron, a difference in favor of the local storekeeper of about 10 cents a pound, or $1.07 on an 11-pound package.

Objections have been raised in various quarters to the measures which the Department is advocating, and wherever these are not obviously the outcome of selfish motives they have been answered. Although no sound argument has yet been advanced in opposition, the contentions which have been made are not without interest. I mention the more important of them, at the same time giving the replies which they have elicited.

It has been stated that the Department is not equipped to deliver 11-pound parcels received in the general mails. The present regulations provide that where a package is of undue size or weight a formal notice shall be sent to the addressee to call for it. This practice would continue were the weight limit increased to 11 pounds in the case of offices having free delivery. Nor would it work a hardship, for under the present weight limit of 4 pounds the average weight of parcels sent through the mails is but one-third of a pound. Increasing the weight limit would not have nearly as great an effect on the average weight of parcels mailed as seems to be commonly supposed. Where parcels were addressed to persons living on rural routes they would, of course, be delivered by the rural carriers, who would not thereby be inconvenienced, to the boxes of the patrons.

It has been claimed that the special local rate recommended for packages handled on rural routes would eventually be made applicable to the entire postal service. The impossibility of this becomes apparent when attention is directed to the cost of railroad transportation, which has no part in the former service. About $45,000,000 were paid last year for mail transportation and $6,000,000 for postal cars.

Others have said that large mail-order houses would, under the proposed law, utilize the special parcel post on rural routes through agents to the great disadvantage of the country merchant. The Department recommends a provision which will prevent any such use of the routes; this is indicated by the clauses which have been underlined on page 2 of the inclosed draft of a bill. Even in the absence of a specific prohibition of this nature it should be remembered that any systematic attempt upon the part of a mail-order house to thus distribute its wares would necessitate the employment of many thousands of local representatives. The catalogues of these concerns show pretty plainly that they attribute their success in large measure to their remarkably low-selling expense, and that the absence of any sort of agents is the principal feature of their argument in accounting for the supposedly law prices of their goods.

The cry of "class legislation" has also been raised. There is, of course, no discrimination involved, for all who can be reached by rural carriers will be accommodated. It would be as logical to decry the laws which permit the delivery of mail to patrons living on rural routes, while persons differently situated are obliged to make a trip to a near-by post-office to obtain their letters.

Demands for a reasonable extension of the parcel post are being received from all sections of the country. Many commercial bodies formerly opposed to any action of this kind are now heartily in favor of it.

Believe me, faithfully yours, G. v. L. MEYER.

Hon. JAMES M. GRIGGS,
Richmond Hotel, Washington.

I disagree with the Department in the rates proposed. I think they are too high. I include also a letter from Mr. George De Brosse, president of the rural carriers of Georgia, showing how the carriers and the people feel about the parcels post:

EDITOR UNION NEWS:

As you kindly invited me some time since to use your columns, I will now attempt to write.

I want to say in the beginning that the farmer and the rural letter carrier should be, in my humble opinion, very close to each other, and I assure you that we carriers are at all times willing to go to the extent of our authority to accommodate our greatest friends, the men who guide the plow.

The farmers want and need a parcels delivery at a low rate of postage to apply only over rural routes, and we rural carriers, seeing the need of this cheap parcels delivery and realizing the great convenience it would be to the man who plows, hoes, rakes, and mows, and during the busy season works from dawn to dark and has no time to go to town shopping, but nevertheless needs little articles from time to time. Knowing it will make our burden heavier, we are anxious for him to have this convenience. Why? Simply because we want the farmer to have as good service as possible, though it does work us harder. We want the rural free-delivery service to come as near giving the rural citizens the conveniences of the city as is possible.

We rural carriers are proud of the service and want to make it the very best possible. We want the farmer to have his daily paper and market reports with his noon meal and to be able to dispatch letters to his relatives and friends promptly. We want him to be able to have small parcels delivered at his door at a nominal cost.

Therefore we, at our last national convention, indorsed the proposed plan of Postmaster-General Meyer for a parcels delivery for rural routes, and we want it to speedily become effective.

Now, then, we want good roads over which to haul these parcels, and we want our friends and patrons, the farmers, to help us secure better roads. Good roads are more beneficial to the farmers than anyone else, because his crops are marketed over the country highways. It is not necessary to assert that good roads enhance the value of property which is situated on them. This is a well-established fact. All roads traveled by rural free-delivery carriers should by all means be made public roads, and the carriers of Georgia are anxious that some action be taken to effect this. And if the farmers appreciate the rural free-delivery service like they think they do, I think we will have their cooperation in obtaining this. As much as we love our patrons, we are forced to acknowledge that some farmers are awfully careless about what kind of roads their carrier has to travel. I know some who make the public highway a dumping ground for grubs, roots, brickbats, old bones, plows, fence rails, etc., and would not cut a fallen tree out of the carrier's way so he could pass unless they paid for it. When I find a man like this, I know he does not appreciate the splendid mail service he is getting. However, this is the exception and not the rule. Now, brother farmer, we want to give you the best service possible and want your help and cooperation.

With best wishes for the Union News and the Farmers' Union of Georgia.

Yours, truly, GEORGE DE BROSSE,
President Rural Letter Carriers' Association of Georgia.

Mr. OVERSTREET. Mr. Chairman, I now yield thirty minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, I call attention to the fact that the gentleman from Georgia [Mr. GRIGGS] and the gentleman from Connecticut [Mr. SPERRY] are engaged in settling the parentage of the rural free delivery. [Laughter.] Mr. Chairman, every session when a Member of Congress comes into this Chamber, he finds in his desk the most beautiful volume issued by this Government. Sometimes is is bound in brown, sometimes in red, and sometimes in green. This year it is bound flexibly in black; it is made up of Jefferson's Manual, the rules of the House, the Constitution, and a digest of the practice and rules of the House. It seems to be the same every year, viewed casually and superficially, but as a matter of fact, it is not the same every year. Scrutiny will show that it changes, and the book that I hold in my hand to-day is not an exact copy of the book that we found here a year ago.

Here is one addition that I wish to call attention to. On page 718 in the Digest of the Practice and Rules of the House it reads as follows:

Instance wherein, on a motion to suspend the rules, the House ordered the Clerk to incorporate in the engrossment of a general appropriation bill already passed a provision embodying legislation.

That is a rock, Mr. Chairman. The long path of possible legislation in Washington is a narrow one; it is dark and tortuous; it has a rocky bottom and jagged sides. It is a far cry from the wide portals of the little wicker basket where a bill is introduced to the moving finger which approves at the other end of the avenue. And, believing as I do, that I was indirectly instrumental in adding one jagged rock to that narrow pathway to tear the bleeding feet of some weary wayfarer in another Congress, I regret it. [Applause.] Because the little rule of practice which I read will be in the future a rock to some weary foot, and it is significant of another thing which I am going to use as my text, something out of the post-office appropriation bill and apropos to this hour.

For the purpose of weighing the mails the country is divided into four sections, and a weighing takes place once in each section every four years. Last year the mail was weighed in the third section. By reason of the use of a new divisor in the Department, a change Congress refused to make and the Department made itself, the pay in that section is $1,787,378.10 less this year than it would have been had the old divisor been used—a 9.65 per cent decrease. In the same section the decrease in pay by reason of the change by Congress last year in rates for weights above 5,000 pounds is $759,145,88, or 4.10 per cent.

Over all sections, when the changes shall have been made, the use of the new divisor will make a decrease of $4,619,285.85 per annum, the law changing the rates makes a change of $1,740,494.63 per annum, the law reducing railway post-office pay makes a change of $935,974.09, and the effect of the withdrawal of equipment will make a change of $805,679.13. Altogether, then, the pay for the carriage of the mails will have been reduced, when all sections have been weighed, to the extent of $8,101,433.70 per annum.

Over 50 per cent of this decrease is due to the use of the new divisor, and the Department should be congratulated upon its use.

I maintain that the practice of taking the average daily weight by weighing the mails for seven days and then dividing by six was in gross error, not mitigated in the least because it obtained for thirty-four years.

I have shown that the general per cent of decrease by its use is 9.65. But that does not tell the story precisely. On the larger routes, which get the bulk of mail and the heavy pay, the rate of decrease, by reason of the corrected divisor, is much greater.

Take, for example, route No. 13095, being the Lake Shore and Michigan Southern Railroad from Buffalo to Chicago. The use of the corrected divisor in that instance makes a difference of 12.19 per cent—that is, we are paying on that one route $280,904.93 pef annum less than we would have paid had not the corrected divisor been adopted. If the old divisor had been used we would have paid this one route in the next four years $1,123,000 more than we will pay it.

The question has been asked if the reductions have impaired in any way the efficiency of the service. The representative of the Department has answered that the Department does not believe the reductions have impaired the service.

I desire to ask leave to print in connection with what I have just said two tables, one showing the amount of decrease in pay incident to the divisor and change of law in all four sections, and the second a table showing the effect of the same agencies upon a single route.

I also desire to print the opinion of the Attorney-General on the divisor at the conclusion of my remarks.

Now, Mr. Chairman, there are other considerations brought out in the story of the divisor which are much more serious to me than any expenditure of money, and they relate to the processes of legislation.

Let me by way of preface relate the legislative history of the divisor in the Fifty-ninth Congress. On December 11, 1906, I put before the House the fact that for thirty-four years the Department had been weighing mails for seven days, in respect to over 90 per cent of the weight of mails, and to get an average daily weight had been dividing by six, omitting Sunday in the divisor, including Sunday weights in the dividend, and so securing an enlarged and erroneous quotient.

A short time thereafter the then Second Assistant Postmaster-General, W. S. Shallenberger, put before the House Committee on Post-Offices and Post-Roads a defense of the practice, concluding a long document in these words:

In view of this condition of the service, the intention of the law as disclosed by the history of the subject and the practice and construction placed upon it by the executive officers who were charged with its execution, of the contemporaneous declaration that in this respect the law adopted the practice which existed before its passage, and of the long-continued and unbroken maintenance of this construction upon the highest legal authority, I have to submit that the average daily weight as ascertained by the existing practice of the Department is the correct one contemplated by the statute.

This being the position of the officer in charge of the matter, the majority of the committee in the regular appropriation bill reported a paragraph containing three items in regard to railway mail pay. The paragraph was as follows:

The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1907, for the transportation of mails on railroad routes carrying their whole length an average weight of mails per day of upward of 5,000 pounds by making the following reductions from the present rates per mile per annum for the transportation of mails on such routes: On routes carrying their whole length an average weight of mails per day of more than 5,000 pounds and less than 48,000 pounds, 5 per cent; 48,000 pounds and less than 80,000 pounds, 10 per cent; and $10 additional for every additional 2,000 pounds: *Provided*, That hereafter the average weight per day be ascertained, in every case, by the actual weighing of the mails for such a number of successive days, not less than one hundred and five, at such times and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct: *Provided further*, That hereafter, at the time of the weighing of the mails at the periods required by law, empty mail bags shall not be weighed nor taken as any part of the total weight of the mails in estimating the pay for transportation of said mails.

These were all changes of law and subject to points of order. In the divisor proviso the word "working" had been omitted, as the Department based the practice of a lesser divisor on its existence.

On February 18, 1907, it was moved to suspend the rules and pass the following resolution:

Resolved, That immediately upon the final passage of the bill (H. R. 25483) making appropriations for the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, it shall be in order in the House to offer the following, under the conditions prescribed in Rule XXVIII, covering suspension of the rules:

Ordered, That in the engrossment of the bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, the Clerk be directed to insert after the paragraph of appropriation "for inland transportation by railroad route, $44,660,000," the following:

"The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1907, for the transportation of mail on railroad routes carrying their whole length an average weight of mails per day of upward of 5,000 pounds by making the following changes in the present rates per mile per annum for the transportation of mail on such routes, and hereafter the rates on such routes shall be as follows: On routes carrying their whole length an average weight of mail per day of more than 5,000 pounds and less than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds; and on routes carrying their whole length an average weight of mail per day of more than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds up to 48,000 pounds, and for each additional 2,000 pounds in excess of 48,000 pounds at the rate of $19.24 upon all roads other than land-grant roads, and upon all land-grant roads the rate shall be $17.10 for each 2,000 pounds carried in excess of said 48,000 pounds.

"That after July 1, 1907, additional pay allowed for every line comprising a daily trip each way of railway post-office cars shall be at a rate not exceeding $25 per mile per annum for cars 40 feet in length and $27.50 per mile per annum for 45-foot cars, and $32.50 per mile for 50-foot cars, and $40 per mile per annum for cars 55 feet or more in length."

This resolution contained two of the four propositions reported out of committee, one of them changed to some extent. It was offered individually. It provided that after the bill had finally passed, a clerk could then add to the bill two provisions of great moment. The resolution was adopted by the House.

Later the House, in the Committee of the Whole, began the reading of the bill under the five-minute rule, and on February 20 I offered the following amendment to the item of railway mail pay.

Provided, That no part of this sum shall be expended in payment for transportation of the mails by railroad routes where the average weight of mails per day has been computed by the use of a divisor less than the whole number of days such mails have been weighed.

I did not believe this was a change of law or was subject to a point of order. The Chairman of the Committee of the Whole sustained the point of order made against it. I appealed from the decision of the Chair. There were 72 votes for sustaining the Chair and 14 against.

Immediately after the paragraph containing the three provisions in the bill as reported by the committee went out on points of order.

Later on the same day the Committee on Rules submitted a privileged report restoring, in an amendment to the bill, a large number of items relating to the pay of employees, items which had gone out of the bill on points of order. No item relating to railway mail pay was submitted by the Committee on Rules.

Later in the same day the bill was reported by the Committee of the Whole to the House and was ordered to be engrossed for a third reading, and being engrossed, in the language of the RECORD, it was read the third time and passed. Then a motion was made to suspend the rules and pass the following order:

Ordered, That in the engrossment of the bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, the Clerk be directed to insert after the paragraph of appropriation "for inland transportation by railroad route, $44,660,000;" the following:

"The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1907, for the transportation of mail on railroad routes carrying their whole length an average weight of mails per day of upward of 5,000 pounds by making the following changes in the present rates per mile per annum for the transportation of mail on such routes, and hereafter the rates on such routes shall be as follows: On routes carrying their whole length an average weight of mail per day of more than 5,000 pounds and less than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds; and on routes carrying their whole length an average weight of mail per day of more than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds up to 48,000 pounds, and for each additional 2,000 pounds in excess of 48,000 pounds at the rate of $19.24 upon all roads other than land-grant roads, and upon all land-grant roads the rate shall be $17.10 for each 2,000 pounds carried in excess of said 48,000 pounds.

"That after July 1, 1907, additional pay allowed for every line comprising a daily trip each way of railway post-office cars shall be at a rate not exceeding $25 per mile per annum for cars 40 feet in length and $27.50 per mile per annum for 45-foot cars, and $32.50 per mile for 50-foot cars, and $40 per mile per annum for cars 55 feet or more in length."

It is presumed that the Clerk, after the final passage of the bill, added the items. They appeared in the bill when it went to the Senate. There a divisor amendment offered by Senator LA FOLLETTE was inserted without debate. When the bill reached the House an attempt was made to adopt the Senate bill and retain the divisor, but the rules were suspended and a conference asked. The usual procedure is to ask unanimous consent. The divisor provision went out in conference.

On March 2, 1907, the Postmaster-General, Mr. Cortelyou, issued the following order:

That when the weight of mail is taken on railroad routes, the whole number of days the mails are weighed shall be used as a divisor for obtaining the average weight per day.

On June 7, 1907, the Postmaster-General, Mr. Meyer, issued the following order:

That when the weight of mail is taken on railroad routes, the whole number of days included in the weighing period shall be used as a divisor for obtaining the average weight per day.

The Attorney-General was asked to give his opinion on this order, and on September 27, 1907, he did so, affirming the order of June 7, 1907. And the divisor was applied.

Keeping in mind the legislative procedure in this instance, Mr. Chairman, I desire to call the attention of the House to this circumstance: The House itself voted the procedure. In every legislative step taken not a majority, but two-thirds made up of Members of both sides of the Chamber, decided to keep in the bill, against points of order and outside the possibility of amendment or debate, two propositions which were debatable reductions and at the same time to pillory one reduction, that of the divisor, which was virtually self-evident. To do this the House had to depart from ordinary order and to adopt extraordinary order, in fact no order at all, for the insertion of matter into a bill after its final passage is not a legislative procedure.

This was not done by the Committee on Rules. It was not done as an indorsement of any committee's research and reported judgment.

Every day on both the Republican and Democratic sides of this Chamber in legislation the word is bruited about: "Vote with the committee. The committee knows. It has investigated." This is the first thing, by the way, the new Member, with a confusion of subjects pressing upon him, hears in this Chamber. In this case, the majority report of the committee was for four provisions in the reduction of mail pay, three of them incorporated in a single paragraph. But the House did not vote with the committee.

There was no partisan exigency upon the House. The vote was not partisan.

The four propositions were in the bill, placed there in committee. In ordinary procedure they would have gone out on points of order. They would have fallen together and they could have come up in a separate bill for the consideration of the House and not subject to a point of order.

Was the House as a whole opposed to the corrected divisor? I do not believe so. The House was offered the same old legislative half loaf. It was not offered and it could not have had the selection of either half. It was offered the one-half, and it was told to take that or nothing. It took the half loaf because it had to take it.

Why? Was it because of the system of legislative procedure here? Under that system is the vitality of initiative in the individual in his representative capacity growing, or is it diminishing year by year?

The individual has his share of the responsibility in a majority vote, and I am not speaking in a partisan way, but he has little or no voice in determining the question upon which he shall vote, except in purely partisan matters. For there is more latitude to the individual, more right of initiative in the political caucuses of both sides of this Chamber than there is in the House in matters of moment in ordinary legislation.

The very rules by nature force a process of narrowing control. It is not confined to the side of the partisan majority, for I have seen, since my service began in this House, the minority leader remove, by refusing to reappoint, members of his party from a committee because they had opinions differing from that of a majority of the minority on the committee.

Any committee of the House which handles appropriations is supposed to be powerful. These committees have been called "little legislatures." Such a committee investigates and, with the power of initiative, which with the right of prior recognition is nine points in legislation as possession is in law, brings to the whole House a measure which has the protection of all the powerful machinery of the House in privilege, in recognition, and in securing favorable attendance. But the committee can, with narrowing control, lose its own power to its chairman, and the House, weakening in its power of resistance to the temptation of the half loaf, will upon occasion follow a chairman individually rather than the committee.

I believe that this system of legislative procedure can not last; that it has in it the error which will correct it, and that there will come in the train of the correction not disorder, but order.

That it should come is, to my mind, of much more importance than any single item of expenditure. How it will come I do not know, but I believe that its first manifestation will be a public demand for simplification of the rules, for the election of the Committee on Rules by the House, and for a larger membership of the committee, and eventually a demand that the doors of all committee rooms be opened, that all proceedings in committee and all votes in committee be recorded and be made accessible to the membership of the House and to the public. [Applause.]

Amount of decrease in pay incident to the divisor and change of law in all four sections.

Contract section.	Effect of new divisor, transportation.	Estimated rate of per cent except in third division.	Effect of law of 1907, transportation.	Rate of per cent.	Effect of law of 1907, railway post-office pay.	Rate of per cent.	Effect on withdrawal of equipment.	Estimated rate of per cent.
First	$990,945.45	9.65	$547,900.01	5.33	$239,670.49	17.59	$181,758.90	1.77
Second	446,600.78	9.65	70,192.45	1.52	85,196.86	15.73	81,878.69	1.77
Third	1,787,378.10	9.65	759,145.88	4.10	442,755.76	16.70	283,251.50	1.77
Fourth	1,394,561.52	9.65	363,247.29	2.51	168,350.98	14.42	255,790.04	1.77
Total	4,619,285.85	9.65	1,740,494.63	3.63	935,974.09	16.36	805,679.13	1.77

Buffalo, N. Y., to Chicago, Ill.—Lake Shore and Michigan Southern Railway Company. (Route No. 13095.)

	Average daily weight.	Rate per mile, transportation.	Length of route.	Rate per annum, transportation.	Rate per cent decrease.	Rate per annum, R. P. O.	Rate per cent decrease.
	Pounds.		*Miles.*				
Rate under old law and based on use of old divisor	[a] 401,495	$1,408.38	522.40	$2,302,037.71		$273,939.25	
Rate under new law and based on use of new divisor	[b] 344,139	3,455.69	522.40	1,895,252.45		224,545.64	
Decrease consequent upon use of new divisor and effect of law of March 2, 1907				497,685.26	21.61	49,393.61	16.03
Rate under law of March 2, 1907, on average daily weight obtained by use of old divisor	[a] 401,495	3,993.41	522.40	2,083,157.38		224,545.64	
Decrease consequent upon law of March 2, 1907, on average daily weight obtained by use of old divisor				216,780.33	9.41	49,393.61	18.03
Decrease consequent upon use of new divisor alone				280,904.93	12.19		

[a] 90 days.

[b] 105 days.

ORDER OF THE POSTMASTER-GENERAL.

Order No. 412. OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 7, 1907.

Ordered, that order 165, dated March 2, 1907, be, and the same is hereby, amended to read as follows:

"That when the weight of mail is taken on railroad routes, the whole number of days included in the weighing period shall be used as a divisor for obtaining the average weight per day."

G. v. L. MEYER,
Postmaster-General.

OPINION OF THE ATTORNEY-GENERAL IN THE MATTER OF COMPENSATION OF RAILROAD COMPANIES FOR CARRYING THE MAILS, ETC.

DEPARTMENT OF JUSTICE,
Washington, September 27, 1907.

The POSTMASTER-GENERAL.

SIR: I have the honor to acknowledge your request for an opinion as to the legality of order No. 412 of your Department, issued June 7, 1907, and of order No. 165, for which it was a substitute. I learn from you that these orders are as follows:

Order No. 165, dated March 2, 1907:

"That when the weight of mail is taken on railroad routes, the whole number of days the mails are weighed shall be used as a divisor for obtaining the average weight per day."

Order No. 412, dated June 7, 1907:

"When the weight of mail is taken on railroad routes, the whole number of days included in the weighing period shall be used as a divisor for obtaining the average weight per day."

The statutes which appear to bear directly on the subject are the following:

Section 4002 of the Revised Statutes (from the act of March 3, 1873, 17 Stat., 558):

"SEC. 4002. The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned.

"First. That the mails shall be conveyed with due frequency and speed and that sufficient and suitable room, fixtures, and furniture in a car or apartment properly lighted and warmed shall be provided for route agents to accompany and distribute the mails.

"Second. That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, $50; 500 pounds, $75; 1,000 pounds, $100; 1,500 pounds, $125; 2,000 pounds, $150; 3,500 pounds, $175; 5,000 pounds, $200; and $25 additional for every additional 2,000 pounds, the average weight to be ascertained in every case

by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times, after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct."

Post-office appropriation act of March 3, 1875 (18 Stat., 341), following an appropriation for inland mail transportation by railroad:

"* * * And out of the appropriation for inland mail transportation the Postmaster-General is authorized hereafter to pay the expenses of taking the weights of mails on railroad routes, as provided by the act entitled 'An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1874,' approved March 3, 1873; and he is hereby directed to have the mails weighed as often as now provided by law by the employees of the Post-Office Department and have the weights stated and verified to him by said employees under such instructions as he may consider just to the Post-Office Department and the railroad companies."

Post-office appropriation act of March 3, 1905 (33 Stat., 1088), following an appropriation for inland mail transportation by railroad:

"Provided, That hereafter before making the readjustment of pay for transportation of mails on railroad routes the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than ninety, at such times after June 30, 1905, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct."

The acts of July 12, 1876 (19 Stat., 79), June 17, 1878 (20 Stat., 142), and March 2, 1907 (35 Stat., 1205–1212), make certain changes in the rates of compensation, but none in the method of ascertaining the average daily weight of mail transported.

Were this question res integra, I should not consider it one of much difficulty. United States Revised Statutes 4002 fixes a rate of yearly pay per mile of track used to transport the mails, determined by the "average weight of mails per day" carried the entire length of the route. I see no escape from the conclusion that this means the average weight per day during a year; so that if on a particular route there were thus carried on one day 365,000 pounds and on the remaining 364 days nothing at all, the "average weight of mails per day," on which the annual compensation should be calculated, would be 1,000 pounds. If, therefore, it had been deemed practicable or advisable to weigh all the mails transported by rail every day of the year there could have been, to my mind, no doubt as to how the "average weight per day" would be determined, whether the mails were so carried on 365 days or on 313 or on 156 or on 12 or, as above suggested, on 1 day, their aggregate weight would have been added up and divided in all cases alike, by 365.

It is, however, often impracticable without unreasonable labor to ascertain a strictly accurate average, and in such cases a conventional average is frequently established by law, agreement, or custom which is nearly enough right for all practical purposes and can be ascertained with vastly less trouble. A familiar example of this practice is the calculation of interest on a current bank balance. For this to be absolutely correct the balances due on every day of the year would have to be determined, added up, and divided by the whole number of days, i. e., 365, which, in the case of, say, a savings bank with many thousands of small accounts might involve an expense altogether disproportionate to the amount of the interest. It is therefore customary to ascertain the balances on a comparatively small number of days, often twelve, throughout the year, average these, and assume the result to be the average annual balance for the purpose of calculating interest.

It seems to have been, or to have been thought, unreasonably burdensome to require the mails to be weighed every day of the year, and the Congress, by the acts of March 3, 1873, and March 3, 1905, above noted, prescribed conventional methods of ascertaining the average weight. The methods are thus stated:

Act of March 3, 1873:

"* * * the average weight to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times, after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct."

Act of March 3, 1905:

"* * * the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than ninety, at such times after June 30, 1905, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct."

It will be noted that these two acts say nothing about "divisors," and indeed do not profess to deal with the method of computation at all. How, from the statement of weights, he should obtain the result sought—that is to say, the daily average for a year on which the compensation was to be based—was a matter left to the discretion of the Postmaster-General. The Congress said to him only: "You need not cause the mails to be weighed every day of the year to ascertain the average weight per day during the year. You may, if you so choose" (for, it is to be observed, the law is permissive merely; the Postmaster-General, if he has money enough, may order the mails to be weighed for three hundred and sixty-five days). "You may, if you choose, weigh the mails only thirty" (now ninety "days of each year, and only once in four years; but if you do this, the days selected must be *working days* and must be *successive.*"

It is important to determine the meaning of the words lastly above italicized. It is said that "working days" has been consistently interpreted by the practice of your Department to mean "week days." I do not think this statement can be sustained, for I am informed by you that prior to the act of 1905 the practice had been to weigh the mails on thirty-five consecutive days, thus including five Sundays. Now, I think, the law is on one point, at all events, perfectly clear: The mails are to be weighed on "working days" and on "working days" only; the use of the word "successive," instead of "consecutive," or some term of similar import, harmonizes exactly with this literal and, to my mind, unavoidable interpretation of the remaining words used. If, therefore, "working days" are to be read "week days," the practice of your Department, in thus weighing the mails on five Sundays, has been altogether illegal. If, however, the meaning of "working days" be "days on which mails are carried," the practice, to this extent, has been legal and in accord with what I believe to be the true intent of the law. As the practice of any of the great Executive Departments must always be assumed, so far as such assumption be possible, to rest upon a consistent and tenable view of the law, it is, I think, fair to say that the practice of the Post-Office Department, as contradistinguished from the language sometimes used by prominent officials in the course of the prolonged discussion of questions connected with this subject-matter, sustains the view that the words "working days" mean "days on which the carrier does work for the Post-Office," and not "week days;" and this I regard as clearly the true interpretation of the law.

It would seem, however, that an error has crept into the practice of your Department, as hereinafter stated, in the method of dealing with the information furnished through weighing the mails for at least thirty, now ninety, working days. As above noted, the obvious purpose of this provision is to relieve the Postmaster-General from the necessity of weighing the mails for every working day of the year. It does not prohibit him from weighing the mails throughout the year; nor does it require that the number of working days on which the mails are weighed shall be the same in the case of every carrier, although in none may they be less than thirty, now ninety, or other than "successive." Moreover, it in no wise changes the purpose of the inquiry, which, as above explained, has always been to ascertain a fair average per day during a year; not, of course, a fair average per day during seven or thirty or thirty-five or ninety or one hundred and five days, or any other fraction of a year. Having obtained from the results of the weighing such information as it can furnish as to the fair average weight for a "working day," it is left to the Postmaster-General to so deal with this information as to determine from it by appropriate calculations what would be a fair daily average for the ends of the law, i. e., as a basis for an annual compensation. It is obvious that from the mere weighing (which is all the law prescribes), standing alone, nothing would be determined as to the average. The Postmaster-General must therefore do something not mentioned in the statute to ascertain this, and although this matter is left to your discretion, and you are, of course, in no wise bound by any views expressed in this opinion regarding it, I think it may conduce to clearness if I here indicate what form of calculation appears to me best adapted to attain the ends of the law. We may suppose three railroads, of which one serves the mails seven, one six, and one three days in each week, and that the aggregate results of the weighing, divided by the number of days on which, in each case, the mails have been weighed, shows in each a daily average per working day of 1,000 pounds. In determining for each the fair average per day during a year, no change is needed in the figures for the first; those for the second should be reduced by one-seventh, and those for the third by four-sevenths; so that the first would be 1,000 pounds, the second 857.14 pounds, the third 428.57 pounds.

I have said that I should consider the question involved in your request one of no great difficulty were it a new one. Such, however, is not the case.

Prior to the issuance of order No. 165 on March 2, 1907, the uniform practice of the Post-Office Department, except for a short period in 1884, as hereinafter stated, in determining the average daily weight of mail transported on railroad routes, appears to have been to have such mail weighed for a period covering not less than thirty successive working days (which term had been alleged to mean thirty successive week days, and therefore made such weighing period cover at least five weeks, or thirty-five days), and in every case, whether the mail was carried and weighed three, six, or seven days of the week, to divide the total weight thus ascertained by the number of working or week days in such period—that is to say, thirty. Thus in the case of a route on which the mail was carried three days of the week the weight was taken on such days for five weeks and the aggregate of the fifteen weighings divided by thirty to obtain the daily average. The same process was followed for thirty or thirty-five weighings, respectively, in the cases of routes on which the mail was carried six and seven days of the week. The average obtained was described as a "working" or "week" day average and not considered a daily average; but with regard to Sunday carrying roads it was evidently neither.

This practice, it appears, grew out of an effort to compensate the Sunday carrying roads for facilitating the transmission of the mails. It was thought that if the weight of mails carried on Sundays had been omitted in the case of such roads they would not only have received no compensation for carrying the same, but would have suffered an actual loss by reason of their diligence, because by delaying the same until Monday it was said that they could have had such mail weighed in on that day.

In a letter from the Second Assistant Postmaster-General to C. Jay French, superintendent railway mail service, fifth division, dated March 24, 1876, there are the following instructions:

"The mails are to be weighed for the given number of successive working days (thirty in the weighing to which these instructions particularly relate), and in case mails are carried on any route also on Sundays, returns of the weights of such Sunday mails are to be furnished in the same manner as the others, to be included in consolidating the returns for the period, the object being, as you are aware, to obtain a fair average of the service for the working year. On the other hand, if mails are conveyed less frequently than every working day, the period of the weighing is not to embrace more than the given number of working days, counting both those on which the mails are conveyed and those on which they are not, the object being the same as in the other case."

On September 18, 1884, Postmaster-General W. Q. Gresham issued order No. 44, as follows:

"That hereafter when the weight of mails is taken on railroad routes performing service seven days per week the whole number of days the mails are weighed, whether thirty or thirty-five, shall be used as a divisor for obtaining the average weight per day."

Postmaster-General Gresham retired in October, 1884. Postmaster-General Frank Hatton, who succeeded him, submitted the question to the Attorney-General, his letter and the reply thereto being as follows:

OCTOBER 22, 1884.

SIR: The act of March 3, 1873 (17 Stat., p. 558), regulating the pay for carrying the mails on railroad routes, provides * * * "That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, $50; 500 pounds, $75; 1,000 pounds, $100; 1,500 pounds, $125; 2,000 pounds, $150; 3,500 pounds, $175, etc. * * * ; the average weight to be ascertained in every case by the actual weighing of the mails for such a number of successive working days, not less than thirty. * * *."

Upon a large number of the railroad routes mails are carried on six days each week—that is, no mails are carried on Sunday. On others they are carried on every day in the year.

It has been the practice since 1875, in arriving at the average weight of mails per day on these two classes of service, to treat the "successive working days" as being composed of the six working or secular days in the week, which is explained by the following illustrations:

Two routes, No. 1 and No. 2, over each of which 313 tons of mail are carried annually:

On route No. 1 mails are carried twice daily, except Sunday, six days per week, and are weighed for thirty successive working days—covering usually a period of thirty-five days. The result is divided by 30 and an average weight of mails per day of 2,000 pounds is obtained.

Transportation per mile of road per annum	miles	1,252
Weight per mile of road per annum	tons	313
Pay per ton per mile of road per annum	cents	37.92
Pay per mile run	do	11.9
Rate of pay allowed per mile per annum		$150

On route No. 2 mails are carried twice daily, seven days per week, and are weighed for thirty successive working days and for the intervening Sundays, the weight on the Sundays being treated as if carried on Mondays, the weighing, as before, covering usually a period of thirty-five days. The result is divided by 30 and an average weight of mails per day of 2,000 pounds is obtained.

Transportation per mile of road per annum	miles	1,460
Weight per mile of road per annum	tons	313
Pay per ton per mile of road per annum	cents	47.92
Pay per mile run	do	10.2
Rate of pay allowed per mile per annum		$150

I have thought it necessary to give the foregoing illustrations in order that the practice of this Department under the law cited may readily appear, and I will thank you to advise me whether that practice is in compliance with or in violation of the statute. If not in conformity with the law, will you please indicate the correct method by which the average weight per day should be obtained and the compensation adjusted thereon.

Very respectfully,

FRANK HATTON,
Postmaster-General.

Hon. B. H. BREWSTER,
Attorney-General, Department of Justice.

DEPARTMENT OF JUSTICE, *October 31, 1884.*

SIR: I have considered your communication of the 22d instant, requesting to know whether the construction placed by the Post-Office Department on section 4002, subordinate section 2, prescribing the mode in which the average of the weight of mails transported on railroad routes shall be ascertained is correct, and am of opinion that that construction is correct, and that a departure from it would defeat the intention of the law and cause no little embarrassment.

I have the honor to be, your obedient servant,

S. F. PHILLIPS,
Acting Attorney-General.

The POSTMASTER-GENERAL.

The above letter from the Acting Attorney-General is taken from Opinions of Attorney-General, Volume VIII, page 71. While it is there stated that it was signed by S. F. Phillips, the original, received at the Post-Office Department, is signed by William A. Maury.

Postmaster-General Gresham's order was revoked January 16, 1885. This order had evidently in view the same purpose as order No. 165.

We have here, then, a case where the practical interpretation placed upon the act of Congress of March 3, 1873, in regard to obtaining the daily average weight of mail upon railroad routes by the Post-Office Department has been, except for a few months, unbroken for thirty-five years, although its correctness was authoritatively challenged. It also appears that while Congress, in 1876 and 1878 and again in 1907, provided for a reduction in the maximum rates established by the act of March 3, 1873, it made no change in the provision as to obtaining the average weight. It further appears that in 1905 Congress reenacted that provision in exactly the same language, except that "ninety" was substituted for "thirty."

Moreover, it should be noted that the post-office appropriation bill (H. R. 25483) reported to the House on February 6, 1907, provided:

"The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1907, for the transportation of mails on railroad routes carrying their whole length an average weight of mails per day of upward of 5,000 pounds by making the following reductions from the present rates per mile per annum for the transportation of mails on such routes; On routes carrying their whole length an average weight of mail per day of more than 5,000 pounds and less than 48,000 pounds, 5 per cent; 48,000 pounds and less than 80,000 pounds, 10 per cent, and $19 additional for every additional 2,000 pounds: *Provided*, That hereafter the average weight per day be ascertained in every case by the actual weighing of the mails for such a number of successive days, not less than 105, at such times and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct: *Provided further*, That hereafter, at the time of the weighing of the mails at the periods required by law, empty mail bags shall not be weighed nor taken as any part of the total weight of the mails in estimating the pay for transportation of said mails."

The accompanying report from the Committee on the Post-Office and Post-Roads and two minority reports discussed the question very fully and showed clearly the intention on the part of the committee, that, in the words of its report—

"In computing the average weight of mail carried per day, the whole number of days such mail may be weighed shall be used as the divisor."

On February 20, 1907, while the House in Committee of the Whole was considering the post-office bill, the following amendment was offered by Mr. MURDOCK to follow the provision "For inland transportation by railroad routes, $44,660,000:"

"*Provided*, That no part of this sum shall be expended in payment for transportation of the mails by railroad routes where the average weight of mails per day has been computed by the use of a divisor less than the whole number of days such mails have been weighed."

A point of order was made against this amendment on the ground that it changed existing law. The Chair sustained the point, observing (41 Cong. Rec., 3471):

"The CHAIRMAN. The existing law has received a construction by the officers charged with the duty of administering it, and that construction the Chair feels bound to follow. The proposed amendment changes existing law as construed by the proper officer, by changing the divisor. This is in the guise of a limitation; but it has been held over and over again here that a limitation is negative in its nature and may not include positive enactment establishing rules for executive officers. It has been held further that while limitation may provide that a part of an appropriation shall not be used except in a certain way, yet the restriction of executive discretion may not go to the extent of an imposition of new duties. And the limitation on the discretion exercised under the law by a bureau of the Government is a change of existing law. The decisions on the question of limitation, the attempt to draw a well-defined distinction between changes of existing law and a proper limitation, are among the most difficult questions that the Chair is ever called upon to decide."

Upon appeal from the decision of the Chair its ruling was sustained. (Id., 3472.)

Later on the same day the provision of the bill above quoted directing the Postmaster-General to readjust the compensation to be paid from and after July 1, 1907, for the transportation of the mails on railroad routes, which included the proviso "That hereafter the average weight per day be ascertained, in every case, by the actual weighing of the mails for such a number of successive days," etc. (the word "working" being omitted), was went out upon a point of order (41 Cong. Rec., 3473). Subsequently, on the same day, the rules were suspended, and this provision, without the proviso as to obtaining the average, was inserted and became the law. (Id., 3494.)

The principles of law bearing upon the solution of the matter under consideration in this aspect are settled by decisions of the Supreme Court of the United States.

It has been held that where the meaning of a statute is doubtful or ambiguous the practical construction placed upon it by the Department of the Government charged with its administration, if contemporaneous, uniform, and long continued, although not deemed controlling on the courts, is to be treated with respect and will ordinarily be followed. (Brown *v.* United States, 113 U. S., 568; United States *v.* Philbrick, 120 U. S., 52; Robertson *v.* Downing, 127 U. S., 607; United States *v.* Alabama R. R. Co., 142 U. S., 615.)

In the last-mentioned case, which involved the question of compensation to railroads for carrying the mails, the court said:

"* * * It is a settled doctrine of this court that, in case of ambiguity, the judicial department will lean in favor of a construction given to a statute by the Department charged with the execution of such statute, and, if such construction be acted upon for a number of years, will look with disfavor upon any sudden change whereby parties who have contracted with the Government upon the faith of such construction may be prejudiced."

But the true scope of this principle is illustrated by a considerable number of cases in which the court has refused to adopt the departmental construction of a statute. In these cases the court has said that such departmental construction is without weight where the statute is clear and explicit and free from ambiguity or doubt. (Swift Co. *v.* United States, 105 U. S., 691, 695; United States *v.* Graham, 110 U. S., 219, 221; United States *v.* Tanner, 147 U. S., 661, 663; United States *v.* Alger, 152 U. S., 384, 397; Studebaker *v.* Perry, 184 U. S., 258, 268–269.)

In Swift Co. *v.* United States, the court says:

"There is no serious question raised as to the proper construction of the internal-revenue acts upon the point, it being virtually admitted that the contention on the part of the appellant upon the provisions of the statutes is correct.

"It is met, however, in the opinion of the Court of Claims, and in argument on behalf of the Government here, that the contrary construction, to pay these commissions in stamps at their face value, has been acted upon by the Commissioner of Internal Revenue from the beginning, has been acquiesced in by purchasers and dealers, and has never been changed by Congress; and as an official practice has thus acquired the force of law, or if not, then, at least, it was a course of dealing, well known to the appellant, and acquiesced in, by which it accepted stamps at their face value in payment of its commissions, which it is not at liberty now to open, question, and reverse.

"The right construction of the internal-revenue acts upon the point of the allowance of commissions to dealers in proprietary articles, purchasing stamps made from their own dies, and for their own use, is too clear to bring the case within the first alternative. The rule which gives determining weight to contemporaneous construction, put upon a statute, by those charged with its execution, applies only in cases of ambiguity and doubt. (Edward's Lessee *v.* Darby, 12 Wheat., 206; Smythe *v.* Fiske, 23 Wall., 374; United States *v.* Moore, 95 U. S., 760; United States *v.* Pugh, 99 id., 265.)"

In United States *v.* Alger, the court says:

"If the meaning of that act were doubtful, its practical construction by the Navy Department would be entitled to great weight. But as the meaning of the statute as applied to these cases appears to this court to be perfectly clear, no practice inconsistent with that meaning can have any effect. (Swift Co. *v.* United States, 105 U. S., 691, 695; United States *v.* Graham, 110 U. S., 619; United States *v.* Tanner, 147 U. S., 661.)"

In so far as this question is affected by the practice of the Post-Office Department standing alone, I think it comes fully within the principle laid down in the two cases lastly above cited. The law says the average weight shall be ascertained "by the actual weighing of the mails for * * * successive working days." The practice has been to weigh on Sundays, and yet when the average is to be ascertained Sundays are excluded from the divisor. This practice is not only clearly erroneous, but logically indefensible. If Sundays are not "working days," the law does not permit the mails to be weighed on Sundays; if they are "working days," their exclusion from the divisor renders the result of the computation false on its face. It may be conceded that the question whether "working day" is to be interpreted "week day" in this provision of the statute is not free from doubt, and if the practice of the Post-Office Department were consistent with one construction and inconsistent with the other, there might be room to apply the doctrine of Brown's and Philbrick's cases; but as it is consistent with neither, and can be defended, if at all, only by reading the words in one sense for one purpose and in another sense for another purpose, there is no room for the application of any such doctrine.

The practice seems to have constituted, in fact, a sort of administrative legislation, intended to encourage the carrying of the mails on Sundays, and the most serious difficulty connected with the subject is to determine whether there has not been a legislative sanction of the practice by the Congress in its failure to change the method of computation when it reenacted the statute in 1905, for there can be no question that the practice of the Department in this respect was, or might have been, well known to the Congress, by reason of very full statements concerning it in public documents.

In Dollar Savings Bank *v.* United States, 19 Wall., 227, the court refused to hold that the Congress, by the reenactment of a statute, had adopted the construction placed upon it by the Department of the Gov-

ernment charged with its administration. The statute under consideration in that case (act of Congress of July 13, 1866, 14 Stat., 138) provided:

"That there shall be levied and collected a tax of 5 per cent on all dividends in scrip or money thereafter declared due, wherever and whenever the same shall be payable, to stockholders, policy holders, or depositors, or parties whatsoever, including nonresidents, whether citizens or aliens, as part of the earnings, income, or gains of any bank, trust company, savings institution, and of any fire, marine, life, inland insurance company, either stock or mutual, under whatever name or style known or called, in the United States or Territories, whether specially incorporated or existing under general laws, and on all undistributed sums, or sums made or added during the year to their surplus or contingent funds; and said banks, trust companies, savings institutions, and insurance companies shall pay the said tax, and are hereby authorized to deduct and withhold from all payments made on account of any dividends or sums of money that may be due and payable as aforesaid the said tax of 5 per cent: * * * *Provided*, That the tax upon the dividends of life insurance companies shall not be deemed due until such dividends are payable; nor shall the portion of premiums returned by mutual life insurance companies to their policy holders, nor the annual or semiannual interest allowed or paid to the depositors in savings banks or savings institutions, be considered as dividends."

It was contended that savings institutions were relieved from taxation by the proviso to this section; but the court held otherwise, and in reply to the argument based upon the practical construction placed upon the act, said (pp. 236–237):

"Our attention has been called to the fact that in 1867 and again in 1870 the Commissioners of Internal Revenue construed the proviso as exempting savings institutions from the tax upon all sums added to their surplus or contingent funds, and that the act of Congress of July 14, 1870, which reduced internal taxation, employed substantially the same language respecting savings banks as that contained in the act of 1866. In view of this, the plaintiffs in error argue that Congress required the Commissioner to prescribe what returns savings banks should make; that this made it his duty to put a construction on the law; that he did so, and held that such institutions were not required to return undistributed earnings carried to a surplus fund, and that after this practical construction had been made and acted upon more than three years Congress reenacted the tax, reduced in amount, in the same words. Hence, it is inferred, the construction given by the Commissioner was adopted. It is, doubtless, a rule that when a judicial construction has been given to a statute the reenactment of the statute is generally held to be in effect a legislative adoption of that construction. This, however, can only be when the statute is capable of the construction given to it, and when that construction has become a settled rule of conduct. The rule, we think, is inapplicable to this case. In the first place, the decisions of the Internal Revenue Commissioner can hardly be denominated judicial constructions. That officer was not required by the law to prescribe what returns savings banks were required to make. That was prescribed by the act of Congress itself, and he had no power to dispense with the requisition. There is therefore no presumption that his decisions were brought to the knowledge of Congress when the act of 1870 was passed. And again, the construction he gave is an impossible one, for, as we have seen, it makes the proviso plainly repugnant to the body of the section.

"We are constrained, then, to hold that the act of Congress does impose upon the plaintiffs in error the tax, to recover which the present suit was brought."

This opinion would probably be decisive of the present question were it not for some more recent decisions of the court. In New York, New Haven and Hartford Railroad Company *v.* Interstate Commerce Commission (200 U. S., 361, 399) it was contended that the prohibition of the act to regulate commerce and its amendments against undue preferences and discriminations ought not to be interpreted as applying against a carrier who was a dealer in commodities "because of an administrative construction long since given to the act by the Interstate Commerce Commission, the body primarily charged with its enforcement, and which has become a rule of property affecting vast interests which should not be judicially departed from, especially as such construction, it is asserted, has been impliedly sanctioned by Congress by frequently amending the act without changing it in this particular." The court said on this point (p. 401):

"* * * A construction made by the body charged with the enforcement of a statute, which construction has long obtained in practical execution, and has been impliedly sanctioned by the reenactment of the statute without alteration in the particulars construed, when not plainly erroneous, must be treated as read into the statute. Especially do we think this rule applicable to the case in hand, because of the nature and extent of the authority conferred on the Commission from the beginning concerning the prohibitions of the act as to rebates, favoritism, and discrimination of all kinds, and particularly in view of the repeated declarations of the court that an exertion of power by the Commission concerning such matters was entitled to great weight and was not lightly to be interfered with."

These remarks were, strictly speaking, obiter dicta, for the court said immediately afterwards:

"The concessions thus made, however, are wholly irrelevant to the case before us."

In the case of United States *v.* Falk & Bro. (204 U. S., 143), however, the court seems to have come very near qualifying the decision in Dollar Savings Bank *v.* United States, above cited. In that case the Government contended that the practical construction given by the Executive Department to a proviso in the tariff act of 1890 should control the interpretation of a similar proviso in the tariff act of 1897, and the court sustained that view, saying (p. 152):

"This, then, is our view: The Attorney-General having construed the proviso of section 50 of the act of 1890 as not restricted to the matter which immediately preceded it, but as of general application, and this construction having been followed by the executive officers charged with the administration of the law, Congress adopted the construction by the enactment of section 33 of the act of 1897, and intended to make no other change than to require as the basis of duty the weight of the merchandise at the time of entry instead of its weight at the time of its withdrawal from warehouse."

This aspect of the question has caused me some measure of doubt, but, upon careful consideration, I do not think it falls within the principle of the case last cited. The construction supposed to have been placed upon the statute in the practice of the Post-Office Department is not only "plainly erroneous," like the case suggested as an exception by the court in 200 United States, but is "an impossible one," as was that rejected by the court in 19 Wall. There is nothing to show that the construction by the Attorney-General sustained in the Falk case seemed to the court either "plainly erroneous," or "impossible." It must be furthermore remembered that in reenacting the statute in 1905, as in enacting it in 1873, the Congress only fixed a minimum to the number of days on which the Postmaster-General must have the mails weighed; he remained, as he had been previously, entirely at liberty to increase their number in his discretion, and he might therefore, as above noted, have made the weighing period extend through the entire year, or have supplemented the weighing by computations, which would render practically nugatory the construction supposed to be involved in the practice. In other words, in 1905 the Congress may have felt justified in awaiting an administrative remedy for a faulty administrative practice and have only thought seriously of a legislative remedy two years later. The opinion purporting to have been given by Solicitor-General Phillips on October 31, 1884, is not only, as above stated, irregular in form, but so meager and inadequate in its statement and discussion of the questions involved that I can not recognize it as binding upon me in the premises. As to the decision of the Chairman of the Committee of the Whole, sustained upon appeal, to the effect that the proposed amendment requiring a divisor "not less than the whole number of days such mails have been weighed," made a change in existing law, I am not aware of any precedent holding such a decision to be binding upon this Department. The decision may be held, moreover, to have been correct without regard to the "construction" alleged by the Chairman to have been placed upon the law by "the proper officer."

It follows from what I have said that I consider the form or method in which the information obtained from weighing the mails in accordance with the act of March 3, 1905, shall be utilized a matter in your discretion, provided your action shall be directed to the ascertainment of what, according to your best judgment, would be an average weight as nearly true as may be practicable per day during a year of the mails carried as the statute lastly aforesaid directs, to be used as a basis for a yearly compensation to the carrier; of course the adequacy of such compensation is for the Congress, not for the Postmaster-General. Each of the two orders first above mentioned constituted therefore, in strictness, a legal exercise of a discretion vested by law in the Postmaster-General. If, however, no further calculation is to be made beyond the addition of ascertained weights and division by the divisor selected, it seems obvious that Order No. 165 may lead to arbitrary and inequitable results. Order No. 412, upon the same assumption, will give, as the average weight per day during a year, the said average weight per day during somewhat more than one-fourth of a year; and there is no reason to suppose its results will be unjust or have any greater inaccuracy than is authorized and contemplated by the act of 1905.

Yours, respectfully, CHARLES J. BONAPARTE,
Attorney-General.

Mr. OVERSTREET. Mr. Chairman, the gentleman from Tennessee [Mr. MOON] is not in his seat at present, but I understand that he desires to yield one hour to the gentleman from Missouri [Mr. LLOYD].

The CHAIRMAN. The gentleman from Missouri will be recognized for one hour.

Mr. LLOYD. Mr. Chairman, the pending bill carries an appropriation of over $220,000,000. It is the largest appropriation that was ever made through the Post-Office Committee in the history of the Republic. It is larger by $8,000,000 than the appropriation of last year. It is nearly $10,000,000 less, however, than the estimates that were made by the Post-Office Department. This bill carries provisions for a number of new offices. It provides salaries for 185 additional assistant postmasters and 2,300 new clerks in first and second class postoffices. It carries an appropriation for 1,500 additional letter carriers, 565 new railway mail clerks, and 1,500 rural carriers. There are other new offices provided in this bill that can not well be enumerated. The total number of additional offices beyond that which is carried in the current law will reach about 7,500.

I do not mention this to criticise the bill. My judgment is that these additional officers are necessary to meet the exigencies of the growing service. There is no Department in this Government that shows such advance in its business as does the Postal Department. It is a constantly growing service. It is a very difficult thing for the Post-Office Committee to ascertain just how much should be expended from time to time, and how much addition should be made to the various objects of expenditure. The committee have been exceedingly cautious to make no expenditures that need not be made. That is shown by the fact that they have appropriated so much less than the amount that is estimated for by the Department itself.

There is one branch of the service in which a decrease is proposed, and that is in the inspection branch. The bill carries the pay for twenty-two less than the number of inspectors that are now in the service—that are provided for in the current law. The inspection service is one of the most important branches of the Government.

It is a service which means much to the American people in determining and enforcing the regulations of the Department. There is no class of officials, however, who are vested with power more dangerous than are the inspectors of the Postal Department. These individuals are permitted from time to time to open the letters of others and see what is in them, and, it may be, to retain them in such way that the individual to whom the letter is mailed shall never have the opportunity of receiving it.

There have been some general investigations in the recent past. You will remember that some four or five years ago

there was an investigation of the First Assistant Postmaster-General's bureau. It is a surprising thing, if your attention has never been called to it, that the man who conducted that investigation within a very short time after the investigation was himself outside the postal service. The man who was then chief inspector, in charge of that inspection work, was changed from the inspection service and was given employment of a different kind. It is also true that those who assisted most in that inspection, other than the chief inspector, have recently found themselves in positions less important than those which they held at that time.

There was another investigation with which you are more or less familiar, and especially with which Missourians are conversant. I have reference to the investigation of what is known as the "Lewis publications" in St. Louis. That investigation was conducted by the then Third Assistant Postmaster-General, Mr. Madden. But Mr. Madden is now out of the postal service, and it is intimated, and may be true, that the post-office inspectors who were responsible for that investigation and conducted it, will soon find themselves occupying places less important than those which they occupy to-day. What does this signify? Is it true that this inspection department is to find itself shorn of power when it undertakes to discharge fearlessly the duty devolving upon it? Is it true that the powers that be to-day are concerned in having an inspection force that will not inspect, investigators who will not investigate? Have these changes been accidental, or are they the result of a determination somewhere to humiliate those who were responsible for the punishment of wrongdoing and have exposed those who have betrayed official trusts?

What does it all mean? Is there any lesson to be gathered from it?

I wish to call attention also to another feature of postal matters, namely, postmasters' salaries. Postmasters are divided into four classes, as perhaps you know, first, second, third, and fourth. A fourth-class postmaster is in the lowest class. He receives no fixed salary. His compensation is made up from commissions on the receipts of the office. When these receipts amount to $1,900 the office becomes third class. If the receipts of the office are $1,900, then there will be a third-class postmaster appointed by the President who will receive a salary of $1,000. In addition to that he may receive clerk hire to the extent of $200, rent of building not to exceed $480, and for fuel and light a sum not to exceed $80, but if it should happen that the receipts of the office were only $1,875, then all that the postmaster can receive is less than $1,000, and he must rent his own room, furnish his light and fuel, and employ his own clerk. You can see that this is manifestly wrong. Either the third-class postmaster is receiving too great a compensation or the fourth-class postmaster is not receiving enough. [Applause.]

This can easily be remedied. I make this suggestion for your consideration, that up to the sum of $300 all the receipts shall be turned over to the fourth-class postmaster. Between the $300 and $1,900 that the postmaster shall receive 60 per cent of the receipts. You will notice then that if the receipts were $1,900 the postmaster would receive the first $300 and 60 per cent of the next $1,600, which would be $960, making his compensation $1,260 instead of $1,000 under the existing law.

Mr. CLARK of Missouri. Now would you have that applied to third-class postmasters, too?

Mr. LLOYD. A third-class postmaster receives a salary of at least $1,000. He may receive clerk hire to the extent of $200; he does receive rent of building, and an allowance for fuel and light, but the proposition I am suggesting would place the $1,260 in the hands of the fourth-class postmaster; but, out of that $1,260 it would be necessary for him to rent a building and furnish his own fuel, light, and clerical assistance.

Now, there is another manifest error in compensation of postmasters, and that is between the third and second classes. If the receipts of an office are $8,000, it becomes a second-class office. Between $1,900 and $8,000 in receipts constitute third-class offices. The compensation varies according to the amount of receipts. Now, if the postal receipts are $8,000, then the least sum that would be paid to a postmaster would be a salary of $2,000, which goes to him absolutely. In addition to that, clerk hire, an assistant superintendent, and other employees, whose full compensation amounts to at least $1,300, making the least expense $3,300. If it did not quite reach the $8,000, the postmaster would receive a salary of $1,900, and under existing law could only receive $500 for clerk hire. The greatest possible amount that he could receive if the receipts of the office were $7,999 would be $2,400 for himself and all of his clerks. The result of it is that the third-class postmaster must necessarily pay out of his salary a large amount to meet the expenses of clerk hire. There ought to be a graduation. One of two things is true: Either the second-class postmaster is receiving too much compenation or the third-class postmaster does not receive enough. This may be remedied by providing some such system as this: Where the salary of the postmaster is $1,000, that his clerk hire may be $200.

Postmasters' salary:	
$1,100, clerk hire	$300
$1,200, clerk hire	400
$1,300, clerk hire	500
$1,400, clerk hire	600
$1,500, clerk hire	700
$1,600, clerk hire	800
$1,700, clerk hire	900
$1,800, clerk hire	1,000

Where his salary is $1,900, clerk hire may be $1,100, making in the aggregate $3,000. The difference between that which he would receive and that which the second-class postmaster would secure being $300. Such a graduation from the fourth-class postmaster through the grades in third class to the second-class postmaster would give all of them reasonable compensation.

Another question that ought to be of interest, because it affects all of our localities, unless it be a city district, is the question of mail delivery. At the present time, as you are aware, mails are delivered in the cities. They are also delivered in the rural districts. In the towns of considerable size there is no city mail delivery unless there is a population of 10,000 people or postal receipts of $10,000.

I think this can be remedied. I do not understand why we should give rural service to the farmer, deliver the mail to the residents of the cities, and not give it to the larger towns. If it be right that we provide carriers in the country as well as in the city, it is certain that with equal propriety and with equal justice there should be carriers in the larger towns of less than 10,000 inhabitants and less than $10,000 postal receipts. To meet this contingency I have introduced a bill which I think in part will remedy it; a bill to this effect: Providing that in all offices of first, second and third classes there may be deliveries by carrier, and that in the fourth-class offices the rural carrier may be permitted to deliver to the residents of a town at a box the same as he would to an individual in the country. In other words, in a town of the fourth class, where a citizen of the town is willing to receive his mail at a box, he can do so, just the same as he could if he were to live outside of the corporate limits of the town on a rural route. This would carry the mail to all the people of the country.

If you have not looked into the cost of it, you might be alarmed because of its probable excess. We expend now $26,000,000 for the letter-carrier service in the cities; $35,000,000 for the rural-carrier service in the country, a total of $61,000,000. For $6,000,000 you can provide service that will reach all the third-class post-offices, and provide through the rural-carrier service for the small towns as well. Why not add this additional sum and provide by law for carrying the mail to all the people of the country rather than to a portion of them?

Mr. RUSSELL of Missouri. Is it not true where greater facilities are furnished, that it also brings compensation in increased receipts?

Mr. LLOYD. It is always true. You have heard in the speech of the gentleman from Kansas [Mr. MURDOCK], who has just preceded me, and also from the chairman of the committee [Mr. OVERSTREET] on yesterday, a statement in reference to the reductions that have resulted by reason of the change of law made at the last session with reference to railway mail pay.

It is not my purpose at this time to discuss the question of railway mail pay, but I do want to call attention to one feature of it. The gentleman from Kansas gave an interesting recital with reference to the question of weighing the mail, and I wish to address myself to one phase of it. Under the existing law, and the law which has been on the statute books for a number of years, it is undertaken to ascertain the average daily weight of mail, and that becomes the basis of compensation for carrying the mail by railway. The law has not been changed since 1873 as to the method of weighing. The law to-day is just what it was twelve months ago; but there is a remarkable difference in the amount that the railway companies are receiving for carrying the mail. The law, understand me, has not changed. Congress refused to change it. But in March last, one of the last acts of Mr. Cortelyou before he went out of office as Postmaster-General, was to make an order which had the effect of law, that the divisor should be changed. That order, made in March, was changed in June by the present Postmaster-General. So that there has been three different constructions of the law within one year, and yet during that time no law has been changed by Congress. [Applause.]

I am leading up to what I regard as an exceedingly serious question. If the present ruling of the Postmaster-General is

correct, if order 412 is a correct interpretation of the law, then this Government, the people of this Republic, have been defrauded of seventy millions of dollars since 1880. I repeat, if the ruling of the Postmaster-General is correct, then this Government has paid into the hands of the railroad companies seventy millions of dollars that belong to the people. Now, why do I say that? All agree that the change in divisor cuts down the railway mail pay 9.65 per cent. For the purpose of computation call it 10 per cent. The railway mail pay in 1880 was, in round numbers, $10,000,000. In 1907 the railway mail pay was $44,660,000. Adding these together makes $54,660,000. Divide that by two and you have the average amount, and it is pretty nearly correct, $27,300,000, the amount that has been paid annually to the railway companies for carrying the mail. Now, following the latest interpretation of the law, 10 per cent of the $27,000,000 belongs to the people, and in every year during that time there has been paid to the railroad companies $2,700,000 which belongs to the people—the Government itself.

Another remarkable thing in that connection. The Postmaster-General having found out, apparently, that the law was not properly interpreted, that the railroad companies had been receiving 10 per cent too much, this last order was made in June; but it was only made to apply to one of the four weighing sections of the United States.

Three of these weighing sections are not now under the provisions of that order. The Postmaster-General has placed himself in the anomalous position of admitting that the divisor was wrong, and is paying out of the Treasury in the current year over $3,000,000 in violation of the law as he construes it himself. Is it not a serious proposition? There is no way around it. If the Postmaster-General's order is right, then this money belongs to the people.

Mr. JOHNSON of South Carolina. Will the gentleman allow me to ask him a question right there?

Mr. LLOYD. Yes.

Mr. JOHNSON of South Carolina. Would it not be very easy for them to find out what the correct divisor would be and the correct amount by dividing by 105 instead of by 90 without waiting until another weighing period?

Mr. LLOYD. Yes.

Mr. JOHNSON of South Carolina. They know whether the mail was weighed ninety days or one hundred and five consecutive days?

Mr. LLOYD. Yes; and they can make the correct computation. They can easily obtain the amount that ought to be paid and the fact that they do not do it is a positive admission that some of the money they are paying to the railroad companies ought not to be paid, and they are not trying to remedy it.

Mr. FLOYD. If I understand you, this fixing of 7 as the divisor instead of 6 applies to only one of the weighing divisions?

Mr. LLOYD. Yes; to only one of the weighing divisions.

Mr. FLOYD. On what theory do they make it apply to one and not to all?

Mr. LLOYD. On this theory, I suppose that the section to which they made it apply was the one which was weighed last year, after the new order, and it became the basis of weight for the current year; and they propose that in the other sections it shall be made to apply as the weighings are made.

Mr. HARDY. They are only weighed once every four years?

Mr. LLOYD. Once every four years.

Mr. CLARK of Missouri. When they weigh in one section every four years, do they enter into a four-year contract with the railroad at that time?

Mr. LLOYD. That is by operation of the law. It is not necessarily a specific written contract, but it becomes a contract under the law.

Mr. HARDY. As I understand it, the contract does not include the divisor feature, but that is simply a custom?

Mr. LLOYD. Oh, certainly. The divisor proposition has been brought about by the Department. The law is the same, as I said at the outset. The law has not been changed.

Now, I want to call your attention to another situation in this connection. This admission on the part of the Post-Office Department that there has been a wrong done during these thirty-five years has not been corrected by any attempt at legal proceedings, so far as I have knowledge. Why is it that they have not instituted suits against the railroad companies to recover the money which they paid to them that ought not to have been paid? Not a single suit has been started, and none suggested, so far as I know, anywhere within the United States. I call the attention of the chairman of the Committee on Expenditures in the Post-Office Department to the extraordinary condition that finds itself there, and beg him to investigate that Department and ascertain whether there is anything wrong in it. [Applause on the Democratic side.] I refer to the gentleman from Pennsylvania [Mr. WANGER], who is chairman of that committee.

Mr. WANGER. Mr. Chairman, may I ask the gentleman a question?

Mr. LLOYD. Yes.

Mr. WANGER. Do you take the position that there could be a recovery by the United States against the railroads?

Mr. LLOYD. I am not taking any position about it. I simply said that there had been no attempt to recover.

Mr. WANGER. Do you assert that there is a legal right of recovery?

Mr. LLOYD. I simply suggest to the chairman of the Committee on Expenditures in the Post-Office Department that it would be well to inquire into the facts with reference to that particular matter.

Mr. WANGER. I wish to assure the gentleman that both will be inquired into and very carefully considered.

Mr. LLOYD. I believe it.

Mr. WANGER. And I would be very glad to have any suggestions from the gentleman or from any other Member of the House.

Mr. LLOYD. I have the utmost confidence in the gentleman from Pennsylvania and believe he will do what he says he will do. Now, it is my purpose to call attention to some other conditions affecting the postal service.

In recent years there has been much said about second-class mail matter and the compensation for carrying it. The recent Third Assistant Postmaster-General, Mr. Madden, shortly before he went out of office, made this statement:

> This statute in no equivocal terms prohibits the admission of publications to the second class which are primarily designed for advertising purposes, or for free circulation, or for circulation at nominal rates. The possibilities of construction in that clause are very great.
>
> *Without intending to cause alarm to publishers, I may say that a strict and honest construction and enforcement of that prohibition would force out of the second class from 60 to 70 per cent of all our newspapers and from 70 to 80 per cent of all our magazines.*
>
> I venture the assertion that under no reasonable construction of what constitutes an *actual* subscriber would it be found, if we should make an investigation to-day, that more than one-half, perhaps not one-third, of all the copies of all the publications now carried free under this provision are lawfully entitled to the privilege.

Think of the statement! If the law with reference to second-class matter were enforced, 60 per cent of the newspapers would be excluded from the pound rate, and from 70 to 80 per cent of the magazines would be excluded from that rate.

The present Third Assistant Postmaster-General realizing the force of this strong statement undertakes to overcome its effect, and makes this statement:

> No utterances of a postal official ever gave more genuine and widespread alarm to innocent and unsuspecting publishers than the words just quoted.

Why not? Of course it would alarm them. Would it not alarm you if you believed the law was to be enforced, and by enforcing it that 60 or 70 per cent of the local newspapers in the district which you have the honor to represent would be excluded from the second-class mail? It is a serious proposition. This officer, faithful as you know he was, made the statement that an honest enforcement of the law would exclude these from the mail.

But the present officer goes further. He says:

> There is to be no wholesale onslaught on 70 to 80 per cent of our publishers, and yet there is to be a fairly honest and rigid enforcement of the law.

What is it to be? Not an honest one, but a *fairly* honest one. Not a rigid enforcement, but a *fairly* rigid enforcement. Now, can any of you tell me how far they are going to enforce the law? They are not going to be honest, but will be *fairly* honest; they are not going to enforce the law rigidly, but will enforce it *fairly* rigidly. Now, this same officer further said:

> The great majority of newspapers and periodical publishers are high-minded gentlemen, who would not knowingly transgress the law.

How many of that 60 per cent, that 70 per cent, are honest? The Assistant Postmaster-General says a great majority. How many of them are dishonest? I imagine that if there is any Member here representing a country constituency who will go back and intimate that any of the publishers in his district are dishonest he will have trouble on his hands. [Laughter.]

Now, what is the danger? Where does the trouble come in on second-class mail? They claim that it is under this provision of the law.

Mr. CLARK of Missouri. I would like to ask the gentleman, before he leaves that point, if that fairly honest enforcement he is talking about would not open up all sorts of opportunity for playing favor in the business?

Mr. LLOYD. It might. I would not say it would. There

is one thing that should be done, and that is to honestly enforce the law without reference to the word "fairly." If the law is wrong, Congress can change it.

In this connection I want to say that I am exceedingly weary of having this Government run by executive order. [Applause.] You go down to the Post-Office Department and you will find piled up, sometimes several inches high, orders that have recently been issued which have the effect of law. The truth about it is that the post-office rules and regulations compose nearly the whole of post-office law. Now, I do not want to say that the post-office officials are the only people to blame in this connection, or that they are censurable at all. The law should be so plain that it does not need executive construction, and Congress should make the laws and not make it incumbent upon the head of a Department to do so.

Mr. ALEXANDER of Missouri. I would like to inquire if the committee is doing anything to remedy this trouble, to make the law more certain, to make it more plain, so plain as not to be susceptible of this loose construction, or has the Post-Office Department suggested any amendment to the law which would remedy this difficulty?

Mr. LLOYD. The Post-Office Department has made some suggestions, and consideration has been given it by the committee, but not as much as it should, in my judgment.

Mr. SHEPPARD. Let me ask the gentleman if the Penrose bill in the Senate has not that very intention?

Mr. LLOYD. It has the effect, as I understand it, of leaving to the Postmaster-General the sole determination as to whether the publication is entitled to the second-class mail or not.

Mr. SHEPPARD. That is exactly what I wanted to bring out.

Mr. LLOYD. If that is the purpose of the Penrose amendment, it ought to be defeated. [Applause.] We have too much bureaucracy now, we need more law and less Department rule. [Applause.]

Mr. RUSSELL of Missouri. And more obedience to the law that we have.

Mr. LLOYD. Now, the present Third Assistant Postmaster-General is a most excellent gentleman in my judgment. I do not wish to reflect upon his honesty, integrity, or ability. I have been impressed with him as I have been with but few of the Post-Office officials, but many of the Third Assistant Postmaster-Generals when they get into office undertake the first thing to make some rule with reference to the second-class mail matter. I am not in sympathy with the fight which is made on the second-class mail.

I want to call the attention of the committee to some things that have happened recently under the present Third Assistant Postmaster-General. It has been a rule of the Department from time immemorial—perhaps I ought not to state it in that way, but for a number of years—that 100 per cent of the list of subscribers could be sent out in sample copies. This matter was brought to the attention of the court. The supreme court of the District of Columbia passed upon this question and decided that that was a reasonable regulation of the Department; that to say that more than 100 per cent of a publication could be carried as sample copies, and carried free, would in effect be to say that the newspaper was more concerned in free circulation than it was in actual paid subscriptions. Within the last two months a new order has been made, made at the Post-Office Department, that only 10 per cent of the actual list of subscribers can be used in sample copies, changing this rule which has lasted for all these years from 100 per cent to 10 per cent.

Now, the objection to that, in my judgment, is not so much in the order itself as in the spirit manifested—the spirit of autocracy, one-man rule that asserts itself. It may be that the average newspaper of the country—it is true that the average newspaper does not carry 10 per cent of sample copies. In fact, an investigation has shown that little less than 4 per cent of the publications of the country sent through the mails are sample copies, showing another fact that all this talk that you have heard for all these years about the abuse of the mails with reference to the sample-copy privilege is not so great an abuse as many believe. One would suppose, to hear what is said about sample copies, that nearly all of the mail was sample-copy mail, and yet a careful investigation has shown that less than 4 per cent of it is of that class.

Mr. WANGER. I would like to ask the gentleman a question right there.

Mr. LLOYD. Yes.

Mr. WANGER. Is it not quite a severe reflection upon Congress that the number of sample copies which may be sent out is not defined by law, so that there is no chance for any executive officer to exercise any control except to enforce the law.

Mr. LLOYD. I said a moment ago, as the gentleman will remember, that I thought Congress ought to assume some of this responsibility.

Mr. CLARK of Missouri. If the gentleman will permit, I will say that we fought that thing out here twice on what was known as the "Loud bill." I helped kill the first Loud bill, and when the second one came I told him that if he would put four amendments to it I would help him to pass it, and we all agreed that the law should be 100 per cent. Nevertheless the bill was defeated. So Congress twice has refused absolutely to fix any limit about it. The chairman of the committee was here at that time, the gentleman from Indiana [Mr. OVERSTREET].

I would like to ask my friend one question about this sample-copy business and whether he ever investigated this feature of it, and that is whether or not the bulk of sample copies sent out are not confined to a small number, comparatively, of advertising magazines, and that the country press proper sends out comparatively few sample copies?

Mr. LLOYD. I think that is true. I said a moment ago, as far as I was concerned I did not seriously object to the 10 per cent proposition.

Mr. CLARK of Missouri. I think the 10 per cent proposition is right.

Mr. LLOYD. I think if I had an opportunity to vote upon that as a proposition in the House, I would vote for the 10 per cent. I am not reflecting upon the rule so much as the power that is asserted behind the rule. Here for years 100 per cent of the list of subscribers has been recognized as the proper amount, and all at once there is a reduction from 100 per cent to 10.

Mr. WANGER. Mr. Chairman, will the gentleman allow me another question?

Mr. LLOYD. Yes, sir.

Mr. WANGER. Ought not the sample-copy privilege to be much more liberal to newly established publications than to the older ones? Is it not a fact that in starting a newspaper sample copies are one of the means of attracting notice to such a publication?

Mr. LLOYD. Yes, sir.

Mr. WANGER. But in the case of the older publication sample copies are largely distributed at the instance of advertisers and as a medium of securing cheaper advertising?

Mr. LLOYD. In answer to that I wish to call attention to the fact that the rule that has recently been promulgated in the Department provides what may be a good system in that regard. It provides for a cumulative 10 per cent. That is, if a newspaper this week did not send out any sample copies, or did not send out any for six months, it could send out all of it in the last six months. It might send all of the sample copies in a single day, as I understand the rule, and is entitled to 10 per cent accumulation during that period.

Mr. WANGER. But it relates to the old established publication just the same as to any other.

Mr. LLOYD. Yes, sir; there is no difference. The point the gentleman raises is not changed in the rule, excepting that this cumulative privilege would be of more benefit to a paper just starting, because in the first six months or first three months or first month they could, if they chose, use 100 per cent in sending out sample copies.

Mr. OVERSTREET. I think in the gentleman's criticism of the power behind the rule to which he made reference it is a further explanation to say that the courts have decided that that power rests legally with the Department in determining the number of sample copies. That was one of the test cases, so that the Third Assistant has not violated any law in establishing that rule.

Mr. LLOYD. My understanding of the decision of the court I called attention to a while ago was that the court held that 100 per cent was a reasonable amount.

Mr. OVERSTREET. But in so holding the court has held the right to fix under the rule a certain number of sample copies——

Mr. LLOYD. The court has repeatedly held that in matters that did not conflict with the law the Department has a right to make a regulation, and that regulation has the effect of law, and not only that, but there is very little chance of appeal from it.

Mr. WANGER. Did not the court in the opinion state that the Department had been very liberal in the 100 per cent?

Mr. LLOYD. Yes, sir.

Mr. WANGER. Intimating that it was larger than what might be properly fixed?

Mr. CLARK of Missouri. If it is true the court held that 100 per cent was not an unfair or an unreasonable number of sample copies, then how did it get in the head of the Department here to cut that down to 10 per cent?

Mr. LLOYD. Simply because they felt they had the power to do it, I take it, and they thought it best for the country that it should be done.

Mr. WANGER. If my other friend from Missouri will permit, the court suggested that it was no error as against the publisher to limit it to 100 per cent, was very liberal toward him, suggesting, however, that the Department would have been entirely within its authority if it had fixed a less percentage, as I remember the decision.

Mr. LLOYD. My recollection is no such suggestion was made, but such an inference might be drawn.

Mr. CLARK of Missouri. I would like to ask my friend from Missouri one question. Has this Committee on Post-Offices and Post-Roads turned its attention to this recent order of the Post-Office Department declaring that a fellow who has not paid his subscription is not a bona fide subscriber?

Mr. LLOYD. No, sir; the Post-Office Committee has not taken that in charge at all. I intended to call attention to that. That is an order recently made. The effect of that order is to provide that no newspaper shall do a credit business. Now, the order has a good effect, looking at it from the standpoint of business, and I believe it would be fortunate for this country if all subscriptions were paid in advance.

I believe it would be well for the country if all business was done on a cash basis as nearly as possible, but I doubt whether it is wise to assume authority in a Department to pass a law which says to the newspaper man you can not credit your subscriber, which is the effect of the rule, unless you pay 1 cent on every copy of the paper that you send to a subscriber after one year has elapsed from the date to which he has paid his subscription.

Now the effect of it, as I said a minute ago, from a business standpoint, as I see it, is good; but there are numbers of newspapers that do a credit business. Are you going to shut them out from the pound rate because of it? It may be that everybody would do better on a cash system; but are you going to say to the newspaper man that you must do a cash business, and a cash business only, or suffer at the hands of the Government? Is that the effect of the course that should be pursued?

I want to say in this connection, because, at the instance of a number of persons who are not satisfied with this rule, I have introduced a bill which would abrogate the rule, that I shall not press that bill unless it appears that injury has resulted to the newspapers of the country by reason of the rule, notwithstanding I do not like the power it assumes in trying to govern the newspaper business.

Mr. OVERSTREET. Will the gentleman permit another interruption?

Mr. LLOYD. Yes, sir.

Mr. OVERSTREET. Is the gentleman at all familiar with the spirit in which that rule has been received by newspaper men generally?

Mr. LLOYD. I have received, as the chairman has, a publication issued at the instance of the Third Assistant Postmaster-General, calling attention to the fact that the rule is very popular, and he has given excerpts of various papers calling attention to the fact that they indorse it, and calls attention to the fact that some of the newspaper associations of the country have also indorsed it; but he has not given, so far as I know, a copy of a single letter of an individual that was not satisfied with the rule.

Mr. SMITH of California. Do I understand you to say that the editors and publishers generally of the country are not well pleased with the ruling?

Mr. LLOYD. No, sir; I said that this publication was to the effect that they were satisfied.

Mr. SMITH of California. I want to tell you personally, as the owner and publisher of a country newspaper, that it is the best thing that has ever been done for the newspapers of this country, because it undertakes to put our business on a nearer cash basis.

Mr. LLOYD. But will the gentleman claim that it is right for the Post-Office Department to assume to pass a law which dictates to the newspaper fraternity what they shall do when there are newspaper editors who do not wish to put themselves on a strictly cash basis?

Mr. SMITH of California. I will say that I am in accord with the chairman, that it seems to me that the Postmaster-General may properly protect the Government against the practice of unlimited deadheading in newspaper business. That is the purpose of it.

Mr. LLOYD. That ought to be done, but a purely cash basis is not necessary to that end. Nearly all newspaper men are honorable and law-abiding.

Mr. SMITH of California. I assume that he undertakes to do it from that standpoint and not for their special benefit.

Mr. LLOYD. I have consulted with the Third Assistant Postmaster-General on this point since I introduced that bill, and he assures me that it is not the intention to affect the ordinary newspaper of the country; that any newspaper which shows a disposition to keep up a legitimate list of subscribers will not be interfered with. If that is carried out, I have nothing to say against the rule, except that I think Congress ought to pass the laws and not the Department.

Mr. WILLIAMS. Under what general law does the Postmaster-General presume to have authority to make this regulation. I understand the Postmaster-General has authority to exclude obscene matter and various things from the mails; but under what general authority of law has he the right to say that a man engaged in any business, a newspaper business, shall not be entitled to the benefit of the postal system of the United States unless he engages in it upon a system approved of by the Postmaster-General?

Mr. LLOYD. By this provision of law. The law provides that "all publications of the second class which are designed primarily for advertising purposes or for free circulation or circulation at nominal rates shall be excluded from second-class rates." Now, his interpretation of free circulation and of legitimate lists of subscribers is that the subscriber is not legitimate unless that subscriber has paid for the paper. I think that is his assumption.

Mr. WILLIAMS. That is the point. The same principle would apply to the man doing a general supply business in my town, which is nearly all done on a year's credit. He would not be engaged in legitimate business.

Mr. LLOYD. I take it to be on the same principle.

Mr. OVERSTREET. I will say to the gentleman from Mississippi it is not a question whether it is legitimate or an illegitimate business; it is a question of rates. There is no effort to exclude any newspapers. The effort is to determine whether or not they are entitled to a certain rate or another rate. The gentleman from Missouri explained that.

Mr. WILLIAMS. As I understand it, the Post-Office Department, in construing the law which gives a certain rate, calls it legitimate for that purpose——

Mr. OVERSTREET. Because he pays a penny a pound weight when sent to parties who are legitimate subscribers.

Mr. WILLIAMS. Very well. Now, in construing that law, which grants this right to a legitimate newspaper business, the Postmaster-General arbitrarily rules that the sort of newspaper which credits subscribers is not legitimate.

Mr. WANGER. Is not the Postmaster-General bound to determine what is a legitimate subscriber and what is not by reason of the duty that is imposed upon him by the law?

Mr. WILLIAMS. Yes; and in determining that he determines that a newspaper editor who chooses to credit his subscriber is guilty of doing an illegitimate business and excludes him from the mails. Now, it seems to me that is one of the many recent illustrations of executive usurpation.

Mr. WANGER. Suppose that the Postmaster-General makes an error in construing that law. Is not there ample remedy in the courts?

Mr. WILLIAMS. No, sir; there is not. There is no remedy in the courts against a ruling of that Department. In executing fraud orders, for example, there is no appeal. The Post-Office Department may act as arbitrarily as it pleases, and when it is through with a case there is not a court in the United States to which an appeal can be taken. The gentleman from Indiana [Mr. CRUMPACKER] attempted to secure the enactment of a law that would give the right of appeal, and I understand it passed this House, but never was made a law.

Mr. WANGER. In that particular case the discretion was lodged in the Postmaster-General to make that particular kind of fraud order, but here these people are granted a certain mailing privilege, a certain special rate, under conditions which are defined and which the court can ascertain just as well as the Postmaster-General.

Mr. WILLIAMS. If the gentleman will excuse me a moment longer, likewise in a fraud-order case; there was a general law saying that they could exclude from the mails obscene matter, frauds, and various other things, lotteries, etc. The discretion to determine what was a lottery, what was obscene, what was

a fraud was of course lodged in the Postmaster-General, and the courts have ruled that that discretion was not reviewable in the courts.

Mr. STAFFORD. I beg to challenge that statement of the gentleman from Mississippi so far as that section is concerned, because the Supreme Court has laid down the ruling positively that autocratic power is not lodged in the Post-Office Department, but that it is subject to review by the courts, and it has been reviewed by the courts, and the action of the Post-Office Department has been superseded.

Mr. WILLIAMS. In a fraud-order case?

Mr. STAFFORD. In a fraud-order case. The Supreme Court has held that there must be facts adduced before the Department could justify it.

Mr. WILLIAMS. I have not seen that decision, but I do know we had before this House the Crumpacker bill for the purpose of giving the right of appeal, and that the bill passed this House, but did not become a law, and in the course of his argument in that case the gentleman from Indiana asserted the necessity of the law and stated that there was no appeal from these executive orders. Now, if there has been a decision to the contrary since then, I should like to see it.

Mr. STAFFORD. I do not like to break in at this time, but I can cite the gentleman to the decision at any time.

Mr. LLOYD. Here is a case in 104 United States, page 19, in which the court says:

When Congress has committed to the head of a Department certain duties requiring the exercise of judgment and discretion, his action thereon, whether it involves question of law or fact, will not be reviewed by the court unless he has exceeded his authority or this court should be of the opinion that his action was clearly wrong.

Mr. WILLIAMS. Is that the case of the Chinaman?

Mr. LLOYD. I am not sure about that.

Mr. WILLIAMS. In the case of a Chinaman who had been a resident of the United States and had gone back to China and had come back here, the Immigration Department, or Bureau, or whatever it is, ruled that he was not entitled to come back, deported him, and substantially banished him. That comes only through the courts, and the courts rule that they can not interfere with that, although it was offered to show that the man was a resident of the United States, had gone away, and was merely coming back. That authority I will later produce.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MOON of Tennessee. Mr. Chairman, I will yield to the gentleman ten minutes more.

Mr. LLOYD. I will read:

Where the decision of questions of fact is submitted to the judgment and discretion of the head of a Department, his judgment thereon is conclusive.

Now, a little further on in this pamphlet is what the Third Assistant Postmaster-General says himself:

If, as is clear from the decisions cited and numerous others of like effect, the determination whether a publication has a legitimate list of subscribers, whether it has a free circulation and nominal rates, rests within the sound discretion of the Postmaster-General, it follows by necessity that he is authorized to establish general rules by which he and his subordinates will be guided in reaching such determination.

Mr. YOUNG. I would like to ask the gentleman a question right there.

Mr. LLOYD. Very well.

Mr. YOUNG. Is it not a fact that under the law as it now exists the facts upon which this bureau officer acts may be submitted to him in a private report of an inspector, or in a private letter which the party accused has no opportunity to see, and which the public is not allowed to see?

Mr. LLOYD. That is so, and it is a very reprehensible practice.

Mr. WILLIAMS. If the House wants to be pleasantly and profitably enlightened on this subject, if Members will get the book recently written by Franklin Pierce and published, entitled "Federal Usurpation," and turn to the chapter entitled "Administrative usurpation," they will find a full list of cases of this sort and the rulings of the courts upon them. And they will also see that the statement I made is correct, and that the addendum made to it by my friend is also correct.

Mr. LLOYD. Now, Mr. Chairman, I stated a moment ago, before we got into this colloquy, that I was not in sympathy with the fight that has been made against second-class mail, in so far as it reaches the legitimate press of the country. There is hardly an instance where there is an attempt to regulate what they call abuses that it does not affect in some way the legitimate publications of the country. I wish to call attention also to the fact that the Third Assistant Postmaster-General himself concurs in that view of the situation. He says:

For myself I have little sympathy with the allegation that the transportation of second-class mail matter comprises 67 per cent of the total weight of mail transportation while producing but 4 per cent of the postal revenues, and that it is therefore necessary to slaughter. This statement of relative cost may be true, viewed from a narrow standpoint and excluding from consideration the first-class matter which second-class matter originates.

Now, I have about concluded all I am disposed to say at this time with reference to these questions. This Department is one of the greatest Departments of the Government; it has a variety of duties to perform. It is that branch of the public service which reaches the people of every locality. It has been an unfortunate fact that the head of that Department and the various assistants of it have from time to time been changed so frequently. It will be noticed that to-day the Postmaster-General and three of the assistants have been placed in their positions within twelve months. Now, the Commission appointed by this Congress at the last session to investigate the Department and to make recommendations with reference to its improvement have suggested that there ought to be a director of posts. That director of posts is to occupy something of a permanent position; he is to have under him assistant directors who are not subject to the whims and dictations of the Executive Officer of the country.

Some such system ought to be adopted because it is absurd to think of a man being placed at the head of one of these great Departments, undertaking to administer it, when he himself is not familiar with the duties of the position assigned him. Take, for example, the Second Assistant Postmaster-General, with whom you are all acquainted, who is one of the best men that has sat in this House in recent times, an honest, conscientious, faithful public servant, and he has accomplished more in obtaining information in the short time that he has been there than any man connected with the postal service, so far as I have any knowledge. But can he perform the duties of that great position as he ought to perform them with the knowledge that he now has? You need in this service men who well understand the business, who know all the intricacies of it, and who are prepared to tell the public what is necessary in the way of legislation. Can you have much respect for the opinion of a Postmaster-General who has had no experience in the Post-Office Department nor any legislative experience.

Placed at the head of a department, he is expected to give information as to the legislation necessary to improve that great department. My judgment is that we ought to have a system such as has been suggested, have a director of posts who is not dependent on the President of the United States, but who will be expected to acquaint himself with all the departments and fully advise himself as to the duties that devolve upon the various officers in the different bureaus of this branch of service. When this is done and the assistants under him are prepared to perform the duties assigned to them in their respective bureaus, Congress then will be in a position to legislate, and with some degree of certainty as to whether the legislation is what it ought to be or not. [Applause.]

Mr. OVERSTREET. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Chairman, I merely wish to have read at the Clerk's desk and printed in the RECORD an answer to some of the criticisms that have been made of the Navy of the United States, which answer I received to-day from a constituent.

The CHAIRMAN. Without objection, the Cerk will read.

The Clerk read, as follows:

A REPLY TO THE CRITICISM OF OUR NAVY.

Come, all ye men-o'-warsmen, and listen to my lay;
'Tis of a New York artist who comes from cold Norway.
He wrote about our Navy, the ships both great and small
Did not escape the censure of Henry Reuterdahl.

In reference to construction of all our ships afloat;
He pictures their destruction in the article he wrote.
He's not in fear of our defeat, the chances are so small
That he took passage in our fleet, bold Henry Reuterdahl.

He never thought that Congress would take his case in hand;
To contradict his statements two admirals took the stand.
To leave him on an island, where deadly serpents crawl,
Would be the proper medicine for Mr. Reuterdahl.

Despite all Reuterdahl has said, our minds are now at ease,
For we've as fine a Navy as floats upon the seas;
We're proud of all commanders, our gunners' aim is true;
We glory in our country and the Red, White, and Blue.

TROOPER.

FEBRUARY 26, 1908.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MANN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to bills of the following titles:

S. 4376. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors;

S. 5255. An act granting pensions and increase of pensions to

certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

S. 5110. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 3923. An act to fix the limitation applicable in certain cases:

H. R. 15247. An act to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River near the city of Coeur d'Alene, Idaho; and

H. R. 6195. An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. OVERSTREET. I yield thirty minutes to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Chairman, the enlargement of the delivery of packages of merchandise by mail, usually called "the parcels post," was recently brought prominently before the people of this country by the public utterances of the honorable Postmaster-General. In addition to a number of interviews given out to the press, magazine articles contributed by him, and public speeches delivered, he brought this subject forward officially in his annual report. In the latter he said:

> I recommend the establishment of a special parcels-post system on rural-delivery routes for packages originating on a rural route or at the distributing post-office for delivery by rural carriers to patrons thereof at a rate of 5 cents for the first pound and 2 cents for each additional pound or fractional part of an additional pound up to 11 pounds; for 2 ounces or less, 1 cent; over 2 ounces and up to 4 ounces, 2 cents; over 4 and up to 8 ounces, 3 cents; over 8 and up to 12 ounces, 4 cents; over 12 ounces and up to 1 pound, 5 cents.

The President gave a qualified indorsement of this plan in his annual message, saying:

> I further commend to the Congress the consideration of the Postmaster-General's recommendation for an extension of the parcels post, especially on the rural routes. There are now 38,215 rural routes, serving nearly 15,000,000 people who do not have the advantages of the inhabitants of cities in obtaining their supplies. These recommendations have been drawn up to benefit the farmer and the country storekeeper; otherwise, I should not favor them, for I believe it is a good policy for our Government to do everything possible to aid the small town and the country district. It is desirable that the country merchant should not be crushed out.

Statements from such sources have naturally attracted wide attention, and a discussion of the subject has been going on over the country with unusual vigor, with the result that petitions for and remonstrances against this new governmental activity have been pouring in on Members of the Congress at both ends of the Capitol.

OUR POSTAL SERVICE.

The mail service of all countries is primarily for the dissemination of information. One of the standards of a nation's enlightenment is the perfection of its system for intercommunication among its people, and as a rule the relation of the cost to the income of the service is a matter of secondary consideration. Largely educational, having much to do with the sacred ties of friendship, and being an indispensable handmaid of business activities, nations have regarded the item of cost as one of the natural burdens of government to be borne by their respective systems of taxation, the postal receipts being but an incidental part of that system. Personal communications in the form of letters, more public utterances found in periodicals, and more enduring forms of intelligence found in books, maps, etc., have been carried far and wide in the most expeditious manner and at the minimum of cost—never, I believe, in the history of this country at an expense equal to the cost of the service. Yet no one complains at the annual postal deficit. It is charged off to our educational system, the value of which is never measured by dollars and cents.

THE MOVEMENT OF MERCHANDISE.

The carrying of parcels of merchandise, however, is a very different thing. It bears scarcely no relation whatever to the governmental function above referred to. One is essentially educational; the others purely commercial.

While this country has long carried some merchandise in the mails, it has not encouraged that department of the service. Prior to 1863 the weight of the package was limited to 3 pounds, and since then it has been but 1 pound more, the rate being 1 cent for each ounce or fraction thereof—16 cents the pound.

THE NEW PLAN.

The Postmaster-General's plan now is to enlarge the weight of the package received and reduce the rate, thus openly bidding for this line of business. It is true he limits the scope of these operations to the minimum, confining the origin and destination of each package to the rural routes out of a common terminus.

One is strongly inclined to regard this as merely an entering wedge. I am perfectly sure that it will not satisfy the people, but, on the contrary, will operate to increase the demand for this form of governmental service generally throughout the country. It has not been asked for by either the merchant on the routes, nor by the patrons served by them. It would accommodate but a small per cent of the people, and those whose rights to such a service are no more urgent than that of many others. The people in and about the thousands of small villages strung along the railroads will demand and should receive as good facilities for trading at the larger towns and cities as those along the rural routes; and in the West the people living in the remote valleys, off the main lines of communication, and served only by star-route mails, are more in need of mail privileges in their trading than either of the former groups, because their isolation makes it more difficult to visit the larger centers of trade. These, as well as those in and about small villages, usually have but one or two local stores at which to trade, stocks from which to select are small, and the belief at least prevails that prices are high. Rural routes usually radiate from the larger centers and swinging around in belt-line fashion are at no point far from a city of considerable size. Hence the patrons served are the best able of either of these three groups of people to reach a satisfactory trading place.

I am equally certain that the merchants at the beginning of the rural routes do not want their customers to form a habit of trading by mail. They want them to come to the store in person to do their buying. Their advertisements teem with special offers to purchasers in person. Cranberries to-day, some garden tool to-morrow, with laces or ginghams, are offered at frequent intervals below cost price in order to bring the farmer or his good wife into the store, the expectation being that once there they will see and buy many other things, some of which, at least, might have been done without had they not been pressed on their attention by the merchant.

From a social and mental standpoint, too, it is not profitable, but absolutely injurious, to the country to induce farmers and their families to remain too close to the farm. There is no class of people in the country who work as many hours a day as these, and none who normally enjoy as little of the cheer and benefit of association with others as our rural folk. They recreate too little already; they are predisposed to tarry at home and toil incessantly—a thing especially true of the patient, industrious wives of our farmers—and to take away their chief incentive to take a holiday—the occasional trip to town for necessary purchases—is a matter of much actual seriousness.

THE QUESTION TO BE MET.

The demand for the larger postal service comes chiefly from the rural districts, but it is not sought that they may trade more easily at their home town or city, but because they hear of advantages to be had at a more remote metropolis. "Distance lends enchantment" to the view of those properly in search of bargains, and whether the honorable Postmaster-General so meant it or not, the real question to be met is whether it is wise for the Government to embark on a wider field of the carrying trade of the country.

MARKETING PRODUCE.

It may be observed at this point that the carrying by mail of occasional purchases is by no means all that this new venture means. The demand is already made in this country, and it has been acceded to in some foreign countries, that the rates be made low enough to permit of the ready marketing of farm produce as well as the output of factories. I have frequently heard farmers' clubs and institutes discuss the advantages of a parcels post that would enable them to send their eggs to market, milk to the creamery, and their vegetables and fruits to the people of the cities generally.

Some European countries now perform these services by mail, and the traveler may see great quantities of hams, bacon, and fresh meats, and the products of poultry and dairy farms as well as of the truck garden at the post-office ready to go to the larger markets. I have read of a case even where a small child was sent home to its parents by mail at the end of its visit.

A writer in the Outlook of date December 14, 1907, presents a fanciful picture of what would come to pass if our Govern-

ment were to enter upon this enlarged service. The article is in the form of an imaginary report of the First Assistant Postmaster-General in 1912 on our postal service, and begins with this paragraph:

The United States rural mail service now covers all the traffic within a rural route and provides for a regular interchange of persons, produce, and ordinary mail matter, morning and afternoon, between different routes and the outside world. The new service furnishes organized transport facilities for the education of the children and for the occupation and recreation of the whole population outside their homes.

Then follows the details, all exhibiting a socialistic scheme of the most advanced type. The children are carried to school, the adults to and from their employment or on journeys of pleasure, farm produce is carried to market and merchandise brought back—all at prices which no individual would think of duplicating if insured all of the business.

An enthusiastic member of the British Parliament, writing on this subject in the Arena a few years ago, said:

One can sympathize with the firm rejection of live creatures, such as the snakes, leeches, and insects exchanged by the ardent naturalist. But why is the dog, the friend of man, refused; or grimalkin, best ornament of the fireside, or sturdy chanticleer, while an exception is made in favor of bees?

In the same article the writer describes the result of the system in Germany in these glowing terms:

I shall never forget my inspection of the parcels-post building at Berlin. Such grim bustle, such ordered haste, such sudden surges of uniformed tollers, such mountains of baskets, boxes, parcels, melting down into yawning vans; * * * cocks crowed in their crates, huge mastiffs bayed, canaries from the Harz, shrilly piped; the huge yard of dispatch could have furnished a fair or supplied a settlement; and everything was sent off at the right time without a hitch, while Herr Karl Kirchhoff, the organizer and director of all, stood like an admiral on his bridge to see that all went well.

One of our consuls-general at a German port, writing in the Catholic World for June, 1905, describes the service rendered by the postal department in that country as follows:

The parcels post brings fish from the North Sea, the colonial products from the seaport towns, the dairy products from Switzerland, the wines from the Rhine Valley, the fruits of Italy, and the vegetables of the whole south into the heart of Germany.

Another one, speaking of a different branch of the service, says:

An enterprising manufacturer can send his traveler abroad and take small orders for his products, guaranteeing speedy delivery and low transportation charges, when his country has a parcels-post connection with foreign countries. A large exporting business can thus be developed from small beginnings.

I consider it entirely safe to say that if we enter upon this new field the extent and scope of the work above suggested will be speedily reached. We should take careful note at the outset of what the undertaking means, for once entered upon, even in the modest way suggested by the Postmaster-General, it will be found more and more difficult to stop.

IN FOREIGN COUNTRIES.

The sentiment in favor of this new governmental service has been built up in this country chiefly by holding up to view more or less highly painted pictures of what is being done along a similar line in the countries of Europe. Any fair comparison of the postal service in those countries and in ours must take into consideration density of population, expanse of country or length of transportation routes, and the ownership of the means of transportation. The density of population and the relative size of the United States and of the principal countries of Europe having a cheap parcels post are shown by the following table:

Country.	Area.	Ratio of size.	Population.	Population per square mile.
	Sq. miles.			
United States	3,602,990	100	84,154,009	23.35
Great Britain	121,391	3.36	41,976,827	345.79
Germany	208,860	5.79	60,641,278	290.34
France	207,054	5.74	38,961,945	139.87
Belgium	11,373	.31	7,074,970	622.08
Italy	110,550	3.06	32,475,253	293.76
Switzerland	15,976	.44	3,315,443	207.73

These figures are extremely interesting and important in connection with this subject. We constantly lose sight of the immensity of this country and its "magnificent distances," as compared with the nations of Europe; but in considering a question of transportation, distances and density of population stand in the foreground. Let it be observed, for instance, that while our country is over 300 times as large as Belgium, the latter has a population of 622 people to the square mile, while we have but a fraction over 23. Yet we will hear it argued that "Belgium carries 132-pound parcels by mail; why can not we?" or, "If Switzerland can carry 110-pound parcels, why not the United States?" entirely ignoring or forgetting the fact that our country is 250 times as large as Switzerland and has about one-tenth the population in a given area. Postal authorities have estimated that the average distance traveled by a piece of mail, including letters, papers, and parcels, is 40 miles in Great Britain, 42 miles in Germany, and 540 miles in the United States. Of course it is still less in the smaller countries of Europe. The admission of paper mail to this calculation greatly reduces the average, since newspapers circulate chiefly in the vicinity of the city of their publication. Parcels of merchandise or produce would certainly move much farther on an average, because they would chiefly flow to and from the great cities. If one is going to trade by mail, and the cost of delivery is the same, why not go to "headquarters," which, in the popular mind, means one of the larger cities in the country?

The maximum parcel carried by the principal nations is as follows:

	Pounds.
United States	4
Great Britain	11
Germany	110
France	22
Belgium	132
Switzerland	110
Italy	11
Austria	110

RAILROAD OWNERSHIP.

Another factor of equal importance is the nature of ownership of the means of transportation. In this country all routes are privately owned and operated. The railroads—the chief means of transporting the mails—have been constructed for the most part by private capital, without the aid of the Government, and the Government, like individuals, must pay a rate for its service which will yield a fair return to the owners. The roads in the foreign countries used in this comparison are largely owned by the governments, in which case it matters little whether merchandise and produce move by mail or by freight. In some of the countries, as in France, the government guarantees the interest on the capital invested in the roads, and in return has its mails carried free or at a nominal rate.

The English writer above referred to says of the mail-carrying situation in Germany:

The German post has no occasion to enforce heavy rates. It can impose its own terms on the railway companies. By law these have to carry free all parcels under 11 pounds in weight. Thus the mistake which has crippled the activity of the British parcels post has been avoided.

Of course there can be no just comparison between a service carried on under such conditions and ours, for the basic conditions are so fundamentally dissimilar.

The matter of railroad ownership lies at the very foundation of this question. If this Government owned the roads and operated them, it would matter little what went forward as mail and what under another designation. But that is not the case now and it is to be hoped never will be. From this standpoint, as well as from those hereinbefore mentioned, it is manifestly unfair to argue that because other countries do so and so in their mail service, therefore we should do the same.

It is significant that no country giving a large service of the kind under consideration undertakes to say that its receipts equal the cost of the service. I have not been able to find any report showing the cost of the parcels department. It is stated by some pretty high authority that the general belief among these nations is that they are rendering it at a loss. It is hard to reconcile that condition of the business with any idea of fairness. We may properly carry on the educational feature of the mail service, in part, out of the general revenue of the Government; but who will say that we may fairly carry the individual's produce to market or his merchandise home for him at public expense in whole or in part? Why should all the people be taxed to pay a postal deficit created by moving freight for the people at less than the cost of service? Is there any reason why this branch of pure business should be conducted at public expense which would not justify the performance by the Government of any other department of business?

THE POLITICAL PHASE.

And this brings into view the political phase of the case. Should this Government engage in purely business activities of any kind?

Of late years there has been a growing tendency to say, when dissatisfaction arises over some existing condition of things, "Let the Government do it." Neither political party is free from this charge, but both have sought to curry favor in this way until, undoubtedly, many seeds of Socialism have taken root. Thoughtful men in neither party favor that end, and probably a large majority believe that it would prove fatal to our institutions. Yet, not a few well-meaning citizens urge us to take "just this step" in that direction, and to gain a tempo-

rary advantage we are coming to suggest such things quite too often. Carrying produce to market is no part of the functions of this Government as planned by the fathers, any more than the planting or harvesting of the crop would be. There is not a single argument in favor of the parcels post that does not tend to prove by the same amount that the Government should set up a shoe factory or open a bakery for all. Each and all would be outside the realm of government as planned by the architects of the nation and foreign to that interesting and beneficial spirit of individualism which has brought us such marked results as a people.

Rest assured that if we begin by carrying the dairyman's milk to the creamery, we will end by milking the cows and manufacturing the butter. There will be no stopping place between these stations. And why, indeed, should one be sought? If that supposedly all-powerful thing vaguely referred to as "the Government" is to carry one business burden for us, why not load them all on? Father Government is not supposed to know either weight or weariness.

INTERNATIONAL PARCELS POST.

But in order to induce a beginning in this new departure it is pointed out that we already carry larger parcels and at lower rates to foreign points than between two domestic offices. This is true in a sense. But 4 pounds can be sent from one post-office in the United States to another, and the rate is 16 cents per pound, while as high as 11 pounds may be mailed at a domestic office if the destination of the parcel be a point in certain foreign countries.

By international postal conventions we have the following service:

Between United States and—	Greatest weight.		Postage.	
			For first pound or fraction.	For additional pound or fraction.
	Pounds.	*Ounces.*	*Cents.*	*Cents.*
Australia	4	6	12	12
Bahamas	11		12	12
Barbados	11		12	12
Belgium	4	6	12	12
Bermuda	11		12	12
Bolivia	11		20	20
British Guiana	11		12	12
Chile	11		20	20
Colombia	11		12	12
Costa Rica	11		12	12
Danish West Indies (St. Croix, St. John, and St. Thomas)	11		12	12
Denmark	4	6	12	12
Ecuador	11		20	20
Germany	4	6	12	12
Great Britain, including Ireland	4	6	12	12
Guatemala	11		12	12
Honduras (British)	11		12	12
Honduras (Republic of)	11		12	12
Hongkong	4	6	12	12
Jamaica, including the Turks and Caicos Islands	11		12	12
Japan, including Formosa, Karafuto (Japanese Saghalien), and Korea	4	6	12	12
Leeward Islands (Antigua with Barbuda and Redonda, St. Kitts, Nevis with Anguilla, Dominica, Montserrat, and the Virgin Islands)	11		12	12
Mexico	11		12	12
Newfoundland	11		12	12
New Zealand, including Fanning Island	11		12	12
Nicaragua	11		12	12
Norway	4	6	12	12
Peru	11		20	20
Salvador	11		12	12
Sweden	4	6	12	12
Trinidad, including Tobago	11		12	12
Venezuela	11		12	12
Windward Islands (Grenada, St. Vincent, the Grenadines, and St. Lucia)	11		12	12

These figures, while proving the contention just stated, largely refute it. Literally we may send larger packages out of this country than from point to point at home. But what does it signify that we may send 11-pound parcels to Barbados or the Windward Islands? Who wants to traffic with these unimportant countries? I venture to say that not one man in a thousand who advocates the parcels post ever had occasion to send a parcel of any weight to one of these countries. Most assuredly the farmers, mechanics, etc., are not benefited by this privilege.

It will be observed that the countries with which we have greatest commercial intercourse exchange only the 4-pound 6-ounce parcel with us, namely, Great Britain, Germany, Norway, etc. We have no parcels-post convention with France allowing more than our domestic 4-pound parcel.

The rate of postage charged on this international business should be noted. A single ounce, or any weight up to 1 pound, is 12 cents; our domestic rate is but 1 cent for each ounce. Similarly, any fraction over a pound takes the rate of the full pound in international business. Thus 1 ounce would cost from 12 to 20 cents international, against 1 cent domestic; or 1 pound and 1 ounce international would cost 24 to 40 cents, against 17 cents domestic. So we have not discriminated so badly against local business after all.

OUR DOMESTIC SERVICE.

How far does our present service, limited to a 4-pound parcel, meet the real needs of the people? Are we not meeting the practical requirements of the people? Practically every article of wearing apparel of women and children that would be intrusted to the mails may now be sent, and a pretty good suit of clothes for a man will be carried. A very wide range of presents may be exchanged by post—one of the primary purposes of this service—as witness the volume of business done at the holiday season. Local merchants without competition find in our mail privileges a very salutary restraint on their prices, for their customers may send away for a large part of their daily needs if local conditions justify it. In stress of weather or of work the post will bring a temporary supply of groceries, but leaves intact the meritorious incentive for the farmer and his wife to drive into town occasionally. But the postal rates and privileges do not and should not permit buyers to send their trade to remote cities to the destruction of local businesses. The rights of the country merchant are as much a proper thing for our consideration as are the desires of the buyers. Every store that is built adds value to the surrounding farms, and the larger the town or city the greater the value of the adjacent holdings and the greater the opportunities of all kinds of craftsmen. If it were proper for the Government to embark in the carrying trade, it would not be wise for it to throw its weight into the balance against the country towns, for these rallying points are of inestimable value socially, politically, and financially to the whole country. They give equilibrium and homogeneity of the very first importance to our institutions. It will be a sad day for the country if it shall ever resolve itself into the two extremes—the great city and the uninterrupted rural district. The country town is the bond that binds all avocations together and makes the nation truly democratic in thought and custom. [Applause.]

Statement showing the number of "parcels" dispatched to, and received from, the several countries during the fiscal year ended June 30, 1907.

Country.	Number of parcels.	
	Dispatched.	Received.
Maximum weight 4 pounds 6 ounces.		
Germany	48,202	74,889
Norway	6,796	5,698
Australia	9,113	2,030
Belgium	2,248	754
Great Britain	89,219	47,735
Sweden	10,379	3,532
Denmark	[c]2,454	[b]3,767
Total	168,411	138,405
Maximum weight 11 pounds.		
Jamaica	10,242	1,654
Bahamas	3,148	340
British Honduras	2,561	195
Barbados	2,483	675
Leeward Islands	1,613	327
Mexico	56,012	9,919
Colombia	11,628	332
Salvador	2,406	66
Costa Rica	8,804	294
Danish West Indies	1,708	110
British Guiana	1,871	263
Windward Islands	671	116
Newfoundland	3,773	1,076
Republic of Honduras	3,216	72
Trinidad	2,212	400
Chile	4,399	200
Guatemala	3,208	35
Nicaragua	2,856	16
New Zealand	6,052	1,277
Japan	22,462	24,026
Venezuela	3,034	53
Bolivia	1,474	[c]21
China	3,506	1,194
Peru	[c]1,706	[b]118
Bermuda	[d]629	[b]320
Ecuador	[c]464	
Total	162,138	[e]3,180

[a] Since September, 1906.
[b] Since October, 1906.
[c] Since January, 1907.
[d] Since February, 1907.
[e] Since March, 1907.

Mr. OVERSTREET. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18347 (the post-office appropriation bill) and had come to no resolution thereon.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 450. An act for the relief of the State of North Carolina—to the Committee on War Claims.

S. 1669. An act granting an honorable discharge to Benjamin Warner—to the Committee on Military Affairs.

S. 4791. An act providing for the determination and payment of claims of certain Indian traders and others against the Menominee tribe of Indians in Wisconsin and against individual members of said tribe—to the Committee on Indian Affairs.

S. 5085. An act authorizing the construction of a light-house tender for the light-house inspector of the twelfth light-house district—to the Committee on Interstate and Foreign Commerce.

S. 123. An act to provide for the erection of a public building at Lewiston, county of Nez Perce, State of Idaho—to the Committee on Public Buildings and Grounds.

S. 520. An act for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal.—to the Committee on Interstate and Foreign Commerce.

S. 4112. An act to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906—to the Committee on Foreign Affairs.

S. 2244. An act to provide for the erection of a public building at Missoula, Mont.—to the Committee on Public Buildings and Grounds.

S. 3405. An act to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896—to the Committee on the District of Columbia.

S. 5363. An act to provide for the purchase of a site and the erection of a public building thereon at Franklin, La.—to the Committee on Public Buildings and Grounds.

S. 1543. An act to authorize the entry of arid and semiarid public lands—to the Committee on the Public Lands.

S. 649. An act to provide for the purchase of a site and the erection of a public building thereon at Rock Springs, in the State of Wyoming—to the Committee on Public Buildings and Grounds.

S. 906. An act to provide for the purchase of a site and the erection of a public building thereon at Rochester, in the State of New Hampshire—to the Committee on Public Buildings and Grounds.

S. 2938. An act to provide for the erection of a public building at Lander, Wyo.—to the Committee on Public Buildings and Grounds.

S. 3160. An act providing for the erection of a public building in the city of Peru, Ind.—to the Committee on Public Buildings and Grounds.

S. 5434. An act to provide for finishing the crypt of the chapel, United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones—to the Committee on Naval Affairs.

S. 4535. An act to amend section 714 of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States—to the Committee on the Judiciary.

Senate concurrent resolution 36.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of an inland waterway from Mobile Bay to Perdido Bay, in the State of Alabama, and from said Perdido Bay to Escambia Bay, in the State of Florida, for the purpose of estimating the probable cost of the construction of a canal 300 feet wide by 9 feet deep, or of such width and depth as will be sufficient to permit of the navigation of such vessels as ordinarily navigate said bays, and for other purposes—

to the Committee on Rivers and Harbors.

S. J. Res. 37. Joint resolution disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico—to the Committee on the Territories.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 17220. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906;

H. R. 17422. An act to authorize the counties of Henry and Rock Island, in the State of Illinois, to construct a bridge across Rock River, at or near Colona Ferry, in said State;

H. R. 4777. An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings; and

H. R. 17524. An act to provide for circuit and district courts of the United States at Dothan, Ala.

The Speaker announced his signature to enrolled bills and joint resolution of the following titles:

S. 3941. An act to amend section 4 of an act entitled "An act to prevent unlawful occupancy of the public lands," approved February 25, 1885;

S. 1774. An act to permit Dollie A. Fountain, of Walworth County, S. Dak., to purchase certain lands;

S. 4740. An act granting an increase of pension to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors;

S. 1746. An act granting a pension to Elmer Honnyman;

S. 712. An act granting a pension to Agnes Lange Smith;

S. 1666. An act for the relief of Stene Engeberg;

S. 720. An act to confirm an entry made by Gertrude Halverson Aaby, widow of Sigbjorn H. Aaby;

S. 406. An act granting a pension to Calesta Clark;

S. 4064. An act to provide for a term of the United States circuit and district courts at Lander, Wyo.;

S. 392. An act to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon major, United States Volunteers; and

S. R. 63. Joint resolution authorizing the invitation of governments of other countries to send representatives to the International Congress on Tuberculosis.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolutions:

H. R. 16955. An act to extend the time for building a bridge across Red River at Shreveport, La.;

H. R. 16051. An act to authorize the Cahaba Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala.;

H. R. 17227. An act to authorize the city of St. Joseph, Mich., to construct a bridge across the St. Joseph River at or near its mouth;

H. J. Res. 102. Joint resolution authorizing the Secretary of War to furnish three condemned cannon to the mayor of the city of Detroit, Mich., to be placed on the base of the statue of the late Maj. Gen. Alexander Macomb, United States Army; and

H. J. Res. 120. Joint resolution authorizing the Secretary to apply the unexpended balance of the donation made by the citizens of Dallas, Tex., under the provisions of the river and harbor act of March 3, 1905, to work in construction of Lock and Dam No. 2 in section 1 of Trinity River.

ALIEN CRIMINALS.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent to print in the RECORD one or two newspaper articles with reference to the activities of alien criminals in Chicago and New York on yesterday.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I will have to object. The gentleman has the right to do that under his power of revision.

Mr. BENNET of New York. But I have not made any speech.

Mr. WILLIAMS. I have been objecting to unanimous consents after 5 o'clock. The gentleman can do that to-morrow.

ADJOURNMENT.

Then, on motion of Mr. OVERSTREET (at 5 o'clock and 7 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a report of the opera-

tions of the excise board for the license year ended October 31, 1907—to the Committee on the District of Columbia and ordered to be printed.

A letter from the chief justice of the Court of Claims, requesting that the findings filed by the court in the case of J. C. Stewart, administrator of estate of J. M. Curry (Congressional, No. 12286), be returned to the Court of Claims—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 12684) to provide for the temporary warranting and for the retirement of pay clerks in the Navy, reported the same with amendments, accompanied by a report (No. 1133), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4920) to provide a temporary home in the District of Columbia for ex-Union volunteer soldiers, sailors, and marines, reported the same without amendment, accompanied by a report (No. 1142), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 626) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns, reported the same without amendment, accompanied by a report (No. 1144), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON of Michigan, from the Committee on the Territories, to which was referred the bill of the Senate (S. 4351) for the relief of the Alaska Pacific Railay and Terminal Company, reported the same without amendment, accompanied by a report (No. 1145), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5043) authorizing and empowering the Secretary of War to convey to the Delaware and Hudson Company a right of way for railway purposes upon and across the military reservation of Plattsburg Barracks, at Plattsburg, in the county of Clinton and State of New York, in exchange for the release to the United States of all rights of said company and its subsidiary companies within the limits of said military reservation, reported the same with amendments, accompanied by a report (No. 1146), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7037) for the relief of Benjamin F. King, reported the same without amendment, accompanied by a report (No. 1134), which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8959) for the relief of the board of education of the Harpers Ferry school district, of Jefferson County, W. Va., reported the same with amendment, accompanied by a report (No. 1135), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13476) for the relief of the State of Pennsylvania, reported the same without amendment, accompanied by a report (No. 1136), which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 16722) for the relief of the heirs of Erdman Bodenschatz, deceased, reported the same without amendment, accompanied by a report (No. 1137), which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the Senate (S. 1559) for the relief of the Citizens' Bank of Louisiana, reported the same without amendment, accompanied by a report (No. 1138), which said bill and report were referred to the Private Calendar.

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the House (H. R. 12292) for the relief of A. E. Couch, reported the same without amendment, accompanied by a report (No. 1139), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 16471) for the relief of George H. Penrose, reported the same with amendments, accompanied by a report (No. 1140), which said bill and report were referred to the Private Calendar.

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the House (H. R. 17056) for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry, reported the same without amendment, accompanied by a report (No. 1141), which said bill and report were referred to the Private Calendar.

Mr. MORSE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11605), reported in lieu thereof a resolution (H. Res. 276) referring to the Court of Claims the papers in the case of the legal heirs of William Doyle and Hudson Cooper, accompanied by a report (No. 1143), which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 4568) granting a pension to Mary A. Hodge—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15428) granting a pension to Francis Murphy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18094) granting an increase of pension to Jeremiah Sullivan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18101) granting an increase of pension to Clara C. Dillingham—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18540) granting a pension to Martin J. Frey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STEVENS of Minnesota: A bill (H. R. 18608) to repeal sundry paragraphs of the act approved July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States"—to the Committee on Ways and Means.

By Mr. FULTON: A bill (H. R. 18609) to authorize the Secretary of the Interior to sell certain lands belonging to the Cheyenne School Reserve and the Cheyenne and Arapahoe Agency Reserve, in Oklahoma, and to give settlers on adacent lands preference rights to purchase said lands—to the Committee on Indian Affairs.

By Mr. GILLETT: A bill (H. R. 18610) for the erection of a public building at Athol, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. HAWLEY: A bill (H. R. 18611) to increase the appropriation made for a public building at Eugene, Oreg., by adding thereto $30,000—to the Committee on Public Buildings and Grounds.

By Mr. SULLOWAY: A bill (H. R. 18612) authorizing the purchase of a site for a public building at Rochester, N. H.—to the Committee on Public Buildings and Grounds.

By Mr. WASHBURN: A bill (H. R. 18613) to provide for the erection of a public building at Webster, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. VOLSTEAD: A bill (H. R. 18614) to limit the issue and use of stocks, bonds, and certain obligations of corporations engaged as common carriers in interstate commerce, and so forth—to the Committee on the Judiciary.

By Mr. OLLIE M. JAMES: A bill (H. R. 18615) to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Cumberland River—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 18616) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River—to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Washington: A bill (H. R. 18617) providing for the disposal of the interests of Indian minors in real estate in Yakima Indian Reservation, Wash.—to the Committee on Indian Affairs.

By Mr. HULL of Iowa: A bill (H. R. 18618) fixing the status of the Porto Rico Provisional Regiment of Infantry—to the Committee on Military Affairs.

By Mr. SMITH of Missouri: A bill (H. R. 18619) to amend section 7 of an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890—to the Committee on the Judiciary.

By Mr. HUGHES of West Virginia: A bill (H. R. 18620) to reimburse depositors in the Freedman's Savings and Trust Company—to the Committee on Banking and Currency.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 18621) increasing the limit of cost for a public building at Greenville, Miss.—to the Committee on Public Buildings and Grounds.

By Mr. SPARKMAN: A bill (H. R. 18622) authorizing the Secretary of War to remove certain obstacles of navigation from the main shipping channel, Key West, Fla.—to the Committee on Rivers and Harbors.

By Mr. STAFFORD: A bill (H. R. 18623) to authorize the erection of a Government post-office building at Waukesha, Wis., and making an additional appropriation for a site therefor—to the Committee on Public Buildings and Grounds.

By Mr. MORSE, from the Committee on War Claims: Resolution (H. Res. 276) referring to the Court of Claims the bill H. R. 11605—to the Private Calendar.

By Mr. JENKINS: Resolution (H. Res. 277) to increase the pay of H. C. McRae—to the Committee on Accounts.

By Mr. PERKINS: Resolution (H. Res. 278) in reference to the seating of the House—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 18624) granting an increase of pension to Sarah Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18625) granting an increase of pension to William J. Ware—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 18626) granting an increase of pension to James E. Chadwick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18627) to remove the charge of desertion from the military record of Isidro Talamante—to the Committee on Military Affairs.

Also, a bill (H. R. 18628) confirming title to the Canoncito de Nuanez grant—to the Committee on Private Land Claims.

By Mr. ANDRUS: A bill (H. R. 18629) granting a pension to Mary E. Latimer—to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 18630) granting an increase of pension to Jesse T. Reese—to the Committee on Pensions.

By Mr. BEDE: A bill (H. R. 18631) authorizing the Secretary of the Interior to issue patents in fee to the diocese of Duluth of the Protestant Episcopal Church in the United States of America for certain lands in Minnesota set apart for the use of said church for missionary purposes among the Chippewa Indians—to the Committee on the Public Lands.

By Mr. BENNET of New York: A bill (H. R. 18632) for the relief of Alexander Jeannisson—to the Committee on Military Affairs.

Also, a bill (H. R. 18633) granting an honorable discharge to Maurice Spillane—to the Committee on Military Affairs.

Also, a bill (H. R. 18634) granting a pension to Mary Walsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18635) granting an increase of pension to Richard Schwabin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18636) to authorize the enrollment of Sergt. Jacob A. Weil as a member of the Sixth New York State Militia—to the Committee on Military Affairs.

Also, a bill (H. R. 18637) to authorize the appointment of Sergt. John Mahnkin Hall as a second lieutenant on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 18638) for the relief of the children of John W. Judson, late agent of the United States at Oswego, N. Y., for public works on Lake Ontario—to the Committee on Claims.

By Mr. BONYNGE: A bill (H. R. 18639) for the relief of George W. Wickes—to the Committee on the Public Lands.

By Mr. BRICK: A bill (H. R. 18640) granting an increase of pension to James A. Meek—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 18641) for the relief of Calvin Nelson—to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 18642) for the relief of J. W. Plaster, of Loudoun County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 18643) for the relief of the estate of Thomas Ellicott, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18644) for the relief of the estate of Alice J. Fletcher, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18645) for the relief of the estate of William Benton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18646) for the relief of the legal representatives of the estate of John Heater—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 18647) granting an increase of pension to William A. Harper—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 18648) granting an increase of pension to Lewis Rinehart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18649) granting an increase of pension to John W. Leathers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18650) granting an increase of pension to Peter Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18651) granting an increase of pension to John H. Clark—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 18652) granting a pension to Herman Schroeder—to the Committee on Pensions.

By Mr. DENVER: A bill (H. R. 18653) to amend the act of March 2, 1903, increasing the pensions of those who have lost limbs or been totally disabled in them in the military or naval service of the United States—to the Committee on Pensions.

Also, a bill (H. R. 18654) to remove the charge of desertion from the service record of John C. Herrin—to the Committee on Military Affairs.

By Mr. GARNER: A bill (H. R. 18655) to remove the charge of desertion from the military record of Nathaniel Wayt and grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 18656) for the relief of Edward L. Witt, administrator of Preston Witt, deceased—to the Committee on Claims.

By Mr. GOULDEN: A bill (H. R. 18657) granting an extension of Letters Patent No. 482951 to William D. Stratton and John H. Drake—to the Committee on Patents.

By Mr. GRAHAM: A bill (H. R. 18658) for the relief of Thomas B. Tweedle—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 18659) granting a pension to James C. Neil—to the Committee on Pensions.

By Mr. HAWLEY (by request): A bill (H. R. 18660) authorizing the appointment of Col. A. H. Bainbridge, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 18661) authorizing the appointment of Maj. J. Ulio, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 18662) authorizing the appointment of Col. W. D. Wolverton, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 18663) granting a pension to Clara Willis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18664) granting an increase of pension to John W. Porter—to the Committee on Invalid Pensions.

By Mr. OLLIE M. JAMES: A bill (H. R. 18665) granting a pension to Charles J. Burget—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18666) granting a pension to Jane Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18667) for the relief of the estate of J. Milton Best, deceased—to the Committee on War Claims.

By Mr. JONES of Washington: A bill (H. R. 18668) granting an increase of pension to William Terwillagar—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 18669) restoring to the pension roll the name of Henry Blankenship—to the Committee on Pensions.

Also, a bill (H. R. 18670) granting an increase of pension to Peter Jagers—to the Committee on Invalid Pensions.

By Mr. LEAKE: A bill (H. R. 18671) granting a pension to Viola Weichert—to the Committee on Pensions.

By Mr. LIVINGSTON: A bill (H. R. 18672) for the relief of the estate of Daniel B. Ladd, deceased—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 18673) granting an increase of pension to Lyman B. Smith—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 18674) granting a pension to Bridget Clancy—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 18675) granting a pension to Abram P. Eaton—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 18676) granting an increase of pension to William S. Frost—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 18677) for the relief of F. Weston Hyde—to the Committee on Claims.

By Mr. OLMSTED: A bill (H. R. 18678) granting an increase of pension to Thomas Smith—to the Committee on Invalid Pensions.

By Mr. PARKER of South Dakota: A bill (H. R. 18679) granting an increase of pension to Morris Joseph James—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 18680) for the relief of the estate of Simon Brown, deceased—to the Committee on War Claims.

By Mr. PRATT: A bill (H. R. 18681) granting an increase of pension to Mary E. Meldrum—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 18682) for the relief of Sarah J. Browning—to the Committee on the Public Lands.

By Mr. SLEMP: A bill (H. R. 18683) granting a pension to Edward W. Hall—to the Committee on Pensions.

By Mr. SNAPP: A bill (H. R. 18684) granting an increase of pension to Christian Kaiser—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 18685) granting an increase of pension to William J. Meadows—to the Committee on Pensions.

Also, a bill (H. R. 18686) granting an increase of pension to Andrew A. Boyett—to the Committee on Pensions.

Also, a bill (H. R. 18687) for the relief of the city of Key West, Fla.—to the Committee on Claims.

By Mr. WEEKS: A bill (H. R. 18688) granting an increase of pension to Jacob A. Dyer—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Paper to accompany bill for relief of Sarah Bush—to the Committee on Invalid Pensions.

By Mr. ALLEN: Petition of Benjamin F. Cleaves and 807 other citizens of Biddeford, Me., for a public building for a post-office—to the Committee on Public Buildings and Grounds.

Also, petition of Robert McArthur and 34 other citizens of Biddeford, Me., for appropriation to improve Saco River—to the Committee on Rivers and Harbors.

By Mr. ASHBROOK: Petition of Toledo Association of Credit Men, for any improvements in bankruptcy law—to the Committee on the Judiciary.

Also, memorial of Ohio legislature, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of J. F. Miller and others, for creation of a national highway commission—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Adaline Scott, as guardian of David H. Scott—to the Committee on Invalid Pensions.

Also, petition of Musicians' Protective Association of Newark, Ohio, against enlisted musicians competing with civilian musicians—to the Committee on Labor.

Also, paper to accompany bill for relief of Elijah Jennings—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of S. M. Willock, of Pittsburg, Pa., in favor of the Appalachian Forest Reserve bill—to the Committee on Agriculture.

Also, petition of Union Steel Casting Company and the McConway & Torley Company, both of Pittsburg, Pa., opposing the passage of H. R. 15651—to the Committee on Labor.

Also, petition of Branch No. 94 of the Glass Bottle Blowers' Association, of Pittsburg, Pa., against passage of S. 2926—to the Committee on Labor.

Also, petition of Massachusetts State Federation of Women's Clubs, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of James W. Eldridge, of Hartford, Conn., for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of the Philadelphia Maritime Exchange, for H. R. 17044, bill to provide for lading and unlading of vessels at night—to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDER: Petition of Massachusetts State Federation of Women's Clubs, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. CALDWELL: Petition of California Harbor, No. 15, for legislation making it compulsory for all masters and mates of sail vessels of 300 gross tons and over to be licensed—to the Committee on the Merchant Marine and Fisheries.

By Mr. CHANEY: Paper to accompany bill for relief of W. A. Harper—to the Committee on Invalid Pensions.

Also, petition of New Orleans Progressive Union, against joint resolution, Calendar No. 204, Report No. 182—to the Committee on the Merchant Marine and Fisheries.

By Mr. COOK of Pennsylvania: Petition of Allied Agricultural Organizations of Pennsylvania, for the Davis bill (H. R. 534) for agricultural instruction in high schools—to the Committee on Agriculture.

By Mr. DRAPER: Petition of Massachusetts State Federation of Women's Clubs, forestry department, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. ESCH: Paper to accompany bill for relief of John Mahoney—to the Committee on Invalid Pensions.

Also, petition of James Wilson and others, for the McCumber Federal inspection bill, also against option gambling—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of the memorial and executive committee of the Grand Army of the Republic of Kings County, against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of New York State Bankers' Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of citizens of Brooklyn, N. Y., against ratification of any arbitration treaty between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Metropolitan Association of Retail Druggists, for increase of pay of superintendents of post-office contract stations (S. 4700, Rayner bill; H. R. 14639, Bennet bill)—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNES: Petition of Local Union No. 1, International Stereotypers and Electrotypers, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Bricklayers, Masons, and Plasterers' Union of La Salle, Ill., for battle-ship building in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Illinois Farmers' Institute, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Cairo (Ill.) Commercial Club, for river and harbor improvement—to the Committee on Rivers and Harbors.

Also, petition of Chicago Live Stock Exchange, for H. R. 13841—to the Committee on Agriculture.

Also, petition of National Funeral Directors' Association and Illinois State Undertakers' Association, against practice of burial at sea—to the Committee on the Merchant Marine and Fisheries.

By Mr. FULTON: Petition of citizens of El Reno, Okla., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GARNER: Paper to accompany bill for relief of estate of Preston Witt—to the Committee on Claims.

By Mr. GARRETT: Paper to accompany bill for relief of R. F. Tisdale, heir of E. H. Tisdale—to the Committee on War Claims.

By Mr. GOULDEN: Petition of Lewis Nixon, for registration of the *Andromeda*—to the Committee on the Merchant Marine and Fisheries.

Also, letter of H. O. Nickerson, superintendent of New England Navigation Company, of New York City, on shipping laws (H. R. 16987)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of S. Stein & Co., favoring the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Licensed Tugmen's Protective Association, for H. R. 16987 in full—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRAHAM: Petitions of Union Steel Casting Company, of Pittsburg, Pa., against passage of H. R. 15651, and Glass Bottle Blowers' Association, of Pittsburg, Pa., against S. 2926—to the Committee on Labor.

Also, petition of Chamber of Commerce of Pittsburg, Pa., against the Crumpacker bill (H. R. 7597) relative to Thirteenth Census employees—to the Committee on the Census.

Also, petition of Philadelphia Maritime Exchange, favoring H. R. 17044, for lading and unlading vessels at night—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Massachusetts State Federation of Women's Clubs, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. HENRY of Texas: Petition of W. A. Lucas and others, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of District Assembly No. 197, Knights of Labor, of Jersey City, against amendment of section 3893, Revised Statutes, relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HUBBARD of Iowa: Petition of citizens of Buena Vista County, Iowa, for H. R. 40, against liquor selling in District of Columbia—to the Committee on the District of Columbia.

By Mr. HUFF: Petition of Allied Agricultural Organization of Pennsylvania, in support of the Davis bill (H. R. 534), teaching agriculture in high schools—to the Committee on Agriculture.

Also, petition of J. C. Kuhn Post, No. 539, Grand Army of the Republic, Hooker, Pa., against restoration of the canteen in the United States Army—to the Committee on Military Affairs.

By Mr. HULL of Iowa: Petition of Mrs. J. Galen Tilden and others, the Book and Basket Club, and the P. E. O. Society, all of Ames, Iowa, for the Beveridge bill relative to child labor—to the Committee on Labor.

By Mr. HAYES: Petition of Sacramento Valley Development Association, of California, for appropriation of $400,000 for improvement of internal waterways—to the Committee on Rivers and Harbors.

Also, petition of Chamber of Commerce, San Francisco, Cal., against H. R. 14655—to the Committee on the Merchant Marine and Fisheries.

Also, petition of S. W. Wilkinson and others, citizens of California, against extension of rights of naturalization and for exclusion of all Asiatic laborers—to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce of San Francisco, Cal., for appropriation to improve buildings and sanitary condition of the Presidio Military Reservation—to the Committee on Military Affairs.

Also, petition of fruit growers' convention of California, for continuance of nutrition investigation by Department of Agriculture—to the Committee on Agriculture.

Also, petition of Loyal Legion of California, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Asiatic Exclusion League of North America, for immediate passage of an Asiatic-exclusion law—to the Committee on Foreign Affairs.

By Mr. OLLIE M. JAMES: Paper to accompany bill for relief of Robert L. Moore—to the Committee on War Claims.

By Mr. LEE: Paper to accompany bill for relief of James W. Andrews—to the Committee on Military Affairs.

By Mr. LINDBERGH: Petition of commercial clubs of Spooner and Bandette, Minn., relating to the exclusion and exception of townships 156, 157 from the operation of the act of June 21, 1906—to the Committee on Indian Affairs.

Also, petition of business men of Brooten and Belgrade, Minn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of business men of Monticello, Wright County, Minn., against H. R. 13477, relative to postmasters furnishing lists of patrons of offices—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Paper to accompany bill for relief of William S. Frost—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of Sacramento Federated Trades' Council, for battle-ship building at Government navy-yards—to the Committee on Naval Affairs.

By Mr. NORRIS: Petition of Woman's Suffrage Association of Table Rock, Nebr., for sixteenth amendment to the Federal Constitution—to the Committee on the Judiciary.

Also, petition of Omaha Association of Credit Men, for amendments to bankruptcy law—to the Committee on the Judiciary.

Also, petition of Commercial Club of Omaha, against Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of C. O. Carlson Axtel, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Nebraska Woman's Christian Temperance Union, for sixteenth amendment to the Federal Constitution (suffrage for women)—to the Committee on the Judiciary.

Also, petition of E. E. Bruce & Co., against S. 42 and H. R. 6089, relative to pure food, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON: Paper to accompany bill for relief of estates of Richard N. Kittles and William S. Chaplain—to the Committee on War Claims.

By Mr. PRATT: Petition of New Jersey Chapter of American Institute of Architects, for an open competition for designs for proposed post-office building in Jersey City—to the Committee on Public Buildings and Grounds.

By Mr. ROTHERMEL: Petition of citizens of Pennsylvania for H. R. 3152, for additional protection to dairy interests—to the Committee on Agriculture.

By Mr. SMITH of California: Petition of citizen voters of California, for the Littlefield-Carmack bill or a similar one relative to shipment of intoxicants into prohibition States—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of J. E. Barnes and 30 other members of John Hunter Post, Grand Army of the Republic, of Montrose, Mich., for the Sherwood bill—to the Committee on Invalid Pensions.

By Mr. SNAPP: Petition of citizens of Illinois, for building battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. STEVENS of Minnesota: Petition of Credit Men's Association of Minneapolis, for amendments to present bankruptcy law—to the Committee on the Judiciary.

By Mr. WANGER: Petition of Allied Agricultural Organization of Pennsylvania, in favor of the bill (H. R. 534) providing for instruction in the high schools of distinctive studies in agriculture, mechanic arts, and home economics—to the Committee on Agriculture.

By Mr. WASHBURN: Petition of J. Elmer Hall, for repeal of section 3 of act of February 6, 1907, relative to pension attorneys—to the Committee on Invalid Pensions.

By Mr. WOOD: Petition of Franciszek Weglinski, president of Polish Union of America, against expropriation act of the Prussian Diet—to the Committee on Foreign Affairs.

Also, petition of Pioneer Grange, No. 1, Patrons of Husbandry, of Cranbury, N. J., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Pioneer Grange, No. 1, Patrons of Husbandry, of Cranbury, N. J., and Grand View Grange, No. 124, Patrons of Husbandry, of Flemington, N. J., for national highway commission—to the Committee on Agriculture.

Also, petition of New Jersey Chapter of the American Institute of Architects, for competitive plans for the erection of a new post-office building in Jersey City, under operation of the Tawney Act, and providing that architectural practitioners from New Jersey participate—to the Committee on Public Buildings and Grounds.

SENATE.

WEDNESDAY, *March 4, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Comissioners of the District of Columbia, transmitting, pursuant to law, the report of the operations of the excise board of the District of Columbia for the license year ended October 31, 1907, which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, anounced that the House had passed the bill (S. 3409) to extend the time of payments on certain homestead entries in Oklahoma, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16860. An act to establish a United States land district in the Territory of New Mexico to be known as the Tucumcari land district; and

H. R. 17511. An act to authorize the construction of a bridge across Bayou Bartholomew at Parkdale, Ashley County, Ark.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 392. An act to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, deceased, late surgeon major, United States Volunteers;

S. 406. An act granting a pension to Calesta Clark;

S. 712. An act granting a pension to Agnes Lange Smith;

S. 720. An act to confirm an entry made by Gertrude Halverson Aaby, widow of Sigbjorn H. Aaby;

S. 1666. An act for the relief of Stene Engeberg;

S. 1746. An act granting a pension to Elmer Honnyman;

S. 1774. An act to permit Dollie A. Fountain, of Walworth County, S. Dak., to purchase certain lands;

S. 3941. An act to amend section 4 of an act entitled "An act to prevent unlawful occupancy of the public lands," approved February 25, 1885;

S. 4064. An act to provide for a term of the United States circuit and district courts at Lander, Wyo.;

S. 4740. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors;

H. R. 4777. An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings;

H. R. 17220. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906;

H. R. 17422. An act to authorize the counties of Henry and Rock Island, in the State of Illinois, to construct a bridge across Rock River at or near Colona Ferry, in said State;

H. R. 17524. An act to provide for circuit and district courts of the United States at Dothan, Ala.; and

S. R. 63. Joint resolution authorizing the invitation of governments of other countries to send representatives to the International Congress on Tuberculosis.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Cornell Stamp Club, of Ithaca, N. Y., remonstrating against the enactment of legislation excluding nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Richmond County, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented the memorial of N. D. Walker, of De Kalb Junction, N. Y., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Foster-Milburn Company, of Buffalo, N. Y., remonstrating against the adoption of certain amendments to the present pure food and drug law relating to standards for foods and drugs, which was referred to the Committee on Manufactures.

He also presented a petition of Local Lodge No. 167, Brotherhood of Railroad Tainmen, of Buffalo, N. Y., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," and also for the passage of the so-called "Rodenberg anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a memorial of the Master Steam and Hot Water Fitters' Association of Buffalo, N. Y., remonstrating against the passage of the so-called "anti-injunction bill," which was referred to the Committee on the Judiciary.

Mr. BRIGGS presented petitions of sundry citizens of Hoboken, Summit, and Little Falls, all in the State of New Jersey, praying for the enactment of legislation providing for the conservation of the national forests, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented sundry petitions of citizens of Newark, N. J., and a petition of the Cumberland Glass Manufacturing Company, of Bridgeton, N. J., praying for the appointment of a tariff commission, which were referred to the Committee on Finance.

He also presented petitions of Local Union No. 132, of Camden, and of Local Union No. 94, of Bayonne, of the International Typographical Union, and of Local Union No. 18, International Stereotypers and Electrotypers' Union, of Newark, all in the State of New Jersey, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the directors of the Thomas S. Clarkson Memorial School of Technology, of Potsdam, N. Y., and the petition of Joseph Roebling Jarvis, of Belmar, N. J., praying for the enactment of legislation to refund the collateral inheritance tax to the Stevens Institute of Technology, which were referred to the Committee on Finance.

He also presented petitions of the Ministerial Association of Bridgeton, of the Woman's Christian Temperance Union of Vineland, and of the Presbytery of New Brunswick, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of W. D. W. Miller, of Plainfield, N. J., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented petitions of Middlesex Lodge, No. 329, International Association of Machinists, of New Brunswick, N. J.; of the Central Federated Union of New York City, N. Y., and of District Lodge No. 1, International Association of Machinists, of Philadelphia, Pa., praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which were referred to the Committee on Naval Affairs.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Boscawen, N. H., and a petition of the Woman's Christian Temperance Union of Closter, N. J., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Brightwood Park Citizens' Association of the District of Columbia, remonstrating against the passage of the so-called "Dolliver bill" providing for the direction and control of public education in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Local Branch No. 4, National League of Employees of Navy-Yards, Naval Stations, Arsenals, and Gun Factories of Continental United States, of Portsmouth, N. H., praying that an appropriation be made for the improvement and development of the harbor at that city and for the location of a free zone at the Piscataqua in that State, which was referred to the Committee on Naval Affairs.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 5852) to provide for town sites in connection with projects under the reclamation act and for the construction of schoolhouses and municipal improvements, and for other purposes, which were referred to the Committee on Irrigation.

Mr. BRANDEGEE presented a petition of the Forestry Committee of the State Federation of Women's Clubs, of Massachusetts, praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of sundry citizens of Cromwell, Conn., and a memorial of sundry citizens of Mansfield, Conn., remonstrating against the passage of the so-called "Crumpacker bill" providing for the employment of additional clerks for the taking of the Thirteenth and subsequent censuses, which were referred to the Committee on the Census.

Mr. ANKENY presented a memorial of sundry citizens of Olympia, Wash., remonstrating against the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Olympia, Wash., remonstrating against the enactment of a Sunday rest law for the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. FRYE presented a memorial of sundry citizens of Norway, Me., remonstrating against the enactment of legislation excluding nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to create a retired list for the district superintendents, keepers, and crews of the Life-Saving Service, which was referred to the Committee on Commerce.

He also presented sundry papers to accompany the bill (S. 3996) for the relief of Charles N. Warner, which were referred to the Committee on Military Affairs.

He also presented a paper to accompany the bill (S. 3998) granting an increase of pension to Laura V. Tegethoff, which was referred to the Committee on Pensions.

Mr. HEMENWAY presented a petition of the Farmers' Institute of Lawrenceburg, Ind., praying for the passage of the so-called "parcels-post bill," and also for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 2716, United Mine Workers, of Perth, Ind., praying for the enactment of legislation granting better protection to the men who work in the mines, which was referred to the Committee on Mines and Mining.

He also presented petitions of the Woman's Missionary Society of the Baptist Church of New Albany; the Woman's Home Missionary Society of the Edwin Ray Methodist Episcopal Church, of Indianapolis, and of sundry citizens of Floyd County, all in the State of Indiana, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of Subdivision No. 598, International Brotherhood of Locomotive Engineers, of Richmond; of Local Division No. 25, Brotherhood of Locomotive Engineers, of Terre Haute; of Thomas Division No. 492, Brotherhood of Locomotive Engineers, of Indianapolis, and of Delphos Lodge No. 326, Brotherhood of Railroad Trainmen, of Frankfort, all in the State of Indiana, praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 2915) for the relief of John P. Hunter, reported it without amendment and submitted a report thereon.

Mr. PAYNTER, from the Committee on Indian Affairs, to whom was referred the bill (S. 4545) to authorize the Secretary of the Interior to accept conveyances to the United States of lands from the Pueblo Indians in New Mexico, and for other purposes, reported it without amendment and submitted a report thereon.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 158) for the establishment of a park at the junction of Maryland avenue, Fifteenth street, and H street NE., Washington, D. C., reported it with an amendment, and submitted a report thereon.

Mr. HEYBURN, from the Committee on Public Lands, to whom was referred the bill (S. 138) to provide for the survey of the public lands of the State of Idaho, reported it with amendments and submitted a report thereon.

Mr. GUGGENHEIM, from the Committee on Claims, to whom was referred the bill (S. 1560) for the relief of the estate of Henry Ware, deceased, reported it with an amendment and submitted a report thereon.

Mr. DIXON, from the Committee on Public Lands, to whom was referred the bill (H. R. 16078) providing for second desert-land entries, reported it without amendment and submitted a report thereon.

SAMOAN CLAIM.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the message of the President of the United States transmitting the report from the Secretary of State concerning the obligation of the United States Government to pay to the Government of Norway the sum of $200 on account of the claim of a Norwegian subject in Samoa, reported an amendment intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be printed and, with the accompanying paper, referred to the Committee on Appropriations, which was agreed to.

CLAIM OF J. W. W. MARSHALL.

Mr. FULTON, from the Committee on Claims, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the claim of the estate of J. W. W. Marshall, late of Bartow County, Ga., now pending in the Senate, together with all accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the "Tucker Act," and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. STEPHENSON introduced a bill (S. 5899) for the relief of the legal heirs of William Doyle and Hudson Cooper, which was read twice by its title and referred to the Committee on Claims.

Mr. HEYBURN introduced a bill (S. 5900) to amend an act entitled "An Act to repeal timber culture laws, and for other purposes," approved March 3, 1891, which was read twice by its title and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. CLAPP introduced a bill (S. 5901) to facilitate the administration of Indian Affairs, which was read twice by its title and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. PERKINS introduced a bill (S. 5902) granting an increase of pension to Isaac N. Chapman, which was read twice by its title and referred to the Committee on Pensions.

Mr. PAYNTER (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5903) for the relief of the estate of J. Milton Best, deceased; and

A bill (S. 5904) for the relief of the estate of W. G. Chesher, deceased (with an accompanying paper).

Mr. ALDRICH introduced a bill (S. 5905) for the relief of the executors of the estate of Harold Brown, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Finance.

Mr. TELLER introduced a bill (S. 5906) to amend an act entitled "An act for the relief of D. T. Kirby," approved May 26, 1882, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CLAY (by request) introduced a bill (S. 5907) for the relief of the estate of Samuel E. Bratton, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. CARTER introduced a bill (S. 5908) to amend an act authorizing the construction of a dam and bridge across the Missouri River in the State of Montana, which was read twice by its title and referred to the Committee on Commerce.

Mr. du PONT introduced a bill (S. 5909) granting an increase of pension to Alexander Burleigh, which was read twice by its title and referred to the Committee on Pensions.

Mr. DIXON introduced a bill (S. 5910) to amend section 167 of the Revised Statutes of the United States, which was read twice by its title and referred to the Committee to Examine the Several Branches of the Civil Service.

Mr. BAILEY (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5911) for the relief of the heirs at law of Dr. James Gower, deceased (with accompanying papers);

A bill (S. 5912) for the relief of Jack A. Labatt, of Fort Worth, Tex., and Ed. D. Steger, of Bonham, Tex.;

A bill (S. 5913) for the relief of the estate of John Ivey, deceased; and

A bill (S. 5914) for the relief of the estate of William Hugley, deceased.

He also introduced a bill (S. 5915) to purchase a site for the postal service in the city of Bonham, Tex., and to construct thereon a suitable building, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. KEAN introduced a bill (S. 5916) granting a pension to Ellen M. Smith, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 5917) for the relief of Franklin Bannon, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. FORAKER introduced a bill (S. 5918) for the relief of Eliza C. C. Arnim, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles, and refered to the Committee on Pensions:

A bill (S. 5919) granting an increase of pension to Griffin Chavers;

A bill (S. 5923) granting an increase of pension to William T. Hubbell;

A bill (S. 5921) granting an increase of pension to Henry M. Trimble (with an accompanying paper);

A bill (S. 5922) granting an increase of pension to Charles Johnson (with an accompanying paper); and

A bill (S. 5923) granting an increase of pension to William H. Wiseman (with an accompanying paper).

Mr. PERKINS introduced a bill (S. 5924) for the relief of the estate of Vincente Cantua, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 5925) authorizing the appointment of certain first-class signal sergeants, Signal Corps, Unitaed States Army, "now on the retired list of the Army," to the grade of second lieutenants, and placing them upon the retired list of the Army (with an accompanying paper); and

A bill (S. 5926) for the correction of the muster in of John S. Bishop, first lieutenant and adjutant, Sixty-eighth Regiment Illinois Volunteers.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5927) for the relief of Dr. Joseph P. Tunis; and

A bill (S. 5928) for the relief of George J. Diller (with an accompanying paper).

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5929) granting an increase of pension to Alexander Gardner;

A bill (S. 5930) granting a pension to David E. Hendricks;

A bill (S. 5931) granting an increase of pension to J. R. Hayes; and

A bill (S. 5932) granting an increase of pension to Theodore F. Snyder (with accompanying papers).

Mr. PILES introduced a bill (S. 5933) granting an increase of pension to Rudolph Kahls, which was read twice by its title and, with the acompanying papers, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 5934) granting a pension to Dacie I. Stoddard, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5935) granting a pension to Mrs. Andrew S. Graham, which was read twice by its title and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5936) referring to the Court of Claims the claim of Elizabeth H. Rice, which was read twice by its title and referred to the Committee on Claims.

Mr. HEMENWAY introduced a bill (S. 5937) granting an increase of pension to John K. Owen, which was read twice by its title and referred to the Committee on Pensions.

Mr. NELSON introduced a joint resolution (S. R. 65) authorizing the Secretary of War to award the Congressional medal of honor to Guy C. Pierce and Thomas H. Nolan, which was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CURTIS submitted an amendment proposing to appropriate $6,000 for the completion of the enlargement, extension, remodeling, and improvement of the Government building at Wichita, Kans., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DIXON submitted an amendment proposing to raise the Committee to Examine the Several Branches of the Civil Service to a standing committee of the Senate, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HEMENWAY submitted an amendment proposing to appropriate $195,000 for investigations looking to the prevention of the destruction from mine fires of coal and other mineral deposits belonging to the Government, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Mines and Mining and ordered to be printed.

AMENDMENT TO THE OMNIBUS CLAIMS BILL.

Mr. SCOTT submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

ROOM FOR JOINT COMMITTEE ON REVISION OF THE LAWS.

Mr. HEYBURN submitted the following resolution, which, with the accompanying paper, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the chairman of the Joint Committee on Revision of the Laws be authorized to rent a room in the Bliss Building for the use of the employees of said committee from February 1, 1908, at a monthly rental not to exceed $25.

MESSENGER FOR COMMITTEE ON RULES.

Mr. ALDRICH submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Rules be, and it is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum until otherwise provided for.

HOMESTEAD ENTRIES IN OKLAHOMA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3409) to extend the time of payments on certain homestead entries in Oklahoma, which was, in line 14, after "made," to insert the following proviso:

Provided, That as a condition precedent to said extension in each case the settler shall pay to the Secretary of the Interior, to be held in trust by him for the benefit of the Indian entitled thereto, 4 per cent on the amount of such deferred payments where such settler had no preference right and 5 per cent on the amount of the deferred payments where such settler was given a preference right: *And provided further*, That all persons, or their legal assignees, whose applications to purchase any of the pasture land mentioned in the act of June 28, 1906 (and whose applications were rejected because such persons were sublessees), shall have the right to purchase under the provisions of this act the land so originally applied for by them.

Mr. GORE. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 16860. An act to establish a United States land district in the Territory of New Mexico, to be known as the Tucumcari land district, was read twice by its title and referred to the Committee on Public Lands.

H. R. 17511. An act to construct a bridge at Parkdale, Ashley County, Ark., was read twice by its title and referred to the Committee on Commerce.

BANK LOANS UPON COLLATERAL SECURITY.

The VICE-PRESIDENT. The morning business is closed. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. TILLMAN, as follows:

Whereas many banks in cities where stock exchanges are located loan money of depositors which are trust funds upon worthless stocks and bonds traded in on these stock exchanges on terms that make such loans most dangerous, putting banks making such loans in a position of menace to the public: Therefore, be it

Resolved, That the Comptroller of the Currency be directed to send to the Senate at the earliest day possible a detailed statement of all loans made by the national banks in New York City upon collateral security during the six months from June 1, 1907, to December 1, 1907, such statement setting out in full names of borrowers, amounts of loans, lists of stocks and bonds deposited with each loan as collateral security, and also stating whether such loans are time or call loans and whether call loans are made by executive officers of the several banks or by order of the board of directors of the several banks.

Mr. ALDRICH. I would suggest to the Senator from South Carolina that he allow the resolution to go to the Committee on Finance. The resolution in its preamble and in the form of

the resolution itself is, to my mind, very objectionable. I think a resolution can be prepared that will answer the purposes of the Senator and not have the objectionable features which are in the resolution as it now stands.

Mr. TILLMAN. Will the Senator from Rhode Island indicate the objectionable features?

Mr. ALDRICH. There are quite a number of objectionable features in the resolution. One is most objectionable, I think, from every public standpoint, and that is the provision which calls upon the Comptroller of the Currency to furnish us the names of all persons who had loans in the banks of New York on collateral, the amount of loans, and the amount of collateral. I think it would take months to get this information, and I think it would be the very worst thing the Senate of the United States could do under existing conditions to call for such information.

Mr. BEVERIDGE. Or under any conditions.

Mr. ALDRICH. Or under any conditions.

Mr. TILLMAN. Would it answer the purpose not to give the names, but to indicate the character of the loans by one, two, three, and limit the collateral to stocks and bonds?

Mr. BEVERIDGE. What does the Senator mean by the character of the loans?

Mr. TILLMAN. I say the collateral.

Mr. BEVERIDGE. The Senator said "to indicate the character of the loans by one, two, three." What does the Senator mean?

Mr. TILLMAN. I mean, instead of saying Hon. ALBERT J. BEVERIDGE borrowed $2,000 and deposited collateral, to say "We loaned to an individual, No. 1," who would therefore be unidentified, "$2,000." That is what I mean.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. HALE. I do not ask the Senator to yield. I am satisfied that no arrangement can be made between the two Senators, and I object to the consideration of the resolution this morning.

Mr. ALDRICH. The resolution came over from yesterday.

Mr. TILLMAN. We were trying to come to some understanding, and I had a little conference with the Senator from Rhode Island. I think the Senator from Maine is entirely mistaken that we can not have some consensus of view here. My purpose, if the Senator will permit me——

Mr. HALE. Very well, if the Senators can agree.

Mr. ALDRICH. My suggestion was that the resolution should go to the Committee on Finance, and I thought if it were there, we could prepare a resolution which would answer all the proper purposes which the Senator from South Carolina has in view.

Mr. TILLMAN. I wanted the Senator from Rhode Island to indicate what were the improper purposes the Senator from South Carolina had in view.

Mr. ALDRICH. I have suggested one which it seems to me is manifestly wrong.

Mr. TILLMAN. Well, that is, of course, a matter of opinion, and I yield to the superior wisdom of my friend from Rhode Island; but I want to say to the Senator from Maine that I do not think he has ever found that it expedited business to undertake to press a man off the floor and push aside business that was objectionable to a Senator.

Mr. HALE rose.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. With pleasure.

Mr. HALE. I have been too long in the Senate with the Senator from South Carolina to believe that I or anybody else can take him from the floor when he is entitled to it, as he is now. I only suggested (and I think he will see the force of it) that this matter go over another day. The Senator from Rhode Island informs me that he prefers that it should not go over.

Mr. TILLMAN. The Senator from Maine should recall that the resolution went over for a day, and that under the rules it is now up for consideration. I have a right to discuss it up until 2 o'clock, if I see fit.

Mr. HALE. Undoubtedly; but it seemed to me if the Senators would confer together, perhaps by to-morrow morning they might agree upon a resolution that would pass unanimously. It looked to me as though it was possible at the moment for the Senator from South Carolina and the Senator from Rhode Island to agree, and my suggestion was only made as a matter of business, that it might enable the two Senators to agree upon something that we could pass and which might have some good effect. But of course if the Senator thinks it is better to go on and try to put the matter through as it is, I have nothing to say.

Mr. TILLMAN. The matter has not had any discussion whatever, and I was endeavoring in my feeble way to give the motive and object I had in introducing it. I am going to agree to the reference, because I can not help myself. The side over there will necessarily vote that it shall go to the Committee on Finance, and it will go there whether or not I want it.

I was trying to explain it so that the committee, when it gets it, will understand that I do not care to have any inquisitorial investigation into the private affairs of borrowers in New York or elsewhere, but I am endeavoring to arrive at the facts in relation to the subject of stock gambling and the flimsy securities which are very often taken by the banks in loaning money to these stock gamblers which belongs to their depositors. I do not give a snap about the name of any individual who has done this.

Mr. HALE. If the Senator prefers that the committee shall deal with this subject, I have nothing further to say.

Mr. DEPEW. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from New York?

Mr. TILLMAN. With pleasure.

Mr. DEPEW. I do not see why the inquiry of the Senator from South Carolina should be addressed simply to the banks in New York.

Mr. TILLMAN. That was all discussed yesterday. If the Senator from New York was not present and did not hear it, I will say that I am perfectly willing to take into the scope of the inquiry every exchange city or city where there is a gambling exchange located.

Mr. DEPEW. There is no doubt that whatever is charged against New York is done in an equal if not a more exaggerated form in nearly every city in the United States.

Mr. TILLMAN. Most States have shut up the bucket shops, and if New York would shut up its bucket shop or its gambling hell, known as "the Stock Exchange," all the rest of the little fish around in the United States might get a chance to come to maturity rather than be swallowed in their infancy.

Mr. DEPEW. I think if it was not for the New York exchanges the State of South Carolina would be closely shut up, and so would nearly every State in the Union, so far as the development of its industries, the extension of railways, or the building of factories are concerned.

Mr. TILLMAN. We never have discovered that New York was doing all that from patriotism or from any disinterested motive. So the Senator gains nothing by that remark. We pay New York for everything we get from there, and we pay very high for it.

Mr. DEPEW. The reason why they come to New York is that they can not get the money anywhere else.

Mr. TILLMAN. And I want a provision in the bill, which we will discuss very soon, by which we can get something without having New York stand and hold us up and say, "Now pay or get out and starve." That is what we are fighting for, sir.

Mr. DEPEW. Mr. President, the resolution of the Senator would not develop what he is seeking to secure. The disclosure of what loans are made upon time and what are made upon demand would not reveal what are gambling loans and what are made for legitimate purposes. It is perfectly safe to say that the majority of those loans in the banks of New York are for legitimate business purposes.

Mr. TILLMAN. Undoubtedly.

Mr. DEPEW. And that time loans may be gambling loans just as much as demand loans. The banks of New York are not in business for fun.

Mr. TILLMAN. No; we have discovered that to our sorrow.

Mr. DEPEW. And they are not in business for the purpose of loaning the moneys of their stockholders or of their depositors upon rotten securities. I do not know of any banks anywhere where the banks are more solid, where they weather the storm better, where they stand so well as the banks of New York City.

Mr. TILLMAN. Yet, when the storm broke, your trust companies and your banks refused to meet the drafts of their depositors in the South and West. They shut us up, closed us out of business, and we are seeking a remedy here in the bill proposed by the Senator from Rhode Island and through various amendments. Now, I am seeking to get some information in regard to this question of stock gambling, and that is all.

Mr. DEPEW. I would be perfectly willing to aid the Senator in any effort to reach stock gambling that would suppress it, but I do not think disclosing the secrets of legitimate business people, firms, corporations, and all that, would tend to do that. On the contrary, it would create an amount of distrust and simply accentuate present evils.

Mr. TILLMAN. Then the Senator confesses that the banks of New York are loaning money contrary to good business prin-

ciples. The Senator confesses right here that the banks dare not openly explain the character of their loans and the character of their collateral.

Mr. DEPEW. That is equivalent to saying that we who are sitting here and are not bankers are better judges of the banking business than the men who have spent their lives in it.

Mr. TILLMAN. But as we make laws to govern the national banks it is our duty, I imagine, to make such laws as to protect depositors and also to stop this gambling—if we can do it.

Mr. DEPEW. If the Senator will confine his attention to gambling I shall be very happy to join him.

Mr. TILLMAN. Now, Mr. President, it was the suggestion of the Senator from Maine that perhaps the Senator from Rhode Island and myself will agree on a resolution. I will leave it entirely to the Senator, for he knows the object I have in view, and that is to get the facts without regard to the names. I do not want anybody's name disclosed here. I drew the resolution rather hurriedly, and I am indifferent as to whether it shall go over or whether it shall be referred to the committee.

Mr. ALDRICH. Then it may go to the committee, and I think we will have no trouble if it is the Senator's purpose to find out the nature and extent of the so-called "stock-exchange transactions" in the banks of New York.

Mr. TILLMAN. No; I am after finding out the character and extent of collateral which the banks are taking.

Mr. ALDRICH. I do not think we have any right to do that. I am quite willing that the resolution shall go to the committee and then——

Mr. TILLMAN. We will wait until to-morrow morning, and the Senator and I may talk the matter over. If we can not agree about a formal resolution, then the committee will take it in hand.

Mr. ALDRICH. I want the committee to take it in hand anyhow. I do not want to take any responsibility about a matter of this kind, and I desire to have the resolution go to the Committee on Finance.

Mr. TILLMAN. Of course it will go there; I understand that; but I am very much surprised to see the sudden growth of modesty and unwillingness to take responsibility on the part of the Senator from Rhode Island. It is an entirely new development in his attitude here.

Mr. ALDRICH. I am quite willing that a vote shall be taken on the resolution now.

Mr. TILLMAN. Of course; the Senator would have his own way, because his followers or friends over there, or whatever he calls them, would all vote with him, I know.

Mr. ALDRICH. I ask that the resolution be referred to the Committee on Finance.

The VICE-PRESIDENT. Without objection, it is so ordered.

AMENDMENT OF THE NATIONAL BANKING LAWS.

Mr. HOPKINS. I ask the Chair to lay the unfinished business before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed consideration of the bill (S. 3023) to amend the national banking laws of the United States.

Mr. HOPKINS. Mr. President, the debate on the pending bill has taken a wide range. It is not my purpose, however, to enter into a discussion respecting the various measures that have been offered in the Senate and sent to the Committee on Finance providing for various schemes of banking and currency legislation. This is not the time to attempt to revolutionize our present banking system. Indeed, it is not the time to discuss the question as to whether the present banking system of the United States consists of patchwork legislation, as is contended by some Senators, or as to whether it embodies as good a system if not better than any that has heretofore been had or can be devised for the American people.

I am well aware that some of the ablest thinkers on financial subjects in this country contend that the central bank with branch banks is far superior to our present system. That, however, is too radical a change to be considered at this time. We can not make any material change in the present system now, and all that the present bill purports to do is to provide means by which to prevent a repetition of the financial panic that commenced in the last days of October, 1907. The Aldrich bill, so called, does not in any particular interfere with the normal banking conditions of the country, either State or national. It throws no obstacle in the way of the development of State and savings banks in the various States of the Republic and puts no restriction upon the further development of the national banking system that now numbers 6,625 national banks, scattered over the forty-six States of the Union. The panic that commenced on the 26th day of October last, it is believed by the framer of this bill and by the Finance Committee who reported it, could have been checked in its incipient stages if this bill had been upon the statute book and the machinery for placing $500,000,000 more money in circulation had been at the disposal of the national banks of the country.

The question as to whether a different banking system should be adopted by the Government, or as to whether the central bank with its branches which would create an entire revolution in our banking system is better than our present system, is one that is left open for future discussion and for future determination. The interests involved are too great to consider a subject of that kind just as we are entering upon a great national campaign for the election of a President and Vice-President, where the two great political parties that have been contending for generations for supremacy in this country are again to appeal to the people—the one to be continued in power and the other to be restored to favor and power. If there is any question that should be entirely devoid of politics that is considered by the Congress of the United States, it is the banking and financial policy of the Government. It is apparent to all men who are familiar with legislation that this great question can not now be dispassionately considered. It must be taken up at a period when Senators and Members of the House of Representatives will forget their political affiliations and seek by every method that honorable men can to improve the financial and banking conditions of this country.

No Senator who favors this bill believes that it is a panacea for all of our financial ills. No Senator contends that it is perfect in all of its details. What we do contend, however—those of us who favor it—is that it is the very best legislation that can be obtained for the relief of the people of the United States at this time.

The additional circulating notes provided for in this bill are to be of the same character as the notes that are issued by the various national banks of the country, and the bill holder will not know from an examination of the note as to whether it is issued under existing law or is a part of the emergency circulation provided for in the pending bill. The additional circulating notes provided for in this bill can all be put into circulation without attracting the attention of those who are not close students of the financial condition of the country and whose financial interests are not such as to keep them well informed as to the financial stringency or otherwise of the money market of the country.

The Comptroller of the Currency is directed as soon as this bill becomes a law to provide notes for all of the several national banks of the United States, with their several proportions of the additional currency that is contemplated in this bill, and the same will be deposited with the Treasurer or subtreasurers nearest the banks, so that within twenty-four hours of the time that there is a call made by any particular bank, if the emergency exists that is provided for in the bill, the bank can have the use of this additional currency. If the additional currency that is contemplated in this bill were different in its outlines and appearance from the national-bank note that is now in circulation, the moment that it made its appearance in the channels of trade it would be a notice to everybody that the financiers and great bankers of the country at least believed that a great financial emergency existed, and it would thus be a red flag to precipitate a run upon the banks and create a condition of panic that the bill is intended to provide against. The notes being identical in all of their features with the notes that the banks have in circulation, this condition is provided against, and, with the amount of currency that is provided for in the bill, every requirement can be met by the banks where financial stringency exists, and the general public will not realize or appreciate that there have been or were likely to be financial disturbances.

The basis for this additional circulation is to be not the interest-bearing bonds of the United States, but is to be bonds or interest-bearing obligations of any State of the United States, or any legally authorized bonds issued by any city, town, county, or other legally constituted municipality or district in the United States which has been in existence for a period of ten years, with certain limitations as to the character of those bonds, and also first-mortgage bonds of any railroad company which, in compliance with existing law, reports regularly to the Interstate Commerce Commission a statement of its condition and earnings, and which has paid its dividends of not less than 4 per cent per annum regularly and continuously on its entire capital stock for a period of not less than five years previous to the deposit of the bonds. Authority will be given under the law for the Interstate Commerce Commission to appraise the value of the physical properties of the railroads whose bonds are to be used as a basis for this additional circu-

lation. In order that the banks of the country may know what bonds are eligible for this service, it is provided in the bill that it shall be the duty of the Secretary of the Treasury to obtain information with reference to the value and character of the municipal and railroad securities authorized to be accepted under the provisions of this bill, and he shall from time to time furnish information to national banking associations as to such bonds as would be acceptable as security under the provisions of this act. This provision of the bill will enable the president and other officers of every national bank in the United States to know before any emergency arises for additional currency just what State, county, or municipal bonds can be used for the purpose of the additional currency sought to be obtained by the individual bank, and what railroad bonds; and, if the banker desires, these bonds can be procured in advance of any emergency and held as a part of the assets of the banks.

It is contended by some that the railroad bonds mentioned in the bill should not be used as a part of the basis for this emergency currency. I think it is due to the committee, Senate, and country that I should make a plain statement as to the reasons that prompted the committee in adding railroad bonds of the character described in the bill.

It was found by the committee after full investigation that there were not State, county, town, and other municipal bonds of sufficient number and amount to afford a basis for a superstructure such as is proposed by the issuing of the $500,000,000 of this additional emergency currency. It was believed by the committee that if we limited the bill to State, county, city, town, and other municipal bonds, a corner could be engineered upon these bonds in an emergency to raise the price of them to a figure that would make it impossible for the banks to procure them, and thus defeat the very purposes of this bill. The committee then took into consideration the best means of providing for additional bonds. The selection of the class of railroad bonds mentioned in the bill was by a process of elimination. When it was determined that State, county, and other municipal bonds were not sufficient as a basis for the issuing of the $500,000,000 of additional currency, the committee then considered what other class of securities should be added to these bonds. The advocates of asset currency claimed that the promissory notes of John Doe or Richard Roe would be sufficient. The committee, however, rejected the suggestion as one that would not meet with the approval of the Senate or the country.

The next proposition that was considered was as to whether industrial bonds could be used for this purpose. We have great corporations engaged in industries where bonds to the amount of many millions of dollars are upon the market. These corporations, however, are not under the immediate control of Congress. The bonds at times fluctuate in value, and they were not regarded with favor by the committee.

Another class of securities that was considered were bonds that were issued by public utilities companies, like gas companies and others in the various cities of the country, and bonds issued by street railroads in cities and by interurban roads. These all have a market value and are entitled to consideration; but the committee found, as Senators well know, that this class of bonds, like the bonds issued by industrial companies, are not under the immediate control of Congress and that they are liable to fluctuate in value much more than the bonds of well-established railroads that do an interstate-commerce business.

After a full investigation of all these classes of bonds, the committee determined that the highest class of securities which can be found outside of governmental bonds of the character above named should be recommended to the Senate. Those bonds of necessity are bonds issued by commercial railroads doing an interstate commerce business. A commercial railroad is a quasi public corporation. It has certain sovereign powers that are denied to the other classes of corporations that I have named. A commercial railroad is not only a quasi public corporation, but under the present law is under the immediate control of Congress through the Interstate Commerce Commission. Through the instrumentality of the Interstate Commerce Commission we can acquire information regarding the value and character of railroad bonds that are denied us in all other classes of bonds of those that I have already mentioned. The railroad bonds mentioned in the bill are the highest class of railroad bonds that are in the market.

These railroads that are doing an interstate-commerce business are required under the existing law to make annual reports to the Interstate Commerce Commission, giving a full and detailed statement of the condition of the roads, their indebtedness, expenses, etc. They are also required to give the value of the physical properties of the roads, the franchises, and, in fact, are required to give such information as will enable the Secretary of the Treasury to easily determine as to whether or not the bonds should be accepted as a basis for emergency currency. In fact, this class of bonds has already been received by the Secretary of the Treasury for Government deposits. The committee, therefore, believed that in recommending railroad bonds of the character described in the bill, they had safeguarded the Government in a manner that no person can with reason question.

Now, Mr. President, in selecting securities of this class the Senate Committee on Finance were not considering as to whether it would benefit one railroad over another. They recognized that in the great bond market of this country there are between six thousand million dollars and seven thousand million dollars in railroad bonds. Out of that great volume of bonds that to-day are in the market we had an opportunity to select the best class of securities.

I confess, Mr. President, with the Senator from North Dakota [Mr. McCUMBER], that I was somewhat surprised by the remarks made by the junior Senator from Michigan [Mr. SMITH] on this subject. I supposed that in making a selection of this kind, if we had to resort to railroad securities, it was our duy to select the highest and best railroad bonds that were in the market. I did not suppose that any Senator would be governed and controlled in his vote on the question as to whether these bonds were issued by some small railroad in his State or not, but that the proposition which would be presented to the Senate and to the public would be as to whether the railroad bond is one which meets with the public requirements as expressed in this bill.

Mr. SMITH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Michigan?

Mr. HOPKINS. I do.

Mr. SMITH. Mr. President, I know the Senator from Illinois would not impute to me such an unworthy motive as his language would imply. As I stated in my observations on this feature of the bill, I want no railroad bonds included in it. I am not keen about any little railroad that may be left out. I want no railroad bonds introduced into our monetary system in the manner in which this bill provides.

Mr. HOPKINS. Mr. President, I am very glad to hear the statement of the Senator from Michigan. I confess that I misunderstood his position, because I remember in the discussion of this bill day before yesterday the Senator made the point that no railroad in Michigan had issued bonds which could come within the requirements of this bill.

Mr. SMITH. That was merely by way of illustration of the fact that the general mileage of the country secured by bond and mortgage would not be benefited by this policy, but that it would benefit only the few railroads that came within its provisions. I am opposed to any railroad securities being introduced into this measure.

Mr. HOPKINS. Mr. President, there can be no disagreement then between the Senator from Michigan and myself upon that subject. I simply referred to it because of the fact that he made a criticism upon the class of bonds which we have in the bill, and the point he made was that the bonds that were issued upon certain railroads in Michigan would not come within the requirements of the bill.

Now, as to the policy of selecting some of the railroad bonds for the purpose of forming a basis for the issue of this currency, I think I have already explained that we were driven to the selection of railroad bonds because there is no other class of securities in the country that would meet the requirements, and in order to make this bill effective, we must have a bond basis broad enough, so that this $500,000,000, or this thousand million dollars, as the case may be, can be issued without any material increase in the price of the bonds that are used as a basis for this additional circulation.

So, as I stated, we have been driven to the selection of the highest and best class of securities that there is in this country. As was stated by the Senator from Rhode Island [Mr. ALDRICH] the other day, these bonds are well known to every person who is at all familiar with business.

I shall take up just for a moment some of the objections which were raised by the Senator from Michigan as his reasons why such bonds should not be taken. One of the arguments that he urged, Mr. President, was the fact, as he stated it, that it was an opening wedge to the Government ownership of railroads in this country. I confess that I do not sympathize with that statement of the Senator, because, upon an analysis of this bill and the business and monetary conditions of the country, it is utterly impossible that such a thing could occur.

How could the Government become the owner of a railroad under this bill? In what way? Let us look for a moment. The suggestion was made that the Government, in case of the foreclosure of such bonds, might be made a party to the suit. My first answer to that is that the Government of the United States, under existing law, can not be sued at all, and even if we had legislation which would permit the Government of the United States to became a party defendant to a suit of this character, under no condition would it become necessary for the Government to become a litigant, either complainant or defendant. If the interest on the bonds of a railroad company is defaulted by the railroad and conditions should arise where a bill is to be filed for foreclosure, that suit is commenced by the trustee under a trust deed. If the trustee refuses to act, there probably are provisions in the trust deed that will allow the majority of the bondholders to commence the suit; but, in my judgment, there is not a trust deed that has been executed by a railroad company for twenty years that would permit a minority of the bondholders to commence a suit of any kind.

Mr. SMITH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Michigan?

Mr. HOPKINS. I do.

Mr. SMITH. Mr. President, I am very much interested in what the Senator from Illinois says and I have great confidence in his judgment, but the trustee does not act automatically; the trustee acts when there is default and the person holding the bonds is fearful of loss. If the Government owns bonds and there shall be default, does the Senator from Illinois contend that the Government must sit idly by and take no step to protect its interest, involving, as it may, hundreds of millions of dollars?

Mr. HOPKINS. Mr. President, the assumption of the Senator from Michigan is that the Government of the United States will own the entire issue of bonds, or the majority of them, and that the Government will have to resort to this procedure for the purpose of securing itself against loss on such bonds. Now, if the Senator will hold himself in patience for a moment, I shall show him that that condition could not exist. I am simply calling attention now to the usual method by which there would be a foreclosure. It would be by the trustee, of course, acting on the request of the majority of the bondholders; but that would not necessitate the Government being a party to the suit. I undertake to say that under no condition—take the most radical that has been presented by the Senator from Michigan—would the Government of the United States become a party to such a lawsuit.

If a bank desires to take out $75,000 of additional currency, as provided in this bill, and to give railroad securities of the character provided, it must put up $100,000 worth of bonds. There is a margin of $25,000 on $100,000 worth of bonds. There has never been in the history of railroads engaged in interstate commerce an instance where the bonds of the character mentioned in the bill have fluctuated to the extent of the margin here provided.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Montana?

Mr. HOPKINS. I do.

Mr. CARTER. Mr. President, I am very much interested in the suggestion that the Government might, through the machinery of this bill, become a party to litigation involving the foreclosure of a mortgage on a railroad. I am curious to know how that state of affairs could come to pass.

Mr. HOPKINS. I will show the Senator how it can not come to pass.

Mr. CARTER. I wish to ask the Senator if it is not true that the bank issuing or calling for the currency and pledging the bonds is required by law upon demand to substitute other securities for those in the vaults of the Treasury? For instance, in case the railroad to which the Senator from Michigan [Mr. SMITH] referred should be threatened with default or a receivership for any cause, may not the Secretary of the Treasury instantly call on the bank which has deposited these bonds for additional bonds as security or a substitution of other bonds?

Mr. HOPKINS. Yes.

Mr. CARTER. Now, I want to know how this Government could become a party to the foreclosure of a railroad if upon the mere demand of the Secretary of the Treasury its defaulted bonds must be taken up and other bonds substituted for them?

Mr. HOPKINS. Mr. President, I was coming to that in the course of my statement. I first desired to take up the radical proposition that was suggested by the Senator from Michigan and to show that in law and in fact there was no force or point to it. Then I propose to follow up the question suggested by the Senator from Montana [Mr. CARTER], and that is this: That the bonds that are put up are not put up by the railroads at all; they are put up by the banks that seek to take out additional circulation. The Government of the United States has no direct dealings with any railroad whatever, but if the First National Bank of Chicago or New York or Detroit desires to have additional currency circulation and wants to use some of the bonds that are provided for in the bill and presents railroad bonds, that is a contract between the bank itself and the Government.

Mr. SMITH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Michigan?

Mr. HOPKINS. Certainly.

Mr. SMITH. If it will not annoy the Senator——

Mr. HOPKINS. Not at all.

Mr. SMITH. I should like to have him include in his statement of the banks that may avail themselves of this privilege such banks as the Mercantile National, of New York, from whom the Government could not have obtained a dollar or additional security if it had asked for it when conditions were most serious. In such a case the Government would be driven to its security.

Mr. HOPKINS. We will take that up later, when we come to it. The point I am making is this: That it is a contract between the bank that seeks additional circulation and the Government. The bank comes to the Government with State, municipal, and railroad bonds. As suggested by the Senator from Montana [Mr. CARTER], it is discretionary with the Secretary of the Treasury to determine whether he will accept all railroad bonds or any of them. He may require the bank to put up State bonds or county bonds or municipal bonds of some kind, and certainly if there is anything in the history of any particular railroad bond that casts any reflection upon the ability of the railroad to pay it, the Secretary of the Treasury would instantly refuse to accept such a bond.

Mr. CARTER. Mr. President, will the Senator allow me to interrupt him just a moment?

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Montana?

Mr. HOPKINS. Certainly.

Mr. CARTER. Providing the Secretary of the Treasury had previously accepted railroad bonds, may he under the bill require the bank to take up such bonds and substitute others for them?

Mr. HOPKINS. Certainly. That, Mr. President, can be done at any time. The bank is required to take them up on demand of the Secretary of the Treasury.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Indiana?

Mr. HOPKINS. Certainly.

Mr. BEVERIDGE. Suppose, however, that when the bank is called on the bank finds it can not take up the railroad bonds and substitute others?

Mr. HOPKINS. If a bank can not do that, Mr. President, then under this bill the Secretary of the Treasury can sell that bond either at public or private sale, even if he does not get for it more than 10 cents on the dollar, and can require the bank to put up additional security if the bank can do it.

Mr. BEVERIDGE. So the recourse, after all, is finally to the security, and not to the bank.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. HOPKINS. I do.

Mr. KNOX. I should like to ask the Senator from Illinois a question, with a view of ascertaining whether this discussion is not largely academic, so far as it involves the Government being a party to any litigation for the purpose of realizing upon these securities. The question is this: Does the Senator know, or does any Senator know, of any interstate railroad in the United States that has paid dividends for five consecutive years upon its capital stock that ever was foreclosed upon its first mortgage?

Mr. HOPKINS. Never, Mr. President. There is not an instance in the history of railroading where that has occurred.

The Government, as I have said, is protected in every way against any loss upon this character of bonds, because the Secretary of the Treasury can not only require additional security to be put up, but can sell the bonds either at public or at private sale. That is not all the security that it provided for the proposed additional circulation. There are the assets of the banks, upon which the Government has a first lien. There is the capital stock of the bank itself, and there is the addi-

tional security that is given because of the liability of every stockholder for the amount of his stock. So that it is not within the range of possibility that any notes that are put out by the Government under the conditions of the pending bill will ever cause the Government any expense whatever.

Some point was made yesterday in the discussion that was had while the Senator from North Dakota [Mr. McCUMBER] was speaking as to why the Government should have a first lien upon the assets of the bank. This bill has simply followed existing law. The purpose in adopting this legislation was to make as little change as possible. Under existing conditions the note holder has not only the Government back of him for the payment of the note, but he has the assets of the bank, the Government bond that is up, the capital stock of the national bank, and, in addition, the liability of the stockholders. In preparing this bill the Finance Committee believed that it was their duty to afford just as good security for the additional currency as that which is provided for the notes in circulation under existing law.

The next proposition is as to whether the effect will be to appreciate the value of one class of bonds and depreciate the other. My judgment is, Mr. President, that the appreciation in the value of the bonds selected will be a negligible quantity. The reason I say that is that there are two thousand million dollars of the bonds, of which only a small per cent will be taken probably, and none of them may ever be taken, because, as was said by the Senator from Georgia [Mr. BACON] yesterday, if this bill becomes a law and this provision is made whereby in an emergency $500,000,000 can be put in circulation in twenty-four hours, there will be no necessity for exercising that great power.

How can it influence the market value of the other four thousand millions of dollars of bonds? The value of those bonds is fixed and settled in the market to-day. Their value is as well known to people dealing in bonds as the value of a gold nugget is known to the assayer. There can not be any question whatever as to their value. All these railroad bonds are classified. We take the first class because they are of the highest value, and their security is the best; but all of the other bonds have their market price in the bond market of the country, and the selection of some, in my judgment, can not interfere with the others at all.

Some Senators have contended that there are not bonds enough of the classes enumerated here to meet the requirements of this additional currency without greatly enhancing the value of the bonds. I think, Mr. President, that this contention is unfounded in fact. I have had it from one of the greatest bond houses in America, that has its chief office in Chicago, that there are over two thousand millions of dollars of State, county, and municipal bonds of the character provided for in this bill now in existence that can be used for the purposes provided for in this bill, and that there are at least two thousand millions of dollars of railroad bonds that will easily meet the exacting requirements respecting the bonds that can be used. This gives a basis at once of four thousand millions of dollars of bonds as a fund to draw from. It seems to me, Mr. President, that there can be no question but that bonds sufficient to meet the necessities of the additional currency provided for in the bill can be obtained without materially affecting the value of these bonds in the market. They will furnish a safe and sound basis for this additional circulation.

Some criticism has been indulged in by different Senators and by the public generally because the bill does not provide that Government bonds can be used as well as State, county, municipal, and railroad bonds, and hold that it was a discrimination against the Government bonds. Limiting the character of the bonds in this bill to State, county, and other municipal and railroad bonds and excluding Government bonds was no oversight on the part of the Finance Committee or of Mr. ALDRICH, the chairman of the committee, who framed this bill. The reason why the Government bonds are not made a part of this basis for additional circulation is that the purpose of this bill is not to interfere in any particular with the present national banking system. The amount of the interest-bearing debt of the United States outstanding on November 1, 1907, was $858,685,510. The currency that is now in circulation by national banks, which aggregates $562,727,614, is all based upon the Government bonds that are held by the national banks; and, as Senators all know, every national bank that takes out a charter under existing conditions is required to procure bonds as the basis of its bank circulation. Chapter III of the national-bank act provides that each banking association shall trnsfer and deliver to the Treasurer of the United States any United States registered bonds bearing interest or Panama Canal bonds to an amount not less than one-fourth of the capital, the capital being $150,000 or less, as security for their circulating notes, and banks organized with a capital stock of $150,000 or over are required to have not less than $50,000 in bonds for the bank circulation and may, of course, have more.

National banks already hold $659,510,260 in these Government bonds for the purpose of bank-note circulation. I find from an examination of the report of the Comptroller of the Currency that $22,683,412 of Government bonds are held by State and savings banks. This leaves a balance of only $176,491,838 of Government bonds that are not absorbed by the national banks and State and savings banks. These bonds should be left for the further expansion of national banks in different sections of our common country.

An examination of the report of the Comptroller of the Currency shows that from March 14, 1900, to October 31, 1907, 3,673 national bank associations were organized, with an aggregate capital of $215,430,300, and that the organization of these several banks required $52,692,530 of the Government bonds to be deposited with the Treasurer for circulation under the law that I have just quoted. Senators will see from this that the marvelous growth of our country in population, in industries of all kinds, in commerce and trade, has caused the remarkable increase in the number of national banks in the country. In the seven years that I have named here, national banks have more than doubled in number. This increase in the national banks in the country has not been in the business centers of old States and where well-established business conditions exist, but in the newer States and in sections of the older States where the banking facilities were not such as to meet the requirements of the commerce and trade of the particular locality.

An examination of the report of the Comptroller shows that of the number of banks that have been established during the period of which I have just spoken, 2,389 of them have a capital of $50,000 or less, and that the aggregate capital of these 2,389 banks amounts to only $62,312,500; and that the banks with a capital stock of $50,000 and upward number 1,284, with a capital of more than double that of the first class that I have named, namely, with a capital of $153,117,800.

Now, it is perfectly apparent from these figures that it is wisdom upon the part of Congress to refrain from interfering with these Government bonds until such time as Congress determines to change our entire banking system. So long as our banking system is conducted under the present national-bank act these bonds should be left for the creation of new banking associations as the growth of the country may demand. That it would be unwise to include Government bonds in this proposed emergency issue is made still more apparent when I call Senators' attention to the fact that during the seven years in which the national banks have increased in number to the amount of 3,673 the Government has paid of its national interest-bearing debt the sum of $198,176,610. In other words, Mr. President, since March 14, 1900, the Government has liquidated of its interest-bearing debt a sum larger than the present balance of bonds that are unused by the banks in the sum of $21,684,772.

With these conditions before us I feel sure that the majority of the Senators will agree with the chairman of the Finance Committee and with that committee that it would not be wise to include Government bonds in this additional issue of bank notes that is provided for in the bill.

It is very easy, Mr. President, for any Senator to take up the bill by sections and raise objections to it, as has been done by a number of the Senators who have spoken on the subject; but when you come to an analysis of those objections the force and effect of them fade away, as do the propositions of Senators and bankers of the country who have suggested different methods of meeting the emergency that is provided for in this bill. No legislation can be suggested that will not meet with objections, and serious objections, too. No great measure that affects the interests of the 85,000,000 of people in this country can be enacted into law without compromises and modifications from the idea of the originators of such legislation. Every person who is familiar with national legislation realizes that the very foundation of our Government—namely, our Constitution, that unites the forty-six States into one federated Republic—was a matter of compromise. Had the friends of the larger States insisted upon their rights as they were maintained by the citizens of those States, they never could have reached any basis of agreement with the smaller States that were ultimately formed into the Union. And from the days of our fathers who prepared this remarkable document to the present no great measure has been enacted into law that is not the result of various concessions and compromises upon the part of its advocates.

What the friends of this measure contend is that there are

less valid objections that can be made against it than can be made against any other method that has been suggested in either branch of Congress. All are agreed that some legislation must be had, and when we come to the last analysis, with a fair consideration of all of the measures that have been suggested, it seems to me that an agreement must be reached that this bill represents more merit in reaching the evils sought to be provided against than any or all of the other measures that have been suggested.

I do not sympathize, Mr. President, with the carping criticism that has been indulged in, not only in the Senate, but in various newspapers in the country and by various bankers and financiers, that this is a measure that benefits the banks in one section of our country to the exclusion of another. If this measure is beneficial to the banks of New York or Chicago, it is beneficial to every national bank that is in existence to-day or that can be organized in the future under the present banking act. The banks of Texas and Oklahoma and California will receive, indirectly if not directly, the same benefit that is accorded the great banks of New York that have been denounced here again and again during the progress of this debate.

It is my judgment that the various banks in the different States in the Union can acquire easily and profitably some of the bonds that are enumerated in this bill as a basis for this additional circulation—quite as easily as can the large banks in Chicago or New York City; and that they can be held as a part of the assets of the bank with profit to safe banking, and, if an emergency arises, they can then be used as a basis of this additional circulation. But suppose, Mr. President, as was contended by the junior Senator from Georgia the other day, that the bonds that are provided for in this bill are largely held outside of the State of Georgia and other Western and Southwestern States—is that any reason that this bill should not be enacted into a law? Or is it any evidence that the banks in Georgia or any other section of our common country will not receive the benefit of the additional note circulation provided for in this bill?

Senators may rail at the banks in New York City as much as they please. They may denounce their banking and business methods to their heart's content. I shall not take issue with them as to whether those banks have been properly conducted or not. For my purposes in meeting the objections that have been raised, it is entirely unnecessary either to commend or condemn these New York banks. We all must admit that New York is the financial center of this country. We all must admit that every bank that is organized under the national-bank act, I care not whether it be in the State of Illinois or Georgia, Texas or California, must either directly or indirectly have business connections with one or more of the great banks in the city of New York. The business of the country can not be conducted by these banks in the several States outside of the great commercial centers without having their business connections with them. And I venture the assertion that there is not a bank in Texas or Georgia to-day, or in Oklahoma, that is doing a business of any considerable amount, but what either directly or indirectly has a correspondence or business relation with one of the great New York or Chicago banks.

It is the practice of banks all over this country to keep on deposit with the various banks in New York, especially, and, to quite a large degree, in Chicago, a part of their deposits as assets upon which they can draw their drafts and bills of exchange. This is not to benefit the New York bank or the Chicago bank, but it is to benefit the customers of the particular bank in Georgia or Texas or California or Oklahoma who desire a draft on one of the banks in the central cities of the country, and more particularly New York City.

A financial panic never has and never will arise at Nasby's Confederate Crossroads. It never has and never will arise in a country town where there is only a national bank of $25,000 or $50,000 capitalization. If a financial panic of any proportion whatever arises in this country, it will start where the financial center is—and that is, New York City. If the banks of New York City are not menaced by a financial panic and are in a sound normal condition, I care not what the currency stringency may be in any bank in Georgia, in Texas, in Oklahoma, or in California, or any of these States where they are insisting that they shall have a large amount of this additional currency, they can be protected from any shortage in their currency and can be tided over on any financial crisis that exists by the banks of New York, as they would be.

In other words, Mr. President, we shall never witness another financial panic in this country so long as the banks of New York are, and remain, in a safe and normal condition. So that this talk that New York is to get some advantage over the other banks of the country or over some other State or section of our country has no merit in it whatever.

When I hear Senators denounce the New York banks and insist that the bill under consideration favors them to the exclusion of the national banks in the several States, and that provision should be made in the bill that a little $25,000 bank in some rural district in Texas or Georgia shall have its proportionate share of the additional currency, regardless of the needs of the New York banks, I am reminded of Dean Swift's fable of The Stomach and the Members.

You will remember, Mr. President, that once on a time, as the fable runs, the arms and legs and other members of the human body decided that the stomach did nothing in time of need to aid or assist the heart. So they resolved that the stomach should be kept empty. They found, however, that when the stomach flagged for want of due nutrition each member pined and lagged and soon reached a poor and weak condition. On reflection they decided that it was wiser to allow the stomach to have plenty of food, even if it required a considerable effort on their part to bring this about, on the discovered fact that when the stomach waxed low the whole body weakened and died.

So, Mr. President, under our present banking system, in order to maintain the financial integrity of the banks of the country, there must be no disturbance of normal banking conditions in the city of New York. It is the very heart and center of the system, and if it is kept in a healthy condition no disturbance can reach any national bank in any State in the Republic if that bank is conducted on the principles that are set forth in the national-bank act.

As I have already stated, I can not undertake to answer all of the objections that have been made to the bill; neither can I consider all of the proposed amendments. Several Senators, however, have presented proposed amendments that, in one form or another, require the Government to guarantee to the depositor in any national bank the return of his money. I shall not undertake to take up these different proposed amendments and analyze them. While they are different in form, in principle they are the same. The one which has received the most attention is the amendment that was offered by the senior Senator from Minnesota, and it is to that, and to the argument which the Senator made in support of it, that I desire to direct the attention of the Senators for a brief period.

Mr. President, the senior Senator from Minnesota, in his very lucid argument here the other day, stated that the Government guaranteed the payment of all bank-note issues by the national banks of the country, and that he could see no reason why, on the same principle, the Government should not guarantee the depositor.

To my mind there is a wide difference between guaranteeing deposits and guaranteeing the currency issued by the national banks. In order to bring this difference in principle as clearly as I may before the Senate it will be necessary to refer to the act of February 25, 1863, which provided a national currency, secured by a pledge of United States stocks. The original act provided that the currency should not exceed the amount of $300,000,000, to be apportioned to banks of different States according to population and existing banking conditions and necessities. The notes were receivable for all Government dues except duties on imports and were payable by the Government except for its indebtedness and for the interest on its bonds.

In creating a national currency the Secretary of the Treasury had two great objects in view. The first was to destroy the issues of State banks and to create a uniform bank currency that would be good in all sections of our common country; and, secondly, to provide a market for the bonds of the Government of the United States, and thus enlist a strong, active financial interest in the general welfare of the Government's credit.

The national-bank act was of great benefit to the Secretary of the Treasury in floating the loans of the Government at a period when it was of the greatest financial importance to the Government that a good market should be found or formed. In addition to the financial support that the national-bank system afforded to the Secretary of the Treasury in caring for the finances of the Government and floating the national debt, it had a tendency to create a direct interest in support and maintenance of the General Government. These banks were organized in all of the various States of the Union, and each bank had a financial interest not only in the perpetuity of the Union, but it had a direct interest in having the finances of the Government on a sound basis, where no question could be raised as to the ability of the Government to pay the interest on its bonded indebtedness and to be in a position to liquidate that bonded indebtedness from time to time as the bonds matured.

The Secretary of the Treasury in making this recommendation to Congress and Congress in adopting these suggestions and passing the national-bank act were not looking to the in-

terests of a single individual, but were thinking of the establishment of a great national policy that would benefit the Government and the people in the ways that I have briefly and imperfectly indicated.

The bank that was organized had as the basis of its circulation bonds issued by the Government that were to be paid some time in the future. On those bonds the bank had authority to issue 90 per cent of the par value of the bonds in currency that were legal tenders for all debts and contracts. The holder of each one of these notes thus issued by the bank had a direct interest with the stockholders and directors of the bank in not only the perpetuity of our constitutional form of government, but in the establishment of a stable financial condition in the Government itself.

It must be apparent, therefore, to every person familiar with the history of the organization of the national-bank system in this country, that the guaranteeing by the Government of the payment of the bank notes that are put into circulation as a part of the currency of the country was for national and not for individual reasons.

The Secretary of the Treasury in recommending this legislation and Congress in enacting it into law were not looking so much to the protection of the depositor. The depositor's relation to the bank is voluntary upon his part. The relation that he holds to the bank is that of creditor and debtor. The contract that is established between him and the bank is one that is entirely under his control. The terms and conditions under which he deposits his money can be fixed by himself and can be terminated at his will. No reason, therefore, exists why the Government should guarantee the return of his money that exists in the case of guaranteeing the note holder.

The several amendments to the pending bill looking to the guaranteeing of all deposits in national banks do not attempt either in spirit or letter to guarantee the deposits of private, State, savings, or loan and trust companies that do a banking business. They are limited, and of necessity must be limited, to the national banks of the country.

We have 6,625 national banks scattered over the forty-six States that form this federated Republic. The aggregated capital and surplus of these banks amounts to $1,451,296,366.05 and the deposits in these banks amount to $4,176,873,717.48.

The depositors, whose aggregated deposits reach the enormous figure that I have just given, select their banks for depositing their money and agree with the banks upon the terms and conditions upon which those deposits are made. I am opposed, Mr. President, on principle to giving the man who deposits his money in the bank of his choice any other guaranty for the return of his money than the one he makes himself when he becomes the creditor of the bank by depositing his money; and in principle, so far as he is concerned, I can see no difference in this attempt to protect him by providing that the Government will guarantee the return of that money from the Government guaranteeing the return of money that he loans a farmer when he takes a mortgage upon the land of the farmer for a return of his deposit with the farmer. In principle, so far as this individual is concerned, there is no difference in the two cases.

This idea that a man who parts with his money must have a guardian in the Government of the United States—or in the State, as some of the Senators have argued, with the State banks to insure a return on the contract that he makes when he makes his deposit—is rank socialism. It destroys all individual responsibility in the depositor.

Mr. BEVERIDGE. Will the Senator from Illinois pardon me? The Senator would not follow that argument out to its logical conclusion, because if he did he would abolish bank examiners and everybody else and let the depositor depend upon himself for the security of his deposit. The argument goes a little too far.

Mr. HOPKINS. It may to the Senator's mind, but it does not to mine.

Mr. BEVERIDGE. I think it does to many.

Mr. HOPKINS. Men may differ on that; but to my mind it does not, and I will tell the Senator why it does not.

Mr. BEVERIDGE. I will be glad to hear the Senator.

Mr. HOPKINS. Of course we have bank examiners, but we know there are different characters of banks, so far as the safety of the management is concerned, and it is left to the depositor which bank he will select. If you are about to make a deposit, you will inquire as to the character the bank has established in the community. If the president of the bank is a man who engages in speculation, a wild plunger, and you believe that the various bank officers gamble, you are not going to deposit your money in the bank, although it is subject to the inspection of the examiners sent out by the Comptroller.

The greatness and glory of our country is due to the individual efforts of its citizens and the responsibility that each assumes for his conduct in life. The stronger that individuality is developed in the citizen the surer he is of making a success in any undertaking in which he engages. That individual responsibility which is assumed and exercised by the citizen is an American characteristic. Our people are bold and aggressive, self-confident, and self-sustaining. The young man who leaves his paternal home and starts to seek his fortune for himself never thinks of depending upon others or upon his Government for his career. He marks that out for himself and realizes that his success is measured by the individual efforts that he puts forth. If he has the ambition of the average American boy, he is sure to meet with success in whatever calling he engages. Take that feeling from him and he simply becomes a machine; destroy that principle and you take the first step in making a nation of slaves instead of having a nation of freemen.

Now, I hold, Mr. President, that a man who has accumulated money more than is necessary for his daily needs and desires to make some arrangement for the protection of his surplus capital should be put in a position where he should exercise judgment and discretion of his own; that he must look ahead and see if the men to whom he loans the money, if the money is to be loaned, are financially responsible, so that the loan will be returned when the note that is given to evidence it matures; that if he invests it in any industry he should use judgment and discretion to see whether that industry is to be a going concern or is about to collapse financially; and if he desires to place it in a bank, as many prefer to do, and receive interest upon his deposit, that he must exercise that same discretion and judgment with respect to the bank that he selects to make this deposit. He enters into a contract with the bank precisely as he enters into a contract with the farmer if he loans him the money, or the manufacturer if he loans it to a manufacturer, or uses it in any other commercial way.

We should not forget in the discussion of this problem that these banks where these deposits are made are commercial banks; that they are organized primarily for the purpose of making money for the incorporators and the stockholders, and that this money is received by the bank for the purpose of being used by it in a commercial way to make money for the stockholders. If the man is foolish enough to put his money in a bank that engages in high finance, let him take the responsibility under the law with the men with whom he deals, precisely as he must take the consequences if he loans it to a manufacturing institution that is unable to repay him or to a farmer whose land is inadequate in value to repay principal and interest.

Then, again, Mr. President, this idea of guaranteeing the funds to the depositor at once destroys all differences that exist in the national banks of the country and places them upon a dead level so far as the return of the depositor's money is concerned. You put the Government of the United States in a position where every depositor in a national bank feels as he does in holding the note of a bank that that money will be returned to him by the Government of the United States if not by the bank, and by that one act you destroy everything that has been gained by the conservative, skillful, and far-sighted banker.

The depositor has no motive to search out the bank that is the most conservatively run; he has no motive to select the bank with the best capital and surplus; he has no motive to select the bank that makes the safest use of the funds that are deposited with it. Why should he? The Government of the United States has become his guardian. The Government of the United States will see that his $100 or his $1,000 or his $50,000, as the case may be, is returned to him with the interest that is guaranteed by the bank, if he deposits it with the first bank that he reaches on the street. It makes the butcher as good a banker as the man who has had a life training in the banking business. It makes the plunger at the head of a national bank as safe for all depositors as it does the most careful and prudent banker that has been developed in the banking business in this country.

Figures have been cited again and again during the discussion under the pending bill showing the small losses that depositors have sustained from the failure of national banks during the forty-odd years of our national banking existence, and arguments have been made from these figures to the effect that the burden upon the good banks will be light and that the losses will be still smaller if the depositors are guaranteed the return of their funds. Mr. President, I take an exactly opposite view. The reason that the losses have been so small is because the officers and stockholders of the banks are respon-

sible to their depositors. The stockholders in electing their boards of directors have been careful to select men of banking experience, of conservative habits, and of broad financial views. These directors in selecting their president, vice-president, cashier, and other officers have endeavored to select the most skillful, the ablest, the most experienced men that this country affords, and it is because this spirit of rivalry which is bred from responsibility has brought about the splendid results that have been cited here again and again on the small losses that depositors have sustained from the national banks.

A man at the head of a great national bank like those in the city of Chicago or New York or any of our great cities not only feels the responsibility that he owes to his stockholders and directors and the depositors, but he takes a pride in showing to the people of the city in which his business is located and to the country that he is operating a bank upon the highest and best banking principles that are possible to be developed. He feels that he is making a reputation that will not only reflect credit upon the bank of which he is the head, but a record that will be of material benefit while he lives and a legacy to his children when he dies. Let the Government of the United States, as is proposed in these several amendments in one form or another, have the depositor's funds guaranteed and put the Government of the United States in a position where it will stand sponsor to the depositor for the safe return of that money. Put this banker that I have just described on the same level with the butcher who happens to be at the head of a national bank organized after this amendment shall become a law, and what incentive has he to develop the qualities of a great banker? What motive has he to establish the qualities of a great banker? None whatever. His object will be to make money for his bank, to take chances that he never would under other conditions, to become a plunger. If he is successful, big returns will come to him and those associated with him in the bank; if he fails, the Government will take care of the depositors who have furnished the money through their deposits to engage in his high finance.

There is another thought, Mr. President, in connection with this that I desire to call to the attention of Senators and of the country, and that is this: That national and other banks that are conservatively run and have been in existence for many years acquire a reputation that is of infinite value. That reputation becomes a part of the assets of the bank itself. I know in the city of Chicago there are banks whose stocks are selling all the way from 100 to 150 per cent above the par value of the stock and from 50 to 100 per cent above the book value of the stock.

Now, this 50 to 100 per cent above the book value is due to the reputation that the bank has acquired by its long conservative service in the city, and that much added value to the stockholders is assured to them by reason of the high-grade banking qualities that have always been exercised by the officers of the bank. You let the Government say to the depositors of a bank that has just started, and whose value of the stock is not above its book value—let the Government say to the depositors and to this bank that their deposits will be guaranteed to them by the Government, and it makes no difference which bank they go to, they are perfectly safe, and it will at once destroy the 50 or 100 per cent, as the case may be, of the stock value of the old and conservative and well-established bank, and bring it down to the actual book value. This is an injustice to every stockholder of the old, conservative bank.

Again, the bank with a large capital and large surplus will have to bear an unequal burden under all of these various amendments that have been offered with the smaller bank if the Government by any method guarantees the depositors, and the tendency will be that if these amendments should be adopted and become the law, the banks, instead of increasing their capital stock and attempting to increase their surplus, will reduce their capitalization and in a great measure hamper and retard the commercial business of the country. The trade conditions have so changed within the last twenty years that business would be very much hampered and retarded if our national banks with a large capitalization and large surplus were to reduce the capitalization, as the tendency would be for them to reduce if these amendments or any of them that look to the Government in any form guaranteeing the depositors, should become the law.

Again, Mr. President, a large part of the deposits are simply matters of credit. If a man goes to the bank and gives his individual note for $5,000, he is given a credit at the bank for that amount, if he does not desire to take the money away with him. The bank may take his unsecured note. Is it not a manifest absurdity to say that where he makes a contract with the bank of that character, that not only the bank should be responsible to him but the Government also, for the $5,000 that he leaves to check against in the bank?

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Indiana?

Mr. HOPKINS. Certainly.

Mr. BEVERIDGE. First of all, I do not want to be understood by any question I may ask as indicating my position on the bill, as against the bill or for the bill or anything else. I have listened with the greatest interest to these speeches, and particularly to the speech of the Senator from Illinois, which is a model of lucidity and information. He has spoken about the high reputation of the banks in New York, in which I concur. I suppose the city of Chicago is perhaps the second or third largest in the country in banking. Merely for information, I would be glad to know how the larger banks in Chicago stand in reference to this bill. That is brought to my mind by the fact that the Senator referred to one of the largest banks there.

Mr. HOPKINS. I do not know a bank in Chicago or Illinois that favors guaranteeing deposits.

Mr. BEVERIDGE. No; I mean to say the main bill itself.

Mr. HOPKINS. There is a division of sentiment there. The president of the First National Bank favors another kind of legislation than this. He favors the central-bank system, but Mr. Dawes, who, in my judgment, is one of the ablest bankers there is, not only in Chicago, but in the country——

Mr. BEVERIDGE. I agree with the Senator——

Mr. HOPKINS. Says this is the best legislation it is possible for Congress to provide, and that he approves of it in general and in all its details.

Mr. SMITH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Michigan?

Mr. HOPKINS. I do.

Mr. SMITH. Does not the banker, to whom the Senator refers, go even further than the Senator has indicated? If I understood the communication, which has been generally published from Mr. Forgan, who is recognized as one of the most prominent bankers in the West——

Mr. BEVERIDGE. He is the president of the First National.

Mr. KEAN. He has a plan of his own.

Mr. SMITH. If the Senator will permit me, if I understand the attitude of Mr. Forgan, he has not only a plan of his own, but it is in direct antagonism to the railroad and municipal features of this bill.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Carolina?

Mr. HOPKINS. Yes.

Mr. ALDRICH. I should like to have the Senator from Illinois yield to me.

Mr. TILLMAN. If the Senator from Illinois will permit me, I do not want to interrupt him long enough to have it read, but I should like to have printed in the RECORD the article of Mr. Forgan on the Aldrich bill, opposing it and opposing the guaranteeing of deposits. I should like to put it in as a part of the literature.

Mr. HOPKINS. You can put it in, but not as a part of my speech.

Mr. TILLMAN. Will you let me put it in as an appendix to your speech——

Mr. HOPKINS. No.

Mr. TILLMAN. As showing how thoroughly you are in accord with your dear friend Mr. Forgan.

Mr. HOPKINS. It may be that the Senator's action as a Senator is based upon his personal relations with his constituents. I am acting for the public, and if in my judgment legislation of this kind will benefit the 85,000,000 people in this country, I shall stand for it regardless of whether one or more of my constituents happen to oppose it. I believe that the concensus of opinion among the 85,000,000 people is better than the judgment of one man.

Mr. TILLMAN. If the Senator will permit me——

Mr. ALDRICH. Will the Senator from Illinois allow me——

Mr. HOPKINS. I yield to the Senator from Rhode Island.

The VICE-PRESIDENT. The Senator from Illinois yields to the Senator from Rhode Island.

Mr. ALDRICH. The great banks of the great cities of the United States are fortunately or unfortunately opposed to this bill. Whether Mr. Forgan's opinion is any better than that of the Senator from South Carolina I do not know. I know that the committee have prepared and presented a bill which they believe to be in the interest of the people of this country. Whether Mr. Forgan, or any other banker, opposes it or not is of itself a matter of indifference to me, nor does it affect my judgment. I take it for granted that the Senator from South Carolina in proposing to publish this statement in the RECORD is not vouching either for its wisdom or the accuracy of its statements.

Mr. TILLMAN. Undoubtedly not; I was merely illuminating the situation, as I supposed, by bringing in the views of one of the most distinguished banking constituents of the Senator from Illinois——

Mr. ALDRICH. I am a little surprised that the Senator from South Carolina should be appearing here now as the advocate and representative of the bankers of the country.

Mr. TILLMAN. I am not posing as anything. I am trying to bring in his criticism.

Mr. HOPKINS. Mr. President, I desire to proceed.

The VICE-PRESIDENT. The Senator from Illinois declines to yield further.

Mr. TILLMAN. I will get this in right after the Senator gets through, if I am allowed to.

Mr. HOPKINS. I have no objection to the Senator from South Carolina putting that into the RECORD, or having it bound and carrying it around with him by day and by night. That is a matter of absolute indifference to me.

Mr. TILLMAN. If the Senator will permit me——

Mr. HOPKINS. Mr. President, I decline to be interrupted in the course of my discussion by an irrelevant matter like that.

The VICE-PRESIDENT. The Senator from Illinois declines to yield.

Mr. BEVERIDGE. Let me say a word.

Mr. HOPKINS. I wish the Senator would let me go on.

When I was interrupted I was discussing the matter of the deposits in national banks.

John J. Knox, in his work entitled "History of Banking," has recorded the sharp methods that were adopted by so-called "bankers" under the guaranty of depositors as practiced in the State of New York. The law looking to the guaranteeing of the depositors was safeguarded in all reasonable ways, but experience taught the people of that State that such legislation was fundamentally wrong, and it resulted in the end in disaster, as it would result in disaster from the national standpoint if it should be adopted as a part of the principle of our national banking legislation.

I have thus far, Mr. President, spoken only of national banks. What would be the effect of legislation of this kind on State banks, savings banks, private banks, and loan and trust companies doing a banking business? There are at the present time in this country 1,141 private banks with a capitalization, including surplus, of $32,467,401; 794 loan and trust companies doing a banking business whose capitalization, including surplus, aggregates $645,432,749; 1,415 savings banks with a capitalization, including surplus, of $235,444,984; and there are 9,967 State banks with a capitalization, including surplus, of $664,250,498. In other words, there is a banking capital in this country, outside of national banks, of $1,577,595,632. These banks have deposits that aggregate $8,776,755,207. Here are 13,317 banks with a capitalization greater than all of the national banks combined that would not be affected by the amendments that are suggested to become a part of the proposed bill. It stands to reason, Mr. President, that if the Government guarantees depositors in national banks, it would have an immediate and serious effect upon all of these State, private, and savings banks. If the theory advanced by the friends and advocates of the Government guaranteeing depositors in all national banks be correct, it would drive the $8,776,755,207, now deposited with these banks, into the national banks or into other channels of trade and would very seriously curtail the banking facilities in all of the States and Territories.

The figures that I have here given show clearly that the national banks hold but little over half in the way of deposits that are held by State, private, and savings banks and loan and trust companies, and that the national banks in number are only a little over one-half the number of these other classes of banks I have just named.

It is impossible to forecast with any degree of accuracy what the result will be upon the commerce and trade of the country to create the conditions in our banking system that the adoption of these proposed amendments, guaranteeing depositors in national banks, would produce. It certainly would unsettle business in a marked degree, and that would very materially affect all trade and commerce.

The advocates of the Government guaranteeing deposits in all national banks say that the States would be compelled to guarantee deposits in all State banks. Will these same advocates go far enough to say that depositors should have their deposits guaranteed in private banks or in loan and trust companies or even in savings banks? These deposits in these three classes of banks aggregate a larger sum than the aggregated deposits in all of the 6,625 national banks. There are $151,072,225 deposited in private banks in this country; $2,061,623,035 deposited in loan and trust companies, and there are $3,495,410,087 deposited in savings banks. Certainly no State would undertake to guarantee depositors in any one of the three classes of banks that I have just named.

I doubt very much, Mr. President, if the conservative States would be willing to follow the example of Oklahoma and through their legislatures pass laws to guarantee to the depositors the $3,068,649,860 that are deposited in the State banks in the various States in the Republic. The question of following the example of Oklahoma was recently presented by the governor of Kansas to a legislature convened in extra session for the purpose of considering, among others, this very subject. The level-headed, honest-minded, and far seeing men of that State opposed the unsound scheme that is a part of the laws of Oklahoma, and adjourned the legislature without passing any laws guaranteeing depositors in State banks.

In my judgment, the example of Kansas will be followed by the various State legislatures in this country, rather than the example of the legislature of Oklahoma, and that the more this question is discussed and the more thoroughly it is understood by the people the stronger will be the sentiment against giving a man who makes a contract with a private or State bank, or a national bank, advantages and privileges that are denied to another citizen who makes his contract with a farmer, a merchant, a manufacturer, or a person engaged in any kind of business.

There is no more reason why a man should be guaranteed the return of his funds, that he places under contract with a State or national bank, than there is that a person should be guaranteed a good crop return who makes his investments in planting his crops, hoping that the season will bring forth a bountiful return. The man that deposits his money in the bank under a contract should himself assume whatever hazard there is in getting that money back, precisely as the farmer has to assume the hazard of the expense and time and labor that he is put to in planting and sowing his crop in the spring, hoping for the return in midsummer or fall. The elements may be against him and he may get little or no return for his investment. Nobody is so wild as to contend that the Government should insure him that the elements will be so favorable as to give him a fair return on his investment. Why should the man who has a surplus, with which he can make a contract with the bank and deposit that surplus, be made a ward of the Government to the extent of having his investment returned to him?

Mr. President, these proposed amendments can not be defended either on reason or precedent. They are dangerous in that they lead to the rankest kind of socialism. They are in opposition to the fundamental principles of our constitutional form of government. From a banking standpoint they are rank heresy.

It is contended, however, by the advocates of these amendments to guarantee depositors in all national banks that they will provide against financial panics and insure against a run by the depositors on the banks. It seems to me that he who advocates that guaranteeing deposits will provide against financial panics has read the financial history of his country to little purpose and has paid but little attention to the principles of political economy that in the last analysis govern and control all these questions.

Financial panics are not produced by depositors withdrawing their funds from banks, either State or national. The action of depositors in withdrawing their funds from a bank is only one of the evidences that a financial panic is already upon the community or the country. Financial stringency and, indeed, panics are incident to all commercial countries. They are an inevitable part of the commercial history of every civilized nation. That they have been more frequent in this country than others is due to the fact that we have developed more rapidly in population, in industries, and commerce and trade than any other civilized country. We have had periods of wonderful growth and development in an industrial and commercial way and have periods of stagnation and depression, due to causes entirely other than those relating to banks or currency. Indeed, Mr. President, I think the candid student of the financial and industrial history of this country will say that the panics of 1837, 1857, 1873, and 1893 were due more to industrial causes and to legislation of an industrial character than to any other causes. You might as well say that a man can throw himself over a high board fence by pulling at his boot straps as to say that guaranteeing the depositors a return of their money by the Government will prevent financial and industrial panics in the future.

I doubt, Mr. President, if legislation can wholly prevent a panic. It can mitigate its hardships. It can temper the storm, but it can not reduce conditions to that dead level that will guarantee to the American people that they never again shall

see a recurrence in some form or other of the experiences that we have had at stated periods during the history of our country. All the currency that there is in this country forms but a very small percentage of the circulating instrumentalities that are used in carrying on the commerce and trade of the country. I think I am safe in saying that the aggregated currency of this country would not exceed 5 or 6 per cent of the instrumentalities that are used in our trade and commerce. From 93 to 97 per cent of the business is conducted by means of checks, drafts, bills of exchange, and promissory notes.

In considering this subject we should not confound capital with credit. Capital represents money and tangible property. Credit represents a loan of capital, and that credit of necessity is multiplied many fold in the checks, drafts, bills of exchange, and promissory notes. Whenever that credit system reaches a point where the owner of the capital doubts the ability of the debtor to make good, then the initial period has been reached that, if not tided over, may lead to a financial storm.

While the wealth of our country in the last ten years has increased enormously, the truth is that it has not kept pace with the credit that has been given on this capital, and the money of the country has not increased in the proportion that the business of the country has increased. So that by reason of that fact more credit has had to be extended and a larger volume of business has had to be done on the credit system than safe banking would warrant.

In 1898 the circulation per capita of money in this country was $25, in round numbers. In 1906 it was $32, and that has been advanced in the arguments under the pending bill as a reason why there is plenty of money in this country if it could be kept in circulation. The truth is, Mr. President, that while the money in circulation has been increased per capita from $25 to $32 the business of the country has increased many fold more than the increase in the currency. In 1898 twenty-seven eastern cities reported their clearings as equaling, in round numbers, $52,000,000,000. The same cities in 1906 reported clearings of business to the amount of $126,000,000,000. This shows that for this period there was an increase in the business equal to 122 per cent, or more than four times as great as the increase in the money circulation.

For many causes which are unnecessary for me to explain on this occasion, even if I could, this increase of the credit system created apprehension in the minds of the financiers of the country, and when they undertook to curtail the volume of business that was daily transacted in the various cities of this country, by refusing loans at the banks and calling in some of those that had already been made, conditions were produced that led ultimately to the failure of some of the more poorly managed banks in New York City and drove the others to shut their doors and resort to clearing-house certificates in order to protect the financial integrity of the banking system of this country.

Now, this, in my judgment, Mr. President, would have happened had every depositor in every State and national bank been guaranteed the return of his money. When the banks of New York closed their doors to their customers and refused currency to their correspondents throughout the Middle West and the South and the great West, there had been no run upon any of the great banks in Boston, Philadelphia, Pittsburg, Baltimore, Chicago, or any of the western cities. It had been limited to a few banks in New York City, and, indeed, the great and well-established banks like the First National Bank and the National City Bank, the Hanover Bank and the Chase Bank and others, had no calls from individual depositors that would have disturbed the banking conditions of any of those banks. But with the credit system impaired to the extent that checks, drafts, bills of exchange, and promissory notes could no longer carry on the business of the country, or 95 per cent of it, the result was inevitable that we should have a financial panic. That condition was controlled by the banks issuing clearing-house certificates and by the prompt and patriotic action of the Secretary of the Treasury. And whenever, Mr. President, a similar condition arises in this country where the credit portion of the instrumentalities by which the business of the country is carried on is impaired, it will produce like results regardless of the question as to whether the deposits in the banks are guaranteed to the depositors or not.

Runs on banks by depositors occur only when the depositors get into a hysterical and abnormal condition of mind. When any man who has deposited his funds in a bank can reason calmly and clearly on the situation that confronts him he will not help to make a throng of depositors who fight and scramble at the bank's doors to get into the bank and demand their money.

The instances are very few, indeed, since the establishment of our national-bank system that would warrant a run upon a national bank. Indeed, where the bank is managed within the limits of the law, no occasion can arise that would warrant a run upon the bank, and yet we do know that from time to time such scenes have been enacted and that banks have been compelled to shut their doors because of the unreasoning clamor of depositors for the immediate payment of their money. Whenever a condition arises in a community where there is a State or national bank that leads the depositors to believe that their funds are not safe in the bank, they will not stop to think that the Government will ultimately pay them if the bank does not, but each depositor will seek to reach the bank's doors before other depositors and withdraw whatever money he has in the bank for immediate use.

Depositors all recognize that while the Government, under the policy advocated by those who favor guaranteeing the depositor's funds in the bank, will ultimately pay them, they must wait some time before they can receive the money from the Government. Every man who becomes so hysterical or abnormal mentally as to desire the return of his money gets in a condition where he can not reason correctly on this questions, and will demand the immediate return of his money, even if he were sure that by waiting three days the Government would turn it over to him.

Many banks that receive deposits make a contract with the depositor that they shall have thirty or sixty and some ninety days after a demand for the return of the money is made before the money can be paid over. Such a bank, where a run is made upon it, finds the most clamorous depositors are those who have contracts of these time limits. That time limit has no influence with the depositors whatever. They simply go there in this hysterical state of mind and demand their money as they would go to the bank and demand it if it was guaranteed by the Government.

Guaranteeing by the Government private depositors is not only fundamentally wrong, considered from every standpoint, both financial and economical, but it would not produce the results that are contended for by the advocates of such a system. I feel sure that the more Senators reflect upon this subject the less inclined they will be to adopt this heresy—I can call it no less—and make it a part of the banking laws of our country.

It seems to me, Mr. President, without taking any further time, that the wise and the sensible thing for the American Congress to do is to enact this bill into law and provide the banks with this $500,000,000 of additional emergency currency. That, in my judgment, will do more to stop panics of the character we have just passed through than anything which can be advanced by any other kind of legislation that has been proposed.

Mr. WARREN obtained the floor.

Mr. TILLMAN. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from South Carolina?

Mr. TILLMAN. I want to have a little article read and put in the RECORD.

Mr. WARREN. I am going to call up a bill from the Calendar.

Mr. TILLMAN. I will put it in when you call it up. Get up the bill if you want to.

Mr. WARREN. I desire to call up the bill (S. 4030) to fix the pay of the Army.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming?

Mr. CURTIS. I have an amendment pertaining to that bill.

The VICE-PRESIDENT. Is there objection to the request?

Mr. CURTIS. I have no objection to taking up the bill, but I want to submit the amendment.

The VICE-PRESIDENT. The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from South Carolina?

Mr. WARREN. I do.

Mr. TILLMAN. Mr. President, of course under our admirable system of rules here we have always found that we can discuss any question we please on any bill pending regardless of the association of ideas or the connection between the two. I do not intend to discuss the financial situation on the Army bill, but having been refused a moment ago the privilege of inserting in the RECORD a very interesting and illuminating document, I ask that it be read from the desk now for the information of the Senate, beginning at the cross mark and ending at the cross mark.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

MY DEAR SENATOR HOPKINS: I have your favor of 7th inclosing a copy of Mr. ALDRICH'S bill to amend the national banking laws, of which you desire my opinion. It seems to me the national-bank act itself might with good reason have been entitled "An act to provide an artificial market for Government bonds," and that this proposed amendment might with equally good reason be entitled "An act to provide an artificial market for municipal and railroad bonds." I can imagine no other motive for its enactment than an attempt to enhance the value of the bonds referred to, but I am doubtful if ultimately it would be effective in accomplishing even that, because I do not believe the banks will avail themselves of it, and it will become a dead letter.

No bank, from the standpoint of its credit in its own community, could individually afford to avail itself of the privilege of taking out circulation at a cost of at least 7 per cent (in addition to the 6 per cent tax there would, of course, be the ordinary expense of printing, transportation, redeeming, etc.). If it ever should be used it would have to be on the united action of the banks in a particular clearing-house association or community. I would even be doubtful if any reserve clearing-house association outside of New York City would care to take it out without the cooperation of all the reserve cities in the same section of the country. The taking out of such a currency would be notice to each community using it that an emergency exists, and the public would act as they always have and always will act whenever it becomes generally known that an emergency exists. They would start to withdraw their money from the banks and hoard it.

But a more important and more radical objection is that the use of it would cripple the national banks (which are 99 per cent commercial banks) in their ability to accommodate their commercial customers. In order to get the necessary bonds to pledge as collateral security for it they must before getting it invest at least 133 cents for every dollar of it they take out. Whereas, if instead of investing in such bonds they should loan their money direct to their commercial borrowers it is self-evident they would have 33 per cent of the amount invested available for such loans.

Further, it is a fact that national banks do not invest except to a very small extent in such bonds. As a rule, they can not afford to and, being commercial banks, they naturally use their money for the direct benefit of their commercial customers. I have the honor to preside over the largest bank outside of New York City. We carry as an investment a very small amount of such bonds. When the recent currency stringency struck us we took out $3,000,000 of additional circulation and received on deposit some of the money distributed by the Government for the benefit of the general situation, but as shown in our statement we had to borrow nearly all the bonds used by us for that purpose.

Other banks did likewise, as this was the only basis on which we could afford to use them. It cost us an average of 2 per cent to borrow them. This is what the national banks would invariably have to do before they could avail themselves of such a currency, and it would add to the expense of the circulation this additional 2 per cent, making its use cost 9 per cent.

In a money stringency, with its shattering of public confidence and curtailment of credit, in what condition would the banks be to help their customers if they themselves are obliged to borrow currency at 9 per cent? They might do something to help speculation in Wall street, where alone money reaches such exorbitant rates. They could do nothing for the support of their commercial customers.

The principle of the proposed legislation is directly the reverse of what it should be. Something should be done to avoid emergencies and to enable banks to tide their customers over periods of depression. This can not be done by issuing emergency currency, the very name of which is enough to breed a panic, nor by exorbitantly taxing the banks in the exercise of their legitimate functions.

There are many other matters in connection with this currency question involving economic principles which are as immutable as the laws of nature, and which are directly opposed to the method of providing a circulating medium proposed in the bill, but I have not time at present to go into a complete discussion of these questions.

I should like to show that the currency so issued is absolutely without the element of elasticity in any possible meaning of the word. No currency can be elastic that is issued to the banks before it is issued by the banks, as no such currency can possibly adjust itself in the volume of its circulation to the actual daily requirements for it in commerce.

Elasticity is the daily adjustment of the volume of the circulating medium between the banks that issue it and the public that uses it. There can be no such adjustment in connection with the currency proposed. The circulation, arbitrarily fixed in volume, of a secured currency is one principal cause now of the periodical panics which occur in this country, and to add such an emergency currency as is proposed, similarly secured, seems to me to be an operation not unlike the bringing of a drunken man full of whisky a dose of brandy to sober him. This illustrates, from my point of view, just what the effect on the financial condition of the country will be by injecting or attempting to inject into the currency a circulating medium such as is proposed. It would aggravate any condition of emergency existing instead of correcting it, and the use of it would produce an emergency, even when none existed.

You also ask me if I am opposed to the Government guaranteeing bank deposits and if I will give you my reasons therefor. I am very decidedly opposed to such a proposition, and my reason is that if the Government is going to guarantee the deposits of all the banks, it completely eliminates the necessity of the public discriminating between one bank and another. The old established bank with a record of many years of conservative management and accumulated strength would become just the same in the eyes of the public as a bank in the hands of speculators or incompetent or dishonest managers—

Mr. ALDRICH. I do not know how long this communication is. I suggest that it may be printed without being read.

Mr. TILLMAN. It is nearly finished.

Mr. ALDRICH. It is nearly 2 o'clock. I suggest that it be printed without being further read. I presume the Senator from South Carolina will be satisfied with that.

Mr. TILLMAN. I do not think the Senator from Rhode Island ought to have the only say, without allowing me to say anything.

Mr. ALDRICH. Certainly not.

Mr. TILLMAN. I will have it read, or I can read it myself whenever anything else comes up.

Mr. ALDRICH. I certainly would not interfere with any of the friends of the Senator from South Carolina.

Mr. TILLMAN. These are not my friends.

Mr. ALDRICH. But I suggest that the rest of the paper may be put in the RECORD without reading.

Mr. TILLMAN. I merely want to point out the inconsistency of the Senator from Illinois [Mr. HOPKINS].

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 3023) to amend the national banking laws.

Mr. ALDRICH. I understand the Senator from Wyoming desires to proceed to the consideration of the Army pay bill.

Mr. TILLMAN. Please let the reading be finished now. It has got back into its native water of finance. It was entirely apart from the Army pay bill, but I could not help myself.

Mr. ALDRICH. I suggest that the Senator from Idaho [Mr. HEYBURN] is prepared to go on with his speech on the unfinished business, and I think that is quite as important to the Senate as the reading.

Mr. TILLMAN. That may be; but I think it is very important that this paper shall go in, and I intend that it shall get in in my own way. The Senator from Rhode Island need not undertake to dictate to me what I shall do. He can do that on the other side of the Chamber, but, thank God, this side is not ruled by him.

Mr. WARREN. Mr. President, having the floor a short time ago on the Army pay bill, I was glad to yield to the Senator from South Carolina to insert what he desired in the RECORD. I hope that his insistence is not going to throw over this bill, which I desire very much, for several reasons, to dispose of to-day.

Mr. TILLMAN. Not in the least. It has already gone over. The Senator from Rhode Island can give away by asking that the unfinished business be laid aside temporarily.

Mr. ALDRICH. I am quite willing that the bill suggested by the Senator from Wyoming should be taken up, provided the debate is not too long. I think in justice to the Senator from Idaho, who has been waiting for some time to make his speech, and who wants to make it this afternoon, he should not be delayed for any considerable length of time.

Mr. WARREN. I agree with the suggestion made by the Senator from Rhode Island, and I should deem it a courtesy on the part of the Senator from Idaho if he will allow us to go on. If the bill leads to extensive debate, I shall be willing to let it go over and permit the Senator to go on with his speech.

Mr. ALDRICH. If it leads to debate, I shall ask the Senate to proceed with the unfinished business.

Mr. WARREN. I say limited debate, not extended debate. I am willing to leave it in the hands of the Senator.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. DEPEW. Before that is put, I simply want to give notice that on Friday, the 6th, I will address the Senate on the financial bill, immediately after the morning business.

The VICE-PRESIDENT. The Senator from Wyoming asks that——

Mr. TILLMAN. Do I understand that the Senator from Rhode Island has made a request that the unfinished business be laid aside? I object.

The VICE-PRESIDENT. Objection is made.

Mr. ALDRICH. Then the Senator from Idaho will go ahead with his speech.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. The Senator from Idaho.

Mr. TILLMAN. I am on the floor already.

The VICE-PRESIDENT. The Chair recognized the Senator from Idaho upon the unfinished business.

Mr. TILLMAN. I will ask the courtesy of the Senator from Idaho to allow the reading of the article to be concluded.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. Yes; I understand it is very short.

Mr. TILLMAN. There is very little of it left.

Mr. HEYBURN. I yield for the purpose of finishing the reading.

The VICE-PRESIDENT. The Secretary will continue the reading.

The Secretary resumed and concluded the reading of the paper, as follows:

Ultimately the banks honestly managed would have to pay for the escapades of the dishonestly managed banks, and there would be no merit in excelling in conservatism or ability in management. It would be introducing into the banking business of the country the grossest error that now exists in connection with labor unions. It would reduce all bankers to the same level, and there would be absolutely no reason why anyone should not drop into the first bank he came to to deposit his money.

The Government being responsible for the deposits puts all on an equality and makes all equally good. Besides this, I think it would be practically socialism for the Government to undertake the guaranteeing of the enormous deposits in the banks. The stockholders of the banks supply the capital, and under the law are liable for double the amount of the capital subscribed. They have been accustomed to get for supplying this guaranty to depositors all the profits that can be made in the business.

Why the Government should similarly guarantee deposits, even if the banks are taxed for it without getting the profits in the business, I can not see. If the Government is going into the banking business to the extent of guaranteeing all the deposits, it had better go into it direct and make all the profits that can be made out of it.

I have had to hurriedly dictate these opinions, and they are probably not as clearly or as well expressed as I would like to express them had I more time at my disposal, but I think they will indicate to you my conclusions and to some extent at least the reasoning which has led me to them.

Very truly, yours, JAMES B. FORGAN.

Mr. TILLMAN. Now, with the indulgence of the Senator from Idaho, I will take just a moment. I just want a little time to comment. I will not consume more than a moment.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. I yield to the Senator.

Mr. TILLMAN. I want to say, Mr. President, this man Forgan is president of the First National Bank of Chicago, with a capital of $8,000,000, a surplus of $6,000,000, and deposits amounting to $97,500,000.

I want to say further that the Senator from Illinois [Mr. HOPKINS], who objected to this letter going in, as I recall, something over a year ago, when I introduced a resolution calling upon the Committee on Finance to investigate the transactions of the Chicago clearing house in connection with the Walsh banks and the Walsh bank failure—Mr. Forgan, as the head of the clearing-house association, had taken certain action in that failure which I regarded as unwarranted and unlawful—the Senator from Illinois bore witness then in a most eloquent and impassioned way to the financial skill, wisdom, and ability of Mr. Forgan and his associates. My efforts to strengthen the banking law at that time were rendered futile by the action of those who are in control here. Mr. Walsh has been convicted of various crimes against the law in connection with the running of his bank, and the Senator from Illinois is to that extent discredited as——

Mr. ALDRICH. Mr. President, I hope the Senator from South Carolina will wait for the presence of the Senator from Illinois.

Mr. TILLMAN. The Senator from Illinois knew this was coming up. I gave him notice. I am not attacking him at all. I have no feeling in the matter, and I do not see why I should not say what I want to say. I am not going to be discourteous to the Senator from Illinois.

Mr. ALDRICH. The language of the Senator from South Carolina seemed to be more or less in the nature of——

Mr. TILLMAN. I simply said the Senator from Illinois was discredited in his attitude then as compared with his attitude now.

Mr. ALDRICH. I hope the Senator will not indulge in that kind of language in the absence of the Senator from Illinois.

Mr. TILLMAN. Then I yield to the superior wisdom and discretion of my distinguished friend from Rhode Island, and will say nothing more about that. I simply call attention to the fact, however, which I hope is entirely proper, that the language of Mr. Forgan in regard to this being "practical socialism" was considered so wise by the Senator from Illinois that he used the same phrase to-day in his own speech and indorsed that part of this letter.

Now, I am not concerned about this little racket between the high financiers of this country, my friend from Rhode Island, and my friend from Illinois, and the banker in Chicago. They disagree about how this disease shall be cured. I am only concerned that we shall get some legislation here, if we have any at all, that will not increase facilities for stock gambling in New York, that will not enable the New York bankers, under this or any other scheme which we shall evolve here, to draw on the Treasury for currency under one scheme or another and then levy tribute upon the South and West in the way of charging additional interest when we might be allowed under some safe and honest plan to get the currency direct to our own States without having to go through by New York and pay toll. That is all I am after.

I want to say further, I entirely disagree with the idea of asset currency, which is the basis of the argument made by Mr. Forgan.

Mr. HEYBURN. Mr. President——

Mr. BAILEY. Will the Senator from Idaho allow me a moment?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. TILLMAN. I want to thank the Senator from Idaho for his courtesy, and I hope I may have the opportunity sometime to reciprocate.

Mr. HEYBURN. I am glad to have yielded to the Senator from South Carolina.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Certainly.

Mr. BAILEY. Mr. President, the Senator in charge of this bill has not yet indicated to the Senate when he expects to have a vote on it, but assuming that he hopes or expects to take that vote next week, in order that no other Senator may be inconvenienced by the arrangement, I desire to say that on Monday at 2 o'clock——

Mr. HOPKINS. Will the Senator allow me a minute?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Illinois?

Mr. BAILEY. Certainly.

Mr. HOPKINS. I was not in the Senate when the Senator from South Carolina was making some remarks, but if there is anything of a personal character, I would like to know the nature of it.

Mr. TILLMAN. Mr. President, I disclaim any personal allusions to the Senator from Illinois. I was simply saying that in the discussion had something over a year ago about the action of the Chicago clearing house taking over the assets of the bankrupt Walsh banks I had commented on the conditions there, and the Senator from Illinois vouched for the wisdom and prudence of this very man Forgan and his associates, and that he now occupies a different attitude. There was nothing in the world to give offense to the Senator had he been present, I hope. I intended no offense.

Mr. HOPKINS. Of course I was not in the Senate Chamber while the Senator was speaking. If there was anything of a personal character said by him, of course I wanted to know what it was, so as to know what my reply would be. I accept the Senator's statement.

Mr. TILLMAN. The Senator can get the record from the reporter if he desires.

Mr. HOPKINS. Oh, no; not at all. I will say to the Senator from South Carolina that my respect for Mr. Forgan, of the First National Bank, is not diminished at all from what I entertained for him and his good will.

Mr. TILLMAN. Only loss of faith in his wisdom now.

Mr. HOPKINS. I have not lost faith in his wisdom; not at all. In the management of the banks there a year ago—in the interests of the banks of Chicago—he showed great judgment and great discretion and great patriotism, and I have nothing to take back or modify regarding what I then said of him.

But that I do not happen to agree with him on the question we are now discussing is no reflection upon him, and I trust it is not upon me.

Mr. TILLMAN. Not necessarily.

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from South Carolina?

Mr. ALDRICH. The Senator from Texas asked me a question which I wish to answer.

Mr. HEYBURN. I understand the Senator from Rhode Island desires to reply to the Senator from Texas, and I yield to him for that purpose.

Mr. ALDRICH. The Senator from Texas, I think, was not in the Chamber yesterday when I said that it had been my purpose to ask the Senate to fix a time for taking the vote, but that the Senator from Wisconsin [Mr. LA FOLLETTE] had asked me to defer that request until he was able to have some idea about his own health, as he desires to make a speech on the bill. He is not now in a condition to make it, but he expects to be early next week. I think it will be quite proper for the Senator from Texas to speak on Monday. I hope to be able to get a vote by Wednesday of next week. The minute I hear from the Senator from Wisconsin, I certainly shall ask the Senate to fix a time for the vote. I think that the general discussion of the bill is practically exhausted, or will be after two or three other speeches are made.

Mr. BAILEY. I simply desire so far as possible to get out of the way of the other Senators, so that there will be no conflict as between them when they intend to speak, and thus avoid any possible conflict of that kind.

With the consent of the Senate, unless some other important business shall render it undesirable, I will address the Senate on Monday next at 2 o'clock.

Mr. WARREN. Mr. President, will the Senator from Idaho permit me to give notice.

Mr. TILLMAN. Now, if the Senator from Wyoming will permit, I desire to withdraw the objection I raised to having the unfinished business laid aside.

Mr. WARREN. It is too late to make a withdrawal of that kind; the floor has been surrendered; but I wish to say that the bill which I endeavored to call up is the second one on the Calendar. It has been on the Calendar now some six weeks or more, and I have laid it aside from day to day to accommodate different Senators. I believe that I have been courteous to Senators, as I always mean to be; but I feel it my duty not to put off longer the consideration of this important measure, but simply wish to now give notice that I shall call up the bill at the first opportunity and endeavor to stand upon my rights as a Senator, and upon the rights of the bill in the position it occupies.

Mr. HEYBURN. Mr. President, when Congress enters upon the consideration of providing for a currency or controlling the money of the country it enters upon one of the most important of its functions. It is more ofter better that Congress should not enter at all upon the consideration of the question. This is such an occasion. I am not prepared to admit for a moment that it is necessary or wise at this time to enact any legislation along the lines proposed by the bill under consideration. It seems to me too much like prescribing for a person who has been sick, but has recovered from the sickness. The conditions that suggested this legislation have entirely passed away.

The bill under consideration is said to be a provision for emergency currency. That presupposes the existence of unusual conditions demanding relief through legislation. Because those conditions existed or may have existed during the months of October, November, December, January, or even February, it does not follow that they exist now; and the fact is that the money conditions of the country to-day do not call for any legislation whatever. So far as I see the situation, the best thing we can do is not to enact any law looking to a change in the financial policy of the Government at this time. It can accomplish no good purpose, and it may result in very pronounced evil.

Mr. President, the difficulty that existed during the months of October, November, and December arose from the fact that the financial table had been tilted; that the financial ship had been thrown upon its beam end, and the compartments that are intended to maintain the equilibrum in the distribution of the money of the country had been broken down. There never was a time in our history, as has been frequently stated during the discussion of this measure, when there was so large a per capita of money in circulation in this country; and had the equal distribution of the money been maintained, there would have been no panic. A few days after the financial condition culminated in the declaration that was sent out from the New York banks about the 18th day of October, it was very evident to the people all over the country that New York intended to hold on to all of the money that was in the possession of the banks in that city in diregard of the rights and the contracts under the law which they held with banks in other portions of the country and that they did not intend that the banks outside of New York City should have the benefit to be derived from the use of their money which was held in the New York banks. That was evident.

I began to receive communications from banks throughout the West, and especially in the Northwest, complaining that the reserves which they had held in the New York reserve banks, and upon which they relied for their solvency, were being withheld and denied them. In view of that condition, on the 8th of November last, after having had some conversation with the President in regard to the situation, I addressed a communication to him, as follows:

UNITED STATES SENATE,
Washington, D. C., November 8, 1907.

To the President:

On behalf of the people of the Western States, and especially those of the Northwestern States, I would urge that no further deposits of money from the Treasury of the United States be made in New York banks except upon the condition that such banks shall immediately make available in money to the banks in such Western States the full amount of the reserves held by such New York banks on account of such western banks.

The tying up of many millions of dollars of western money, representing the reserves of the western banks held by the New York banks, must inevitably result in empowering the New York banks to determine the time and conditions of the free resumption of banking functions by the western banks, whereas if the reserves of the western banks could be converted into available money at once, the financial situation of the West would be free from domination on the part of the East, and the West would become a valuable ally to the East in the restoration of desirable financial conditions rather than remain as at present—a fellow-sufferer.

Yours, truly, W. B. HEYBURN.

That expresses the condition as I see it in the light of all the time which has intervened just as accurately as it expressed it at that time, on the 8th day of November.

In response to that statement it has been stated that certain action was taken, under the direction of the President, which resulted in a better distribution of the deposits of the Government's money in national banks. However that may be, certain it is that, after the 8th day of November, there was no very considerable deposit of Government money made in the banks of New York City; that there was a better or more even or equitable distribution of the Government money.

The newspapers of the country from one shore to the other took up the suggestion contained in the letter, which was sent out through the Associated Press, and it met with universal approval and commendation from one end of the country to the other. From almost every State in the Union there were sent to me copies of newspapers stating their approval of this righteous demand made for fair play between the banks of New York and the banks for which the New York banks held reserves.

Mr. President, it has been stated that the financial stringency arose from the insufficiency of money in the country. Therefore it was demanded that our currency should be made more elastic—a term that has absolutely no meaning that is applicable to the condition. An elastic currency may be any condition that you choose to imagine. It was not elasticity that the currency lacked; it was activity. What we wanted was an active currency, one that would be doing business, as was suggested on yesterday by the Senator from North Dakota [Mr. MCCUMBER]. The ordinary function of money is not confined to one transaction per day. A single dollar may perform the functions of many dollars every day or every hour, but if it is held by the first man who obtains possession of it, and is thus withdrawn from the performance of any further function as money during that day, then it is limited to the function of a single dollar. But if it is made the basis of twenty transactions in a day, then $1 is as good as $20, so far as the transaction of business is concerned.

Mr. President, a panacea for this supposed evil is proposed in the bill under consideration. The issuance of money is purely a government function. It is as much a part of the legitimate functions of the Government as any other that the Government performs. The national-bank note, based upon a deposit of the Government bond, is issued by the Government of the United States; it is issued to the national bank; but it is issued by the Government of the United States pursuant to the laws of the United States. It states upon its face that it is secured by a deposit of the bonds of the United States. That is a statement which is contained upon the Government's side of the national-bank note of to-day. The Government of the United States stands behind its bonds, and the bonds are as good as the Government, and the notes that are issued upon the face of the bonds are as good as the bonds or the Government.

We have about exhausted the possibilities for the issuance of that class of notes, because we have about covered the entire issue of Government bonds. There is a margin of about $175,000,000 between the total issue of bonds and the issue of national-bank notes—I deal in round figures only—so that it would not be possible to enlarge the issue of national-bank notes to any great extent based upon a deposit of Government bonds. It is therefore evident that if the Government is to issue more money in the shape of currency, it must be based either upon the faith and the credit of the Government itself, without any specific deposit of securities, or it must go outside of Government securities.

Mr. President, the Finance Committee were brought face to face with this proposition. By the terms of this bill they propose, first, that the circulation may be based upon government bonds in the sense that all State and municipal securities or bonds are government bonds. Of course they are, strictly speaking, government bonds, because they have government behind them; they have behind them the taxing power that maintains them, that provides for their redemption, that provides for the payment of the interest upon them, and they are within the legitimate sphere and scope of bonds that may be used as a basis of circulation.

But how do we stand in regard to such bonds? There are not enough State bonds in existence to afford a basis for the proposed issue of $500,000,000 in national-bank notes. There are only $227,500,000 in State bonds in the United States, and they are to a very large extent already placed and performing the

functions peculiar to themselves elsewhere, and would not be obtainable as the basis for circulation, except at an exorbitant price. Probably it would not be possible to obtain one-fourth of the total issue of State bonds now in existence for the purpose of basing an additional circulation upon them.

Mr. President, the free $175,000,000 of Government bonds could not be included under this bill, because it does not contemplate the issue of a dollar of currency based upon bonds of the Government of the United States. It provides only for an issue based upon State, county, and municipal bonds and upon railroad bonds, and, inasmuch as the State and county bonds are already so engaged that they would not be available, it would mean an issue of currency based entirely upon railroad bonds. It would be necessary, under the terms of this proposed act, to recite on the face of each national-bank note that it was secured by the deposit of railroad bonds; in other words, it would be necessary under the terms of this bill to recite the character of the bonds that were deposited as the basis of the circulation. So that we would have in circulation a new class of money, with no Government behind it, with no taxing power behind it, with no governmental power for the enforcement of the obligation of the contract behind it.

We would have behind the circulation bonds that were at the mercy of a board of directors, sitting not in public, but in the back room of a bank or of a railroad company's office, determining by their individual votes and according to their individual will the destiny and the control of the railroad's affairs which would mean the destiny and control of the railroad's bonds. We would have a circulation based on railroad bonds over which we could exercise no control whatever. We could exercise no legislative control over them; we could not legislate in such a way as to compel the board of directors of a railroad company to make provision to pay the interest on the bonds; we could not provide by legislation that the board of directors of the railroad company should maintain the road or make provision for betterments; we could not provide that the railroad company, acting through its board of directors, should perform any act looking to the maintenance of the integrity of the investment or of the bonds. There is not a single element or trace of Government or governmental control behind the railroad bonds.

Therefore I repeat that we would have an entirely new and distinct class of currency from any that has ever existed in this or any other country. We would call it money, and it would be issued by the Government of the United States on the account of the banks applying for the same, under the provisions of this bill. But it might be issued on the account of the railroad company itself, because they could loan the bonds to the bank. Under the provisions of this act it is not provided that the banks shall own the bonds that it deposits as the basis of circulation. It may borrow them. It may borrow them of the railroad company under a contract that the circulation shall issue and be delivered to the bank, and the bank may hand it over to the railroad company, and the railroad company may be benefited by the issuance of a circulating medium based upon its own bonds. It would then owe the bonds; it would then owe the circulation based upon the bonds, and the Government would stand behind the circulation to the extent that the Government is liable under the provisions of this bill. If a railroad company issued $300,000 of bonds and $100,000 of those bonds were used as a basis of circulation and $200,000 of those bonds were in general circulation, if they defaulted upon the interest of the bonds, then, Mr. President, the majority of the bondholders might go into court and procure a receiver for the railroad company. They might institute proceedings of foreclosure, as has been done in many cases in this country, to sell the property of the railroad company, which would render worthless the $100,000 of bonds that were behind the issue that the Government had made; and what would remain behind the issue, except the bank itself and the Government of the United States? The issue would be unsecured and totally unprotected, because the railroad would have been sold under the foreclosure proceedings.

That is not a strained conception. Many times in the recollection of every Senator present railroads have been foreclosed in that way, their bonds have been rendered worthless, and the property has been passed to others, leaving absolutely unprotected and unprovided for the bondholders under the original organization.

But, without going into details at all, the great evil is that there is no government behind railroad bonds; there is no taxing power behind them, and no money should be based upon anything that does not have behind it the power to tax for its maintenance and the preservation of its integrity.

Mr. President, I have listened with much interest to the many discussions of this question of the deposit of railroad bonds, but I have not heard any Senator yet who has undertaken to enumerate the railroad bonds that would be available as a basis of circulation under the provisions of this bill. I have scanned closely the history of railroad bonds for the last thirty years, and I heard the statement made here this morning that under no conditions had such bonds ever fluctuated more than 25 per cent. Why, Mr. President, I have in my mind a number of cases—and I could name them, but I do not desire to be invidious in speaking of these railroad corporations—where the entire first-mortgage bonds were wiped out by foreclosure proceedings and rendered utterly valueless.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. BORAH in the chair). Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. I should like to ask the Senator if the bonds which he has reference to were bonds such as are provided for in this bill, issued by a company not only paying the interest upon the bond itself, but also paying for five years 4 per cent dividend on its stock? Was there ever such a bond as that so wiped out?

Mr. HEYBURN. Yes, Mr. President; I saw the bonds of one of the greatest railroad systems in the United States swept from par to nothing inside of two years.

Mr. SMOOT. That is not exactly the question.

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. That is not exactly the point to which the question applied. It was this: Had that railroad paid 4 per cent dividend on the stock of the road for five years?

Mr. HEYBURN. Mr. President, I might answer that in the affirmative, and I might be led away here into an analysis of a number of railroad corporations and their affairs that would divert me from the brief remarks that I intend to submit upon this general question. I desire to come right back to it and carry the mind of the Senator from Utah with me. My objection does not make it necessary to go into details as to the solvency of the history or the financial record of the railroad companies at all. My objection is that railroad bonds have no element of government in them or behind them, and that money should not be based upon anything that is not supported by Government, carrying with it the right of taxation.

I do not object to State bonds or county bonds or municipal bonds with a sufficient basis of taxable property behind them, because by a vote of the people, in the exercise of the principles of government, adequate provision can be made for the redemption of the bonds and the payment of the interest. That is not true of railroad bonds, and we can not make it true by legislation. What will happen——

Mr. SMOOT. Mr. President——

Mr. HEYBURN. If the Senator will pardon me a moment, what will happen if this bill becomes a law? What will happen if there is $100,000 of the bonds of the railroad behind the circulation and the railroad defaults in the interest? Will the Government, nothwithstanding the fact that the notes issued upon those bonds state on their face that the bonds of the railroad are deposited as a basis for the issue, allow it to go without giving attention to the fact that the railroad, whose bond has been pledged as security for that issue, has defaulted in its interest? If it will not let it go, what will it do? Will the Government pay the interest on those bonds? Suppose it is repeated time and time again, what would become of the security behind the national-bank note?

Mr. SMOOT. Mr. President, I will say, in answer to the Senator, that the Government never will see a time when it would have to foreclose on those bonds, nor would it be necessary for it to foreclose on them.

Mr. HEYBURN. I must interrupt the Senator, because that is again an unintentional attempt to lead me from the real principle that is under consideration. I am not going to be drawn into a consideration of details that will never be reached. I am just as capable in the field of prophecy as another, and another is as capable as I am. I am not going to rely upon any prophecy. I am only going to look the matter square in the face, and I say that if the Government did not step forward and pay the interest that is in default upon those bonds it would militate against the value of the security that was behind the circulation, and we would then have one series of national-bank notes based upon securities that were in default and in bad repute and another series of bank notes based upon securities that were in good repute, and we would be back to the old days when I was a boy, when we had to have a bank-note detector on every desk in or-

der to determine whether or not the current money that we took in each day was good money or bad money. That would be the situation.

Mr. SMOOT. I did not have any desire whatever of withdrawing the Senator's mind from the line of argument he was pursuing. My object in asking the first question was this: The Senator made a statement, in answer to a statement made by the Senator from Illinois [Mr. HOPKINS], to the effect that at no time in the history of this country were bonds such as are provided for in this bill ever known to fluctuate or to lose in value more than 25 per cent. I myself then asked the question whether there could be found in our history any record of a bond that had gone from $100 to nothing when the corporation issuing that bond had paid dividends of 4 per cent on its capital stock for five years? I do not want to pursue the matter further. I will not say anything more now, except to add that I do not know of such a bond or such a railroad.

Mr. HEYBURN. It is not necessary to go into such infinite details and refinements in order to dispose of the question of the propriety of issuing circulation based upon railroad bonds, because if you did the argument would be protracted indefinitely and it would spread out into infinite lines of thought which would never reach a focus.

It is sufficient to me that railroad bonds have no governmental powers behind them to preclude them in my judgment as a basis of circulation. I do not need to go into the history of railroads or railroad finances. The Government should be behind the money of the country, and it would not be behind money based upon railroad bonds. That is my reason. That is the reason why I shall not support any measure which proposes to base the circulation upon railroad bonds, I care not how good they are, I care not how good they might ever be, or what their record or history may be. It is not a proper basis for the circulation of money.

Mr. President, there are minor objections to this bill, but those two are the principal ones, and either one of them is in itself sufficient to make it impossible for me to support such a measure. I can not give my support to a measure that does not adequately provide for the proper retention of the reserves by the banks that own them.

I am not at all in sympathy with existing law that allows what they call "country banks" to be treated like country boys. The money in the country banks that belongs to the people is entitled to exactly the same status under the law as the money that belongs to those who live in the large cities. It is their money. I speak for the depositors in the banks who are the owners of the money. They are the ones I am seeking to protect by whatever responsible action I may be called upon to take here. I am giving very little thought to the protection of the banker. He will protect himself. He is using the money of the individual who owns it, and presumably using his own capital.

I have taken some pains to ascertain the general method by which subscriptions to the capital stock of national banks have been paid in. I find that the instances in which currency or money has been paid for the capital stock of national banks are very few. Ordinarily it is a question of the exchange of credits. A number of men will come together for the purpose of organizing a national bank. They will give their check or draft against a credit which they have in some other institution. The currency or the coin is not brought and placed in the vaults of the new bank. There are $900,000,000 represented by the paid-up capital of national banks. I give it in round figures. It is nearly a thousand millions, but it is safe to say that out of the thousand millions of dollars of paid-up capital of national banks there was not $1,000,000 of it in either coin or currency which went into the vaults of the bank. It is merely an exchange of credit. The credit is good. I am not attacking that. But I am speaking of the question of the convenience of money.

The most important item of money in this country is that which the people carry in their pockets. The people hold more money in their pockets and tills to-day than there is in all the national banks in cash. There is not less than a thousand million dollars in the pockets of the American people to-day, and many of our financiers have stated since this panic was on that there were fifteen hundred million dollars in the pockets and tills of the people. That is a conservative estimate. That money is not affected, so far as its safety is concerned, by any legislation or conditions brought about by legislation. That is the ten or fifteen or twenty dollars that the man who owns the money carries about with him or keeps under his immediate control.

There is in addition to that what we will call a thousand million dollars, although it is much more, which is accounted for in the vaults of the banks, held as reserves against individual deposits amounting to between twelve and thirteen thousand million dollars. If those reserves were maintained in actual money, I have heard it stated on this floor since this discussion began, it would result in a withdrawal of money from activity. That is not a fact. Under our bank-reserve law the money that is held as reserves is just as available to the depositor as any other money. The reserve law was passed for the purpose of setting aside a fund to be always at the command of the depositor. The only restriction is against loans. A bank may pay out without regard to the question whether or not it has the reserves required by law in its vaults. There is no limitation. It may pay out to the last dollar to its depositors. But it may not loan money when its reserves are below 15 or 25 per cent, as the case may be.

A few years ago an ingenious plan was devised in certain money centers to enable them to obtain the use of the reserves held by what are called "country banks." It is first provided that the country banks shall withdraw from use 15 per cent, and then it is provided that those banks may deposit three-fifths of that in the central-reserve banks. Of course the very fact that they may do it is taken into consideration when the temptation of interest is considered, and the money centers say at once, "These country banks have so many hundreds of millions of dollars held as reserves. They are authorized under the law to deposit in central-reserve cities three-fifths of that sum." They immediately open negotiations, and they say to the country banks, "We will pay you so much per cent for the use of this money," and the country banks deposit their reserves in the central-reserve banks. New York City held more than $240,000,000 of country-bank reserves on the 7th day of November last, under a contract that they might use it.

Now, where is the safety in the reserve of the country banks if some other bank may use it without limitation? The New York banks held that proportion of the country banks' reserves without the restrictions contained in law which prohibits the country banks from using it for loans and discounts. It may not be used, forsooth, by the country banks for loans and discounts in the vicinity where the money belongs, but by sending it somewhere else it may be used for that purpose. So, as a matter of fact, the bank reserves of lawful money have been a fiction, so far as three-fifths of the reserves of the country banks are concerned, and so far as concerns the reserves of the central reserve banks of New York, Chicago, and St. Louis. If you will examine the statement they sent out in response to the call of the Comptroller, which statement is dated the 3d of December, you will find that they were not carrying any reserves, as a matter of fact, against the reserves of other cities. They were not carrying anything in the nature of lawful money reserves for the purpose of protecting the deposit of reserves of other cities. You have only to analyze the bank statement to make that manifest.

I cite this not for the purpose of entering into a harsh criticism of banking methods, but to illustrate the absolute insufficiency of existing legislation for the protection of deposits of individuals in banks, because that is the primary consideration before us. We are not here to protect the banks. They can protect themselves. We are here to protect the people whose money is deposited in the banks. A man with $10,000 to his credit in bank has probably depending upon the preservation and integrity of that $10,000 a hundred thousand dollars of private business, a hundred thousand dollars of property that is absolutely at the mercy of the $10,000 which he has to his credit in the bank. If he loses the $10,000, he will lose not only the $10,000, but he will lose the property protected by the ownership of the $10,000 either in money or credit.

So I say we ought to keep in the very front of our consideration the depositors, because they represent, I think, something like 20,000,000 of the people of the United States in some one or the other of the banks. Only a little less than half the people are depositors in some class of banks in the United States.

Mr. President, the first step demanding our consideration is the rebuilding of the compartment in this financial ship, so that it shall not, when it is thrown upon its beam ends, send its cargo to one end or the other; so that the table can not be tilted and the money thrown to one end of the country.

Out of $67,000,000 deposited out of the Treasury of the United States in national banks during this crisis less than three millions of it—yes, less than two million and a half—went west of the Missouri River. They would not have needed it had it not been that their reserves were sequestered by the New York banks. No one in the section of the United States from which I come dreamed that there would be any necessity for the issu-

ance of any substitute for money for circulation until after New York City, on the 18th day of October, notified them that hereafter they could not expect to have the use of their own money which was held in New York.

I am not going to enter upon a tirade or arraignment of stock gambling, but I want to say in passing that there should be some law which would prevent the selling of that which a man does not own. That is the evil of stock gambling. You may call it gambling; that name will describe it as well as another. That is where the difficulty arose in New York which brought about the crisis of the 18th day of October. It was that men were selling what they did not own, and they were borrowing and putting up margins to represent the difference between the price they had sold at and the price of the market. I do not intend to enter into any detailed analysis of stock gambling, but I think every Senator understands the general principles upon which these fictitious transactions are made and the vast sums of money that are absorbed in such transactions. The money that should have been available in the banks of New York City to make good their lawful contracts and the outside reserves which they held had been loaned at the high rates of interest which prevailed to these speculators in order to hold their contracts against loss or against the day of settlement. It was stated here, and it has been stated in the New York financial journals, that there was on the 1st day of December more than $350,000,000 tied up in stock speculation at that time in an attempt to sustain the market. That is a large sum of money to withdraw from activity.

I refer to the suggestion I made—that it is not elasticity we want; it is activity in circulation. It makes no difference what security is behind the money if the money is dormant. When the country is doing $40,000,000 of business upon a cash capital of $4,000,000,000 it makes no difference what security is behind it. If four thousand millions of money enters into twenty transactions in a day it can do eighty thousand millions of business in one day. But if you put it behind a single transaction—I do not care what collateral is behind it—the market is starving for the want of an active currency. An active currency can only be brought about by business conditions.

Did you ever see a pettish child crying for something because it thought that by crying for it it could get it, but when you made it plain to the child that it could not have it its face would be wreathed in smiles and it would go about its play? That is the situation to-day in the business world. When these men who deal in money, who buy and sell money, and who have made a habit of it, had so wound themselves up in their transactions that they must have money, on any desperate chance, they set up a plea to Congress "to give us an elastic currency" or "to give us more currency." They did it without any thought of the result or of the effect upon other people. They said, "If we appeal to Congress for an inflated currency or an additional volume of circulation, and Congress gives it to us, we must surely reap some benefit from it;" and they based their plans upon it. But we should say to them as we say to the child, "Quit crying for that. You are not going to get it. Go about your business and settle down." They will do it. The business world has done it.

The Government is withdrawing its deposits from the national banks, and yesterday's papers stated responsibly that one bank or a number of banks had sent back to the Government something over $3,000,000 of Government money which the Government had on deposit, simply because the banks did not need it. It does not make any difference whether it is a New York bank or not. It is indicative of the revival of a healthy financial condition. That is all.

There is money enough. Whatever legislation is needed is not in the interest of making more money. If you will just glance at the figures you will find that in ten years there has been added to the volume of money in this country more than $900,000,000—the natural growth of money. We buy $200,000,000 a year in gold which is placed in the Treasury of the United States and circulating notes issued against it. It was $197,000,000 last year. I have the figures from the Director of the Mint here. I will not enter into the detailed figures, but I state in round numbers what it is. In ten years the gold that we acquired through the ordinary channels of trade amounts to a thousand million dollars at the very least. Ten years such as the last year and it will amount to two thousand million dollars. That is the natural growth of the volume of money in this country. It is quite sufficient, because it is quite commensurate with the growth of business. If you will take the figures representing the growth in the volume of business of this country and set them against the growth in the volume of money, you will find that the equilibrium has been maintained at all times, making allowance for the fact that a large community needs more money in proportion to the small, because business is conducted on a larger scale.

But with the natural increase in ten years of $900,000,000 in the volume of money of the country—I have the detailed figures on my desk and can verify the statement—what is there to complain of? The country is not starving for money. Keep it in the right hands, protect it against the evils that I have spoken of, and the volume of money is sufficient, and let us just dismiss this question of financial legislation from our minds and go about other legislative concerns. Let the business world understand that it must not enter upon these spasms and tantrums of finance with the expectation that it will be afforded any relief at all, and it will soon cease to put itself in the position where relief is needed or where those people think it is.

With a great country of production, with farm products of such phenomenal volume as are produced by this country every year, it is absolutely impossible for this country to be wanting in prosperity. The money that we receive for last year's wheat and last year's crops of various kinds is enough when the year is balanced up to insure a balance of trade in our favor, which means that we will receive more money than we pay out. That is all that the balance of trade means. When it is against us it is because we have spent more than we have earned or paid out more than we have taken in. When it is in our favor we have taken in more than we have paid out, and that is the normal and natural condition.

We took in $60,000,000 of gold during the very worst of this panic, representing the balance of the margin of profit to those who owned commodities. It is commodities that count in this country. The money is the mere token representing the transfer of the commodity from one to another. As long as we have the commodity and the market we can command the money. During this panic the volume of circulation increased something like $190,000,000 inside of two months.

Mr. President, there is only available as the basis of circulation proposed by this bill $227,500,000 of State bonds, were we to take it for granted that they could all be obtained. You can not obtain a hundred million of them by any inducement any man would offer for them.

I desire to address myself to a proposition submitted here this morning with reference to the retirement of the money after it has been issued. When this issue is delivered by the Government to the banks upon the basis of railroad securities and it goes out in the ordinary course of business through the banks into the hands of the individuals, of what effect is an order from the Comptroller of the Currency that the money be retired? How is it going to be executed, is a question that suggests itself to my mind. It is easy enough to say you are going to retire so many millions a month.

But how any particular issue? Suppose an individual has $100,000 of the issue in a safe-deposit vault. What power or what law can compel him to bring it in and surrender it, at the risk of forfeiting it, in the event of his failure to do so? No. The bank comes in and says, "We desire to retire $100,000 of this emergency currency," and they bring what? They bring lawful money, legal tender, and they pay it into the Treasury of the United States, and they reduce the volume of legal-tender money of the United States to the extent of $100,000, because the law provides that it must be destroyed when it is surrendered; and they take up what? They take up these railroad bonds. You have therefore withdrawn from circulation $100,000 of the legal tender of the country in order that they may take up the railroad bonds which represent not that legal tender, but $75,000 of national-bank notes that are in somebody's safe-deposit vault and that will stay there and will be as good one hundred years from now as they are to-day.

How are you going to compel the retirement of that money? Suppose $500,000,000 is issued, as provided by this bill, and an order goes forth that the five hundred million is to be retired. Suppose that money is so engaged that it is earning more than the tax upon it, taking into consideration the interest which the bonds bear, which diminishes the burden of taxation to that extent. That money is in circulation, and the Government says "this money shall be retired." What is the practice? They do not retire the identical money, because they can not get their hands on it. They retire an equivalent in value. That is what they do to-day. There are national-bank notes in circulation to-day representing the identical issue that has been withdrawn for years; but other notes were withdrawn in lieu of them.

Let us see how that would work here, with this new element in our currency, with a national-bank note that says on its face

"This note is secured by a deposit of railroad bonds." That is what it must say. Let us see. I happen to have a national-bank note in my pocket. I call your attention to what it says on its face, because these are practical questions. I looked at it to-day with a good deal of care. Here is a national-bank note of the Union National Bank, of Pittsburg, Pa.; and it says on its face "Secured by United States bonds deposited with the Treasurer of the United States of America."

Now, there is the statement on that note. You have $500,000,000 of these notes, and some of them would say, "Secured by first mortgage bonds of the New York Central Railroad Company."

Mr. KEAN. That is not on the notes.

Mr. HEYBURN. Suppose it is not. Its absence speaks as loud as its presence. What difference? It distinguishes it from the class of notes that are secured by United States bonds, upon which it is printed. It makes no difference at all. You would read it on to the face of the note. If you did not find it there, you would read the other on to it.

Suppose the bank issuing this circulation upon railroad securities undertakes to retire it. For convenience of comparison, we will say it undertakes to retire the whole issue—the $500,000,000 based upon railroad securities—and they do not come in. Somebody has them. It is beyond the control of either the Comptroller or the bank through whose doors they passed out. The party is entitled to the bonds by presenting to the Treasury of the United States lawful money, and in certain contingencies under this bill he is entitled to them by presenting to the United States Treasury national-bank notes of another bank. What is the result? You have withdrawn from circulation $500,000,000 of money other than that which is based upon railroad bonds.

You have withdrawn from circulation $500,000,000 of money that is based upon bonds of the Government of the United States, because under the provisions of this bill he is given the absolute right to recover the possession of the bonds he has deposited by surrendering any class of money included in this bill. Is that safe legislation or a safe financial policy? It would result, on the first turn of the wheel, under the circumstances I have suggested, in substituting a currency based entirely upon railroad bonds for the existing currency based upon Government bonds, because there are only about six hundred and some odd million dollars based on Government bonds; and as those bonds mature and are retired, unless we run further into debt and issue new bonds, that volume must be a constantly decreasing one. We have increased the issue based on Government bonds in ten years $400,000,000, in round figures. I took the statement which was given us by the Senator from Rhode Island [Mr. ALDRICH] when he opened the discussion upon this bill, and I was surprised at the increase in the volume of national-bank notes in ten years in this country. Of course the volume had fluctuated, or rather it has grown with the growth of business, and it has been limited only by the scarcity of Government bonds.

Those are the arguments that appeal to me against opening the door to the issuance of a circulation based upon railroad bonds. I can not give it my support. I must oppose it. There is no question of politics at all about it except as politics means government; that is all. Never can I vote for any financial measure that undertakes to issue circulation upon any security that has not behind it the taxing power incident to government. The United States Supreme Court could not compel the directors of a railroad company whose bonds were behind the circulation to make certain tariff rates or to make such business arrangements as would guarantee the payment of the interest on the bonds. If the railroad companies did not pay them, the Government of the United States would be asked to pay.

It has been suggested that there was reserved in this bill the power to compel the substitution of other bonds. How would you do it? Theoretically, it sounds well. You say that the Comptroller of the Currency might say "the bonds have deteriorated in value and you must put up other bonds." Suppose they did not do it?

Do we want to legislate along lines that anticipate bankruptcy to our banks and that impose conditions which must inevitably bring the banks face to face with bankruptcy? I think not.

Of course, they would close up the bank, and they would close it up because the security that the bank had deposited behind the issue that had gone out to the people was worth less than the money that had been based upon it. That would be the only reason why they would close up the bank. Where would they leave the holders of the notes? Where and how would it affect the value and the integrity of the issue based upon bonds that had deteriorated to such an extent that the Government felt compelled to call upon the banks to substitute other bonds for it?

We must meet all these possible contingencies in considering a question of this kind. Suppose that a circulation had been based upon railroad securities and the securities had fallen 50 per cent in value. Suppose they fell in a day because of some great calamity and the destruction of their property in a wholesale way, and the Comptroller would say to them the next day, "You must deposit other bonds in lieu of those railroad bonds, because of the catastrophe they are not worth 50 cents on the dollar," and suppose the parties say, "Well, we have no other bonds; we have no money."

Mr. KEAN. May I ask the Senator from Idaho a question?

Mr. HEYBURN. Certainly.

Mr. KEAN. What does the Senator from Idaho consider the first liability of a bank?

Mr. HEYBURN. The first liability of a bank, if it is a national bank, is to redeem its currency.

Mr. KEAN. It is to its note holders.

Mr. HEYBURN. To redeem its currency. The bank does not issue the bank note. I have heard that question considered here from various standpoints. The primary issue is by the Government of the United States. It prints the note and delivers it, subject to a contingency, to the bank. Of course when the bank has made the contingency good, then it relates back to the original delivery by the Government. Then, what does a national-bank note say on its face? I will be pardoned if I exhibit this bill. It is a small one, but it is the text of this legislation just the same. That is the little piece of paper about which we are legislating in this Aldrich bill. It does not say that the bank stands good for this note. It says it is "secured by United States bonds deposited with the Treasurer of the United States." What does that mean? The United States is the guarantor of that note, and if the bank does not pay the United States does. So the United States is primarily the responsible factor behind the note.

Now, I desire to finish the simile. Overnight the value of the bonds has been reduced 50 per cent. In the morning the Comptroller says: "Make good and deposit other bonds in lieu of these." The bank says: "We will not do it," or "We can not do it." It is immaterial which. What does the Comptroller do? He closes up the bank. The notes will be redeemed at the Treasury of the United States. How is the United States to be recouped? First, out of the bonds it holds. They will recoup it to the extent of 50 cents on the dollar. It was suggested here yesterday that the Government was the preferred creditor against the deposits in a bank. There is no law making it so. You can not enact a law that would make it so. It is not competent for Congress to take the title to the money of the depositor, who is not a party to the contract either directly or by implication, and make it responsible for the debt of another.

They take possession of the bank for what purpose? They take possession of the bank for the purpose of distributing its assets according to the legal rights of the parties. But the United States Government can not determine the legal rights of the parties. They are fixed by law. There is no debt due to the United States on account of the circulation beyond the security. Congress undertook to so legislate that the United States would be protected by the deposit of the bonds, and it required the deposit of the Government's own bonds. The Government can cancel its bonds, and when the Government bond is canceled it is paid dollar for dollar.

But now it is proposed to substitute something for which the Government is not responsible—a railroad bond. It is proposed to substitute a railroad bond for which the Government is not responsible and in relation to which the Government stands exactly where an individual would stand. So I state what such legislation makes possible; and what is possible in government is probable always in the estimation of a careful legislator. The probabilities are not weighed except in the light of possibility. This legislation, I say, makes it possible for the Government to find itself in a position where it must redeem the circulation of a bankrupt national bank, and I place no limit upon the extent of the bankruptcy.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Certainly.

Mr. TELLER. I call the Senator's attention to the fact that the Government in this bill pledges itself to redeem its notes as it has already pledged itself to redeem all other bank notes. The Government is responsible for every bank note that is is-

sued. The American public in handling bank notes do not look to the bank, but to the Government, for the solvency of the note.

Mr. HEYBURN. That is right. The only question that then remains is, What should the Government look to where there is not sufficient guaranty to the Government? The guaranty of the Government is obvious, and it is provided for in the bill, but where is the guaranty to the Government in this case? That is the question I am considering now.

Mr. TELLER. It is an important fact that we issue only 75 per cent on a certain class of bonds and 90 per cent on another; and the Secretary can always, if there is a shrinkage in bonds, call for more securities at once. If a bank should fail to respond, the bank would go into liquidation.

Mr. HEYBURN. I have just been considering that question. That is one of the most unfortunate features of it. The Government may call for other securities, and the bank may not be able to respond, or it may not be willing to respond, and the bank then has the only alternative of going into bankruptcy. When the bank goes into bankruptcy its depositors suffer, and the Government suffers, both by loss and by delay. So it is the credit of the banking system that makes such a condition possible.

Mr. TELLER. Will the Senator allow me to say another word?

Mr. HEYBURN. Certainly.

Mr. TELLER. The Senator is making an attack upon the railroad bonds as not being good security?

Mr. HEYBURN. Yes.

Mr. TELLER. I want to say to the Senator if he will examine into the history of these bonds he will find that even in the great panic recently, which I have heard declared on this floor to be the greatest of all panics, that class of railroad bonds have never gone down to 75 per cent of their face value yet, and probably never will.

Mr. HEYBURN. Mr. President, this was not a great panic. It was just a little nightmare, that is all. There was no real harm done; that is, along big lines. It was a lesson, and lessons sometimes are healthy. We have all learned lessons sometimes, and paid for them, and found out afterwards they were pretty good purchases.

Mr. President, I think the Senator from Colorado was not in the Chamber, perhaps, when I said that my objection to the railroad bonds as a basis of circulation was based not upon the consideration of their value at all. I have considered that incidentally.

Mr. TELLER. I just came in. I have been in committee.

Mr. HEYBURN. My objection is based on the fact that there is no Government behind that class of securities carrying with it taxing powers for their protection and maintenance. That is a wider and a larger principle of objection than the other. The other is a question of detail that would vary with conditions and time. The principle is elemental. If the Government is the proper agency through which our money should be issued, then the issuing of money is a governmental function.

Mr. TELLER. I think so.

Mr. HEYBURN. And I think the Government should act only on a responsibility that is within its control. It can not control the responsibility of a private corporation, because it does not sit in counsel in the board of directors. It has no advising or controlling function in the management of a private corporation, in a State government, county government, or municipal government of any kind.

The courts can compel the levy of taxes and the collection of them and the application of the fund. The courts are a part of the Government, and the counties and the States are a part of the General Government of the United States. They are subdivisions of it, and they are all subject to the control of the courts and the law. That is a safe foundation. A national-bank note can as consistently and appropriately be based upon the bonds of a municipality as upon the bonds of the General Government. It may be a question of advisability, of judgment, but as to the question of right they stand one on a par with the other. But for the benefit of those who were not present I repeat that my objection to railroad bonds is that they carry with them no taxing power and there is no Government function behind them.

Mr. President, I hope that more consideration will be given to this phase of the question—the question of the propriety of the Government of the United States—that without going into an analysis of railroad bonds and management and relative prices and the effect of panics upon them, consideration will be given to this great legal governmental proposition of the propriety of the Government issuing circulation upon something over which it can exercise no governmental control.

The Senator from Michigan [Mr. SMITH] struck a keynote when he suggested the possible effect of this. It brings the Government too close to these corporations. It makes too many things possible. It makes too many things probable. With the Government standing close in its relations to this class of corporations, when times are hard and exigencies press upon men, they are apt to crowd the limits of their power and overstep the boundaries of prudence, and do it because they may do it, and when they may do it you can rest assured that they will do it if necessity impels them to do it.

Can Congress in the exercise of its high functions of Government place it within the reach of these men to do these things that obviously would threaten the prosperity of the people?

I say again that whatever I have said to-day on this question has been from the standpoint, not of a bank director, not of the Treasury of the United States, but from the standpoint of the owners of the money. Every dollar of this money is owned by the depositors.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. Certainly.

Mr. KNOX. The Senator from Idaho has just repeated what he stated a few moments since, and it surprised me very much. I always feel a good deal of hesitation in questioning any legal statement the Senator may make, but I do not understand when a depositor places his money in the bank that that is his money after it gets into the bank. I understand that the relation of the debtor and creditor is created by that act of deposit, and that the banker then owes to the depositor the amount of money the depositor has left with him.

While I am on my feet I should like to ask another question, because it is in direct connection with this one. I understood the Senator to state that in case of the insolvency of a bank the United States would have no claim prior to the claim of the other creditors of the bank upon this fund, which may have been raised by the depositors. My recollection is that since the year 1797, under a general statute which has been expounded frequently by the courts, in every case of the insolvency of an individual, trustee or otherwise, where there is an indebtedness due the United States, the United States has a prior claim for the full amount of its claim over and above any other creditor. If I am not correct in that I should like to be corrected.

Mr. HEYBURN. Mr. President, I will first consider the first proposition suggested by the Senator from Pennsylvania. The question of ownership is one of varying quality in law. We speak of the measure of ownership. That, perhaps, expresses it better. A depositor places his money with a bank, subject to his own orders, under an implied contract that the bank may use it, but always subject to the right of the depositor. The relation of debtor and creditor that is thus established is not the ordinary relation of debtor and creditor, but results from commercial transactions of contract. It is not that relation; it is not that quality of debtor and creditor; it is one peculiar to the nature of a bank note. A creditor of the depositor may attach it, not as the money of the bank, but he may attach the money of the depositor in that bank. If he has it to his credit the attachment is good. The bank can not come in and offset, except in a very limited scope, its claims on that money, even against the depositor.

The courts have varied in their conclusions in regard to that question; but the final result of the decisions is that the creditor, the depositor, has a superior right to the credit of the bank to that money. What does that mean? It means that the relation that exists between the depositor and the bank is not strictly that of debtor and creditor, but the depositor has such an interest in that money as that it may be taken as his money, or rather as his credit. It is not a question of taking it as the money of the bank held in trust for the depositor so long as it is a free deposit not subject to obligations. That is the line the courts have drawn. I think that answers the question of the Senator from Pennsylvania.

Mr. TELLER. Mr. President——

Mr. HEYBURN. It does not follow that there is but one ironclad definition to be given to the term "ownership." There is quite a latitude in the measure of ownership or the quality of it. Now, I will hear the Senator from Colorado.

Mr. TELLER. Mr. President, by practice and by law, when a man deposits his money in a bank, it becomes the money of the bank and he becomes a creditor of the bank. He can not draw out that identical money, but he may draw out an amount equal to it, because that is the theory upon which bank deposits are made.

Mr. PERKINS. There is no segregation of the fund.

Mr. TELLER. There is no segregation of the fund. A bank owes the depositor so much money, which the bank by a custom

is expected to pay to him, but not the identical money. If I should put in the bank a large amount of money to-day and the bank should burn up in twenty-four hours afterwards, I would not lose the money. The bank would lose the money; I would not. It becomes the absolute property of the bank, but the bank becomes a debtor.

Now, I will challenge the Senator to find anywhere any adjudication of a different rule from that. The bank does not become the trustee to hold the money. It may be possible sometimes to make such a deposit, but the ordinary deposits are not made in that way. I know of people having made deposits of money in banks which they put in an envelope and expected to draw it out, and then the bank becomes the trustee of that money.

Mr. HEYBURN. The custodian.

Mr. TELLER. The custodian. That is what you call a "special deposit." When I put my money in the bank without any limitation I become simply the creditor of the bank, and if the bank fails I lose my money.

Mr. HEYBURN. Mr. President, I do not believe it would be possible that any serious difference should exist in opinion regarding the legal status of money deposited in the banks between myself and the Senator from Pennsylvania or the Senator from Colorado. I presume that in the rather long experience we have all of us had in the practice of law, oftentimes involving this question, we have had occasion to go to the bottom of it, as they say.

When I used the term "ownership" here I undertook to make my meaning plain. I said when I used it on the first occasion that I was not dealing with the question of technical ownership, but I was dealing with the ownership in that larger sense that goes to the morals of this question.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. Certainly.

Mr. KNOX. I owe obligations to the Senator from Colorado for even more clearly explaining the position I took than I did myself, but I want to call the attention of the Senator from Idaho to the fact that he made that statement in conjunction with the statement that the depositors being the owners of the money the Government could not have a prior lien, or rather, that it did not have a prior lien, and it was not within the power of Congress to give it a prior lien, because it would be interfering in a relationship to which it had no relation itself.

Mr. HEYBURN. But I still think so.

Mr. KNOX. I will content myself by saying, with some reluctance, that I am absolutely convinced that the Senator is wrong on both propositions.

Mr. HEYBURN. Well, Mr. President, if I were here for the purpose of settling a legal proposition necessary to be settled in the determination of this question, I would go with some care into the consideration of it, and doubtless succeed in making myself understood as to my intent in the use of the terms that I use. I know very well that in the discussion of a question of this kind under such circumstances one should be more careful in the use of terms if they are to be subjected to a critical legal analysis. I believe I know—I have been credited with knowing—the relation which the depositor bears to the bank, the quality and quantity of ownership, and the estate which he has in the fund which is held by the one on account of the other. I have frequently had occasion to litigate that kind of question to the last analysis, as has doubtless the Senator from Pennsylvania [Mr. KNOX], the Senator from Colorado [Mr. TELLER], and many other Senators. I did not intend to enter upon a technical legal definition of the terms or the application of those terms.

I still say that the United States has no prior lien to the individual deposits, not because of conditions that might arise, but because of conditions that would arise under the conditions stated by the Senator from Michigan [Mr. SMITH] on yesterday. I was considering the relation of ownership in the light of the discussion of the Senator from Michigan, and I stated then—and in the sense that I stated it it is true—that the Government would not be a preferred creditor. That the Government might be a preferred creditor under some conditions can admit of no doubt, because the relation of a preferred creditor is one that depends upon peculiar conditions, and it is one that must arise upon a conferred right. You must have a right, and from that right the condition flows; but it was utterly immaterial to the consideration of the present question, except as applying to the remark of the Senator from Michigan, whether or not, technically speaking, from the standpoint from which the Senator from Pennsylvania discussed it, the absolute ownership of the money was in either party. The Government will have a prior lien only when it is given that right by law. There is no act of Congress to which my attention has been called that would give it a right under the national banking act, as a preferred creditor, to the funds of the bank, because of the depreciation of the security bond and the circulation which the Government was called upon to redeem. That condition was not contemplated, and did not exist at the time to which the Senator from Pennsylvania refers.

Mr. President, in regard to the relation of the depositor to his funds it is not necessary to consider the question as to whether or not he is entitled to the identical money. He is not. The money that is in the bank is to be considered in volume. The right is not to any particular note or integral part of the volume of the money, but it is the right to participate in the volume to the extent represented by the deposit of the individual.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Yes.

Mr. TELLER. I would say, to the extent of the obligation of the banker to himself and others. Suppose a man makes a deposit of $10,000; that the next day he borrows $10,000 of the bank and the bank fails; does he not have to come in precisely like any other creditor?

Mr. HEYBURN. Yes.

Mr. TELLER. He has no claim on that deposit, has he?

Mr. HEYBURN. Not at all. If I said anything that looked as though I thought so, then I stated myself badly, because I am not in a position to plead ignorance of the law covering that subject; but that does not go to the question I was discussing. It is often the case that an adversary—the Senator from Pennsylvania will pardon me if I speak of him as an adversary even in debate—finds profit in sidetracking the main thoughts of his adversary and taking up an entirely different proposition.

Mr. KNOX. I do not regard the Senator——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. Yes.

Mr. KNOX. I did not regard the Senator as an adversary in this matter, but as a friend who had gotten off the right track, and I tried to restore him to it.

Mr. HEYBURN. Well, Mr. President, I did not use the term "adversary" in any invidious sense, and I am quite sure the Senator from Pennsylvania understood me. He has succeeded only in diverting me for about fifteen minutes from the consideration of the question I was proceeding to consider—to the consideration of a technical expression in regard to the legal rights of the parties. From the standpoint from which I stated it, I stated it correctly; from the standpoint from which the Senator from Pennsylvania and the Senator from Colorado chose to consider it, they stated the law correctly. One is not necessarily to the exclusion of the other. I was speaking of money in a different sense and relation. When I speak of the ownership of it, I still say that I am justified by the facts and the law in speaking of the deposits in banks as the property of the depositors. If you chose to enter into a technical analysis of property, as to its quality and character and the contingencies under which it changes its quality and character, we might be led off into a most interesting dissertation upon the law, but one which would not be profitable in determining this question.

The depositors are the ones whose property not only is in the deposits, but whose property depends upon the maintenance of the credit which they have in the bank. The depositor has that property represented by a credit, if you please, at the bank, and upon that credit is based the ownership of perhaps ten times the amount of the credit. Perhaps I might better have used the term "credit" instead of "money," because neither the bank nor the depositor has the money. The bank has it in figures and the depositor has it in recognition. With less than four thousand million dollars in existence the banks hold, on the face of their statements, something like fourteen thousand million dollars. So they are both of them dealing in figures and credits. It is immaterial whether we use the phrase "owns the money," or whether we say "they own the credit," for it is credit. It is theirs, and I speak for the integrity and the protection of the credit of the depositors in the banks. Is that stated free from the legal objection of the Senator from Pennsylvania? It is their credit, and credit in this country is the thing upon which prosperity is based. Money is the convenient token representing the credit. The credit belongs to the depositor, and it is our business to see to it that it is protected. The reserves are transferred as credits. The currency is not always shipped from the bank to a reserve agent. The token is sent, whether it be a draft or otherwise. If the actual money

required for reserves should be kept it would require, in round numbers, $900,000,000, to be held as reserves against the deposits in the national banks. That is about one-fourth of the actual money in the country.

Where is the money representing the capital stock of the national banks? How much of it is tangible? Does the bank loan it? The capital stock of the national banks is practically equal to the reserves required to be held by the national banks. What is the theory of banking? A number of men come together and say that "for the privilege of using the money of this community, we will organize a bank and pay up so much capital stock." The depositor, before doing business with the bank, says to himself, if not to some one else, "This bank has a paid-up capital of $500,000." He sees in his mind that it has that much capital that is available to make good any contract he may make with that bank. When he deposits his money in that bank he has in his mind the paid-up capital of the bank, which was in fact "paid up" in credit. There is $900,000,000 of that kind of money in the United States to-day that we are counting as assets. It is as intangible as was that two hundred and fifty-odd million dollars of reserves in New York City on the 18th day of last October. It is just about as available for the purpose of making good the contracts and obligations of the banks.

I think perhaps by being led into this discussion of details I have detracted from the value of the suggestion that railroad bonds are not an appropriate or proper basis of circulation because of the fact that they have no element of government in them or behind them. When I was called upon to arrive at a conclusion and form a judgment in this case as to the propriety of supporting a bill that contained a provision for the deposit of railroad bonds, I did not go beyond that single inquiry as to the propriety of the Government issuing money based upon something over which it had no control, and which had no taxing power behind it. I stopped right there and I said: "I will not support any financial measure that proposes to issue circulation based upon something that the Government is not behind."

No element of control that we have undertaken to exercise over railroads would put the Government behind a railroad bond, because the railroad's board of directors is the controlling element and not a legislature or a council or a Congress. Let us stop in this proposed legislation right where we are and content ourselves with legislation that will prevent the money from being improperly drawn from the banks in one section of the country for the use of banks in another section of the country. Let each community own and control its wealth as far as possible and we will have performed the highest mission and the best function of government at this time.

Mr. President, I had it in mind to go somewhat into detail on the question of the reserves, but I have already occupied more time than I had intended in discussing this question, and I will content myself at this time by saying that, in view of the fact that the emergency has passed away, nothing would be gained by providing for the issue of a currency of this kind, even if it were based upon national-bank notes.

It has been suggested that I take up the question of the process and effect of the foreclosure by the Government on railroad securities. Basing my objection upon the principle I have stated, it becomes unnecessary to go further into that question. If I were going to support this measure, then I would think that there should be some carefully considered plan that would limit and define and prescribe all those features pertaining to the realization by the Government upon these bonds in the event that the bank failed to make good or the railroad company failed to pay the interest on its bonds or the dividends on its stock or any other condition.

Looking at it from the broader standpoint, as I have already explained, it seems to me that it is not necessary or desirable to go into such details. Let us say to these—what shall I call them, financial jugglers? I do not desire to deal in harsh terms, and I am not going to inveigh against Wall street, or individuals who are prominent in banking circles, but let us say to these financial jugglers, and I will use that term for the want of a more apt phrase at this moment, "You are not to have more currency; the currency or the volume of currency in this country shall grow naturally out of the process of Government, augmented, as it will be, every year to the extent of not less than $100,000,000, sufficient to meet the growing and increasing business; you are not to have an emergency currency to tempt you to do that which you should not do; you are not to have an emergency currency that will quiet your conscience while you evade the law; you are not to have an emergency currency that will make good your defalcation, when you have unlawfully used the reserves which you are pledged to maintain; you are not to have an emergency or an elastic currency that shall be in keeping with your financial conscience; but you will keep within the letter of the law, and when reserves are intrusted to you, you will maintain those reserves as the law requires you shall."

When they understand that they will not run themselves into a cul-de-sac every year. I was told a year ago to-day, when this body passed the financial bill of the last session, that it would prevent panics. I opposed it. I did not believe that it was either necessary or wise. The act of March 4, 1907, one year ago to-day, was to avert such conditions as have been confronting us for the last three months. What was its effect? Its effect was just contrary to that which was prophesied for it. It accomplished no good purpose; it just greased the conscience of the financial jugglers. Having come to their relief once, they thought that by their misconduct they could compel us to come to their relief again. Congress did not come to their relief, but the Executive branch of the Government did, and gave them the use of $250,000,000 of the Government's money because it seemed, as the Senator from Colorado [Mr. TELLER] said recently, to be necessary and wise. I will not enter into a consideration of that question.

The Government did come to their relief because it had the money; but suppose the Government had not possessed under its immediate control that sum of money, what would have been the result? Are we to play Government along the lines that we will have an abnormal reserve of ready cash against the day of want? There have been many times in the history of this country when the Secretary of the Treasury could not have come to the relief of the bankers in New York and deposit in one bank in one day $11,000,000 of the Government's money. I believe that is the amount that was deposited in one day during the recent panic. I have the figures on my desk, and I had intended to incorporate them into the RECORD; but, as I have said, I have already overrun my time. I will, however, just glance at those figures for a moment. They show that the First National Bank of New York received $10,000,000 out of the Treasury of the United States in one day, and another bank, the National City Bank, on the same day, or within a day or two, also received $10,000,000.

They based upon that $20,000,000 a credit for philanthropists, statesmen, and salvators of their country, and everything that is grand and glorious. I even saw a newspaper that proposed to nominate the principal owner of one of those banks for President of the United States on the strength of the fact that he had come to the relief of the market on a given day with about $20,000,000—$20,000,000 of the money the Government of the United States placed there. He was merely the agency through which the Government of the United States came to the relief of the market. I have never felt in my breast that swelling of admiration and praise for that financier that so many have expressed. If the Government of the United States had intrusted $20,000,000 to any Senator in this body, he could have done the same thing, and would have been entitled to no special credit for it.

Mr. President, I say, in closing, the wise thing for Congress to do is to do nothing, so far as either the expansion or the power to expand the currency is concerned. The occasion for doing anything, if it ever existed, has passed away. I know that I will be met in the minds of some by the statement that we should anticipate the future. If the future knows that it is going to have the protecting and saving hand reached out to it, it will take plunges that otherwise it never would take. If it knows that the stern rule of law and justice will circumscribe it in its conduct, it will not undertake these risky things that we have just seen in the financial world. Let us protect to each community in the United States the money that belongs to it in the reserves. Let us prevent the tilting of the table that shall slide the money to one end of it or the other. That is all. Maintain the financial equilibrium of the country and the necessity for this bill will pass away.

Mr. WARREN. Mr. President, I ask the Senator in charge of the pending bill to consent to have it laid aside temporarily that I may ask for the consideration of the Army pay bill.

Mr. KEAN. Let us have an executive session.

Mr. HALE. In the absence of the Senator from Rhode Island [Mr. ALDRICH] I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Maine asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

PAY OF THE ARMY.

Mr. WARREN. I now ask unanimous consent for the present consideration of the bill (S. 4030) to fix the pay of the Army.

Mr. CULBERSON. Mr. President, what is the order of business?

The VICE-PRESIDENT. The Senator from Wyoming [Mr. WARREN] has asked unanimous consent for the present consideration of Calendar No. 170, being Senate bill 4030, to fix the pay of the Army.

Mr. CULBERSON. I notice that that is the second bill on the Calendar under Rule VIII. I do not understand that there is any special necessity for asking unanimous consent for its consideration if we are on the Calendar.

The VICE-PRESIDENT. We are not on the Calendar.

Mr. CULBERSON. Let the bill be read.

The VICE-PRESIDENT. At the request of the Senator from Texas the Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the pay of officers of the Army is hereby increased as follows: Of lieutenant-generals, 10 per cent; of major-generals and brigadier-generals, 15 per cent; of colonels, lieutenant-colonels, and majors, 20 per cent; of captains, first lieutenants, and second lieutenants, 25 per cent; and the pay of cadets at the Military Academy is hereby increased 25 per cent: *Provided*, That section 1267 of the Revised Statutes of the United States is hereby repealed.

SEC. 2. That the provisions of section 1569 of the Revised States of the United States, which authorize the President to fix the pay of enlisted men in the Navy, are hereby extended so as to authorize the President to fix the pay of all enlisted men of the Army: *Provided*, That the average pay now established for enlisted men of the Army shall not be increased by more than 40 per cent.

SEC. 3. That nothing herein contained shall be construed so as to reduce the pay or allowances now authorized by law for any officer or enlisted man of the Army; and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. GALLINGER obtained the floor.

Mr. CULBERSON. I ask the Senator in charge of the bill to explain section 2.

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. GALLINGER. I desire——

Mr. CULBERSON. I beg pardon of the Senator. I did not know he had the floor.

Mr. GALLINGER. I desire to make a single observation. The Senator will be detained but a moment.

I do not rise, Mr. President, to object to the consideration of the bill, but, that the country may understand the exact situation, I will say that I am satisfied, if this bill passes, a similar bill, or one dealing as generously with the Navy as this one does with the Army, will in due time follow. If the Navy is to be discriminated against, I certainly should not only object to the consideration of this bill to-day, but would oppose it to the extent of my ability. Being satisfied, however, that if this bill does become a law, or if it does pass the Senate, the Navy will not be forgotten, I have no objection to the bill.

Mr. WARREN obtained the floor.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. WARREN. I yield to the Senator from Texas to ask a question.

Mr. CULBERSON. I should like to have the Senator in charge of the bill explain section 2. A casual reading would indicate that the President is allowed a discretion to increase the pay of enlisted men within the limit of 40 per cent. I should like to ask the Senator in charge of the bill, as I have already indicated, to state if that really is the meaning of that section.

Mr. WARREN. Mr. President, I will state that the present law provides exactly that mode of payment for the enlisted men of the Navy and the Revenue-Cutter Service. The Revenue-Cutter Service has a limit—that the pay shall not exceed that paid for the same service by the merchant marine. As to the Navy, no limit is prescribed. This bill merely takes the existing law as to the pay of enlisted men, as it applies to the Navy, and applies it to the Army, the idea being that a little elasticity should obtain on account of changing conditions. There is no limit upon the law as it exists now. The amount for the Navy might be raised 100 per cent. This bill follows the present law, except that it fixes an outside limit of 40 per cent.

I will state, furthermore, I assume that before this bill shall be enacted into law there will be a new schedule of rates. I assume that from the action taken in another place; but I should like to have this bill passed in order that the Military Committee may know the sense of the Senate as to how much higher pay, if any, it is willing the Army should have. There are some committee amendments, which have not yet been read, and which reduce the pay in some instances from that proposed in the bill just read. I should like to have the bill passed practically as it is, with an amendment which the committee will offer separating the Army and Navy for consideration as to increase of pay, the understanding being that both will have equal attention. Then, having the views of the Senate, whether or not they wish to increase the pay of the Army, the matter will, I think, be worked out satisfactorily to the Senator from Texas and to all other Senators.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. I do.

Mr. CLAY. With the Senator's permission, if I understand section 2 of the bill, in the event it passes the President would be authorized to increase the pay of enlisted men not exceeding 40 per cent of their present pay. Does not the Senator think it would be better to provide what shall be the pay of enlisted men? Would it not be better to say exactly what they shall draw, instead of leaving a discretion to the President in regard to fixing their pay? I am prepared to say that I do not believe that the enlisted men are now properly paid for their services, but instead of leaving it to the discretion of the President to say whether the pay shall be increased by 40 per cent, should not Congress itself assume that responsibility?

Mr. WARREN. I was speaking only in regard to what Congresses preceding us had done.

Mr. CLAY. If a Congress preceding us did wrong in regard to fixing the compensation of the Navy, is that any reason why we should do wrong as to fixing the compensation for the Army?

Mr. WARREN. Is the Senator prepared to say it is wrong?

Mr. CLAY. I am prepared to say this, that Congress itself ought to say how much the enlisted men should be paid and how much the officers should be paid. A schedule of wages ought to be fixed by Congress itself.

Mr. WARREN. Has the Senator such a schedule to offer now?

Mr. CLAY. I have not. I am not a member of the Committee on Military Affairs.

Mr. WARREN. If the Senator will allow me for a moment, I think his suggestion will bear good fruit, but the first difficulty in which the committee finds itself is that it has before it an appropriation bill touching the margin of this question, but certainly not sufficiently covering it, awaiting the action of the Military Committee, and the committee would like to know whether or not the Senate of the United States desires to increase the pay of the Army; and if it is willing that we may increase it, that it may say how much. Then the committee will see to it that a proper schedule is applied. The committee feels sure from the present outlook that this whole matter will have to be finally carried in the Army appropriation bill. Therefore we ask the Senate now, in this bill, to advise us. Shall the pay of the Army be increased; if so, how much? And shall it apply to commissioned officers as well as to "rank and file?" Having such advice, the committee will work out the details as to schedules.

Mr. FRAZIER. Mr. President, with reference to section 2, I should like to ask the chairman how, by passing the bill in its present form, we are to get the schedule to which he refers? I am very seriously opposed to this section of the bill. I think Congress abdicates its constitutional functions in undertaking to invest the President with power to fix the compensation of the enlisted men of the Army. I think Congress itself should do it.

Again, this provision leaves it open to the Executive, who probably would not himself act, but through some board, to increase the compensation of some classes of the enlisted men 10 per cent, some of the other classes 20 per cent, some other classes 40 per cent. There should be unquestionably, according to my judgment, a schedule fixed. Congress ought to determine how much compensation an enlisted man should receive, and that should be a fixture and not subject to change by Executive order or Executive rule.

I thoroughly agree, Mr. President, that the enlisted men of the Army do not at present receive enough compensation. There should be an increase. Whether it should reach as high as 40 per cent is a question about which I have some misgivings, but that there should be some increase I do not think is a debatable proposition. Our Army is not able at the present time to keep its quota up to the standard that it ought to have, by reason of the fact that men are not receiving sufficient compensation to induce them to remain in the Army. But it seems to me if we are going to fix a schedule, we ought not to pass the bill in this form.

With respect to the first section of the bill, I do not believe that the lieutenant-generals and the major-generals ought to have an increase at all. The compensation of those officers is now more than that of a Senator or Representative. I see no

just ground for increasing those higher grades. The lower grades of officers should undoubtedly be increased. I have no objection to the increases indicated in this bill in that respect, but I am emphatically opposed to the second section of the bill. If we are going to have a schedule at some future time, I see no reason why the Senate should now pass a bill vesting that power in the Executive.

Mr. WARREN. Mr. President, the Senator who has just spoken is a distinguished and very useful member of the Committee on Military Affairs, and yet I believe he would hardly wish to-day to himself submit a schedule of salaries and vouch for its providing a correct and equitable increase. The condition is this: We are confronted with an appropriation bill which comes over from the House and which is now before the Committee on Military Affairs. In that bill is a schedule covering a part of those whom we wish to consider in the increase of salaries. The House has not made a complete schedule, nor does it provide as much as does the schedule which has been submitted heretofore by the War Department.

I am informed through the public press that the pay schedule did not leave the House and come over here in the form in which the House would like to have it, or in which it is expected to pass. If the bill passes to-day, so that we may see within what limits of increase the Senate will sustain us, the Committee on Military Affairs will arrange a schedule and present it to the Senate for its approval and later will have it in conference.

As to the remark of my friend, the Senator from Tennessee, about the percentage of raise, I do not know what his ideas may be in comparing the Army with the Navy, but the present average pay of the Navy to-day, the rank and file, is $33 per month per man, as against $17.73 for the Army. If you add 40 per cent to $17.73 you get very, very far from $33. In other words, the men in the Navy, in its rank and file, are now receiving almost exactly twice what the Army is receiving, while this bill, if it passes, would only allow us to carry the Army pay up to 40 per cent, and that makes only 75 per cent or three-quarters of the present pay of the Navy, and yet the Navy seeks still higher pay. I should feel, if I was in the Committee on Military Affairs and the Senate passed a bill that gave an average increase of 40 per cent, that we could act within that limit.

I may say, by the way, that this bill was drawn, considered, and reported at a time when the only pay bills before us were those based upon this section 2. There were pay bills before the Naval Affairs Committee, and pay bills before the Committee on Military Affairs of both House and Senate, and all of them reached the question of increase of pay in this way, and the members of the Military Affairs Committee presumed that this might be the manner in which the Senate would wish to treat it since this system has prevailed for many, many years in paying the Navy. Since then have occurred the developments which I have mentioned, and, as I said before, the committee now is confronted with a different condition.

Mr. CULBERSON. Mr. President, the consensus of opinion in the Senate seems to be that the present pay of the enlisted men of the Army is insufficient. There is a contrariety of opinion in reference to how it shall be increased—whether by the Congress itself directly, including, of course, the approval of the President if it become a law, or whether it shall be left to the discretion of the President.

I am one of those who believe that the Congress ought to enact the law and fix the compensation, and consequently I am opposed to the passage of this bill in its present shape, because if it passes in that shape it will go to the other body with a favorable expression on the part of the Senate for this section 2, when, in my judgment, that is not the opinion of the Senate—at least a portion of the Senate. In order to present the issue, I offer as a substitute for section 2 the following:

SEC. 2. That the pay of the enlisted men of the Army is hereby increased 30 per cent.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment, which will be stated by the Secretary.

The SECRETARY. It is proposed to strike out section 2 and to insert in lieu thereof the following:

SEC. 2. That the pay of the enlisted men of the Army is hereby increased 30 per cent.

Mr. OVERMAN. Mr. President, I desire to say that, as a member of the Military Affairs Committee, I opposed that provision of the bill which provides that the Executive shall fix the pay. It seemed to be the understanding, however, sir, that a schedule was to be fixed in the appropriation bill, and with that understanding I was willing to let this bill come here. Since the amendment has been offered by the Senator from Texas [Mr. CULBERSON] I shall be compelled to vote for it.

Mr. DANIEL. Mr. President, it seems to me it would be wise for this bill to go over at least to-day. In its present shape I could not vote for it. I do not think it is any part of the office of the President of the United States to fix the pay of the Army which he commands, and I think it is trenching upon the history of our Government, although it may be that some precedent may be found about the Navy here or there upon which it has been patterned. The Senate has had a very heavy day of work. Many of its members have been occupied in one or two committees and have had a chance to participate but briefly in its session. I hope the bill may go over to-day, so that each of us may have some opportunity to reflect upon it.

The bill puts the cart before the horse. It provides a certain range of promotion without the Senate as yet indicating any sense as to what degree of increase of salary should occur. We ought first to fix the salary or wage or allowance of the soldier and then test the question of the passage of the bill.

Waiting until some other committee or any committee can satisfy their minds as to what is proper as an increase of a soldier's pay is to anticipate something of which we have no conception and which is totally dependent upon extraneous conditions of which we can form no judgment; and there is not the slightest occasion, propriety, or necessity for hurrying this bill through the Senate. We should have at least the opportunity to consider its provisions carefully, form our own mind as to its details, and then upon debate vote. I do not think we can have such a debate or consideration this afternoon, and I hope that the bill may go over until a season better adapted for its consideration than this late hour.

Mr. HALE. Mr. President, I only wish to say that with an amendment which the Senator in charge of the bill has this will, in my judgment, be the best method of legislating affecting the pay both of the Army and Navy. The two branches in pay have certain similarities and certain marked differences. It is practically impossible to make a general statute that shall apply fairly to both branches of the military service. The Senator in charge of the bill has an amendment which makes this bill purely an Army bill, relating to the pay of the Army.

The occasion, I take it, in fact he has so stated, of its being called up now is that upon the Army appropriation bill the House has taken up and dealt with the subject and incorporated a provision touching the pay of soldiers and the lower ranks, not the commissioned officers, in the Army, and that brings the matter, whether we will or not, directly and squarely before the Senate. The Senate committee must deal with that proposition which has come in the Army appropriation bill from the House; and I take it that the Senator's object in asking for action to-day is that the Military Affairs Committee of the Senate may have, in a way, for its guidance or suggestion the action of the Senate, so that in completing the bill the whole subject-matter of the pay of the Army, the rank and file, the noncommissioned officers, and the commissioned officers, may be considered.

If the bill passes with the amendment which the Senator has it will be, as I think it should be, a purely Army bill. There is no danger of any surprise or any action being forestalled without the Senate knowing it. It will go first, as a bill passed, back to the House. Also it will be in order as an amendment to the Army appropriation bill. It will be considered there. It can not move an inch toward becoming a law, and none of the questions that have been raised by Senators here to-day can be settled until it is reported and debated with that full freedom of debate which characterizes the consideration of appropriation bills in the Senate.

It will then pass through another crucible of the conference committee between the two Houses, and that report can never pass and become law without being thoroughly and completely considered by both Houses. So I think the object of the Senator who has charge of this bill is in the direction not only of doing something, but doing it in a safe and a right way.

Mainly, I rose for the purpose of saying that the bill being made, as I think it should be, a purely Army matter for the deliberate and continued consideration of both bodies, I should like to say, as a natural result, that the subject of the pay of the Navy will be considered by itself by the two committees of the two Houses on full and complete report and consideration before both bodies. I have no apprehension, Mr. President, that if at last out of this full consideration the two Houses agree upon a suitable provision for the Army, rank and file, noncommissioned and commissioned officers, Congress will also consider and pass in due time, probably upon the naval appropriation bill, some corresponding measure that shall deal fairly with the question of the increase in the pay of the Navy, both rank and file and commissioned officers. I

have no apprehension that Congress will adjourn after having increased the pay of one branch of the military service of the United States and leave in the lurch the other branch. Therefore I think it is in the interest of good legislation that this proposition shall be forwarded under the methods that the practice and the rules of the two Houses make one of complete safety and full consideration.

Mr. TELLER. I wish to ask the Senator a question before he sits down, if he will allow me.

Mr. HALE. Certainly.

Mr. TELLER. Exactly what do we gain by taking this bill up now, and do we gain anything by leaving the matter to the President and leaving it in doubt as to what he may do? Is not this body and the other one the proper bodies to fix the compensation of soldiers and sailors?

Mr. HALE. I have not gone into that, but undoubtedly in the interest of legislation it is proper and fitting that the Senate, its Military Committee being confronted with the consideration of the Army bill which has upon it a provision for the pay of the Army, should pass some bill which will make it in order as an amendment to the military appropriation bill, so that when a provision is reported, perhaps by the unanimous voice of the committee, it shall not be subject to the point of order which is met by the rule that a bill which has passed the Senate is in order as an amendment to an appropriation bill.

I take it that that consideration largely has dwelt in the mind of the Senator from Wyoming, who has charge of the bill. The whole question as to whether fundamentally the pay of the rank and file shall be fixed by the President or by determinate legislation is one which will be considered fully under all these stages before it finally comes up for action. I did not go into that.

Mr. TELLER. Mr. President, it strikes me there is a vicious principle in the second section of the bill. I think it is the duty of Congress to fix the compensation of sailors and soldiers, and not the President, and if we want to instruct the Committee on Military Affairs as to what the sentiment of the Senate is we ought to have something more definite than what is found in section 2.

The President might fix the salary 5 per cent more than it is at present, or 10 per cent, or 20 per cent, or 40 per cent, but it appears to me that 40 per cent is not any too much. I believe we should have something definite. It is not our business to leave this matter to the President. I think the amendment of the Senator from Texas [Mr. CULBERSON] is a conservative one, and I think if he figures it up he will find the increase is pretty small. I do not believe myself——

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Texas?

Mr. TELLER. Certainly.

Mr. CULBERSON. I will say to the Senator that I fixed it at 30 per cent increase because in a conversation with one or two members of the Committee on Military Affairs they expressed the opinion that that was about right. I am not wedded to 30 per cent. I want to get at the principle that Congress, and not the President, shall fix the pay of the enlisted men of the United States Army.

Mr. TELLER. I am in accord with that.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. I yield to the chairman of the committee.

Mr. WARREN. If the Senator from Texas will change his amendment so that the average increase shall be 40 per cent, because some will have to be more and some less——

Mr. TELLER. How is that?

Mr. WARREN. If the Senator will fix his amendment so that the average pay shall be increased 40 per cent, I shall not resist the amendment.

Mr. TELLER. How do you mean—the average? Do you mean to equalize?

Mr. WARREN. There are certain noncommissioned officers and other enlisted men who must have, on account of differences in later modes of warfare, the introduction of electricity, etc., larger increases than others; hence the proposition is to raise the pay of all, but to provide that the average increase should not exceed 40 per cent.

Mr. TELLER. The chairman is mistaken. That was not the proposition. The proposition was to let the President determine that question. I want it determined here.

Mr. WARREN. I do not think the Senator understands me. The Senator from Texas has now offered an amendment which gives to the rank and file an increase of 30 per cent. I say if he will make it 40 per cent, and use the language we have, simply that it shall average not to exceed 40 per cent, I shall have no objection, and that is exactly what the Senator from Colorado has said he is willing the increase shall be—40 per cent.

Mr. TELLER. What I want and what I am going to stand for, and I think the Senate ought to stand for it, is that we ourselves should determine this question. Are we afraid to do it? I am not, so far as I am concerned. I have known for many years that the soldiers of the United States were underpaid. I realize, as has been said here, that you can not keep an army such as you ought to have in time of peace on the miserable payment that we have been making for a good many years. I am quite willing to increase it an average of 40 per cent. What I am contending for is that it is our business to do it and not the President's business. Whatever is legislation belongs to us. Whatever is executive belongs to the President. We are as able to settle this as is the President, and I want Congress to settle it because I want to know what the men will get. I would not be satisfied if the President should give them 5 or 10 or 20 per cent increase.

Mr. WARREN. Mr. President, I agree with the Senator from Colorado that the increase should not be too small. I simply said, as to putting in section 2, that it was similar to the provision providing pay for the Navy, which law, if I am not mistaken, the Senator from Colorado was a party in enacting. I shall be glad to accept the amendment of the Senator from Texas if in it he will increase 40 per cent the average of the Army.

Mr. TELLER. The Senator thinks because we made a blunder some time ago, that is a reason why we should do it again now.

Mr. WARREN. No; I do not say that excuses it. Nor do I say it was a blunder.

Mr. TELLER. I may have been present in the Senate when it was done. If the Senator from Maine [Mr. HALE] got up and said it was the right thing to do, I may have considered that it was the right thing to do and let it pass.

Mr. HALE. I should hope so.

Mr. TELLER. But I have never knowingly voted to give the President legislative power.

Mr. WARREN. I am glad my friend the Senator from Colorado has made the demarcation between the Senator from Maine, chairman of the Committee on Naval Affairs, and the Senator from Wyoming, chairman of the Committee on Military Affairs, even though it may not be very flattering to me.

Mr. TELLER. No. The Senator from Maine is the head of the Naval Committee, and I have followed him on naval matters because I know that he knows more about it than I do. Then I thought, perhaps, representing an inland people, it might be somewhat presumptuous for me to suggest that I knew enough about it to take much part in it. But I have never in my life consented to the transfer of the legislative power to the Executive. I have believed and believe now that if there is any danger at all to the country in its liberties, it comes from the fact that we do not keep the distinction between the executive and the legislative powers; and if this bill can be fixed in any way that we may fix it so that the increase may be a legislative act and not an executive act, I am prepared to support it.

Mr. BACON. I should like to ask the Senator from Wyoming in regard to the language suggested by him as to the average. If the language is incorporated in the bill as suggested by the Senator, would that average be afterwards determined and fixed in detail by the Appropriation Committee, or will it still be a matter to be determined by executive decision as to how the average shall be distributed?

Mr. WARREN. Undoubtedly it would be fixed by the committee having charge of the Army appropriation bill.

Mr. BACON. The appropriation bill, in other words, will proceed to distribute this average in such a way as will definitely designate the particular amount to go to each rank and class of enlisted men?

Mr. WARREN. That will undoubtedly be the course pursued.

Mr. BACON. Now, I hope the Senator from Wyoming will go a little further. He said he would not resist the amendment. I hope it may be understood that that amendment will be agreeable to all parties, because the matter which has been under discussion is one that is so radical to some of us who feel that we would not be willing for it to go to a vote without very considerable discussion, if it is a matter still in doubt.

It is not simply the fact, as it would be ordinarily, of submitting or delegating to the Executive Department the power of

legislation, but it would be a delegation in the most dangerous of all branches of legislation, a delegation to the Executive to fix the pay of the soldiers whom he commands as Commander in Chief.

Mr. President, it would be absolutely at war with every principle upon which the civil liberties of the race to which we belong are founded. For that reason I make the suggestion that those who are favoring the immediate consideration of this bill should let us know that not simply there would be on the part of some a failure to resist, as expressed by the Senator from Wyoming, but that we might show that there was a consensus of opinion upon the subject, as there frequently is when we have to deal with matters of legislation.

I feel that Senators must recognize the fact that of all things the most improper would be to put within the power of the Executive the question whether or not the pay of a soldier should be raised or should be lowered. Of all things, that is a matter to be kept out from his consideration or determination in any manner, shape, or form.

Mr WARREN. I have already said that I shall be glad to accept the amendment, with the word "average" in, of course. In view of the drastic denunciation of the Senator from Georgia that this bill would put us at war "with the civil liberties of the race to which we belong," I suppose I ought to apologize to the Senate and to every member of it for following the precedents here in taking what is now the existing law and applying it to one arm of the fighting force as it has been applied to the other for nearly one hundred years. This is the first time I ever heard any point raised or any criticism of this hoary-headed old law under which we have so long prospered. I am perfectly willing to accept the amendment.

Mr. BACON. I want to put myself on record as the Senator from Colorado has done. If I had been present when it was done I certainly would never have given my acquiescence to such a provision of law.

Mr. LODGE. Mr. President——

Mr. CULBERSON. Before the Senator from Massachusetts proceeds I would be glad to answer an inquiry as to the reformation of this proposed amendment so that he may have the advantage of it.

Mr. LODGE. Before the amendment is offered I should like to say a word.

Mr. CULBERSON. I do not ask that it be agreed to, but merely present it in a modified form before the Senator begins.

Mr. LODGE. I beg the Senator's pardon; certainly.

Mr. CULBERSON. I move as a substitute the following:

That the average pay of enlisted men of the Army as now established is hereby increased 40 per cent.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. Strike out all of section 2 and insert in lieu thereof the following:

SEC. 2. That the average pay of enlisted men of the Army as now established is hereby increased 40 per cent.

Mr. LODGE. Mr. President, the difficulty with that proposition is this: Owing to the change in conditions of modern warfare, perhaps the most important branch of the service to-day is the Coast Artillery and the men who are charged with the management of the great guns in our coast fortifications. Those men, with the present rigid pay of the Army, are the most underpaid of all, because it requires men with great skill in electrical matters to be fit to do the work. Men go out from the Government service—men who have been employed in the coast forts and have been taught the business—go out and get $100 and $150 a month at once from electrical companies. After the Government has educated them and taught them they go out, because the moment they leave the service they get greatly increased pay. The committee was informed of one case where a company in New York paid the purchase money, $250, for a sergeant and paid him $150 a month in their employ subsequently.

Now, you can not get skilled and trained men for that most important branch of the service unless you pay them more highly than you pay privates and sergeants in other branches of the service.

Mr. TELLER. May I ask the Senator a question? Could not that be arranged by giving them different grades so as to increase their salaries? Should not that be done? Should not the people who are handling the guns, electrical contrivances, and machines have a designation different from that which they now have?

Mr. LODGE. They are privates in the Army and sergeants and corporals like the rest. They are getting now somewhat higher pay, but I do not understand that a rigid advance of 40 per cent all around will be enough to provide for those men.

Mr. TELLER. I doubt whether it will.

Mr. WARREN. I will say, while the House allowed but 10 or 20 per cent in some cases, in at least two cases it allowed as high as 100 per cent. My idea was that the average of 40 per cent would of course be used to pay some of them a larger per cent and some of them a smaller per cent. Of course whatever is paid over 40 per cent to one class would have to come off the 40 per cent in some other class.

Mr. LODGE. Precisely; I understand that. That is why it seems to me that the provision under which our civil liberties have been withering for the last ten years in the Navy, and which has prevented the Navy pay from falling into the condition of the Army pay, is so necessary in order to give some elasticity in grading the pay.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from California?

Mr. LODGE. Certainly.

Mr. PERKINS. I wish to say one word at this point in reply to the Senator from Massachusetts. I have been a member of the Committee on Naval Affairs for fifteen years, and during that time we have not increased the pay in the Navy. I want to say that in justice to myself, because my friend from Colorado and my friend from Georgia and others think the committee raised the pay 40 per cent.

Mr. TELLER. If the Senator will allow me——

Mr. BACON. Will the Senator pardon me?

Mr. LODGE. I will yield in a minute. I did not say the Naval Committee had raised the Navy pay. I said it was done under the law which enabled the Department to grade the pay in the Navy (for it is the Department which does it, of course), the seamen and enlisted men and the warrant officers were paid appropriately according to their grade, because there was a certain measure of elasticity which the Department was able to give by averaging the pay in the pay table.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I now yield to the Senator.

Mr. BACON. In response to what the Senator from Colorado said, and also what the Senator from Massachusetts somewhat inferred, I desire to say that nothing I have said or designed to say was intended to indicate any indisposition on my part to have the pay increased. On the contrary, I think it ought to be increased both in the Army and in the Navy. I simply wish to give my adhesion to the suggestions which have been forcibly made by Senators who preceded me, to the effect that those increases should always be made by the legislative branch and should not be left to the discretion of the Executive.

Mr. LODGE. I think that the pay of both services ought to be raised. The Army pay is lower than the Navy pay, and is improperly graded and distributed, owing to the fact that the Army has not had the advantage which the Navy has had of permitting the Department to grade and average the pay and arrange the pay table.

The act of 1898 raised the naval pay and at the same time enhanced the injustice of the personnel bill, making the pay of the Navy dependent upon the Army. It increased the pay of all naval officers at that time except those on the retired list and certain staff officers. This measure would simply continue that. I think this Army pay bill ought to be entirely disassociated, in the first place, from the Navy pay, so that they should not clash at all. In the second place, I think we ought to have the liberal increase which the bill of the committee requires.

For myself I desire to say that unless much stronger reasons are brought forward than I have yet heard, I hope that the power of arranging the different rates of pay will be left to the Department in the Army as it is in the Navy. As long as the power to vote the money is in Congress all the Department can do is to grade and arrange the rates of pay.

From the little knowledge I have had as to the work of arranging pay tables for the Army, it seems to me that it will be something that the Senate will find exceedingly difficult to do, or any committee of the Senate or the committees of both Houses. We vote the lump sum and we fix a general rate of pay by saying that it shall average 40 per cent above the present rate. All that we leave to the Department or to the President, of course, as named in the bill, is the right to grade and distribute that pay, so that it shall not average more than 40 per cent, but to enable them to meet exigencies and to affix increased pay to the more difficult and responsible duties.

Mr. BACON. Will the Senator pardon me a moment?

Mr. LODGE. Certainly.

Mr. BACON. I see a great deal of force in the suggestion of the Senator as to some elasticity in the matter of arrangement, but the Senator will notice that in the bill it is not simply a

matter of distribution of the increase, but the question whether or not there shall be the increase is left to the President. That is the objection which I have to it.

It is possible that in the appropriation bill, when this matter comes to be dealt with in detail, it may be well to incorporate the idea of the Senator that there should be sufficient elasticity in order that the gradation and distribution could be conveniently and properly made. But the vital objection to the bill is that the question whether the pay shall or shall not be raised at all is left to the President. He can raise it 40 per cent, or he can refuse to raise it at all. That is the objection I have to it.

Mr. LODGE. I have not the bill before me, but I suppose it was the purpose of the clause to enable the President or the Department to do exactly what is done in cases in the Navy. If we have to deal with that question here, we shall find our time constantly taken up with readjustments of the pay table.

However, Mr. President, I trust that in some form this bill will be passed, disassociated entirely from the naval pay, which ought to be in a complete bill, as the Senator from Maine [Mr. HALE] has suggested. I think we ought to pave the way for dealing with this in an appropriation bill. The low rate of pay which is received by the American soldier to-day is a crying shame, to my mind.

Mr. HALE. Mr. President, I shall take only a moment. The Senator from Colorado [Mr. TELLER], referring to the proposition of the President fixing the pay of the rank and file in the Navy, said that in the personnel if I stated that it was right he allowed it to go. I want to assume an attitude of modesty and not claim anything that does not belong to me. In reporting the personnel bill I took the provision as it was inherited—it was not new legislation—leaving it to the President to fix the pay of the rank and file. In the Revised Statutes, section 1569, the provision is:

> The pay to be allowed to petty officers, excepting mates, and the pay and bounty upon enlistment of seamen, ordinary seamen, firemen, and coal heavers in the naval service shall be fixed by the President.

It is older than that even, for in the act approved April 18, 1814, the provision was adopted by Congress that the pay of the rank and file of the minor officers of the Navy should be fixed by the President, and the only limitation in terms provided in the Revised Statutes was that it should not exceed the amount appropriated by the appropriation bill of the year for that purpose. So this feature, whether it is good or not, is a very old feature.

Mr. LODGE. If the Senator will allow me, if I correctly understand him, our civil liberties were wrecked by granting this power to the President in 1814, under Mr. Madison.

Mr. BACON. If they have not been wrecked with that power, it has been simply the grace of God.

Mr. WARREN. A renewal of the law of 1814 in the law of 1898 in almost the exact language would seem to be an indorsement by the Senate of what had been done every year from 1814 to 1898, and the Senate has indorsed it every year since in the Navy appropriation bill.

Mr. TELLER. I want to disclaim having been here in 1814. [Laughter.]

Mr. HALE. I will say further, as an indication of what I think finally ought to be done, that in preparing the bill which I introduced fixing the pay of all the Navy I fixed determinately the pay not only of officers but noncommissioned officers and seamen, the rank and file, upon the theory that Congress had better do that. But that is not really settled here. If we pass this bill it leaves the committee in a position where it can deal with the subject.

I hope Senators will, under the circumstances, yield their objection and let us pass the bill, and pass it over to the committee that has it in charge. That committee is represented by very experienced, old, instructed Senators, and I have no fear that they will report anything that will endanger the liberties perhaps nor unduly increase the appropriation.

Mr. McLAURIN. Mr. President, I should like to hear the amendment read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas [Mr. CULBERSON] will be read by the Secretary.

The SECRETARY. Strike out section 2 of the bill and insert in lieu thereof the following:

> SEC. 2. That the average pay of enlisted men of the Army as now established is hereby increased 40 per cent.

Mr. McLAURIN. Mr. President, if the amendment proposes to increase the pay of all the enlisted men 40 per cent, it meets my approval, but if that is the object of the amendment I do not see any necessity for the word "average," because when you speak of an average increase it must be upon the theory that the increase of pay of some of the enlisted men will be more than 40 per cent, while the increase of pay of others will be less than 40 per cent. If that is the idea of the amendment, I oppose it. I do not believe that it is a good amendment. I do not believe it ought to be left to the discretion of the President or the Department or anybody else to say how much the increase shall be in one class of enlisted men and how much in another class.

Mr. BACON. If the Senator from Mississippi will pardon me, I asked the question of the Senator from Wyoming——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. McLAURIN. With pleasure.

Mr. BACON. I asked the Senator from Wyoming whether the matter of averaging will be left to the Executive Department or whether it will be attended to in detail when the appropriation bill is acted upon. He said that it would be the latter; in other words, that it will not be left to the Executive Department, but in the appropriation bill there will be various designations of pay, various ranks will be paid, so that we will at least have to pass on the question as to whether the distribution has been properly made.

Mr. McLAURIN. If we are going to enact a law for an increase in the pay, and if this is the bill that is to be enacted into law for an increase, why not name the amount of increase here? What is the necessity for designating in the appropriation bill that which ought to be designated in this bill? This bill ought to name the amount that is to be given to the enlisted men, to the officers, and to the noncommissioned officers, and then the appropriation ought to be made to fit this bill. This bill ought not to be made to fit the appropriation bill. The appropriation bill is for the purpose of appropriating money to defray the expenses of the Government as those expenses are designated by law.

Mr. BACON. As I understand the purpose of passing the bill now, it is to put the law in a shape so that it can be incorporated in the appropriation bill. Unless this bill is passed, the items put in the appropriation bill will be subject to a point of order. I hope some member of the Military Committee will take this trouble off my hands. I am not as familiar with it as I ought to be, but I understood that to be the statement of the Senator from Wyoming, the chairman of the committee.

Mr. WARREN. My attention was diverted.

Mr. McLAURIN. I yield to the Senator from Wyoming.

Mr. WARREN. My attention was drawn another way, and I did not hear the Senator; but I accept the amendment of the Senator from Texas in the form in which it was read at the desk. To strike out the word "average" in it would, of course, place the amendment where I could not acccept it, because the very object of raising the pay of the Army is to raise some more than others, because some positions of enlisted men are constantly filled, while others we can not keep filled. The House foreseeing that, have increased the pay schedule 100 per cent for some men and a much less increase for others.

Mr. McLAURIN. Will the Senator permit me to ask him a question just there?

Mr. WARREN. Certainly.

Mr. McLAURIN. Are not those skilled men of whom the Senator from Massachusetts spoke now receiving more pay than the ordinary enlisted man?

Mr. WARREN. A corporal is receiving more than a private; a sergeant is receiving more than a corporal, but if you want noncommissioned officers or privates who are very skillful, say, as electricians, we have heretofore neglected to provide pay enough for them. There is now no law for sufficient pay for them as to certain of the regiments and arms of service. We have made partial provision in certain arms, like the artillery, but not in others.

Mr. McLAURIN. Does not the electrician now receive more than the ordinary enlisted man?

Mr. WARREN. Not enough more so that the places can be filled.

Mr. McLAURIN. Then why not state that the increase in the pay of electricians shall be such a per cent, but that all enlisted men shall receive an increase of 40 per cent?

Mr. WARREN. But they are all enlisted men. They occupy different positions as enlisted men.

Mr. McLAURIN. Then put it "all other enlisted men."

Mr. du PONT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Delaware?

Mr. McLAURIN. With pleasure.

Mr. du PONT. I should like to call the attention of the Senator from Mississippi for a moment to a fact. The trouble

has always been in the regular service, and is now, that the noncommissioned officers' pay is entirely too little compared with that of privates. Under any proper pay bill there should be a much greater relative increase in the pay of noncommissioned officers, particularly the higher grades, than they now obtain. Therefore the word "average" is of great importance to enable those discrepancies to be corrected.

I will say, more than that, that it would materially benefit the Army to have some provision made for the retention in the service of soldiers who have served a certain length of time, so that the Army might have the advantage of their experience.

Mr. McLAURIN. Mr. President, the Senator from Delaware sees a difficulty in this matter. I also see a difficulty in the matter which I do not think ought to be permitted to remain in the bill. If noncommissioned officers are receiving less pay than they should in proportion to the pay of private soldiers, their pay ought to be increased by a greater per cent. So also with the electricians. But the private soldier ought not to be required to depend upon the fixing of a rate by somebody who is not going to look after him. This Senate and this Congress ought to look after his rights and to protect them in law. If this increase is to be made greater in behalf of the noncommissioned officers and the electricians, and therefore necessarily less in behalf of the private soldier, who is to do that? Ought it not to be done by the law?

Mr. BACON. I was extremely unfortunate——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. McLAURIN. Yes.

Mr. BACON. I was extremely unfortunate if the Senator did not understand what I had said that I understood to have been stated by the Senator from Wyoming.

Mr. McLAURIN. I understood what the Senator said.

Mr. BACON. The Senator will pardon me. The statement was that we were going to do exactly what the Senator from Mississippi, with so much earnestness, says we should do. We will not do it now, but we will do it when it comes to the Army appropriation bill, when all of these details have to be attended to. The fact that those men are not specified in this bill does not in any manner militate against the principle for which the Senator from Mississippi contends, because the matter is not to be left to any executive officer. It is to be attended to when the appropriation bill comes before us, where it will be stated in detail how much a sergeant shall receive, how much a corporal shall receive, how much a private soldier shall receive, and, if necessary, how much an electrician shall receive. Under the statement made by the Senator from Wyoming nothing is to be left to an executive officer. Everything that the Senator so earnestly desires is, as we understand, to be attended to when the bill comes before us for the final appropriation of the money.

This bill enables the appropriation bill to make that provision, and without this bill it could not be done in the appropriation bill. That is the sole object of the passage of this bill now—to pave the way for the adding in the appropriation bill of the very thing the Senator from Mississippi wants done and insists shall be done.

Mr. McLAURIN. That is always the case—put the private soldier off to another day.

Mr. BACON. No. Under this bill both the private soldier and the officer will have to wait until the appropriation bill is passed. There is no distinction made as to either one of them in that regard.

Mr. McLAURIN. If this bill should name the per cent of increase for the enlisted man and the noncommissioned officer and the electrician—to put them all, if you please, upon the footing of the enlisted man—if it should name what per cent of increase the electrician shall have, what the noncommissioned officer shall have, and then what the other enlisted men shall have, it would be just as easy then for the appropriation bill to fix the amount necessary to defray the expenses of the Army; but when it comes to the private soldier, he must be put off until the appropriation bill comes up, and then probably he will be put off again. In other words, never do to-day what you can put off until to-morrow would seem to be the principle upon which this matter proceeds.

Mr. President, it is easy enough to fix the per cent that is to be given as an increase to each one of these classes of enlisted men. I am not sufficiently informed in military affairs to know whether a noncommissioned officer is considered an enlisted man or not; but I suppose from the statements made here to-day that he is regarded as an enlisted man.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 5, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 4, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

RELIEF OF ALASKA PACIFIC RAILWAY AND TERMINAL COMPANY.

Mr. HAMILTON of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4351) for the relief of the Alaska Pacific Railway and Terminal Company.

Be it enacted, etc., That the time of the Alaska Pacific Railway and Terminal Company to comply with the provisions of sections 4 and 5 of chapter 299 of the laws of the United States, entitled "An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, in acquiring and completing its railroad now under construction in Alaska is hereby extended, as follows:

First. The time to file the map and profile of definite location of its second section of at least 20 miles with the register of the land office in the district of Alaska, as provided in said sections 4 and 5, is hereby extended to and including the 18th day of March, 1909.

Second. The time to complete the first section of at least 20 miles of its railroad, as provided in said section 5, is hereby extended to and including the 18th day of March, 1909, and such railroad company shall be entitled to all the benefits conferred upon it by the provisions of such act upon its due compliance with all the provisions thereof, excepting only the provisions thereof relating to the filing of the map and profile of definite location of its second section of not less than 20 miles of its road: *Provided*, That it shall have, successively, one year each after said 18th day of March, 1909, in which to file the map and profile of its definite location of the succeeding sections of not less than 20 miles each: *And provided further*, That it shall have five years in which to complete its entire line.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this bill was reported yesterday and nobody has had an opportunity to look at it. Representations have been made as to the great emergency of the matter. It is not the fault of the House that the bill was not reported sooner, and until we can have an opportunity to see it I object.

The SPEAKER. Objection is heard.

Later—

Mr. HAMILTON of Michigan. Mr. Speaker, I now renew my request for unanimous consent.

The SPEAKER. The gentleman from Michigan renews his request for unanimous consent in order to consider the bill which was reported a few minutes ago. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. HAMILTON of Michigan, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS TIDE WATERS ON EAST SIDE OF SHEEPSCOT RIVER, MAINE.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 16073.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16073) to authorize the town of Edgecomb, Lincoln County, Me., to maintain a free bridge across tide waters.

Be it enacted, etc., That the town of Edgecomb, in the county of Lincoln and State of Maine, is hereby authorized to maintain a free bridge in the manner and according to the plans thereof which have been heretofore approved by the Secretary of War, and with all the rights to build, rebuild, and maintain the same which would have existed if the same had been regularly authorized prior to its construction, said bridge extending across a cove on the easterly side of Sheepscot River in said Edgecomb between upland belonging to John P. Chase, formerly belonging to Norris & Gay, and upland belonging to Caroline P. Trask; the same to be maintained as part of the town road laid out by the selectmen of the town of Edgecomb May 4, 1903, and accepted by said town May 13, 1903.

The amendment was read, as follows:

SEC. 2. That the right to amend or repeal this act is expressely reserved.

The SPEAKER. This bill was read yesterday. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. LITTLEFIELD, a motion to reconsider the last vote was laid on the table.

AMENDING SECTION 4896, REVISED STATUTES.

Mr. SULZER. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 15841) to amend section 4896 of the Revised Statutes.

Be it enacted, etc., That section 4896 of the Revised Statutes is hereby amended by inserting after the words "in his lifetime" the words "and when any person having made any new invention or discovery for which a patent might have been granted becomes insane before a patent is granted, the right of applying for and obtaining the patent shall devolve upon his legally appointed guardian, conservator, or representative in trust for his estate, in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him while sane;" and by inserting at the end of said section the following words: "The foregoing section, as to insane persons, is to cover all applications now on file in the Patent Office or which may be hereafter made," so that the same section as amended will read as follows:

"SEC. 4896. When any person, having made any new invention or discovery for which a patent might have been granted, dies before a patent is granted, the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs at law of the deceased, in case he shall have died intestate; or if he shall have left a will disposing of the same, then in trust for his devisees in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his lifetime; and when any person having made any new invention or discovery for which a patent might have been granted becomes insane before a patent is granted, the right of applying for and obtaining the patent shall devolve on his legally appointed guardian, conservator, or representative in trust for his estate, in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him while sane; and when the application is made by such legal representatives, the oath or affirmation required to be made shall be so varied in form that it can be made by them. The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States.

"The foregoing section, as to insane persons, is to cover all applications now on file in the Patent Office or which may be hereafter made."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Speaker, just a few words in regard to this bill. The object of the bill is to correct a palpable error in the existing statute, which occurred when it was last amended. On February 28, 1899, section 4896 was amended by inserting therein the provision that when an inventor became insane his legally appointed guardian, conservator, or representative in trust for his estate would have the right of applying for and obtaining a patent. This statute was again amended by the act approved March 3, 1903, by adding thereto the following provision:

The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by a certificate of a diplomatic or consular officer of the United States.

But in that act, after the provision for the amendment, it was stated—

"4896. When any person, having made any new invention or discovery for which a patent might have been granted, dies before a patent is granted, the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs at law of the deceased, in case he shall have died intestate; or if he shall have left a will disposing of the same, then in trust for his devisees, in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his lifetime; and when the application is made by such legal representatives, the oath or affirmation required to be made shall be so varied in form that it can be made by them. The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States."

thus leaving from the statute the provision as to the guardian for the insane inventor which was inserted in the act of February 28, 1899. The purpose of the present amendment is to make the law clear on the point that an application for a patent of an inventor who has become insane may be made by his legal representative, there having been many cases where, through the lack of such a provision in the statute, inventions have been lost, to the great damage of the inventor and his family.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

Mr. SULZER. Mr. Speaker, I move to reconsider and lay that motion on the table.

The SPEAKER. There being no objection, it is so ordered.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Indian appropriation bill, to nonconcur in the Senate amendments, and ask for a conference thereon with the Senate.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the Indian appropriation bill with Senate amendments, to disagree to the same, and ask for a conference. Is there objection. [After a pause.] The Chair hears none. The Chair announces the following conferees:

The Clerk read as follows:

Mr. SHERMAN of New York, Mr. MARSHALL, and Mr. STEPHENS of Texas.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1073. An act to authorize the extension and enlargement of the post-office building in the city of Beatrice, Nebr.;

S. 4469. An act for the erection of a memorial to John Wesley Powell;

S. 2317. An act for the erection of a public building at Appleton, Wis.;

S. 5709. An act for extending, repairing, and improving the public building at Fort Dodge, Iowa;

S. 4832. An act to provide for the erection of a public building at Ottumwa, Iowa;

S. 4833. An act to provide for the erection of a public building at Le Mars, Iowa;

S. 3848. An act for the relief of James A. Russell;

S. 1751. An act to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance;

S. 1752. An act to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance;

S. 5341. An act to authorize the enlargement, improvement, and equipment of the light-house depot at Yerba Buena Island, Cal.;

S. 4196. An act to provide for the enlargement and improvement of the public building at Elgin, Ill.;

S. 4801. An act granting certain lands in the Wind River Reservation, in Wyoming, to the Protestant Episcopal Church;

S. 33. An act to provide a public park on Georgetown Heights, in the District of Columbia;

S. 213. An act for the relief of S. R. Green;

S. 4916. An act authorizing the Secretary of the Interior to issue patent in fee to the Board of Missions of the Protestant Episcopal Church for certain lands situated in the State of Idaho;

S. 5349. An act for the relief of Madison County, Ky.;

S. R. 24. Joint resolution directing the Interstate Commerce Commission to investigate and report on facing point switches and the appliances for the automatic control of such switches;

S. 4118. An act in relation to business streets in the District of Columbia;

S. 31. An act authorizing the extension of Oak street NW.;

S. 2995. An act to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes.

S. 1574. An act to create the Calaveras Big Tree National Forest, and for other purposes;

S. 5253. An act to establish a fish-cultural station in the State of Wisconsin;

S. 2948. An act to provide additional station grounds and terminal facilities for the Arizona and California Railway Company in the Colorado River Indian Reservation, Ariz.;

S. 3202. An act to authorize patents to Santee Indians;

S. 650. An act to extend the special leave privileges authorized for officers of the Military Academy by section 1330, Revised Statutes, to certain instructors and student officers at service schools;

S. 4549. An act to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr.;

S. 212. An act to reimburse S. R. Green, postmaster of Oregon City, Oreg., for moneys lost by burglary;

S. 1204. An act for the relief of J. M. Bloom; and

S. 5212. An act to authorize the Secretary of the Interior to convey by fee-simple patent certain lands in the Otoe and Missouria Reservation, Okla., to the Society of Friends.

The message also announced that the Senate had passed with amendment a bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 598. An act granting an increase of pension to William Poor.

DESIGN FOR A STATUE OF THE LATE COMMODORE JOHN D. SLOAT AT MONTEREY, CAL.

Mr. NEEDHAM. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 101.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Joint resolution 101, authorizing the Secretary of War to secure a suitable design for a statue of the late Commodore John D. Sloat at Monterey, Cal.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to use, for the purpose of securing a suitable design for a statue of the late Commodore John D. Sloat, so much as may be necessary of the amount appropriated by the act of March 4, 1907, entitled "An act to aid in the completion of a monument at Monterey, Cal., to commemorate the taking possession of the Pacific coast by Commodore John D. Sloat, United States Navy."

The amendment was read, as follows:

Provided, That the total amount used for securing said design shall not exceed $1,000.

The SPEAKER. The request is to discharge the Committee of the Whole House on the state of the Union from the further consideration of the joint resolution and consider it in the House. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, there are a lot of these bills in reference to building monuments or something of the sort, caring for various homes, etc. Is it the expectation to call them up one at a time?

Mr. NEEDHAM. Mr. Speaker, I will say to the gentleman this is not a new bill. Congress at the last session passed a bill appropriating $10,000 to build a monument at Monterey to commemorate the taking possession of the Pacific coast by Commodore Sloat. The War Department held that it could not use any portion of this $10,000 to obtain a design.

This is a joint resolution authorizing the use of not to exceed $1,000 of the appropriation heretofore made for that purpose. It makes no further appropriation. It simply construes the act.

Mr. MANN. When you pay $1,000 for a design where $10,000 has been appropriated, does it not involve a considerable appropriation hereafter?

Mr. NEEDHAM. I think not.

Mr. MANN. Is it not the intention of the gentleman or some of his colleagues to ask for additional appropriation for this monument?

Mr. NEEDHAM. I will say to the gentleman that it is not.

Mr. MANN. I have no objection.

The SPEAKER. The Chair hears no objection.

The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, was read a third time and passed.

On motion of Mr. NEEDHAM, a motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

DAM ACROSS RAINY RIVER.

Mr. BEDE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15444) extending the time for the construction of the dam across Rainy River.

The SPEAKER. The gentleman from Minnesota [Mr. BEDE] asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the time for the construction of a dam across Rainy River for the Koochiching Company, its successors and assigns, or for the Rainy River Improvement Company, under chapter 238 of volume 30 of the Statutes at Large, as modified by chapter 1305 of volume 32 of the Statutes at Large and chapter 797 of volume 33 of the Statutes at Large, is hereby extended to July 1, 1912, subject to the provisions of the acts aforesaid.

Also the following amendment was read:

Strike out all after the enacting clause and insert the following:

"That the Rainy River Improvement Company, a corporation organized under the laws of the State of Minnesota as the successor to the rights and privileges heretofore granted to the Koochiching Company under the following acts of Congress, namely, chapter 238, of volume 30, Statutes at Large, entitled, 'An act permitting the building of a dam across Rainy River,' approved May 4, 1898, and of chapter 797, of volume 33, Statutes at Large, entitled 'An act relating to a dam across Rainy River,' approved February 25, 1905, and of the various acts and provisions therein recited, is hereby authorized to construct and maintain a dam across Rainy River, Minnesota, at the place designated in said acts, subject to the provisions of the act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906, so far as the same shall be applicable thereto, provided said dam shall be commenced within one year from the date of the passage of this act and completed on or before July 1, 1911.

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. BEDE, a motion to reconsider the vote by which the bill was passed was laid upon the table.

ALIEN CRIMINALS.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent to print in the RECORD newspaper articles as to alien criminals in New York and Chicago.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the RECORD certain newspaper articles as to alien criminals in New York and Chicago. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I will ask the gentleman if they are to be taken in connection with the debate the other day when the bill was before the House?

Mr. BENNET of New York. Yes, sir.

Mr. PAYNE. I have no objection.

Mr. CLARK of Missouri. What is the bill?

Mr. BENNET of New York. It is in connection with the debate the other day on the bill for the deportation of criminals, when the House refused at that time to suspend the rules.

Mr. CLARK of Missouri. Now, is this that same bill?

Mr. BENNET of New York. This is asking for the printing of certain newspaper extracts in the RECORD.

The SPEAKER. It is a request for unanimous consent to print certain newspaper extracts.

Mr. CLARK of Missouri. I have no objection to any newspaper article of any sort whatever.

The newspaper extracts are as follows:

[Washington Post, March 3, 1908.]

CHIEF KILLS RED WHO STABS HIM—ANARCHIST PLOT WIDESPREAD, CHICAGO POLICE BELIEVE—MAYOR BUSSE IS GUARDED—ATTEMPT TO ASSASSINATE HIM LAST WEEK KEPT SECRET—DESPERATE FIGHT AT HOME—YOUNG REFUGEE FROM KISHINEFF, WHOSE REVOLUTIONARY IDEAS WERE STIRRED BY CLUBBING OF UNEMPLOYED PARADERS, ATTACKS HEAD OF CITY'S POLICE, AND WOUNDS HIS SON AND HIS COACHMAN—"I SHOT TO KILL," SAYS SHIPPY, DESCRIBING FIGHT FOR LIFE—RAIDS ON ANARCHIST CENTERS AND ON DEAD MAN'S HOME REVEAL MUCH ANARCHISTIC LITERATURE—SISTER IDENTIFIES FERRONOT'S BODY.

CHICAGO, *March 2, 1908.*

Chief of Police George M. Shippy, attacked in his home, 31 Lincoln place, early to-day by Lazarus Averbuch, a Russian student, shot and killed the latter, but not until his assailant had stabbed the chief in the arm, had shot and seriously wounded Harry Shippy, a son, and had wounded James Foley, a member of the police department, detailed as driver for Chief Shippy.

The younger Shippy, who was believed at first to have been mortally injured by a bullet wound through the lung, was said at a late hour to-night to have a good chance of recovery. Neither of the other men was seriously hurt.

TRIED TO KILL MAYOR.

It became known to-night that the reds had made a desperate attempt to take the life of Fred A. Busse, mayor of Chicago, last Friday.

The attempt to kill the mayor was hushed up by the police. Two picked men of the detective department stood guard at the mayor's home, 391 Sedgewick street, to-night, one at the back door and one at the entrance. This vigil continued all night long.

The identity of the assassin, who was killed by a shot through the head, was learned late to-night from his sister, Olga, with whom he had lived for three weeks at the home of Mrs. Harry Pine, 218 Washburne avenue, in the western portion of the city.

Averbuch had been in America only three months, having come direct from Austria, whither he fled from Kishineff two years ago to escape the persecution of the Jews in that city. Through information received from the sister and from a fellow-employee in a produce commission house, where Averbuch had recently been employed, the police were able to trace Averbuch's movements and learn the views he held.

BECAUSE HE STOPPED PARADE.

It was learned that Chief Shippy's interference several weeks ago with a parade of unemployed men, headed by "Dr." Ben L. Reitman, coupled with the more recent announcement that Emma Goldman will not be allowed to speak in public in Chicago, led Averbuch to attempt to "remove" the police head in Russian "terrorist" fashion.

Averbuch's attempts upon Shippy's life to-day followed the fourth effort he had made to get at the chief. Twice on Sunday Averbuch called at Shippy's house, but was unsuccessful in finding his intended victim at home. At 7 o'clock this morning Averbuch made his third appearance, but was informed by a servant that the chief was not ready to receive callers. When Averbuch returned, at 9 o'clock, Chief Shippy was on the point of leaving for his office in the city hall. When admitted at the front door by Shippy himself, Averbuch handed the chief an envelope bearing his name and address, but the chief, having heard of the previous visits to his home, suspected that something was wrong and seized him by the arms.

The envelope, which was found later to be only a ruse to gain entrance to the house, contained only a blank sheet of paper. The quickness with which the chief acted upon his suspicion doubtless saved his life.

FOUGHT DESPERATELY.

Averbuch, though slight in build, proved in his desperation almost a match for the chief, who is much larger, and the latter found himself unable to hold his assailant and search him for weapons at the same time. He therefore called to his wife, who was in the next room, asking her to ascertain whether the man had a weapon in his pockets. Mrs. Shippy discovered a revolver in Averbuch's hip pocket, but before she could remove it he struggled loose from the grasp of the chief

and, drawing a long knife, stabbed Shippy in the arm. Thereupon Chief Shippy grappled again with his assailant, who drew a revolver.

At that moment Harry Shippy, 18 years old, came rushing down the stairway to his father's aid. Averbuch fired two shots, one of which struck young Shippy, and he fell, seriously wounded by a bullet that pierced his left breast above the heart. Before he could fire again, James Foley, the chief's driver, attracted by the struggle, ran to the door and seized Averbuch. The assassin struggled loose from Foley's embrace and fired a shot which pierced Foley's hand. Then Shippy shot Averbuch in the head, and as the Russian fell dead Shippy and Foley emptied their revolvers into the body as it lay at their feet.

As the man lay dying Shippy bent over him and asked him his name and why he wanted to murder him. The stranger looked into the eyes of the chief, perfectly conscious and calm, but he would not speak.

CHIEF SHIPPY'S STORY.

Later, while Chief Shippy sat at his son's bedside in the hospital, he dictated a statement, in which he said:

"I had a premonition of this, and the attack on me came as no surprise. Therefore I have been on guard. The first I knew was the ringing at the door about 9 o'clock. I answered in person and saw standing there a man, who was evidently a Sicilian or an Armenian. He was about 26 years old. He said:

"'Is Chief Shippy in? I have an important letter for him.' With that he took out of his pocket an envelope addressed to George M. Shippy, superintendent of police, city hall, Chicago, or residence, 31 Lincoln place. I looked at the man, and instead of taking the letter I grasped his arm. With that he struggled. My wife, who had been attracted by the noise of the struggle, started downstairs. I felled the man and called to her, 'See if that man has a gun in his pocket.' My wife ran down and while I held him she placed her hands in his right overcoat pocket and got hold of a gun. She said: 'Yes, George; he has.'

"I said: 'For God's sake hold it.'

"I then grappled with the man and threw him over the telephone stand at the entrance. He released his hand from my grasp, and while my wife still held the gun, he pulled a knife from inside of his overcoat, a knife such as I never saw before. He cut across my right arm and got me. Then I fired at him. Then Foley fired. About this time my boy, Harry, started down stairs after his mother. He cried: 'Papa, I will help you.' Then I heard a shot entirely different from my gun and Foley's gun. I saw my wife was not able to keep up the unequal struggle.

"THEN I SHOT TO KILL."

"The assassin had wrenched the gun away from her. Then, as my boy grappled with him, he shot Harry just above the heart. I saw Harry fall to the stairs, and as he did so he cried: 'Papa, I'm shot; I can't help you any more.' Then I shot to kill. I had only shot to disable before, but when my boy cried that he had been shot, I shot to kill. I put one bullet through that fellow's head and another through his heart. Afterwards I found out that the fellow had fired a shot earlier than the one that had hit my boy. The second shot fired by him went through Foley's right hand, causing him to drop his revolver."

ANARCHISM RIFE IN CHICAGO.

To-day's attack gave significance to a statement made by Chief Shippy a month ago, when he commented on a report made to him by one of his subordinates of an anarchists' meeting held after the assassination of the King and Crown Prince of Portugal.

"Never in the history of Chicago," said Chief Shippy, "have anarchists and other enemies of law and order been more dangerous than they are at the present time. The police are watching all of their movements closely. You never know when they are going to break out."

Chief Shippy to-night declared that efforts to extirpate anarchists in Chicago would be prosecuted with greater vigor than ever before. "As long as I am chief of police," he said, "there never again shall be another parade of anarchists in Chicago."

BELIEVE THERE WAS A PLOT.

The attack is believed to have been the result of a conspiracy to harm officials who have been active in suppressing manifestations of anarchism in this community. Other city officials are said to have been threatened, and a police spy who recognized the dead man as a person who regularly attended anarchist meetings asserted that the man was chosen by lot to do away with not only the chief of police, but Mayor Busse as well.

The ramifications of the plot are said to extend to other cities, and to be closely connected with the killing of the Rev. Leo Heinrichs, a Roman Catholic priest, who was shot down at the altar of his church in Denver.

Following the attack, squads of police were sent into the Italian and Ghetto quarters of the city.

In a pocket of the man's coat was a small box of lozenges bearing the label of the Trowbridge Confectionery Company, Meadville, Pa. The lozenges were sent to a chemist for analysis, the police having the idea that they might contain poison. It is thought that it was the intention of the anarchist to commit suicide if arrested.

The police are firm in the belief that the attack on their chief was due to an anarchistic plot. Theories that the man may have had a personal grievance against Shippy because of an arrest or some similar affair were given up when dectectives of the department failed to recognize the body as that of any known criminal. Two members of the force asserted that they had seen the man at a meeting of anarchists about ten days ago. The testimony of the police spy confirmed this view of the case.

RAID ANARCHIST LIBRARY.

One of the first places raided by the police after the shooting was the headquarters of a society known as "The Edelstadt Group," at 427 Union street. Pictures of John Most and other anarchists were confiscated, as were also a thousand handbills announcing a series of meetings at which Emma Goldman was scheduled to speak. One of these meetings was announced for March 6, and the other for March 9. A library a short distance away was also invaded by the police and several hundred volumes and pamphlets dealing with anarchism and kindred subjects were seized.

This library was raided after President William McKinley was shot at Buffalo. At the time many volumes were seized by the police and destroyed.

The attack on the chief is believed to have been inspired by the recent activity of the Chicago police following the killing of Rev. Leo Heinrichs, a Roman Catholic monk, who was shot by an anarchist in Denver while he was administering the sacrament.

ACTIVE AGAINST ANARCHISM.

Immediately following the tragedy in Denver attempts to trace the crime to a conspiracy hatched in Chicago were begun. The local police discovered that the society of Italians formed here had been issuing inflammatory literature aimed at clericals, and also that several local clergymen had received threatening letters. Yesterday while the funeral of Father Leo was being held in Paterson, N. J., details of police guarded several of the Roman Catholic churches here. Especial precautions were taken in the Italian quarter, where policemen in citizens' clothes scrutinized every worshiper as the congregations entered. Later the officers moved to the altars and stood guard over the priests as they conducted the services.

In addition to these measures, all known anarchists in the city, among them Emma Goldman, were warned that they would not be allowed to make addresses in public. So far as is known none attempted to disobey this order, and no arrests were made of followers of the cult. The documents sent out by the Italian organization were carefully worded and an examination of them showed that prosecutions based thereon might have failed because of technical shortcomings.

GAVE MAYOR A SCARE.

Mayor Busse had an exciting interview with an officeseeker a few minutes after the executive had returned to his office from the Shippy home, whither he had gone on being informed of the affray. The stranger, who was shabbily dressed, was waiting outside the mayor's office in the city hall, and as the mayor advanced extended his hand. The mayor, who was pale and nervous after the experience of his chief of police, declined the grasp and eyed the man closely.

"I want a job, and I am not here to ask you for anything more. But if I don't get a job there will be trouble," said the man.

The mayor immediately ordered the man out of the building, and the latter, after gazing angrily at him for a moment, descended to the main floor and walked away.

Mayor Busse explained later that this person had been calling on him and asking for a position every day for some time. To-day, however, was the first time the man had threatened to create trouble. The incident following so closely upon the tragedy at Chief Shippy's home, caused some excitement in the city hall, and several heads of departments issued orders to their clerks and secretaries to admit no stranger to their offices on any pretext.

It is said that Mayor Busse will issue an order prohibiting all street meetings. The order will be made general and include religious as well as political gatherings, it being asserted that inflammatory speeches are often made at gatherings held on street corners under the guise of revival meetings. By making the edict sweeping it is thought that objections to it on the ground of discrimination will be forestalled.

GRAND JURY TO ACT.

A sweeping investigation of the anarchist movement in Chicago by the March grand jury, which was impaneled to-day, will be undertaken, according to State's Attorney Healy.

"The investigation will not stop with the dupes who undertake assassinations, but will go back to the instigators," said Mr. Healy. "We shall follow the precedent established at the time of the Haymarket riots. There is no specific statute on the subject of anarchy in Illinois, but if it can be shown that the attempt to kill was the result of an agreement, the conspiracy statute will apply. Instigators can also be held as principals."

CROWD AT MONK'S FUNERAL—THOUSANDS SEE BURIAL OF FATHER LEO, ANARCHIST'S VICTIM.

PATERSON, N. J., *March 2, 1908.*

An immense throng attended the funeral to-day at St. Bonaventure's Church, this city, of its former pastor, Father Leo Heinrich, who was assassinated in St. Elizabeth's Church, Denver, Sunday morning, a week ago.

Thousands of men and women who were unable to enter the church stood for two hours in the rain, until they saw the casket containing the body of the dead priest carried from the church.

Mass was celebrated by Rev. Father Edward Bleckee, provincial of the Franciscan order, assisted by priests who were classmates of Father Heinrich. Bishop John J. O'Connor was present. The eulogy was delivered by Dean McNulty, pastor of St. John's Church, a warm friend of the dead priest. He said that the lesson to be learned from the murder is that "our societies ought to labor to counteract the evil lessons taught by the anarchists and socialists. Instead of dinners and euchers and games, let us have lectures on moral and social topics. Let us be able to answer and to convert the wild agitators."

Many societies formed in procession, which followed the body to the Cemetery of the Holy Sepulchre, where 100 priests chanted the office of burial.

PROPAGANDA FROM CHICAGO—ANARCHIST PAPER PRINTED THERE CIRCULATED IN KANSAS CITY.

KANSAS CITY, MO., *March 2, 1908.*

Anarchist leaders in Chicago are apparently attempting to extend their influence in this city. During the past few weeks members of the Croatian settlement in Kansas City, Kans., have received by mail copies of a Croatian anarchistic paper published in Chicago. Many of those who received copies of the paper formerly worked in the Chicago packing houses and were transferred to Kansas City. They all declared that they did not order the paper.

The publication contains articles attacking the Catholic Church and all forms of government.

The Rev. M. Dovorin Krempotic, pastor of the Church of St. John the Baptist, of which the Croatians are members, said yesterday:

"There have been some attempts of the anarchists to work in my parish. They have met with little success, however, and have caused me no trouble."

EMMA GOLDMAN'S COMMENT—"THEY ALWAYS SAY 'ANARCHIST' WHEN SOMEBODY SHOOTS."

SPRINGFIELD, MO., *March 2, 1908.*

Emma Goldman, anarchist lecturer, arrived to-night from St. Louis, and, hearing of the attack on Chief of Police Shippy, of Chicago, said:

"Of course the man had to be an anarchist if he tried to kill anybody. Somebody kills somebody else, or tries to shoot him, and the world, the officers, and the newspapers cry 'Anarchist.'

"The dispatches say the dead man is unidentified, and yet the officers call him an anarchist.

"I know nothing whatever about the affair, but I would be willing to guarantee that the man was not an anarchist, but some fanatic or somebody with a private grudge against Shippy."

Emma Goldman lectured to-night in spite of Mayor Blaine's effort to prevent the meeting, the city attorney advising him that under the law he could not interfere.

[Washington Post, March 4, 1908.]

HUNT OUT ALL REDS—SECRETARY STRAUS ORDERS WAR AGAINST ANARCHISTS—DRIVE THEM FROM LAND—LAW GIVES HIM POWER TO DEPORT FOES OF GOVERNMENT—IMMIGRANT INSPECTORS AND COMMISSIONERS INSTRUCTED TO CONFER WITH POLICE AND OBTAIN EVIDENCE UPON WHICH THESE UNDESIRABLES, AS WELL AS ALIEN CRIMINALS, MAY BE SENT TO THEIR NATIVE COUNTRIES—STATUTE LIMITS ACTION—WAR ON ANARCHISTS.

Secretary Straus orders immigration officials to consult the police in their jurisdictions and take measures for deportation of avowed anarchists and convict aliens.

Chicago police arrest several suspects in connection with the attempt to kill Chief Shippy. Mayor and Federal officials confer on ridding that city of advocates of violence.

Conference between Immigration Commissioner Watchorn and Police Commissioner Bingham, of New York, to be held there to-day.

Police in other cities active in hunting out haunts of the anarchist groups.

Murderer of Father Leo, at Denver, pronounced sane.

Secretary Straus, of the Department of Commerce and Labor, yesterday issued a sweeping order to all commissioners of immigration and immigrant inspectors in charge directing them to confer with the police in their respective jurisdictions with a view to "securing the cooperation of the police and detective forces in an effort to rid the country of alien anarchists and criminals falling within the law relating to deportation."

Commisioner Watchorn, at New York, will confer with Police Commissioner Bingham to-day. The Chicago authorities, roused by the attack on Chief of Police Shippy, are acting vigorously. The police of Pittsburg and several other cities had begun to proceed along the lines of Commissioner Straus's order before it was issued. The order follows:

To all commissioners of immigration and immigrant inspectors in charge:

It is hereby directed that, with a view to promptly obtaining definite information with regard to alien anarchists and criminals located in the United States, you shall confer fully with the chief of police or the chief of the secret service of the city in which you are located, furnishing such official with detailed information with regard to the meaning of the term "anarchist" as used in the immigration act of February 20, 1907, and with regard to the inhibition of that statute against aliens of the criminal classes, explaining the powers and limitations imposed by said statute upon the immigration officials with respect to such persons.

POWER TO DEPORT.

You should call to the attention of the chief of police or chief of the secret service the definition of "anarchist" contained in sections 2 and 38 of the act of February 20, 1907, and the provisions of section 2, placing within the excluded classes "persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude," pointing out that if any such person is found within the United States within three years after landing or entry therein he is amenable to deportation under the provisions of section 21 of said act.

The cooperation of said officials should be requested, making it clear that in order that any particular anarchist or criminal may be deported evidence must be furnished showing (1) that the person in question is an alien, subject to the immigration acts; (2) that he is an anarchist or criminal as defined in the statute; (3) the date of his arrival in the United States, which must be within three years of the date of his arrest; (4) the name of the vessel or of the transportation line by which he came, if possible, and (5) the name of the country whence he came, the details with respect to the last three items being kept at the various ports of entry in such a manner as to be available if information is furnished with respect to the anarchist's name, the date of his arrival, and the port of entry.

It is desired that the above-indicated steps shall be taken at once and that no proper effort shall be spared to secure and retain the cooperation of the local police and detective forces in an effort to rid the country of alien anarchists and criminals falling within the provisions of the statute relating to deportation.

THE EXCLUDED CLASSES.

Section 2 of the immigration act reads as follows:

"That the following classes of aliens shall be excluded from admission into the United States: Persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials."

Section 30 of the immigration act, referred to in Mr. Straus's order, reads as follows:

"That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of Commerce and Labor under such rules and regulations as he shall prescribe.

"That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of Commerce and Labor, shall be fined not more than $5,000 or imprisoned for not more than five years, or both."

THREE YEARS' LIMIT.

Section 21 of the act of February 20, 1907, referred to, is as follows:

"That in case the Secretary of Commerce and Labor shall be satisfied that an alien has been found in the United States in violation of this act, or that an alien is subject to deportation under the provisions of this act or of any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section 20 of this act, and a failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 19 of this act: *Provided*, That when, in the opinion of the Secretary of Commerce and Labor, the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in a like manner."

WAS ANARCHIST TOOL—CHICAGO POLICE FIND AVERBUCH ACTED UNDER ORDERS—MAYOR BUSSE "SENTENCED"—YOUNG MAN WHOM CHIEF OF POLICE KILLED ATTENDED MEETINGS OF REDS WHEN HE WAS SUPPOSED TO BE GOING TO NIGHT SCHOOL—CONTEMPLATED SUICIDE AFTER HE HAD BEEN CHOSEN TO EXECUTE DECREE.

CHICAGO, *March 3, 1908.*

That Lazarus Averbuch, in attempting to assassinate Chief of Police Shippy, carried out a commission intrusted to him by a group of Chicago anarchists was declared by Assistant Chief of Police Schuettler to-night to have been proved beyond a doubt. The discovery was made to-night just as the police were about to accept the theory that the young anarchist acted upon his own impulse and that the attempt was not the result of conspiracy.

The group of anarchists also plotted, according to information in the hands of the authorities, to assassinate Mayor A. B. Busse and Capt. P. D. O'Brien, of the detective bureau. The principals in the plot have not yet been discovered, but it was said that Averbuch was picked to execute the order of death at a meeting of anarchists which he attended last Thursday night.

It was on that night, upon his return to the home of his sister, Olga Averbuch, 218 Washburne avenue, that the young Russian contemplated suicide, as described by her to the police. Averbuch, instead of going to night school, as his sister declared he did, is said to have been in nightly communication with a band of radical revolutionists, and it was at a meeting of these men that Averbuch was chosen to "remove" the police head.

ASKED WHERE CHIEF LIVED.

Averbuch is said to have left his home on Friday morning following his acceptance of the commission and to have never returned. He went to his place of employment at the commission house on South Water street, and in conversation with his fellow-employees made numerous inquiries regarding the chief of police. He is said to have talked violently concerning the order which prohibited the parade of the "unemployed" last January.

"Where does the chief live?" Averbuch is reported to have asked one of his associates. "I'd like to find out what kind of a home he has got."

Later one of the men informed Averbuch that he had looked up the address and gave it to the young Russian written on a scrap of paper. At the time Averbuch's interest in the police official failed to raise suspicion, but, being recalled after the attempt upon the life of the chief, it was the clew which led to the identification of the would-be slayer.

CLEW IN WOMAN'S HANDS.

"We have several important clews," said the assistant chief to-night, "which we believe will lead to the arrest of the conspirators. Olga Averbuch persistently refuses to give us any information. We are seeking the young woman, Rosa Stern, among others, who lived with Averbuch and his sister."

The net result of police activity during the day and evening was the rounding up of nine suspects. Three arrests, which the police considered important, were made late in the afternoon. A man who gave his name as Harry Goldstein, and who is said to be an agent of the Edelstadt Society, an anarchistic organization at 427 Union street, was taken into custody at Halsted and West Fourteenth streets while distributing handbills of a rabid, anarchistic nature. Two other suspects, whose names were withheld, were arrested and subjected to a rigid examination at the city hall. One was taken at Halsted and West Taylor streets and the other at Washington street and Fifth avenue, in the loop district.

A clew secured early in the day led to the arrest of Isadore Maron, who for a time was believed to be the "curly-haired" companion of Averbuch, the would-be assassin, as described to the police by Olga Averbuch, sister of the dead man. This was later decided to be not the case, but Maron admitted sufficient association with Chicago anarchists to warrant his being placed in a cell.

MYSTERY BEHIND ARREST.

Another clew led to the arrest of M. Abramovitz, 20 years old, a Russian, a student at the University of Chicago night school, and employed as a printer in the daytime. His "sweating" by the police lasted until late in the evening. The others under arrest were held more because of their affiliation with anarchistic societies than from any expectation of connecting them with the attempted assassination of the police chief.

Harry Goldstein was hurried, after his arrest, to the office of Assistant Chief Schuettler, and there personally examined by Mayor Busse. Much secrecy was thrown around the capture of the man, and the police would not say what information had been found to cause his arrest.

"This is the man for whom we have been looking since yesterday," declared a police official, who refused to make any further statement. Emphasis to the importance of the arrest was given by Mayor Busse's act in taking personal charge of the "sweat-box" examination. Goldstein was captured in a raid at Halsted and West Fourteenth streets.

"CATECHISM" OF BLASPHEMY.

Literature teeming with blasphemy, which is used by anarchists as catechisms for children in lieu of the religious instruction, was unearthed to-day in quarters of anarchists in different parts of the city.

It is reported that the police will attempt to cause the summary deportation, without trial, of all avowed anarchists.

The situation which developed into the tragedy of yesterday was thus discussed by Chief Shippy:

"A number of attacks were made on the police at a meeting in Brand's Hall recently. Several of the speakers might just as well have told their deluded hearers to go out and murder every policeman they saw. That was what one of the speakers said he wished he could do—go out and kill every policeman and throw their bodies in the lake to the fish. Lucy Parsons spoke at this meeting, attacking the police bitterly.

"TAKING LIFE IS SERIOUS.

"It is the suggestion that causes these poor, deluded men to go out with their knives and revolvers to kill. Taking human life is a mighty serious business. I realized that when I shot in self-defense and in defense of my wife and son.

"The Chicago anarchists also were bitter against me for the reason that I interfered with the parade that was to have been held several weeks ago. I am certain that I took the right course on that occasion. They held such a parade in Philadelphia, and three policemen were killed."

Frank Zajicek was arrested to-day charged with sending a threatening letter to a Roman Catholic clergyman, Procopius Nuzil, a prior of the Benedictine Fathers. The prisoner, who is 38 years old, and lives at 584 Blue Island avenue, on the borders of the Ghetto district, admitted sending a demand for $1,000 to the priest, according to the police.

TO RID NEW YORK OF REDS—THREATS AGAINST ARCHBISHOP FARLEY ALARM HIS SUBORDINATES.

NEW YORK, *March 3, 1908.*

The order of Secretary Straus, of the Department of Commerce and Labor, for the deportation of such alien anarchists and criminals as the law can reach will be enforced promptly and vigorously by the Federal authorities here, working in harmony with the municipal police.

Commissioner of Immigration Watchorn is keenly alive to the situation, and his subordinates are already schooled in what is expected of them. United States District Attorney Stimson said to-night that the matter had not yet been brought to his attention officially, but he intimated that no time would be lost by the Federal officers in complying with the instructions of the Department.

Police Commissioner Bingham said that the local police were exercising now every precautionary measure possible, and that he would continue to do his best with the limited resources at his command. The commissioner has repeatedly urged the need of a larger force, especially in the detective branch of the department.

PLAN JOINT ACTION.

It is known that conferences between several Federal authorities will be held to-morrow, and it is understood that a representative of the Immigrant Service will confer with Commissioner Bingham to plan joint action.

Despite qualified denials, justified by the secret nature of the work, it is known that a systematic campaign against those suspected of anarchistic sympathies has been quietly waged in this city for months. Special detectives are scattered throughout the Wall street section, the neighborhoods of the wealthy receive special attention, and the haunts of the suspected are closely watched. While little appears on the surface, it is known that any attempt at a lawless demonstration would be ridden down roughshod and that a warm reception awaits the avowed anarchist from other parts who, in an ill-advised moment, may turn his steps New Yorkward.

THREAT AGAINST ARCHBISHOP.

A report that Archbishop Farley, head of the Catholic Church in New York, had been threatened by anarchists reached Commissioner Bingham to-day, but he would not confirm it. The archbishop's subordinates, however, have been in communication with the police in an effort to hunt down the authors.

In a formal statement to-night General Bingham declared:

"The only foundation for the story concerning a threat made against Archbishop Farley is an anonymous letter received at police headquarters six months ago, in which his name and the names of other prominent men were mentioned. This was a typical 'bug' letter, and no attention was paid to it. Every prominent man receives scores of such letters, and if any attention was paid to them the recipients would never have any peace of mind.

"There is no truth in the assertion that the force of patrolmen has been increased in the financial district because of threats made against men doing business there. Scores of 'bug' letters are received by the police department every day in the week."

Of the additional police assigned to the financial district, the commissioner said:

WILL HANDLE ANARCHISTS.

"The force has been increased about twenty men, and it is partly true that they are there on account of a circular letter. Here again is another case which proves that if I had a secret-service fund I could do good work in that line. The first thing to do is to get good men in the service, and they are not in this city to-day. In fact, I only know of two men who I think could do the work, and they are not in the city. We will take all precautions necessary to handle all anarchists, and we will see that very few come to this city."

To the question whether he had received any threatening letters recently the commissioner replied:

"No; I have not lately, but one of my deputies has."

He declined to say to which deputy he referred, or to be more explicit.

Archbishop Farley was out of town to-day.

NO EVIDENCE OF TROUBLE COMING.

Police Commissioner Bingham said there was no evidence that the western anarchists had eastern connections.

"Since the murder of Father Leo," he said, "and in connection with that crime, or the attempt on the life of Chief of Police Shippy, of Chicago, nothing has occurred here to indicate that these western anarchists have any New York connections, or that prominent men here are likely to suffer.

"What may happen no one can tell. I may be the next one myself; but so far there is nothing in the local situation to give us reason to believe there is danger of an outbreak here."

THREATEN WOMAN TEACHER—SCURRILOUS BLACK-HAND LETTERS SENT ADVOCATE OF EQUAL PAY.

NEW YORK, *March 3, 1908.*

Miss Grace C. Stracham, assistant superintendent of public schools and president of the Interborough Teachers' Association, who has been especially active in the fight for equal pay for woman teachers, was a visitor to-day to the Smith street police headquarters, in Brooklyn, where she had a conference with Acting Captain Kuhne, of the detective bureau, in reference to some Black Hand and scurrilous letters which had been sent to her recently.

One letter was ornamented with pictures of a dagger, skull, and crossbones. It read:

"We see you are trying to make taxes higher by going to Albany to get more money for wimmin teachers and not for men. You are nothing but a fool to go in with a man like McCarren to win pay like men. Beware. Your a marked woman. You will surely die if you don't stop the equal-pay fight. Fire and bombs. Warning. Sent by committee. Black Hand."

The other letters were full of insulting language and epithets. Miss Stracham said that she was not frightened at the communications, but that she would like the police to discover the authors, if possible. Captain Kuhne advised her to take the letters to the post-office authorities.

SEARCH ON AT PITTSBURG—ALL PERSONS OF ANARCHISTIC TENDENCIES BEING CLOSELY WATCHED.

PITTSBURG, *March 3, 1908.*

Following the attempted assassination of Chief of Police Shippy, of Chicago, yesterday, the local authorities are taking vigorous measures to prevent outbreaks of a similar nature here.

All known persons of anarchistic tendencies are being closely watched, and renewed efforts are being directed toward breaking up foreign blackmailing organizations.

Superintendent McQuaide says he is pleased that the Chicago assailant was killed, and that he will endeavor to secure cooperation with the police chiefs of other cities to assist in getting rid of the undesirable foreign element.

"Should his life have been spared and the case come to trial, riots, bloodshed, and possibly many deaths from violence would have resulted," Superintendent McQuaide says: "There is no question in my mind that the attempt upon Chief Shippy's life was the direct result of the assassination of the Denver priest. There seems to be but one remedy for the anarchist situation—that is, to secure revision of the immigration, particularly the deportation laws. The moment a foreigner announces himself to have, or can be proven to have, anarchistic tendencies, he should be immediately sent back to his native land."

TWO CHURCHES GUARDED—THREATS HAVE BEEN MADE TO DESTROY PHILADELPHIA STRUCTURES.

PHILADELPHIA, *March 3, 1908.*

Two of the biggest Roman Catholic churches in Philadelphia were to-day put under strict police surveillance, and guards of plain-clothes men surrounded them to-night, because of threats of anarchists to destroy them. The churches are St. Ann's and the Chapel of the Holy Name, both in the northeastern section of the city. The parochial school of the Chapel of the Holy Name has practically been closed for the last two days, because of the report of the plot.

MURDERER OF MONK SANE—FOUR EXPERTS FIND THAT DENVER ANARCHIST IS MENTALLY SOUND.

DENVER, COLO., *March 3, 1908.*

Guiseppe Alia, the slayer of Father Leo Heinrichs, is declared absolutely sane in a report submitted to District Attorney A. Stidger to-day by four experts in mental diseases, who examined the prisoner for several hours.

The physicians agreed that Alia has no mental delusions whatever.

[Chicago Tribune, March 3, 1908.]

FIND HIS ASSOCIATES.

Everything goes to show that the would-be murderer of Chief Shippy was a thoroughgoing anarchist. The place and the time of the attempt indicate that he was not thinking of his own personal safety. If only he could kill he was prepared, like the desperate Russian bomb throwers, to be killed.

It is for the police to discover, and they have every incentive to do so, who this man is and who his associates were, and thus find out the motive that actuated him. After the assassination of the Rev. Leo Heinrichs at Denver by an Italian anarchist Chief Shippy was quoted as saying that Emma Goldman would not be permitted to speak at a meeting soon to be held here. That may have had some connection with yesterday's crime, or it may have been inspired by the action of the police in guarding some Roman Catholic priests.

Or this attempt may be a verification of the statement made in the Tribune three weeks ago on the strength of what it considered trustworthy information that the anarchists had changed their plan of campaign. It was said then that there were to be no more Haymarket outrages, but that a policy of individual assassination had been resolved on. Here and there, one by one, the men whom the anarchists looked on as special enemies were to be picked off. One of the city papers said then there were no anarchists in Chicago. Perhaps it will change its mind.

The assassin is beyond the reach of justice, but when the police shall have unearthed his associates they will have found a desperate and dangerous gang. It may be impossible to connect any of them directly with yesterday's crime, but if there are any of them who have only recently come to the country it should be possible to deport them. The law excludes anarchists. If they can not be deported, they will have to be the subjects of continued police vigilance.

The denunciation of anarchy from many pulpits on Sunday is followed by the attempt to murder the chief of police. That should only make the community more determined that anarchy shall be suppressed and should make the police more zealous about crushing it out. One Haymarket experience should be enough. It may well be that the great majority of the Chicago anarchists are violent only with their tongues and do not dare to risk their necks. But there are others more indifferent to consequences who, when their minds are inflamed by the wild speeches of their associates, are ready for any crime.

The police must keep an eye on them all. They must look out for newcomers, and when they arrive find out whether they have any right to be in the country, and if not, have them sent out. The immigration officials have let in too many anarchists. They must be more vigilant or there will be an increase in anarchistic crime. But, irrespective of what they do, Chicago must deal resolutely and firmly with anarchy within its limits.

It is said that the knife and revolver carried by the dead anarchist never had been used before, and probably were bought recently. If the council had passed the ordinance to stop the indiscriminate sale of firearms when the Tribune first called on it to do so, it would have been more difficult for that man to arm himself. Perhaps now the council will pass the ordinance.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18347 (the post-office appropriation bill) with Mr. OLMSTED in the chair.

Mr. OVERSTREET. Mr. Chairman, I ask that the gentleman from Tennessee [Mr. MOON] occupy some time.

Mr. MOON of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Chairman, I am deeply disappointed at the failure of the Committee on the Post-Office and Post-Roads to include in this bill legislation to carry into effect the recommendation of the Postmaster-General for a parcels post. If the committee had seen fit to confine the system strictly to rural routes, I should have been satisfied with that, and it is difficult to see how any Member of this body, who represents a constituency that is even partly rural or who has the interests of our country people at heart, could have opposed it. For this service the scale of charges would be, according to the departmental recommendation, 5 cents for the first pound and 2 cents for each additional pound up to 11 pounds, which is the limit in weight proposed by the Department, so that the total charges for a package weighing 11 pounds would be 25 cents. The establishment of this system would be a great boon to our rural people. It would go hand in hand with our present rural mail-delivery system, utilizing the machinery already provided for that system, using the same men, the same horses, and the same vehicles, or certainly not more expensive ones than are now provided for the delivery of the rural mail. It would be self-sustaining and self-supporting and would enable us from its profits to still further increase the pay of our rural carriers without taking a cent from the public Treasury. It would greatly increase the comfort and convenience of life in the country. The same principle of economy that is the basis of our rural mail delivery is the basis of this proposed parcels-post delivery.

Instead of forcing a large number of men living along rural routes to hitch up their horses and go to town, thus losing time from their work, to carry fruits, vegetables, or poultry to sell in town or to bring back purchases from the merchant in town, the carrier would deliver packages of each character along his route, those from the farmer as well as those to him. It can be readily seen that the saving in time and money to all classes who would obtain the benefits of the service would be almost incalculable.

So far from injuring the trade of our retail merchants in the small towns and even in the rural districts, this system would improve and extend that trade, for the small merchant would always have a cheap, prompt, and reliable delivery service for his own use. The objection is sometimes urged against the proposition that it is paternalistic in its character; that it is no part of the Government's duty to engage in the delivery of parcels, or in the transportation of merchandise of any kind. The same argument was urged against the establishment of our Post-Office Department itself. In that case the argument has reduced itself to such a practical absurdity that few, if any, now make it, and its ridiculousness is now universally conceded. But I would like to inquire what is the difference in principle between transportation by the Government of sheets of paper, either printed or written, and the transportation by the Government of other articles of merchandise that are just as important and just as necessary as newspapers or magazines or letters for the development of our civilization and the improvement of the conditions of life among our people. If there is any difference, it is so finespun, so hairsplitting, that I can not perceive it,

Mr. Chairman, for the past year or more I have made a somewhat extended investigation into this subject. I have written to the post-office departments of many foreign countries where this system is now being successfully operated and have obtained the reports of these departments upon it. I now have in my desk the reports from Great Britain, Germany, France, and New Zealand, and I have yet to find an instance where the system has failed or has not been eminently successful. In all of these countries it works satisfactorily, pays its own way, and is a great blessing to all classes, to the small merchant as well as the rural citizens. In all of them the system is extended and improved year by year, and no man suggests a backward step. For several years past I have earnestly and actively, both in public speech and private conversation, advocated the establishment of this system in the United States. I took that position long in advance of any recommendation of our Post-Office Department and long in advance of the indorsement of the proposition by some of the powerful organizations that now support it. The Farmers' Union, a powerful and influential organization of the farmers of the country, with the flower of its strength in the South, has indorsed it, and its locals everywhere are urging the Members of this House to support it. Its position on this great question is so true to the real interests of its members that it is a splendid evidence of the wise and far-sighted leadership with which that organization is blessed, as well as an encouraging proof of the quickness and unanimity with which our country people are beginning to perceive their true interests.

Though our cities are flourishing and may grow still richer and still larger, yet, after all, the mainstay and backbone of our country is the great mass of our great rural population, and no statesmanship can ever be very comprehensive or wise that fails to recognize this great fact and to do all in its power to build up the rural sections, to make conditions there more favorable, and life there more pleasant and more worth living. Entertaining these sentiments, it is with deep regret that I am forced to the conclusion that there is little hope to obtain this legislation at the present session of Congress. If the provisions for a rural parcels post had been included in the bill reported by the committee, the situation would be vastly different and the prospects for securing the legislation would be bright. If the point of order that new legislation can not be carried on an appropriation bill had been insisted on, how easy it would have been for this powerful committee of the House to have obtained from the still more powerful Committee on Rules a special rule declaring that during the consideration of this bill the provisions of a parcels post should be in order in spite of the usual point of order. Almost every day this proceeding is resorted to whenever the House or any powerful committee wishes to do something forbidden by the ordinary and usual rules of this body. Only the other day, during the consideration of the Army appropriation bill, resort was had to this procedure to enable this body to grant a meritorious and much needed increase of pay to the enlisted men of our Army after the point of order had been successfully urged against the increase. At the first session of the Fifty-ninth Congress the legislative, executive, and judicial appropriation bill was passed under a kind of special omnibus rule, abrogating at one blow scores of points of order that had been successfully made against numerous increases in salaries and appropriations carried in that bill.

It is well known that the Committee on Rules rarely, if ever, turns a deaf ear to appeals of this character, if the appeal comes from some one of the great committees of this House. That it would turn anything but a deaf ear, even if that, to almost any individual Member can not be doubted. Doubtless, the effort will be made, when we begin to consider the bill under the five-minute rule, to offer an amendment to provide a parcels-post system confined to the rural routes, but that the point of order will be insisted upon is certain, and to hope for relief from the Committee on Rules is vain. Therefore, the proceeding will not only be utterly hopeless, but utterly useless.

As business is transacted in this House there is little hope that bills providing for changes in existing law, and regularly referred to the proper committees, can pass, or can even receive consideration. However meritorious, they are doomed to sleep in the committee room or on some uncalled Calendar, some unsounded docket. The hope that they will ever wake up is even fainter than usual in a session immediately preceding a Presidential election, when the Members of both Houses are so anxious to get home to look after their political fences that they are, as at the present session, proceeding to get ready to do so with the speed of the whirlwind, even if, in order to do so, they leave unacted upon and undisposed of the stirring and strenuous recommendations of the President upon great questions of governmental policy and proposed legislative remedies for existing evils that have been brought to their attention by President Roosevelt in the most vigorous and aggressive fashion ever witnessed in our political history.

When the President can not command consideration from his own party in this body for the great questions he has presented to it, who else may hope to obtain it?

Therefore, Mr. Chairman, I confess that I am disappointed at the failure of the Post-Office Committee to include in this bill provisions for a parcels-post system, limited to rural routes. If the committee had found the point of order insisted on, it could have easily overcome that difficulty by an appeal to the Committee on Rules. No individual member of this body can, however, hope to follow that road successfully. The responsibility for the failure of the committee and of this House to follow the recommendation of the Republican Postmaster-General must and can only rest on the shoulders of the Republican party, for that party, through its majority membership on the Committee on Post-Offices and Post-Roads, has declined to pursue the only practicable road by which consideration could be obtained for this most meritorious measure. I do not see how the Republican party can hope to escape this responsibility. It certainly can not do so.

If my friends on the other side of this Chamber undertake to tell the farmers of this land, who earnestly favor this legislation, that they did not have time to consider it during the present session, will they not be met with the question, "On what more important measure could you spend your time?"

If our Republican friends undertake to say that they could not consider, in connection with this bill, the merits of the proposition, although it was earnestly recommended to them by the Postmaster-General, because of the point of order, will not the reply be aptly made: "Why is it that when an increase of pay for the enlisted men of our Army is proposed, or when salaries are to be raised, or when legislation on any subject is really and sincerely desired by you, that you can brush aside the point of order like it was a troublesome but harmless insect, but when it comes to the consideration of this great measure in the interest of our rural people you then find the point of order not only harmful and dangerous, but also unconquerable and omnipotent?"

To-day I can do little more than express my sorrow and disappointment that the time between now and the assembling of the next national party in power is so short, and the point of order is so strong, that, between the two, there is little hope for the consideration of this measure at the present session, and to venture the prophesy that before many more sessions shall have passed an enlightened public sentiment will force its consideration.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Tennessee, my colleague [Mr. SIMS], one hour.

Mr. SIMS. Mr. Chairman, the matter I rise to discuss is germane to the subject-matter of the bill now before the House, not the bill itself, but an amendment thereto. I propose to discuss the bill H. R. 67, introduced by the gentleman from Texas [Mr. BURLESON], the object of which bill is to prevent the use of the United States mails, the telegraph, and telephone in transacting cotton future sales and purchase on the exchanges of the country where no actual delivery or acceptance of cotton is contemplated.

Mr. Chairman, I do not rise here to hurl abuse at cotton operators as such or members of the cotton exchanges as such, but for the purpose of discussing the relation of cotton future dealings to actual cotton business, either in the way of producers or manufacturers or such middlemen as are necessary to the transaction of actual commodity cotton business. It has been often stated as one of the reasons for the existence and operations upon these exchanges that they were an aid to actual cotton transactions; that they were an aid to the producers and the handlers of actual cotton, to middlemen, and to the manufacturers of cotton goods. If that is true, I should not object to these transactions nor attempt to prevent or hamper them in any way; and I know the gentleman from Texas, in introducing this bill, had no purpose in his mind to prevent the doing of anything that will be on the whole an aid to the legitimate cotton industry in all its branches and forms. Consequently there is no soreness on my part, there is no spirit of getting even with somebody or making unjust warfare upon any institution anywhere; but I want to weigh, investigate, and come to a conclusion whether or not the cotton exchanges of the country as a whole are a benefit or an injury to the cotton industry.

I charge, from such limited investigation as I have been able to make, that upon the whole they are as operated an injury and should not be permitted the use of the United States mails in furtherance of this so-called "business," which in the aggregate is an injury to the industry that it is claimed it will benefit.

I would feel a great hesitancy in undertaking to discuss this matter in this House, knowing as little as I do about it, if I was not convinced that if not a majority at least a large number of my colleagues on both sides know a great deal less even than I do about it. But the cotton growers of the South in organized capacity have demanded legislation to relieve themselves from the situation which they claim is really a detriment.

Mr. STEPHENS of Texas. Will the gentleman permit me to ask him a question?

Mr. SIMS. Certainly.

Mr. STEPHENS of Texas. I desire to ask the gentleman why this bill should not apply also to wool and grain of all kinds?

Mr. SIMS. As far as wool is concerned, it can not apply, because wool is not dealt in upon any exchange for future delivery on margin as is cotton.

Mr. STEPHENS of Texas. What about applying it to grain?

Mr. SIMS. I know of no reason why it should not apply to grain; but I am looking after an interest of my own section, and as my section does not produce any large quantity of grain that is handled upon any exchange I will not discuss this matter as relates to grain, but shall confine myself to the cotton industry and not to other industries.

I start out with the charge that fully 90 or 95 per cent of all the transactions recorded upon the cotton exchange of New York are purely speculative, and in no way logically connected with cotton transactions in fact, and that this 95 per cent of transactions give color and effect to these operations as a whole, and should be judged accordingly. The dealing upon cotton exchanges in what is known as "futures" is really dealing in fluctuations.

Mr. FITZGERALD. Will the gentleman allow me to ask him a question?

Mr. SIMS. Yes, sir.

Mr. FITZGERALD. Has the gentleman the facts upon which he bases this statement of the percentage?

Mr. SIMS. I have. I make the statement and will back it up with the proof—that 95 per cent of them are in no way related to the actual cotton industry in any form, either to the growers, or to the merchants who take it from the farmer, or to the middleman who handles it, or to the exporter or spinner. Then, if there is not more than 5 per cent of these transactions that in any way benefit the cotton industry and 95 per cent that are detrimental, should we longer tolerate the use of the United States mails in the maintenance of the so-called "business" which is a maintenance of an evil, judged of in every way that it may be considered.

Mr. Chairman, I am ready to admit that investment—speculation—as a rule, tends to support the values of the things speculated in. I am not here to fight speculation as such—investment speculation—but the so-called "speculation" that its necessary effect is that one party loses what another one gains. [Applause.] It is no legitimate speculation for me to buy 500 bales of cotton for May delivery through a cotton exchange from my friend [Mr. CLARK], who sells me the 500 bales, and the market goes against Mr. CLARK, and I take his $500 put up as margin and put it in my pocket by reason of the market going down. In such a transaction he loses what I gain, and I gain what he loses. That is the result of speculation in fluctuations.

Mr. CLARK of Missouri. Will the gentleman allow me one question about this business. Would it not be a good deal better, and in the end cheaper, for us to go into the lobby and put up $500 as a bet as to cotton going up and down in the market than to go to these exchanges and pay these fellows a commission for this species of gambling?

Mr. SIMS. In the transaction I have just explained between Mr. CLARK and myself the cotton exchange takes the margin money, which is simply and purely a stake, and turns it over to the winner, less the commission charges for holding the stakes in the form or name of margins and going through the details of this so-called "business."

Mr. LOVERING. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. LOVERING. Do I understand that such a sale or transaction as the gentleman has described between himself and Mr. CLARK is included among the 5 per cent or the 95 per cent?

Mr. SIMS. The 95 per cent.

Mr. LOVERING. It is included among the 95 per cent?

Mr. SIMS. Yes. I am seeking to explain what is called "speculation," but what is, in fact, gambling.

Mr. MADDEN. Did the gentleman say that he felt justified in buying 500 bales of cotton and putting up $500 as a margin?

Mr. SIMS. I did not hear the gentleman.

Mr. MADDEN. I understood the gentleman to say he thought it was a perfectly legitimate transaction to buy 500 bales of cotton, deliverable on the 1st of May, on which he would pay a certain amount of money, a certain margin——

Mr. SIMS. No; I did not say that.

Mr. MADDEN. What did the gentleman say?

Mr. SIMS. I am undertaking to explain the difference between real speculation and what is here called speculation, but which, in fact, is wagering or gambling. Now, suppose I should buy 500 bales of cotton from my friend Mr. CLARK. He sells to me as a grower, or he has bought it from somebody else. He sells it to me for a price that yields a profit to him. I hold it a while and I sell it to my friend and colleague [Mr. GARRETT] for a profit. He holds it a while and sells it to another friend for a profit, and so on down. It may go through a hundred hands and be sold a hundred times, for a profit in every instance, and all legitimate speculation and not gambling, and every man has made something and no man has lost anything. That kind of speculation is a benefit to the cotton crop. When the vast number of millions of bales of cotton that are gathered in September, October, November, and December are thrown on the market, there is a greater supply than there is any actual demand for cotton at that time. Then somebody has got to buy that cotton from people who are unable to hold it themselves. That is where the legitimate speculator comes in. In other words, he does not necessarily have to be a spinner. He may be a banker; he may be a Member of Congress—if one could be found who had money enough to buy cotton. The speculator can buy all the cotton which is not at the time needed by the spinner, and hold it, selling it later, when there is a demand from the spinner, and making a profit. That man has been a benefit to the cotton trade, because he has kept off of the market the excess of the commodity at a time when there was no demand for all cotton offered. That is legitimate speculation; that is real speculation; that is speculation which may always result in a profit to all persons engaging in it, but, of course, may sometimes result in a loss. The other kind of speculation never can result in a profit to one without a corresponding loss to the other. Now, as 95 per cent of the dealings on the cotton exchange are of the kind I have just mentioned as gambling transactions, how can it possibly be of any benefit to actual business?

Mr. FITZGERALD. Will the gentleman explain the difference between what he classifies as bad speculation or reprehensible speculation and this speculation that he approves? For instance, these transactions that he has been detailing are not all cash transactions. They are time transactions. And may not the man who buys from the gentleman's friend, Mr. CLARK, on time, and who then attempts to sell at a later date, lose as well as gain, and may not the person who buys from him, some cash and some time, also gain or lose?

Mr. SIMS. Do you mean buying contracts on a margin or dealing in actual cotton?

Mr. FITZGERALD. I am talking about the transactions which you regarded as proper. They are not all cash transactions?

Mr. SIMS. Not by any means.

Mr. FITZGERALD. They are time transactions?

Mr. SIMS. Some of them are.

Mr. FITZGERALD. What is the difference whether I buy from the gentleman from Missouri on time or whether I buy it from a cotton broker on time?

Mr. SIMS. Cotton or cotton contracts, which do you mean?

Mr. FITZGERALD. It is immaterial; I buy cotton to be delivered when I need it.

Mr. SIMS. You intend to take the cotton and not settle at the difference?

Mr. FITZGERALD. It would depend upon whether I needed the cotton at the time of delivery.

Mr. SIMS. If you bought it in advance and you didn't need it and you settled on the changes of the fluctuations through the margin, what would you call that?

Mr. BURLESON. With the permission of the gentleman from Tennessee——

Mr. SIMS. Certainly.

Mr. BURLESON. I will state to the gentleman from New York that this bill applies only to contracts where there is no intention whatever on the part of the seller or buyer of delivering or receiving the cotton.

Mr. FITZGERALD. Does the gentleman from Texas think it will be possible to ascertain whether two men making a contract, the one to buy and the other to sell cotton, actually intended at the time not to take or deliver the cotton?

Mr. BURLESON. That is a question of fact upon which the jury should be permitted to pass; but if it was a transaction of that kind, where the cotton was to be delivered, the gentleman's clients would never suffer.

Mr. FITZGERALD. My clients, unfortunately, are not in that class.

Mr. SIMS. Mr. Chairman, in order to understand this, I want to read what is said in favor of these operations. I read from page 58 of Cotton Movements and Fluctuations, by Latham, Alexander & Co., New York, bankers and commission merchants, being the last report of that kind they have published. It is thoroughly reliable, being by one of the best firms in New York in every respect, and here is what they say, giving their reasons for this character of dealing. I invite your attention to it:

> To merchants and operators cotton contracts for future delivery afford great advantages; this is evidenced not only by the large business in New York, but also by the extensive business done in them in Liverpool. They fluctuate more widely and frequently than cotton, though governed in general by the course of actual cotton on which they are based.
>
> Contracts can not only be purchased, but can also be sold short. By dealing in them loss in weight, interest, insurance, and various other charges can be avoided. No large sums of money, such as are necessary when dealing in actual cotton, are required. At light expense the holder of a contract can avail himself of the fluctuations of the market during many months.

There is the milk in the cocoanut. The money that is made or lost is made or lost on fluctuations, and that is the only possible way to make it. Now, is this good business; is it good legislation to permit dealings in simple fluctuations in a great commodity, one of the greatest the world produces?

Mr. LOVERING. The bucket-shop principle.

Mr. SIMS. Yes; the bucket-shop principle, as the gentleman from Massachusetts states.

Mr. BURLESON. Will the gentleman state to what extent the fluctuations obtain?

Mr. SIMS. I will come to that directly. If these fluctuations did not affect the actual price of cotton, did not have a deleterious effect on the price of spot cotton, we would not complain, we would not care. If the people who thus speculate would not do anything that affected the actual price of cotton and bring about a fluctuation, it would not hurt anybody but the gentlemen who put up the margins. But we have great operators who carry as much as 500,000 bales of futures, and who can make no money on them without favorable fluctuations. What do they do? They become immediately interested in creating a favorable fluctuation. They go to work at once to bring about fluctuations that will give them other men's money without any equivalent value for the same.

Mr. DRISCOLL. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. DRISCOLL. If I want to buy 100 bales of cotton, pay for them in cash, whether they are delivered or not, is that proper according to your proposition?

Mr. SIMS. For future delivery? Perfectly proper.

Mr. DRISCOLL. Suppose I buy it in the hope and confidence that that cotton will rise in value in a month, and believing I can sell it for more, I pay for it. I buy it in the hope of making money by fluctuation, do I not?

Mr. SIMS. Yes.

Mr. DRISCOLL. Is that a proper transaction according to the gentleman's notion?

Mr. SIMS. Does the gentleman mean that he buys cotton or buys a contract?

Mr. DRISCOLL. I buy the cotton, and I buy it in the hope that it will rise in the future in the market.

Mr. SIMS. That is a perfectly legitimate transaction as I view it.

Mr. DRISCOLL. And in the hope that I will make money by the fluctuation.

Mr. SIMS. By the increase.

Mr. DRISCOLL. By the fluctuation, by its fluctuating up.

Mr. SIMS. Yes.

Mr. DRISCOLL. That is proper, is it not?

Mr. SIMS. That is perfectly legitimate—by buying 100 bales of cotton everybody who owns cotton will be benefited, because it takes that much off the market.

Mr. DRISCOLL. But by and by I put it on the market again.

Mr. SIMS. If the gentleman does, then it has a depressing effect to the extent of the weight of 100 bales.

Mr. DRISCOLL. I depress it then as much as I elevate it now.

Mr. SIMS. I do not know. It is owing to how long the gentleman holds it and the condition of the market when he offers it for sale.

Mr. DRISCOLL. I am trying to get the gentleman's distinction between what is legitimate and proper and what is reprehensible according to his notion.

Mr. SIMS. That is what I am trying to make plain to the House. Mr. Chairman, these interruptions are all pleasant and desirable, yet they get me off the main thread of my argument, and I may not always get back to it.

Now, our friends who maintain that the cotton exchanges are a benefit to the cotton industry say that there is an intimate relationship between them, and that trading in the exchange promotes the cotton industry as a whole. In that connection, I want to ask what I think is a very pertinent question. If they are related, and are beneficial to cotton and an aid to the handling of the same, would not the exchanges in the United States naturally be located and operated where the greatest amount of actual cotton business is transacted? How are the facts? The largest crop of cotton this country has ever produced was thirteen and a half million bales. I have it from what I regard as reliable sources of information, that the number of bales of cotton represented by the contracts sold in one year on the New York exchange will amount to 90,000,000 bales, between eighty and one hundred millions, more or less. That is the greatest number of bales of cotton contracts sold anywhere on the face of the earth, and if it was related to actual business we would expect to find in New York what we find in Liverpool—a vast hord of merchantable, desirable cotton that the spinner wants, and the spinner would go to New York to buy it.

If I had bought a May contract and wanted to get rid of it, and a spinner knew of that fact, he would buy it, possibly at a profit to me, because he wants what he knows he is going to get—spot cotton of a merchantable, spinable variety. What are the facts? I will read again from the same source. The cotton year ends on the last day of August always and therefore begins on the 1st day of September. The receipts for the port of Galveston for the cotton year of 1906–7, which is the last of which we have reports, was 3,891,695 bales. In New Orleans, the next greatest port, it amounted to 2,296,971 bales; at Savannah, Ga., 1,668,633 bales. There is no cotton exchange at Galveston in which you can buy and sell futures, as I understand, and there is none at Savannah. There is one in New Orleans and one in New York, the only two in the United States that do this business, as they call it. Let us take the port of New York where ninety millions are handled in contracts, and what do you suppose their total receipts were for that year? Twenty-three thousand one hundred and eight bales! Is not that conclusive evidence to any clear-minded, unprejudiced man that futures do not follow actual cotton transactions and that actual cotton transactions do not seek the place of the greatest contract transactions? In other words, they are not associated, and while the effect on the price of spot cotton is very great by the dealings done in New York on the cotton exchange, the effect generally on the whole cotton industry is deleterious. At the end of the cotton year, Galveston, which had receipts of nearly 4,000,000 bales, had left over 30,820 bales; New Orleans had left over 31,964 bales; Savannah had left over 8,593 bales. New York, which only had 23,108 bales during the entire year of receipts, had at the end of the year 169,975 bales left over.

Mr. HUMPHREYS of Mississippi. Where did that come from?

Mr. SIMS. I will tell you. That statement seems a mathematical absurdity and looks impossible without explanation. How could they have six or seven times as much cotton left over at the end of the year as the receipts amounted to during the whole year? The average layman does not know, and I am not far above the average layman, either. Under the rules of the cotton exchange, cotton is made deliverable on contracts that no spinner wants or will have.

The result is that what accumulates there is unmerchantable, undesirable, unspinnable stuff which is used only to liquidate these gambling debts called "futures." Where did that hundred and some odd thousand bales, where did that vast number of bales that were left in New York at the end of that year come from, when the receipts for the whole year were 23,000 bales in round numbers? They were carried over from the year before. This cotton had been on hand doing the same old business at the same old stand for five years, as the gentleman from Massachusetts [Mr. LOVERING] says, delivered upon contracts, or not so much delivered as offered to be delivered. Now let me explain——

Mr. HUMPHREYS of Mississippi. Let me ask one question. What character of cotton can be delivered under the rules of the New York Exchange in liquidation?

Mr. SIMS. I am going to come to that in a moment if I can reach it in order. Now, if the grades of cotton deliverable upon the cotton exchange of New York were such as to make it more desirable to own them than not to own them, they would not affect the price of cotton adversely. If I had bought cotton in New York, or you had, wanting to keep it until wanted by a manufacturer, the spinner, knowing he would get cotton of the kind he could use, would take our contract off our hands and receive the cotton. How many grades do you suppose are deliverable on the cotton exchange of New York? About thirty in all.

I will put in the RECORD a certificate by George Brennecke, chairman warehouse and delivery committee of the cotton exchange of New York, of September 30, 1907. Of all the cotton inspected and certificated and subject to delivery there classes that can be and are delivered upon contracts. Now, what is merchantable or desirable cotton? Every man who has given the cotton business any study knows that "middling" cotton is the basis. In other words, middling cotton is the cotton for which there is the greatest average demand the year round, so when a man buys cotton he buys middling basis, and that middling-cotton contract may be executed by delivering another grade with a certain number of points on or off the price of middling. If the New York Cotton Exchange was promoting actual cotton business, there would be in the warehouses cotton of average or desirable grades, would there not? Now, let me astonish you. Of middling basis there was only 375 bales in the whole lot of 138,484; of good middling tinged, value of middling, 146 bales; of grades above middling and worth more than middling, strict middling, 116 bales; barely good middling, 23 bales; good middling, 20 bales; fully good middling, 1 bale; strict good middling, 15 bales; barely middling fair, 7 bales; middling fair, none; strict middling fair, none, and fair, none, making 718 bales of cotton in the cotton warehouses of New York on the 30th day of September, 1907, that graded middling or above out of 138,484 bales that are receivable upon contract. Now, what was the number of bales below middling? Strict low middling, 2,212 bales; fully low middling, 8,857 bales; low middling, 22,782 bales. No grade of cotton good for delivery upon any contract upon the New York Exchange of a lower grade than that is wanted by spinners. Now, see what follows: Barely low middling, 30,848 bales; strict good ordinary, 27,554 bales; fully good ordinary, 9,318 bales; good ordinary, 6,772 bales; strict good middling tinged, 45 bales; strict middling tinged, 386 bales; middling tinged, 2,026 bales; strict low middling tinged, 8,476 bales; low middling tinged, 8,967 bales; strict good ordinary tinged, 3,190 bales; fully middling stained, 2,261 bales; middling stained, 2,028 bales; barely middling stained, 477 bales; strict low middling stained, 1,012 bales; fully low middling stained, 26 bales; low middling stained, 544 bales. This whole lot is certified as being deliverable upon New York contracts. Suppose my friend Mr. LOVERING here, who is a manufacturer of cotton goods, wanted 5,000 bales of cotton of middling basis, or within the grades two above and two below. Could he buy it in New York? Would he buy on contract in New York and accept delivery? No. Suppose you wanted 1,000 bales of middling and better. Could you get it out of this large hoard of 138,000 bales? No. What is the result?

The only cotton certificated here as being on hand is 7 bales of barely middling fair, which is 100 points or 1 cent higher than middling basis. The next amount is 15 strict good middling which is 75 points higher. The next is 1 bale of fully good middling 62 points higher, and the next is 23 barely good middling. The next is 37 strict middling. That is better than middling, and 35 good middling tinged, valued as middling. There is no cotton kept there as certificated cotton that is more than 1 cent or 100 points higher than the basis middling. Now, let us read the cotton in that list below any desirable grade and see the difference. There is barely low middling which is 125 points below or a cent and a quarter less—30,848 bales; strict good ordinary, 150 points below basis, 27,554, and so it goes on down until a grade, deliverable on contract is reached, which is 300 points below basis.

Where is the exporter or manufacturer who is going to New York to buy cotton of the grades certificated in these warehouses? I will tell you who buys these contracts; they are the "lambs." Let me tell you where the "lambs" live. A large percent of them live south of the Mason and Dixon line. They are always booming cotton. They are always bullish, to use a market phrase. The people who grow cotton in the South, the merchant who buys it, the banker who advances upon it, are always interested in maintaining the stability of the prices of this product. Therefore they reason the way they hope and see evidence that convinces them that cotton is going up that would not convince people who are not thus interested.

So all of us down South are hoping and praying and working for maintaining and sustaining better cotton prices. What is the result?

Literature goes down there advising us to buy futures. You can buy it for $2 a bale margin, while the original margin is $5 a bale. We reason why not buy a hundred bales of futures, instead of going out and working yourself half to death and

sweating your life out to make 10, 15, or 20 bales the way God told Adam to make it? What is the result? Literature floods the country advising us to buy fall contracts sent there by the professional operators. Our people, as a rule, do not know a thing about the operations of the New York or Liverpool cotton exchanges. They do not know that this stuff I have referred to above can be dumped on them. But they say, "Buy cotton." It is in the air; it is in the papers; it is everywhere, and the lambs march in and buy it. I knew a man once, whose hair was growing gray, in a little town in my district, that mortgaged his land to buy cotton contracts in New York City, about which he knew nothing under heaven, and was taking it on faith. That man's farm went, and he is left in poverty in his old age. The people of the South will not stand this any longer. There must be a change of contract grades upon the New York Cotton Exchange which will not ruin all those who are uninformed—in other words, the lambs who deal there. But where would they get their pickings if they did not have lambs? In order to popularize it and make it appear a legitimate business, they say the spinner who sells his goods far ahead buys a cotton future to protect him. He hedges, in other words. The hedging argument is used to make a fraudulent transaction respectable. I had it explained to me by a great exporter—but I will not call his name—last February. He said:

A man comes to me and he wants 1,000 bales of cotton for October delivery, or he writes me or wires me from Europe. He knows I am responsible. He knows if I sell to him he can hold me liable for the cotton or its value. I sell him 1,000 bales of cotton, to be delivered next fall when the cotton farmer is delivering his crop, when I know I can buy it. I have not got it now. I can not go out and buy 1,000 bales of cotton and put it in a warehouse and pay insurance and storage on it and lose the interest on the money. What do I do? I look at the price of October futures, and I sell him at the price enough above the October option in futures to enable me to make a profit on the transaction to cover interest, commission, etc., and at once buy 1,000 bales of October delivery as a hedge.

He would make a sale to the spinner of a thousand bales, to be delivered in October, and purchase 1,000 bales of October futures as a hedge, as a protection against the possible fluctuation of spot cotton. When the time comes I know that the farmers will have cotton to sell, far more than they can find a market for. Therefore I take no risk, and when I have bought my cotton in Texas, Mississippi, or Georgia and shipped to my foreign purchaser, I sell out my hedge.

Now, that is what he calls a hedge. I said to him—and the gentleman from Texas [Mr. BURLESON] and, I think, the gentleman from Alabama, Mr. Bowie, were present—I said, "Mr. A, suppose that there were nobody but exporters doing that future business, who would buy your hedge when you offered it in October?" "Oh, why," he said, "of course, there is a broad market." I asked "Who makes it broad? You say you are in favor of legitimate business, pray tell me who will buy your October option when you have sold the October spot cotton." "Oh, well, there is always a broad market in New York at some price. I may lose some on it, but I calculated on that in the beginning." I said to him, "If it was not for the speculative element, pure and simple, and you had no other opportunity to sell, except to exporters or spinners, could you operate that hedge?" He said, "No." So that the gambling operations in cotton causes the necessity for the hedge and furnishes the means of the hedge. That is called legitimate business. The legitimate feature of it could not last twenty minutes if the gambling element were eliminated by this or any other bill.

Mr. GAINES of Tennessee. Will my colleague tell the committee how many million more bales of cotton are sold than are actually raised?

Mr. SIMS. I stated that a very few minutes ago.

Mr. GAINES of Tennessee. I did not hear it.

Mr. SIMS. But I will repeat it. In the New York exchange you can deal only in cotton grown in the United States. With a crop of 13½ million bales actually grown in the United States there were sold on the New York exchange over 90,000,000 bales for the same year.

Mr. GAINES of Tennessee. Can not we shut them off from this gambling scheme by shutting them off from the use of the mails?

Mr. SIMS. That is the object of the Burleson bill.

Mr. CLARK of Missouri. I would like to make one statement that will broaden your statement. Of course, I do not know much about cotton, but they work this precise trick on every commodity grown. Now, you say that southern fellows naturally "bull" cotton. All the people in our section of the country naturally "bull" the corn market and the wheat market and the oat market, and all the rest of them, and they do just as you do, because they always bet the way they want it to go.

Mr. SIMS. I do not know about the operations of the grain exchange or board of trade in Chicago. They may have grades requiring the delivery of a good product which might not depress the price, but I am saying what the New York cotton exchange is doing with their present methods, forcing upon people what can not decently be called cotton as a delivery upon contracts as a part of their gambling transactions.

Mr. LOVERING. I hope the gentleman will make perfectly clear where he classes a transaction like this: A cotton spinner having some goods to be delivered in October buys a thousand bales of October cotton. He buys them where he can. He buys them of a man either in the cotton exchange or the man who grows it, to deliver through the cotton exchange a thousand bales at the prices given for October, and they want to see about what makes the price of October. He is the spinner, as in this case. When I buy a thousand bales from the cotton exchange to be delivered in October I do not expect to pay for it until October. That saves to me the warehouse charges and insurance, carriage, etc. Is it not a perfectly legitimate transaction for me to buy that cotton in that way and then by the time that October comes around I will call upon this man to deliver the cotton? If he can not deliver it to me, I sell those futures and buy a thousand bales of real cotton in the South. Will any such transaction as that affect the cotton market adversely in the South?

Mr. SIMS. I am glad the gentleman asked the question. Now, with all the people in the South bullish, and with the hedging of the kind you have just mentioned, the exporters are buying cotton for future delivery, buying futures; the cotton raiser and the cotton dealer in the South are also buying futures for fall delivery, and the gentleman from Massachusetts [Mr. LOVERING] has just illustrated a case to us. In the fall of the year, when there are millions more bales of actual cotton being delivered than there is any money to pay for, or any demand for, and almost hundreds of millions of futures dumped at the same time upon the market, you see what effect hedging has. It weighs upon the market in addition to the weight of actual cotton offered by the growers.

I want to say something a little bit further in that line. It is true that ultimately supply and demand will regulate the price, but the farmer in the South, the tenant, the merchant, the small banker, can not wait until "ultimately" for their money. They must sell on the immediate market, which is influenced by the cotton futures in New York. Those futures are quoted in every paper in the United States. Futures are quoted in New York from 10 o'clock on until 3 by wire. In the afternoon at 2 o'clock, after the great bulk of the future business is done for the day, they quote the price of "spots." How do they make them? There may be sometimes an actual sale of cotton to a spinner like my friend, and it is put down as a sale of spots. But any time you deliver any of that stuff on contracts, that my friend says has lain for five years in the warehouses, it is marked as a spot sale.

Mr. LOVERING. The gentleman knows there is never a bale of that hardly delivered. It is what is termed unspinnable cotton. It remains on the market, as the gentleman says, as a drug on the market, but if ever it is delivered, it is delivered with the differential in the cost. But that is neither here nor there. The gentleman has not yet explained that the transaction which I have suggested can not be adverse to the price of cotton in New York. The transaction which I have referred to is a necessary one, or I could not make a delivery of my goods in China or elsewhere next October, unless I know what I am going to get my cotton for. The gamblers may be in the New York Cotton Exchange, but the gentleman himself has admitted that they are all bullish in the South, and they are all gamblers in one direction, and they are just as reprehensible as the spinner or anybody else in New York who may be depressing the market.

Mr. SIMS. That is all true. Every word the gentleman says is true, but I am showing you the benefits to the country to be derived from the legislation proposed.

Mr. BURLESON. I can answer that question, if the gentleman will permit me. He buys these thousand bales as a spinner, and has to hedge to protect himself against the fluctuation in the price of his raw material. This fluctuation we contend is caused by the gambling on the cotton exchanges, and if you remove the cause there will be no necessity for you to protect by hedging against this proposition.

Mr. LOVERING. I do not want the gentleman to understand that I am opposed to the features of this bill. Quite the contrary; only I do want it distinctly understood by the House that there is a transaction of that nature where a man legitimately hedges his sales and purchases.

Mr. BURLESON. Under existing conditions it is necessary; but if you remove the conditions it will not be necessary, and the condition now is that this fluctuation is caused by gambling in this great product.

Mr. LOVERING. It is no more in New York than it is in the South.

Mr. BURLESON. I confess that.

Mr. FITZGERALD. Will the gentleman answer a question?

Mr. SIMS. I want to answer the other question now.

Mr. FITZGERALD. In connection with that, I should like to ask the gentleman to state whether it is not a fact that before the organization of the New York Cotton Exchange the fluctuations in cotton were much more violent than they are to-day.

Mr. SIMS. I will answer that question in the course of my remarks, if I can get time to finish my speech. The gentleman from Massachusetts stated a perfectly legitimate transaction under existing conditions, and he asks how does it affect the price of cotton in the market. I will show him. You may say because you have a thousand bales of futures to sell and want to buy a thousand bales of spots that the buying and the selling offset and neutralize each other.

Not at all, because they are not done simultaneously. When you buy 100 bales of spot cotton and sell 100 bales of futures, they might tend to neutralize the effect of both, if done at the same moment. But my friend buys 1,000 bales of spots and ships it. Then he sells the 1,000 bales of futures. The futures do not affect the price of the spot cotton he has bought; but by putting them on the market as a liquidation, as they call it, after he has purchased his spots, it does affect the price of all unsold cotton to that extent.

Mr. LOVERING. But the gentleman must acknowledge that the time comes when I actually take the 1,000 bales from the market.

Mr. SIMS. You take it, but you do not sell the future until after you have done it, and the future becomes a weight on the market.

I do not object to hedging if it could be done without the gambler, but the gambler has to furnish the means of hedging. My friend is a spinner and he has bought his 5,000 bales, and other spinners have bought their 5,000 bales, and they all get the spots in the fall to the extent they want them; but they do not buy a whole year's supply, and then they all dump their futures at once and the market goes to pieces as a result of selling out these hedges.

I will show you how the exporter operates. The exporter buys futures to cover sales he makes for future delivery. In the fall of the year if there is a short crop and actual cotton is going to be high and the speculative fever has taken hold of the lambs of the South and they put futures up, he will buy his spot cotton first. Why? It will sustain the market and furnish the cause for a further advance of futures, and after he has bought 5,000 or 10,000 bales then he turns loose his futures to us lambs at a profit over and above, perhaps, what he gave for the spot, because the purchase of the spot helps to keep the price up and supports the market for futures.

On the other hand, by selling out his hedge before he buys the spot the spots are depressed. He always wants to operate on futures so as to benefit by the transaction. If futures are lower than spots, he sells his futures out, so as to give a further downward tendency to the market, and buys spot cotton afterwards in a market depressed by his sale of futures.

Let me read you from a high authority. A few years ago the Agricultural Committee, of which the gentleman from Kansas [Mr. SCOTT] is now the distinguished chairman, but who was then a member of the committee, had a hearing on the question of Government reports on cotton crops and effects. In that hearing Mr. MacColl, chairman of the New England Cotton Manufacturers' Association, was one of the witnesses. While my question was not germane, I butted in through the kindness of the members of the committee. In asking questions I did it in a way that indicated that I was antagonistic to his position, in order that I might get a candid answer.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. I would like fifteen minutes more.

Mr. MOON of Tennessee. I will yield to the gentleman fifteen minutes more.

Mr. SIMS. I asked Mr. MacColl this question. You will remember that Mr. MacColl is president of the New England Cotton Manufacturers' Association. He is a high authority on the actual cotton business, as high as there is in the world:

Mr. SIMS. I would like to have you define what you mean by the term "speculator."

Mr. MACCOLL. I think it is very well understood that there is a large number of people connected with the speculation in cotton, raising or depressing the price.

That is the business of the kind of speculator that he referred to.

Then I asked him:

Professional operators?

Mr. MACCOLL. Yes.

Mr. SIMS. I want to ask you if spinners do not buy and sell futures?

Mr. MACCOLL. Yes; they do to some extent.

Mr. SIMS. And to that extent are they not speculators to all intents and purposes?

Mr. MACCOLL. I think they are speculators in one sense of the word if they do that at all, but everybody is speculating in business to some extent.

Mr. SIMS. Then the spinner wants the future market all to himself, but he does not want the professional operator? He wants to exclude the professional operator?

Mr. MACCOLL. My opinion is that the spinners of this country have used the future market to a very small extent. Lately they have been forced to use it more, but they have not used it to any large extent in years gone by. There are thousands and thousands of manufacturers who have never bought a bale of futures.

Now, Mr. Chairman, there is the highest New England authority upon whether or not this future business is necessary to cotton manufacturers. My questions were along the line of antagonism.

Mr. GARRETT. In that connection, one of the grounds assigned to support the future dealing is that it is a benefit to the planter. Does not the gentleman know that there is not 1 per cent of the planters who ever buy a future?

Mr. SIMS. Why, of course, that is true. I will read further:

Mr. SIMS. Is it not a fact that the speculators are divided into bulls and bears, and that the effect of their operations is nil?

Mr. MACCOLL. If there is no evil about it, it is not worth while for us to waste time about it. We think it has been a tremendous evil in the last three or four years.

Now, Mr. Chairman, where is the man who is going to fly in the face of such authority and get up here and say that this business ought to be protected and that the mails should be made subservient to it? [Applause.] As far as the planter is concerned, to which my colleague refers, how many poor negro cotton raisers in the South can buy or sell a future or know anything about it? How many poor white cotton raisers in the South can buy or sell a future or know anything about it? How many cotton farmers make 100 bales of cotton? And you can not buy or sell less than that number of bales on any cotton exchange. The number of farmers or cotton producers who could avail themselves of the benefit, if there was any benefit in the cotton exchange, is very small, and on account of the number of bales necessary to be bought or sold in order to deal at all the number of farmers who could operate is rendered a negligible quantity, and need not be considered at all. But I said a while ago that many people in the South buy futures. First, in the bucket shops, because they sell less than 100 bales—down to 10, I believe. The bucket-shop keeper is the gambler at both ends of the line. He holds the stake of the man who operates with him and he does not put up anything against it. If you gamble in the cotton exchange, they make you put up your money with a responsible party, and the man with whom you gamble puts up his with a responsible party, and in this way you get the winnings if you win. Almost every legislature in the South has abolished the bucket shop and wire house. It can not in any way benefit the farmer.

But on the other hand, let us take the merchant, the lawyer, the banker, the man who has money enough to buy cotton on the cotton exchange, or to sell it. They go in without ever having studied these things and they buy their cotton contracts in New York, and the price may actually go up, and they think that it is going higher and that they will just buy a little more. They write to the broker in New York and ask how much money is needed to take this cotton, if tendered. The broker tells them, and when they are informed that they have potentially purchased a lot of stuff for which there is no demand and no practical use can be made of it, except to gamble with. What do they do? They sell out the cotton contract before the month of delivery arrives, take the brand of "lamb," and go home wiser and poorer men. The great operator on the cotton exchange who knows human nature knows our disposition, and so he floods the country with literature in the early part of the spring and summer to the effect that cotton is going to be high, and advises those who can to buy. What is the result? They buy October, December, and January cotton contracts, and when October, December, and January come around they are dumping on the market the contract cotton that these speculators sold them, and at the same time dumping their own labor-made field-grown cotton on the market. The weight of actual cotton depresses the price, and the weight of the futures bought by the lambs help to further depress it. Should we not protect these poor lambs, black and white, south and north, by denying the use of the mails, the telegraph, and the telephone for this kind of operation?

Mr. HUMPHREYS of Mississippi. We have the promise that will be done, and all who oppose it are going to get run over in this Congress.

Mr. SIMS. I hope so. It is said the law of supply and demand ultimately controls prices, but the trouble is that we get depressed before the ultimate period arrives, on account of intermediate manipulation. I knew a gentleman who was in New York one day in a broker's office in the month of August, when there was a large decline of futures—a heavy decline—75 or 80 points. Everybody was frightened and running to sell out, and before 2 o'clock came, the time when they report the price of spots, some man present said that spots would be marked down to-day. "What! Marked down?" The reply was, "Yes. Just look how futures have gone." When the time came to report the price of spot cotton what do you suppose it was? Spots were marked 60 points down by reason of decline in the future market. What else? At the same time in big letters was written on the board, "Sales, none." That has got to be almost the rule in the New York Cotton Exchange, "Spots, such and such a price; sales, none." Pray tell me how you can quote the spot price of a thing that was not sold. Go where you please, wherever men are dealing in actual cotton or futures the first thing they do in the morning is to call for and look at the newspapers. They read the market gossip. The next thing they put a telephone receiver to their ears and call up a broker and ask, "How did Liverpool open this morning?"

If Liverpool opens down, he hastens to his broker and gives an order to sell his contract at the market, and away goes his margin. If it opens up, he goes down and gives him an order to buy more. Futures control the price of that man's actual cotton and contracts, and that man's action based on same controls money and conditions. You will find the price of spot cotton thus arbitrarily made is telegraphed all over the United States, and the next day men buy spot cotton much lower on account of this arbitrarily fixed price. Suppose you are a spot buyer. You say that you will give ten and a half for a hundred bales of cotton to-morrow. You get a wire from your broker saying that futures went off forty points to-day. Do you buy that cotton to-morrow? No. Why? Because you do not know but that it will decline further; you know if futures decline further spots will follow, so you wait and wait and wait for no other reason under heaven than that the future markets are declining in New York. Now, I want to say this, Mr. Chairman and gentlemen of this House, that if there is any good growing out of the existence of the New York and New Orleans cotton exchanges, the evil caused by possible and actual operations on them is so much greater that it vastly overbalances the good, and the country can do without the little good in order to get rid of the great evil. I want to read you something; I want to show——

Mr. BURLESON. Before the gentleman reads that I would like him to show the fluctuations during a given period.

Mr. SIMS. I have it right here, and I want to say that no man engaged in the actual cotton manufacturing business can contend with such things as I have here to show you and prosper. In the year 1903–4 there was a great speculation started by Mr. Sully, of New York. He was the bull leader, and at one time in the world's history the farmer got a part of the benefit of it. A very distinguished citizen of Texas, Governor Hogg, who has since died, made a speech and said he wanted the people of the South to support Brown, Hayne, and Sully, the redeemers of the cotton industry in the South. In the month of February the July option—that is, cotton for July delivery—in New York sold the first week as high as 17.55 cents per pound. In the same month, the week ending the 19th, the July option sold as low as 13.02 cents per pound, over twenty and a half dollars a bale fluctuation in that far-off month, in the same month of February of that year.

Mr. HUMPHREYS of Mississippi. What became of the legitimate hedger then?

Mr. SIMS. The hedger? Why he was up a tree.

Mr. BURLESON. He went to the wall.

Mr. SIMS. Now, let us see what July future sold for in July of the same year. In July, the July future—the very first, or opening sales in July—sold as low as 10.18. From 17.55 in February there was a decline in the July option to 10.18 when sold in the first week in July. Show me where the purchaser or spinner can be benefited by that.

Mr. SCOTT. What was the spot price for July?

Mr. SIMS. I have not it here, but it is worth about forty points more than the future. Shortly after July sold for 17.55 in February Mr. Sully failed in New York, and cotton went to the dogs, as we call it. Futures tumbled down and spots went with them, though the supply was actually decreasing all the time. But what else? On account of that speculation spot cotton was put up so high that many of the New England spinners closed their mills and stopped business.

Mr. HUMPHREYS of Mississippi. What was the difference per bale?

Mr. SIMS. Over $37.50 per bale. The year before, called the "Brown and Hayne year," some of the bears who sold thought they could break the corner with the weight of actual cotton, and paid so high a price in New York that cotton was shipped back by the spinners to New York from Europe to deliver upon these contracts. Freight had been paid on these bales of cotton to the spinner in Europe and then repaid back because it was worth more to gamble with than to spin and manufacture.

The president of the New Orleans Cotton Exchange was talking to the gentleman from Texas [Mr. BURLESON] and myself this winter about the Burleson bill. I was complaining of the method of grading in New York. He, in a manner, by not denying what I said, acquiesced in it. I told him that I thought the gradings for delivery in New Orleans were better than in New York. He agreed with me. In the course of the conversation he spoke of a clique who, during a summer vacation in Colorado at some time in some former season, determined to go to New York and sell the market down regardless of supply and demand, and did so.

Let me read what this gentleman, Mr. Thompson, president of the New Orleans Cotton Exchange, says about operations upon the New York Cotton Exchange. He ought to be an authority, ought he not? It is from the Shreveport Journal, a newspaper published in Shreveport, La. He sent out a circular or letter to the cotton growers and farmers of Louisiana, Texas, and other places, and here is so much of it as appears in the newspaper I have mentioned:

A decline of $6 per bale within less than a week represents a serious loss. The fact that values could be thus annihilated without any just or reasonable cause is a consideration of grave importance. A man may waste his property or lose it through ignorance or mistaken judgment; another pecuniary loss covers the injury. When one's property is taken from him by unexpected assault, he loses not only his property but his rights. It is therefore of the first importance that the agency inflicting such a loss be discovered and the remedy for the wrong be found and applied.

In order to break the market 113 points within less than a week, in spite of the fact that every legitimate influence was against such a decline, it has been necessary to sell a tremendous lot of cotton that is not in possession nor yet bought. These short contracts are still open and the market is largely oversold. Great profits on the contracts may be figured on paper, but these profits are unrealized as yet. In order that the profits may be realized the contracts must be liquidated—that is, the seller must either buy back his contracts or be able to buy the equivalent in spot cotton on the basis of the contract prices. * * * The holder of spot cotton has the key to the situation. * * * If the spot holder refuses to sell his cotton at 11⅞ cents in the interior, then the seller of a contract at 12 cents will be in trouble, and so on up the line. Without the aid of speculation the producer has only himself to depend upon. It is a big contract, but he has in his hands the means wherewith he can defend his rights and right his wrongs. He can snatch victory from defeat.

He has but to refuse to accept the price, by manipulation fixed for him, and the triumph of the bear will be brief and the "fruits thereof will turn to ashes in his mouth." * * * But we do not believe the present prices are natural or legitimate. The brief experience we have had with the market this season, before speculation interfered, showed that consumers were willing to pay the prevailing prices and producers were willing to accept them. If business had been permitted to run in its natural course, probably the increased volume of receipts would have gradually lowered prices. This would have been a natural and acceptable result. But when an outside element that knows nothing about cotton and has no interest therein, except as a medium of gambling profits, arbitrarily interferes between producer and consumer and undertakes to fix prices by sheer force of money and manipulation, we believe in suspending the rules and striking with the weapon in hand. The producer has the weapon.

Mr. Chairman, will gentlemen who oppose the Burleson bill, tell us what stronger proof can be demanded of the possibilities for evil afforded by the operations of persons in no way connected with actual cotton business upon the cotton exchanges of this country than is given by Mr. Thompson in the above article? Is it not conclusively shown by his statement just read that these exchanges are so conducted as to afford facilities for gambling and manipulation tenfold more ruinous than beneficial to the legitimate cotton industry of this country?

In the light of these disclosures, if we continue to permit the use of the mails in such a nefarious and ruinous business, do we not become parties to, if not participators in, these blighting and unholy transactions, and will we not be held responsible, and justly so, by our confiding constituents for the further continuance of such damnable operations when we have the power to end them?

Do you want to continue the use of the mails of the United States for men to do what Mr. Thompson says they were doing by the mere force of money? [Applause.]

Mr. OVERSTREET. Mr. Chairman, I yield thirty minutes to the gentleman from Indiana [Mr. CHANEY].

Mr. CHANEY. Mr. Chairman, like a great many others, I believed that when the destruction of the American industrial system was accomplished in 1894, and its consequent train of

disasters came upon us, if we should again establish the opportunities for endeavor through an equitable protective tariff, and, by appropriate legislation, insure the soundness of our circulating medium, panics would be impossible. Up to that time the financial integrity of our banking institutions was never questioned, and our great financiers were regarded as safe counselors and advisers. It was not supposed that the very fountains of credit would be poisoned by the reckless speculator, and that he would be permitted to crowd out the honest banker and convert the financial temple into a house of financial prostitution. Up to that time trust companies were regarded as the very essence of financial integrity and solid financial faith. No one then supposed that there could possibly be such faithless officers of a trust company as to gamble in trust funds. No one dreamed of an unholy combination of men to buy up the controlling stock in a chain of banks or to jeopardize in speculation a hundred millions of the money of their depositors. We had no idea that "green goods" bank directors would sit in the seats of the mighty men whose genius had made the United States the business wonder of the century.

Up to that time we had supposed the proper function of a bank in accepting deposits was to loan them out on satisfactory security, to be eventually returned to the depositors on demand. It was a thing beyond our comprehension that a national bank, with $94,000,000 of deposits, should invest $55,000,000 of those deposits in miscellaneous stocks and bonds. We made no calculation that safety deposit vaults were to be raided by speculative adventurers and that the officers of these institutions should engage in trading the deposits of their customers among themselves. Up to that time we supposed it to be the duty of the bank to keep the money for its depositors instead of keeping it from its depositors.

We were not acquainted with high finance when we concluded that, with an industrial system to prosper us and a sound dollar to assure us, we should go on everlastingly from one success to another.

Gamblers and speculators we have ever had, but we have, fortunately, heretofore kept them out of the seats of the mighty.

The foundation for this situation of the circulating medium of the country was laid at the time that the banks began to pay interest on their deposits. It would be well to go back to first principles in banking and see if it is in accordance with true banking principles to pay interest on deposits in any bank anywhere. There are many propositions before this House as to what rate of interest a bank should be permitted to pay. In my humble judgment, it is not proper to pay any interest at all; for it follows, as a matter of course, that the bank must place the money of its depositors where it may be able to get more interest than it pays its depositors and at the same time have a reserve on hand equal to the demands on the bank. It is therefore contrary to the ethics of banking to pay any interest at all. It was through this error in banking that the money of the western banks got into the Wall street banks ,which caused the famine in money with which to move the crops in harvest time. Western banks paid interest to their depositors and, in order to make the interest they were bound for, sent their deposit money to the banks in New York, where speculation is the chief financial ambition and where high rates of interest may be obtained. To usury the western banks sacrificed their financial ability and business integrity. But for the obligation to pay interest to local depositors the money would not have gone East at all, except for purposes of exchange, and the money gamblers in New York would have had the panic all to themselves.

By draining the country of its cash by a higher rate of interest in Wall street than could be afforded elsewhere, and then refusing to pay it back on demand; by sacrificing bank securities to speculative ventures, thereby frightening every bank depositor and creditor, and by robbing the financial centers of all conservatism and business philosophy the financial speculators who gambled on other people's money produced the panic. Of money there was a plenty; of business there was an abundance; of work there was no limit.

We did not have to borrow money to pay the expenses of the Government or to maintain the gold reserve. The Government was not in financial distress. In its vaults were $1,688,027,086.83. (See p. 3, Secretary's report, 1907.)

On the basis of existing laws, the estimate of total revenues for the fiscal year 1909, the money in sight is $878,123,011.30. (See p. 8, same report.)

At the close of the fiscal year 1907 the money in circulation in the United States amounted to $2,772,956,455, or a per capita of $32.22 (p. 11, same report).

At the time of the panic, and since, the circulation is $35 per capita,

At the close of the fiscal year 1907 the Treasury held in gold the sum of $904,691,730.14 (same page). At the same time the Treasury held in silver $77,001,368.

The available cash balance in the general fund at the close of the fiscal year 1907 was greater by $91,372,090.65 than that of 1906 (p. 12, same report).

It was not a question, therefore, of a lack of money upon which to transact the necessary business of the country. It was simply our inability to get hold of that money on account of the manipulations of the circulating medium in the great financial center of New York. It therefore seems to me that the question raised by the panic is not a currency question at all, and the remedy for the question raised by the panic was that of devising some means by which we should stop the hoarding of money, take the scare out of the depositors in future, and enable them to bank their money with assurance that it would be forthcoming on demand.

Accordingly, on the 19th of December I introduced House bill H. R. 10526, looking to the security of depositors and creditors of national banks, and I believe that, so far as we can see the causes of this panic and the prospects of its recurrence, some such bill as mine would prevent any such panic in the future. I know there are some, and those among very worthy councilors of the nation, look upon such a scheme as that embraced in this bill as boyish and unworthy the serious consideration of the Congress. But let me tell you, there are a great many people in this country who will not be satisfied with financial legislation unless the plan adopted shall embrace some measure calculated to secure depositors in their money.

This plan of mine taxes the average deposits of national banks one-tenth of 1 per cent per annum, to be paid into the United States Treasury, to constitute a fund to secure individual depositors against loss by liquidation or failure of national banks, or from theft or peculation of officers or directors of the bank. It does not involve the Government in anything more than the collection of the money and as a trustee of the fund thus created.

By calculation it is found that such a tax would equal the amount of losses to depositors in the most disastrous year of our history, and would therefore meet the demands of the situation. Objection is urged to such a proposition, because the sound and substantial banks would thereby be made to stand good for the irresponsible banks. But when such a scheme should go into operation there would be no irresponsible banks, and there would be no more bank failures, for the plan would have the effect to secure honest men in all of the banks who would shun wild-catting and therefore bring about an honest and correct administration of all of the banks. Objection is urged against such a proposition by State banks and private banks and other financial institutions not authorized by this proposed law, but that could be readily obviated by postponing the operation and effect of the proposed law until the legislatures of the States have had opportunity to meet and provide for some security to depositors in these other financial institutions. This would therefore not give United States banks any advantage over State institutions. Moreover, it would not be an undesirable thing, if the currency legislation embraced in the so-called "Aldrich and Fowler bills" should be enacted into law, to convert all financial institutions into one harmonious plan under Government authority. The money of the country is national, and a national control of the circulating medium of the land would seem to harmonize with the business necessities of the country.

A good deal of sport has been made of this panic by our Democratic friends, who affect to believe that the tariff law is responsible for the same, or, if not responsible therefor, is at least impotent to prevent panic. Neither is the decalogue, and adherence thereto, a prevention of panic.

If I am right in what I have above expressed as to the real causes of the panic, the Dingley tariff law has no relation whatever to the panic, and that therefore this panic means no disparagement of Republican policies. Our Democratic friends have always chafed under the fact that with Grover Cleveland the second came a change in the industrial system of the country and the panic that lasted four years. As was well said by the gentleman from Pennsylvania [Mr. DALZELL] the other day:

> The panic of 1893 came in with that Democratic Administration, stayed with that Administration, and went out with that Administration.

The issue of bonds of that Administration in a time of peace, to pay the actual running expenses of the Government, has always been a tender spot with our Democratic friends. They, therefore, naturally gloated over the fact that bonds were actually issued by the present Administration in a time of

peace, with no disturbance on the horizon anywhere, except Robley D. Evans's battle fleet encircling the Horn for San Francisco.

Now, let us look into the facts embraced in the issue of bonds in these two Administrations, and let us ask why money was borrowed by the present Administration through the issue of bonds? Mr. Roosevelt borrowed the money to supply the void created by the rape of the money of the depositors in New York banks and trust companies, and the consequent accidental and incidental contraction of the circulating medium in that great financial center. The Treasury was all right; the Dingley tariff was doing its duty all right; and the prosperity of the country was all right.

The Administration of Mr. Cleveland sold in bonds $262,315,400—the first, $134,000,000 at 5 per cent interest per annum, designated as the loan of 1894; and the residue at 4 per cent per annum, redeemable in 1925, which yet remains a debt against the country.

Mr. Roosevelt's Administration sold Panama Canal bonds at 2 per cent per annum, in the sum of $54,631,980—$30,000,000 in 1906, and $24,000,000 last November, the money from which will be used in constructing the Panama Canal. And this Administration also issued certificates of indebtedness at 3 per cent per annum, payable in one year from November, 1907, in the sum of $15,436,500, every dollar of which will be paid off before we get the election returns next November. These certificates of indebtedness were for the purpose of relieving the money stringency in the business affairs of the great financial center of New York. Not a dollar of it was needed to relieve the Treasury or to supply the necessities of the Government.

The Treasury was never before so plethoric and so sound. On the 26th day of this February the gold coin and bullion in the Treasury reached the sum of $1,000,473,031.45—$150,000,000 reserve fund, $829,651,869 in the trust fund, and $20,821,162.45 in the general fund.

The present Administration has something to show for the money borrowed, and will be able to account for every dollar of it in the financial management of the country, and will be able to hand over to the succeeding Administration a pocketbook bulging with money and securities equal to, if not in excess of, any other Government in the world.

Even after Mr. Cleveland had borrowed his $262,000,000 he did not have on hand, to turn over to Mr. McKinley, March 4, 1897, but $131,000,000; and instead of 5 per cents and 4 per cents, our bonds are threes and twos.

It was never claimed for the Dingley tariff that it would save everyone's door against the thief, a bit more than that the Church of Christ will keep all men out of hades.

There is therefore a vast difference in the issue of bonds under the present Administration from the issue of bonds under Mr. Cleveland's Administration.

Moreover, $15,000,000 is less than 6 per cent of $262,000,000, and therefore the Democratic panic on the basis of mathematical comparison is fifteen times as great as the Republican panic.

This Republican panic lasted three months, the Democratic panic lasted forty-eight months, just sixteen times longer than the Republican panic. The panic is over now, and the country will soon be over the panic.

Already the wheels which hesitated a few days have begun to turn. Business has discovered the culprit, branded him as a gambler who invaded the sacred precincts where he does not belong, driven him from the temple with lashes of public indignation, and prosperity has come back into its own with a more vigilant eye to educate and bless the country made great and strong by those eminent Republicans—Lincoln, Seward, Stanton, Grant, John Sherman, James A. Garfield, James G. Blaine, Benjamin Harrison, John Hay, William McKinley, and Theodore Roosevelt.

When the panic came business men stopped to take a long breath, investors hesitated to make sure, shippers waited a day longer to study the situation, and there was curtailment of orders here and there which, for the time, threw many out of employment. Railroads, having been cursed out of their senses, stopped many improvements and extensions until their wits returned. Now that we are sure that Rockefeller will never get to heaven and that everybody who damns him will, we are settling down to business, have oiled up the spindles of the prosperity wagon, and we are on our way.

LINTON PRIDES ITSELF ON INDUSTRIAL ACTIVITY—MINERS BUSY AND NEXT PAY DAY WILL SEE $100,000 DISBURSED BY THE OPERATORS.

LINTON, IND., *February 24, 1908.*

It begins to look as if the city were shaping itself for a substantial boom, promising to exceed the one of 1903 in lasting benefits. During the recent financial stringency many miners left the city in search of work, but they returned a few weeks later, satisfied that conditions were better here than elsewhere. During their absence work improved, and this has continued until now the miners are enjoying better times for this season of the year than they have for several years. Last pay day saw $75,000 distributed, and next Tuesday it is expected that $100,000 will be distributed. This represents but two weeks' work, while several thousand dollars are paid out monthly for other work.

The rolling mill, which recently resumed operations, is employing 150 men. The mill has worked both a day and a night force, and the management expects similar conditions to prevail all summer. Within the next ten days work on a sanitary sewer system, to cost $100,000, will begin, which will employ 150 men for three months, indicating that laborers will soon be in demand here.

A recent test of the Linton coal shows that it makes splendid foundry and domestic coke. The large ovens are nearly completed at the Black Creek mine, which will consume the entire output of the mine. About the 1st of May work will begin on the Carnegie library building, to cost $15,000.

Three years ago owners of rental property had many vacant homes at this time of the year, but now there is not a vacant house in the city, and there will be none during the year. Real estate men report a good demand for investment purposes. This city enjoys the reputation of more miners owning their homes than in any other mining town in the country. Within a short time it is believed that it will be as difficult to find a miner not owning his home as it was a few years ago to find one who did.

Mr. PADGETT. Will the gentleman yield for a question?

Mr. CHANEY. Surely.

Mr. PADGETT. I understood the gentleman a while ago to say that the recent panic had lasted three months.

Mr. CHANEY. Yes; I did.

Mr. PADGETT. Now, I rise simply to ask him to please give us the exact date at which it terminated, as a great many people in my country labor under the delusion that it is still on.

Mr. CHANEY. They are mistaken.

Mr. PADGETT. Will the gentleman tell us on what day the panic terminated?

Mr. CHANEY. It ended in three months from the time it started in.

Mr. PADGETT. Now, I would like to ask the gentleman a further question. How does he account for the fact that there are so many people throughout the country that are still out of employment?

Mr. CHANEY. I account for that fact because of the necessity of people making their arrangements, now that they have satisfied the money center of New York, in getting the money with which to continue business.

Mr. GAINES of Tennessee. I would like to ask the gentleman now why it was that the banks closed down, and if the banks that closed down have opened up?

Mr. CHANEY. I did not quite catch the gentleman's question.

Mr. GAINES of Tennessee. I asked the gentleman why the national banks, and the State banks as well, shut down and quit paying the people their money and, if they have stopped doing that, when did they do it?

Mr. CHANEY. In the first place the gentleman's question assumes a thing which is wide of the facts.

Mr. GAINES of Tennessee. Did the banks shut down in Indiana?

Mr. CHANEY. The State banks did not break down.

Mr. GAINES of Tennessee. I did not say break down; I said shut off the payments.

Mr. CHANEY. The State banks limited checks in some instances, so far as they were limited by the banks of New York that operated in that kind of speculation which had their money.

Mr. GAINES of Tennessee. Well, now, the national banks shut down, too.

Mr. CHANEY. The national banks so far as they were interfered with by that crowd, of which there are fifty-seven varieties in New York.

Mr. GAINES of Tennessee. Does the gentleman mean to say that every national bank that shut down was gambling in Wall street?

Mr. CHANEY. Every one that was affected by the gambling in Wall street limited payments on checks.

Mr. GAINES of Tennessee. How many were affected?

Mr. CHANEY. Not many of them.

Mr. GAINES of Tennessee. Were not the banks all over the United States affected?

Mr. CHANEY. Well, not all over the United States; here and there, however. It did not affect a single bank in my town.

Mr. GAINES of Tennessee. Did they continue to pay out the depositors' money to them?

Mr. CHANEY. They paid out the money to depositors when they called for it without limit or question.

Mr. GAINES of Tennessee. Without limiting the amount?

Mr. CHANEY. They did not limit the amount in any instance.

Mr. GAINES of Tennessee. I understand that they did that in Richmond and in Chattanooga; but they did not do that in Nashville, and they did not do it in Memphis, or in Louisville, or in Cincinnati, or Baltimore, or St. Louis, and they did not

do it in New York; and these banks—that is, the New York banks, at least—affected the banks all over the United States, as a rule. Now, does the gentleman admit, or does he mean to state, that those banks that shut down were gambling in Wall street?

Mr. CHANEY. I do not mean to say that, and did not say it; but I do say that every bank that limited the amount of its payments limited them because of the interference with the ordinary business caused by the men who gambled in New York; not from any fault of their own.

Mr. GAINES of Tennessee. Does the gentleman know who those men were?

Mr. CHANEY. Oh, yes.

Mr. GAINES of Tennessee. Will the gentleman tell me, then, who they are?

Mr. CHANEY. No, sir; I will not tell who they are. This is no place to do that.

Mr. GAINES of Tennessee. I introduced a resolution pretty early in the session to find out who they were or the cause of the panic and the shutting down of the banks and never have been able to get a report. If we had that we would all of us know. I am very glad that one Member has that knowledge.

Mr. WEISSE. May I ask the gentleman a question?

Mr. CHANEY. Certainly.

Mr. WEISSE. A minute ago the gentleman stated that the panic lasted about six weeks and the panic of 1893 lasted at least a year?

Mr. CHANEY. You are mistaken about the time that I said. I said it lasted about three months.

Mr. WEISSE. I would like the gentleman to explain to this House why the total failures in the United States have been greater in 1908 than in any other year in the history of the country. Bradstreet reports the failures in the United States in 1908 are greater than they have ever been before in the history of the country.

Mr. CHANEY. I have not seen the report of Bradstreet, but I take it that Bradstreet's is too correct an agency to make any such report.

Mr. WEISSE. If the gentleman will allow me, I will get him the report if he will insert it in his remarks.

Mr. CHANEY. I will allow the gentleman to make his speech in his own way and in his own time. [Laughter.] I think I can make mine, and he can make his own when he comes to it.

Mr. WILLETT. I will ask the gentleman if he does not consider that the large numbers of men now unemployed is one of the elements of the panic?

Mr. CHANEY. It is not one of the elements of the panic, but simply one of the results of the panic.

Mr. WILLETT. So, then, the gentleman will have us to understand when he says that the panic ceased in three months after its inception or beginning—he would have us to believe that the panic itself is separate and apart from the results, and that we are now experiencing the results?

Mr. CHANEY. I do not know what you are doing in New York, but it is very largely over even there.

Mr. WILLETT. If you mean to deceive us——

Mr. CHANEY. I mean you to understand that I said that the panic is over and we will soon be over the panic.

Mr. WILLETT. That does not mean anything to me unless you connect the panic with results. A panic means nothing except we have that. We could go on having panics and have no results, but it is the panic and the results of the panic that are affecting the people of this country, and that is what we are talking about.

Now, if you do not mean the effect of the panic upon the people, why do you not say so, and say that the results are still upon us and we are still suffering from them, but that the cause has ceased?

Mr. CHANEY. I thought I had said something like that for the benefit of the gentleman. I simply said that the panic is over. There are a few places here and there where the effects of that panic will be felt until people can adjust themselves to the conditions and get business going again.

Mr. WILLETT. And you as a Member of this House would stand up in front of the bread line in New York City, where thousands of men every night are trying to get stale bread, and tell them, "Gentlemen, the panic is over." Is that what you mean?

Mr. CHANEY. No; I would not go to New York at all, because we are very much afraid of that place. [Laughter.] New York has been too much of the universe already for the good of the country.

Mr. WILLETT. You do not have to go to New York. You can go to any large city.

Mr. CHANEY. New York is a law unto itself. It creates panics and it must take the results of those panics.

I want to say to you now that we have always the poor with us, and New York always furnishes a good share of them.

Mr. WILLETT. But the condition in New York to-day is such as has never been seen in its history before.

Mr. CHANEY. I do not know about that. It has often complained.

Mr. WILLETT. That is what I want to find out, whether you know about it.

Mr. CHANEY. Anybody has but to go there and look and he can see it any year. It is no new thing for New York.

Mr. WILLETT. I simply wanted to ascertain if you knew something about the results of the panic when you said the panic was over three months after it began.

Mr. CHANEY. I am thoroughly acquainted with it.

Mr. WEISSE. The gentleman made one statement, or he tried to insinuate, that I rejoiced in this panic.

Mr. CHANEY. I did not mean the gentleman individually at all.

Mr. WEISSE. I wish to state to the gentleman that I am in the manufacturing business, and I am not rejoicing at the great losses that we have had from this panic. My interest in politics is not as great as my interest in the business of this country.

Mr. CHANEY. I did not mean the gentleman at all, unless he is responsible for the Democratic party.

Mr. WEISSE. But I want to tell you that the failures were greater than they ever were before in the history of this country.

Mr. CHANEY. That is a remarkable statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. I yield ten minutes more to the gentleman from Indiana.

Mr. CHANEY. Now, in view of what has occurred on the other side, I want to tell Republicans over here that it is time for them to take heart. You know we have had a great deal of talk about panics and strikes, and the like, and I want to tell you the difference there is between a Republican strike and a Democratic strike. A Republican strike is where a man strikes for a larger loaf. A Democratic strike is where a man strikes because he gets no loaf at all. There is a vast difference between a Republican panic and a Democratic panic. A Republican panic is where you get the worst of it by letting a highwayman get hold of your pocketbook, on the theory that he will return it to you. A Democratic panic is where you have no use for a pocketbook at all, because you are strapped all the time. [Laughter and applause on the Republican side.]

Mr. WEISSE. Will the gentleman allow a question?

Mr. CHANEY. I have only ten minutes, my friend.

The CHAIRMAN. The gentleman declines to yield.

Mr. CHANEY. Now, I say we ought to be ashamed of ourselves that this panic occurred at all, and I want our financial men west of the Alleghany Mountains hereafter to keep their money at home and not let it go East where these speculators and gamblers may get hold of it. But if this panic, which is as sweet a Democratic morsel as possible, is the only thunder that can be turned against us in the coming campaign, it will be hardly enough to substitute the crown of thorns and the cross of gold just yet.

Mr. GAINES of Tennessee. Will my friend allow me to ask him one question?

Mr. CHANEY. Excuse me, I would be delighted to do it, but I have only ten minutes.

Mr. GAINES of Tennessee. I am listening to the gentleman's speech.

Mr. CHANEY. My Democratic friend from Missouri [Mr. CLARK], with nothing but this Republican panic to battle with, puts on his knightly shield and hurls his lance at such a distance from the election as to fall short of the Republican battle line, where it loses itself in the foxtail grass in which the Democratic party has been browsing for the last decade.

He says that every son of us who is here by less than 2,000 majority is his "meat"—and this is the meat on which this Cæsar feeds. Now, I never got but 1,500 majority in my most abundant victory, and he has thus singled me out for defeat. And it may be, Mr. Chairman, that the gentleman from Missouri is the son of a prophet. It may be that defeat will become the unwelcome truth; but I want to say that when my opponent has won his fight next November he will also be fighting mighty hard for breath.

Sooner or later it will be necessary for a more comprehensive scheme of money circulation than we now have. Indeed, it is possible that had there been opportunity for the issue of some sort of emergency currency at the incipiency of the late panic,

however doubtful it may have been in bridging over the mistakes made in the field of finance in New York City, it would have tided us over the difficulty. Our present financial scheme is based upon the United States debt, and this plan, so far as the Government is concerned, is such that it can not provide for a circulation based upon this debt in an amount in excess of this debt. Some other basis, therefore, for the currency than that of the Government debt must sooner or later be adopted.

In the consideration of a financial scheme it is necessary that we should take into account certain fundamental principles in whatever plan shall be adopted. Whatever is done should be done with a view to a practical and enduring currency scheme. If anything more is to be done than to provide for the assurance of depositors that their money is henceforth to be safe and secure when deposited in the banks, we should strive for something more than a temporary expedient. As hereinbefore said, the panic embraced at no time of its continuance a currency question. There was no need of any legislation or Treasury action, and there is none now *because of any lack of money in the country*. There is, and has all the time been, plenty of money—the money hid away because the owners of it were afraid of the banks.

The emergency currency, so called, is somewhat vague. A small sum of real money will do a vast amount of business. Business nowadays is usually done through check, and a rapid interchange of checks and bank balances through clearing-house provisions renders very small the actual amount of money, indeed, compared with the number and amount of the transactions involved.

I know a man who in one hay season transacted $95,000 worth of business on a capital of $5,000. He bought his hay and sold his hay generally by check, and in the activity of his purchases and sales he needed and used but $5,000.

In places, however, more money is needed at one time than at other times, and throughout the country there are times when more money is demanded than at other times. But I submit that there is no time when money needs be or should be authorized beyond the security of gold reserves. There must be a community of interest among the banks. They must act together to sustain their own credit and the credit of their depositors. They must protect themselves, and they must protect their depositors. Sound commercial paper is always backed by gold, and gold is the fundamental thing in the banking business.

As the issue of paper money increases so the gold reserves must increase, or you are on the way to inflation. The Government fiat is not money and never can be. It matters not by what cloak it may be covered, money is not made by law and can not be; money is made by labor. The Government is a power, but it is not the divinity which makes something out of nothing.

As before stated, our present system of currency rests upon Government bonds. It is illogical, for sooner or later the debt will be paid, and then the currency must fail. The Government debt is already too small to provide for the necessary currency of the country, according to all financiers. The business developments of the future are sure to become so great that the national banks will be deprived of the opportunity to obtain adequate circulating medium because of the lack of bonds upon which to base the same. As one writer has it, the business of the country has grown and the demands for more money has increased, but the power of the banks to meet these requirements is curtailed by the vanishing debt.

From statistics at the Treasury Department the outstanding Government bonds at the end of the last fiscal year equaled $925,159,200, of which the national banks held $524,036,980 to secure circulation, $97,171,580 to secure United States deposits, and $12,678,858 to secure other deposits; and there were $7,588,150 in bonds then on hand, making a total of $641,475,568 altogether. This would leave of the bonds outstanding but $283,683,631 in other hands than the national banks.

The capital of national banks August 22, 1907, amounted to $896,451,314, and therefore within a little over $28,000,000 of the entire bond issue of the United States. It is therefore plain that there must sooner or later be some other basis for circulation than Government bonds, or the circulating medium must cease to equal the demands of business, supposing that business will continue to grow.

There are various opinions as to what plan shall be adopted in the future. There are those who believe that there ought to be one great central bank, from which all the paper money of the country shall issue. There are others who believe that the Government itself, from the Treasury Department, should issue, on one basis or another, all the paper money of the Government and wipe out the national banks altogether. There are still others who believe that individual banks should be authorized to issue paper money upon such securities as might be accepted by conservative business men.

I was somewhat interested in the speech of the gentleman from North Dakota [Mr. GRONNA] the other day, wherein he argued that authority to issue credit currency be given to individual banks, and he gave us a striking instance of confidence in the banking system of Canada. In the instance he cited there was a liquidation by a certain bank, and there were no excited depositors standing in a long line to get their money *because* they had all confidence in the banking system of Canada. He must not forget, however, that sauce for the goose is not always sauce for the gander. There are different conditions in different places. A system of currency for Canada would hardly meet the necessities of a system of currency for the United States. The gentleman must not forget that there are but thirty-five banks in Canada, with aggregate note issues of never more than $75,000,000, whereas in the United States there are 6,500 issuing banks with outstanding notes aggregating $600,000,000.

The business territory of Canada does not stretch from the center of the Atlantic Ocean on the east to the farther side of the Pacific Ocean on the west. The business geography of Canada does not extend through 49 degrees of latitude.

Scotland has also been cited as an example for the United States currency, with its eleven banks whose aggregate note issues rarely equal $50,000,000. The speculative activity and business demands of the United States, with its great expanse of territory, could not be satisfied with what might fit Canada or Scotland.

Another thing we must never forget, namely, that bank notes must be convertible into money on demand, and that holders of such notes must count on their redemption in gold on demand. Any scheme of finance which loses sight of these principles can never be adopted with safety in the United States. Any scheme which fails to observe the same is a makeshift, and only postpones the day for a suitable currency through years of doubt and uncertainty.

The bill (S. 3023) of the Senate Finance Committee proposes to merely amend the present banking laws of the United States, and the bill of the House Committee on Banking and Currency (H. R. 12677) proposes a new scheme of finance altogether.

I favor the latter bill for two reasons, first, it protects depositors, and, second, it looks to a permanent plan of adequate note circulation based upon gold.

The Senate bill does not look to a permanent financial system, but proposes an arrangement which may be depended upon for a few years.

In his very able speech in the Senate recently, Senator ALDRICH said that—

> If, in the panic through which we have just passed, there had been any distrust of the value of any of the forms of our currency, or if any doubt had existed of their immediate convertibility into gold or its equivalent, or if the redemption of national-bank notes had depended upon the ability of the national banks to pay them on demand, a fatal crash would have been inevitable.

And everybody agrees with him.

This being true, the question raised by the panic is not a currency question at all. Purely and simply, it is a question of keeping that currency in circulation.

Indeed, in the very next sentence the honorable Senator admits that it was not a currency panic.

The honorable Senator also admits, on page 4 of the pamphlet containing his address, that—

> Our currency, prior to the crisis, was adequate *in amount* to meet all legitimate demands under normal conditions.

This completes the case that there is abundance of money if we will but secure its circulation. Just assure the depositor that his money is safe in bank and he will not put it away in secret receptacles at home. The money in the hands of the people independent of the banks is $19.36 per capita, and equals $13,000,000,000.

The reserve money held by the banks equaled eleven hundred and six thousand millions in 1907.

The panicky conditions in New York, therefore, arose because of something else than our currency system.

If the Senator wants to prevent panicky conditions in the future, he should require bankers to do a banking business and make them quit trying to beat all the speculators and gamblers to an easy thing.

The Senator says that the serious defect of our monetary system "is the fact that we have no means whatever for providing the additional issues necessary to meet or to prevent panic conditions."

Well, there is no monetary system on the earth or in the

earth devised or that may be devised that would keep that New York crowd supplied with money at all times. [Laughter and applause.] For ten years Wall street has been impotent in finance, and frequently has had to call on the Secretary of the Treasury to save their financiers from themselves.

It is about time to extend the financial horizon beyond the Allegheny Mountains and take counsel of financiers who are able at all times to walk alone.

Just so long as we take our financial reckonings from Wall street just so long we will be in uncertainty and doubt. Over there they go upon the theory that one man can only make money by cheating somebody else. Out my way we believe that the correct bargain makes money for both the parties to the bargain. Out our way we never pledge a commodity to one man and sell it to another.

Another thing, I do not think the monetary conditions can be improved at any time by vitalizing the once inflated bonds of any character or kind through making them the basis of paper-money circulation.

Wall street has a large majority of conservative and correct business men, but apparently the majority has ceased to rule in that great financial street. Wall street needs a Sunday school. If such men as Henry Clews want to drive out "political dementia," as they style the antipathy to Wall street, they should assert themselves by purging their financial establishments of financial highwaymen who have unsettled the deeps of credit. In fact a little integrity in the banking business will wholly relieve us of the fear of panic and render any financial legislation unnecessary in this year of grace 1908.

As a makeshift for the next few years the Senate bill is all right, and Senator ALDRICH's speech is altogether right; and it may be true that we can not afford to go into a radical change in our financial system at this time; and it may be true also that if we will just help out Wall street every time it gambles away its money and our money, we can bridge over financial crises for several years to come.

Senator ALDRICH claims for his bill that it "will prevent panics and furnish the means of relieving panic conditions;" and I believe it will, if you can raise enough money in this way to keep the New York speculators provided with cash. If the Senator has the capacity to conceive of the capacity of the high financier when he starts out to do his best, he may be able to enlarge the money presses to equal that demand. [Laughter.] I would be willing to risk his judgment on a question of that kind, for he is usually accurate on his estimates in troublesome situations.

I would like, however, to be convinced upon a collateral question involved in his proposition to make railroad bonds and the like the basis of his note circulation, namely: Will not there be a great rush of certain railroads from one side of the country to the other to have their particular bonds preferred for this special note circulation? And will not the railroad company whose bonds are preferred for this note issue be enhanced in importance and its bonds increased in value because of this preference? And will not the Government be put to the necessity of taking over the railroad, if it should go into the hands of a receiver, in order to maintain the parity of the notes issued on its bonds? If these questions have any answers, had we not better go into the railroad business in dead earnest, go in debt for the price of the railroad? And then we shall have a bonded indebtedness sufficient to satisfy the greatest possible note circulation on the debt which will be sure to run to "kingdom come."

I can answer the above questions for myself without the least hesitation, and there are not many bankers or business men living toward the western horizon but will answer these questions as I do. The Carribean Sea is said to be always in trouble, and with such a financial scheme as this we should be tossed about with waves running mountain high and a buccaneer on every wave.

If, Mr. Chairman, we are going to do more than secure the depositors in the banks at this session of Congress, let us undertake a comprehensive view of the situation and adopt a plan which will forever fix the currency of the future. As at present advised, Mr. FOWLER's bill seems to point the way. Mr. FOWLER claims for his bill that it will—

"Unify the banking interests of the United States; secure a uniform and adequate reserve in gold coin to prove all bank credits and thereby protect the interests of all depositors; establish a scientific and simple monetary system; give the country a true credit currency system by which current credits will always increase and decrease in strict accordance with the demands of business; give to laborers, farmers, producers, manufacturers, and merchants, and to all others having bank accounts the right to have their credits in the form which will best serve their needs; give to the masses of the people just as economical and cheap credits as the rich and powerful have; establish a currency based on the products of labor and redeemable in gold coin; give to producers and merchants the opportunity to coin their commodities into the currency which the banks will be compelled to redeem in gold coin; establish in the United States Treasury a fund of approximately $700,000,000 to guarantee the redemption of these notes in gold coin and protect all depositors of national banks, thereby preventing panics and stopping the hoarding of money; completely divorce the operations of the United States Treasury from the trade and commerce of the country, and thereby prevent their continuance as a disturbing factor in business."

And if we can not undertake this comprehensive scheme of finance at this time, let us secure bank deposits now and abide our time to evolve a permanent and practical monetary system.

The State banks and the private banks of the country need not object to national banks being thus endowed, for we can postpone the operation of this national law until the legislatures of the respective States have had opportunity to meet and pass suitable legislation to secure depositors in the various State financial institutions. [Loud applause.]

Mr. OVERSTREET. Mr. Chairman, I now yield thirty minutes to the gentleman from Minnesota [Mr. LINDBERGH].

Mr. LINDBERGH. Mr. Chairman, as a new Member a part of what I say may be considered in the nature of inquiry. It has appeared that this House has a lot of detail work that in a considerable measure impedes the efficiency of the main work. Of course I am not criticising the spectacular political talk, for I realize that human nature will vent itself when there is sufficient motive.

It is observable that there is an immense number of private bills, a great many of which are of a character that could be regulated by general law. Authority to construct bridges across navigable streams under ordinary circumstances could be covered by one general act that would be more adjustable to the people's immediate needs and relieve this body of the necessity of passing an act for each bridge. The purchasing of sites for and the construction of Government buildings for post-offices could be incorporated into a general act that would be impartial in its operations, so as to have that Department regulated by the amount of business in any town.

Of course in some particular cases special acts are necessary to apply to special conditions; but anyone may examine the bills introduced in this House and they will see that most of them are in the nature of special legislation to secure objects that could be more impartially worked out under fixed general laws. These facts are not mentioned because of too great a tax upon the energy of Congressmen; that is of secondary concern. The real importance is to give all people and all places the same advantages under like conditions—favoritism to none, justice to all. Whenever a need exists that exerts itself by certain well-defined conditions that are natural to arise there should be general acts that respond simultaneously to the need. In most cases special legislation is a kind of favoritism.

Whether or not a committee could be created to investigate and report on the subject of doing away with special legislation on all matters that may be properly brought within general rules of law is worthy of thought. It is not necessary to define, even if I could, the subjects that could be covered by general legislation that are now being taken care of by thousands of special bills. The principle is all that I inquire into at this time. I do not claim to know these things; I am throwing out the inquiry merely.

So much has been said upon the questions of general importance that the records are overcumbersome. I have some hesitancy in aggravating the situation; but if there is anything unsaid that one wants to say, it is justified if it is in the interest of a district whose demands are consistent with the general good of the great commonwealth.

In my district there is a well-defined impression that the problems requiring early and active attention are finance, tariff, and reasonable regulation of transportation. There is a positive sentiment that transportation should be so regulated as to prevent discrimination for or against person or place. This is considered even more important than the fixing of the rates. On the tariff question there is a determined sentiment that there should be an immediate revision downward. There is some impatience with the dilatory practice in the passing of such laws as will respond to the common needs. There is a feeling that too much time is taken up with special legislation that looks after the interest of the few with a seeming neglect of those questions that affect all the people. These questions are all broad.

At this time I confine my further remarks to the financial

question. I have heard discussed on the floor of this House and I have read and studied several of the bills introduced on this subject. I get the impression that some of their authors are not taking into consideration the actual conditions that develop with an expanding business and the reverse conditions that take place in a contracting business, and this leads me to make a few remarks on first principles, leading up to actual practice.

I think before I get through I will demonstrate that our late panic has no relation with political party or parties, and I think, further, that it can be clearly demonstrated to any impartial, observing mind that the acts of President Roosevelt in checking up and calling to account the evil practices of some of the corporations have saved the country from a far greater panic that would have soon taken place if these concerns had been permitted to go on uninterrupted in laying their foundations to sap the substance and appropriate the energy of the well-meaning and law-abiding people.

Unfortunately a large number of people who are innocent of any knowledge of unlawful acts of some of these corporations invested in their stocks. Our sympathies are naturally with them, but the whole question has a broader aspect; it goes to the foundation of our social institutions and this is by far the over-important consideration. The interest of these investors, who are few in comparison with the great body of people, must be subordinate to the general good. There is no vested right in the holders of stocks to have the value of those stocks maintained in spite of the evil practices of the corporation management, and if the question arises under such circumstances, where there is a conflict in the interest of the commonwealth with a limited number of stockholders, the commonwealth interest must prevail. The investment in stocks is not such an innocent undertaking as to require the protection that we would expect for children going to school. When an investor takes his money and hands it over and receives a certificate of stock in return, the burden should be upon him to see the he gets value for his investment. If he has placed his money in the hands of sharks it is hardly consistent with the interests of the common people for them to bear his burdens for his misjudgment. In other words, when a party buys stocks let him take all the chances of the investment and not saddle any part of it on the public who has taken no part in it.

Mr. ADAIR. Will the gentleman yield for a question?

Mr. LINDBERGH. I have such a short time I will desire to use it all.

If in the last two years we had had a President who would have been satisfied to let things run along to the satisfaction of the corporate interests referred to, it is certain that these interests would have undermined our institutions. They would have concealed their evil practices and kept the general public ignorant up to the present time, and probably for some little time to come, but it is absolutely certain that if they could have had their way they would have worked up a still greater bull market, until the conditions were ripe to produce a panic of their own plan, when they would have been ready to get out from under and let all the losses fall upon the common people, whereas in the present panic, which came before they were quite ready, the losses have been sustained by the rich to a far greater extent than has occurred in any previous panic, and for this relief the people have to thank Theodore Roosevelt.

A condition had developed that created a general feeling among old and young that independence and success were no longer copartners. It is only a short time since the young man starting out in life understood that things had come to such a state that for him to reach any high goal he would have to combine with those in power, irrespective of moral considerations, in order to obtain any desired end. He felt that uninterrupted expression of high and clean thoughts might disqualify him for the favor of those in control.

To no small extent were the youth of our land smothered in the development of high ideals, in their knowledge that business success in so many cases followed schemes and trickery. Some one had to come forward as an example of moral and truthful independence and succeed on that example. There was a man equal to the emergency, and the thanks of the country are due to that man to-day that in every little hamlet are independent thinkers and speakers, and morality is again at a premium in the minds of our young people. The greater panic that would have come from under the influence and guidance of the special interests, if it had awaited their time, is averted. Even if these interests, that are so sore with the President, were stating the truth when they say the President's public, open expressions contributed to the panic, I would nevertheless be satisfied in the fact that it was precipitated at a time when they had to bear a heavy part of the burdens, instead of saddling all on the common people. Their big game of being ready for every panic went amiss in this last panic.

Mr. WILLETT. Will the gentleman yield for a question?

Mr. LINDBERGH. I have so little time——

Mr. WILLETT. I just want to ask one question of the gentleman from Minnesota.

Mr. LINDBERGH. It is the only time I may speak this year and I have only a few minutes, and I am sorry I can not do so. Mr. Chairman, I can not yield now in the short time I have——

Mr. WEISSE. I yield two minutes to the gentleman.

Mr. WILLETT. The gentleman has yielded two minutes of his time for that purpose.

Mr. OVERSTREET. The gentleman has no time to yield.

The CHAIRMAN. And has not been recognized by the Chair. The gentleman from Minnesota is entitled to the floor.

Mr. LINDBERGH. Passing these general considerations and taking up a more minute consideration of the situation, I make the statement that panics are more likely to occur in the most highly developed systems of credit. In a country like ours there is the greatest progress, and the tendency is to take the maximum of risk, which is constantly stimulated by maximum opportunities. The danger of money panics increases in the direct ratio to our opportunities and our enterprise. On the whole, the wonder is that our general banking system is so strong, for it must be admitted that our banking laws are quite imperfect. Our greatest need is to root out bad banking, not only promoters, but also those who do not protect their depositors by moderating their loans prudently.

The guaranty of bank deposits is practically a new idea. How far it will develop into actual practice is difficult to tell. There is very respectful support for such a general system. The guaranty by State or nation of bank deposits has no greater foundation in principle than a general guaranty of certain returns or profit in any other legitimate investment. But there may be conditions that run through the body politic that would make the guaranty of deposits a public policy. We have just seen the results of the panic in depreciating the value of property and stifling industry, causing immense loss. The loss has been so great that the cost to the people in a guaranty of bank deposits would be inconsequential in comparison, provided such a guaranty will insure against panics. Understand me, when I say cost to the people I do not forget it is the intention that the banks shall pay to create a guaranty fund, but we all know that any direct tax on an industry, work, or need, in the long run, on the law of general average, is assessed to the consumer. The Government must recognize that as a principle.

I have grave fears as to the ultimate success of a guaranty of bank deposits. In the first place, unless there should be some provision prohibiting certain kinds of speculation, or unless human nature should change, even the guaranty of bank deposits will not prevent panics, but would simply defer the day by postponing the hour of fear; for, by the very nature of things, when a bull market starts, the momentum continues until it reaches a point when economically a breakdown is inevitable.

On the legitimate industrial pursuits of the country there is both theoretical and practical possibility of a self-sustained credit system, based upon money foundation; but when you inject into that the complication of speculative gambling, the more we reenforce the system of credit, so as to give unguarded confidence, the greater is the opportunity of the gambling speculators to fleece us by keeping up the bull market.

I do not mean to disparage the value of confidence based on solid economic conditions, but I want to emphasize the necessity of the value of the sufficient lack of confidence on the part of the people to cause them to scrutinize carefully the way the Wall street interests manipulate things. Just as sure as we leave that Wall street gambling contingent with its allied banks in a position where it can throw its influence into the markets, we are going to have our occasional troubles. To me it seems better to have a checking up of accounts more often and have panics less desperate.

I admit that if the Government had put its guaranty back of all the deposits on October last, and continued that guaranty, the panic would not yet be here, but the rotten places that caused it would not have been eradicated. Speculative parasites oversubscribed the credit and crowded out legitimate industry by overbidding. Had our credit been still more expansive, and if the people had deposited even a much greater part of their pocket money, industry could have stayed in a while longer, but the growth of the parasites would have eventually monopolized the credit. Yes; those same parasites would have pushed the bull game, would have tossed up the prices until even a Gov-

ernment guaranty would not hold back a panic. Such a panic when it came would be greater in its severity in proportion to the overbulled market and might ultimately destroy the credit of the Government. We must not forget that confidence is the stock in trade and capital of the gambling bulls (and we must not give them too much of it), nor should we forget that distrust is the stock in trade and capital of the gambling bears, and that these two sets of speculators are watching us common people with the keenest eyes. They rob us on both rising and falling markets. The bulls catch us going up and the bears coming back. There is no satisfactory remedy against panics in creating confidence unless we can eliminate this vicious class of speculators. In other words, we need confidence in legitimate enterprise and distrust in predatory speculation. Roosevelt recognizes that principle as all important, as is clearly seen by his strenuous prosecution of so many law-violating corporations. We common people must not be so confident as to allow the class of people I have referred to to work the confidence game on us to our own ruin.

Another reason why I doubt the advisability of such a system is that under our present loose system of examining banks the doors are left open for easy trickery which makes it possible for sharpers to rob the people. Let me illustrate: Under our present system it is practicable, though fraudulent, for ten men to combine and start a national bank with 50 per cent of the capital, and out of deposits that they may secure immediately borrow enough to recoup their 50 per cent and, in addition, enough to fully pay up their stock so as to leave no capital in the bank except their promissory notes.

The same men can repeat that operation by starting a hundred banks in that many different towns and not have a dollar invested. Not only that, with the loose way in which banks are examined they can put into the banks notes of irresponsible parties to take up the deposits as rapidly as they are made. There is nothing to prevent it except the bank examiners. I have seen an examiner enter a bank in the morning and finish his examination the same day, covering a business of several hundred thousand dollars, without finding out one thing about the bills receivable, so far as the responsibility of the makers is concerned. I have seen this happen again and again in various banks. In the majority of cases that I have observed if the bankers had not been men of integrity and responsibility they could have easily done all that I have stated before. It is to the great credit of our country bankers that there is so little actual bad practice.

From what I have said it may easily be seen what abuses could go on under a system that could easily be adopted by a few schemers. In fact, some of them could so arrange it that some one representing them would have upon the books of the banks in their control large deposits in book account only, never having actually deposited any money covered by the class of notes before referred to, and those deposits, under a guaranty system, would be protected unless the fraud could be established.

If we must disturb principles that are fundamental we should move with great caution. I think that, if there is to be a guaranty of bank deposits, there should be a limit of the amount of the deposit of any one individual in any one bank. I am not in favor of a guaranty of deposits of hundreds of thousands and millions of dollars owned by single individuals. As to what the limit of deposits guaranteed should be is a mere question of policy. In my judgment it should not exceed $1,000 to any one individual in any one bank. But even that provision would have its dangers, for those with large deposits, if they became frightened, might make a run for the excess and defeat the very objects of the law. Such law, again, would put the careful, conservative, able, and honest bankers, from the standpoint of securing deposits, on the same footing as the careless, indifferent, or even the dishonest banker. It would create a carelessness among depositors as to where they should place their deposits.

I think I have given sufficient reasons to show my lack of confidence in the guaranty of bank deposits. I do not, however, wish to convey the idea that I would not vote for such a system if there is a general demand for the same by the people. In fact, if there is I would vote for it, but with a good deal of apprehension that some time in the future such a law would work to disadvantage.

Let us suppose, for instance, that on October last, instead of a lack of confidence, the people had had entire confidence, so much so that they had deposited in the banks and with trust companies most of the $1,666,000,000 that they had in circulation among them not in the banks. What would have happened? The banks would have invited loans from everywhere they thought they had a fair show of getting them back. You would now see such a boom and inflation as has never been known in the history of the world. That might continue two, three, or four years. What do you suppose the gambling contingent would be doing during that time? Everybody knows. Will somebody answer where a guaranty of bank deposits would land us under such conditions?

The United States requires a system that will make the capital of the country available to develop its natural physical conditions. Everybody desires to encourage enterprise. But in enterprise there is a tendency to bull everything, and as the country is honeycombed with speculators of a gambling instinct, these speculators are constantly interfering with the equilibrium; constantly the mark is being overshot. Setbacks are the economic penalty.

There is no fixed science about money and credit, except so far as we can evolve it out of experience. Human nature cuts a great swath on this subject, and as human nature is not steady, neither is money or credit, for the value of both are more or less seated in the human brain.

Money properly is simply a convenient means of exchange, and from that view point would require no greater volume than to meet the balances of trade. Money practically is not only a means of exchange, but is used as an actual commodity, and thereby complicates its use for exchange. As an exchange, the amount required to handle business varies with the volume of business and with the confidence and credit. The latter is the principal means or agent, but money is the parent.

I deduct the following base subjects for my thought in detail on this question:

Money as a means of exchange.

Money as a commodity.

Credit as exchange expressed in money terms.

If these points are kept in mind I think my suggestions will be understood.

Money as a means of exchange is simply the transit of money from one person or party to another to pay balances in commercial trade, and when used in that sense and for that purpose is a measure, and the balance paid forms a specific fund that may be used for any purpose instead of a limited credit.

Money as a commodity is a much more complex consideration. We may pass the question of value, for we have a fixed standard that is generally approved and is not the subject of present inquiry.

Money when used as a reserve is simply a commodity and not of direct value in making exchanges, though it has its influence on values.

Bank reserves are created to inspire confidence and for the purpose of being prepared for emergencies. It is used for the confidence, but seldom for the emergency. The piling up of reserves exaggerates panics in panic times. Pocket money, or change, which is carried by the people and kept in their homes, is simple reserve for direct trade, and so are the moneys carried in business houses which are to take care of their daily business. These several locations of money are very important to consider and distinguish their relations with any financial distress.

To me it looks very clear that our late panic was the direct result of having practically used up all the liquid capital—that is, the exchange capital—in taking care of the expanding business that was the outgrowth of prosperity. In other words, money got panicky because prosperity overtook the floating supply. The following I consider the evolution of it:

October 1, 1907, there was in circulation $32.46 per capita outside of the Treasury, total	$2,805,854,374
In 1897 there was in circulation $22.49 per capita, total	1,640,200,000
Increase in ten years	1,165,654,374
In 1907 there was in the hands of the people outside of the banks and trust companies	1,666,500,000
In 1897 the amount was	877,000,000
Increase in ten years	789,500,000
The bank and trust companies' deposits in 1907 were	13,099,600,000
In 1897 they were	5,111,126,229
Increase in ten years	7,988,473,771

These latter figures require special notice. The increase in the legal reserve required to protect that increase in deposits is said to be $478,000,000, or about 6 per cent—low, to say the least.

It must be noticed that reserves are not usually kept at a minimum by conservative banks and trust companies. It is a conservative estimate that for the increased deposits in the ten years it required between $500,000,000 and $600,000,000, or, in other words, dead money taken out of the general exchanges serving merely as commodity.

The clearing-house banks of the city of New York on February 21, 1907, held $32,668,550 more than their 25 per cent required reserve and that is increased from day to day and could all be loaned out to go into commerce, but sentiment at this time is so uncertain that it is held to fortify against possible unfavorable developments.

The increase of money outside of the Treasury from 1897 to 1907 was $1,165,554,374. This, deducting the amount of increase in the hands of the people, $789,000,000, leaves the increase money in the control of the banks and trust companies $376,354,000 over what they had ten years before; but the banks and trust companies were required to keep practically in their vaults an additional reserve on the increased deposits of over $500,000,000, thus making a reduction of the available cash for general exchange use in these institutions of at least $175,000,000 for the ten years.

It will therefore be noted that with the expansion of bank credits there was an actual contraction of available cash in the banks as a basis for the great credit system of exchange carried on through the banks.

I have stated that the available cash for the basis of exchange credit has been reduced approximately $175,000,000 on account of the increased reserves required to be maintained on increased deposits. That statement requires the qualification, that our laws establish a false system of reserve by counting as reserve the money that one bank deposits in another, which other may deposit one-half of that in still another, and all three banks count the same as reserve. By this system we deceive ourselves on the reserve and we do not have in cash the amount of reserve that is generally supposed. There is no doubt that our reserve system is wrong. It has proven so in every panic, and now it is proposed in a measure to correct it by requiring banks to keep more of their own reserves in their own vaults.

There are many ways in which that will be a benefit to the country, not the least of which is that it will not get into the hands of the bulls and bears to operate against the people. It will especially be of advantage to the country districts and to the smaller towns, but caution will have to be exercised in the shift from our present wrong system to a correct system; because if such a law were to take effect to-day, requiring each bank and trust company to keep its reserve where it belongs—in its own vaults—they would have to make an immediate call for that money from the reserve agent; and if it were immediately enforced, we would have another panic on our hands, and there would be more commodity money come out of the exchange money which could only be secured in two ways—from the people by securing some additional deposits out of the money they carry in their pockets, their houses, etc., or by creation of new money. Note that fact, for it had a material bearing on the panic. I am proving to you that the panic was not a party panic—that is, we had to stop and check up and give account.

We know from statistics that the commercial business of the country is done on more than 90 per cent credit. It is stated to be $19 credit for every dollar of money. It must be considered that the money in the hands of the people, not in the hands of and with the trust companies, is money that enters almost exclusively into cash transactions, and that the great volume of credit is based upon the exchanges made through the banks, and probably exceeds nine-tenths of all the credit business. Therefore the reduction of the live—that is, the available—cash in the control of the banks over $175,000,000 is a very material consideration in this financial question.

On the 1st of October last if the people had deposited $175,000,000 out of the $789,000,000 increase in their hands the available cash for business and commercial use through the banks would have been about the same as it was ten years before. If the people had continued to allow the banks to hold that additional deposit it would have formed a basis for further credit expansion in possibly $2,000,000,000 additional credits. That together with the ordinary increase of money and its expansion into credit would, other things being equal, have deferred the panic period maybe several years. But human nature shows that it all would be discounted and panic would come even in spite of good physical conditions.

Now, we can talk all we please, there is no complete remedy in any law or in any party. In spite of all, men or party, or physical condition, we will go with unerring certainty into alternate periods of expansion and contraction in credit, which will influence for good or bad the development of our physical resources. The physical conditions do affect particular times when these periods take effect and are frequently the prime cause. Physical conditions, however, were not the prime cause of our late panic. The physical conditions were right for continued prosperity, but speculation and development overtook and smothered the exchange agency—money and credit and speculation made readjustment impossible without reaction; speculation had to receive a backset. Speculative gamblers were dissatisfied with the criticisms of the President on deception and fraudulent practice and tried to strike back by charging the panic to him, but the panic was due to credit conditions, and all the President and the Administration could do was to give relief to prevent it from becoming worse. Germany had a panic practically the same time, but her panic was caused by too much money, and of course different excuses are offered to account for that.

It seems to me there is no complete remedy, but there is within the power of legal regulation a controlling influence, so that when we have reached the maximum of credit based on the available cash and the warning is sounded, we can check back to normal through the great reserve system without destroying so excessively the well-earned means of the common people. It must be remembered that all the money in existence is a mere bagatelle compared with the everyday well-directed energy of the people and that the great success of mankind depends upon the uninterrupted application of that energy.

In the beginning of the recovery from what is known as the "panic of '93," labor had been unoccupied on a large scale, and we common people had used up a large part of our pocket reserve. It had gone to those from whom we had to buy our necessities and through them to their creditors, and finally most of it found lodging in banks and trust companies. Vast debts had been liquidated and contraction was at its limit. It had run its course. Production had to commence, and with that a demand for labor, raw material, and the finished products. Everything that started created a necessity for additional things and we were all on the highway to expansion. We who had used up our pocket reserve got employment and filled our pockets again with more than we ever had. Still there was more work than we could do, for when we worked ourselves we needed and could use more goods and could have more luxuries. Therefore, more work was required to supply those. Foreigners came in by the millions to help us work, and they filled their pockets with change. This change, or pocket money, had to come from new money or from the money that had been piled up in the banks and with the trust companies.

As before stated there was $789,000,000 more money in the people's hands in 1907 than there was in 1897. They had earned and got possession of that much more money that they did not deposit in banks or with trust companies. That money was used not for credit but for cash business and has all the time taken care of itself. It took no part in exaggerating the panic and probably not a great deal in relieving it. But it was quite convenient to have out among the people when the banks were not paying out money.

The money secured from the banks at first was principally taken to operate producing plants all the way from the farm to the great factories and also went into the great systems of railways. Most of these concerns—that is, the factories and railways—had to be operated largely on credit. In the process the money was borrowed from the banks and trust companies, but was left on deposit to be checked out. These checks were deposited also, but every time a deposit is made a proper reserve must be created. The duplication of deposits in the banks and with trust companies, was exceedingly rapid as is seen by the ten years' growth. When this demand for money for legitimate use in producing began, there was a simultaneous speculative demand and the bankers and trust companies took care of these speculators also. If the gambling speculators had been excluded from receiving credit no panic would have been due for many years to come and money panics would never be so acute were it not for the gambling contingent of the speculating interests.

The facilities with which banks make exchanges is so well conducted that checks and drafts have been the principal means of conducting business. They are practically the same as money for purposes of paying balances. In no other place in the world is there so much elasticity in bank credits; but, as we have observed, the greater the amount of credits the greater the amount of necessary reserve.

Reserve is to protect, but under our system there is little authority to use it. The strictly legal reserve held by the banks and trust companies has been treated as a sort of a semisacred fund. Grover Cleveland, I think, was the first to make conspicuous practical use of our Government gold reserve. He knew what reserve was for. Prior to his use of the gold reserve the near approach to the minimum reserve was the point at which the people took fright. He taught the people the use of that reserve.

During the October-November panic the bank reserves served opposite purposes; one to aggravate the panic by tying up and enlarging the reserves at the expense of general circulation; the other to create confidence by reason of the size of the reserve. The people saw the reserve and knew that it was all that was left. They, of course, wanted that and demanded it. It was in the banks for the protection of the depositors, the reserve really belonged to them, but to pay it out would have endangered the banks. The bank could not use it for the people, because they thought they would burst if they did, and the people were, many of them, bursting because they did not. The idea is, "the banks will be damned if they do, and the people will be damned if they don't." The people were really the ones who were damned if they had any debts to pay or goods to sell.

If the reserve could have been generally used in a checking-back system to cancel credits and debits, the panic would not have cost the people such sacrifices. Cleveland's example of using the gold reserve in the United States Treasury had not served as an example to educate the people how to practically use bank reserves.

The reserves of banks and trust companies are intensely important and should not be weakened in any respect; but I confess that when we find banks that are solvent, under both ordinary and extraordinary circumstances, and a panic comes along, and they have their gilt paper and good cash and are not allowed to use the latter to help bridge over the emergency, that reserve is too mighty exclusively reserve to fit the exigencies of the sick days of October and November. The banks of New York City, however much they may be blamed for some phases of the situation, were not so much amiss on that, for they made some use of the reserve and saved the country from what would have been a more serious panic if they had refrained from its use.

I do not advance that idea as a commendation of the New York banks, but merely to show their understanding of the value of reserve. The New York banks were grossly instrumental in causing the panic by diverting the money of the country from its legitimate uses and placing it with the speculative gambling interests, but after the panic was on and they were in distress they used the most effective means, lawful and unlawful, to check it.

I do not want to be misconstrued on this reserve question. I do not in any way want to weaken the reserve system; I would rather strengthen it. It should never be reduced below the minimum for the purpose of expanding business; but when the limit of credit has been reached and the people become frightened and reaction sets in in such violence as to destroy the substantial substance of the people, the reserve should then serve as a checking-back agency for the purpose of liquidation to regain normal conditions. That may be done with great satisfaction to the people and saving to the banks under proper regulations.

When a panic is in sight, everybody gives it a boost by trying to collect and pile up reserves. The banks are helpless under the pressure. They can not be otherwise. The President, candidates for future Presidents, the public press, and many others in positive terms pointed the finger of disapproval toward all who withdrew their money from the banks for the purpose of hoarding, and at the same time pointed to the piling up of reserves in the banks with approval, as showing their solvent condition. How was the ordinary citizen to know that his money was safe, when so many institutions were refusing to pay out money? There is no doubt that the withdrawal of funds from the banks aggravated the panic; neither is there any doubt that the piling up of reserves by demanding payment of everything that could be collected, irrespective of sacrifice, also aggravated the panic.

The reserve system is not properly handled and works to the injury of the people. The test comes in a panic, when the reserve is most needed. At such times what we now call reserve is reserve practically only when in the control of the banks for whose depositors the reserve is kept, and with a right to use it within proper regulation, as the New York banks made use of it in spite of regulations and in violation of law. I know of no way in which I can better state this than to quote from a late speech by Senator NELSON:

> The only way the bankers stopped the panic was by breaking the law by suspending payment, holding up the entire country. That is the modern way of stopping a panic, and it is an easy way of stopping it, if people submit to it. If the First National Bank of Alexandria, my own home, had suspended during that panic and refused to pay, as it did not, the Comptroller of the Currency would have been swift to have put it into the hands of a receiver and wound it up. But when these great city banks all in a body resorted to this system and held up their depositors in the manner they did, no action was taken. Senators, you can see that that system of stopping a panic was very effective, but it is the most lawless and revolutionary method of stopping a panic I have ever known.

The Senator deals with the New York end of the panic in clear terms that our country people should fully understand.

That reserve is not actual reserve except when kept where it belongs—that is, in the bank for which it is reserve—is shown in the past panics when reserve and central reserve banks refused cash to the country banks to which reserve deposits were due. Reserve should all be kept in the place where it is required in the event of its need, with the exception of possibly a small amount for exchange. It should never be in other banks for loaning purposes.

If the country banks get too much money, they should loan on commercial paper as near home as good paper may be had, instead of piling money up in the reserve cities. When it gets into the latter places it enters into speculation. Much of it is used to buy control of the actual necessities of the people. When such control is secured, capital is created upon the needs of the people. Their necessities are taxed up to them and then again when they need the money to move their crops, the very money that has been deposited in their own banks has been transferred to reserve cities, and when demand is made for it such a demand creates a stringency that reduces the price of what the people have to sell. Their own local money is sent away and can not be called back without depressing the market. They are hit both going and coming.

We country people scarcely realize that the money deposited in our local banks, by its transfer from the local banks to the reserve cities, a large part of it goes into marginal dealings in Chicago and New York and enables the gamblers in stocks and grains to take advantage of our necessities in a thousand different ways and to boom the great cities and their gamblers in such a way as to make them an uneconomical tax upon the energies of the people.

The gentleman from Indiana [Mr. CHANEY], who has just addressed the House, stated that the banks of New York could absorb all the money that the people could pour in there. He is right. One of the principal means of absorbing it is in the speculation that costs the country so dearly. I am a believer in the people keeping their money in the banks. Great good has come to the people and to the country by that system, but we would have had this benefit more equitably distributed under a reserve system that would have kept more of the money at the places of production or where it was earned.

This is the people's question. It is a question of seeing the trouble and regulating it as well as judgment will permit.

We can not undertake to increase currency on nothing, for to do that will complicate values to the advantage of the few and the detriment of the many. In some way there must be a check to overspeculation and to overdevelopment—that is, development should meet the conditions that respond to the people's needs. There is no amount of money that could be injected into circulation that would prevent panics; for whatever money is put into circulation enters into calculations of speculation and business and an adjustment is made to it. It is a question of governing influence and an application of remedies that control demands within legitimate purposes and as far as possible to cut out improper speculation. What show does the legitimate industrial business have when the Wall street gamblers bid the price of money up as high as 125 per cent? Last October the gamblers had to have it, even if it sent all of the industrial plants, farm, and laborer on the bum. No industry could bid against such odds. Nothing but gambling would attempt to meet that, and that was one thing that prevented the central reserve banks of New York from paying the deposits belonging to the country banks. This last panic was the result of using up the liquid capital. It had all gone into enterprise and speculation. It may be impossible to provide any means to bring overspeculation and overdevelopment back to normal conditions without financial disturbance, but there should be, and probably are, more ways than one in which such disturbances may be checked to prevent such demoralizing effects as have occurred in the past.

We know that in October and November, without material physical change, there was a sudden disturbance in the movement of money, and with that disturbance credit was destroyed to an extent that seriously embarrassed our industries. We know that under the influence of that disturbance the price of all products on the farm declined enormously.

I will outline in general terms what seems to me a safe, simple, and effective plan for a bond-secured emergency currency, payable in gold and at a rate of interest large enough to insure its retirement when the emergency is past and not so large as to prevent free use:

Authorize the Comptroller of the Currency to have printed in proper way currency bills in proper denominations, to be legal tender for all purposes except interest on the public debt and in

redemption of the national currency, such notes to be on hand in the Treasury of the United States and put out into circulation in the following manner:

Any banking association applying to become a creditor entitled to a loan of said bills shall first satisfy the Comptroller, by such proceedings as the Comptroller may establish, of the solvency of the bank and that its capital and surplus are unimpaired. Said association shall deposit with the Treasurer of the United States its promissory note for such amount as it may desire credit in said bills, which note shall by its terms be payable to the United States in gold on demand and bear interest at the rate of 6 per cent per annum, payable on the 1st days of January and July of each year—the interest, however, to be computed as I indicate later.

Any banking association depositing its notes to submit therewith a list of securities in an amount to exceed by at least 10 per cent the bank's note or notes, bonds, or other interest-bearing obligations payable in gold of any State of the United States, or any legally authorized bonds issued for municipal purposes by any town, city, district, or county in the United States which has been in existence for a period of ten years, and which for a period of ten years previous to such deposits has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it, and which has at such date more than 1,200 inhabitants, as established by the last national census, and whose net indebtedness does not exceed 10 per cent of the valuation of the taxable property therein, to be ascertained by the last preceding valuation of property for the assessment of taxes. The Treasurer of the United States, with the approval of the Secretary of the Treasury, may accept for the purposes of this act herein enumerated, in such proportions as he may from time to time determine, bonds not less than 10 per cent in excess of the bank's note or notes, and he may at any time require the deposit of additional security or require any association to change the character of securities already on deposit, and shall at the end of, say, five years require that all bonds not issued and sold by the States and municipalities after the passage, such bonds shall be substituted by bonds that are issued and sold after the date of the passage of such act. No bonds deposited shall draw interest at less than 2 per cent per annum, and any bonds that are deposited that bear interest at less than 3 per cent shall require 15 per cent in excess of the credit given the bank for the use of the Treasury bills; and provided further, that no bonds of any kind required shall be received as security unless the principal and interest are payable in gold.

That all bonds deposited to secure the bank's note or notes issued should be transferred to the Treasurer of the United States in trust for the association depositing them, with a memorandum to that effect attached to or written or printed upon each bond and signed by the cashier or some other officer of the association making the deposit. A receipt should be given the association by the Comptroller of the Currency, or by a clerk appointed by him for that purpose, stating that such bond securities are held in trust for the association upon whose behalf the transfer is made and as security for the payment of the bills authorized to be loaned to such association that have been or may be delivered to such association. No assignment or transfer of any such bonds by the Treasurer should be deemed valid unless countersigned by the Comptroller of the Currency. The provisions of sections 5163, 5164, 5165, 5166, and 5167 of the Revised Statutes, respecting United States bonds deposited to secure circulating notes should, except as modified, be applicable to all bonds deposited.

Any banking association that should comply with such provisions should be entitled to receive credit with the United States Treasurer for the Treasury bills and have the right on demand to receive in such bills the full or any fractional part that would be to the credit of such banking association, and should pay interest to the Treasurer of the United States at the rate of 6 per cent per annum on the amount received from the time of receipt until paid, such interest to be paid as before stated; provided, however, that interest upon any bills taken out by the banking association in the last four months of any year and paid before February 1 following should be satisfied by the payment of 1 per cent on the amount of such bills. The same process could be repeated from time to time and repaid in full or by installments.

The Comptroller of the Currency, whenever he should deem the security insufficient, should notify the banking association to deposit additional security, and in case of failure to furnish such additional security such banking association should be required to pay the Government for all bills charged to such association, and in case of failure to pay action be instituted upon the note of the bank for such amount as would be due to the Government for bills loaned, or bonds could be sold to pay same, or both.

Whenever a banking association should wish to withdraw any bonds deposited as security, it could pay to the Government such amount as would be due and withdraw such securities.

Any national banking association not in a reserve or central reserve city that would comply with such provisions, and stood credited with and entitled to receive on demand the bills authorized, might be allowed to reduce the reserve of such bank to 10 per cent of their deposits, provided that nine-tenths thereof shall remain in cash in the bank vaults; and provided further, that the Treasury bills the bank would be entitled to receive on demand should be at least double the amount of the deficit in the reserve below the 15 per cent legal requirement; and provided further, that no bank should make time loans when its reserve is below the 15 per cent requirement. A provision could also be made that reserve and central reserve banks could reduce their reserve in the same way by using the funds to pay their depositors that are counted in the reserve of other banks.

Embodied in these suggestions that I have made are some ideas of a way in which an elastic currency may be secured that would favor crop-moving seasons and work to the advantage of farmers and the general public, and would not disturb general values.

The last four months of the year the United States emergency bills could be taken out at a cost of 1 per cent on their face if the funds to redeem are paid into the Treasury on or before the 1st day of February following. Thus, if these emergency bills were taken out on the 1st day of September, they could run without redemption till February 1, five months for 1 per cent, plus the cost of printing, which would always be a cheap crop-moving currency, and would prevent a stringency occurring every fall at the time when a farmer must sell. The rate of 6 per cent on all emergency bills not taken out on the last four months of the year and paid before the following February 1 would be sufficient to prevent absorption by speculation.

It is not likely that emergency currency would be resorted to every year, but whenever the necessity existed it would be available. The very fact that it may be had would be likely to remove the necessity, for if bankers had some safeguard, in case the necessity arises, they will not be frightened into hoarding money as they were in the last panic.

The reserve of banks is, under our present system, considered "the dead line." When a bank's reserve is impaired, it is subject to be closed, unless repaired quickly. The bank may be perfectly solvent, but the reserve which is there to protect the depositor, if used for the purpose for which it is created, will compel the bank to close its doors and defeat the object. It would seem that a properly regulated system may provide a safe elasticity to the reserve, so as to make a part of the reserve available for emergencies, but the use of any part of the reserve should be the suggesting point for caution, and should be so fortified as to make its own corrections by being attended with such conditions as to make it financially expedient to bring the reserve to its normal. In line with that idea, it is suggested that we take notice of a well-known fact—that is, that every fall a stringency occurs in crop-moving season that materially injures the agricultural districts and in some measure affects disadvantageously general business. It is therefore suggested that under the plan outlined, and as an auxiliary to the system, provision be made that when any national bank has deposited its note or notes and collaterals as first suggested it shall not be required to actually take from the Treasury of the United States emergency bills; and that when such bank notes and collaterals are deposited and the United States emergency bills are not taken, but remain in the Treasury, the reserve of such banks may be reduced by a use of a part of the reserve to liquidate obligations, provided that the United States emergency bills the bank is entitled to receive on demand shall be at least double the amount of the deficit in the reserve below the regular requirement; and further provided, that no bank shall make new time loans when its reserve is below the regular requirement.

That is, if the bank is entitled to immediately receive emergency currency, and leaves the same in the control of the Government, it may use a part of its reserve, provided it can immediately supply a larger sum of emergency currency. The banks should not be required to pay interest on emergency bills until they are made current and should be required to take no more than they require.

The prohibition of new time loans being made when the reserve is not complete may be a sufficient provision to bring the reserve to normal.

The low interest suggested for crop-moving seasons to favor directly the farmer, and indirectly all the people, would create a special incentive to the banks to be prepared, for the same security would fortify them with the means to protect their depositors far better than the present system of keeping of the reserve in reserve banks, where it has been proven in the last panics that it does not serve the purpose of reserve. The higher rate to take effect in all emergency currency not made current and paid between September 1 and February 1 would create the financial expediency to bring the reserve back to its normal and check any speculative movement.

A great indirect advantage in such a system would be the market that would be created for municipal bonds, which would naturally be classed in the favorable and approved security for emergency bills. Every school district, town, village, county, and State could sell its bonds at a better price, and taxes would be much less, and at the same time provision would be made to secure the emergency currency.

Our General Government pays less interest and gets better price for its bonds than any other government of the world, because the bonds secure a part of our money system. The people have saved more than all the greenbacks now outstanding over what the bonds would have sold for without that advantage. Our 2 per cent bonds sell at a premium, while the English and German government bonds, at a higher rate of interest and probably equally as safe for interest purposes, sell far below par.

The example of the demand created for Government bonds by their guaranteeing the circulation of the banks, is sufficient to illustrate in a degree the advantage that would be given to municipal bonds if they could furnish the reenforcement to an emergency currency.

I do not attempt to figure to exactness, or to exact amounts and special details, for the main idea is to give a general plan for thoughtful consideration.

The country has a chance to relieve itself from a bad banking reserve system that takes too much of the people's funds to the city of New York, there to be expended in extravagance, speculation, and in every way imaginable, and when needed by the people who have the greatest right to it, their demands create a stringency and in some cases a panic.

This is especially a good time to enact a law based upon some sound basis to prevent as far as possible future sudden money panics. The money panic will be over and barring unforeseen possibilities, money will soon be cheap. While money is cheap the banks can, before emergency arises, place themselves in readiness for future needs, and that without incumbrance or inconvenience.

It will be beter for the country banks, if they can get advantage of certain reserve rights based upon municipal bonds, to have the people's money invested in those bonds than it is for them to keep excessive reserve funds in New York at 1½ and 2 per cent.

I have not suggested any compulsory provisions, but merely provisions to be utilized by reason of their expediency.

It is impossible for anyone, or any aggregation, to determine by a fixed minimum or maximum amount the volume of money and credit this great country of ours is going to require. It is not necessary so far as emergency currency is concerned, for we can fix upon a system that will automatically adjust to our development.

We can fix certain taxes and penalties on the issue of money for special purposes to cover emergencies, so as to naturally and under financial expediency adjust to the law of general averages. The needs of the common people, the aggregate of mankind, must be our guide.

I suggest that in any legislation care must be exercised to avoid legislating value that naturally belongs to the people into the hands of individuals. It is not justice to the people to increase the value of outstanding bonds by creating an additional demand for them, nor is it just to create an unnatural demand for private bonds; therefore, the proper thing to do in fixing upon the bonds to be accepted by the Government for its promise to meet future outstanding obligations to be created for emergencies are the bonds of the people—schools, towns, villages, cities, counties, and States. These bonds, of course, must stand the test of proper investigation. Upon the taking effect of such a law there should be no bonds in existence, except unsold municipal bonds, that could secure a boon out of the law.

There are new bonds of municipalities being issued to promote new developments and to meet maturing bonds. Such new bonds would be in greater demand, and the people would reap the benefit of the demand which they themselves thus create. The new bonds in all probability would come on fast enough, but to forestall any possible emergency which might arise before they may be had the temporary use of other bonds could be provided for. Such possible necessity for temporary use of other bonds would not create a demand at the expense of the people.

It would be wrong to limit the acceptable bonds to municipalities of 20,000 population. This is a country made up of units, and the small districts, villages, and towns, etc., have the same general rights as the city or district of 20,000, and the banks in these smaller towns should not be compelled to desert their home localities in the investments of funds that naturally belong to the particular locality.

Whenever a village, district, or town sells its bonds, if their systems are in proper shape and sound, they should be as much respected by the law as the city of New York or other large cities.

Every part of our country has the right to the advantage of the operation of any general law, and the Government should not create by law a monopoly in the emergency-currency plan in favor of banks with a 20 per cent surplus capital. A surplus may properly be considered in the amount a bank would be entitled to circulate, but any bank with unimpaired capital should be entitled to the currency in proportion to the unimpaired capital.

New banks should not be allowed to open unless they have the responsibility that would entitle them to public confidence. Many State banks may desire to become national banks. These should not be prejudiced by monopoly-created banks. The smaller banks of the country should not be compelled to go outside of their own markets to buy bonds, if bonds there may be secured.

To secure emergency currency we can not afford to create further monopoly in large cities. Let every municipality, if otherwise sound and all right, have the benefit of any law. Remote farming districts must be protected as much as the cities and populous districts.

Our Government can not afford to let any money be current that is not backed by the Government. If the currency is turned over to private concerns, let those concerns furnish the security of certain good value to reimburse the Government for its credit and let the credit be paid for in some substantial advantage to the people.

As to whether there should be authority to issue as much as 50 per cent of the national banks' capital in emergency currency, and as to whether the emergency currency should be confined to national banks, and as to whether the collateral should be 10 per cent in excess of the emergency currency, and as to whether the rates of interest should be those named in my comments, and as to whether any interest should be paid by banks on any reduction of reserve below the required amount are all questions that go to detail and not to the general plan. [Loud applause.]

Mr. OVERSTREET. I hope the gentleman from Tennessee will occupy some time.

Mr. MOON of Tennessee. I yield thirty minutes to the gentleman from Nebraska.

Mr. HITCHCOCK. Mr. Chairman, a few days ago the distinguished leader of the majority on the floor of this House [Mr. PAYNE], in the course of a speech criticised a statement which I recently made regarding the effect of the paper and wood-pulp schedule of the Dingley tariff. He assured this House that my effort to demonstrate that the paper schedule had been used by the paper trust as a means of extorting millions of dollars of illegitimate profits from the newspapers had failed, and that all that I had succeeded in showing was the existence of a trust which had enabled the paper manufacturers to accomplish its end. Therefore to-day, Mr. Chairman, briefly, I propose to discuss the relations of trusts to the protective tariff, more particularly as exemplified by the schedules which shelter the paper trust and relate to paper and wood pulp. In doing this I express regret that the chairman of the Ways and Means Committee is not present to challenge my statements. As a substitute, however, I hope I may have the attention of the gentleman from Pennsylvania [Mr. DALZELL], who assisted the chairman of that committee when he made his speech by furnishing him with what purported to be estimates from the Census Bureau of the price of paper covering a period of years. I am prepared to show, Mr. Chairman, that those census statistics are absolutely false. The figures as given by the gentleman from New York [Mr. PAYNE], and furnished by the gentleman from Pennsylvania [Mr. DALZELL], were intended to prove that the price of paper in the United States was $2.50 a hundred before the passage of the Dingley bill and that the price of paper to-day is $2.50 a hundred, which is, I suppose, to maintain the assertion that the Dingley bill did not raise the price of paper.

Mr. DALZELL. Will the gentleman yield?

Mr. HITCHCOCK. Certainly.

Mr. DALZELL. Those figures, while they came from the Census Bureau, were not the Census Bureau figures. They were figures that were obtained by the Bureau from the leading authority, whatever that is, on the paper industry of the country.

Mr. HITCHCOCK. I understand; and what I propose to show is that those figures are absolutely false. If they are fair specimens of other figures which this Census Bureau is furnishing to the country, they indicate that Census Bureau statistics are unreliable. [Applause.]

Now, Mr. Chairman, it rarely happens that we possess conclusive proof of an assertion of this sort, but I believe that I possess it in official records.

I hold in my hand the second volume of tariff hearings before the Committee on Ways and Means held when the Dingley bill was framed, eleven years ago. Among other things, the undisputed testimony before that committee was that the price of print paper at that time was less than $2 a hundred pounds, and the only witness who named a specific price placed it at $1.75 a hundred pounds. That proof effectually disposes of the claim of the present chairman of the Committee on Ways and Means that the price of paper before the passage of the Dingley bill was $2.50 a hundred. His own records here officially printed confound him. They prove that the price of paper was $1.75 per hundred pounds before the Dingley bill passed, and he admits that the present price is $2.50 a hundred pounds, thus proving my charge of the great increase.

But, Mr. Chairman, the distinguished Republican leader evidently feels uncomfortable over the charge that the Ways and Means Committee delivered the publishers of the country into the hands of the paper trust by fixing the tariff at 30 cents a hundred pounds in the Dingley bill. He seeks to excuse the committee. He stated in his argument to this House that so far as he could remember, when the Dingley bill was under consideration and the schedule relating to wood pulp and print paper was being considered, no newspaper representative appeared before that committee to protest against the increase in the tariff on paper and wood pulp. I was astounded at the boldness of the statement.

Mr. DALZELL. What was the increase of the tariff on paper and wood pulp?

Mr. HITCHCOCK. I rejoice that the gentleman has asked the question. I am prepared to show that the increase in the tariff on paper was about $1 per ton, because the committee, at the instance of these gentlemen soon to form the paper trust, changed the tariff from an ad valorem tariff of 15 per cent to a specific duty of $6 per ton, thus covertly accomplishing the increase in the tariff by "a little joker."

Mr. DALZELL. Does the gentleman say that the tariff as it is to-day existing exceeds 15 per cent?

Mr. HITCHCOCK. Yes; when it was adopted.

Mr. DALZELL. He is mistaken.

Mr. HITCHCOCK. I can prove that by the records.

Mr. DALZELL. Oh, records are remarkable, but they are not proof.

Mr. HITCHCOCK. They are records of the Committee on Ways and Means, your own committee, printed officially. [Applause on the Democratic side.]

Now, Mr. Chairman, with reference to the statement of the chairman of the Committee on Ways and Means in his recent speech, that no newspaper representative appeared at that time, let me read a paragraph from the hearings before his committee, then engaged in framing the Dingley bill. On page 1753, volume 2, the hearings on print paper begin, and the very first witness who appeared was a publisher of national reputation, Mr. John Norris. He was publisher at that time of the New York World and now is manager of the New York Times. He appeared before that committee and delivered this solemn warning:

> I do not appear before the committee to present any request, either for the newspaper or for the publishers generally, but I felt that it was due to this committee that some one should come here to advise it formally of the fact that the news paper manufacturers of the United States have perfected their arrangements for a combination by which every newspaper shall be at the mercy of a central selling agency and by which the price of news paper shall be raised, and by which these gentlemen shall derive an additional profit of from $5,000,000 to $6,000,000 out of their investment, and thereby tax knowledge and diminish the educational possibilities of the newspaper press.

That was the statement of Mr. Norris December 31, 1896, when he appeared before the committee. He came not so much to plead the case of the newspapers as to warn this committee, a public body, that it was proposing in the Dingley bill to create a shelter for the formation of a trust which would rob the consumers of print paper in the United States.

For three or four pages Mr. Norris's statement continues. For three or four pages he is interrogated, and among the members of that committee who interrogated him at that time was the gentleman from New York [Mr. PAYNE], now chairman of the Committee on Ways and Means, who protests that he can not remember any publisher coming at that time to oppose the tariff on print paper. In the course of his remarks before that committee, Mr. Norris went so far as to name the men who were engaged at that time in plans to create the future paper trust of the United States. Those same men, ex-Congressman Russell, ex-Senator Warner Miller, and Mr. Hugh Chisholm, within six months after the adoption of the Dingley bill became the executive officers of this trust. Within six months after the Dingley bill passed the prediction of Mr. Norris came true and the trust was formed, controlling 80 per cent of the print paper manufacture of the United States.

But, Mr. Chairman, the warning given to the Ways and Means Committee was not all that he gave them. He also pointed out the method by which the committee could protect the country from the paper trust then being formed. On page 1755 of volume 2 of the hearings appear these questions by a member of the committee and replies by Mr. Norris:

> Mr. TAWNEY. Do you think taking off this duty would have any effect on the trust or combination controlling prices?
>
> Mr. NORRIS. It would simply make impossible any combination in so far as it attempted to raise the price of paper. It would be an automatic check upon any monopoly.
>
> Mr. TAWNEY. If we imported none in competition with that produced by a combination, how would it operate as a check?
>
> Mr. NORRIS. It would simply force them to keep their price down 15 per cent below the rate at which they could sustain a combination. The point on which this combination now builds is that it has obtained all the available water powers.
>
> Mr. TAWNEY. My point is, if we imported none to come into competition with that which is produced by the combination, or could import none, how would removing the duty affect the combination?
>
> Mr. NORRIS. To-day the duty is prohibitive. If you will allow me, I will continue the point I started out to make. It was this: This combination has obtained, or claims that it has obtained, all the available water sites for power. Paper can not be made by any other process except water power, which makes it sufficiently cheap to enable them to grind their pulp. They have also obtained control of all the spruce tracts, which makes the best pulp, and therefore they have the entire industry entirely at their control. However, in Canada there are exhaustless forests and water powers that would be sufficient to supply any amount up to an output of 2,000 tons per day. The mere fact that that is possible, with the duty off paper, would entirely check that combination. They are protected to an extent by distance. The fact of transportation would be a factor.
>
> Mr. TAWNEY. You maintain that paper would be imported into this country were it not for this duty?
>
> Mr. NORRIS. That it might, yes; and that if the duty were removed it would simply be an additional check against this tax on knowledge.

Now, Mr. Chairman, the gentleman from Pennsylvania [Mr. DALZELL] expressed surprise when I told him the Committee on Ways and Means raised the tariff on print paper in the Dingley bill, and I have promised that I would prove to him from these records that the tariff was raised.

Mr. GAINES of Tennessee. Who was Warner Miller, a Republican or a Democrat?

Mr. HITCHCOCK. He was a Republican, I think.

Mr. GAINES of Tennessee. It is certain that he was.

Mr. HITCHCOCK. I am glad to see the chairman of the Ways and Means Committee [Mr. PAYNE] has entered the Hall, and I want to call his attention to the fact, and I will read the language if he desires to hear it, that Mr. Norris, before that committee, testified that the price of print paper when the Dingley bill passed in the United States was less than 2 cents a pound; and naming a specific figure he said it was 1¾ cents a pound, or $1.75 per hundred pounds. Later, when Mr. Miller and Mr. Russell, large paper manufacturers, appeared before the committee to ask for a tariff on paper, they stated the same thing—that the price of print paper was less than 2 cents a pound. As a matter of fact, I can produce the evidence that New York papers at that time were paying, delivered in New York, $1.65 per hundred for paper, and away out in Omaha, including a high freight rate, I was not paying much, if anything, more than 2 cents a pound. Now, at 1¾ cents a pound a 15 per cent ad valorem tariff, as under the Wilson bill, is one thing, and a specific duty of $6 per ton, as provided in the Dingley bill, is an entirely different thing. An ad valorem tariff of 15 per cent on paper selling for $1.75 per hundred is almost exactly $5 per ton, and the duty which the gentleman from New York [Mr. PAYNE] and his committee put on at that time was $6 per ton, thus covertly consumating, without assuming to do so, and concealing the fact from the public, an increase of $1 per ton on print paper.

Mr. PAYNE. I understand the gentleman to say that the price of paper was then 2 cents a pound.

Mr. HITCHCOCK. No, sir; you understood me to say, if you understood me right, that it was less than 2 cents a pound. The New York papers were paying $1.65 per hundred de-

livered. A 15 per cent tariff on that is less than $5 a ton, and your committee recommended and Congress enacted $6 a ton.

Mr. PAYNE. If the gentleman will take his pencil and figure 15 per cent on 2 cents a pound he will find that it is exactly three-tenths of a cent a pound, the duty that was imposed upon paper at 2 cents a pound.

Mr. HITCHCOCK. Yes; but it included paper worth less than 2 cents a pound, and the testimony before your committee does not show that the price of paper was 2 cents a pound. Your testimony shows it was less than 2 cents a pound; in one case 1¾ cents a pound, which, taxed at 15 per cent, is about $5 a ton. All the testimony before your committee was to the effect that the price was less than 2 cents a pound.

Mr. DALZELL. Where?

Mr. HITCHCOCK. It was less at the mill, and it was even less delivered in New York after paying freight.

Mr. DALZELL. How about Omaha?

Mr. HITCHCOCK. My recollection is that at that time I was only paying $2.10 a hundred delivered in Omaha after a heavy freight charge. The price at the mill was less than 2 cents.

Mr. DALZELL. The average market price of paper at that time, according to the testimony, was less than 2 cents per pound.

Mr. HITCHCOCK. It was less than 2 cents a pound.

Mr. DALZELL. At some places it was in excess of 2 cents, and a little less at others, but the average price was about 2 cents.

Mr. HITCHCOCK. That is now the assertion of the gentleman from Pennsylvania, but the testimony before the committee is that it was less than 2 cents a pound, and one of the manufacturers said that he was afraid to say in public how much less it was. The fact is, Mr. Chairman, the price of paper had been coming down for fifteen years.

Mr. BATES. Will the gentleman yield for a question?

Mr. HITCHCOCK. Certainly.

Mr. BATES. Has the gentleman any testimony that the average price was less than 2 cents a pound over the country, except the testimony he has referred to? He has referred to instances of the price of $1.65 and $1.75, but is there any testimony that the average price throughout the country was less than 2 cents?

Mr. HITCHCOCK. The test price of paper is the price at the mill. The freights vary it, but the basic price is the price at the mill.

Mr. BATES. But it is the average price that governs the Committee on Ways and Means in making a tariff.

Mr. HITCHCOCK. Not if you add a lot of freight. The average price of paper, the universal testimony is, was less than 2 cents. Here is the testimony of Warner Miller, one of the organizers of the paper trust, who says, on page 1763 of the hearings:

> To-day we are selling a much better article of paper—I dare not say how cheap with Mr. Norris in the room—but less than 2 cents a pound.

Mr. GAINES of Tennessee. What did Mr. Norris say?

Mr. HITCHCOCK. He said the price was 1¾ cents a pound. But, Mr. Chairman, my desire is to prove that the present price of paper at 2½ cents a pound is more than 25 per cent higher than it was at the time the Dingley paper tariff was passed at the request and on the urgent demand of the very man who, six months later, organized the paper trust, and that the committee had a fair warning that the trust was being formed. [Applause on the Democratic side.]

The Dingley bill was enacted in July, 1897. The International Paper Company was organized the following January. The three paper manufacturers who had appeared before the committee and secured the paper and pulp tariff became its executive officers, just as Mr. Norris had predicted. They were: Mr. Russell, president; Mr. Warner Miller, accountant, and Mr. Chisholm, who had presented a written argument, became vice-president.

The real object of the gentlemen who secured the Dingley tariff on paper, and who six months later formed the International Paper Company, was to capitalize the water powers and spruce forests of the United States, form a great monopoly, and raise the price of print paper in America. They started with a capitalization of $51,000,000 of stocks and bonds. Instead of putting in the mills at their real value, it was more than doubled. For instance, to build a paper mill costs $10,000 for every ton of daily capacity. This makes a mill with a capacity of 100 tons a day cost $1,000,000. Such mills, even when old, were accepted at more than double that amount. The capacity of all the mills in this trust did not exceed 1,500 tons per day, and even if new and modern were therefore not worth over $15,000,000. The rest of the $51,000,000 of capital was chiefly the capitalization of monopoly power derived by tariff protection.

Of the ninety-eight machines embraced in the mills of this trust only forty-three were of recent make; fifty-five were old, if not obsolete; yet they were capitalized at more than twice the cost of new plants, and upon this old junk an effort has been made to earn dividends on the enormously inflated valuations. At this time the International Paper Company has a capitalization of stocks and bonds approximately amounting to $60,000,000 and a surplus of $7,000,000, accumulated during its short history. Besides paying dividends on its preferred stock and interest on its bonds, it has sometimes paid dividends on its nearly $20,000,000 of common stock, all of which is water and represents no value whatever except the power to extort under the protection of the tariff. Millions of dollars of earnings of this company have been put into improvements and charged up to operating expenses so as to conceal the earning power of this tariff-protected monopoly and increase its assets. Starting with twenty-four mills, it has acquired others, and now has thirty, and with its allies it has a monopoly of the water powers and spruce lands of the country.

Now, Mr. Chairman, the International Paper Company, while it was the greatest combination of paper makers organized under the shelter of this protective tariff, was not the only one. There soon grew up in the West a companion to it, a combination of the paper mills of Wisconsin, Michigan, and Minnesota. That combination of mills, by agreement among themselves, stifled local competition. By an agreement with the International Paper Company they prevented each from going into the field of the other, and under the shelter of the protective tariff which the Dingley bill gave they escaped all competition from abroad.

Mr. PAYNE. I would like to ask the gentleman if print paper was not selling in this country last year, up to about the 1st of January, at less than 2 cents a pound?

Mr. HITCHCOCK. Yes; in some cases slightly less.

Mr. PAYNE. So it was as low as when the tariff was put on in 1897?

Mr. HITCHCOCK. No, sir; it was not. It has never been as low as it was before the Dingley bill was passed, and on that assertion I can cite figures which I have received, showing the actual prices in New York paid by two great papers in New York year by year.

In 1896, before the Dingley bill was passed, both of these papers were paying $1.65 per hundred for paper delivered in New York, even after the payment of the freight. Last year one of these papers was paying $2 a hundred and the other $2.50 a hundred, and I think if there had been any possibility of any paper getting low prices these New York papers would have been able to do so.

It is true there have been fluctuations in the price of paper since the Dingley bill passed. The trust has not always had the field entirely to itself. Now and then there has been some competition from smaller concerns. Sometimes it has fought these, more often it has bought them out or absorbed them. Six mills have been added to the original twenty-four. Temporarily this sporadic competition has reduced prices here and there. The Great Northern Paper Company bid fair at one time to be a real competitor, but terms have evidently been reached, the business divided, and prices agreed upon so that competition has ceased. The final proof of this came last year. During the latter half of the year conferences were held and prices steadily advanced, and finally, on September 5, in the city of New York, at a meeting held between the representatives of the International and all other companies, prices were finally fixed at $2.50 per hundred pounds delivered in New York for large consumers and $2.60 for smaller ones. That achieved an arbitrary advance of 25 per cent within one year.

Mr. PAYNE. I know that the small newspaper did pay less than 2 cents—about $1.90 a hundred—last year. I want to call the attention of the gentleman to another fact, that from 1897 to 1907 wages in the United States increased a good deal more than the price of paper has increased.

Mr. HITCHCOCK. I am glad the gentleman refers to wages, for that brings us to an interesting branch of this subject. These paper makers who induced the Committee on Ways and Means to increase the tariff under the Dingley bill made the statement that they did not do it to increase the profits, but as friends of the laboring men, so as to enable them to pay American wages and to compensate them for the difference between the cost of the wages in the United States and the wages abroad.

Well, Mr. Chairman, this is a familiar argument. We have heard it in every case, in every schedule, and it is the most

hypocritical and utterly discredited argument of all. These paper makers demanded and secured the tariff of $6 per ton on print paper, when the figures show that the total labor cost in print paper is at the most only $7 per ton. Does that look as though they were intending merely to compensate themselves for the difference in the labor cost between our country and others? And it is a fact, Mr. Chairman, that in those hearings before that Committee on Ways and Means the uncontradicted statement was that paper was then being made as cheaply in the United States as anywhere else in the world. It was being cheaply made here because American ingenuity had increased the speed of the paper machines and had increased their width, which enormously increased the daily output. Besides this came the discovery or invention of wood pulp, and this greatly cut down the cost of paper, and in eight years reduced the price from 4 cents to less than 2 cents a pound in 1897. These paper makers came before the Committee on Ways and Means and induced that committee to raise the tariff. Mr. Norris, for the newspaper publishers, warned the committee that the paper makers contemplated forming a trust and raising the price of paper under shelter of the tariff to 2½ cents a pound, but he warned in vain.

But now as to the wages. Let us see what the statistics show. The last enormous advance in the price is $10 per ton. The entire cost of labor in a ton of paper is about $7. To make all the print paper in America the manufacturers only pay about a little over $4,000,000 a year in wages and the product even at $2 per hundred amounts to six times as much. So that labor is a small factor in the production of print paper, being less than one-sixth of the cost. As a matter of fact, the newspapers which are being plundered employ forty times as many wage-earners.

If we examine the last census report, we will not find very complete figures on the print-paper business, because the figures cover in one table all kinds of paper—book and print—and wood pulp as well. Nevertheless the figures are instructive and tell of trust methods and trust tendencies. Compare, for instance, the figures for 1890, which was before the great growth of trusts, with those of 1900, when they had increased enormously. Here are the census figures:

Paper and pulp manufacture.

	1890.	1900.
Capital	$89,829,000	$167,507,000
Salaries	$1,770,657	$1,500,000
Wage-earners	31,000	49,000
Wages paid	$13,204,000	$20,746,426
Product value	$78,937,000	$127,326,000

The effects of trust methods are seen in the enormous increase of capital, much of it largely fictitious; in the enormous increase of salaries, due to the princely salaries which trusts pay, and in the almost equally large increase in the value of the total products, due in part to increased prices. You will note that while the total salaries paid more than doubled, the amount of wages paid only increased about one-half. In 1890 wages represented 16 per cent of the value of the products, ten years later only 15 per cent. Does that look as though labor got its share? Moreover, the average wage of the 31,000 wage-earners in 1890 was $426 a year. In 1900 the average of the 49,000 wage-earners was $423 per year. Does that look like an increase in wages?

Now, I am aware that I am using the census figures of 1900, but they are the last that are authentic and available. I am also aware that I am taking figures which include all kinds of paper mills, not only print paper but book paper and wood pulp, but this is the way they are compiled by the Government. They certainly do not show that the Dingley tariff was of any benefit to the wage-earner in the paper mill. It simply enabled the mill owner to rob the publisher.

But, Mr. Chairman, while this paper schedule has created the paper trust, which personally I feel to some extent and of which I know a great deal, I am not here to say there is any greater urgency for the repeal of the tariff on print paper to check the rapacity of this trust than there is for the repeal of the tariff on lumber or any other article controlled by a trust.

In fact, the tariff on lumber produces some of the same evil effects that the tariff on print paper produces, because it offers a giant premium for the destruction of our forests. While every other nation in the world is now conserving its forests, we are, through the tariff, offering a premium to trusts to send wood choppers into them and ruthlessly destroy them.

Mr. GLASS. May I suggest to my colleague, before he gets further away from the question of wages, that the amount of wages paid out by all of the newspapers of the United States is forty times as much as the wages paid out by the paper manufacturers of the United States?

Mr. HITCHCOCK. My friend is entirely correct. The wages paid by newspapers of the United States, that have no protection, amount to much over a hundred million dollars a year. This exaction of a tariff-protected trust upon the newspapers simply forces them to do with fewer men, to reduce the size of their papers, to cut down their expenses in other directions, or to increase the selling price of their publications. There is no other alternative except bankruptcy.

Mr. GLASS. May I further suggest to my colleague, in response to the chairman of the Committee on Ways and Means, the gentleman from New York [Mr. PAYNE], that he would find it very difficult to produce testimony here that any of the smaller newspapers of this country during the year 1907 obtained their paper supply at less than $2? I know that I am paying $2.35, and am threatened with an exaction of $2.75 for my supply next year. [Applause on the Democratic side.]

Mr. HITCHCOCK. Mr. Chairman, I want also to direct attention to another feature of the situation. As I stated before this House some days ago, there has been during the last twelve months an arbitrary increase in the price of print paper amounting to 25 per cent, not in one case, but in every case where the newspaper was not protected by a long-time contract. What has been the result of that increase?

I have shown you what has been the result as far as many newspapers are concerned. Hundreds have raised their subscription prices and thousands have been forced to cut down their force, to reduce the amount they pay out for wages and other expenses, and to impair the excellence of their papers. But there is yet another side of it. The consumption of print paper in the United States since last September has declined 25 per cent. This is largely due to the great increase in price. What has the paper trust done under these circumstances? Reduced the price of paper? No. I will tell you what it has done. It has shut down mills. The policy is illustrated by telegrams like this which have appeared in the daily press:

PAPER MILLS CLOSE DOWN.

LIVERMORE FALLS, ME., *February 12, 1908.*

Orders have been received from the New York office of the International Paper Company to shut down the Umbagog mills of the corporation here until further notice. Similar orders have been sent to other mills of the company in New England. The general policy of curtailment is due to the fact that for a time the production has been greater than the needs of the trade.

What a change! Six months ago the paper trust pretended the advance in price was needed because the demand was greater than the supply. Now it is shutting down mills and throwing men out of work because the supply exceeds the demand.

Yes, Mr. Chairman, the consumption of paper has been destroyed by exorbitant prices, and now these pretended friends of the laboring man proceed to throw out of commission very many of their large mills, and throw a large number of their men into idleness. That is another feature of the trust programme—not to mitigate and reduce the price of paper when the pinch comes and consumption declines, but to throw out of work the men whose interests they have pretended to espouse when they asked the committee dominated by the gentleman from Pennsylvania [Mr. DALZELL] to put on this prohibitive tariff.

Let me in passing call the attention of the House to another act of the International Paper Company last year while it was trying to starve the American paper market while the prices were being raised. In order to help create the paper famine in the United States, it became necessary to take precautions to prevent desperate newspapers of our country from buying paper in Canada, duty and all. So this International Paper Company bought 17,000 tons of paper in Canada during the year and shipped it to Europe. President Burbank, of the International Paper Company, has admitted this in the New York Evening Post.

But, Mr. Chairman, I am not standing here to plead as a newspaper publisher that this tariff above all other tariffs should be taken off. Publishers have no greater grievances or equities than other victims of other tariff-protected trusts. I believe it is just as important to put upon the free list every article that is controlled by a trust and consumed by the people as it is to put print paper upon the free list. I stand for free lumber. I believe that the tariff on steel, amounting to 30 or 40 per cent, should at least be very much reduced. The steel trust, like the paper trust, came before the Ways and Means Committee. They asked and they secured in the Dingley bill a great protective tariff. My impression is that it averages something like 33 per cent, and yet the figures in the United States statistical reports show that the total labor

cost in the average steel product is less than 17 per cent. In other words, the steel trust has twice as much protective tariff as is required to pay the whole labor cost in the average steel product.

Mr. Chairman, I come from the West. We out there have largely subdued a wilderness. We have built railroads and bridges, we have built cities, we have built churches, homes, schools, and all the other features of civilized life, and yet in every effort that the West has made to develop itself it has been handicapped by the fact that the western producer has been compelled to pay exorbitant prices to the lumber trust for his lumber, exorbitant prices to the steel trust for his steel, and to all the other trusts excessive prices. In that way the cost of our railroads has been enormously increased and the cost of our freight and passenger service made burdensome. We, in the West, being the producers of much of the nation's wealth and most of its food, feel that we have been imposed on. We derive no benefit from a tariff made by and for the trusts. We, like the producing classes in other parts of the country, are bearing the burdens which have been placed upon the shoulders of the American people for the purpose of enriching a few great interests here in the East that have such ready access to the willing ears of the gentlemen of the Committee on Ways and Means in this and other Republican Congresses. [Loud applause on the Democratic side.]

Mr. MOON of Tennessee. Mr. Chairman, I yield thirty minutes to the gentleman from Missouri [Mr. SMITH].

Mr. SMITH of Missouri. Mr. Chairman, I desire to yield ten minutes of my time to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, I would not address the committee to-day if I did not feel some one from this side should reply to certain statements made to-day by the gentleman from Indiana [Mr. CHANEY]. In substance, Mr. Chairman, he stated that the panic of 1893 was produced by the Democratic Administration which came into power March 4, 1893. Mr. Chairman, that is a chronic statement. As a matter of fact, the McKinley tariff was a deficit producer from the second or third month of its life, and from month to month, with few exceptions, down to its death, and I challenge the gentleman from Indiana, and I challenge any man on that side of the House, to successfully dispute the proposition. I have the figures right here, and I propose now to read just a few of these figures to show the gentleman that my statements are absolutely correct. The law took effect on the 28th of August——

Mr. POLLARD. May I interrupt the gentleman?

Mr. GAINES of Tennessee. If the gentleman will be quick.

Mr. POLLARD. I would like to inquire from what the gentleman is reading?

Mr. GAINES of Tennessee. From the last Democratic campaign book, which I in part compiled, taking Republican figures out of Republican reports, and I have the reports at my desk if the gentleman wants me to read from them. If he does so, I will read from them. [Applause on the Democratic side.] But these figures, sir, are official figures taken from duplicate copies of the monthly reports sent out by the Secretary of the Treasury, and these copies, my dear sir, are now on file in my office where I keep them to read to doubting Republicans who, even at this day, doubt the facts that the figures are as I state them, notwithstanding Republicans compiled them and the adding machine in the Committee on Appropriations summed them up for me, and after the officer in charge of that machine did that for me I employed four or five other experts to add up these figures, and they did so. The additions are correct, and the original figures are taken from these monthly reports.

The McKinley tariff took effect October 6, 1890. In October, 1890, the Treasury "receipts," in round number, were $40,000,000, "expenditures" $38,000,000. Now, the second month comes—November, 1890, receipts $28,000,000, expenditures $42,000,000. There is a deficit right there in the second month of the McKinley tariff. There was a deficit, Mr. Chairman, in February, 1891. The receipts were $29,000,000 and $31,000,000 expenditures. There is a deficit in March, 1891, receipts, $29,000,000 and expenditures $31,000,000. I am using round numbers.

There was a deficit in May, 1891. The receipts were $31,000,000 and expenditures $35,000,000. There was a deficit in July, 1891—34,000,000 of receipts and $39,000,000 of expenditures. In October there was a deficit—receipts $28,000,000, expenditures $31,000,000. In November, 1891, the receipts were $26,000,000 and the expenditures were $27,000,000—another deficit. In December, 1891, the receipts were $27,000,000 and expenditures $31,000,000—a chronic deficit producer was this Republican tariff. In January, 1892, the receipts were $30,000,000, the expenditures $35,000,000. In April, 1892, the receipts were $27,000,000 and the expenditures $31,000,000.

Mr. CHANEY. May I ask the gentleman a question?

The CHAIRMAN. Will the gentleman from Tennessee [Mr. GAINES] yield?

Mr. GAINES of Tennessee. Just a moment, and I will yield gladly.

In May, 1892, the receipts were $28,000,000 and the expenditures were $32,000,000, making in the twenty months of the McKinley tariff $603,674,423 receipts, while the expenditures were $612,697,000, making a deficit of $9,022,685.11, to be exact. Now, then, that occurred before Mr. Cleveland was even nominated and during twenty months of Harrison's Administration under the McKinley tariff.

Mr. CHANEY. The gentleman certainly does not think it was the Dingley tariff?

Mr. GAINES of Tennessee. No; the McKinley tariff. I submit the table from which I have read, as follows:

Operation of the Treasury Department under the McKinley tariff act of October 6, 1890, repealed by the Wilson tariff act of August 28, 1894, covering a period of forty-seven months.

BEFORE CLEVELAND'S NOMINATION.

Month.	Receipts.	Expenditures.
October, 1890[a]	$40,215,894.29	$38,036,664.24
November, 1890	28,983,124.71	[b]42,570,022.40
December, 1890	31,370,039.87	21,888,550.00
January, 1891	37,055,973.25	23,981,309.07
February, 1891	29,611,318.02	[b]31,725,009.89
March, 1891	29,418,330.46	[b]31,502,941.60
April, 1891	26,045,831.64	25,331,194.06
May, 1891	27,417,425.94	[b]29,772,085.15
June, 1891	31,721,749.51	[b]35,902,971.96
July, 1891	34,300,344.68	[b]39,719,651.13
August, 1891	28,884,851.10	20,738,020.95
September, 1891	28,001,247.25	23,934,801.19
October, 1891	28,500,552.21	[b]31,872,268.02
November, 1891	26,917,162.72	[b]27,911,002.30
December, 1891	27,932,985.73	[b]31,821,889.67
January, 1892	30,542,728.60	[b]35,663,522.60
February, 1892	30,755,904.57	27,482,059.13
March, 1892	30,048,806.33	28,989,589.79
April, 1892	27,388,354.04	[b]31,008,076.97
May, 1892	28,498,798.45	[b]32,755,478.39
Total	603,674,423.37	612,697,108.48

Deficit for twenty months, $9,022,685.11.

[a] McKinley Act took effect October 6, 1890.
[b] Deficit.

Now, Mr. Chairman, I challenge any man on top of the earth to successfully dispute these figures. These deficits occurred before Cleveland was elected, beginning nineteen months before he was nominated, in June, 1892.

Mr. CHANEY. Was it not in anticipation of his election?

Mr. GAINES of Tennessee. These deficits began away back yonder, in November, 1890, the second month of the McKinley tariff, and Cleveland was not nominated until June, 1893. Now, then, "after Cleveland's nomination," in June, but before his election, there was a deficit, Mr. Chairman, July, 1892. The receipts were $34,000,000 and the expenditures $37,000,000. There was a deficit in October, 1892, $31,836,138 of receipts, and $31,881,250 of expenditures. There was a deficit the next month, November—receipts, $28,000,000; expenditures, $30,000,000. There was a deficit the next month, December—receipts, $33,000,000; expenditures, $34,000,000. There was a deficit the next month, January, 1893—receipts, $35,000,000; expenditures, $39,000,000. In February there was a deficit.

The total receipts for the nine months after Cleveland's nomination and before his inauguration, March 4, 1893, were $290,728,240.65, expenditures, $295,026,711.78, or a total deficit for the nine months of $4,298,471.13; to be exact. I submit this table from which I have read:

AFTER CLEVELAND'S NOMINATION.

Month.	Receipts.	Expenditures.
June, 1892[a]	$31,219,117.98	$28,940,634.25
July, 1892	34,571,356.25	[b]37,249,407.04
August, 1892	34,032,928.53	32,080,779.53
September, 1892	31,841,278.66	28,917,798.74
October, 1892	31,836,138.21	[b]31,881,250.18
November, 1892[c]	28,794,645.38	[b]30,743,832.78
December, 1892	33,212,911.10	[b]34,277,123.58
January, 1893	35,209,972.31	[b]39,253,381.68
February, 1893	30,009,892.23	[b]31,677,454.00
Total	290,728,240.65	295,023,711.78

Deficit for 9 months, $4,298,471.13.

[a] Cleveland nominated June 21, 1892.
[b] Deficit.
[c] Cleveland elected.

The McKinley tariff law was not repealed until August 28, 1894, when the Wilson tariff law took effect. The Sherman silver law was not repealed until the summer of 1893.

Cleveland is President on March 4, 1893. Let us see how this McKinley tariff continued to produce deficits—right along, chronic, you see.

April, 1893, the receipts were $28,000,000, expenditures $33,000,000. In July the receipts were $30,000,000 and the expenditures $39,000,000; in August, receipts $23,000,000 and $33,000,000 of expenditures; and then there was a deficit the next month, and the next month, the next month, the next month, the next month, the next month, the next month, and then skipped a month; a deficit the next month, August, 1894 (the last month of the McKinley Act), making almost an endless monthly deficit for forty-seven months. From March, 1893—with the McKinley tariff act still in full force—to August, 1894, eighteen months, the receipts were $1,388,287,167; expenditures, $1,468,302,165—a deficit of over $80,000,000; to be exact, $80,014,998.70.

AFTER CLEVELAND'S INAUGURATION.

Month.	Receipts.	Expenditures.
March, 1893[a]	$34,437,844.99	$32,372,997.73
April, 1893	28,599,942.29	[b]33,771,365.73
May, 1893	30,971,497.64	30,872,502.79
June, 1893	30,983,921.85	29,263,451.30
July, 1893	30,905,776.19	[b]39,675,838.60
August, 1893	23,890,885.30	[b]33,305,228.48
September, 1893	24,582,756.10	[b]25,478,010.17
October, 1893	24,553,394.97	[b]29,583,702.34
November, 1893	23,979,400.81	[b]31,302,026.41
December, 1893	22,312,027.00	[b]30,058,200.51
January, 1894	24,082,738.97	[b]31,309,689.59
February, 1894	22,269,299.46	[b]26,725,373.84
March, 1894	24,842,797.79	[b]31,137,560.24
April, 1894	22,692,364.26	[b]32,072,836.42
May, 1894	23,066,994.32	[b]29,779,140.92
June, 1894	26,485,925.72	25,557,021.23
July, 1894	34,809,339.75	[b]36,648,582.53
August, 1894[c]	40,417,605.81	31,656,636.85
Total	1,388,287,167.24	1,468,302,165.94
		1,388,287,167.24
Total deficit for 18 months		80,014,998.70

[a] Cleveland inaugurated.
[b] Deficit.
[c] Wilson tariff took effect August 28, 1894.

These tables are based upon the "Comparative statement of expenditures and receipts of the United States," which (see appendices, Democratic campaign book, 1906, p. 252) is issued monthly by the Treasury Department and is printed in the RECORD of June 20, 1906, pages 9047 to 9051, in so far as they cover the operations of the Treasury under the McKinley tariff, from and including October, 1890, down to and including February, 1893—four days before the second inauguration of Mr. Cleveland.

In the face of these official figures, the Republicans charge:

That the first deficit under the McKinley tariff was November, 1892 (when, in fact, it first occurred November, 1890, as shown above); that this deficit and all others under the McKinley tariff were caused by the election of Mr. Cleveland and a Democratic Congress in November, 1892; and that their election caused the panic of 1893, when, in truth, the Treasury was virtually bankrupt long before the nomination, election, or inauguration, March, 1893, of Mr. Cleveland.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. In extending my remarks I submit the reports of Secretaries Windom and Foster, which show we began to lose, by exportation, our gold in 1890—under Republican laws and Republican Administrations.

ANNUAL REPORT, 1890, BY WINDOM.

The report of the Secretary of the Treasury (Windom), December 1, 1890, says:

"The loss of precious metal by net export during the year was: Gold, $4,253,057; silver, $8,545,455."

The Sherman and McKinley laws took effect in the summer of 1890.

LOST OUR GOLD UNDER THE M'KINLEY AND SHERMAN LAWS, MR. FOSTER'S ADMINISTRATION.

In his first annual report, dated December 7, 1891, Mr. Foster said:

"The loss of gold by net export during the fiscal year was $67,946,768.

"The loss of gold by exports was materially larger during the last fiscal year than in any recent years. The heavy movement commenced in February, 1891, and did not cease until the close of July. The total amount exported from the port of New York during this period was $70,223,494.31.

"It is gratifying to report that a return movement of gold is well under way, which has aggregated since the 1st of July, at the port of New York alone, $27,854,000.

"In the report of the Director of the Mint will be found an article treating in detail of the movement of gold of the United States, and pointing out some of the causes which are believed to have operated to produce the same."

On this subject, November 1, 1892, the Mint Director, Mr. Leech, in part, said:

REMARKABLE EXPORTS OF GOLD.

"In the summer of 1890, a movement of gold from this country occurred, which, while by no means as serious in amount as its predecessor, was somewhat remarkable as a monetary transaction, considering the low rate of sight sterling exchange which obtained during the period.

"This movement aggregated in less than two months the sum of $15,672,982."

SERIOUS TROUBLE.

"In February of the present year (1891) another movement of gold to Europe commenced, which did not cease until the close of July, * * * caused by far the most serious loss of gold which this country has sustained for many years. The total amount exported from the port of New York was $70,223,494.31.

"The heavy losses incurred by European capitalists in South American countries, the resulting financial disturbances and uneasiness, etc., not only greatly restricted this credit, but led to a continuous pressure, more or less strong, for gold to strengthen the reserves of the banks in England, France, and Germany.

"Russia, at the same time, withdrew from the depositories of Western Europe large quantities of gold, thus adding greatly to the drain and increasing the pressure for the import of gold from the United States, this country being the only outside port from which gold in large amounts could be readily drawn.

"It is a well-known fact that the Bank of England paid a premium for American gold coin, and increased that premium from time to time as the financial crisis grew more threatening."

BALANCE OF TRADE AGAINST US.

"The balance of trade, for these reasons, being against us, and the pressing need for gold in London, Paris, and Berlin, I count very largely for the heavy export of gold during these five months."

ANNUAL REPORT, DECEMBER, 1892.

In his report, issued February 5, 1892, Secretary Foster said:

"The net loss of gold by exports during the fiscal year was only $142,654, against a loss in the preceding fiscal year of $67,946,768."

MINT REPORT, 1892.

The mint director, Mr. Leech, in his report, November 1, 1892, after repeating the causes of our export loss of gold, recited in his report for 1891, as above given, gave two additional reasons for this gold movement, to wit:

(1) "The Austrian Government has been making strenuous exertions during the last year to obtain sufficient gold for a strong basis in establishing a gold standard for its currency."

ONE GREAT CAUSE.

(2) "One great cause of continued large shipment of gold is, as stated by all exchanges and financial writers, the distrust of the United States securities raised in the minds of European investors by the large and increasing preponderance of silver over gold in the reserve held for the redemption of our paper currency."

Thus we see Mr. Foster, in effect, condemned both the Sherman and the McKinley tariff laws, while Mr. Leech condemns the Sherman law as causing our troubles. Whether both or either law caused us to lose our gold, a deficit in the Treasury, or the panic of 1893, or all three, the fact remains that they were both Republican laws, operating under a Republican Administration, and the Democrats had voted against their enactment and afterwards denounced as a "cowardly makeshift," partially repealed, the Sherman law November 1, 1893, and later repealed the McKinley tariff.

MR. FOSTER OMITTED TO TELL.

Although Mr. Foster's testimony before the House committee, February 25, 1893, covers nearly nineteen pages, yet it fails to show that four days before—February 20—Mr. Foster had issued this bond-plate order, which reads as follows:

COPY OF FOSTER BOND-PLATE ORDER.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 25, 1897.

SIR: I have the honor to acknowledge the receipt of your letter of this date, requesting the original letter, or a certified copy thereof, written by Mr. Secretary Foster February 20, 1893, addressed to the Chief of the Bureau of Engraving and Printing, authorizing the preparation of certain plates. In compliance with said request I submit below a correct copy of the letter in question, also a copy of the text of the proposed bond.

[Copy of letter.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 20, 1893.

SIR: You are hereby authorized and directed to prepare designs for the 3 per cent bonds provided in a Senate amendment to the sundry civil bill now pending. The denominations which should first receive attention are 100s and 1,000s of the coupon bonds, and 100s, 1,000s, and 10,000s of the registered bonds. This authority is given in advance of the enactment, in view of pressing contingencies, and you are directed to hasten the preparation of the designs and plates in every possible manner. I inclose a memorandum for your guidance in preparing the script for the body of the bond.

Respectfully, yours,

CHARLES FOSTER, *Secretary.*

THE CHIEF OF THE BUREAU OF ENGRAVING AND PRINTING.

[Text of the bond.]

WASHINGTON, *April 1, 1893.*

This bond is issued in accordance with the provisions of section —— of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes," approved March 3, 1893, and is redeemable at the pleasure of the United States after the 1st day of April, A. D. 1898, in coin of the standard value of the United States on said March 3, 1893, with interest in such coin from the day of the date hereof at the rate of 3 per cent per annum, payable semiannually on the 1st days of October and April in each year. The principal and interest are ex-

empt from the payment of all taxes or duties of the United States, as well as from taxation in any form, by or under State, municipal, or local authority.

Respectfully, yours, L. J. GAGE, *Secretary.*

Hon. JOHN W. GAINES,
House of Representatives.

The original order was on file December 25, 1897, in the Bureau of Engraving and Printing, Washington, D. C.

Senator Sherman introduced an amendment to an appropriation bill—sundry civil—in the Senate to enact a law permitting the issuance of these bonds. The order, dated February 20, 1893, itself in part reads:

"This bond is issued in accordance with the provisions of section —— of an act entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes,' approved March 3, 1893."

This shows this order, dated February 20, was given to issue bonds under a law yet unapproved to be "approved March 3, 1893." The Senate passed the Sherman amendment, but the House defeated it. The Democrats inheriting an empty Treasury, Mr. Carlisle issued bonds under the old law.

Recent letters on this subject from Mr. Carlisle and others read thus:

HOUSE OF REPRESENTATIVES,
Washington, May 29, 1906.

Hon. JOHN G. CARLISLE,
30 Broad Street, New York, N. Y.

MY DEAR SIR: The inclosed extract from the CONGRESSIONAL RECORD contains a statement made by Gen. Charles H. Grosvenor, of Ohio, on the 26th instant.

If you feel inclined, I would be glad to know whether or not the references therein made to you are correct. You will recall that the order to the Director of the Bureau of Engraving and Printing was issued by Secretary Foster in February, 1893. Mr. Grosvenor undertakes to create the impression from this letter that this order to prepare the plates for the printing of the bonds was made not for the purpose of meeting a deficit in the public revenues which existed or would exist at the end of the Harrison Administration, but was made at your suggestion.

I write this letter after conferring with Mr. WILLIAMS of Mississippi, as we do not want the statement of Mr. Grosvenor to go uncontradicted if it is not correct.

I would be glad to have authority to use any reply you may make to this letter,

Very truly, yours, C. L. BARTLETT.

CURTIS, MALLET-PREVOST & COLT,
ATTORNEYS AND COUNSELORS AT LAW,
30 BROAD STREET,
New York, June 5, 1906.

Hon. CHARLES BARTLETT,
House of Representatives, Washington, D. C.

DEAR SIR: On my return to this city I find your favor of May 29, with its inclosure. Two or three years ago I received a letter from the Hon. Judson Harmon upon the same subject, which I answered, stating, in substance, that I had no connection whatever with the arrangement said to have been made between my predecessor, Hon. Charles Foster, and certain New York banks, by which they were to advance to the Treasury Department the sum of $50,000, or any other amount, in gold or otherwise. I never heard of that arrangement until some months after I had become Secretary of the Treasury, and then my information was derived from the Bureau of Engraving and Printing, to which an order had been sent by my predecessor for the printing of the contemplated bonds. I never had any conversation with Mr. Gorman or my predecessor upon that subject, but, according to my best recollection, I had interviews with both of them in relation to the amendment which Mr. Sherman had offered and which is referred to in the letter you inclose to me. I approved of that amendment. In view of the condition of the Treasury Department at that time, it was my opinion that the Secretary of the Treasury should be clothed with the power which the Sherman amendment conferred upon him, in order that, if it should become necessary to do so, he might procure gold by issuing and selling a 3 per cent bond instead of bonds bearing 4 per cent and 5 per cent, which were the only ones then authorized by law. In addition to the withdrawals of gold from the Treasury, which were then going on at a rapid rate, the monthly receipts had been for several months previous to that time, and were then, less than the monthly expenditures of the Government, as will be seen by an examination of the official records of the Department.

Yours, truly,

J. G. CARLISLE.

Mr. SMITH of Missouri. Mr. Chairman, before confining myself to the matters upon which I shall crave the attention of the committee during the time allotted to me, I desire to point out certain bills, germane to this subject, which have been introduced into this Congress by me. They are as follows:

A bill to prevent the use of the mails for the transmission of information obtained by fraud by detective agencies.

Also, a bill to prevent the imprisonment of persons arrested for contempt without a trial by jury.

Also, a bill to prevent the charge of conspiracy being made where two or more persons agree to do, or to procure to be done, any act in furtherance of a trade dispute between the employer and the employee in relation to interstate commerce, etc., if such act committed by a single person would not be criminal.

Also, a bill to limit the hours of employment of laborers and mechanics upon public works in the United States to eight hours a day.

Also, a bill to amend the Sherman antitrust law so as to relieve trade unions and agricultural associations or alliances from its provisions.

I also wish to mention the important fact that there is a wonderful activity on the other side of this House in behalf of labor and its claims biennially—just before the fall elections. All sorts of bills are introduced for labor and to ameliorate labor conditions, and now and then a timid labor speech is made here in the House and spread broadcast over the country, while the Committees on Labor and on the Judiciary are organized by the "Big Five," which includes "Uncle Joe," solidly against the possibility of any favorable labor legislation. I would not make this statement if it were not absolutely true. Time has proved it over and over and will prove it again when this Congress has adjourned.

I may further add that for the last ten days hearings against an eight-hour bill, which seeks to establish the eight-hour day in all works of a national character and done under contract with the Government, before a committee of which I am a member, have been practically the same hearings on the same subject had before this committee for more than ten years past, and it is perfectly apparent that they are being had and held from day to day, not for the purpose of obtaining new information, but for the purpose of killing time and ultimately to kill the bill.

The first matter on which I desire to speak briefly is germane, as I understand it, to the report of the Committee on Post-Offices and Post-Roads, which is now before this committee. It was prepared first in the form of an amendment to the criminal code, but it appears now that the criminal code will not likely be taken up again in the Committee of the Whole House, and hence I have introduced the amendment as a bill.

The purpose of the bill is to prohibit the transmission through the mails of information obtained from any company or voluntary association through some form of fraud.

It seeks to regulate the handling of postal matter, and the kind that ought to be handled by the Government, without the Government being open to the charge of aiding and abetting the consummation of plots and schemes only possible of execution by means of the mails. Is it not as immoral and subversive of social purity and good government to break down and crush trades unions and thereby injure tens of thousands of innocent men, women, and children, by the work of the iniquitous sleuth operating through the mails, as it is to promote a lottery scheme or some fraudulent stock enterprise or to advertise some unmentionable article calculated to corrupt and injure public morals in some way?

Sections 3893 and 3894 are leveled against fraud in its many diverse phases or against some form of immorality frequently exploited by the unprincipled charlatan to make money. The main purpose of my bill is to protect labor and trades unions in their lawful rights against the commercial sleuth, who has been described by a genius in description in these words:

> Who never did anything in his life but lie and cheat and scheme, for the life of a commercial detective is a living lie; that is his business; he lives one; from the time he gets up in the morning until he goes to bed he is deceiving people and trapping people and lying to people and imposing upon people—that is his trade.

Should my bill become a law, it would in a measure protect all voluntary associations from spies, imposters, and traitors. Such organizations are admitted to be lawful and have a right to exist and prosecute the object of their creation. On this point the President, in his first message to this Congress, says:

> Modern industrial conditions are such that combination is not only necessary but inevitable. It is so in the world of business, just as it is so in the world of labor, and it is as idle to desire to put an end to all corporations and to all big combinations of capital as it is to desire to put an end to combinations of labor. Corporation and labor union alike have come to stay. Each, if properly managed, is a source of good and not evil.

THE CRIMINAL USE OF THE DETECTIVE.

This particular phase of detective work was brought to my attention last summer while attending the trial of William D. Haywood at Boise, Idaho. For days I sat a spectator of one of the best-conducted courts that it has ever been my pleasure to witness. An ideal judge is Judge Fremont Wood, of Idaho—clear of head, honest of heart, and bold of purpose, yet simple as a child—a noble specimen of the true judge. He performed his duty seemingly impervious to "the slings and arrows" of a political press and an active, surging personal influence that beat upon him from every quarter. Unlike Pilate, he declared the law as he found it and let the mob cry, "Crucify, crucify." A stout, honest, noble purpose, backed up by the real man, compels silence in the storm, and the admiration of all, even persecutors. For days witness after witness, under oath, in the presence of this Daniel of the woolsack, testified to the plots and intrigues of the Pinkertons to hang Haywood. Our holy religion was prostituted by and for the benefit of this gang of freebooters of men's lives, honor, and the mine owners' gold. I doubt if there be another such case of real diabolism on record as the Pinkerton plot, hatched to galvanize and garnish into respectability the notorious criminal degenerate, Harry Orchard, so that his evidence would weigh sufficiently strong to hang Haywood. I saw and heard Orchard testify, and speak

from what I saw and what I heard, and that he was, and is, what Clarence Darrow pictured him, there can be no doubt. He said:

Let us take a short view of this fellow. Who is he? And is he converted? We will find out whom we have got to deal with before we deal with him. I have sometimes thought I had a fair command of language, but it fails when I get to describing Harry Orchard, so I will just call him Orchard, and let it go at that. Who is this fellow upon whose testimony you gentlemen are asked to shift this crime to Haywood. Let us see: He is unique in history. If he is not the biggest murderer who ever lived, he is the biggest liar, at least, who ever lived, and I undertake to say that the record of the English and American courts can not show a single man who has been impeached by as many witnesses as Harry Orchard. Why, gentlemen, if Harry Orchard were George Washington, who had come into a court of justice with his great name behind him, and if he was impeached and contradicted by as many as Harry Orchard has been, George Washington would go out of it disgraced and counted the Ananias of the age. No man living could stand up against it excepting a phenomenal murderer like Orchard. If you had a lawsuit about a horse or a cow and you would go on the stand and thirty men would dispute you, what would you expect? Would you expect any jury to believe you? And yet when you take an infamous wretch like Orchard and contradict him by thirty or forty witnesses, a large number in every way disconnected with this case, lawyers tell you to believe him and take away a man's life on his testimony. All right, gentlemen, if you can afford to do it go ahead and do it.

Is there any man that can ever think of Harry Orchard—is there any sane man, I will say, who can ever think of Harry Orchard—except in loathing and disgust? You have seen him here. You have heard his story. You have seen him sleek and fat and well fed, facing this jury day by day asking for this man's blood. Do you ever want to see him again? Do you ever want to hear his name again? In the future, when you are trying to find the most infamous word that the English language has given us, can you think of anything but Orchard? Do you want to read a paper again with his name in it? And yet, gentlemen, upon the testimony of this brute—this man who would assassinate his own 9-year-old girl with a dagger a thousand times more malicious and deadly than one that kills—upon his testimony you are asked to get rid of Bill Haywood. For what? Does anybody else attack his name? Anybody else swear against him? Has any other voice been raised to accuse him? Oh, no. You are asked to take his life because down in Colorado and up in the Coeur d'Alenes he has been against the Mine Owners' Association, and because he has been organizing the weak, the poor, the toilers—has been welding together in one great brotherhood those men—has been calling them to fight under one banner for a common cause; and for that reason he has raised up against him the power of this body of men, and you are asked to kill Bill Haywood.

I sat beside Professor Muensterberg, the eminent Harvard psychologist, and saw him making his observations of the trial and of Orchard, and was yet a spectator, after he had made his tests of Orchard, and had given to the eastern press an interview in which he said that every word of Orchard's testimony and "confession" was true. This is the way he told it:

Orchard's confession is every word of it true. I went to Boise for the special purpose of studying Orchard and every facility for investigation was given me by both sides. I attended the court sessions day after day and heard the evidence. I also visited the penitentiary and made a psychological examination of Orchard, lasting eight hours. This examination included a number of psychological tests. I also went into the opinions and general make-up of the man. But it is impossible to sketch results in a popular way without giving the psychological data upon which my conclusions rest. It is my intention to prepare an account of my investigations for one of the psychological reviews—an account of interest to psychologists. My interest in the Haywood trial, I ought to explain, is partly due to the interest I take in the bearing of psychology on law, with especial reference to such questions as those of moral responsibility. I was very much impressed with the dignity that characterized the whole of the court proceedings. The attitude of the judge and the prosecuting officers—the entire court proceedings, in fact—impressed me the most favorably; and while I say that every word of Orchard's confession is true, I must say, from personal observation, that Haywood is having an absolutely fair trial.

EXPERT ANALYSIS OF ORCHARD'S CHARACTER.

Orchard is a remarkable criminal, mentally. He is the most extraordinary criminal I have ever examined, and I do not mean because of the record of assassination to which he confesses. He is complex. In one respect, he is very emotional and extremely sensitive to suggestions, while when approached from other directions there is an apparent absence of feeling of sentiment. He is a man of some confidence in himself, sometimes, and yet timid under other circumstances. Orchard has a very alert mind; he is singularly keen. My measurements, as well as my oral examination of him, show that his mind is not only active and accurate, but he has a very quick perception—he anticipates. In fact, for mental alertness few Harvard students would measure up to him. That feature of his case impressed me more than every other. I have been impressed by the fairness with which the trial is being conducted, and I have been agreeably surprised by the temper of the people there. No one I have met wishes a conviction unless the evidence warrants it, and the attorneys for the prosecution impress me as very earnest in their desire that the verdict shall be a just one.

Contrast this complacent opinion of the famous expert with the verdict of the jury. Let me retrospect a little. The twelve men who tried Haywood were selected from 265 citizens of Ada County, three of whom were labor sympathizers. The others were bankers, merchants, real estate men, office clerks, farmers, and a carpenter. Farmers, a carpenter, and real estate men constituted the jury which tried Haywood, all men of intelligence and good character; but there was not a real labor sympathizer among them. They heard the witnesses that had been gathered from all the Rocky Mountain and Pacific coast States by the Pinkertons. They went into the jury box naturally class biased. All that money could do, all the garbled, fragmentary, crooked evidence that black intrigue could rake and scrape together with money—and it cost the State of Idaho more than $100,000 to conduct this trial—could avail nothing, and with as good legal talent as could be found in all the West to manage this incoherent mass of material, the State failed, woefully failed, the alleged "red-handed murderer" was turned loose in a remarkably short time after the arguments were closed. In the name of common experience and justice, who was right? That jury, or Professor Muensterberg? The professor says the trial was fair.

It is not necessary to dwell at length upon the wickedness practiced in this case—the flagrant, wholesale scoundrelism of the Pinkerton chief and his tools—his gun men and treacherous minions who acted their part for money. The same corrupting influence which purchased Judas Iscariot; and Gehazi, the servant of Elisha, who lied to get money from Naaman, the leper, who had been cured by Elisha; and Achan, who stole the wedge of gold, the Babylonian garment, and other riches from the spoils of Jericho against the command of Joshua, was used in the attempt to barter away the life of Haywood. You will recall the punishment meted out to these miserable outcasts. But I would not, if I could, visit such punishments upon this band of freebooters, perjurers, and traitors, *but I would discredit them in the eyes of the law and the world and drive them out of this kind of business*, instead of making them the associates and handmaidens of the captains of American industrialism and the manipulators of the post-office establishment.

HISTORY OF DETECTIVE AGENCIES.

At first the service of the Pinkerton agency and similar agencies was such as would be called legitimate, for they devoted their efforts to running down violators of the criminal law who were hard to capture—forgers, assassins, ravishers, and other like atrocious criminals. This was their business for twenty years or more after the civil war, and they do some of that kind of work yet, but if they depended upon that class of work alone the number of operatives would be greatly decreased and you would hear not so much of the Pinkertons. In passing, let me remind you that my bill does not interfere with this character of work in the least. The man who follows the work of chasing criminals will necessarily grow cunning, and the lower qualities of his mind will be developed and he will soon become doubtful of all men's honesty. Like the libertine, who doubts every woman's virtue, his low calling fixes his opinion of female chastity. So the business of the detective, in time, leads him to believe that all men, in a greater or less degree, are criminals.

But the work of trailing and capturing criminals has come to be the smallest part of the work of Pinkerton's National Detective Agency. The agency represents, in its capacity as a legitimate secret service organization for the apprehension of criminals, the American Bankers' Association, the Jewelers' Protective Union, the Jewelers' Security Alliance, and the Railway Protective Bureau. This feature of the work of the Pinkertons is cleverly exploited in the news columns of the United States. The Pinkerton agency is supposed to exist and to make money upon the returns for this work. It is generally believed that the agency's great corps of operatives is supported, and its eighteen offices kept up in good style, on the money paid for the apprehension of real criminals. But it is a fact that, with only this income, the Pinkerton agency would soon have to go out of business, because the expenditures would be greater than the receipts. In support of this statement, I would like to quote from a booklet published by Morris Friedman, of New York, a former employee of the Pinkerton agency—a confidential secretary to James McParland—and Friedman's statements have never been denied in one particular. This is what he says:

The agency does very little criminal work outside of what operations it gets from the bankers, jewelers, and railway ticket bureau, and the bulk of this business is handled by the New York and Chicago offices. However, the institution has over eighteen branches and all these branch offices sail the sea of prosperity under the same flag as the New York and Chicago offices. It is therefore of interest to figure out, as nearly as possible, how much money a branch office makes from criminal work. The Denver agency is one of the most prosperous branches in the country, and we shall take that office as an example.

ANNUAL EXPENSE OF OFFICE AT DENVER.

The following financial tables, as applied to the Denver office, are approximately correct, and demonstrate the financial workings of the agency very clearly:

A week's expense in running the Denver office of Pinkerton's National Detective Agency:

Salary of manager western division	$45.00
Salary of superintendent	35.00
Salaries of four assistant superintendents	115.00
Salary of chief clerk	19.00
Salary of bookkeeper	18.00
Salary of cashier	18.00
Five stenographers, at average salary of $14 each	70.00

Salary of office boy	$5.00
Salary of private janitress	4.00
Office rent	35.00
Stationery	12.00
Interagency telegrams	5.00
Telephone	2.50
Postage	10.00
Thirty operatives, at average salary of $15 each	450.00
Total office and operating expense for one week	841.50

Total office and operating expense for one year, $43,758.00.

It often happens that three or four weeks pass by without Denver having even one criminal operation on hand; but, for argument's sake, we are willing to give the office credit for having as many as five criminal operations a week, every week in the year. The regular agency rate for the services of operatives is $8 per day per man and expenses; but large corporations and the societies previously mentioned get a special rate of $6 per day per operative and expenses. Therefore, five operatives at $6 per day yield an income of $210 per week, or $10,920 per year.

Total agency expense per year	$43,758
Total annual agency income from criminal work	10,920
Net annual loss to the Denver agency	32,838

It is plain that if the Denver office were to lose the large amount of $32,838 year after year, the agency could not hope to remain in business. It is also reasonable to assume that if the conditions which prevail at the Denver office hold good at all other offices, the Pinkerton institution would lose more than $500,000 every year. That the agency could not afford to lose millions in this manner is something everyone will perceive. That the agency is making instead of losing millions, the following financial tables conclusively prove:

Denver agency's annual income from criminal work:	
Five operatives at $6 per day	$10,920
(This leaves twenty-five operatives unaccounted for. Of these twenty-five operatives at most seven only are working for the special rate of $6 per day.)	
Annual income from seven operatives at special rate of $6 per day	15,288
Annual income from eighteen operatives at regular rate of $8 per day	52,416
Total annual income of Denver agency for thirty operatives	78,624
Total Denver agency annual income	78,624
Total Denver agency annual expense	43,758
Total Denver agency net annual profit	34,866
If the Denver office handled criminal detective operations exclusively, the net annual loss would be	32,838
Far from losing, the Denver office profits annually	34,866
Which is a clear difference of	67,704

The Denver office of the Pinkerton agency therefore has an income of $67,704 a year, absolutely independent of its income resulting from bona fide criminal operations. And can there be any questioning the source of this large income? As well question the existence of the sun at night because it is not visible as doubt that the Pinkerton agency is making millions at the expense of the public by fomenting and keeping up constant strife between organized wealth and organized labor.

These figures, which I assume to be approximately correct, show clearly that the office at Denver could not exist long if it devoted its efforts only to legitimate criminal operations, looking up testimony in criminal prosecutions and making arrests of criminals.

The loss on criminal work is about $10,000 annually, but this loss is overcome and many times covered by work done by the agency for the mining and other corporations, the profits amounting to $67,000 annually for one office. Think of such immense profits and the work to be done to get such profits, and paid for the single purpose of searching out the lodge business of labor organizations in Colorado and other States.

Do you think the Government should be a party to this nefarious kind of service, which capitalizes treachery and fraud in every conceivable form? If trade unions are entitled to exist at all, and if they have any good purpose to serve in helping to improve the conditions of labor and the social order generally, as I believe they do, why should they be subjected to such outrages? Have labor unions no right to protection against these hirelings of corporations, who are willing to sink the last vestige of principle and play the spy, and by feigning friendship for the miner (or the employee) and his cause obtain admission into the union, and by continued deception, cleverly practiced, become an officer of the union, the trusted agent of its business and secret work, only to betray and deliver it with alacrity to the hostile corporation, striving by "might and main," with the aid of the courts and troops, to disrupt its membership and hand it over body and soul to its natural economic enemy? Ispeak with respect to the selfish, materialistic, and laissez faire economist and of antiquated usefulness.

Pinkerton's National Detective Agency manufactures traitors and scoundrels by wholesale, and the Government, through the Post-Office establishment, is, in a measure, a particeps criminis. This I charge here on the floor of this House as being the solemn truth, and I want the American people to know it.

AN EXAMPLE OF THE SLICK OPERATIVE.

To make plain my contention I shall now offer some letters, and first call your attention to one written by A. H. Crane, a Pinkerton spy, which is as perfidious as the unregenerate heart well can make it. The language is smooth, as is usual in such cases, but the intent is thoroughly base, and I want to embalm Crane and his work for the benefit of those who approve of his kind and for those who wear soft raiment and devour the houses of widows and orphans and who live in fine houses and play the rôle of Pharisees. I also append Mr. Friedman's comment and explanation of the letter, which I consider of value, as well as his pen picture of the vice-president and general manager of the United States Reduction and Refining Company, which I hardly think is overdrawn, for Mr. MacNeill is a devout worshiper of Mammon and, therefore, has no need of a man except to sacrifice him on Mammon's altar. He would allow him a "full dinner pail" on the principle that a well-fed ox is stronger and more serviceable, a more certain yielder of big profits, the goal of all men of the MacNeill type. This and the same style of sycophantic letters which shall follow are given to this House and the public and will be printed in the RECORD to correct, if possible, as venal and low a business as was ever practiced in any country, and I include Russia of to-day. I had as leave follow the vocation of a procurer, who seeks out the foolish girl for sacrifice on the altar of lust. The man who will do the one will do the other, and the man or company who fosters such service by employing it must be classed in the same category.

DEAR SIR: Operative No. 5 reports:

COLORADO CITY, COLO.,
Wednesday, February 18, 1903.

At 9 a. m. Sanger came and called me out and said that he heard there was a carload of Italians going to be shipped here to-day, and asked me what I thought best for him to do, and I said I did not just know what would be best, but he could send a few men to see them when they got off the train. He then told me he had sent two men to each depot. He then left.

I went to see Moyer and Mangon, and there I met Mr. Burr, from Leadville, who has come down to take charge of the strike. We talked a few minutes. I left and went to get something to eat, and while in the restaurant two or three different union men came after me to make out applications for them.

At 10 a. m. I left the restaurant and went with Sanger to fix out the applications. Moyer told me the electricians and blacksmiths had quit, so it would make things a little more difficult for the Standard Mill to work. He said if we continued to keep on the way we were doing the Standard would have to go down. We then obligated four members, after which I left the room and went on the street and stood around with the men until about 11.30 a. m., when I went into the Alamo Club. I met Sanger and other union men, and they all seem to think that the men will win the strike.

About 12 o'clock I left the club and took a walk around the different places where the union pickets are stationed and found everything very quiet indeed, and returned to town about 12.45 p. m., when I went to dinner.

At 1.15 p. m. I saw Sanger. He said he had a bond for Charles Lewis, and wanted some one to sign it so as to get him out of jail; so we then hunted around and found J. Hill and Swartz, and they signed it by just writing their names on the back. When I gave it to the justice he said it was no good signed that way, which I knew, but said nothing to Sanger.

I then left the justice's office and had a little talk with Mr. Hawkins, then went to the D. & R. G. depot to see the union men who were watching the trains, but found none there, so stayed around a little while, when Richerson, Garrison, Howard, and two other union men came. I talked a few minutes to them, and about 3 p. m. left them and took car for Colorado City, where I met L. N. Edwards. He said he had some good news for us, and that Mr. Fullerton, of the Telluride mill, wanted to have a talk with Moyer and the other officers of the union and try and fix matters up. Edwards said Mr. Fullerton said he did not want to discharge any union men, and would not, as he thought it would be best if all the men belonged to the union, and he did not want any of the union men to think he was connected with Mr. Hawkins or any of those companies, and would not have a thing to do with them. Edwards then left me.

I met Sanger, who told me I had better take a trip around and see how the boys were getting along, which I did, with two other men from the Building Trades Council. We went to the big pump on Sixth street, and then across the company's ground past the old mill to the road which leads to the avenue. We saw no one on the way until we got to the M. T. Railway switch which leads to the sampler. There I talked with the company's watchmen. I said to them, "You are not doing much looking around when you let men walk across the company's ground, and strikers at that." They did not say much to me, so I went across the tracks to where the union men were sitting. I talked a few minutes with them, but learned nothing from them, and left them and went to town. There I met Dowse, Sanger, and several others. They asked me how things were, and I said all right. We then all went to the Alamo Club and had the treats together.

At 6 p. m. we all left for supper, after which, at 6.45 p. m., I met Garrison, Henderson, and several union men. We talked together until about 7.15 p. m., when I went to my room and got my books, and at 7.30 p. m. I went to the meeting. There was about 150 or 200 in attendance, with all the new members. Fifteen were taken in the first time, and thirty-one the next time, so it made quite a few new members.

After we got them fixed out all right, Mangon made a little talk to the boys and told them to work as they had the past two days, and then he did not think we would have to call out the Cripple Creek miners, but if we could not stop the Standard Mill, they surely would call out the miners. Mangon said he would leave us in the morning and would visit each union at the camp and tell them how we were fixed, but he did not need to tell them anything, as it was all left to the District No. 1. He then sat down.

Burr then made a little talk and asked the president to pick out a strike committee of five men. He picked out A. H. Crane, H. L. Sanger, Tom Daniels, C. Lyons, and J. H. Hill as the committee, and asked each and every member to do as the committee told them. Three men were picked out as captains to look after the different shifts of pickets.

The next thing taken up was about Mr. Western, the superintendent of the Tulluride Mill. The men want him removed from the works and are going to present a bill against him at the trades council after the 25th, so as to have the trouble come all together, as several men consider him unfair to organized labor.

About 11.45 p. m. we left the hall. I first took my books to my room, and then took a walk around, but found everything very quiet indeed, I then came back to the restaurant and had a little lunch, then went to my room, and at 2.30 a. m. discontinued for the night.

Yours, respectfully, ——— ———.

Quoting from Mr. Friedman's comments:

The above report of Secret Operative A. H. Crane, more commonly known at the Pinkerton office as No. 5, like many other reports of a similar character, was sent to Mr. J. D. Hawkins, superintendent, and Mr. Charles M. MacNeill, vice-president and general manager of the United States Reduction and Refining Company, popularly believed to be a part of the smelter trust, and numbering among its valuable possessions of the great Standard Mill, the largest reduction plant in Colorado City. Four days previous to the date of No. 5's report, given above, Mill and Smelter Men's Union No. 125, of the Western Federation, declared a strike on the Standard Mill. The press reported the event as a passing occurrence, and the public scarcely paid any attention. Yet, as the inauguration of this strike was to a great extent the result of No. 5's work and had such far-reaching effects, a little inquiry into the causes will be interesting as well as instructive.

Charles M. MacNeill, vice-president and general manager of the United States Reduction and Refining Company, is primarily responsible for the occurrence of the trouble at Colorado City, consequently for the great Cripple Creek strike, and, to say the least, is a very peculiar and much-talked-of man. Worshiped by the rich as a demigod, execrated by labor as an archfiend. Who is right? What kind of a man is MacNeill?

Judging him by his actions, we should say that Mr. MacNeill must be a twin brother of Mr. Baer, of Pennsylvania. The attributes of the one are characteristic of the other. Mr. MacNeill is a typical American trust magnate and serves as a good example of what the American people may some day have to face, if men of this stamp are not checked in their mad career. He is naturally a strong-willed man and probably owes his success to this quality. But success turned his head and petrified his heart, so that in the course of time he has succeeded in imitating to perfection the brutality of a savage African slave driver.

FURTHER EXPOSURE, BY LETTERS, OF DETECTIVE OPERATIVES.

I want, as I have heretofore said, the country to know and understand the wicked and indefensible methods resorted to by so-called respectable industrialism in its conflicts with labor. Treachery and petty treason are resorted to as though it were honorable. This world has seen some very exquisite pieces of treachery, and I believe the following, exemplified by operative No. 43, of the Pinkerton agency, may be classed as one of the exquisite, if not the most exquisite. Union smelter men in Colorado were very suspicious of strangers, and this report of No. 43 shows to what some detectives will stoop. It is as follows:

DEAR SIR: Operative No. 43 reports:

COLORADO CITY, COLO., *Thursday, April 9, 1903.*

This morning I walked around town for a while and met a few of the mill men, but nothing of interest occurred. At 9.30 I helped a brother of the secretary of the union here, who has a van, move a lady to Colorado Springs. He questioned me all the while regarding myself and my business, but of course learned nothing.

After dinner I met Gilbert, Nichels, Burr, Elder, and Aberlene at the Hoffman bar, where we had some drinks. Some of the men got the drinks on credit from Hames, while others borrowed some cash of him.

There was considerable talk about the clubhouse to be built by the U. S. R. and R. Company, some claiming it would be a good thing, and others claiming it was done simply to get the good feeling of the people here.

I was with these men quite a while when Nichels and Elder left us and went to the pool hall, and I went to my room until supper time.

After supper I met a young man, tall, dark complexioned, who wears a stiff hat, and who told me he was one of the first three men discharged from the Standard Mill. I have not yet learned his name, but they call him John. We went to the pool hall and there met Gilbert, Elder, De Long, King, and Epperson. Epperson and De Long wanted me to play pool, and they took off their coats. I saw it was their scheme to get me to take off my coat, and I handed it to the young man, John, who went to the other end of the hall with the garment and went through the pockets. I played two games of pool, giving him plenty of time, knowing he would find nothing, and then the crowd broke up.

I took the car to Colorado Springs and received instructions to call on Mr. Hawkins. Upon my return to Colorado City I met John and Epperson, and talked a while with them, and when Epperson left John told me his people had gone away and he didn't have any place to sleep, so I invited him to come to my room.

At my room I showed him my books and the lessons I am taking through a correspondence school, and told him I had to get a lesson every night, and I made a pretense of studying it, and he looked through my trunk while I was writing.

After we got to bed he got confidential, and told me they had had lots of trouble with detectives; had had one named Cane, or something of that sort, and four others whom he did not know, and that the union kept two men themselves to watch the newcomers. We talked until 2.30, when we went to sleep. I know that I am watched, and must be cautious for some time to come.

FRIDAY, *April 10, 1903.*

This morning I took John to breakfast, and he then asked me to lend him $1.50. I pulled out about $3, which I showed him, telling him it was all I had, but he could have $1.50 if he would pay it back Saturday, as it was his pay day, and he promised to do so. I also told him I would have to get work next week. Then after leaving him I laid down and took a nap, as I wasn't feeling very well.

After dinner I was out for a while and met a few of the men, but nothing of interest occurred, and I discontinued early.

Yours, respectfully,

MEN ALWAYS UNDER SURVEILLANCE.

But the United States Reduction Company had another plant at Florence, Colo., and Manager MacNeill did not propose that such trouble as he had had at Colorado should get ahead of him in Florence. Here J. H. Cummins, No. 23, and afterwards Operative T. J. Conibear, No. 18, did some very excellent work for the mine owners. Here is a report from No. 23, which shows the surveillance under which the union men were constantly kept:

DEAR SIR: Operative No. 23 reports:

FLORENCE, COLO., *Wednesday, February 25, 1903.*

I went to the mill at 7.35 this morning and worked in the barrel room from 8 o'clock until 4 p. m., getting the lime ready for charging the barrels. During the afternoon Mr. MacDonald visited the barrel room, and while here told me to call at his residence this evening. While Mr. MacDonald was in the barrel room I was busy helping charge one of the barrels and took out a sample of the ore.

After Mr. MacDonald had left head barrel man Duckett told me that whenever Mr. MacDonald or any of the foremen were present the sample of ore must be taken out a little at a time from each hopper. The way the sample is usually taken is all at one time and from only one hopper. I then made the remark that when the foremen were present everything had to be done a certain way, and it didn't make much difference when the foremen were not present. Duckett said we had to be a little more particular when the manager or foremen were around. All of the men in the chlorinating department seemed to be doing a good shift's work.

I left the mill at 4.1 p. m. and went to town with John Edwards, Jim Edwards, and Horace Mann, and John Edwards told me he would have to think a long while before he went on a strike at the mill, as he was in the strike two years ago at the National Mill, and that all those who made the trouble and did the agitating were single men, who, when they lost their positions, could leave town and go elsewhere, leaving the married men and those who had homes to get along as best they could. He further said he believed there were a good many others who looked at the situation in the same way as he did, and that it would take some strong talk and urging a majority of the men at the Union plant to go out on a strike.

At 7.15 to-night I called on Mr. MacDonald at his residence, and he said he was anxious to know if anything was being done by the union men here toward giving assistance to the striking mill men, as he expected something would be done either to-day or to-morrow toward that end. I told him nothing had been done as yet, but I rather expected some one would soon be here to try and organize the men at the Union plant. He told me that in case a union was organized I should become a member, but not to take a very active part, as he expected to discharge the union men as soon as he got their names, and he did not want to draw the men's attention to me being a union man and still being kept at the mill. Mr. MacDonald then gave me his telephone number and post-office box number, and told me that if anything important transpired I should let him know by telephone or mail to his post-office box. I assured him I would let him know immediately if anything was done to get assistance of the men who were working at the mill.

After leaving Mr. MacDonald's residence I went to the National Saloon, where I met Barney Bramhall. I asked him if he had heard anything in reference to the strike, and he said he had not.

I visited the Palace, Opera House, Carroll's, and the Miners' Exchange saloons. At the latter place I met mill men Jones, Barker, and Fry, and I talked with them and asked them if they had heard anything new concerning the mill men's strike at Colorado City, and they replied in the negative. I stayed at the Opera House Saloon until 10.30 p. m., but learned nothing of importance. I then left the saloon and discontinued.

Yours, respectfully, ——— ———.

NOTHING "BLOOD CURDLING" ABOUT THIS.

Over in the Cripple Creek district neither side to the controversy was overlooking anything. The mine owners employed several operatives of the Pinkerton Agency, and the Woods Investment Company was paying $8 a day for the services of a certain personage, Philander B. Bailey, known as No. 9. He was working as a real miner at the Wld Horse Mine, and this is what he has to say about a union miners' meeting:

DEAR SIR: Operative No. 9 reports:

VICTOR, COLO., *Saturday, February 21, 1903.*

I reported at the mine for work this morning, and at 7 a. m. we went below. I worked in the underhand stope on the eighth level. Francis Herman, James Wasley, and Tom Gaynor worked in this stope to-day. Herman spoke (as he always does) in harsh terms about the mine owners and superintendents. He also said there are a lot of s. o. b.'s in this camp who are ever ready to do the mine owners' bidding. To this Wasley said: "Why in hell don't the union drive these scabs out of the camp? If they (the so-called scabs) were in Butte City, Mont., they would have to hit the grit, and that quickly, too." Wasley came from Butte to this district.

We worked until 11 a. m., when we went to surface for lunch. Nothing of interest occurred during lunch time, and at 11.30 a. m., we went below to work again. We worked until 3.30 p. m., when we went to surface and home, arriving in Victor at 4 p. m.

After supper I went uptown and spent the evening about the resorts of the men until 7.30 p. m. During the evening I met Arthur Evans, Jack and Fred Minister, Chauncey Williams, and Harry McGuigan. Evans is working at the Portland, the Minister boys at the Deadwood, McGuigan at the Independence, and Williams at the Wild Horse. None of these men think the strike at Colorado City will extend to this district.

At 7.30 p. m. I went to the union meeting. The ballot was open to-day from 1 until 8 p. m. (at union hall) for the purpose of voting on the compulsory insurance now existing at the mines of the district, to determine whether the union submit to being compelled to pay the present rate of insurance, 3 per cent, or not. I heard several people say to-night that the Woods people are the only mine owners of the district who compel their employees to pay this insurance, and that at other mines it is optional with the men employed. This balloting will be continued next Saturday, February 28, 1903.

At 7.30 p. m. lodge opened in due form, with an attendance of about seventy-five members. There were three initiations. After nominating officers for the ensuing term the lodge proceeded to the regular dispatch of business.

There has been a standing committee for some time for the purpose of waiting on some of the mine superintendents in regard to working their men overtime. During the past week the committee waited upon the management (so they said) of the Gold Coin, Independence, and Portland mines. The committee reported that the management of these properties promised them that they would not have their men work overtime except when really necessary. The committee's report was received and the committee discharged.

After the regular business was disposed of Mr. Mangon and John C. Sullivan, president of the State Federation of Labor of Colorado, addressed the meeting. Mangon was in Colorado City in charge of the striking mill men, I believe, from Sunday last until Wednesday last, at which time he was relieved by a Leadville man named, I believe, Burr or Berg. I could not exactly understand the name, but think it is Burr. Mangon stated that since the men went on strike at the mill there has been something like 150 men who have joined the mill men's union at Colorado City. He said that he (Mangon) and Charles Moyer, president of the Western Federation, held a consultation with Mr. Fullerton, of the Telluride Mill, and that Fullerton made more concessions to them than they thought he would make. Fullerton told them (so Mangon said) that he will not discriminate against any man, let him be union or nonunion, and that he (Fullerton) will not pay his men less than $2 per day. Mangon said that MacNeill is a s. o. b., and that he (MacNeill) may wish before this trouble is settled that he had not started anything.

Mangon said that he talked with an engineer who switches the ore to the mill where the men are on strike, and the engineer told him that the railroad men are ready to quit pulling ore to this mill at any time that their union (the railroad men's union) says "stop."

Mangon said that the Federation will not call the miners of this district out except as a last resort, but if the trouble can not be adjusted in any other way, that the men of some of the mines here will be called upon to stop work. He named as the principal contributors of ore to the United States Mill, the Strong, Independence, and Hull City mines. He also said the coal miners are ready to make a stand for the mill men whenever they are called upon to do so.

Sullivan made quite a *lengthy speech, but confined his talk mostly to bills which are now before the legislative body, the eight-hour bill being the principal one.* He told the union that the only hope he has for the men at Colorado City to win out is for the smelter trusts and the Mine Owners' Association to hitch on the treatment and handling of ore. He (Sullivan) further said that if the miners of this district should be called out, that they will stand as a unit in behalf of the strikers at Colorado City. He said, too, that the present legislature will pass no law which will better the condition of the working people, and that all trusts and combines are against organized labor, and especially the Western Federation of Miners. At 11.20 p. m. lodge adjourned to meet next Saturday evening at 7.30 p. m.

Charley Stuart and I took a drink at the Monarch, and I discontinued.

Yours, respectfully, ——— ———

NO INCRIMINATING EVIDENCE.

This report shows nothing to have occurred which required the presence of a detective in order that he might protect the world from some devilish plot. And this is what Morris Friedman, the former confidential secretary to James McParland, has to say about this feature:

As a matter of fact, if the files of the Pinkerton agency were examined to-day, not a report would be found showing a single item of actual incriminating evidence against the miners, unless it is a crime of itself for workingmen to come together and transact ordinary lodge business.

Let me quote further from Mr. Friedman's book, and let me add that what he has written and what I shall present to this House has never been denied, although it has been circulated from one end of this country to the other and was offered in evidence in the Haywood trial at Boise last summer, and has ever since gone unrefuted. Mr. Friedman says:

"After the State troops had been in Colorado City for about two weeks the governor, fearing they might die of ennui there, recalled them to Denver and appointed an advisory board to try and settle the trouble by arbitration.

"The board succeeded, after considerable work, in patching up a truce between the Federation and Manager MacNeill, and Mr. MacNeill was given until May 18, 1903, to carry out the articles of agreement. The terms of settlement were recognition of the union, an eight-hour day, a small increase in wages, and reinstatement of all old employees.

"When it became known that an agreement had been reached there was much rejoicing all over the State, and everybody prepared for an era of prosperity and happiness.

"But there were five elements which were a bar to the continuance of peace: Manager MacNeill, who had no idea of keeping faith with his men; the agency, which preached war to the knife against the Western Federation of Miners; Governor Peabody, who at best was a toy in the hands of corporation managers; the Cripple Creek Mine Owners' Association, which was leagued to crush the Federation of Miners, and Sherman Bell, adjutant-general of the State of Colorado.

"Manager MacNeill openly violated his agreement with the Western Federation of Miners from the very start. *He compelled his men to work ten and twelve hours a day, refused to increase their wages, and only reinstated such of his former employees as were willing to quit the union.*

"Mr. Moyer sent a committee to Mr. MacNeill to straighten matters out, but it met with signal failure, as Mr. MacNeill was absolutely immovable.

"We will for the present follow up the progress of the strike and the work of the agency in Denver. The work of No. 42, who is the central figure of this chapter, is the more interesting because, to a great extent, he *was working under the personal direction of Manager James McParland.*

"Shortly after the walk-out at the Globe and Grant smelters, General Manager Guiterman applied to the agency for a competent *operative to fraternize with his striking employees, keep him informed and try to weaken the strike.* The agency said it was a hard matter to place an operative in a locality where a strike was in progress. Yet they would endeavor to comply with his request. The agency chose for this work A. W. Gratias, known as No. 42.

"When detailing him on this operation, the agency did not think he would ever make good, and the only reason they sent No. 42 was that he had just got through with an operation for the Union Pacific Railroad, and no other operative was at liberty at the time.

"No. 42 *was an exceptionally bright operative, and quickly adapted himself to the situation.* And so shrewdly did he conduct himself, that in a few weeks he was invited to join the union, and a short time after was an influential member.

"The agency was now in a position to render Mr. Guiterman good service, and Mr. McParland himself drew up the instructions for No. 42. To begin with, *the operative was instructed to create trouble between the leaders of the union.* This he accomplished, and soon the union was divided into a number of hostile camps, the operative being strictly neutral, which so strengthened his position with the men that he was in a *short time elected recording secretary.*

"As secretary the operative knew in advance everything the union intended to do, and as quickly as he learned something he communicated it to the agency, and the latter to Mr. Guiterman. The operative was next instructed to agitate the question of strike benefits among the men, so that they would demand financial aid from the Western Federation of Miners, and he was also *told to intrigue against some of the leaders, so that the union would expel them.* The chiefs being out of the way, Mr. McParland hoped that the rank and file would call the strike off.

CAUSES DISSATISFACTION BY TRICKERY.

"The following report of No. 42 will show how he endeavored to carry out these instruuctions:"

DEAR SIR: Operative No. 42 reports:

DENVER, COLO., *Tuesday, September 29, 1903.*

I reported at the office and received instructions to speak to the members of the smeltermen's union in a careful way, and try to make them believe they are entitled to some money or some benefits from the Western Federation of Miners, to cause them to become dissatisfied, also to do what I can to get D. B. Smith out of the union.

I went to Globeville and visited nearly all of the saloons there. I found very little doing. I met Alden at Vogt's saloon. Alden told me he met a man yesterday who wanted to go to work in the Globe smelter. This party did not know Alden was a union man. Alden told him he was thinking of going to work himself. Alden said: "He told me to meet him this morning at 5.30 and we would go in together. The son of a gun did not show up this morning. If he had, I'd have fixed him so that he would be in the hospital now. I wanted to get him out alone, having had no chance at him yesterday."

At Predovich's place this evening I mixed with several of the boys. Frank McNamara was there. Policeman Malone spent an hour there, drinking and talking with the boys. Predovich called Malone out. They went out, talked for fifteen minutes, then came back. I do not know what they talked about.

I walked with Alden this evening. He told me that the Allen and Stewart combination, that are trying to get Smith out are also trying to get him, Alden, out. Alden said: "I have done more for this union than any other man in it, and now this is what I get. I led that attack on the smelter on July 3d. I made the watchman open the gate, and told him if he dared to blow that whistle I'd kill him. You bet he did not blow it. Mike Golden was with me. We went in the engine room, and it was Golden that pulled the whistle. Mike Golden is in California. They are looking for him, but he got away from them."

Alden is dissatisfied with the way things are run. He expected to get $2.50 a day, and as he is only getting $1.50 he is angry. He said: "If they try to run me out of this union, I'll make them feel sorry, if I have to kill a couple of them."

I discontinued at 9 p. m.

Yours, respectfully, ——— ———.

"In the course of time the operative became so popular with the men that toward the end of the fall, 1903, he was appointed chairman of the relief committee.

"Mr. McParland now instructed the operative to make the bills for relief as large as possible, so as to drain the treasury of the Federation. The operative followed instructions so faithfully that the relief bills soon amounted to a little over a thousand dollars a week. He not only supplied the men with necessities, but even with luxuries and cash to spend.

"The operative's extreme liberality endeared him to the men, who rewarded him by electing him president of the union. We now see the unique spectacle of a Pinkerton spy, under the direct orders of Manager McParland, as president of a Western Federation of Miners' local union, and directing a bitter strike against the smelter trust.

"On his elevation to the presidency the operative did not relinquish his position on the relief committee, nor would the men have permitted him to do so, as they were perfectly satisfied with the way the operative squandered the money of the Federation.

"In this way the strike dragged on for months, with no prospect of a settlement.

ALMOST CAUGHT, BUT QUIETS SUSPICION.

"Along in May, 1904, some careless remarks of Mr. Dennis Sheedy, one of the directors of the smelting company, made the men believe that there was a spy in their midst, but the operative managed to lull these suspicions to sleep, and an investigation which was pending was dropped. The following report treats of this matter:

DEAR SIR: Operative No. 42 reports:

DENVER, COLO., *Saturday, May 21, 1904.*

I went to Globeville this morning and spent the day at various saloons, mingling with the union men.

I overheard three men talking of the murder of private detective Gregory. They expressed great satisfaction that he was killed, and said his slayers were good union men, and will get more before they finish. One of these men was Charles Nyburg. I did not know the names of the other two.

I met T. R. Stuart this afternoon. He is one of the prominent members of the union. He worked in the smelter as a carpenter. Of late he has not been so active in union matters. He told me he came to Globeville to see how the union men are getting along. Stuart is a great Democrat. He said, "Well, we won the election; now, do you think the company is going to do anything?" I said, "No, I do not. I feel sure they are not going to do anything this summer. It is doubtful, in my mind, whether they will ever do anything, but if they do, it will be many months hence." Stuart said, "Well, I guess we will have to wait until next fall, and then we are going to win, because the State is going Democratic by 20,000." I asked Stuart how the Globe smelter is running, and he said he did not know, but from what he heard they are having a hard time to get and keep experienced men.

I saw Amos Shreve this evening, and talked with him about the leak in the union. Shreve said he did not positively know whether there was a leak or not. He said, "The men that brought this thing up have only circumstantial evidence that some one is giving these things away. They have not said a thing that proved that we have a traitor in the union. Mr. Sheedy could very easily go to the First National Bank and there find out what our bills every week are." Shreve said he is beginning to believe it is all a mistake, and that there is no one in the union who is betraying them. We talked for some time and I agreed with Shreve that it probably is all a mistake.

I called on B. P. Smith this evening at his residence. He had company, and I only stayed a little while. Our conversation was general, and in the presence of others.

I discontinued at 10 p. m.

Yours, respectfully, ——— ———.

"As the annual convention of the Western Federation was about to take place, the operative was instructed to become a delegate, if possible; and he was so well liked and trusted by the men that he was almost unanimously elected to represent Mill Men's Union No. 93.

REPORTED DAILY ABOUT CONVENTION.

"The convention took place in Denver, and the operative, therefore, communicated the proceedings daily to the agency, who sent them by special delivery to Manager Guiterman.

"Strange though it may seem, the convention did not authorize a single murder, nor did it order the destruction of any property. The following two reports are a fair sample of the proceedings and deliberations of the convention as seen by a wolf in sheep's clothing:

DEAR SIR: Operative No. 42 reports:

DENVER, COLO., *Wednesday, June 1, 1904.*

I went to the Western Federation of Miners' convention this morning. Discussion was resumed of increasing the per capita tax to make the $300,000 fund mentioned in my report a few days ago. They debated on this all forenoon, and on opening this afternoon the resolution was voted down. A majority of the delegates voted for the resolution, but it requires a two-thirds vote to change the constitution of the Federation, and as there was not two-thirds who voted for it, it was lost. There was nothing important brought out in the discussion on this resolution. Those in favor claimed it would meet with more favor among the members to have the extra per capita tax than to have so many assessments, as they now have. Those against claimed the members would complain against paying the increase, and a good many would probably leave the Federation when they learned the tax is raised.

This afternoon a resolution was introduced that a committee of three be sent to Cripple Creek to investigate the strike there and report to the convention how the situation stands at present, how the strike was conducted, and how it was declared in the first place, and whether it was in conformity with the constitution of the Western Federation of Miners or not. It was then moved that before this resolution be entertained that the convention hear from the different delegates from Cripple Creek. Sherman Parker was the first man called on, but as it was 5 p. m. the convention adjourned, and Parker will speak in the morning.

I went to Globeville and prepared the relief books for to-night's meeting, then went to the regular meeting of the Smelter Men's Union. There were 22 visiting delegates from the Western Federation of Miners' convention present and 37 of the local members. The relief bills paid amounted to $347.60.

The following delegates spoke: W. F. Davis, A. G. Paul, W. A. Morgan, and Sherman Parker, of Cripple Creek; I. H. Davis and Henry Gibson, from South Dakota; Garrison and Edwards, from Colorado City; Charles E. Maloney, C. P. Maloney, F. L. Rebar, W. T. Stoddard, and Malcolm Gillis, from Butte, Mont.; J. B. Fulber, of California; T. McGraff, of Wyoming; Stewart Forbes, of Telluride, and Lane, of Nevada.

The talk of these delegates took some time, though they all spoke on about the same lines—that is, they all flattered the Denver Smelter Men's Union on the record they have made in their strike. Some of the outside delegates said they were told that a less per cent of the men of the Denver Smelter Men's Union have gone back to work than has ever been heard of before in any strike that has been out as long as the smelter men have. Each delegate, before he finished his address, promised the smelter men that the fight of the smelter men in this strike was also their fight and the union he represents, and that they would stand by the Colorado mine, mill, and smelter men in this eight-hour struggle to the end. Some told the smelter men that whatever they do, don't give up the fight, and in the end they will win.

The delegates from Butte, Mont., who are representing the unions that have given the most money toward the support of the Colorado strikers, expressed very forcibly that they believed the strike here was just, that they were heart and soul with the strikers, and will continue to give them financial aid until the strike is won.

Malcolm Gillis, of Butte, Mont., made a good, strong speech, upheld President Moyer for the stand he has taken in the Colorado troubles, condemned Governor Peabody, although he, Gillis, is a Republican, and said, "Butte is with you to a man, and I want to say you are going to win. All I ask you to do is, stand together in the future as you have stood in the past."

Most of the outside delegates said they knew nothing of the strikes in Colorado, comparatively, until they arrived in Denver, but since attending the convention they have learned considerable.

The visiting delegates left at 11.30 p. m., and our union adjourned immediately after.

I discontinued at 12 midnight.

Yours, respectfully, ——— ———.

DENVER, COLO., *Thursday, June 2, 1904.*

I went to the meeting of the Western Federation of Miners' convention to-day. The Cripple Creek strike was discussed this forenoon. Sherman Parker, of Cripple Creek, was the principal speaker of that district. He began by relating the condition in Colorado City in regard to the mill men there in the early part of 1903. He stated that the cause of the Colorado City strike was discrimination against the union men; that the Colorado City strike was the beginning of the present Cripple Creek strike. He said the Cripple Creek miners are not only fighting for eight hours for the mill men, but are fighting to maintain the present scale of wages. He explained that it was the intention of the mine owners to reduce the wages, and in order to do so they realized that they would first have to drive the Western Federation of Miners out of the district. In explaining the present strike conditions in the district, Parker said there were between 3,000 and 3,500 men that went on strike; that at present there are from 900 to 1,000 men and their families getting relief from the Western Federation of Miners. Eight hundred union men are working on fair properties, and 300 of the union men that went on strike have gone back to work and are scabbing now.

Parker explained the conditions the miners are in at the present time. Not being familiar with mining at all, and as I could not write down anything while in the convention hall, it is impossible for me to remember enough to report on this fully. However, Parker and the other Cripple Creek delegates that followed him explained to the convention that the mine owners are in a very bad way, and are almost whipped to a certainty. Parker and his colleagues all said in concluding their remarks that they are going to win out in Cripple Creek whether the Western Federation of Miners stands by them or not.

The delegates, especially those from Butte, were much interested and repeatedly interrupted the speakers by asking them questions when they did not thoroughly understand.

A committee of three were appointed to go to Cripple Creek and investigate into the situation there and report back to the convention. R. E. Allen, H. C. Seaman, and Malcolm Gillis composed the committee. They will leave on the 3.45 train this afternoon. Secretary Haywood asked that the executive board be given permission to select a member of the Cripple Creek delegation favorable to them to accompany this committee to Cripple Creek. The permission was given, and I learned later that Sherman Parker was selected.

A resolution was then introduced that a committee be sent to Telluride for the same purpose. It was then decided that they hear first from the Telluride delegates. They now adjourned for noon, and resumed at 2 p. m.

The principal speaker from Telluride was Stewart Forbes. He went into the details that led up to the Telluride strike. He explained how the union men were treated by the authorities. He also explained that it was the mill men there that caused the strike. He said that the mines there were not working successfully with the scabs they have at present. He stated that 75 per cent of the mill men have gone back and are scabbing. The Telluride delegates expressed themselves as the Cripple Creek delegates did, that they will win their strike, and if the Western Federation of Miners did not indorse it, they would fight it alone, and win it alone.

In the questioning following Forbes's remarks it was brought out that a Mr. Cameron, an agent of the Smuggler Union Mining Company, went to Michigan and hired men to work in that company's mines; that Mr. Cameron told the men he hired that his company had nothing against the unions; that the men could join the union if they wished, and that the only trouble they had there was with the Italians, and they will never hire another Italian. He told the men they would not be scabbing if they went to work for his company. A delegate from Michigan stated he met Mr. Cameron there; that Cameron took 27 men with him from Michigan to Colorado. Among the 27 men was a man named John Junkgrist. Another delegate stated he met Junkgrist in Denver yesterday. Junkgrist just arrived from Telluride and is going to Michigan after more men. The delegates of Michigan were instructed to notify their unions to look out for this man.

Another man said he saw a man that is hiring men for Telluride. This party claimed the only trouble in Telluride is with the Italians there. The delegate then said: "This goes on to show the mine owners must be in a bad way in Telluride."

A delegate (I don't know his name nor where he is from) asked Forbes if he knew a man in Telluride by the name of Pat Harrigan. Forbes said he did. The delegate then asked if Harrigan was a Pinkerton detective. Forbes said he did not know. The delegate then said he knew Harrigan before he went to Telluride. He was then suspected of being a Pinkerton man, and since then he, the delegate, has found out that Harrigan is a Pinkerton detective. Chairman Williams then informed the speaker that he was out of order, as this did not come up

under the discussion of the Telluride strike situation. It was then decided that the Telluride matter be laid over until the committee from Cripple Creek return and make their report.

The committee on affiliation with the American Federation of Labor then reported. As it was now adjournment time, it was moved that the discussion on affiliation with the American Federation of Labor be taken up the first thing to-morrow. The convention then adjourned, at 5.30 p. m.

Joe Mehelict, of Globeville, told me to-day that quite a number of union men in Globeville have left to look for work. I asked how many, and he said he did not know; probably fifty or more.

I met Assistant Superintendent Cary this evening at 9 o'clock, and talked over my work with him, and received further instructions.

I discontinued at 10 p. m.

Yours, respectfully, ——— ———.

TRIES DISSATISFACTION BY STARVATION PLAN.

"Shortly prior to the convention, Manager James McParland changed his instructions to the operative so far as the relief work was concerned.

"The operative had reported that Secretary-Treasurer William D. Haywood of the federation was objecting to the enormous weekly relief bills, and insisting that they be reduced. Manager McParland therefore instructed that the operative cut the relief down to an extent that would almost starve the strikers, and while doing this, to throw the blame on Secretary Haywood.

"Mr. McParland no doubt felt this to be a master stroke of cunning.

"Below we quote a report of No. 42 embodying these instructions from the agency, and a statement from the operative that he would carry them out."

DEAR SIR: Operative No. 42 reports:

DENVER, COLO., *Thursday, June 9, 1904.*

I reported in the office in the morning, then went to Globeville. I talked with a number of the union men and found them very quiet on the strike situation. The trouble in the Cripple Creek district is causing considerably comment. The militia and Citizens' Alliance were scared fiercely. Nick Kekick said the miners ought to all get together, arm themselves, and go to the Cripple Creek district and run the militia out.

I went to Joe Mehelict and told him the instructions received from Haywood Monday evening. I told him that last night at the meeting. I told Malich and Smith, and Smith thought we should wait until next Wednesday before reestablishing the pickets, also that in the meantime Smith wanted to see Haywood, as he thought it unwise to do anything in Globeville on account of the trouble in Cripple Creek.

Mehelict listened attentively, then said: "Smith is afraid of getting arrested. I am not. I know what Smith wants to see Haywood for. He wants to persuade Haywood not to send the pickets out. Smith is afraid of sending them out."

Mehelict was in favor of sending the pickets out and was very angry at B. P. Smith, thinking that Smith did not want to send the pickets out. Mehelict later said that if it had not been for B. P. Smith, this strike would have been settled long ago. He said after the strike had been declared, Smith told the men the strike would last some time, and told them not to wait around here, but get out and find work elsewhere. Mehelict said the result was all the good men left, and they had no one to do the picket work.

I met Steve Stucka this evening. He asked me if I thought the strike would be settled soon. I told him I heard nothing of a settlement or anything that would indicate a settlement; that the strike would last a long time yet, also that I believed the union will have to give up by next fall, if we did not win by that time.

Now, that the convention is over, I will again take personal charge of the relief work and will carry out the instructions I received from Mr. Cary about a week ago in regard to cutting down the relief as much as possible, so as to cause dissatisfaction, and get the men against the union.

I will put the blame for not giving the men more relief, as much as I can, on W. D. Haywood, by saying I am carrying out his instructions.

I discontinued at 9 p. m.

Yours respectfully, ——— ———.

"But Mr. McParland was mistaken. The men chose starvation and idleness rather than starvation wages for twelve hours' work at the fiery furnaces of the smelters.

"Month after month went by, and yet the men stayed out, until, wearied with the hopeless struggle, the union, after a two-year fight, called the strike off and permitted its members to resume work. This defeat of the union was due, not so much to the work of No. 42 as to the occurrences in the Cripple Creek district during the closing months of 1903 and the summer of 1904."

DISASTER TO THE COAL MINERS.

John Mitchell, the retiring president of the United Mine Workers of America, found out how two Pinkerton operatives, by posing as bona fide coal miners and using the United States mails as a secret means of communicating with the mine owners and the detective headquarters, could thwart every move of the United Mine Workers to organize the Southern Colorado coal mining district. President Mitchell lost the fight, and I would like to tell the story of how it was done. The Colorado Fuel and Iron Company, operating chiefly in Fremont and Las Animas counties in southern Colorado, had a system that discounted any one of the United States mints for turning out money. Once in a while a miner of the Colorado Fuel and Iron Company got a wage as high as $2 a day. For this wage he received a piece of scrip that entitled him to $2 worth of stuff at one of the stores of the Colorado Fuel and Iron Company. This system made it impossible for a miner to accumulate any money. The miners were unorganized, and so were helpless. The company realized why they were helpless and determined that they should remain so. The company first had deputy sheriffs appointed, whose duty it was to watch all newcomers and prevent any organization talk or agitation among the men. This method, however, was not calculated to keep out the secret propagandist, so the company asked the Denver Pinkerton agency for operatives who could do the business while working as practical coal miners. On this job were detailed J. Frank Strong, No. 28, whose vineyard was to be Fremont County. In Las Animas County Robert M. Smith, No. 38, undertook to keep the miners from organizing, and peculiarly, these two operatives were not known to each other. Strong was detailed to take care of and watch John L. Gehr, a member of the national executive board of the United Mine Workers of America. Smith's task caused him to establish intimate relations with William Howells, president, and John Simpson, secretary, of District No. 15, comprising the Colorado division of the United Mine Workers. These two operatives, Strong and Smith, by means of these methods, found out every move of the United Mine Workers' officials and reported promptly to the company and to the headquarters in Denver. Once when Gehr was going to Trinidad to direct an organizing campaign, Operative Smith learned of it and met Gehr, whom he knew well. Operative Strong also knew of the contemplated mission and was on hand in Trinidad, too. There he had the pleasure of meeting his copartner in detective work, Gehr introducing the one to the other, ignorant of the fact that he was in the presence of his two worst enemies. This letter will furnish a description of the meeting of these two men. The report is by Smith, and here it is:

DEAR SIR: Operative No. 38 reports:

TRINIDAD, COLO., *Wednesday, February 25, 1903.*

After having breakfast, Curtis and I started out to hunt John Gehr at the Trinidad Hotel, where he stays. We learned that he had not gotten up yet this morning. We then sat around the barroom a while, when, as he had not shown up yet, we went up to his room and found him awake but still in bed. He, however, invited us in and was both surprised and glad to see us. Then, after exchanging greetings, he got up and dressed, and invited us to accompany him to another room where, he said, he wanted to introduce us to a friend. He introduced us to a Mr. J. Frank Strong, who comes from Fremont County, and from Gehr's home local, and was a candidate for district secretary against Simpson last fall. Gehr introduced Strong as his best friend. We talked until Strong was dressed, when we went down into the barroom, where we had drinks, after which Gehr and Strong went to breakfast. Curtis and I went up to the county jail to see Jim Ritchie, promising to meet Gehr and Strong again on our return from the jail. After visiting Ritchie, we returned down town, and at the Horse Shoe Club we met Gehr, Strong, Frank Hefferle, and several other men from Majestic. We learned that they were to attend a trial. It appears, that a fellow who is cooking at the boarding house at Majestic got a valentine recently that did not suit him, and he blamed Hefferle for sending it, and told Hefferle that if he did not get out of camp immediately he would kill him. Hefferle had him arrested and the trial was to take place to-day, and they had sought Gehr's counsel. He was trying to settle it out of court, which, I believe, he finally did with the assistance of Curtis. At the first opportunity I began to sound Gehr with regard to these two organizers mentioned in a letter to me; but if they are here he would not let anything out to indicate that he knew anything about it. I did not, however, ask him outright if they were here, but if they are here he could gain nothing by not telling me so, so I will surely find them out. Generally, Gehr is as open as a book on such matters with me, which leads me to believe that if these organizers have been ordered here they have not yet arrived, or at least have not made their presence known to Gehr. However, he did tell me that he had been informed that James Kennedy had got a commission, and was going to assume his duties on the 1st of March. I can now see that there is going to be a clash of authority when Howells returns here, as he and Gehr have exactly opposite views on the system of organization. Gehr is bitterly opposed to the group system, and Howells thinks it is the only way to organize District No. 15. Gehr said that when he came down here he had not intended to remain here, but had simply intended to see how things were going, and then return North and go into Wyoming, but he had found the Trinidad local in such a dilapidated condition that he had decided to remain here and try to put it on its feet again. He then went on to criticise old Bill Howells for letting the local go to pieces after he (Gehr) had laid the foundation for the best local in the district. I then asked him if the national officers had promised anything for District No. 15 while he was back there in attendance at the convention. He said they had not promised him very much, but he felt that whenever we could convince John Mitchell that we had restored harmony in District No. 15, and were all working together, we could safely expect something from the national. We then all went to dinner and I saw no more of Gehr until after supper, and then the talk was almost entirely on Jim Ritchie's case, and the one between Hefferle and the other fellow. At 10.30 p. m. I left Gehr and went to my room and retired for the night.

Yours, respectfully, ——— ———.

In some unaccountable way the miners succeeded in organizing a half-hearted union known as District No. 15. This district held a convention in Pueblo in September, 1903. Robert M. Smith, operative No. 38, sat in that convention as a delegate from the southern local. Every day he made a report of the proceedings to the mine owners and to the Denver agency.

Here are the reports, and they show that the coal miners realized that some greater activity must be indulged in, else their organization could not much longer exist:

DEAR SIR: Operative No. 38 reports:

PUEBLO, COLO.,
Thursday, September 24, 1903.

The first thing that took place this morning was a lengthy discussion as to whether the press reporters should be allowed in the convention. Howells contended that the more publicity we gave our deliberations the better, as it was the public mind we wanted to reach, and it was finally decided to let the reporters remain as long as they reported truthfully the actions of the convention, but that on the first false report going out the reporter giving it and the paper he was working for would be excluded from the convention. The president's report was then read, and dwelt principally upon the efforts that had been put forth within the last year toward the organization of District No. 15, and the almost utter failure of the efforts. It also dwelt at some length on the efforts of himself and others to get a meeting with the operators of District No. 15, to adjust an equitable wage scale, and its failure also, and he offered some recommendations as to his views with relation to precipitating a strike in District No. 15, which all present seemed to fully concur in. The sentiments of all delegates present, except John Gehr and Jim Ritchie, are enthusiastically in favor of a strike, and they are anxious to see it declared as soon as we get a substantial promise from the national that we will be supported. Jim Ritchie offered a resolution to the convention commending the striking miners at Cripple Creek and roundly condemning the governor and Sherman Bell. The resolution was referred to the resolutions committee. There was then a committee chosen consisting of Smith of Erie, Colo.; P. P. Mort, of Colorado Springs; J. L. Campbell, of Fremont County; James Kennedy, national organizer, and William Price, of Palisades, to draw up a wage scale to present to the operators for adoption, and if they refused to consider it, it would be placed before the national executive board for their approval; and if they approved it, a strike would be called immediately after the national executive board meeting, October 5. There was a telegram from an operator at Port Smith, Ark., to the effect that 500 union coal miners could get work at once in that vicinity. The dispatch was heartily applauded. The convention then adjourned at 5.30 p. m. until 9 a. m. to-morrow, and after supper myself, Jim Kennedy, William Price, State Labor Commissioner Montgomery, Mr. Hamilton, organizer for the American Federation of Labor, and several other delegates started out to take in the town. Montgomery told me he was here as a personal representative of Governor Peabody, and he could say that we miners had the sympathy of the governor, and that we had his (Montgomery's) full sympathy, and he would use his full influence to keep the governor on our side, and he considered his influence with the governor pretty strong. Hamilton substantiated his statements, and said he believed the coal miners were fully justified in their demands, and the governor thought so too; but, of course, the delegates are a little skeptical in accepting such statements in view of the prevailing conditions at Cripple Creek, and also the fact that Montgomery was somewhat intoxicated when he made the statements. He said he was going to address the convention while here, defining his position, also that of the governor, toward the coal miners of Colorado. We were out until after midnight when we retired for the night.

FRIDAY, *September 25, 1903.*

This morning the scale committee offered the following scale for consideration and ratification of the convention:

Demand No. 1, an eight-hour day; No. 2, semimonthly pay day; No. 3, abolition of the scrip system; No. 4, better ventilation in mines; No. 5, 20 per cent advance on all contract mining; No. 6, that all company or day men receive the same pay for eight hours as is paid now for ten hours. This caused a lengthy discussion, F. P. Mott, delegate from the Springs, taking the stand that the various unions in El Paso County had already presented their yearly agreement to the operators of that place for their ratification, and that they had until October 1 to sign up, and that this scale would abrogate the El Paso miners' contract and would place them in the position of repudiating their own contract, but he was finally convinced that the fifteenth district was larger than El Paso County, and that legislation at a district convention took priority over any local or subdistrict contracts or legislation. Then John Gehr took a stand in opposition to the scale, saying the operators would never agree to it, as it was asking entirely too much, and would surely cause a strike if we tried to enforce it. He was opposed by all the delegates, except Jim Ritchie, with the argument that it was not too much to ask, and they did not care if it did cause a strike, as they practically had the assurance that the national board would indorse it and support them in case of a strike. Gehr then said he, as national board member and the proper one to place said demand before the national board, would not carry such a demand before said board, as he did not consider it a fair demand or entitled to the consideration of the national board, and did not think we stood 1 chance in 100 in enforcing such a demand, even by striking, and he did not favor a strike anyway until we were more thoroughly organized. The fact was pointed out to him by Kennedy and others that we could not continue the organization under the tyrannical methods employed by the operators at all the camps in the South, and that he was a servant of District No. 15, and would have to carry out the demands of District No. 15 or cease to work for District No. 15, but if he would not carry the demands of District No. 15 before the national that Con Kelleher would. Kelleher had already signified his willingness to do so. Gehr was drunk all through the sessions of the convention, and he left the convention in a rage, and the demands were fully ratified and ordered printed and a copy ordered sent to each of the coal companies operating in District No. 15. This took up the time until noon and was not finished until some time in the afternoon. Then Con Kelleher gave the convention an address, reiterating the statements made to me several days ago, and which I reported at the time, that John Mitchell had instructed him to make the fact that he had met and conferred with John Mitchell as public as possible, and that Mitchell was going to convene the national executive board October 5 for no other purpose than to consider the grievances of District No. 15, and he had instructed him (Kelleher) to return to District No. 15 and have the convention draw up a scale and come to the national executive board meeting and lay the scale of District No. 15 before that body, and John Mitchell had as good as told him he thought the fight of District No. 15 would be taken up by the national. He also said he had talked with a number of the operators of Missouri while there, and all of them begged him to send all the men to them he could in case Colorado came on strike. This news was received with applause. This and minor matters consumed the balance of the day, and at 5.30 the convention adjourned until 9 o'clock to-morrow. After supper I undertook to write up my report, but was interrupted several times, and when I finished yesterday's report I gave it up and went out with a number of the delegates and took in the town until about midnight, when we returned to the hotel, and I soon retired for the night. The sentiment of all the delegates with whom I discussed the subject was that there never was a more opportune time than now to make such a demand as we were now making, and they all thought that with the support of the national we ought to win in a great measure, at least.

SATURDAY, *September 26, 1903.*

This morning there was a resolution introduced condemning John L. Gehr for an article which appeared in the Pueblo Chieftain this morning, which is attached. This caused quite a wordy battle in the convention, as in the original resolution there was a paragraph to the effect that Gehr was continually intoxicated. Moran, Ritchie, and Tom Hurley said that while that was the truth, it was putting it too strong to the public, and Jim Kennedy, Julian Gradel, and a number of others said it was not strong enough, as he deserved greater censure for what he had done. The resolution finally passed with the clause pertaining to his intoxication stricken out. Gehr was not present, having gone home last night. This was one of the reasons given by Jim Ritchie for fighting the resolution. There were several resolutions of minor importance, also several minor amendments to the constitution submitted and passed, which took up the time until the noon adjournment, and the first thing after reconvening in the afternoon, Charles Moyer, president of the Western Federation of Miners, was introduced and spoke at some length on trades unionism, socialism, and the Cripple Creek strike and militarism, and in conclusion said he believed the Western Federation of Miners would eventually win their strike, and he hoped the United Mine Workers of America would immediately demand the eight-hour day, which, he believed, would strengthen the position of the Western Federation of Miners; and he hoped the United Mine Workers of America would succeed in forcing the autocratic operators to comply with their demands, and that they had the sympathy of the Western Federation of Miners and any financial aid that the Western Federation of Miners could give them. John C. Sullivan, president of the State Federation of Labor, was then introduced and talked at some length on the failure of the fourteenth general assembly to pass the eight-hour bill and said he believed that the only eight-hour bill which would stand was the eight-hour bill passed by organized labor—by refusing to work longer. He also went over the Cripple Creek situation and predicted the ultimate success of the strikers, and said he hoped the United Mine Workers of America would get some concessions from the operators, but he was afraid it would take a strike to bring these same operators to their senses, and that the United Mine Workers of America had the entire sympathy and moral support and whatever financial aid the State Federation could give. At the conclusion of Sullivan's remarks a resolution was introduced declaring for a free interchange of transfer cards with all legal unions, which, after some discussion, passed.

The resolution condemning the governor was then taken up and unanimously passed. Then the grievance of the locked-out men at Rugby was taken up, and, after some discussion, there was a resolution passed that the district give Rugby $100 now and that each delegate on his return home request his union to donate $5 and as much more as they can spare to reimburse the district treasury, and that if more than $100 comes in from this call the excess is to be given to the Rugby union. The canvassing board then declared the following officers elected for the ensuing year: National executive board member, James Kennedy; district president, William Howells; district vice-president, James Graham; district secretary-treasurer, John Simpson; district executive board member for subdistrict No. 1, Charles Billington, Louisville, Colo.; subdistrict No. 3 I did not get; subdistrict No. 4, Robert Beveridge, Aguilar, Colo.; subdistrict No. 6, Frank Hefferley, of Blossburg, and Mr. Harlem were nominated and referred to a referendum vote of the subdistrict for a choice, this being a newly created subdistrict taken from subdistrict No. 4. After deciding by vote to hold the next annual convention in Pueblo the third Monday in September, 1904, and having a few short talks from the newly elected officers, the convention adjourned sine die, and after supper the entire crowd of delegates took in the town together until about 10 p. m., when they began leaving for their respective homes, and at 1.30 a. m. I took the train home, where I arrived at about 6 a. m.

Yours, respectfully, ——— ———.

MITCHELL ACCEPTS CHALLENGE.

The miners having concluded, as these reports show, that a solid stand for their demands was all that could save their organization, it was decided that they should call upon John Mitchell, president of the United Mine Workers of America, so they implored him to come to their assistance. President Mitchell listened to their plea, and telegraphed the officials of the Colorado Fuel and Iron Company, asking for a conference in order that they might take some steps toward adjusting the differences between the miners and the mine owners. The following telegram was sent by an official of the company to Mr. Mitchell:

DENVER, *October 7, 1903.*

JOHN MITCHELL, *Indianapolis, Ind.:*

Answering your telegram of yesterday, in Mr. Hearn's absence I have to say that we have not been advised and do not believe that our miners have any desire to strike, as we have always been able to adjust directly with them any differences that exist.

We do not think your organization is authorized to represent our miners, as very few of them belong to it. If you understand the situation as it really is, you no doubt regard the inciting of any further industrial disturbances in Colorado as ill-advised and criminal.

J. F. WELBORN.

It is not necessary to go into a further history of this contest. Mr. Mitchell accepted the challenge and called the strike. Union organizers were spotted by Operative Smith and roundly beaten up at night. The coal miners appealed to Governor Peabody, and got his usual dose. Finally the governor declared Las Animas County in a state of rebellion

and sent down the troops, and the usual violence followed. At last Mitchell called off the strike, and when the militia had secured a complete victory the coal miners' union had ceased to exist.

President Mitchell then decided to try to organize the district through secret means. In casting about for a likely man, he found Pinkerton Operative Robert M. Smith, chief cause of all the previous trouble, but as yet not revealed in his true character, and so he appointed Smith as district organizer, with the result that the whole movement was paralyzed. That is the story of one Pinkerton operative's work. Here follows some letters of the same kind, taken from the Miners' Magazine published at Denver, Colo. These letters are of recent date.

WORKING AT SAME OLD TRADE.

George W. Riddell, known as operative No. 36, and one of the slickest gentlemen ever sent into the West by the Pinkerton agency, was operating in Eureka, Utah, during January and February of last year, and I am going to quote some of his letters to show that he was at the same old game. Riddell was the man picked by McParland to ferret out the "inner circle" in the Western Federation of Miners. Riddell did not ferret out anything, and he said so on the stand in the Haywood trial, but that did not keep him from continuing to use the United States mails to transmit intelligence fraudulently received. Here are five of his reports from Eureka, Utah:

DEAR SIR: No. 36 reports:

EUREKA, *Sunday, January 20, 1907.*

To-day I was around the streets and saloons all day. Vance went to Payson to-day and no one was at the union office.

To-day was change day at the mines and the first nice day we have had this year. All the miners were around the streets and the saloons and I talked with a good many of them about their work, the condition of the mine, their bosses, etc. Only one of them, "Mickey" Sullivan, an employee of the "Blue Rock," had anything of interest to say. He told me everything at the mine was running smoothly; that Wes. Martin was doing more union agitating than any other two men on the "Blue Rock;" that John Endlund was a nice man and did not have it in for the union; that if Henry Larsen had Endlund's job he would fire every union man on the mine if he could; and that all the bosses at the mine were well liked by the men excepting Walter Suggs, and the reason they did not like him was because he was too much of a sucker and ran to Brown with everything he heard. Sullivan's job at the "Blue Rock" is general handy man, helping surveyor, etc.

Lund, the contractor for the union hall, was in town to-day. He expects to remain several days and try to straighten out the union hall tangle.

Respectfully submitted. ——— ———.

DEAR SIR: No. 36 reports:

EUREKA, *Saturday, January 26, 1907.*

To-day I was at the union office and around the saloons all day. There was nothing new of interest going on around town to-day nor at the union office. None of the men from the Blue Rock or other mines had anything of interest to say about the mines they were working in.

At the union meeting this evening about 100 members were present and two new members were initiated. The union decided to hold the demonstration meeting on February 17, even if they could get no outside speakers, and let local talent do the talking. Russell, Vance, Riddell, and Cramer were selected to enlighten the citizens as to the truth about the arrest of the W. F. M. officials in case no outside speaker could be secured. The union will purchase 1,000 copies of Justice McKenna's dissenting opinion in the Moyer-Haywood cases; also will get 1,000 copies of the anniversary edition of the Appeal to Reason, which will be distributed around the district. The union will also contribute the proceeds of its annual ball to be held February 8 to the defense fund, and will take up a subscription at the mass meeting to help swell the amount. Russell, Vance, and Cramer read articles from the Miners' Magazine and the Appeal to Reason relative to the Idaho cases, and endeavored by comments on them to stir up the membership of the union and make them feel that it was the duty of each and every one of them to do all in their power to liberate these men.

After the meeting I was around the saloons with Vance, Simpson, and others until 11 p. m., but learned nothing further of interest.

Respectfully submitted. ——— ———.

DEAR SIR: No. 36 reports:

EUREKA, *Friday, February 1, 1907.*

I was around the union office and saloons all day talking with Vance and other union leaders and miners. Cassidy, superintendent of the construction for the Bell Telephone Company, is trying to get Vance to take the position as local manager of the company. Vance came to me to-day, asking me to advise him whether to accept the position or not. I advised him to accept the position at once; told him he had a chance to better himself, and was always sure of a position with the company if he gave satisfaction; told him that the longer he worked for the union the worse he would be off, etc. He seemed to think my view of the matter was correct, and said he would talk the matter over with his wife and very likely take the position. I will do all I can to influence him, because there is no question but what he can be reelected as secretary of the union if he cares to run for the office.

There was nothing going on around town to-day which was of interest, and none of the miners I talked with had anything of interest to say about the Blue Rock or other mines.

Respectfully submitted. ——— ———.

DEAR SIR: No. 36 reports:

EUREKA, *Saturday, February 2, 1907.*

I was around the union office and saloons all day. There was very little of interest going on. I had a long talk with Vance to-day and did all I could to influence him to quit the union and take the position as manager of the Bell Telephone Company. I think he will take the place. With him out of the way I think the union will lose part of its membership and will be much more conservative. The union has no other member who will be as capable in the position as Vance is.

This evening I attended the regular meeting of the miners' union. About 100 members were in attendance. Three new members were initiated into the union. There was no business to come before the meeting. Several of the members made short speeches on unionism and socialism. Nothing else of interest occurred at the meeting.

After the meeting adjourned I was around the different saloons until 11 p. m., talking with different miners about the Blue Rock and other mines. None of them had any complaints to make about their work or their bosses, and according to what they say, everything is running smoothly at the Blue Rock and other mines. Jack Smith, shift boss at the Blue Rock, was gambling and drinking all last night and only worked one-half shift to-day. He gave as his excuse for quitting at noon, that his wife was going to Salt Lake on the afternoon train. Smith told me that his wife went on the train all right, but that is not the reason that he came home.

Respectfully submitted. ——— ———.

DEAR SIR: No. 36 reports:

EUREKA, *Sunday, February 3, 1907.*

I was around the union office and saloons all day. To-day was change day at the mines and there were a good many men from the Blue Rock around the saloons. I talked to several of them about the mine, their work, etc., but did not learn anything of interest from them.

Vance is liable to take the telephone job. He wants $90 a month and the telephone company thinks that is a little too much. They want him to take $80, and he will not do it because he makes more than that working for the union. He told me this evening that he would not take the position for a cent less than $90 per month.

I have a chance to go to work here in town attending bar, beginning with the 10th of this month. As the arsenical lead poisoning I have got will prevent me from working in the mines for at least six weeks yet, and as the work will not in any way interfere with my other work, I am going to take the job, and by so doing can get all the information they have easier than I can now.

There was nothing of interest going on around town this evening. Fifteen or twenty miners were on a drunk, most of them leasers, but none of them had anything of interest to say.

Respectfully submitted. ——— ———.

THE SAME GAME IN MINNESOTA.

Upon the Mesabi range, in Minnesota, the miners and the mine owners have been having a lot of trouble. The Pinkertons were not long in getting into the field, because it was a good thing to push along. The more enmity they could stir up, the longer they would draw money from the mine owners. Here is a dispatch to the New York Worker, which lets in a little light on the subject and shows an absolute resemblance to operations in the West:

A number of miners have been arrested and tried on various charges connected with the strike on the Mesabi range in Minnesota. Courts at Hibbing, Naswauk, and Bovey have sent a number of miners to jail without any pretense of observing legal processes. Where jury trials have been secured the men have been acquitted in every instance. Detectives of the steel trust had one miner by the name of Grahek indicted, but it required but three minutes for the jury to acquit him. The "evidence" of the prosecution was of the same character that the Pinkertons gathered in the Haywood trial.

One juryman after the trial stated that if he had been in the defendant's place, and the company detectives attempted to enter his premises in the manner done in this case, he would have filled them so full of holes that they would be unable to commit any further trespass on any person's rights. Other jurors gave utterance to similar expressions.

"GOOD PICKING" IN WYOMING COLLIERIES.

Of course, Mr. Chairman, there is not very much known about the way things were done in Wyoming back in 1903, and I would like to add that things have been going on in pretty much the same way up to now. It is a story of how the United Mine Workers of America did not get into the Union Pacific Coal Company, which has its best properties at Rock Springs, Wyo. In that story is plenty of material for a melodrama and out of what was left over one could produce a very good three-act comedy or tragedy, as he wished it, with a character that would completely overtop the renowned Raffles for cleverness in appropriating the property of other persons; that is, Thomas J. Williams, on the Pinkerton books as No. 15. How Williams, by the uttermost arts of duplicity, baffled every effort of John Mitchell to unionize that district is a long story, but the essence of it is that Williams used the mails to tip off the meeting places of the organizers, with the result that Superintendent Black of the company, or some of his assistants, were always on the ground, midnight or noon, it made no difference about the time of day, and the consequence was that the cowed miners quit right now and left the floor to the organizers. That happened so often that they gave up the attempt to organize the district. But they are trying again and they were trying last winter. Operative Williams had sought surcease from the mental ghosts of his duplicity in the cup that cheers, so Olaf E. Erickson went out there in his place and to the Pinkerton office he reported, always through the United States mails, under the title of No. 20–D, which unconsciously makes one think of penitentiaries and things. But facts are that the reports I present are the ones which No. 20–D made to his home office through the mails, and I want to present them, Mr. Chairman:

DEAR SIR: No. 20–D reports:

ROCK SPRINGS, *Wednesday, December 12, 1906.*

I worked to-day and during the shift we were not very busy. I made several attempts to get my partner interested in a way to pay Jones for a change. He thought it would be all right, but hesitated about saying anything in favor of the plan. I will keep after him and see what he will do.

This evening I was at Delapicola's for an hour or so, then went over to the Dewey, and had a talk with Alf Flor, but was unable to get a chance to go into details with him. I went around to the Omaha and Navy. Things were very quiet, owing, I suppose, to the storm raging.

I discontinued at 9.30 p. m.

Respectfully submitted. ——— ———.

DEAR SIR: No. 20–D reports:

ROCK SPRINGS, *Wednesday, December 12, 1906.*

I worked the regular shift to-day. I talked with Jim Pollo, Charles Regis, and the drivers a little during the day, but we had not time to get interested in anything of importance. Jim Pollo and my partner said they would be at the Delapicola Saloon to-night and wanted me to be there.

This evening I went around to the Milwaukee, Navy, and Omaha saloons first, then went to the Delapicola Saloon. Louis Delapicola was on shift. I asked him if Jim Pollo had been there. He said, "Who do you mean? That U. P. sucker?" I said, "I don't know; I didn't know he was a U. P. sucker." He said, "Yes, I hear he used to be with the workingmen when he first went to work, but since that the company has got a hold on him." I learned he had reference to Pete Pollo, the timekeeper in the forty-seventh entry. I asked him concerning Jim Pollo, but he said, "I guess there isn't much difference between the two."

Pollo never showed up, but my partner did, and I met Pete Andrietta there. We got to talking of the better places to work in No. 1, and I finally got down to where Louis and I said we would offer $10 or $15 next pay day for a change. Louis agreed to it, but before that time comes he is likely to have a talk with Fontana about it; then maybe it will be all right and maybe not. Anyway, it is all I can do to find out something and can't hurt anything. They say that it must be a fact that Jones is accepting money from the men. We talked of other subjects for some time, and I discontinued at 10 p. m.

Respectfully submitted. ——— ———.

DEAR SIR: No. 20–D reports:

ROCK SPRINGS, *Tuesday, December 18, 1906.*

I worked the regular shift to-day. My partner went to the U. P. office last night to see Jones about being changed to work with Fontana. Fontana's partner is going to work at No. 9 with his brother-in-law and has already quit No. 1 and was to start at No. 9 to-day.

Jones told Louis to wait five or six days and he would see about it, but thought he would get the place all right. Fontana's partner was at the office at the same time Louis was.

Louis asked me if Fontana's partner asked Jones if he could come back and get a good place in No. 1 in case he didn't like No. 9, and Jones told him yes.

I talked with Louis about why Jones wanted him to wait five or six days before being changed. He said he didn't know. I asked him if he had put up anything. He said, "No; not yet," but we will see him again. Louis told me Jones visits Anton Facinelli's saloon frequently. We knock off at 5.30 p. m.

This evening I was at Aho's saloon with Sam Force and Ike Maki and met Herman Mikleson and Ike Jervi there, and also two more that I didn't know by name. I spent an hour or so talking with them, then went to Facinelli's saloon. I asked for Louis Fedel and found that Louis had not been there, and it was not likely he would be after that hour, so I went to the Palace where a number of U. P. drivers were. I joined them, but heard nothing of interest.

I discontinued at 10 p. m.

Respectfully submitted. ——— ———.

DEAR SIR: No. 20–D reports:

ROCK SPRINGS, *Thursday, February 21, 1907.*

I spent the day at different resorts, a great deal with Martello and Facinelli. We talked of nearly everything. Martello is trying to sell out his place and leave town. He had not heard anything about the organizer, and I obtained nothing new.

I then met Ike Jervi. He was off to-day, so I was around with him for some time, and we met Gus Sillimaki. He told me he came here from Hanna, that he had been there for two months and his parents live there, and that he was a clothing salesman for a Chicago firm. He used to run a saloon in this town where the Milwaukee now is. I got nothing new out of him.

When I met Ike Jervi about this other man I heard was here from Hanna a couple of days ago he told me there was a Finn here from Hanna who tried to get the use of the Finn hall, but said the Finns here were afraid and wouldn't let him use it. I told him I had heard the hall was engaged, but Ike said no; that that was not the reason, but it was because the Finns here were afraid.

Wessman was pretty busy to-day, and I was unable to talk with him. This man I have mentioned as Harkman is named Harcomb, and is assistant shipping clerk for the U. P. I had quite a talk with him this evening, and while he does not say anything for or against unions, he is kicking about his salary, and says that unless he gets a raise of $15 per month soon he intends to leave.

I visited the Wyoming, Milwaukee, Omaha, and Navy saloons, but everything was very quiet this evening, and not many of the men were out.

DEAR SIR: No. 20–D reports:

ROCK SPRINGS, *Saturday, January 19, 1907.*

I worked to-day in the same place. Nothing of interest occurred during the shift. At 5 o'clock I met Fontana and Jim Pollo near the slope. We talked for a short while. Fontana told me again that as soon as we finished this room he thought he would get a good place to work, so there is no use to press him now. I will ask my partner if he has any particular place that he wants to work in, then see Fontana and get him to see Jones about it. We quit at 5.30 p. m.

This evening I visited several resorts. I spent some time at the Delapicola Saloon talking with Louis Delapicola. My partner had been there looking for me, but left before I got there. From there I went to the Palace, then to the Dewey Saloon and met Jim Harris, Billy Iredale, and Sam Morgon. I heard nothing of interest from these men. I then went to the Navy Saloon, where I met Keeler and Hieronomous, a fireman and brakeman on the branch between here and Superior. Hieronomous, the brakeman, was complaining about having too much work and said he would not stay if it were not for the extra money they made from men going to and from Rock Springs, which, he says, amounts to several dollars some days; and in speaking of Clarke, who has charge of that train, they said he was all right and splits the money among them. They said George Branscombe, the man who used to have that train, was the boy to get the money. I discontinued at 11 p. m.

Respectfully submitted. ——— ———.

DEAR SIR: No. 20–D reports:

ROCK SPRINGS, *Friday, January 25, 1907.*

To-day I did not work in the mine, as the hoist is still out of order on the east side, so I put in the day at the different saloons; spent the biggest part of the time at the Geneva Saloon talking with Jim Hill and Emil Latanzi. They are both strong union sympathizers and union men and again said they wished this town was organized, but outside of talking in favor of unions nothing of interest was said. I wanted to talk with Latanzi about Jones, but did not get the chance. Latanzi is popular, speaks several languages, and may know something about Jones.

This evening I spent at the Milwaukee and Navy saloons. Things were very quiet to-night all over town. At the Navy I met Murphy, Jack Martin, C. Riddle, and John Maxwell. They also did some union talking. They think that eight hours is long enough to work in the mines.

Later I met William Howells, Billy Iredale, and Tom Davis, and talked with them for some time, but learned nothing new, and discontinued at 10 p. m.

Respectfully submitted. ——— ———.

DEAR SIR: No. 20–D reports:

ROCK SPRINGS, *Saturday, February 2, 1907.*

I didn't work to-day. I went to the Omaha, Navy, and Geneva saloons, but everything was pretty quiet.

At the Navy this evening I met several No. 2 drivers. Among them was Tom Sheffield. He mentioned being over in Dillon, Wyo., and said it was a strong union camp and that he belonged there and believed strongly in unions.

I went into the Omaha again, also over the Palace. It was the U. P. Company's pay day, but everything was quiet all over town except at the Geneva, where I met Jack Nordberg, Talso, Savola, Tovio, Henry Maki, John Maki, Jervi Mickelson, Jim Hill, George Harris, and several others, but did not learn anything new.

I then went to Aho's, but there was no one in there. Since Jervi went out to work at the Geneva, all the Finns have left Aho's.

I discontinued at 12 midnight.

Respectfully submitted. ——— ———.

DEAR SIR: No. 20–D reports:

ROCK SPRINGS, *Tuesday, February 12, 1907.*

I worked the regular shift to-day. My partner changed to room 70, 46 entry, to-day and I was given another partner, a Pete Rich, recently from Louisville, Colo. The man who worked with me for three days is Pete Bonini. This new man, Pete Rich, I questioned to-day about Louisville, and whether he belonged to the union or not, but he didn't say he did, although he seems to believe in unions. He speaks several languages and is French, he says. I believe he is an Austrian. Nothing of interest occurred during the day.

I had a talk with Fontana and Fedel while waiting for the trip. They said I was lucky to get rid of Pete Bonini.

I spent this evening at the Howard and met several Finn men. From Ike Jervi I got the information this Chris ——— (something)—Talso told me the other night Chris Lapland, but Jervi doesn't know the name—was a Socialist and had held a meeting here on the subject; but the Finns did not take much interest in him, as he is known as a schemer, etc. Then, in regard to this stock proposition I mentioned, that is now being done by Henry Havola, an old-timer here, but has just returned from Finland. On his way here he stopped off in Colorado and Telluride, where several Finns are interested in mining on the cooperative plan, and says these Finns working in No. 1 are fools, etc., working in a place like that when they can go to other places, say Telluride, for one, and get more money and work eight hours. Havola does not intend to stay here very long, but will go to California in the interest of the miners in Finland.

I also met Pete Rich at the Howard, and Joe Patterson. They were talking of old times at Louisville. Also met Wessman, Harry Knopela, and several more Finns, but nothing of interest was obtained from and several more Finns, but nothing of interest was obtained from them.

Respectfully submitted. ——— ———.

DEAR SIR: No. 20–D reports:

ROCK SPRINGS, *Wednesday, February 13, 1907.*

I worked the regular shift to-day. My partner is disgusted with the place already and says he is going to tell Jones that he stuck him in the worst place in the mine. He is going to ask for a change. I told him he may get a change if he gives Jones a piece of coin, but it didn't take well with him. He said he never paid a boss for a job in his life and wouldn't. I told him he had better stay with me until we finished the room now, even if we didn't make much, and we might get a good place after we got through, so he may not say anything to Jones.

Nothing of interest was obtained through the day and we knocked off at 5.30 p. m.

This evening I again visited the Howard, where, as usual, in the evening, I met a number of men. I met Louis Jurick, who told me about the machine runners at No. 10 going out on strike for a 5 per cent raise. I could not learn who the men were that started it, or was the cause of them going out, except he said they were either Austrians or Italians, and he wished everybody who worked in the mines would go out for higher wages.

Fred Highley is a driver at No. 10. I started the same subject with him and he said: "Don't tell me the Italians and Austrians aren't good union men. See how they went out." He doesn't know who the leader of the men is; said it is kept very quiet and it is all between themselves (the machine runners). He said: "They will stay out until they get the raise." He said to-day they had company men running the machines at $3.50 per day, but says that won't last long as they only cut about one room per day and that was costing more than the other men even with the 5 per cent raise. I heard something about the drivers at No. 10 thinking of kicking for a raise, but from Highley I learned that there is nothing to that.

I also met Victor Talso, August Czar, Henry Knopala, Frend Williams, Dominick Paruka, Joe Dretta, Joe Dyett, and several others there. I spent some time among them, but heard nor learned nothing of importance.

Respectfully submitted. ——— ———.

WHAT IS THE OBJECTION TO THE BILL?

Many more letters of the same kind could be offered, but these are sufficient—for they are all very similar—to show the character of the matter that the mails are carrying at the instance of the detective agencies. That there might be no mistake as to the truth of my contentions, the foregoing letters are offered to show that this unprincipled business could not thrive were it not

for the use of the United States mails, and which, if permitted to be used, must continue this species and quality of scoundrelism.

Can there be any objection, if we are willing to accord fair and just treatment to labor unions and to the work they are doing for the betterment of society generally, to the enactment of this bill into a law? I can see none.

I have spoken briefly of the cunning and skulking work of the Pinkertons. It could not be worse. It is a kind of by-product of the mad race for riches, prompted and sustained by the arrogant power of wealth.

In the lowest strata of human nature work these vermin of corruption, but how much better are the men who employ them and who pay them to degrade themselves? And yet some of these very men become prominent in the legislative halls and assemblies of the country and make patriotic speeches about constitutional government, the Army, and the Navy. They are always for the Army and the Navy, the great bulwarks of organized capital, for behind them capital feels safe. But how about the industrial slave, driven from pillar to post and turned out of his job, without notice or warning in times of industrial depression and money shortage, to starve or to beg? There are not many who make speeches in his behalf and point out how his condition is to be made better, so that he and his family can have bread and some of the good things of life.

What I have said represents, to my mind, one angle of what might be termed a triangle of organized powers which clutch the proletariat of this country. This power is base and iniquitous. It represents the brutal power of money, mad with the spirit of commercialism, without a shadow of mercy, hard, and from every point unbrotherly It is the tiger of capitalism in action, aided and in a degree made respectable by the post-office establishment.

THE SECOND POWER.

The dear public, the bourgeoisie, is the second force, and is always looking for help against the violence of labor unions from the courts, the legislatures, and the Congress. The public is fond of arbitration for the reason that society, of which it is the biggest part, makes up the board, and the award is almost certain to be in favor of respectability. The property of the dear public must be protected against injury by the conflicts of labor and capital. The workers must be content. They can get along on poor fare, shabby clothes, and a three-room rented cottage, and do without legislation; for legislation is for the public and property. The profits all belong to capital. What boots it if the workers do suffer? Have they not been used to it for all the years gone by? I am of the opinion, however, that it is about time that some of the burdens were distributed and borne by different classes of society rather than be endured in the main by one class. I am for a division of profits, burdens, and suffering, even if the innocent public be called upon to bear its portion. But I can not pursue this phase of the subject any further.

COMMISSION'S REPORT ON GOLDFIELD.

However, in order that the public may get a correct understanding of the labor troubles in the West for the last decade or two and that it may know to what extent the detective agencies have contributed to the violent conflicts, as the agents of the property class, between labor and capital, and in exoneration, measurably, of the workingmen of the West, most of whom are members of the Western Federation of Miners, I desire in this connection to call attention to the recent message of the President, which contains a report on the imaginary labor troubles in Goldfield, Nev., and which was sent into this House on February 3, 1908, in compliance with a resolution which I had the honor to introduce on January 14, calling for the report of the special commission appointed by the President to examine into the Goldfield labor trouble.

The same effort on the part of capitalism, to stir up strife and to arouse the country against the miners of the West at Goldfield was attempted to be done in letters from the governor of Nevada. Although the report does not mention the commercial detective as being present, yet I assure you that he was there in full force and fully alive to his engagements with the companies. In his letters, Governor Sparks, of Nevada, expressed in strong and unequivocal terms that nothing but the military could prevent an uprising of the Western Federation of Miners that would be as destructive of property and human life as a similar uprising had been in the Coeur d'Alene district of northern Idaho in 1899 and in the Cripple Creek district of Colorado in 1903 to 1906. But the President's attention was aroused by a published statement in the eastern newspapers that the mine owners were about to make a general reduction of wages and inaugurate some new methods in the handling of their business, unfriendly to labor. This prompted him to appoint a commission of three honest men, fearless public servants. They went to the field of action and informed themselves of the trouble which it was pretended was threatened, and their conclusions are embodied in the President's message to which I have referred. And it must be admitted by all that this report is to the credit of the Western Federation of Miners and to the condemnation of the Mine Owners' Association of the State of Nevada.

I desire to say that if a similar commission had gone to the Coeur d'Alene district in 1899 and made the same kind of an examination that was made in Goldfield last December and January, the troops would never have been called into that district and the atrocities of the bull pens at Wallace and Wardner would not be a matter of history that is most discreditable to the persons who took part in it, for the prime cause of those troubles was the same overbearing tactics recently undertaken in the Goldfield district. The same statement may be truthfully said about the troubles in the Cripple Creek district. And had a similar report been made at the beginning of the trouble in that district and reported to the world through the Congress of the United States, the horrors of the blowing up of the Independence depot and the Victor mines, and the destruction of life and property that followed—the bull pen, the deportation of innocent miners, and the fruitless trial of Haywood, which cost the State of Idaho more than $100,000—would not now stain the history of Colorado as to its labor troubles.

I desire to make this report a part of my speech, for it should be read in all parts of the United States, as giving a faithful and correct account of the labor troubles of the entire West. The President's message, in which the report is incorporated, is as follows:

The House of Representatives:

I transmit herewith a report by the Secretary of State with copies of papers called for by the resolution of the House of Representatives on January 22, 1908, reading as follows:

"*Resolved*, That the President be requested to transmit to the House of Representatives, if not incompatible with the interests of the public service, a copy of the report made to him by the special commission, composed of Lawrence O. Murray, Herbert Knox Smith, and Charles P. Neill, sent by him to Goldfield, Nev., for the purpose of investigating the labor troubles in that district and to make a report concerning the same; and also such other papers relating thereto as in his judgment are material and for the better information of the House."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 3, 1908.*

The PRESIDENT:

The undersigned, the Secretary of State, to whom was referred the resolution of the House of Representatives of January 22, 1908, requesting the President "to transmit to the House of Representatives, if not incompatible with the interests of the public service, a copy of the report made to him by the special commission, composed of Lawrence O. Murray, Herbert Knox Smith, and Charles P. Neill, sent by him to Goldfield, Nev., for the purpose of investigating the labor troubles in that district and to make a report concerning the same; and also such other papers relating thereto as in his judgment are material and for the better information of the House," has the honor to lay before the President copies of the papers requested.

Respectfully submitted.

ELIHU ROOT.

DEPARTMENT OF STATE,
Washington, January 31, 1908.

List of papers.

Senator NIXON to the President, December 4, 1907.
Governor Sparks to the President, December 3–4, 1907.
The President to Governor Sparks, December 4, 1907.
Governor Sparks to the President, December 5, 1907.
Mr. JONES to Mr. Loeb, December 5, 1907.
The President to Governor Sparks, December 5, 1907.
Senator NEWLANDS to the President, December 10, 1907.
The President to the Secretary of State, December 13, 1907.
The Secretary of State to Governor Sparks, December 14, 1907.
Governor Sparks to the President, December 15, 1907.
The President to Governor Sparks, December 17, 1907.
Messrs. Murray, Neill, and Smith to the President, December 17, 1907.
The same to the same, December 20, 1907.
The President to Governor Sparks, December 20, 1907.
Governor Sparks to the President, December 22, 1907.
The President to Governor Sparks, December 23, 1907.
Governor Sparks to the President, December 26, 1907.
The Secretary of State to Senator NEWLANDS, December 27, 1907.
The Secretary of State to Mr. Loeb, December 28, 1907.
Mr. Loeb to the Secretary of State, December 28, 1907.
The President to Governor Sparks, December 28, 1907.
Governor Sparks to the President, December 29, 1907.
The Secretary of State to Senator NEWLANDS, December 30, 1907.
Governor Sparks to the President, December 30, 1907.
Proclamation by Governor Sparks, December 30, 1907.
The President to Governor Sparks, January 4, 1908.
Report by Messrs. Murray, Neill, and Smith, December 30, 1907.
Governor Sparks to the President, January 17, 1908.
The President to Governor Sparks, January 17, 1908.
Governor Sparks to the President, January 30, 1908.

(Senator NIXON to the President.)

[Telegram.]

NEW YORK, *December 4, 1907.*

THE PRESIDENT, *Washington, D. C.:*

I am informed Governor Sparks of Nevada has sent you important telegram relation to critical situation in Nevada which needs immediate

action. Hope it will be possible for you to grant his request. Senator NEWLANDS and Congressman BARTLETT can give further particulars and I will return to Washington this afternoon if you desire personal interview. Address Waldorf.

GEO. T. NIXON.

(Governor Sparks to the President.)

[Telegram.]

CARSON CITY, NEV., *December 3–4, 1907.*

Hon. THEODORE ROOSEVELT,
President of the United States.

MR. PRESIDENT: It now seems apparent that in the near future Nevada may expect serious labor troubles in the district of Goldfield and adjoining camps, which may result in violence and great destruction of both life and property. The State has no enrolled militia and if it had I doubt very much whether it would be effective in maintaining law and order. I am this day in communication with our Congressional representatives urging them to consult with you concerning conditions above stated, and as we now see them, it appears to me, as governor of Nevada, that it is my duty to ask if you can consistently give us assurance that we may depend upon immediate relief from the Presidio Barracks. I assure you, Mr. President, I am aware of the fact and consider it an extraordinary request to be made by any governor of the United States, but the existence of the case seems to require it at this time. I am informed that desperate men are now securing dynamite and arms to destroy property and human life. The sheriff of the county seems to be absolutely unable to cope with the situation. A committee of mine owners, mine operators, and mill operators from the Goldfield district is now in consultation with me, and I assure you, Mr. President, that they are well satisfied that we need relief. We have no military garrison in the State of Nevada and a small detachment of Federal troops stationed at Goldfield would certainly relieve the situation.

Very respectfully,

JOHN SPARKS, *Governor of Nevada.*
R. C. STODDARD, *Attorney-General.*

(The President to Governor Sparks.)

[Telegram.]

THE WHITE HOUSE,
Washington, December 4, 1907.

Hon. JOHN SPARKS,
Governor, Carson City, Nev.:

Telegram received 3.05 o'clock this afternoon. The Federal Government is prepared to send detachment of troops at any moment, subject, of course, to your making call under conditions prescribed by the United States Constitution and statutes as set forth in sections 5297 and 5299 of the Revised Statutes, these two sections carrying out section 4 of Article IV of the Constitution. The call of the governor must itself recite such a condition of affairs in accordance with the terms of the laws above referred to as will warrant the Preisdent in acting. I have ordered not to exceed two companies to be ready to move immediately if you make such request, as two companies would, I suppose, amount to the small detachment of which you speak.

THEODORE ROOSEVELT.

(Governor Sparks to the President.)

[Telegram.]

CARSON, NEV., *December 5, 1907.*

His Excellency THEODORE ROOSEVELT,
President of the United States, Washington, D. C.:

At Goldfield, Esmeralda County, State of Nevada, there does now exist domestic violence and unlawful combinations and conspiracies which do now so obstruct and continue to so obstruct and hinder the execution of the laws of the State of Nevada and now deprive and continue to deprive the people of said section of the State of the rights, privileges, immunities, and protection named in the Constitution of the United States and of the State of Nevada and which are secured by the laws for the protection of such rights, privileges, and immunities; and the constituted authorities of the State of Nevada are now and continue to be unable to protect the people in such rights, and the reason of such inability and the particulars thereof are the following, to wit, unlawful dynamiting of property, commission of felonies, threats against the lives and property of law-abiding citizens, the unlawful possession of arms and ammunition, and the confiscation of dynamite with threats of the unlawful use of the same by preconcerted action.

The lawfully constituted authorities of this State are unable to apprehend and punish the perpetrators of said crimes and to prevent the commission of other threatened crimes, and unless the relief hereinafter requested is granted this State and the lives and property of large numbers of its people will be irreparably affected and damaged, contrary to the peace and dignity of the United States and of the State of Nevada.

Therefore, pursuant to Article IV, section 4, of the Constitution of the United States, and to sections 5297 and 5298 of the Revised Statutes thereof, I, John Sparks, governor, do hereby respectfully request that Your Excellency Theodore Roosevelt, President, do immediately send to Goldfield, Esmeralda County, Nev., two companies of the troops of the Army of the United States to suppress unlawful disorder and violence, to protect life and property, to restore peace, and to insure protection of law to the people of the State of Nevada.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be affixed at the capitol, Carson City, Nev., on this 5th day of December, A. D. 1907.

JOHN SPARKS, *Governor.*

Attest:
W. G. DOUGLASS,
Secretary of State.

(Mr. JONES to Mr. Loeb.)

UNITED STATES SENATE,
Washington, D. C., December 5, 1907.

DEAR MR. SECRETARY: I inclose herewith the copies of telegrams passing between the President and the governor of Nevada which you allowed me to have last evening.

Again thanking you for this courtesy, I am,

Yours, very truly, D. V. JONES.

Hon. WM. LOEB, Jr.,
Secretary to the President, Washington, D. C.

(The President to Governor Sparks.)

[Telegram.]

THE WHITE HOUSE,
Washington, December 5, 1907.

Hon. JOHN SPARKS,
Governor, Carson, Nev.:

I have received your request for troops made in accordance with the Constitution and laws of the United States and will accordingly immediately direct that a sufficient number of troops be sent to Nevada. The number must be determined by the military authorities.

THEODORE ROOSEVELT.

(Senator NEWLANDS to the President.)

UNITED STATES SENATE,
Washington, D. C., December 10, 1907.

MY DEAR MR. PRESIDENT: I join with Senator NIXON and Representative BARTLETT, of Nevada, in the request that you select some representative to go to Nevada and make a careful examination into existing conditions with a view to the maintenance of peace and good order, and that you retain the troops at Goldfield until after you have received the report of such representative.

Very respectfully, yours, FRANCIS G. NEWLANDS.

The PRESIDENT,
The White House, Washington, D. C.

(The President to the Secretary of State.)

THE WHITE HOUSE,
Washington, December 13, 1907.

The SECRETARY OF STATE:

I transmit herewith copies of correspondence between myself and the governor of Nevada and the Senators and Member of the Lower House from Nevada and the War Department. In accordance with the request of Governor Sparks, and for the reasons set forth therein, this request being supported by the request of the two Senators and Member of the Lower House from Nevada, I have ordered troops to be sent to Nevada so that they will be available in the event that the situation contemplated by the Constitution and the laws and apprehended by the governor of Nevada shall arise.

Will you please procure from the War Department all papers bearing upon this subject? Please communicate with the governor of Nevada as to the steps on the part of the government of that State which will be a necessary precedent to further action on the part of the Federal Government.

THEODORE ROOSEVELT.

(The Secretary of State to Governor Sparks.)

[Telegram.]

DECEMBER 14, 1907.

Hon. JOHN SPARKS,
Governor, Carson City, Nev.:

The President has transmitted to the Department of State the correspondence between the governor of Nevada and the President of the United States relating to the use of national troops in relation to certain disturbances existing or anticipated at Goldfield, in the State of Nevada. The President has instructed me to advise you officially that he has caused several companies of the Regular Army to proceed to the locality in which such disturbances exist or are anticipated, to the end that they may be available in case the occasion contemplated by the Constitution and the laws of the United States for their interposition shall arise.

The calls upon the President on the part of the government of Nevada for the interposition of troops do not at present satisfy the requirements of the Constitution and the laws so as to justify orders that the military force now at Goldfield shall take any affirmative action. If such action should be desired under the Constitution and section 5297 of the Revised Statutes to suppress an insurrection, a call must be made by the legislature of the State, unless circumstances are such that the legislature can not be convened, and no statement or intimation has been made that the legislature of Nevada can not be convened. Action under section 5298 of the Revised Statutes relates only to the enforcement of the laws of the United States. Action under section 5299 of the Revised Statutes is to be taken not upon the call of the government of a State, but upon the judgment of the President of the United States that some portion or class of the people of a State are denied the equal protection of the laws to which they are entitled under the Constitution of the United States. Action under this section requires the production of evidence of specific facts sufficient to sustain a judgment by the President that the condition described in the statute exists.

A mere statement of domestic disturbance would not seem to be sufficient.

The facts thus far stated in the telegraphic communications from the governor of Nevada, high and unimpeachable as is the source, do not seem sufficient to sustain a judgment that the condition described in section 5299 exists.

It therefore appears that the communications thus far received from the government of Nevada do not constitute or furnish the basis for authority on the part of the President to direct the use of the armed forces of the United States in the maintenance of public order at Goldfield.

I respectfully suggest that if in your judgment such interposition is needed you furnish further evidence of facts justifying action by the President under section 5298 or 5299, or cause the legislature of Nevada to be convened and to make the necessary call in accordance with the Constitution and section 5297 of the Revised Statutes.

ELIHU ROOT.

(Governor Sparks to the President.)

[Telegram.]

GOLDFIELD, NEV., *December 15, 1907.*
(Received December 16—9.20 a. m.)

The PRESIDENT, *Washington, D. C.:*

Fourteenth from Secretary of State. Submit that conditions in Goldfield necessitates presence but does not warrant active intervention of United States troops. However, am prepared to submit affidavits of more than one hundred representative citizens that they have been deprived of their rights as citizens of the United States and of State of

Nevada. Arrival of troops in Goldfield undoubtedly prevented rioting and other disorder, as is shown by statements of same people, including sheriff. Although active intervention of United States troops not now necessary, withdrawal at present would unquestionably precipitate disorder which local and State authorities would be unable to control. In the event of rioting and other disorder justifying military intervention will make requisition in accordance with statutes.

Desire to express appreciation of your prompt action in sending United States troops here, which relieved a most critical condition, and hope that you can retain troops here until present troubles are adjusted. Expect to remain as long as necessary.

JOHN SPARKS, *Governor.*

(The President to Governor Sparks.)

[Telegram.]

THE WHITE HOUSE,
Washington, December 17, 1907.

Hon. JOHN SPARKS,
Governor of Nevada, Goldfield, Nev.:

I sent the troops at your request because from the tenor of your telegrams and from the representations made me by the two Senators from Nevada and the Member of the Lower House of Congress from Nevada it appeared that an insurrection was imminent, against which the State authorities would be powerless. The troops have now been in Goldfield ten days and no insurrection has occurred and seemingly no circumstances exist to justify your now calling on me for action by the troops under the provision of the Constitution. The troops were sent to Goldfield to be ready to meet a grave emergency which seemed likely at once to arise and to provide a substitute for the exercise by the State of its police function. I do not feel at liberty to leave them indefinitely under such circumstances that they will in effect be performing on the part of the United States those ordinary duties of maintaining public order in the State of Nevada which rest upon the State government. As the legislature of Nevada has not been convened, I am bound to assume that the powers already vested in the peace officers of the State are adequate, and that if they choose to do so they can maintain order themselves. Under these circumstances, unless there be forthwith further cause shown to justify keeping the troops at Goldfield, I shall direct that they return to their former station.

THEODORE ROOSEVELT.

(Messrs. Murray, Neill, and Smith to the President.)

[Telegram.]

GOLDFIELD, NEV., *December 17, 1907.*

The PRESIDENT OF THE UNITED STATES,
Washington, D. C.:

Have conferred with Funston, and governor has shown us all telegrams from Washington, including that of to-day.

Conditions here complex and probably critical. Suggest that no action for withdrawal of troops be taken for forty-eight hours. Will then make a report by telegraph.

MURRAY, NEILL, and SMITH.

(Murray, Neill, and Smith to the President.)

[Telegram.]

GOLDFIELD, NEV., *December 20, 1907.*

The PRESIDENT, *Washington, D. C.:*

We do find no warrant for statement that there has been or is a complete collapse of civil authority here. All the machinery of civil government has been in operation, but has been ineffective in dealing with certain forms of crime because local sentiment has nullified its action. On question of deportation, the evidence only sustains at the very maximum probably twenty-five cases in the last two years. Last March a very acute labor dispute existed, lasting some weeks, in which the city was practically an armed camp. Since then the best evidence we have indicates the number with arms ordinarily is no larger than commonly found in mining camps. Representatives of trades in American Federation of Labor here all agree that practically no members of their crafts have felt any occasion to carry arms since acute condition of last March. Our investigation so far completely has failed to sustain the general and sweeping allegations in the governor calling for troops, and the impression as to conditions here given in that call is misleading and without warrant. We do find no evidence that any condition then existed not easily controlled by the local authorities. Neither immediately preceding nor since the arrival of troops has there been any particular disorder, but immediately after arrival of troops mine owners announced reduction of wages from $5 to $4, and positively refused employment to all men who do not agree to renounce in writing the local union, although a law of Nevada prohibits such requirement. Large majority of our witnesses assert very earnestly that if troops should be withdrawn now and owners insist upon above requirements there will result serious violence directed against life and property. Rifles in considerable numbers brought in by both sides some time ago are still believed to be in their possession. Many say they will leave as soon as possible if troops should be withdrawn, and we believe that many of them are sincere in these assertions. The sheriff, two out of three of the county commissioners, two members of the legislature, and the district attorney, representing nearly all civil authority of the county, have been before us to-night in long conference.

So far as can be learned no county officer was consulted by governor previous to calling for troops. All still resent his action and consider it was unnecessary. They do not believe there has been any need for troops here up to date, but they all further agree and have given us signed statement to the effect that the new element brought into situation since arrival of troops creates a dangerous condition, and they recommend troops be left here until present difficulties are adjusted. Although desiring the continuance of troops here, and notwithstanding they have given us a signed statement to that effect, they evade the assumption of any responsibility and specifically refuse to say that local authorities would be unable to maintain law and order if should be withdrawn. These men are trying to secure the benefit of Federal assistance to more easily maintain the public order for which they are responsible and at the same time place the responsibility on the President. The governor states to us in writing that he will not convene the legislature to consider call for troops nor will he take the necessary steps to form a State military, as is legally provided for, and that if the troops should be withdrawn he will do substantially nothing. In other words, the State authorities propose to do nothing, but wholly rely on the Federal authorities. There has been substantial agreement by everybody who appeared before us that the number of violent or (criminal) men in the organization here is certainly less than 200. With a population of about 14,000 people there would seem to be no good reason why the civil authorities here can not take care of their own city. If should be withdrawn we strongly recommend that at least ten days' notice be given of such decision in order to give the sheriff time to prepare fully. We expect our work will be completed December 21, and we will leave here that day.

MURRAY, NEILL, SMITH.

(The President to Governor Sparks.)

[Telegram.]

THE WHITE HOUSE,
Washington, December 20, 1907.

Hon. JOHN SPARKS,
Governor of Nevada, Goldfield, Nev.:

I have received no answer from you to my telegram of December 17, in which I said that unless there was forthwith further cause shown to justify keeping the troops at Goldfield I should direct their return to their former stations. I am informed by the three representatives of the Department of Commerce and Labor who are in Goldfield by my order that you have stated to them in writing that you will not convene the legislature to consider call for troops nor take the necessary steps to form a State military force. Their report further satisfies me that there is no disturbance threatened which the government of Nevada ought not to be able to control if it starts to work with a serious purpose to do so, but that no effort is being made by the government of Nevada to take the steps necessary in the matter. I stand ready to see that the National Government does its full constitutional duty in the matter of preserving order, but this readiness on the part of the National Government does not excuse the State government for failure to perform its full duty in the first place. Federal aid should not be sought for by the State as a method of relieving itself from the performance of this duty, and the State should not be permitted to substitute the Government of the United States for the government of the State in the ordinary duties of maintaining order within the State. For the reasons given in this and my former telegram I have accordingly directed the troops to return to their former stations on Monday, December 30, next.

THEODORE ROOSEVELT.

(Governor Sparks to the President.)

[Telegram.]

RENO, NEV., *December 22, 1907.*

THEODORE ROOSEVELT,
President of the United States, Washington, D. C.:

I am preparing a letter to give you more information about the situation at Goldfield. The presence of the troops have prevented destruction of life and property. If you suggest, I would like to consult with you in person at Washington, as I believe I could be of more service to our State by explaining the situation in person than by writing. We are thankful to you for the presence of the troops, let their stay be long or short.

J. SPARKS, *Governor.*

(The President to Governor Sparks.)

[Telegram.]

THE WHITE HOUSE,
December 23, 1907.

Hon. J. SPARKS,
Governor of Nevada, Reno, Nev.:

I will await your letter and wire you after its receipt whether in my judgment it would serve a useful purpose for you to come to Washington.

THEODORE ROOSEVELT.

(Governor Sparks to the President.)

[Telegram.]

CARSON, NEV., *December 26, 1907.*

The PRESIDENT, *Washington:*

As chief magistrate of the State of Nevada, I have been of the opinion for the past year that a condition bordering on domestic violence and insurrection has existed in the Goldfield mining district. There has been an almost constant state of war between the miners' union and the mine owners, who employ the members of the union. During the year 1907 practically one-fourth of the time was occupied in actual strikes, and several months in agitations about other strikes. Without considering the merit of any of the controversies, it is only necessary to state that the entire district became divided into two hostile camps—on the one hand the miners, with their adherents and sympathizers, and on the other hand the mine owners, with their adherents and sympathizers. The union alone claimed a membership of 3,000, and fully one-half of the membership were constantly armed. Arms and ammunition were purchased and kept by the union as a body. On the other hand the mine owners had in their employ a large number of watchmen and guards, who were constantly armed and on duty. In addition to these forces were an unusually large number of the criminal element attracted to the new and booming mining camp. Under such conditions the civil authorities were practically powerless. They could attend to the ordinary petty offenders from day to day, but at the first conflict between the real armies of labor and capital they would have been swept away.

The repeated strikes and continued threats of other strikes irritated the mine owners more and more. It was clear to me, therefore, that when the last strike was called in the midst of the financial crisis spreading over the country, and with a long winter facing the 20,000 people situated upon the desert, hundreds of miles from any centers of population, that it was time to recognize the actual condition of affairs and to act accordingly. A state of domestic violence and insurrection arises, in my judgment, when armed bodies are in existence with sufficient power to overcome the civil authorities, and continual threats were made of the destruction of life and property. This condition has existed in the Goldfield mining districts the past year and exists there now. It calls for the presence of the troops to keep the peace. As this condition has been of slow growth it will take time to remove it. In my judgment, it is necessary that troops be kept at Goldfield an indefinite period of time. They should

remain there until both sides are shown that the district is not to remain an armed camp and a scene of continual warfare. The communist and anarchist must seek new fields; the laboring man be convinced that arbitration and peaceful methods are more certain and lasting methods of improving his condition than by dynamite and the shotgun. This can only come about with time, and for the present and some time in the future the strong arm of the military must be in evidence to convince all that no other method will be tolerated. It is known as a matter of legislative history that I recommended a measure at the last session having for its object the establishment of a State constabulary along the lines of the Texas Rangers, which was rejected by that body, the members thereof still being in office. The assembly of that session, with the vote of all but one, passed a resolution denouncing the injustice done Moyer, Haywood, and Pettibone, by the denial of a speedy trial. The resolution, however, was tabled by the senate. It is a matter of only a few weeks since I called for the opinions of different representatives and individual citizens of the State generally as to the advisability of convening a special session to act upon a then existing emergency, which, however, did not relate to the present situation. The expressions received at that time indicated that 95 per cent of the people were opposed to such an extra session. For geographical reasons and on account of the customary ten days' notice to members, it would be impossible to convene and organize a special session of the legislature in less than three weeks, presuming on the most expeditious action on the part of the members. For these reasons I deem it impossible to convene the legislature in special session to meet the present emergency, and still think it highly inadvisable.

This telegram was in course of preparation on the 7th instant, in reply to your telegram of that date, but I was taken ill and have only just returned to my office. I am now sending it in lieu of a letter which I wired you was in course of preparation. The delay was not intentional on my part and no discourtesy meant thereby.

JOHN SPARKS, *Governor.*

(The Secretary of State to Senator NEWLANDS.)

DECEMBER 27, 1907.

DEAR SENATOR NEWLANDS: I inclose a copy of Governor Sparks's telegram of yesterday to the President regarding the conditions existing in the Goldfield mining district and the situation in Nevada generally.

Faithfully, yours,

ELIHU ROOT.

Hon. FRANCIS G. NEWLANDS,
United States Senate.
(Inclosure as above.)

(The Secretary of State to Mr. Loeb.)

DECEMBER 27, 1907.

DEAR MR. LOEB: I inclose a draft of a telegram which has been agreed upon in conference this morning between Secretary Taft, General Oliver, yourself, and myself as a suitable answer for the President to make to the telegram of December 26 from the governor of Nevada.

Yours, very truly,

ELIHU ROOT.

WILLIAM LOEB, Jr.,
Secretary to the President, The White House.
(Inclosure as above.)

(Mr. Loeb to the Secretary of State.)

DECEMBER 28, 1907.

MY DEAR MR. SECRETARY: I send you herewith two copies of the President's telegram of to-day to Governor Sparks, which contains certain modifications of the draft approved by Secretary Taft and you.

The President has wired me to notify Messrs. Murray, Smith, and Neill to meet him at the White House at 9 o'clock Monday evening, and he requests me to ask you if you can come to the White House at the same time. Will you let me know as to this?

Very truly, yours,

WM. LOEB, Jr.,
Secretary to the President.

Hon. ELIHU ROOT,
Secretary of State.
(Inclosures.)

(The President to Governor Sparks.)

[Telegram.]

THE WHITE HOUSE, *December 28, 1907.*

Hon. JOHN SPARKS,
Governor, Carson City, Nev.:

Your telegram December 26 is received. It, in effect, declares that you have failed to call the legislature together because, in your judgment, the legislature would not call upon the Government of the United States for the use of troops, although, in your opinion, it ought to do so. The Constitution of the United States imposes, not upon you, but upon the legislature, if it can be convened, the duty of calling upon the Government of the United States to protect the State of Nevada against domestic violence. You now request me to use the armed forces of the United States in violation of the Constitution because, in your judgment, the legislature would fail to perform its duty under the Constitution. The State government certainly does not appear to have made any serious effort to do its duty by the effective enforcement of its police functions. I repeat again what I have already said to you several times—that under the circumstances now existing in the State of Nevada as made known to me, an application from the legislature of the State is an essential condition to the indefinite continuance of the troops at Goldfield. Circumstances may change, and if they do I will take whatever action the needs of the situation require so far as my constitutional powers permit. But the first need is that the State authorities should do their duty, and the first step toward this is the assembling of the legislature. It is apparent from your telegram that the legislature of Nevada can readily be convened. You have fixed the period of three weeks as the time necessary to convene and organize a special session. If within five days from the receipt of this telegram you shall have issued the necessary notice to convene the legislature of Nevada, I shall continue the station of the troops at Goldfield during such period of three weeks. If within the term of five days such notice has not been issued, the troops will be immediately returned to their former stations.

THEODORE ROOSEVELT.

(Governor Sparks to the President.)

[Telegram.]

RENO, NEV., *December 29, 1907.*

Hon. THEODORE ROOSEVELT,
President of the United States:

I am now preparing proclamation for extra session of Nevada legislature. Will forward same to you when complete. Many thanks for your message.

JOHN SPARKS, *Governor.*

(The Secretary of State to Senator NEWLANDS.)

DEPARTMENT OF STATE,
Washington, December 30, 1907.

MY DEAR SENATOR: I sent you a copy of the President's dispatch to the governor of Nevada of this date, and also a copy of my dispatch of November 14.

Faithfully, yours,

ELIHU ROOT.

Hon. F. G. NEWLANDS,
United States Senate.
(Inclosures as above.)

(Governor Sparks to the President.)

[Telegram.]

CARSON, NEV., *December 30, 1907.*

The PRESIDENT, *Washington:*

Copy of proclamation calling special session of the legislature to convene January 14 mailed you to-day. Will rush matters to adjustment as rapidly as possible.

JOHN SPARKS, *Governor.*

(Proclamation by Governor of Nevada.)

STATE OF NEVADA—PROCLAMATION BY THE GOVERNOR.

To the honorable the members of the twenty-third session of the legislature of the State of Nevada.

GENTLEMEN: The constitution of this State, Article V, Section IX, provides that "the governor may, on extraordinary occasions, convene the legislature by proclamation, and shall state to both houses, when organized, the purpose for which they have been convened, and the legislature shall transact no legislative business except that for which they were specially convened, or such other legislative business as the governor may call to the attention of the legislature while in session."

Believing that an extraordinary occasion now exists and one which the legislature, being a coordinate branch of the State government, is best prepared to solve, it becomes my duty, by proclamation, to convene the legislature at Carson City, Nev., on the 14th day of January, A. D. 1908.

This request has been made by many citizens, the object being to adjust by legislation, if possible, the controversy existing between the miners and mine owners at Goldfield, this State. Such legislation should be general in character and impartially applicable for the restoration and preservation of law and order.

Under the constitution, as above cited, the governor shall state to both houses, when organized, the purpose for which they have been convened. When that time arrives, I will endeavor to outline to you the necessary legislation required, and will give hearty cooperation in the attempt to secure to every citizen of Nevada their just rights freely to be exercised under the law.

In witness whereof I have hereunto set my hand and caused the great seal of State to be affixed. Done at Carson City, State of Nevada, this 30th day of December, A. D. 1907.

[SEAL.] JOHN W. SPARKS, *Governor.*

Attest:
W. G. DOUGLASS,
Secretary of State.

(The President to Governor Sparks.)

WASHINGTON, *January 4, 1908.*

SIR: I have received the copy of your proclamation, dated December 30, 1907, summoning the legislature. As I have notified you, the troops will stay for three weeks from the date of this call, so that the legislature can meet and opportunity be given the State authorities to take efficient action for the preservation of the public peace in the exercise of the police powers of the State. I call your special attention to the telegram sent to you on December 14 by the Secretary of State. This sets out what must be shown as a matter of actual fact to exist in order to warrant the President in acting on the request of the State authorities. The action must be either to suppress an insurrection which the State authorities are unable to suppress, or to secure to some portion or class of the people of the State the equal protection of the laws to which they are entitled under the Constitution of the United States, and which is denied them. Action under this or any other section requires the production of evidence sufficient to sustain a judgment by the President that the condition described in the statute exists. A mere statement of domestic disturbance, still less a mere statement of apprehension of domestic disturbance, is not sufficient, even though it comes from as high and unimpeachable a source as the governor of a State. Such communication from the governor or from the legislature warrants the President in taking immediate steps to put himself in readiness to act, in view of the probability of conditions arising which will require his action. I accordingly sent the troops to Nevada on your request, and I have now directed that they be kept there pending the assembling of the legislature. Meanwhile, I sent out Assistant Secretary of Commerce and Labor Lawrence O. Murray, Commissioner of Corporations Herbert Knox Smith, and Commissioner of Labor Charles P. Neill to investigate and report to me the actual condition of affairs in Goldfield. I have just received a report from these three gentlemen, which sets forth in the most emphatic language their belief, after a careful investigation on the ground, that there was no warrant whatever for calling upon the President for troops, and that the troops should not be kept indefinitely at Goldfield. The report further states that there was no insurrection against the power of the State at the time the troops were called for, that nobody supposed that there was such an insurrection, and that none of the conditions described in section 5297–5299 of the Revised Statutes as warranting interference by the Federal Government existed, and that the effort was and is plainly an effort by the State of Nevada to secure the performance by the United States of the ordinary police duties which should, as a matter of course, be performed by Nevada herself. The report further says:

"There is absolutely no question that if the State of Nevada and the county of Esmeralda exercised the powers at their disposal they

can maintain satisfactory order in Goldfield; that so far these authorities have done nothing, but are relying upon Federal aid, and their attitude now is expressly that of refusing to do anything and desiring to throw their own burdens upon the Federal Government for the maintenance of those elementary conditions of order for which they, and they only, are responsible.

The signers of the report express their conviction that the troops should remain in Nevada until the assembling of the legislature, so as to preserve the status quo in order that the legislature may deal with the situation as it exists; but that shortly thereafter the troops should be removed.

I agree with the recommendations of this report, of which I inclose a copy, and shall act accordingly. Unless it can be shown that the statements of the report are not in accordance with the facts, it will be incumbent upon the legislature of Nevada, when it convenes, itself to provide for enforcing the laws of the State. The State of Nevada must itself make a resolute effort in good faith to perform the police duties incident to the existence of a State.

Sincerely, yours, THEODORE ROOSEVELT.

Hon. JOHN SPARKS,
Governor of Nevada, Carson City, Nev.

(Report of Messrs. Murray, Neill, and Smith to the President.)

DECEMBER 30, 1907.

SIR: On December 11, 1907, you issued to us the following instructions:

"You are hereby directed to proceed immediately to Goldfield, Nev., and make an investigation at that place into the conditions existing there at this time, and you will, on your return to Washington, submit a report to me personally.

"All Federal officials, both civil and military, are hereby directed to render you any assistance that you may need and to give you access to any information, papers, or documents that they may have bearing on the situation."

In accordance therewith we left Washington on the afternoon of December 11, arriving at Goldfield Nev. in the evening of the 15th, and proceeded at once to make the investigation directed. We gave our entire time to this object, continuing hearings and interviews every day and usually until midnight, with the help of one, and later two, stenographers, until the morning of December 21, when we left Goldfield and returned to Washington.

Immediately upon our arrival in Goldfield we conferred with General Funston, who had been investigating the situation there for several days previous to our arrival and who remained for some days and assisted us in every way in our work. We next discussed the situation fully with the governor of the State, who was at Goldfield, and then met a committee from the miners' union and the executive committee of the Goldfield Mine Operators' Association. We thus obtained at the outset a comprehensive preliminary survey of the general situation.

The Mine Operators' Association, through their counsel, then presented to us a general statement of their side of the case, and, as they were the persons primarily desiring the coming and the retention of the troops, we informed them that we would regard this written statement as analogous to the plaintiff's complaint in a court action, and that we would at once call upon them to make out their case, and lay upon them the responsibility of producing as rapidly as possible the evidence therein, reserving to ourselves, of course, the right to hear thereafter evidence on the other side. They agreed to this procedure, which seemed to be the most practical way of handling the matter, and for several days brought before us numerous witnesses, documents, and other evidence intended to substantiate the allegations of their so-called "complaint" and demonstrate the need for Federal troops. Their counsel was informed that our primary object was to secure information bearing on the question as to what justification existed for the call for Federal troops and for their continuance at Goldfield, and, after several days of hearings, on December 20 he assured us that he had produced substantially the best evidence on his side of the case, that anything more he might bring would be simply cumulative, and, in substance, that he rested his case on what he had presented.

Inasmuch as we were by this time satisfied that the mine operators had not in any particular established a case justifying either the bringing or the retention of the troops, we did not deem it necessary to take any extensive evidence on the other side, and the hearing was substantially closed with a brief formal interview with the said committee from the miners' union.

THE QUESTION BEFORE THE COMMISSION.

The Federal troops had been sent to Goldfield on the request of the governor of Nevada, dated December 5, 1907, and we made it, therefore, the primary object of our work to ascertain, first, whether the state of facts existing in Goldfield prior to and at the arrival of the troops corresponded with the allegations of said request of the governor of Nevada, and gave sufficient ground for the sending of the troops, and, second, whether the conditions existing at Goldfield upon the arrival of the troops and up to and during the time of our stay there afforded a sufficient basis for their retention at that point, and if so, for what period they should be retained.

Incidentally, we necessarily informed ourselves briefly as to the merits of the industrial controversy there existing, but only so far as the same had some bearing on the question of law and order and the presence of the Federal troops. Any complete or satisfactory examination into the general merits of the industrial dispute would have covered many weeks and would have been impossible for us to make, having as we did no power to administer oaths or compel the attendance of witnesses or the production of evidence.

Inasmuch as the troops are still in Goldfield and the question of their retention there is an important issue, we deem it proper to submit to you herewith a report bearing on this question, and we therefore direct our findings in this report to a consideration of those facts which are relevant to this question in view of the requirements of section 4 of Article IV of the Constitution, sections 5297, 5298, and 5299 of the Revised Statutes, and the act of June 18, 1878, and to a consideration of the question as to what facts existed at Goldfield before and since the arrival of the troops to constitute the grounds of action described by the said article of the Constitution and the said statutory sections.

(Section 5299, Revised Statutes.)

INSURRECTION AGAINST THE GOVERNMENT OF THE UNITED STATES.

Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

(Section 5299, Revised Statutes.)

POWER TO SUPPRESS INSURRECTION IN VIOLATION OF CIVIL RIGHTS.

Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy, opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations.

Revised Statute 5298 deals only with insurrections against the Government of the United States; Revised Statute 5299 deals only with violation of rights, privileges, immunities, or protection secured by the Constitution of the United States. These two sections may be therefore dismissed from consideration with the simple statement that there is absolutely no evidence showing the existence of any insurrection against the Government of the United States or the violation of any Federal rights.

Section 4, Article IV, of the Constitution provides as follows:

"The United States shall guarantee to every State in this Union a republican form of Government, shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence."

Section 5297, Revised Statutes, based on the above constitutional provision, is as follows:

"In case of an insurrection in any State against the government thereof, it shall be lawful for the President, on application of the legislature of such State, or of the executive, when the legislature can not be convened, to call forth such number of the militia of any other State or States, which may be applied for, as he deems sufficient to suppress such insurrection; or, on like application, to employ, for the same purposes, such part of the land or naval forces of the United States as he deems necessary."

Act June 18, 1878, chapter 262, section 15:

"From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States, as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section; and any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding $10,000 or imprisonment not exceeding two years or by both such fine and imprisonment."

The said constitutional section and the said statute based thereon, together with said act of June 18, 1878, being clearly the only provisions of law possibly applicable in the premises, we took them as a guide for our investigation into the facts existing at Goldfield. It is true that the call of the governor of Nevada of December 5 was apparently based upon and followed largely the wording of section 5299, probably under a misapprehension of the force of that section. The attorney-general of the State informed us that he had been consulted in the preparation of the call and that it had been based upon section 5299. The governor stated in that call, however, that certain facts existed, which facts, if sufficiently verified, and if broad enough in their scope and important enough in their bearings, might conceivably furnish sufficient grounds for Federal action under section 5297, Revised Statutes, and although, as above set forth, it was obvious that the governor in framing the said request had before him especially section 5299, which was wholly inapplicable, nevertheless it was of course necessary to look rather at the substance than at the form of the request and to ascertain whether the facts so stated formed a basis of action under section 5297, Revised Statutes. The request of the governor was as follows:

UNITED STATES OF AMERICA,
State of Nevada, ss.

To His Excellency Theodore Roosevelt, President of the United States, from Hon. John Sparks, Governor of the State of Nevada:

At Goldfield, Esmeralda County, State of Nevada, there does now exist domestic violence and unlawful combination and conspiracies, which do now so obstruct, and continue to obstruct and hinder, the execution of the laws of the State of Nevada, and now deprive, and continue to deprive, the people of said section of the State of the rights, privileges, immunities, and protection named in the Constitution of the United States, and of the State of Nevada, and which are secured by the laws for the protection of such rights, privileges, and immunities; and the constituted authorities of the State of Nevada are now, and continue to be, unable to protect the people in such rights; and the reason of such inability and the particulars thereof are the following, to wit:

Unlawful dynamiting of property; commission of felonies; threats against the lives and property of law-abiding citizens; the unlawful possession of arms and ammunition and the confiscation of dynamite, with threats of the unlawful use of the same by preconcerted action.

The lawfully constituted authorities of this State are unable to apprehend and punish the perpetrators of said crimes, and to prevent the commission of other threatened crimes, and unless the relief hereinafter requested is granted, this State, and the lives and property of a large number of its people, will be irreparably affected and damaged, contrary to the peace and dignity of the United States and of the State of Nevada.

Therefore, pursuant to article 4, section 4, of the Constitution of the United States, and to sections 5297 and 5299 of the Revised Statutes thereof, I, John Sparks, governor, do hereby respectfully request that Your Excellency Theodore Roosevelt, President, do immediately send to Goldfield, Esmeralda County, Nev., two companies of the troops of the Army of the United States, to suppress unlawful disorder and violence, to protect life and property, to restore peace, and to insure protection of law to the people of the State of Nevada.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be affixed, at the capitol, Carson City, Nev., on this 5th day of December, A. D. 1907.

[Great seal of State.] JOHN SPARKS, *Governor.*

While the first part contains a number of allegations, they are general and formal in nature. The specific statements of fact contained in the call appear in the second paragraph.

FACTS AS TO SITUATION IN GOLDFIELD.

With these legal considerations in view, our findings are as follows:

There has exisited at Goldfield, which is exclusively a mining town of an estimated population of between 15,000 and 20,000 in South Nevada, for over a year past, and especially since the spring of 1907, a disturbed industrial situation, due to frequently recurring labor difficulties between the mine operators on the one hand and the miners on the other. The two sides were represented almost completely by the Goldfield Mine Operators' Association, including almost all the owners, operators, or lessees of mines on the one hand, and by the local union of the Western Federation of Miners on the other, a union comprising substantially all the miners in Goldfield. This union, known as Goldfield Miners' Union, No. 220, is a branch of the general organization known as the Western Federation of Miners. It has carried on its rolls a membership estimated at above 3,000 men, which number, however, included members of crafts in Goldfield other than workers in and about mines. Figures furnished us by the mine operators showed that about 1,900 mine workers went on strike on November 27, 1907. Although a number of strikes and minor difficulties had occurred during 1907, the only acute situation arising prior to the call for troops existed in the spring of 1907. This controversy involved not only a dispute between the mine owners and the miners at Goldfield, but also between members of the miners' union and the members of other crafts in Goldfield affiliated with the American Federation of Labor. The Goldfield Miners' Union was also affiliated with the organization known as the Industrial Workers of the World, and an effort was made to force members of other crafts not affiliated with this organization to join its ranks. Not only the Mine Owners' Association and members of the miners' union went armed, but members of crafts not affiliated with the Industrial Workers of the World felt it necessary to carry arms to protect themselves while at their work. The condition of Goldfield at that time was that of an armed camp, and for a time a serious clash seemed imminent. The controversy resulted in a murder of a restaurant keeper and aroused such opposition against the Industrial Workers of the World that a ban was practically put upon them and the organization under that name was forced to abandon Goldfield. This acute situation disappeared before the end of the spring of 1907.

A succession of miners' strikes, however, had taken place throughout 1907, some of them with apparently little justification, and although the operators had yielded to nearly all the demands of the union, it seemed impossible to secure any settled industrial conditions. The mine operators insist that the socialistic doctrine adopted and preached by the Western Federation of Miners practically justified the stealing of ore by the miner. Some of the mines at Goldfield are among the richest in the world. They maintain, and of this there is little doubt, that this phenomenally rich ore is daily stolen to the amount of many hundreds of dollars by some of the miners, and that the representatives of the union have resisted and attempted to nullify reasonable attempts on the part of the mine owners to protect themselves against these thefts by "change rooms," or otherwise.

The industrial situation was further aggravated by the fact that the Goldfield union would not enter into any contract governing working conditions for any specified length of time, and the mine operators therefore could have no assurance at any time that any settlement of a dispute was more than a temporary makeshift, nor could they secure any assurance of stable industrial conditions for any fixed length of time.

Moreover, the Goldfield Miners' Union embraces in one single union not only the various crafts working in and about the mines, but also clerks, waiters, bartenders, and other miscellaneous crafts and avocations in Goldfield.

On November 27, 1907, a strike of the miners was inaugurated and is still in effect. This strike grew out of a refusal on the part of the miners to accept cashiers' checks in payment of their wages. The miners insisted upon some form of guaranty by the mine operators of whatever paper was accepted in lieu of cash. Various propositions were made, but no basis of agreement was reached.

The merits of this controversy are not of importance here, as we are concerned solely with the question of whether or not conditions warranted the calling for Federal troops. The mine operators insist that the attitude of the miners in refusing to accept cashiers' checks in payment of wages in the then acute currency condition of the country was unjustifiable, and that this as a culmination to their past experience exhausted their patience and definitely determined them to make a final break with the Western Federation of Miners and establish their permanent independence of that organization. The miners contend that their demand for a guaranty of the scrip of the mine operators was entirely proper and just, and that the mine operators sought a strike as a means to secure Federal troops, and then reduce wages and destroy the union in Goldfield.

The action of the mine operators warrants the belief that they had determined upon a reduction in wages and the refusal of employment to members of the Western Federation of Miners, but that they feared to take this course of action unless they had the protection of Federal troops, and that they accordingly laid a plan to secure such troops, and then put their programme into effect.

A committee of the mine operators went to see the governor on December 2, and urged upon him the necessity of calling for the Federal troops to preserve peace and order in Goldfield. An agreement seems to have been reached that if conditions continued as they then were that the governor would issue such call, and the committee returned after having agreed with the governor upon a code word which should be sent by telegraph to indicate the necessity for troops still existed.

Some days later the agreed-upon word was telegraphed to the governor, and he thereupon issued his call upon the President for troops. During this time, when conditions at Goldfield were represented to be in such lawless state as to demand Federal troops, there was apparently no discussion of the subject whatever carried on outside of the Mine Operators' Association. No indication was permitted to become public as to the real purpose of the call of the committee on the governor.

The papers published the fact of the presence of the committee from Goldfield at Reno, and stated the purpose of its visit to be the selection of a site for a smelter. After the agreement with the governor, and pending the sending of the telegraphic word agreed upon, no public intimation was given in Goldfield that troops had been asked for or were expected. Neither the county commissioners, the sheriff, nor the district attorney were consulted, nor had any one of them even a suspicion of the action which had been taken. The first news that the city had that it was in a condition of lawlessness and disorder, requiring the intervention of the Federal Government, was when dispatches appeared in the papers that the troops had been called for and were then on their way to Goldfield. When the fact was ascertained positively that the troops were actually on their way to Goldfield, a formal protest was telegraphed to the governor by most of the county officers.

The troops arrived in Goldfield on December 6. On December 7 the Goldfield Mine Operators' Association issued a public statement in which, among other things, they said, "We propose to adopt fair and reasonable rules for the operation of our properties and employ men irrespective of whether they belong to unions." The rules and regulations adopted, in pursuance of this statement, made a general reduction in their wage scale, amounting, in the case of miners, from $5 to $4 per day, and also provided that the said association would not employ any man belonging to Goldfield Miners' Union, No. 220, of the Western Federation of Miners, or any other union in Goldfield or elsewhere that is connected or affiliated with the Western Federation of Miners, and, in pursuance of this provision, stated that—

"Each employee of a member of this association shall, as a condition of employment, be required to sign the following agreement:

"'In consideration of my being employed by the ——— ——— company for such time as my services shall be satisfactory and at the wages heretofore fixed by said company, subject to the rules and regulations fixed by said company and by the Goldfield Mine Operators' Association relating to the employment of men in and around mines of Goldfield mining district, I hereby covenant and agree with said company that I am not now, and will not be during the time I am working for said company, a member of Goldfield Miners' Union, No. 220, of the Western Federation of Miners, or of any other union in Goldfield or elsewhere that is directly or indirectly affiliated with or has any connection of any kind, nature, or description with said The Western Federation of Miners.

"'Witness my hand and seal at Goldfield, Esmeralda County, Nev., this ——— day of ———, 190—.'"

While this cut in wages and refusal to employ members of the Western Federation of Miners was not announced until after the arrival of troops, every indication confirms the belief that such action was in contemplation before the arrival of troops, was part of the general plan of the mine operators to establish their independence of the union, and that the coming of the troops was expected and urged by them to make such plan fesible.

We find that from the spring of 1907 to the date of the arrival of the troops there were no conditions of especial violence or disorder in Goldfield, or particular reasons why such disorder was likely to occur. Apart from the question of the personnel of the miners' union—a matter that will be discussed later—the situation was normal. The town had been for at least six months previous fully as free from disturbances as any mining town of similar situation and conditions. There had been no organized opposition to law. The number of homicides during the two years prior to the coming of the troops, as stated by the county officials, did not exceed a half a dozen, and several of these had no relation to any labor difficulties. There was evidence that in the past two years a number of so-called "deportations" had taken place; that is, men had been driven out by union sympathizers either by threats or by actual violence, but probably the total number so forced out of town did not exceed twenty-five in two years. There were made before us, it is true, several statements of very much larger number, going as high as 700, but when all the witnesses had been asked to give names and facts in specific cases the number of such cases brought to our attention did not exceed twenty. Moreover, numbers of these deportations were not in furtherance of any organized plan to drive out nonunion men. They represented the paying off of old scores due to former troubles in Cripple Creek and the Coeur d'Alenes.

There was no evidence of the unlawful use of dynamite, with the one exception that it was shown that one of the poles of the electric power company's plant had been bored and dynamite cartridges inserted and lighted (which, however, failed to explode), and that a large number of other cartridges had been left at the base of the pole. No actual damage was done. This occurred shortly before the arrival of the troops. It is alleged by the miners' union that this had been done by the mine operators themselves in order to produce the appearance of violence, and while we express no opinion as to who placed the dynamite there, it must be admitted that the circumstances in the case and the clumsy way in which the work was done at least raises a reasonable doubt as to the genuineness of the attempt. We find that there were at the time of the troops' arrival a considerable number of rifles in the possession of each party; that a large number of men in the town were carrying pistols, but probably not in much greater proportion than is true of most mining towns of this character. In short, up to the time the troops arrived, and for six months prior thereto, there had been no unusual conditions of violence or disorder or any such conditions as would in any way justify the presence of the Federal troops or their retention there. The conditions did not support the general allegations in the governor's request for troops, nor were his specific statements established to any such extent as to justify his use of these statements for the purpose of getting Federal troops.

The great bulk of the testimony submitted by the mine operators set forth facts which tended to show, not the existence of actual serious disorder in the past or in the present, but the possibilities of future disorders should the troops be withdrawn. It was this potential situation that was obviously in the minds of most of the men who appeared before us on behalf of the retention of the troops. Many men of almost all classes, whose assertions we believe to have been perfectly sincere, stated earnestly that they believed that should the troops be withdrawn there would very shortly arise a condition of serious disorder and violence, loss of life and damage to property, taking the shape of a direct conflict between the miners' union and the mine operators. Inasmuch as the situation, as above stated, had remained

substantially unchanged for the six months prior to the coming of the troops, during which time practically no one believed in the probability of an insurrection or serious disorder, and inasmuch as on December 5 the so-called "insurrection" was unknown to the community and the coming of the troops a complete surprise, it was obvious that some new factors must have entered the situation very recently in order to produce these honest opinions as to future disorder.

We find that such new factors did enter, but after the troops arrived, and that they consisted of the announced determination aforesaid on the part of the mine operators, on December 7, to reduce wages and to refuse employment to members of the Western Federation; that this programme, if carried out, meant a struggle for its existence on the part of the union, and that these witnesses naturally felt that this struggle would, on the withdrawal of the troops, take the form of serious disorder. This explains to our minds the acuteness of the new situation that arose, the fears of many of those who appeared before us, and the desire expressed by so many that the troops should be retained.

Probably the most disturbing of the new factors was the refusal by the operators to employ members of the Western Federation, as above set forth, and this particular requirement, in our own opinion, was on its face contrary to the statute of Nevada, as follows:

"CHAP. CXI. An Act making it unlawful for employers to enter into agreements with their employees or persons about to enter their employment not to become or continue as members of labor organizations and prescribing penalties for violation thereof. (Approved March 17, 1903.)

"The people of the State of Nevada, represented in senate and assembly, do enact as follows:

"SECTION 1. It shall be unlawful for any person, firm, or corporation to make or enter into any agreement, either oral or in writing, by the terms of which any employee of such person, firm, or corporation, or any person about to enter the employ of such person, firm, or corporation, as a condition for continuing or obtaining such employment, shall promise or agree not to become or continue a member of a labor organization, or shall promise or agree to become or continue a member of a labor organization.

"SEC. 2. Any person or persons, firm or firms, corporation or corporations violating the provisions of section 1 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than $50 or more than $300, or be imprisoned in the county jail for a period of not less than twenty-five days or more than five months, or both such fine and imprisonment.

"SEC. 3. All acts or parts of acts in conflict with the above are hereby repealed."

The constitutionality of this statute, as well as its application, was questioned by the mine operators, but, of course, until it has been declared unconstitutional by judicial decision it must be regarded as the law of that State.

The question as to possible future violence and disorder on the withdrawal of the troops we find to depend largely on the personnel of the miners' union, and their leaders in particular. A number of these leaders are represented to be men of radical socialistic beliefs and in favor of forcibly asserting what they hold to be their rights. Goldfield, being one of the newest and richest gold-mining camps of the West, attracted many of the most adventurous and radical characters in the miners' union, and while many of these have recently left, it is believed that there remain a considerable number of men whose records in other mining camps presage ill for the future of law and order in Goldfield if Federal troops are withdrawn.

It was strongly urged that the experience of other mining camps with the Western Federation of Miners gave good grounds for the belief that should the mine operators insist on maintaining their position, as above stated, serious disorder would be likely to ensue immediately upon the withdrawal of the troops. All this, however, is purely a matter of future possibilities and not of actual present or past disorders in Goldfield. From the almost unanimous consensus of opinion of all witnesses we are satisfied that in the entire miners' union of Goldfield there are not over a few hundred men of a dangerous type—men who would readily resort to violence to accomplish their ends. The great majority, probably over three-fourths of the union, while loyal to their organization, were conceded to be men of law-abiding tendency, who would not willingly initiate or support deliberate violence. But there is likewise little doubt but that this large proportion of orderly men have in the past permitted themselves and their organization to be dominated and controlled in its public actions by vicious leaders, and have lacked either the coherence or the courage to suppress this element and conduct the affairs of their organization in a way to command public respect and confidence. In the early part of the present year the miners' union of Goldfield permitted a celebration to be held by the union and a procession under its auspices to march through the streets of that city carrying the red flag of anarchy as a sole emblem and bearing aloft legends and mottoes of an incendiary character. It is claimed that but a small proportion of the miners' union took part in the procession, but it had received the official sanction of the union, and, so far as is publicly known, was never repudiated by that body. Their personal good character can not excuse members of the Goldfield union for permitting their leaders to outrage decent sentiment, and can not save the organization to which they belong from bearing the reputation it has earned. By permitting their organization to be managed and controlled by men of violent tendencies, the union as a body has thus laid itself open to the reproach of being a vicious organization, and has furnished a foundation for the fear existing in Goldfield that it will support violence and disorder to win its present strike.

In view of the foregoing facts, we believe there is considerable danger that serious disorders will be attempted if the troops be withdrawn and the mine operators insist on carrying out their publicly announced policy. But if a handful of men have controlled the Goldfield Miners' Union and committed the organization to indefensible policies and practices, it is no reason why the county of Esmeralda and the State of Nevada should tamely submit to the domination of this same group and should not assert their authority and power and enforce respect for law and order without support of Federal troops.

ATTITUDE OF THE CIVIL AUTHORITIES.

The foregoing are the essential facts as to the elements of order and disorder existing in Goldfield. Taking up now the conditions relating to the civil authorities there:

Nevada has no State militia, its former force having been disbanded. The only force at the disposal of the governor consists of five State detectives, substantially all of whom are acting now as mine guards in Goldfield and in the pay of the mine operators, a force wholly inadequate to deal with any serious disorder. The governor informed us in writing that he would not convene the legislature, and that he would not take any steps to organize a State militia under the State statutes; that in case the troops should be withdrawn he did not know what he would do, but so far as he could then see he would do nothing. The exact form of this statement was as follows:

INTERVIEW WITH GOVERNOR JOHN SPARKS, OF NEVADA, AT HOTEL CASEY, GOLDFIELD, NEV., DECEMBER 17, 1907.

Present: Messrs. Smith, Murray, and Neill.

Mr. SMITH. We want to get in permanent and definite shape your decisions on the questions we talked of this afternoon. First, whether you will or will not convene the legislature.—A. I do not think that I can consistently do it.

Q. So you decline to do that—A. For the present; yes, sir.

* * * * * * *

Mr. SMITH. As to another matter, Governor, there was suggested the appointment of a militia here?—A. Yes.

Q. What is your view on that?—A. Well, it would take considerable time to organize that. You mean a State militia?

Q. Yes, sir.—A. Well, I should oppose that. I have opposed it all the way along. The very people I am trying to protect knew that the soldiers were here and backed me up on that. I believe a State militia at this time would be disgraceful to the State.

Q. What I refer to especially is an emergency militia, which was suggested this afternoon right in this town.—A. An emergency militia? If we had the right kind of an emergency militia it would operate all right; but I don't believe we could get that kind. That is one of the circumstances.

Q. So just what would be your action in case the troops are withdrawn?—A. Well, Mr. Smith, I have got to consider your proposition. I don't want to dodge any question you ask me, but at the present time I do not know what I would do. The chances are I would not do anything until these people here fought it out on common ground with one another. It seems they are prepared to do it. I don't want them to do it. I want to preserve peace, law, and order and protect the people more than property.

Mr. MURRAY. Governor, at the present time you do not feel justified, then, in having the legislature in extraordinary session nor to organize a State militia?—A. No, sir; I don't think it would be wise to do it. A State militia would not remedy the situation, in my judgment.

* * * * * * *

December 18, 1907.

This is a correct copy and statement.

JOHN SPARKS, *Governor.*

In brief, the attitude of the State was simply passive. The governor had in conference with him at the time his aid, Captain Cox, and the attorney-general, Mr. Stoddard, and after this interview, December 18, he left Goldfield and did not return during our stay.

We had conferences with the sheriff of the county, two of the three county commissioners, two of the assemblymen, and the district attorney, constituting all the representatives of the civil authorities of the county whose presence we could secure. Goldfield is not an incorporated city. There is a constable, but it appears, so far as we could ascertain, that since the removal of the county seat to Goldfield his powers have been largely superseded by those of the sheriff and that substantially the sheriff is the supreme and responsible peace officer of the county and the town. Our interview with these gentlemen was unsatisfactory in the extreme, lasting nearly ten hours continuously and until 10 o'clock of the night of December 19. We endeavored to get from them a statement, and especially from the sheriff, as to whether in their opinion the county officers could or could not maintain order in Goldfield should the troops be withdrawn. They each evaded this question to the utmost limit and in such a way that it was perfectly obvious that they did not dare to answer it directly, until at the end of our interview, when we finally secured from them all, as the most direct definite statement they would make in answer to our single question on this point, the following negation:

"Sheriff Ingalls, are you willing to say that if the troops are removed from here you can not maintain law and order in this town and protect life and property? Are you willing to say that?

"No; I can not say that."

The same question was put to all the said county officers and the same answer was received. They all stated that they resented the call of troops by the governor; that their coming was unnecessary, but that now the troops were in Goldfield they wished that they might be kept there. They insisted that it was an insult to the citizens and officials of Goldfield to have brought in Federal troops to maintain order and that it conveyed an utterly false impression to the outside public, but they did not recognize that the continuance of the troops after their having once arrived was a daily repetition and accentuation of what they regarded as originally an insult. They would, however, absolutely accept no responsibility whatsoever for the retention of the troops, and, while desiring their presence in order to keep the peace for which these officials were themselves responsible, it was their clear intention to get the benefit thereof and at the same time throw the whole responsibility for the continued presence of the troops upon the President.

The county derives a large income from the bullion tax, and the county commissioners boasted to us of their ability to make extensive improvements and pay for them quickly. The sheriff has complete power to summon every able-bodied man in the community as a member of his posse for the purpose of keeping the peace.

We are satisfied that the county officials have full power and authority to keep the peace in that county; that there are many law-abiding citizens who could be employed by the sheriff in case of emergency, and who would make a completely effective force for the enforcement of order.

Thus not only the State, but the county authorities deliberately, and in writing, refused to assume any other than a passive attitude in this matter.

There is absolutely no question that if the State of Nevada and the county of Esmeralda exercise the powers at their disposal they can maintain satisfactory order in Goldfield; that so far these authorities have done nothing, but are relying upon Federal aid, and their attitude now is expressly that of refusing to do anything and desiring to throw their own burdens upon the Federal Government for the maintenance of those elementary conditions of order for which they, and they only, are responsible.

CONSIDERATION OF THE LEGAL PRINCIPLES APPLICABLE.

The entire foregoing states the facts in the situation, the powers of the several authorities of Nevada and of the county and their attitude toward their own duty. We are satisfied that the findings that we have stated are correct, and that they are fully sufficient for the determination of the action of the Federal Government in this case.

Being especially cognizant of these facts, we believe it proper for us now to suggest their relation to the general principles of law and the Constitution which are applicable thereto. While the Constitution, section 4 of Article IV, and Revised Statutes, 5297, provide that in certain contingencies the Federal Government shall assist in maintaining order in a State, it is clear that such action must be strictly limited. (Such action is further limited by the act of June 18, 1878.) When a community assumes the condition of statehood as a member of the Union of the United States, and secures the great rights and privileges consequent thereupon, it also assumes certain great obligations and duties of which it can not divest itself, and if these duties are not performed, or if an honest, reasonable attempt be not made to perform them, the members of that community must suffer the consequences of such failure and can not be relieved therefrom by appealing to any other power. Desirable as it is that civil order be maintained, much as we may deprecate the loss of life and property which may yet occur at Goldfield, far greater evils would arise should these fundamental principles be set aside and any State be allowed to relieve itself of those elemental responsibilities which they have assumed by the mere fact of becoming a State. The Constitution does indeed provide that the United States shall protect the States against domestic violence, but the meaning of this provision has been well set forth in Revised Statutes, 5297, based thereon, which practically defines domestic violence for such purposes as insurrection. It is obvious that the domestic violence referred to must mean violence which a State can not control by reasonable exercise of the powers at its disposal. Any broader construction of this clause would mean that the State might at any time call upon the Federal Government for assistance in mere police duty, in the suppression of street brawls, and ordinary breaches of peace, such as occur constantly in every State of the Union, and might thus, through the connivance of the executive and the legislature of a given State, relieve that State of all of its responsibilities and expenses for the maintenance of ordinary daily order, throw the same upon the Federal Government, and relieve the State and every subdivision thereof of its most fundamental and constant obligation, and furthermore destroy that very principle of a dual government, central and local, upon which our entire political system is based.

In the case in question we find that, to put it tersely, the State of Nevada, with a population of about 70,000, and the city of Goldfield, with a population of probably 15,000, are thus far in the position of deliberately and expressly abdicating their governmental powers in the face of not more than a few hundred dangerous and disorderly men and of calling upon the Federal Government to perform the work of keeping these men in order by the use of Federal troops. We believe that such a condition illustrates to the extreme the false principles above condemned and that it would be a precedent of infinitely evil possibilities should the Federal Government concur in any such position as the governor of Nevada and the officials of Esmeralda County desire it to take.

The above considerations apply to the fundamental question as to whether the troops should be indefinitely maintained in Goldfield, as is desired by many citizens there, and we believe that these considerations answer that question emphatically in the negative. Since we left Goldfield, however, and on December 31, the governor of Nevada has changed the decision he expressed to us and has issued a call convening the legislature of that State for January 14, 1908. We believe it proper and expedient, inasmuch as the troops are now in Goldfield at the request of the governor, that the troops should remain there until the assembling of the legislature, to preserve the statu quo, so that the legislature may deal with the situation as it now exists. But we also most firmly believe that upon the assembling of the legislature, or within a few days thereafter, the troops should be removed, regardless of any request for their retention that may be made by either the legislature or the governor of Nevada, it being essential that the State of Nevada shall understand this situation completely, shall recognize the fact that there will, at that date, be thrown upon it, and it alone, the primary responsibility of keeping order, and that, recognizing this responsibility, it may take such action as is the duty of the State and as will be sufficient in the premises.

LAWRENCE O. MURRAY,
Assistant Secretary of Commerce and Labor.

CHARLES P. NEILL,
Commissioner of Labor.

HERBERT KNOX SMITH,
Commissioner of Corporations.

The PRESIDENT, *White House.*

(Governor Sparks to the President.)

[Telegram.]

CARSON, NEV., *January 17, 1908.*

Hon. THEODORE ROOSEVELT,
President of the United States, Washington, D. C.:

The resolution following has been adopted by both houses of the Nevada legislature to-day without a dissenting vote. We earnestly urge you to carefully consider the same. We are now working on a constabulary law, and will keep you advised of progress:

"*Resolved by the senate of the State of Nevada (the assembly concurring)*, That whereas conditions exist in the State of Nevada that border upon and threaten an immediate state of domestic violence; and

"Whereas said State of Nevada has no State militia or other adequate police force at its disposal sufficient to protect its inhabitants against domestic violence: Therefore, be it

"*Resolved*, That application is hereby made by the legislature of Nevada to the President of the United States to retain in the Goldfield mining district of Nevada a sufficient force of the United States Army to protect said State against domestic violence and to insure to the inhabitants of that community and the State domestic tranquillity, the preservation of law and order, and the observance of the laws of the United States and the State of Nevada, and that such portion of the United States Army be maintained in said district until the State of Nevada, through its legislature, now in extraordinary session assembled, shall be able to provide by law for the organization and equipment of a State constabulary or other police force sufficient to maintain law and order and suppress any domestic violence that may occur."

JOHN SPARKS, *Governor.*

(The President to Governor Sparks.)

[Telegram.]

THE WHITE HOUSE,
Washington, January 17, 1908.

Hon. JOHN SPARKS,
Governor of Nevada, Carson City, Nev.:

In response to your telegram transmitting the resolution of the legislature of Nevada, I authorize you to inform the legislature that in accordance with its request I will permit the troops to remain in Nevada for such reasonable length of time as will give opportunity to the legislature to organize such police force as will enable the State authorities to perform the police functions of the State. I assume, of course, that there will be all possible expedition in providing this police force.

THEODORE ROOSEVELT.

(Governor Sparks to the President.)

[Telegram.]

CARSON, NEV., *January 29, 1908.*

The PRESIDENT, *Washington:*

Our State police bill passed both houses of the Nevada legislature by a large majority and is now a law. We are working to organize the force as fast as possible.

JOHN SPARKS, *Governor of Nevada.*

THE THIRD POWER—THE FEDERAL JUDICIARY.

I shall now for a short time direct my attention to the third power, the most potent of all these mighty powers, established and ordained, it would appear, largely for the benefit of property. I refer to the courts, and more particularly to the Federal courts. I do not mean to unduly censure the courts. They are as good as the power that made and sustains them, and it was ordained more than one hundred years ago by the fathers, who wrought as well as the light they had would permit, and that power yet exists in all its original strength.

It is in defense of the freedom of contract that the courts have erected about property a bulwark of defense. Let me remind you, gentlemen, that the freedom of contract when the Constitution was framed in 1787 and the freedom of contract to-day are not one and the same. The great industrial change, which no human mind could then anticipate and which is now an insurmountable fact, has placed the workingman at the greatest disadvantage in seeking to sell or barter his labor. It would require a most cunning sophistry and crafty logic to convince any fair-minded man that the laborer selling his toil to a corporation, which has practically a monopoly over a large part of the country, enjoys the same benefits derived from the freedom of contract as was enjoyed in the early part of the last century and up to the last quarter of it, when the workingman sold his labor in a market to many small competitive employers, uninfluenced by the power and greed of monopoly.

However, the Federal judiciary, at the beginning, was the ne plus ultra of power, and so it is to-day. Its affirmations of law are, as in the days of the Medes and the Persians, thought to be proof against the eternal and God-made law—the only true law, and which is always an evolution, out of the spiritual forces which are everywhere, whether in the realm of physics, of economics, of judicial opinion, or of religion. Changes are being wrought everywhere, in every department of thought, for the upward build and elevation of mankind, except in the Federal judiciary.

These courts are the only invention of man that seem to be impervious to the benign influence of the march of time. Like beavers do they work in the very teeth of this programme, announced and published to all men two thousand years ago on the shores of Galilee. This programme was intended to make all men brothers, and this consummation is from the eternal, and shall come to pass, whether they be rich or poor, high or low, or of whatever repute. They are the same flesh and blood and are by nature brothers, and they must live together like brothers or perish from off the face of the earth.

I criticise these courts for the reason that *they seem deliberately* to ignore the trend of the times, and in their proceedings lose sight of the controversy and stick in the bark and ignore the spirit, preferring to live on worn-out precedents rather than to enlarge their opinions with the divine ideals abroad in the land, which are everywhere working for the betterment of society. This hard and fast rule, although they call it equity, is invoked when passing on human rights and liberties, the same as if they were passing upon the value of a bale of cotton or a fur hat or any other article of commerce, and they assert in defense of this merciless method, that precendent, man-made, handcuffs and leads them onward, but, I am sorry to say, not upward, in this cruel process.

On a recent occasion Mr. Justice Brewer, a great judge and a Christian gentleman, after talking very beautifully about justice, concluded in this language:

The inevitable failure of justice in this world is a sure sign of a future life.

I suppose he means that the poor devil who starves here will get justice in heaven. And he continues:

In that next world environment and heredity will be rightly and justly considered.

Thus it is that I say all justice and judicial authorities should act with the consciousness of a Supreme Being who is above us, and who will make perfect all the failures of human life.

But I would ask: What good does all this do the man and his children and his wife who are cold and hungry? Referring to mercy as it is considered in human courts, Justice Brewer said:

Mercy and justice are handmaids of Providence, but in this world of ours mercy is not a judicial function. To consider it in the courts would be to establish a precedent. Mercy is seen only in the pardons granted by executive authority, but that is not a judicial function.

What a confession of weakness!

Hear this same judge from the stump. I ask in all seriousness if silence would not be more becoming in this sage of the law? But hear him anyway:

There is a disposition to-day to tie the hands of the judge and restrict judicial action. This is shown by legislation, particularly in the Western States, forbidding the judge to refer in his charge to the fact requiring him to instruct in writing and otherwise limiting the freedom of his action.

The purpose is to guard against injustice resulting from the unwise action of prejudiced judges and to prevent any dispute concerning what took place at the trial. And yet the effect of it is to turn the judge into something little better than a moderator of a town meeting, with no efficient voice in the determination of a litigation.

Far better would it be to take more pains in the selection of competent and experienced judges, and then give them a free hand in the trial. This appears also in Congressional legislation giving to administrative officers exclusive determination in regard to immigrants, the seizure and removal of Chinese, and other prohibited classes. Again, it is disclosed by the clamor against the exercise of the equitable power of injunction. Effort has been made to make this a political question.

Government by injunction has been an object of easy denunciation. So far from removing or restricting this power, there never was a time when its unrestricted and vigorous exercise was worth more to the nation and for the best interests of all.

As population becomes more dense, as business interests multiply and crowd each other, the restraining power of a court of equity is of far greater importance than the punishing power of a court of criminal law.

To take away the equitable power of restraining wrong is a step backward toward barbarism rather than forward toward a higher civilization.

Is he not drunk with power? Read it and question yourself as to the propriety of a judge, who may be called upon to pass upon the legislation that he anticipates, to censure legislation pending in and to be passed by a coordinate branch of the Government in response to a strong public demand. When judges become this bold and audacious, their powers need to be shorn, rather than enlarged—it matters not whether he be a supreme judge of the United States, or a justice of the peace. The people need to lay their hands upon his lofty brow and say:

Cæsar, we know that you have been fed on power until you are big with your own greatness, yet you are only our servant; and if we can't get at you now, we will, some of these days, change things so we can.

GOVERNMENT BY THE FEDERAL JUDICIARY.

It has long been the belief of the ablest statesmen of this country that the Federal judiciary would, in time, become the most perfect oligarchy the world has ever seen, and why not? And, I desire to add, it will be because of the system and not because of the judges, who usually have been good and honest men. But, is a man, because he sits on the woolsack, spiritualized? And is he, consequently, one to whom is intrusted the whole counsel of truth? Is he immune to his environments? Has the taint of original sin been removed? Where has his heritage and education gone? Are all transformed into the glory of the brightness of infallibility? And yet, this is the theory of all property worshipers. It is a living untruth. We all know it and history will prove it. The Sanhedrin of Judea claimed to have derived its origin from the hand of Jehovah amid the thunders of Sinai and yet the Saviour of mankind denounced the Sanhedrin bitterly, and it in turn killed him. His indignation was kindled into a flame of righteous wrath and the twenty-second and twenty-third chapters of St. Matthew contain the most withering and severe denouncement of intellectual pride and self-righteousness that was ever uttered. They are philippics for all time against the "holier-than-thou" man. I commend these chapters to the other side of this House.

It is unbecoming in any freeman to worship any man-made tribunal, however much he may esteem and honor it, and with sycophantic adulation, because of self-interest, avow the infallibility of any man's judgment, whether he is on the bench, in the study, on the highway, or in the pulpit, nor do I believe that good government demands of its citizens a stultification of the truth, even in the interest of the courts. The men of the fifties did not hesitate to express themselves, and not always in good parliamentary language, concerning the courts that were intent upon fastening slavery on one-half of the country, right or wrong.

RECENT DECISIONS AFFECTING LABOR UNIONS.

The following are some of the opinions by Federal judges, wherein injunctions were issued to prevent trade and labor unions from exercising whatever influence they or their members might have by way of argument, talk and literature, to induce nonunion men from taking sides against them with their industrial enemies to defeat them in obtaining better labor conditions from their employers, or masters, in the field of industry:

Toledo Ann Arbor R. R. *v.* Arthur and R. R. Companies, 54 Fed. Rep., 730.

Guar. Trust Co. *v.* Haggerty, 116 Fed. Rep., 510.

U. P. Rwy. Co. *v.* Ruef, 120 Fed. Rep., 102.

Hopkins *v.* Oxley Stove Company, 83 Fed. Rep., 152.[a]

Bowels *v.* Indiana Ry. Co., 62 N. E. Rep., 94.

Otis Steel Co. (Limited) *v.* Local Union No. 218, of Cleveland, Ohio, 110 Fed. Rep., 698.

W. B. Conkey Company *v.* Russell et al., 111 Fed. Rep., 417.

In re Lennon, 166 U. S., 548.

Allis-Chalmers Co. *v.* Reliable Lodge, 111 Fed. Rep., 264.

So. Rwy. Co. *v.* Machinists' Local Union No. 14, 111 Fed. Rep., 49.

Boutwell et al. *v.* Marr et al., 42 Atl. Rep., 607.

In re Eugene Debs, 158 U. S., 564.

Underhill *v.* Murphy, Typographical Journal (August 15, 1901), page 174.

Jersey City Printing Company *v.* Cassidy et al., 53 Atl. Rep., 230.

George Jonas Glass Company *v.* Glass Blowers' Association, 54 Atl. Rep., 567.

Frank et al. *v.* Herold et al., 52 Atl. Rep., 152.

Hopkins *v.* Oxley Stove Company, 83 Fed. Rep., 912.

Oxley Stove Company *v.* Coopers' International Union of North America, 72 Fed. Rep., 695.

United States *v.* Weber et al., 114 Fed. Rep., 950.

United States *v.* Sweeney, 95 Fed. Rep., 434.

American Steel and Wire Company *v.* Wire, etc., 90 Fed. Rep., 608.

Beck et al. *v.* Railway Trainmen's Protective Union, 77 N. W. Rep., 13.

Construction Company *v.* Cameron et al., 80 N. E. Rep., 478.

Glass Company *v.* Glass Bottle Blowers, 66 Atl. Rep., 953.

Allis-Chalmers Company *v.* Iron Molders' Union, 150 Fed. Rep., 155.

Pickett *v.* Walsh, 78 N. E. Rep., 753.

Loewe *v.* Lawler, 148 Fed. Rep., 924.

March *v.* Bricklayers', etc., 63 Atl. Rep., 291.

Huttig, etc., Company *v.* Fuette et al., 143 Fed. Rep., 363.

Fordahl *v.* Hayde, 82 Pac. Rep., 1079.

Karges Furniture Company *v.* Local Union No. 131, 75 N. E. Rep., 877.

Jensen *v.* Cooks, etc., 81 Pac. Rep., 1069.

State *v.* Stockford, 58 Atl. Rep., 769.

Gray *v.* Trades Council, 97 N. W. Rep., 663.

O'Neil *v.* Behanna, 37 Atl. Rep., 843.

The Buck Stove and Range Company *v.* American Federation of Labor, 35 Wash. Law Rep., 797.

Dietrich Loewe *v.* Lawler et al., United States Supreme Court, February 3, 1908. Not reported.

Howard, administratrix, *v.* Illinois Central Railway, United States Supreme Court, January 6, 1908. Not reported.

Adair *v.* United States, United States Supreme Court, January 27, 1908. Not reported.

Hitchman Coal and Coke Company *v.* John Mitchell et al., known as the "Dayton case."

SACRED RIGHTS THREATENED.

I shall not offer any analysis of these cases, but do assert that organized labor is by them made halt and lame and will remain but a shadow, for these and other like cases, as precedents, in the hands of an able judiciary bent upon upbuilding the sacredness of property, regardless of the sacredness of human rights and bread and clothes and shelter for the poor, constitute a whole arsenal of weapons for the work to be done. Coming events cast their shadows before them. To-morrow may be seen in to-day. That the liberty of the press and the freedom of free speech are threatened by the trend of such decisions there can be no question.

[a] See Judge Caldwell's strong dissenting opinion in this case.

Many of these opinions are by a bare majority of the court and the dissents are often very vigorous. This calls to my mind a short poem, which is appropriate:

FIVE TO FOUR.

The shades of night were falling free
When up from Washington, D. C.,
There come decrees, all handed down
By judges wrapped in black silk gown—
"Five to four."

The income tax? They pondered late
And argufied with learning great;
They seized their pens and gravely wrote—
Opinions—then they took the vote—
"Five to four."

The merger? 'Twas a famous case.
Each judge sat there with solemn face
And heard the arguments so keen;
When the decision came 'twas seen—
"Five to four."

Our wards beyond the deep blue sea?
Ah, surely here they will agree!
But after rods of legal lore
Behold the spectacle once more—
"Five to four."

A law to safeguard human life,
To care for orphans and for wife;
Ah, judges on that will agree!
But there's the record—look and see—
"Five to four."

Other decisions of the very greatest importance which have been recently delivered by the court will, by the rhymster, be put into song, showing the same harmony of judicial wisdom. How many decisions involving the construction of the Constitution and statutes affecting labor organizations and the right of laborers in actions for damages have been unanimous and without vigorous dissents? How can the people have the greatest respect for this court when it is divided against itself and not always uses the most judicial language in disclosing to the world its divided views on subjects that many believe involve the perpetuity of the nation? Mr. Lincoln often quoted Scripture when dealing with great questions, and this was one of his favorite passages: "Every kingdom divided against itself is brought to desolation, and every city or house divided against itself shall not stand." What think you of this divine statement? How stands the Supreme Court of the United States—the empire builder—the whole fabric of government thus made at times to hang upon one man's judgment—for it is frequently five to four, as we have seen? Does it not show the very essence of fallibility, of weakness, And if it is the best we can do—and I will not dispute it—let us be sensible and honest with ourselves and speak out when necessary.

What astonishes me most is that this powerful tribunal, in the first decade of the twentieth century, like many similar ones before it, seems to be possessed of unshakable confidence in its wisdom and ability to guide the destinies of the greatest Republic in all history successfully and to the highest goal. But history tells of many such no doubt innocent but self-sufficient tribunals. Most of them have passed away. And, like the tribunal of wise men summoned by King Ahasueras, like the Jewish Sanhedrin, the Areopagus of Athens, and others, they have existed and wrought, never doubting, as far as history informs us, and without the least trepidation, they pronounced oracles of every kind of law with all the confidence of absolute right and truth.

Listen to that great commoner, Abraham Lincoln, that "second man of sorrows," as he has been designated by a gentleman on this floor:

Speaking of the Dred Scott decision, he says:

It was by a divided court—dividing differently on the different points. * * * Judge Douglas does not discuss the merits of the decision. * * * He denounces all who question the correctness of that decision as offering violent resistance to it. * * * We think the decision is erroneous—wrong. * * * We know the court that made it has often overruled its own decisions, and we shall do what we can to have this overruled. We offer no resistance to it.

"YOU WORK AND I'LL EAT."

Lincoln kept in view the real issue that the decision was wrong, and hear him. This is the issue:

It is the eternal struggle between these two principles—*right and wrong*—throughout the world. They are the two principles that have stood face to face from the beginning of time; and will ever continue to struggle. The one is the common right of humanity and the other the divine right of kings. It is the same principle in whatever shape it develops itself. It is the same spirit that says, "You work and toil and earn bread, and I'll eat it." No matter in what shape it comes, whether *from the mouth of a king who* seeks to bestride the people of his own nation and live by the fruit of their labor, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle.

I now quote from Mr. Jefferson to show how dangerous he considered the powers of the Federal judiciary. He said, in a letter written to Mr. Thomas Ritchie, from Monticello, in 1820:

The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric. They are construing our Constitution from a coordination of a general and special government to a general and supreme one alone. This will lay all things at their feet, and they are too well-versed in the English law to forget the maxim. "boni judicis ampliare jurisdictionem."

On the same question, in a subsequent letter to Judge Spencer Roane, also written from Monticello in 1821, he said:

The great object of my fear is the Federal judiciary. That body, like gravity, ever acting with noiseless foot and alarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them.

Apropos, and in line with these comments by Lincoln and Jefferson, on the danger of clothing the courts or the judiciary with powers of sovereignty, Mr. Gardiner, in his great history of England, says with respect to fixing the boundaries of the constitution of England:

Bacon's dislike of admitting the judges to be the supreme arbiters on political and administrative questions arose originally from his profound conviction that such questions could only be properly treated of by those who were possessed of political knowledge and administrative experience. He felt, truly enough, that the most intimate acquaintance with statutes and precedents was insufficient to enable a man to decide upon state affairs; and if he had ever been inclined to forget it, the example of Coke was constantly before his eyes as proof that no amount of legal knowledge will ever constitute a statesman. Nor was this a consideration of small importance. As the relations between James and his Parliament then stood, the judge who decided upon the law which assigned limits to each could not avoid usurping the functions of a statesman. He not only declared how far the existing law applied to the facts of the case, but he fixed the constitution of the country for the future. It was true that the decisions of the judges were liable at any time to be reversed by act of Parliament; but the day was far distant when it would be possible to obtain the joint assent of the Crown and the Parliament to any act affecting the powers of either. For the present, the judges, if they succeeded in maintaining their independence, would have in their hands the supreme control over the Constitution. They would be able, without rendering an account to anyone, to restrain or to extend the powers of the Crown for an indefinite period. In 1606 they had, by a decision from the bench, assigned to the King the right of levying impositions, which, in spite of all opposition, he retained for no less than thirty-five years.

POWER TOO FAR FROM PEOPLE.

This master intellect did not believe in making the judiciary of any government the final depository of power so far removed from the people. Similar observations from the ablest minds of the world are easy of access to anyone who desires to be informed on this greatest of all constitutional questions, *and it is one preeminently for the statesman*, as was said by Bacon, Jefferson, Lincoln, and others, *rather than for the lawyer learned in statutes and precedents.* The great Bacon well understood the workings of the human mind, when unshackled by limitations, whether great or small, learned or unlearned, and knew that it was a dangerous agent, and when made secure its work in any line of thought or conduct, unless checked, would certainly go to dangerous extremes. I understand the form of our Government and that what I am now saying is, for immediate results, fruitless, but I am like others who are upon the walls as sentinels proclaiming what seems to be the truth and what must come to pass. We have had one example—years of the bloodiest internecine war in all history.

Revolutions often are necessary to undo the work of such unhampered power. Such revolutions are well known to the student of history, and it is well, ever and anon, to warn this great coordinate branch of our Government and admonish it that the legislative branch, which touches every sort of public life and is leavened by the best impulses of the age, is jealous of the people's welfare, the proletariat included, and that it is vigilantly watching the labor of this colossus of might and wisdom, which ever have a political and economic bearing.

Is our Constitution so materialistic in genius and construction as to admit only of decisions that make it more difficult every year for the toilers of every class, who bear the burdens of civilization, to advance their conditions in keeping with the best in our civilization? Are all its intendments and implications against social equity and equality? If so, then it had better be amended or discarded, but this court never tells us but that it comprehends all wisdom. I do not want to be charged with animadverting upon the Federal courts for rendering erroneous opinions, for I must take them at their word, and they say they are as liberal as the Constitution and precedents will permit. But I do complain that these high priests of the Constitution never mention the fact that the Constitution ought to be changed by amendment. On this subject they are as silent as the grave, and here I must be pardoned for quoting again from Mr. Jefferson:

On similar ground it may be proved that no society can make a perpetual constitution or even a perpetual law. The earth belongs always to the living generation. They may manage it then, and what proceeds from it, as they please during their usufruct. They are masters, too, of their own persons, and consequently may govern them as they please. But persons and property make the sum of the objects of government. The constitution and laws of their predecessors extinguished them, in their natural course, with those whose will gave them being. This could preserve that being till it ceased to be itself and no longer.

So, Mr. Jefferson thought that no generation had a right to shackle, by any kind of law, succeeding generations. The Federal judiciary will not admit that it is adding anything original and new to the Constitution, but that it is only adapting the Constitution to new conditions as they arise. This is debatable ground, for I must charge that they are not expanding this instrument, as they might, by recognized judicial interpretation with the best thought of the age, breathing into it a holier life; no, they are building by the plan of accretions, which shall perish and pass away. To build for eternity can only be done by the life method; the other is the mechanical method, and is but a makeshift and ephemeral. Such is the patchwork method of building through precedents made by the dead, in size, a larger Constitution. It looks not to the life of the people, and the lines on which American civilization is evolving and developing. The new thought that makes for the uplift and betterment of the burden bearers of the nation, the borning anew of the imperishable principle of the brotherhood of man, that means finally the destruction of all unearned fortunes *and an equitable distribution of profits.* For true honesty, not legal honesty, is spiritual and it will not mix with dishonesty, which is material. Truth must triumph and truth comprehends honesty, and no doctrine of vested rights, which seeks to legalize dishonesty, can survive.

BROTHERHOOD OF MAN TO TRIUMPH.

Truth, honesty, mercy, and justice—and there is but one kind of justice—all find their roots in love, and the court to-day that has not this conception of justice is behind this age. The most solemn decisions of the courts and message of the President will not avail. *They may tide over the day of correction for a decade or more, but there is no escape from the microbe of dishonesty, or moral turpitude.* It is reactionary and must be reckoned with. Elimination or death is the alternative. Escape from one or the other is impossible. The law of moral retribution is world deep and will be justified.

If the courts refuse to hear the voice of the best thought of the age—for true law is a development, whether it be organic or municipal—touching government, and will not write it in their decisions affecting human rights and liberties based upon the brotherhood principle, and can not write it into their decisions, as the court seems to hold, construing the Constitution of the country, without doing violence to that instrument, the day will come, though it may be years in the future, and it ought to come, when the Constitution and the courts upholding it must pass away.

If there is to be any question as to who shall amend the Constitution—the whole people or the Federal courts—I am for the people and not for the Supreme Court of the United States, for the people will make it an organism, while the courts will make it a pile of precedents.

Property is municipal. It has no natural rights. They are all man-created and conventional, whereas man is God-created and in His own image and has inalienable natural rights. But his natural rights often seem to me to be as light as a feather compared with the vested rights of property under the constitutional provisions against the "impairing of the obligation of contracts" or depriving "any person of property without due process of law," which make property rights so sacred in this country.

The only questions asked by the property owner and the courts are: Was there a contract made, and does it exist now, and does it involve the rights of property? And if it does, there is no relief against it, because of social conditions and the inequality of the persons making it. Equity, we have always been told, will relieve against all forms of fraud, that it will protect the infant, the married woman, and the imbecile, but the common laborer, though he does not own anything in the world except his strong right arm, with a family to maintain, must be held strictly to the execution of his contracts, however inequitable and oppressive they may be, with no attempt to relieve against inequitable and hard conditions. Although these conditions lie at the very heart of the case, they are slurred over and property and its rights are lifted up by the mighty Aarons to be looked upon, that death and disease may fly away.

For a moment let us examine this point. The employer lives in his own home, surrounded by all the comforts of civilization; has money; controls all the tools of production, all the means of transportation; has social standing; is well known and respected, and is a man of influence in the affairs of life.

Hence he owns and controls practically all the forces of power, and is therefore independent—that is, he is not dependent upon any person, for he has all he needs and can use. On the other hand is the toiler, living in a small, rented house, the property of his employer, with a wife and children, no money, scant clothes, and but little provision, out of work, the future is dark and threatening, and everything looks hard, and this is but a true picture of a large class in my district and throughout the country. Can you, gentlemen, see any difference between these parties to the contract that they are about to make? If you can not, you are bereft of reason. Verily there is a difference, and a tremendous one, and real as can be; one that goes to the very core of any contract. One party is independent and free to act, the other is bound and shackled by his conditions, for which he is not responsible and which civilization has made for him and his class. The toiler is under moral duress, and the party of first part makes the contract and the toiler passively submits to it.

And yet there is *only* now and then a court broad enough and good enough and fearless enough that will interpret this contract on the very highest equitable principles, considerate of the weak and dependent party. But, bent upon preserving the inviolability of the contract as was Shylock, and again placing under the ægis of the law property rights, or vested right, growing out of this sacred contract another property decision is made, piling Pelion upon Ossa. All sight is lost of the laborer, the laboring classes, and their wrongs, the result of selfishness and the stupidity of all the ages.

The contract must be enforced. The bond calls for it, and the Constitution protects the vested rights of property, whether gotten by fraud or honestly, and does not bother itself as now interpreted about the divine right of God's children. These rights have not yet been defined by written constitutions and statutes. They live only in the brains of a few harmless but emotional altruists who talk inanely about the brotherhood of man.

EQUITY APPLICABLE TO CONTRACTS BETWEEN LABOR AND CAPITAL.

Yet this same court announces, with threadbare repetition, that equity is big enough, broad enough, and circumstantial enough to cover any case that may arise out of the contract to protect property, and I need not mention the cases in which the Federal judges (and my mind, in this connection, always reverts to that ground specimen of avoirdupois and brains, too, and who is now lovesick for the toiler and his demands) have pushed this principle to the limit of extending the jurisdiction to the case at bar, calling for a widening of the domain of equity power. This ubiquitous quality of American equity is only applicable in the protection of property and in increasing the rights of property.

If the equity courts have this inherent power to broaden their jurisdiction on account of the sanctity of property, why not broaden it so as to protect the toiler in his hard, new conditions, to which it seems he is being awakened as he comes up out of the mist of the eons of time? Why does not this great bulwark of American liberty, with its facile pen, write some new law in keeping with the spirit of the age, favorable to labor and labor strikes and the rights of labor growing out of the new economic conditions, the result of industrial combinations, as well as tomes of new law in defense of the strong and vested property rights?

It seems easy, in order to save property inviolate, to add to the Constitution, but how hard it is to swell that sacred instrument with real life—the life of live justice, not dead and hoary with age and covered with ashes—when men want just and higher wages, humane hours, and humane safety appliances!

CLIPPING FROM THE NEW YORK WORLD.

The justices of the United States Supreme Court have taken counsel together regarding the present-day political tendencies in both parties, so far as these seem to the justices to menace the Constitution. They have determined that upon them rests the burden of standing between the Constitution and popular passion. They intend at every point to meet these subversive tendencies and defeat them.

There is reason to believe that the late labor decisions of the court are merely the beginning of a series which will confront the innovators at every step. The decisions in question declared unconstitutional the employers' liability act and the Erdman compulsory arbitration act affecting disputes between labor and capital.

The justices are not confident that Congress can be relied upon to stand permanently between the Constitution and what one of the justices calls "the mob," and they are determined to fulfill their ancient function of a bulwark.

Supreme Court justices never hold conferences on political situations, but they are men like other men and talk over current subjects as others do. They have their ways of finding out what is thought by each without formal conferences. In this way they have been talking over the present dangerous situation, as it appears to them, and have reached an understanding of one another's views.

Whoever is President now and for the succeeding four years, the justices are confident that the composition of the court can not be changed in that time so as to interfere with their intention.

President Roosevelt has proposed that certain laws recently declared unconstitutional by the Supreme Court be so changed as to meet the objection of unconstitutionality. Senator LA FOLLETTE and others have introduced measures to cure defects of unconstitutionality. It is extremely improbable that any measure which the Supreme Court regards as of dangerous tendency can pass muster before that bench, no matter how it is amended.

I have been assured that the quoted article from the World was authorized, and that it expresses the mental attitude of

the court toward Congress, as the court contemplates Congress in the act of passing legislation intended to relieve the present perilous state of trade unions and the labor movement generally, which has been jeopardized because of hostile judicial legislation constantly being enacted by the Federal courts, just as Jefferson said they would enact. The assumption of these judges in lecturing Congress is grossly in bad taste, to say the least of it. The challenge has been flung into the arena, and I see no reason why it should not be taken up.

To me this portends not well for the future. It argues that the most significant discovery of the present age—the social conscience, the recognition in a degree unprecedented in all history of social responsibility, *the demand with an unprecedented imperativeness for social justice*, the substitution on *an unprecedented scale of social morality for the hard creed of individualism*—is not accepted by this powerful tribunal, which holds in its hands the destiny of the nation.

This country will have no Procrustean bed made for it by any power upon which it shall lie nolens volens, but it will make its own bed, even if it must employ other workmen to make it a new bed. Justice is not a foreign product, on which the Federal courts have a monopoly; it is but one phase of truth, and like the Medicean Venus, what we have of it has come to us in fragments, and we will transmit it to posterity, but rejuvenated, and these fragments posterity will fashion together as never before in the form of a regenerated goddess, and thy temple, Oh Justice, not yet, but partly, emerged from earth, will by and by burst forth through the labors of martyrs to the good and social justice, finished and beautified as never before, the admiration of the world and the glory of mankind. [Applause on the Democratic side.]

Mr. BENNET of New York. Mr. Chairman, I rise for a dual purpose——

Mr. SULZER. You are not going to fight a duel, are you? [Laughter.]

Mr. BENNET of New York. No; I do not propose to spell the word in a way which is, perhaps, more familiar to some Members of the House. My purpose is, first, to say a few kind words for a bill which has not yet met the approval of the House, and, second, to also say a few kind words concerning the city of New York, which apparently in this session of Congress has not entirely met the approval of the House, either. I will ask to have read in my time the bill which I send to the Clerk's desk.

The CHAIRMAN. Without objection, the Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 13079) to amend section 21 of the immigration law.

Be it enacted, etc., That section 21 of the act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, is hereby amended by adding at the end thereof the following:

"*Provided further*, That any alien who is now under sentence because of conviction in this country of a felony, or who may be hereafter convicted of a felony, shall, at the expiration of his sentence, be taken into custody and returned to the country whence he came in the manner provided by section 20 of this act."

SEC. 2. That section 21 of the said act, as so amended, is hereby reenacted.

Mr. BENNET of New York. Mr. Chairman, that bill came before the House on Monday under suspension of the rules. On a division the vote was 64 in the affirmative and 50 in the negative, not the necessary two-thirds. Some of the gentlemen who voted against the bill think along lines of general immigration somewhat as I do, or rather I think very largely as they do. Others who voted against it have in the past held very different views, and I wish to address a few remarks to each branch of the opposition.

I concede at the start that every one of the fifty who voted against it did so after as much thought and deliberation as could be had in forty minutes and from the highest possible conscientious motives. Now, it may be possible that my friends who are what one might term restrictionists on the immigration questions were a little bit suspicious of me as a Greek bearing gifts.

Mr. MANN. Would the gentleman be sent out of the country under his bill if he were a Greek?

Mr. BENNET of New York. The gentleman, if he were a Greek and came in and committed a felony, would go out in a hurry, and so would my interlocutor, whether he were a Greek or a barbarian, and he can take his choice between the two. Now, I put it to my friends on that side of the Chamber who are restrictionists, honest and sincere as I assume you to be, if you vote as a good many of you did in the last Congress to exclude every honest alien who has a sound body and a sound mind, but has not had the educational opportunities to learn to read and write, why, in the name of consistency, if you are opposed to immigration for any reason, will you not vote to deport the alien who has come in here, violated our laws, committed a felony, and served a term in a penitentiary? Do you think more of the criminal than you do of the honest, able-bodied, though illiterate, alien?

Mr. LEAKE. Will the gentleman yield for a question?

Mr. BENNET of New York. Certainly.

Mr. LEAKE. Will not the same remarks apply to gentlemen on his own side of the House who voted against that resolution?

Mr. BENNET of New York. I am not addressing any particular side; this is no question of politics.

Mr. LEAKE. I understood the gentleman to say "that side of the House."

Mr. BENNET of New York. If I said that, I want to amend it by saying "gentlemen on that side of the question."

Mr. LEAKE. I beg the gentleman's pardon.

Mr. CLARK of Missouri. Well, Mr. Chairman, I would like to ask the gentleman a question or two.

Mr. BENNET of New York. Certainly.

Mr. CLARK of Missouri. This deporting of the alien is intended as an additional punishment, is it not?

Mr. BENNET of New York. No, sir.

Mr. CLARK of Missouri. What is it intended for?

Mr. BENNET of New York. It is the exercise of the right inherent in Congress to deport any or all of the aliens in this country, and we make a class—that is, those whose terms in State prison or the penitentiary expire some time in the future.

Mr. CLARK of Missouri. I am not saying whether I am in favor of the gentleman's resolution or not. I have not examined it carefully, but I want to ask if the net result to the alien or foreigner is not an additional punishment?

Mr. BENNET of New York. I will be frank with the gentleman. I thoroughly believe that every criminal alien that is deported under this bill will regard it as a greater punishment than imprisonment.

Mr. CLARK of Missouri. Does not the gentleman so regard it himself?

Mr. BENNET of New York. Personally?

Mr. CLARK of Missouri. Yes.

Mr. BENNET of New York. I certainly do.

Mr. CLARK of Missouri. Does not the gentleman know that punishment can be made so high that it is difficult to enforce it at all?

Mr. BENNET of New York. I know that, and I considered it before I drafted this bill.

Now, coming to gentlemen on my own side of the question—not my own side of the Chamber alone—with whom I have fought side by side on this immigration question, let me call your attention to the fact that the worst foe that an honest, law-abiding, foreign-born person in this country has is a dishonest, criminal, misbehaving foreign-born citizen among us. One Italian, walking up the streets of New York on Sunday and shooting one policeman, will attract more attention than 10,000 Italians, law-abiding, peaceable citizens, on that same day in our churches in New York City.

The foreign-born themselves want to get rid of these criminals. Now, I will say to the whole House, as a result of three and a half months in Europe for the Immigration Commission—talking with the chiefs of police, governors of provinces, talking with the plain, common people, talking with anybody that I thought knew anything about immigration—that the worst effect on the foreign criminal himself is produced by the impression that in this country, where we have very largely manhood suffrage, we are so afraid of the foreign-born voter that we will stand up for the foreign-born criminal because we are cowards. That is the impression they have abroad of us. I want to say that the vote of this House on Monday, when it gets over to Italy and to Turkey and to Austria, by wire or by newspaper, will confirm that impression in the mind of every Cammorista in Naples, every Mafiaist in Messina, every Black Hand in Palermo, and every Hunchahist in Constantinople. That is what they believe of this country They believe that we can not enforce the law and do not dare to enforce the law. I have had an Italian in Calabria, which is said to contain the most dangerous criminals, although I venture to doubt it, shake his finger across the table in the council room of his city hall and tell me about a man that came back from a village in the State of New York, a man who had been a carpenter earning $4 a day, and had felt his life to be unsafe in the State of New York; had gone back to Italy and worked for 60 cents a day because he felt safer in Calabria, Italy, than in the State of New York in a country village.

Such a situation as that is a disgrace to the American people. I corroborated that condition afterwards in four villages, where men had gone back from the United States to Italy for safety.

Mr. HARDY. Would it not be well for the State of New York to take charge of that state of affairs and enforce its laws and punish the violators of them itself?

Mr. BENNET of New York. Not only the State of New York, but every other State, because they came back from other States. I am in favor of enforcement of law everywhere, in my State and in the gentleman's State, and when one of these aliens, who comes here on invitation, breaks the law and so imposes upon us, for his coming was not in good faith, I am in favor of sending him to jail in the interests of society, and then, after he is out of jail, of deporting him to the country whence he came.

Mr. HITCHCOCK. Will the gentleman define what he means by a felony in his bill?

Mr. BENNET of New York. I am in favor of allowing every State to define that for itself—the United States statutes do it—and then of having the National Government enforce the decision of the State as to what constitutes a felony by deporting the man.

Mr. SABATH. Will the gentleman permit a question?

Mr. BENNET of New York. Yes.

Mr. SABATH. Does the gentleman know that a great many States make a misdemeanor a felony—that is, that misdemeanors in a great many States are made felonies?

Mr. BENNET of New York. With the qualification that I do not think it is a great many States, I admit, of course, that the definition differs in different States.

Mr. SABATH. Is it not true that all larcenies, petty as well as grand, in many States are made felonies?

Mr. BENNET of New York. I do not know about the laws of the different States, but I do know that there may be conditions in the States that will make it necessary to make a crime in one State a felony that is a misdemeanor in another. We have got the remedy in our hands to diminish criminality among the aliens in this country, and I call the attention of my friends from Illinois to the fact—not in gloating, because what happened in Chicago on Monday may happen in New York City to-day, and worse—that on the very day when they and some of my own colleagues from New York were opposing and voting against that bill an alien who had been in the country less than three months went to the residence of the chief of police in the city of Chicago and shot his son, attempted to shoot the father, shot an assistant, and was himself killed by the chief of police.

Mr. MANN. Yes; and the gentleman has a law against it, which we passed, has he not?

Mr. BENNET of New York. Yes.

Mr. MANN. And why did the gentleman not enforce the law and deport the man before he shot the policeman?

Mr. BENNET of New York. No; we have not.

Mr. MANN. Why, certainly you have.

Mr. BENNET of New York. No.

Mr. MANN. The law is on the statute book now which the gentleman helped put through, and I voted for it. The gentleman is on the Immigration Commission. Now, why did not they deport the man?

Mr. BENNET of New York. Because there is just that omission in the law. The man had not committed any crime in Europe. He had not admitted the commission of any crime, had not been convicted of any, so far as I am advised, and therefore had a right to stay in this country.

Mr. MANN. But he was an anarchist, and there is no need of any law to deport that man—he is dead.

Mr. BENNET of New York. Yes; but how about the poor wife and children that they were talking about here Monday?

Mr. MANN. That is about what the gentleman's law is aimed at—deporting dead men.

Mr. BENNET of New York. Pass the law for us and we will deport lots of live ones.

Mr. MANN. Why not enforce the law you have now?

Mr. BENNET of New York. Because, as I pointed out to the gentleman, there was no way. This man had not committed any crime, and as far as there being any proof that he was an anarchist, I do not know that any exists. His people deny it.

Mr. MANN. But the gentleman laid great stress upon this thing at that time.

Mr. BENNET of New York. No; I beg the gentleman's pardon.

Mr. MANN. The gentleman himself may not have laid great stress upon it, but great stress was laid upon it in the House. I think I voted against the proposition myself to permit the Government to deport anybody on the ground that he was an anarchist, and I would do it again.

Mr. BENNET of New York. The gentleman is entirely mistaken as to last year, because the provision deporting anarchists was section 39 of the act passed in 1903. We simply reenacted that part of the old statute last year.

Mr. MANN. Well, it was in the bill that went through last year.

Mr. BENNET of New York. Certainly; everything was in the bill. It was a general revision.

Mr. HARDY. I want to ask the gentleman a question in respect to his definition of what a felony is. It differs in different States, and some men might be punished by deportation in the State of Texas and not by deportation in the State of New York or some other States, because one State made the act which they committed a felony and the other did not.

Mr. BENNET of New York. Unquestionably.

Mr. HARDY. Then your law would be uncertain.

Mr. BENNET of New York. Not at all. When a man in Texas committed a felony and went to the Texas State prison he would know he would be deported. When he committed a felony in the State of New York and was sent to our prison he would know he would be deported.

Mr. HARDY. Supposing your anarchist or foreigner is a constitutional lawyer?

Mr. BENNET of New York. He knows as much about the law as anybody else; he is not a fool ordinarily.

Mr. HITCHCOCK. May I ask the gentleman a question? Has the gentleman any statistics showing how many aliens in the United States have been convicted for felony?

Mr. BENNET of New York. Oh, of course I have not.

Mr. HITCHCOCK. Is it not a fact a very small proportion of the total number are convicts?

Mr. BENNET of New York. It might be a small proportion, but it would be a very considerable number of people.

Mr. HITCHCOCK. Is it not also true that the chief deterrent of crime is not the severity and amount of punishment, but the certainty of punishment, and is not the chief trouble of the States to which the gentleman refers now the fact that men are not being convicted of anything?

Mr. BENNET of New York. Oh, no. If you had this law, the alien criminal would not come here, to begin with, because he now regards this country as an asylum, and they break the laws of their own country by coming without passports and on false and forged passports in order to come to our country deliberately to pursue a life of crime.

Mr. MANN. Will the gentleman yield for a question?

Mr. BENNET of New York. Certainly.

Mr. MANN. The gentleman said that if we had this law the alien criminal would not come here. Have we not now a law prohibiting the alien criminal from coming here?

Mr. BENNET of New York. We have a law.

Mr. MANN. For that purpose?

Mr. BENNET of New York. Yes; if the gentleman will permit me to answer the question—well, I have answered that question. We have a law.

Mr. MANN. The gentleman admits we have a law requiring that now.

Mr. BENNET of New York. I say, yes.

Mr. MANN. Now, does the gentleman think that one-tenth or one one-hundreth of the persons who commit crime have any expectation a year ahead of committing a crime?

Mr. BENNET of New York. I will answer the gentleman by saying there are some Black Hand men coming here now from Palermo, Sicily, not under passports, not with the connivance of their Government, but in violation of the laws of Italy, with the deliberate intention of committing crime in our country; it has been that way at any time during the last five years.

Mr. MANN. Well, have we not a law covering that now?

Mr. BENNET of New York. We have a law, but among the things our Commission has discovered in that law are weaknesses and defects, which is one of the reasons why we went abroad, and I think we will find a way to stop that; but I want, in addition to stopping the criminals from coming in the future, to send back those who came through the weakness of our own laws in the past.

Mr. MANN. Does not the present law provide for the deportation of the class of men to which you have just referred?

Mr. BENNET of New York. Deportation?

Mr. MANN. Yes.

Mr. BENNET of New York. If they have committed a felony.

Mr. MANN. I am not talking about your bill; I am talking about the law. The men who come here for the purpose of committing a crime, the class of men you are talking about, does not the present law forbid their entrance and provide for their deportation?

Mr. BENNET of New York. That can not be answered yes or no. If these men have committed a crime abroad involving

moral turpitude, our law provides that they shall be kept out, and if they get in they can be deported at any time within three years, but there are defects in the law. I am not going into those exact defects——

Mr. MANN. Does the gentleman know of any cases of that kind of people coming into our country which he states?

Mr. BENNET of New York. Why, certainly.

Mr. MANN. How does the gentleman know of such cases when no one has been deported for such reason?

Mr. BENNET of New York. I will say to the gentleman from Illinois that in the first place people have been deported for that reason. We deported within the last year the chief of the Camorra, who committed a murder in Naples, fled to this country, was apprehended by the officials of the Department of Commerce and Labor and sent back to Naples for trial, and I will ask the gentleman from Illinois to watch the newspapers during the next month.

Mr. MANN. Well, that is asking too much.

Mr. BENNET of New York. Well, watch the Chicago newspapers; even that is a good deal.

Mr. HENRY of Texas. May I ask the gentleman. The gentleman from Illinois seems to be troubling the gentleman from New York somewhat with this inquiry. It has been stated here, in the case of the Chicago anarchist who was killed, that it was not developed at all that he was an anarchist until the post-mortem examination was held.

Mr. BENNET of New York. I see that Miss Emma Goldman denies that he was an anarchist at all. The gentleman from Illinois is not troubling me. I think he is assisting me in elucidating the point. This law, in addition to what I have——

Mr. GAINES of Tennessee. Will the gentleman let me inquire if the present law is being enforced?

Mr. BENNET of New York. The present law is being admirably enforced.

Mr. GAINES of Tennessee. Where is it enforced most—in New York City or in the cities of the interior?

Mr. BENNET of New York. Of course it is enforced most in New York, because there is where the most come through.

Mr. GAINES of Tennessee. Is it vigorously enforced in New York?

Mr. BENNET of New York. It is vigorously enforced. I will say to the gentleman that not only the Commission feel, but independent bodies not connected with our Commission, who have sent people through New York as immigrants, unanimously report relative to the enforcement of the law there that it seems to be as vigorous as it can be.

Mr. GAINES of Tennessee. Let me suggest this to the gentleman: I see that you are laboriously investigating this matter. Why do you not authorize our consul or some representative of the United States in Naples to give a certificate of good character before he permits an individual to come into the United States? Why not start it over there before the lion is turned loose over here?

Mr. BENNET of New York. I will say to the gentleman that that is one of the suggestions being considered by our commission.

Mr. GAINES of Tennessee. I suggested it four or five years ago.

Mr. PAYNE. May I ask the gentleman a question?

Mr. BENNET of New York. Certainly.

Mr. PAYNE. The question has been raised of the difference between what constitutes a felony in Texas and in New York. Now, would it not obviate all the objections that seem to be in the mind of the gentleman in regard to that, if my colleague would amend his bill, applying it only to those convicted of an offense punishable under the laws of the State by imprisonment in a State prison?

Mr. BENNET of New York. That suggestion has been made.

Mr. PAYNE. That would make it uniform, it seems to me, and obviate that objection.

Mr. BENNET of New York. If every State had a State prison, that would be uniform.

Mr. PAYNE. Or a term beyond a year in the penitentiary. I am not particular about the verbiage. But it seems to me we might get at a uniform system in the United States in that way. And a further suggestion occurs to me, that while it is sometimes difficult to prove that a crime has been perpetrated by an alien coming into the country, in the foreign country, in the cases under this bill it renders it certain that a crime has been committed, because the crime has been committed here, and there is a conviction for the crime, and, therefore, if in these cases it is right to deport criminals at all there could be no mistake.

Mr. BENNET of New York. Not in the slightest.

Mr. PAYNE. Have an exact language as to the criminal and the crime in this country.

Mr. FLOYD. Will the gentleman yield?

Mr. BENNET of New York. I have only four minutes. Suppose that you get the gentleman from Tennessee [Mr. MOON] to give me five or ten minutes. The gentlemen on that side have been taking my time a good deal.

Mr. FLOYD. In my State we have a number of crimes that are felonies under the law—that is, the punishment may be by imprisonment in the penitentiary and at the same time it may be by fine, and often a court or a jury convicts and imposes a small fine. Yet our highest court has adjudicated that is a conviction in a felony case, and I think your bill as drafted would cause those men to be deported for an offense that could be considered trivial. And if the bill was amended as suggested by the gentleman from New York [Mr. PAYNE], providing for imprisonment in the penitentiary, or something of that kind, that objection might be removed.

Mr. BENNET of New York. I thank the gentleman for his suggestion.

Mr. HENRY of Texas. Will the gentleman yield for just a moment? I want to suggest that in my State nothing is a felony that is not punishable by imprisonment in the penitentiary. But there are a great many degrading offenses and a great many serious offenses which are not denominated as felonies under our law, and it seems to me you ought to amend it so as to let it cover those offenses of a lesser grade than that of a felony. It seems to me that the bill ought to include such offenses as that.

Mr. BENNET of New York. The two gentlemen who have spoken last illustrate the difficulty that a man would fall into if he would attempt to cover the differing laws in the different States.

Mr. WALDO. What provision has the gentleman made in case of an honest man who comes here and declares and lives in this country nearly six years, perhaps marries and has children, but who in a quarrel or in the heat of passion may have committed what might be manslaughter in the second degree? Ought he to be sent back?

Mr. BENNET of New York. A man that commits a crime in the nature of murder and is tried, sentenced, and goes to jail, I do not think we can make an exception of.

Mr. WALDO. How about his wife and children?

Mr. BENNET of New York. He ought to have thought about his wife and children before he committed the crime.

Mr. WALDO. Is not that true of the American as well?

Mr. BENNET of New York. Exactly; but we can not deport an American.

Mr. WALDO. I think it is a little too late to deport a man of this kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. Does the gentleman want some more time? If so, I will yield him five minutes.

Mr. BENNET of New York. I thank the gentleman for yielding me five minutes, during which I must decline to be interrupted. I want at least these five minutes in which to speak about the financial situation in New York.

I want to assure some gentlemen on both sides of the House who seem to think that we are going to the "demnition bow-wows" in New York, which we are not, that we had more money in our savings banks in New York City on the 1st day of January than we have ever had before in the history of our State—$1,380,399,090, to be exact.

There is a general impression that all our banks suspended payment of currency. That is a mistake. I had with me yesterday in the gallery the president of a bank that never denied a man a dollar that was entitled to it during all that time; and in my own bank, whenever I put any money in, I could get it out. [Laughter.]

I sent a letter to every man in my district last fall—51,000.

Mr. SULZER. It would not be advisable to deport that many.

Mr. BENNET of New York. I can not even yield to the newly married gentleman from New York [laughter], except to congratulate him on his marriage.

Mr. SULZER. Much obliged to you.

Mr. BENNET of New York. They told me that I had better not send out these 51,000 letters, because there were so many men out of work and I would get so many requests for places that I could not be reelected next year because I could not fill them. I sent out 51,000, and for a while I got replies to the extent of 200 a day. I got, of course, the usual letter from the man who wants a political job—him we have with us always—and from the man who wants a job as a day watchman for six hours a day at Amsterdam avenue and the corner of One hundred and twenty-seventh street, and nothing but that; but of

the appeals from men out of work I got fewer than thirty; and, furthermore, I secured places or offers of places enough from various friends and sources so that I was able to offer employment to every man in my district [applause] who wrote to me for work.

The association for improving the conditions of the poor, which has investigated the condition of the homeless men, reports, in the plenitude of their years of experience, that less than 1 per cent of the homeless men in New York City would work if they could get it. We have always men out of work, always have destitution, and always will have in a city of 4,000,000 people, and we will always have a sad, disheartening army—the kind of a man that would not work if he could get it, and could not work if he would—in a city that keeps about three saloons on the four corners of the streets. That is what builds up in a great measure that class of destitution in New York always. Furthermore, for the month of January the postal receipts fell off about 6 per cent as compared with last year, and for the month of February, leaving out the extra day, my colleague [Mr. PARSONS] has just received a statement from the postmaster there showing that the receipts fell off less than 3 per cent.

We are not asking any help in New York or pleading for any charity, and do not want anybody's sympathy and have not asked anybody for a public collection.

Mr. MANN. That does not apply to the United States Treasury. [Laughter.]

Mr. BENNET of New York. We will take our share just the same as people from any other part of the country. I have not seen any indisposition on the part of anybody else. [Laughter.]

Now, in relation to the currency question. In our city this is strictly a business question. I am glad to see that our Banking and Currency Committee has not divided on strictly party lines. We have, counting in our colleagues Representatives COCKS and ANDRUS, nineteen Members from the city districts. I have consulted with some of my Republican colleagues and some of my Democratic colleagues, including Representatives COCKRAN and FORNES, who took such creditable part in the running debate with the gentleman from New Jersey [Mr. FOWLER] some time since. I am not authorized to speak for the delegation nor for any Member but myself, but I think I can assure the House that our nineteen votes will be found with anybody on either side of the House who endeavors to obtain ample discussion of the currency question and full power of amendment of any measure presented. With one possible exception, I know of no votes from New York City for the Aldrich bill in its present form. The distinguished Senator whose name the bill bears may, however, have amendments which will make it better. He has referred to them several times in debate. I can assure the House also, knowing my colleagues from New York City as I do, that we shall bring to the discussion of the currency question no thought to obtain mere partisan advantage and no captious criticism. Such knowledge as we have or may acquire will be at the service of any sincere effort for good legislation. Ours is the chief city in the land in commerce, manufacture, and business. A safe elastic currency of a known and certain value is a necessity to us. Without it industry languishes, the unemployed increase, and suffering comes to women and innocent children. The man among us from New York who would use this great problem to advance his own interests or those of his party to the detriment of proper and speedy legislation would be driven by popular opinion from public life.

I append, Mr. Chairman, an article from the New York Sun showing the praiseworthy efforts of the Italians of our city to bring the criminals of their own race to justice. I have always predicted this, and regard it as a proof of true American spirit.

FIGHT THEIR OWN CRIMINALS—ITALIANS FORM A VIGILANCE PROTECTIVE ASSOCIATION—LOCALLY IT WILL COMBAT SO-CALLED "BLACK HAND," WHICH SPEAKERS SAY ISN'T ORGANIZED HERE—AS FAR AS ITALY TO IMPROVE THE IMMIGRANT—BOMBISTS ABSENT.

The Italian Vigilance Protective Association was organized last night for the purpose of putting a stop to crimes among the Italians of this city and for the betterment of the race in this country. A permanent organization was formed in Bollettino Hall, 178 Park row, where a mass meeting was held in answer to an appeal of Frank L. Frugone, editor of the Bollettino della Sera, an Italian newspaper, that the law-abiding Italians protest against outrages perpetrated by their criminal countrymen.

More than a thousand Italians tried to crowd into a little hall whose capacity at the outside is 500. Fearing that bomb throwers might appear, a squad of policemen from the Elizabeth street station and a dozen detectives from Joe Petrosino's command were on hand, but the expected didn't happen.

It was decided to establish branches of the association throughout the city, prepare an appeal to all Italians in the United States to maintain law and order, to form an arbitration board which will settle differences among themselves and with others, and to appoint a committee to draft a memorial asking the Italian Government to instruct prefects of police to teach emigrants to obey the laws and quit carrying firearms.

Primarily the meeting was to protest against the crimes which newspapers have attributed to the Black Hand. Right off the bat the speakers one after another declared there was no such thing as a Black Hand organization in this city, and they put all the bomb throwing outrages and the mysterious murders and shootings that have baffled Petrosino and his men up to individual criminals. The Black Hand, the speakers said, existed only in the minds of Americans.

John J. Freschi, a lawyer, who spoke in English, suggested that the meeting petition the State legislature to make the crime of extortion and blackmail punishable by twenty-five years in prison, and send kidnappers to the electric chair. He said 300 or 400 Italian policemen are needed on the force, 200 detectives for Petrosino's squad, an Italian assistant district attorney, and an Italian judge on the general sessions bench. He suggested that the Bennet law now before Congress should be amended so that convicted aliens should be deported as soon as they are found guilty, and not after serving their sentences.

Mr. Frugone attacked the newspapers for ascribing recent crimes to the Black Hand.

"Blackmail, kidnapping, and bomb throwing are the barbarous crimes of the present day," he said. "They are perpetrated by criminals whom common law repudiates, and who if discovered would be punished to the severest extent of the law.

"In the name of justice and humanity we hereby emphatically and most earnestly protest against this destruction of property, this continual blackmail, and all other murderous attempts, and do solemnly declare our purpose to make these criminals obey the laws.

"The newspapers report that certain Italians are the principal villains who use blackmailing, kidnapping, and bomb throwing for their criminal satisfaction. If that is established, we will certainly use our greatest efforts to bring these criminals to justice."

Mr. Frugone, who was chairman of the meeting, was elected president of the association and proclaimed leader of the new movement. In his speech, which was interrupted by numerous "Bravos!" he pointed out that there are 400,000 Italians in New York City, and that they had not been getting a square deal. He praised Police Commissioner Bingham, but said the responsibility of the continued so-called "wave of crime" among the Italians was due to inadequate police protection. He said the Italians were entitled to protection, and that it was up to the police department to give it to them, and he advised all who sustained property losses by bomb explosions to sue the city for damages.

"This country has opened its arms to us and given shelter and protection to all comers. We must, and will, stand united against this gang of evildoers, whatever their nationality may be, who are bringing to this Republic their disgraceful character and abominable crimes, which may result in the prohibition of all immigrants as undesirable citizens."

All of the speakers, who included the Rev. Father Eucheria Gianetto, director of the Journal of Italian Catholics in America; G. Ruggio, editor of L'Araldo; Louis Leone; August Bianchi, the banker, and B. Ciambelli, editor of L'Grapho, urged the Italians to loosen their tongues when they knew of crimes. They pointed out that in nearly every case of an Italian outrage the victims themselves have shown hesitation about aiding the police.

"Be fearless and brave, and don't hesitate about giving the criminals up," said Father Gianetto, "and soon there will be an end to these outrages."

Another speaker told of the lawabiding Italians in the South American countries, where the so-called "Black Hand" was unknown. It only went to show, he said, that the crimes in the Italian quarters of this city could only be laid to individuals.

A meeting of the Vigilance Protective Association will be held in Bollettino Hall next Monday night, when further steps will be taken to put an end to Italian crimes.

Mr. OVERSTREET. Mr. Chairman, I ask the gentleman from Tennessee [Mr. MOON] to occupy the remainder of the time this afternoon.

Mr. MOON of Tennessee. I yield to the gentleman from Wisconsin [Mr. KÜSTERMANN] fifteen minutes.

Mr. KÜSTERMANN. Mr. Chairman, the distinguished gentleman from Tennessee [Mr. SIMS], who to-day spoke so eloquently about margins, a short time ago called our attention to a hold-up on the streets of the city of Washington, and he tried to establish a connection between that crime and the influence of liquor. Now, according to the laws of gravitation, no intoxicated man can run as that fellow did. Those light-footed policemen of this city could not reach him; but if it is true that the action of a man is accelerated by medicine of that kind, why, I say to you, give it to the members of the Committee on Ways and Means. [Laughter.] While I called attention to the fact some weeks ago that petroleum was not on the free list, these gentlemen have not yet acted, and the result has been that the people of the United States have continued to pay 2 or 3 cents a gallon more for American oil than the people of England. [Applause on the Democratic side.]

In fact, if the committee had acted on it on the spur of the moment, carried away by my eloquence, they would have already saved the people of this country $1,116,182.34. And if they act right now they will save the people of this country $37,206.07 every twenty-four hours. [Applause.]

Now, I referred to that hold-up under the shadow of the night, to which our attention was called by the gentleman from Tennessee, for the purpose of calling the attention of the House to another hold-up that is being perpetrated every day of the year right here in the city of Washington, in one of the most prominent buildings on Pennsylvania avenue, the Post-Office Department.

On page 14, commencing in line 9 of the bill before us, we find an item of $300,000 for the purchase or rental of canceling machines.

The great number of these machines are rented, because the owners of the invention will not sell them to the Government.

The present owners, it is safe to say, are not the original inventors, but probably, as is generally the case, either bought the patent for a paltry sum or scared some brainy but poor genius out of his patent by threatening him with an infringement suit.

Now, those in charge of post-office matters, anxious to place labor-saving machines in the different offices, did not insist, as they should have done, upon purchasing these machines or not taking them at all, but they did as was dictated to them by the owners of the several patents—they rented the machines.

Now, if the rent had been somewhat in proportion to the real value of the machines, and if the rent could have been agreed upon for a long term of years, this, while even then wrong in principle, might have passed.

But it becomes a hold-up if the annual rent amounts to 30 or 50 per cent profit on the investment.

There are now 1,540 such machines rented at an annual rental of $256,920. Here is a list of them, procured from the First Assistant Postmaster-General:

CANCELING MACHINES.

Statement showing the number of canceling machines under contract and now in use, the rental price, and the total amount that would be required if all machines were in use the full year.

Made by—	Number.	Annual rate of rental.	Total annual rent.
International Postal Supply Co., New York, N. Y.:			
Hey & Dolphin "Flier"	259	$400	$103,600
Hey & Dolphin model S	72	150	10,800
Hey & Dolphin model L	183	90	16,470
American Postal Machines Co., Boston, Mass.:			
Combination	385	150	57,750
Drop-feed	283	100	28,600
Hand-power	215	80	17,200
Columbia Postal Supply Co., Silver Creek, N. Y.	68	150	10,200
Barry Postal Supply Co., Oswego, N. Y.	62	150	9,300
Time Marking Machine Co., Chicago, Ill.	10	300	3,000
Total	1,540		256,920

It was a mistake in the first place to ever take a single machine that could not be acquired by purchase—we got along without them before, and we could have continued to do so—unless the owners of the inventions had been willing to sell us those machines outright.

I for one shall oppose the renting of another machine after the present contract has expired. If we can not purchase them, let us return to the old methods, and thus give employment to some of those who are looking for a job.

One high in authority in the Post-Office Department tells me that an excellent and practical canceling machine has lately been invented in Europe. I am ready to give preference to the inventions of Americans, but only if they are willing to sell their machines at reasonable prices.

This incident again shows us the great necessity of remodeling our patent laws. The Government of Germany reserves the right of purchasing any patent that is of exclusive use in some department of the Government or such inventions that by virtue of the patent can only be procured by the public at an exorbitant price. However, the German Government treats the patentee very fairly in having a commission of three appointed to settle on the price to be paid—one by the Government, the other by the patentee, and the third by the two others.

Another matter that in the bill before us will be called to our attention is found in the third line of page 19—$4,800,000 for railway post-office car service. Most of this is for rent of mail cars.

By one who has looked into this matter I am told that the rent paid for seven or eight years would purchase all the mail cars needed. If such is the case, Uncle Sam is far from being a good business manager. The annual rent for these cars is, according to size, from $25 to $40 per mile traveled daily, so that the rent of a postal car from my home in Wisconsin to the city of Chicago, about 200 miles, would be from $5,000 to $8,000 a year, according to the size of the car. If the same car returns within twenty-four hours, as I believe is the case, it would be double the amount, or $10,000 to $16,000 a year. Such a car could probably be built and equipped for from $25,000 to $35,000.

If the daily mail averages 1,000 pounds, which it probably does on the line referred to, $100 per mile is allowed in addition, by act of March 3, 1873, for carrying the mail—200 miles, $20,000.

No matter what the first cost, let the United States own its mail cars and whatever else is needed in the several Departments and quit paying an exorbitant rate of interest on the investment of private owners.

Mr. BRODHEAD. Mr. Chairman, national extravagance, like individual extravagance, leads to no good. A few years ago a "billion-dollar Congress" was an accusation. Now a "two-billion-dollar Congress" is a Republican boast, and more a-coming; at least more is proposed. It is about time to call a halt.

The President in his first message to this Congress informed us that the Secretary of War, who is now supposed to be the Presidential legatee, had gone to the Philippines and that, on his return, his report on the islands would be submitted, from which I infer that whatever recommendations the Secretary would make would be the President's own.

On the subject of the Philippines I find in the Annual Report of the Secretary of War for 1907 recommendations for the expenditures of large sums of money in these islands for the establishment of a regimental post, the enlargement of the Fort McKinley Reservation, and the building by the Government of "an electric or other railway" from the north shore of Mindanao to Keithley, on Lake Lanao. The report informs us that *Keithley is 3,000 feet above the sea, and that it is a very healthful spot.*

I have no doubt but that if this Government would but go into the railroad business in Mindanao, building "an electric or other railroad" to Lake Lanao, that beautiful lake which the Secretary tells us is 3,000 feet above the sea and very healthful would soon prove a rival to Lake Como.

Mr. Chairman, the impenetrable forests of Mindanao can all be conquered, and beautiful lakes 3,000 feet above sea level can be made accessible if we but give up our dream of internal improvements on our own continent and follow the recommendations of Mr. Taft and sink our National Treasury in the isles of Hellabaloo in the Philippine group.

Why plan an Atlantic inland waterway or the Lakes-to-the-Gulf scheme when we have such beautiful and healthful spots as Lake Lanao, in Mindanao, 3,000 feet above the sea, which requires a railroad and the Government to build it?

But in the Philippine group there are over a thousand islands and many more beautiful lakes and healthful spots. The prospect is limitless. The Secretary's recommendation that the Government build this railroad to Lake Lanao is but an entering wedge. Up with the flag! Let our patriotism know no limit. More Government railroads! The Philippines are ours, every one of them, so let us have a railroad for every isle. More Lake Lanaos, 3,000 feet above the sea. Indeed, Mr. Chairman, we can make the Italian lakes look like street puddles. Grind down the poor departmental clerks; stop public buildings in small cities; give up all hope of inland waterways in our generation; stop all internal improvements, for lo, the Government must go into the business of building and operating railroads in the Philippines!

Oh, let the people know what is proposed to be done in the Philippines, and then listen to them call a halt.

I quote the following from a very interesting book entitled "With Speaker CANNON Through the Tropics," written by a most energetic, cultured, and distinguished Member of this Congress, my friend and colleague, Hon. J. HAMPTON MOORE, of Philadelphia, from which it will be seen that the appalling weight of the Philippines is being felt even by those wedded to the Republican policies.

At page 403 in his delightful book Mr. MOORE says, quoting Secretary Taft:

"We expended in the Cuban war $300,000,000, and we have never invited from Cuba the return of a single cent. In establishing order in the Philippines we expended $170,000,000," the Secretary informs us, and then, answering a certain line of argument, adds: "It may be objected that the $170,000,000 or more expended by the United States in suppressing the insurrection in the Philippines was not for the benefit of the Filipino people, resulting as it did in the death of many. This is a narrow view. No money or blood was ever spent more directly for the benefit of a people than this. * * * The war was deplorable, but no other possible alternative was open to us in the discharge of our duty as a nation."

"Our duty as a nation." In that single sentence warm-hearted Secretary Taft speaks with all the kindliness and indulgence of the great American people. Having no other alternative, he presents the condition that confronts us. On one side of the account "for the development and upbuilding of Porto Rico, the preservation of peace in Cuba, and the education and civilizing of the Philippines" we are charged with the expenditure of $300,000,000 of the revenues of the United States; on the other side of the account we are credited with "our duty as a nation." The problem first confronted us nine years ago. It was thrust upon us, and we accepted it. It has not resulted in profit to the United States, except as we may regard it profitable to take of our own substance and bestow it upon other and less-favored people. Fortunately we are at peace with all the world and may now discuss the entire question calmly. If the situation were otherwise, we would doubtless continue to carry our burden and not discuss it at all. How far, then, does the duty of the United States as almoner and protector of restless islands extend? Is it our duty, in the case of Porto Rico, to at once admit that island to citizenship equal to that of Maine or California, when we deny it to Arizona and New Mexico? * * * The same Cuban war which involved us in a $300,000,000 expenditure brought us the Philippines. Dewey and destiny placed in our care 7,000,000 black people thousands of miles across the sea.

They are more remote from us than the West Indies are from the controlling European powers. The expense of taking and maintaining the Philippines has been $170,000,000, enough, if applied to the deepening of inland waterways in the United States, to complete the Lakes-to-the-Gulf project along the Mississippi Valley and the chain of inland waterways along the Atlantic coast from Massachusetts to North Carolina. We maintain civil officials and 12,000 of the flower of the United States Army in the Philippines. If we had to defend the islands from attack by water it would doubtless engage the entire Navy of the United States. We would fight for the Philippines "to the last ditch." That is the temper of the American people. We would not yield them by compulsion, but when no hostile power threatens, why not take counsel of each other?

The Philippines are far away; they are troublesome and expensive, and our hold upon them is unnatural. We had no desire to acquire them, and our dignity need not be offended if, in some honorable manner, we could manage to dispose of them.

* * * * * * *

The Philippines are of little commercial value to us; the West Indies would be. * * * What do we need in the Philippines more than a coaling station for naval purposes or a harbor for vessels engaged in the transportation of American commerce? What more than these in the West Indies do foreign nations require? The day of the buccaneer is gone, and the day of industrial expansion is at hand. Great nations are warring with each other, not for martial glory, but in legitimate and commendable contests for commercial supremacy. It is, after all, a war of the brains and the brawn of the nations. The United States is engaged in this world battle only to the extent of 5 per cent of her great manufacturing and agricultural output. Has she the time or the patience to extend it through the Philippines? And if she had, would her efforts in that direction compensate her for the expenditure and the risk? Is it her business to remain there if she can honorably withdraw and devote her money and the lives of her soldiers and sailors to worthy causes nearer home?

"We can not settle this in a day," said Speaker Cannon, referring to the Cuban complications. No more can we settle the tremendous problem of the Philippines in a day. They stand on our national books as both an asset and a liability. Shall they remain with us forever, a charge upon our bounty, to the prejudice of closed ties, or shall we let them go? The sky to-day is clear; it may not be always so. What, then, if some bright morning there should flash across the world the startling news that calm and thoughtful statesmanship had found a way to end our strange alliance, to return to us our soldiers, sailors, teachers, and statesmen from the Philippines for employment in more inviting fields in the West Indies and the great continent beyond?

I purposely put the argument in the form of questions, because it is impossible, in the absence of a plan of procedure, to declare a fixed policy. I believe the United States would be benefited if it could, in some honorable way, rid itself of control of the Philippines and assume control of the West Indies. The Philippines can not, in the nature of things, be made an integral part of this great nation; the West Indies might be absorbed and, in course of time, be made as truly a part of the United States politically as they are now geographically.

Mr. Chairman, Mr. MOORE has evidently given careful study to the subject, and has come to the same conclusion that anyone else will come to who will but carefully consider the situation.

Mr. Chairman, ten years of Republican extravagance, ten years of reckless disregard of the Constitution and its limitations, ten years of paying the expenses of one year by mortgaging the prosperity of the year after, have so largely unsettled the foundations of American political economy that Democrats, Democrats by study, by inquiry, by conviction, and by inheritance, naturally ask themselves and each other: "Where is the reversal of American policies in government to stop?"

It is less than ten years since, in Congress, a distinguished, outspoken, and farsighted American statesman expressed the fear of and coined the phrase "a billion-dollar Congress," and lo, almost a two-billion Congress has arrived. Speaker Reed's exclamatory boast that this is a billion-dollar country is an insufficient excuse for our present appalling extravagance.

According to the official statements of appropriations, the Fifty-ninth Congress at its last session appropriated $920,798,143 for 1908, or over $41,000,000 more than at the preceding session. At its first session the Fifty-ninth Congress appropriated $879,589,185, or $60,000,000 more than the Fifty-eighth Congress at the preceding session. In two years the Fifty-ninth Congress appropriated over $1,180,000,000, or an average increase of $50,000,000 a year. At this rate, by 1911 the Republicans, *if then in office*, will be able to celebrate the passing of the $2,000,000,000 mark.

For the four years under the second Administration of Grover Cleveland—1893–1896—the total appropriations amounted to $2,016,345,753. The total expenditures of the four full years of the Republican Administration following were $2,430,316,390. In the four-year period ending June 30, 1906, the aggregate of appropriations reached $3,153,334,292, an increase of $1,396,990,539 over Mr. Cleveland's second term. Exclusive of the Panama appropriations, the increase of expenditures in 1904 over 1903 was $35,496,995; in 1905 over 1904, $40,336,223; in 1906 over 1905, $17,903,836. The rate of increase has been much heavier during the last two years.

Against all this, against all waste of public moneys through extravagant or unnecessary appropriations, the Democratic party has uniformly protested and such misuse of public money is against traditional Democratic record and teaching. The theory of the Democratic party is now, as it has always been, that the Government's right to impose taxation upon its citizens is limited, strictly and constitutionally, to the needful expenses of the Government frugally administered. A government has no greater right to tax the citizens whom it serves for unnecessary expenditure under guise of needful appropriation than a private citizen has to take money from the pocket of another individual. All expenditures of government fall ultimately upon those whose labor and industry produce value, not upon those who are charged with the distribution of public moneys.

At a time like the present, when the pinching touch of financial stringency is making itself known in many homes, in many workshops, in many offices, and throughout the country generally, it is well for thoughtful men to recur to the immutable and long-recognized rules of governmental power which had their origin in the establishment of the Government of the United States and of which the Democratic party, the great conservative force in the nation, has always been the champion and protector. These rules limit the power of the General Government to Federal needs only and establish a theory of local government which has never been and never can be departed from with safety. Recurring panics, recurring financial disturbances, recurring demands for a revision of the currency law serve to make clearer the fact that any departure from the Democratic rule of local self-government, however successful it may be for a time, is fraught ultimately with great danger to the people.

The Democratic theory takes away governmental control from central points and distributes it to the various localities most interested in its wise and lawful exercise. It keeps at every man's home the greatest share of the political power that concerns him individually. It yields it to the remoter legislative bodies in diminishing proportions as they recede from the direct influence and action of the people. The principle of self-government is not the idea that the people in their collective capacity are endowed with wisdom, patriotism, and virtue superior to their individual characters. The people, as a society, are as virtuous or as vicious, as intelligent or as ignorant, as brave or as cowardly, as the persons who compose it. The great theory of local self-government under which our country has expanded over a continent and has extended its sovereignty over other lands is founded on these propositions.

That government is most wise which is in the hands of those best informed about the particular questions on which they legislate; most economical and honest when controlled by those most interested in preserving frugality in expenditure; most strong when it only exercises authority which is beneficial in its action. These are obvious truths, but they are the foundation of the Democratic theory of patriotic American government. The legislation which most affects us is local legislation. The good order of society, the protection of property, the promotion of intelligence, the enforcement of statutes, or the upholding of moral restraints mainly depend upon the virtue and wisdom of the inhabitants of the minor civil divisions, not of the big and bustling cities of the country. Upon such questions, as far as they particularly concern themselves, the people are intelligent. The wisest statesmen living and acting at Washington can not understand these affairs, nor can they conduct them as well as the citizens upon the ground. What is true of one town is true of all towns in the United States.

The theory of local self-government is not founded upon any idea that the people are virtuous and intelligent, but it attempts to distribute each particular power to those who have the greatest interest in its wise and faithful exercise. It gives to every township the right to direct its own local affairs, the people of a town being more intelligent about their own affairs than the public of any other locality. In the same way it leaves to every county the legislation that pertains to the county, and to every State the legislation that pertains to the State. Such distribution of political power is founded on the principle that persons most interested in any matter manage it better than wiser men can who are not interested there. Government, like charity, begins at home.

The power to tax the consumer and the producer for the needs of government is limited to the requirements of the Government—that and no more. It is no part of the function of the Federal Government to promote or protect one particular interest any more than it is the right of the Government to discriminate and prejudice another. By degrees the expenditures of the United States Government have been growing in much more rapid ratio than either the population of the country, great as it is, or the resources of the country, vast as they are. In times of financial difficulty the Democratic party renews its admonition, made so many times before, that the Government, like an individual, should live always within its means, and not be pledging the people's substance of the day under the hope of capitalizing the shadow of their prosperity to-morrow.

I represent, sir, a constituency made up almost exclusively of producers, of those who either on the farm or in the mill, in the mines or in the workshop, contribute unceasingly their toil to the great stream of prosperity which makes this country pre-eminent among the nations of earth to-day. But no amount of labor or industry can permanently be made useful and productive if the established rules of economic science as to governmental expenditure are disregarded, and if the Federal Government itself is permitted to encroach upon the rights of the States and of the various localities. There is no highroad to governmental finance which discards the ordinary teaching of the past in this country or elsewhere. It is the farmer more than anyone else who has reason to be most deeply interested in the question of taxation. The gains of the farmer, which are the profits of husbandry and which are due as much to fertile fields and smiling skies as well as to his own labor comes slowly and often with great difficulty.

No fortunate speculations, no favoring turns of the markets, and no speculative hazards fill his little treasury or replete his private store. It is his toil, patient, continuous, and often poorly rewarded, which enables him to meet the requirements of his farm, the care for his family, and to provide for the inevitable to-morrow. If the Government does not foster and help him, it can at least refrain from imposing upon his shoulders unnecessary and wasteful taxation, and the protest of the farmers of the United States is beginning to be heard in opposition to a course which has at times of great public prosperity made no provision for the lean and slender days of reaction which may follow. Industry may languish, production may diminish, the number of the unemployed may enlarge, but the expenses of the Federal Government under Republican rule are penses of the Federal Government under Republican rule are going on at full head, without any suggestion of diminution and without any regard for those whose labor must pay the bill.

It is time that a halt was called upon such expenditures and that the badge of distinction which within the past ten years has been the extent to which public money has been used should become henceforth due to the extent to which the Public Treasury is protected against the forays made upon it, either under pretext of protecting certain interests or of establishing new policies without warrant of the people's authorization or support.

Next year the people of the United States will pass upon the record of the Republican party in its use of public moneys, and the Democratic party, true to its uniform record of frugality under the Constitution, welcomes the challenge which that appeal invites.

The CHAIRMAN. The gentleman from Tennessee yields ten minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Chairman, the other day the distinguished gentleman from Pennsylvania [Mr. DALZELL] spoke very entertainingly on the subject of the tariff. Of course in the limited time accorded to me I have not risen for the purpose of endeavoring to reply to the remarks made by the gentleman on that occasion. I listened most attentively to every word he uttered and failed to learn wherein any of the thousands of idle workmen in this country now walking the streets of the cities seeking employment could draw any consolation from the gentleman's speech. He spoke of the unanimity existing in Republican ranks. He spoke of the harmony pervading the Republican Administration, all the way from the Chief Executive down to the lowest office held by any Republican in this Administration. He had much to say of the harmony existing between the President, the Senate, and the House of Representatives, and lauded in the very highest degree the Chief Executive.

Mr. Chairman, to show that the harmony is not shared in by all of the Republicans in high places, I wish to have read a part of an interview given out by the Republican Senator from Kentucky, recently elected by the legislature of that State, and ask that the Clerk read that part which I have marked.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

He says the Republicans will have no walk-over in the Presidential contest, and that Taft's nomination would by no means make certain his election. Mr. Bradley says:

"With the labor unions and negroes against him, it is exceedingly doubtful whether Taft could carry the States of Ohio, Illinois, Indiana, New Jersey, New York, and possibly others. There can be no hope of carrying Kentucky, West Virginia, or Maryland. He will not get the electoral vote of any of the extreme Southern States."

Mr. HENRY of Texas. Mr. Chairman, I have another statement found in the Washington Post, which appeared on the 2d day of March. It will be remembered, not only by the House, but by the whole country, that the President has sent two messages to this Congress and has urged the Republican party, his party, to enact certain legislation, and up to the present time not a single measure recommended by him has been enacted by the Republicans of this body. That does not indicate very much harmony between the powers that be here on this floor and the Chief Executive of the United States; and to illustrate how the President is feeling on the subject of harmony, I send to the Clerk's desk and ask that the statement be read, headlines and all.

The CHAIRMAN. Without objection, the paper will be read.

There was no objection.

The Clerk read as follows:

PRESIDENT DEMANDS LAWS—WILL NOT PERMIT CONGRESS TO ADJOURN WITHOUT DOING WORK—SQUARE BREAK WITH MR. ROOSEVELT PREDICTED IF LEGISLATIVE PROGRAMME IS NOT CARRIED OUT.

NEW YORK, *March 2, 1908.*

A Washington dispatch to the Times says:

"The cheerful inactivity which has prevailed at the Capitol for the last two weeks will not be permitted to continue much longer. Congress is going to wake up pretty soon; and if it is not roused of its own volition, something will happen in its neighborhood not at all conducive to somnolence.

"It has been remarked widely recently that the President seems in a fair way to lose his entire legislative programme for this session. The 'reactionaries' were having things their own way, and it was to be a do-nothing session, despite the numerous and strenuous recommendations in the two messages.

"But it turns out that the President is still to be reckoned with and that he has no notion of permitting Congress to go home without enacting at least some of the measures he has asked for. If it does adjourn with only the appropriation bills to its credit, it will be at the cost of a square break with the President, and the country will have a chance to decide between them.

"Mr. Roosevelt will not hesitate to start the back-firing process, and there will be trouble for a good many men who now see their way clear to reelection. The President has been taking stock on his own account, and he is convinced that his policies are just as popular as ever throughout the country, if not more so.

"He has had reliable information recently that demonstrates an extraordinary situation. This was indicated by a poll taken by a New York magazine, which sent letters to 12,000 of its subscribers, asking their preference for President. These subscribers represent all conditions of men of all shades of political opinion, and they are scattered all over the country, representing every Congressional district. Answers were received from all but about 600, and 90 per cent of those who replied were for Roosevelt.

"*With such a situation behind him the President is determined that Congress shall either act on his recommendations for a new employers' liability law, for amendment of the Sherman antitrust law, and for a law governing the issue of securities by interstate corporations or face the consequences at home.*

"The first of these measures is now in the hands of the Senate Judiciary Committee, in the shape of the Knox employers' liability bill. The other two bills are in process of construction, with friends of the President busily engaged in perfecting them. When they are completed they will be introduced in the Senate, and then the circus will begin.

"Those Congressmen who are figuring on an early adjournment and making preparations to get away about May 1 will find that they have some work to do before they leave Washington which they have not been planning on. The appropriation bills are in the usual long-session state of backwardness, but when it makes up its mind to work Congress has demonstrated that it can spend money at an amazing rate. It will not be in the money bills that cause for delay is found, but in the Sherman-law amendments, and in the securities law there is a fine field for constitutional discussion, as there was in the Hepburn rate law, and that is the prospect that is now open before the statesmen who are so anxious to get home to look after their political fences."

Mr. HENRY of Texas. Mr. Chairman, again referring to the harmony mentioned by the gentleman from Pennsylvania [Mr. DALZELL], I will conclude my remarks by predicting that although the President has recommended the passage of a number of measures to this Congress, when we adjourn we will have passed the appropriation bills, and not a single law that has been recommended by the Chief Executive to his party, which controls all legislation, will be given to the country for the relief of the people who are suffering for the lack of legislation on the subjects indicated. [Applause on the Democratic side.]

Mr. OVERSTREET. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18347, the post-office appropriation bill, and had come to no resolution thereon.

LOSS OF LIFE IN CLEVELAND, OHIO.

Mr. HARDING. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Whereas information has reached the House of Representatives of the United States that scores of children to-day lost their lives in the burning of a schoolhouse in Cleveland, Ohio: Be it

Resolved, That the sympathy of the House of Representatives be, and is hereby, extended to the bereaved city of Cleveland and the sorrowing homes of that city.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

REGULATION OF TERMS OF FEDERAL COURTS IN EASTERN DISTRICT OF TEXAS.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16874) to amend section 13 of an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 13 of an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902, be, and the same is hereby, amended to read as follows, this amendment becoming operative on and after June 1, 1908:

"SEC. 13. That the United States circuit and district courts for the eastern district of Texas shall be held in each year at the times and places, as follows:

"At Tyler, in the county of Smith, on the fourth Monday of January and the fourth Monday of April.

"At Jefferson, in the county of Marion, on the first Monday of October and the third Monday of February.

"At Beaumont, in the county of Jefferson, on the third Monday of November and the first Monday of April.

"At Sherman, in the county of Grayson, on the first Monday of January and the third Monday of May.

"At Paris, in the county of Lamar, on the first Monday of March and the third Monday of October.

"At Texarkana, in the county of Bowie, on the third Monday of March and the first Monday of November."

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, Mr. Speaker, I understand that in this bill there are no new subdivisions and no new places for holding court. It is simply a rearrangement of the time.

Mr. SHEPPARD. It creates no new places; simply rearranges the time.

The SPEAKER. The Chair hears no objection. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. SHEPPARD, a motion to reconsider the vote by which the bill was passed was laid upon the table.

EULOGIES ON THE LATE HON. GEORGE W. SMITH.

Mr. THISTLEWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk and ask to have read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the House of Representatives shall meet at 12 m. on Sunday, April 19, 1908, for the purpose of having eulogies upon the life, character, and public services of the Hon. GEORGE W. SMITH, late a Representative in Congress from the Twenty-fifth District in Illinois.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15247. An act to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River near the city of Coeur d'Alene, Idaho;

H. R. 3923. An act to fix the limitation applicable in certain cases; and

H. R. 6195. An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5255. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

S. 4376. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors; and

S. 5110. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 17220. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906;

H. R. 17422. An act to authorize the counties of Henry and Rock Island, in the State of Illinois, to construct a bridge across Rock River at or near Colona Ferry, in said State;

H. R. 4777. An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings; and

H. R. 17524. An act to provide for circuit and district courts of the United States at Dothan, Ala.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2210. An act to increase the salary of the United States district judge for Porto Rico—to the Committee on Insular Affairs.

S. 4549. An act to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr.—to the Committee on Indian Affairs.

S. 650. An act to extend the special leave privileges authorized for officers of the Military Academy by section 1330, Revised Statutes, to certain instructors and student officers at service schools—to the Committee on Military Affairs.

S. 3202. An act to authorize patents to Santee Indians—to the Committee on Indian Affairs.

S. 2948. An act to provide additional station grounds and terminal facilities for the Arizona and California Railway Company in the Colorado River Indian Reservation, Ariz.—to the Committee on Indian Affairs.

S. 5253. An act to establish a fish-cultural station in the State of Wisconsin—to the Committee on the Merchant Marine and Fisheries.

S. 2995. An act to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

S. 31. An act authorizing the extension of Oak street NW.—to the Committee on the District of Columbia.

S. 4118. An act in relation to business streets in the District of Columbia—to the Committee on the District of Columbia.

S. R. 24. Joint resolution directing the Interstate Commerce Commission to investigate and report on facing point switches and the appliances for the automatic control of such switches—to the Committee on Interstate and Foreign Commerce.

S. 4916. An act authorizing the Secretary of the Interior to issue patent in fee to the board of missions of the Protestant Episcopal Church for certain lands situated in the State of Idaho—to the Committee on Public Buildings and Grounds.

S. 213. An act for the relief of S. R. Green—to the Committee on Claims.

S. 33. An act to provide a public park on Georgetown Heights, in the District of Columbia—to the Committee on Public Buildings and Grounds.

S. 4196. An act to provide for the enlargement and improvement of the public building at Elgin, Ill.—to the Committee on Public Buildings and Grounds.

S. 5341. An act to authorize the enlargement, improvement, and equipment of the light-house depot at Yerba Buena Island, California—to the Committee on Interstate and Foreign Commerce.

S. 1204. An act for the relief of J. M. Bloom—to the Committee on Claims.

S. 1751. An act to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance—to the Committee on Claims.

S. 1752. An act to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance—to the Committee on Claims.

S. 3848. An act for the relief of James A. Russell—to the Committee on War Claims.

S. 212. An act to reimburse S. R. Green, postmaster of Oregon City, Oreg., for moneys lost by burglary—to the Committee on Claims.

S. 5212. An act to authorize the Secretary of the Interior to convey by fee-simple patent certain lands in the Otoe and Missouria Reservation, Okla., to the Society of Friends—to the Committee on Indian Affairs.

S. 4469. An act for the erection of a memorial to John Wesley Powell—to the Committee on the Library.

S. 1073. An act to authorize the extension and enlargement of the post-office building in the city of Beatrice, Nebr.—to the Committee on Public Buildings and Grounds.

S. 2317. An act for the erection of a public building at Appleton, Wis.—to the Committee on Public Buildings and Grounds.

S. 5709. An act for extending, repairing, and improving the public building at Fort Dodge, Iowa—to the Committee on Public Buildings and Grounds.

S. 5349. An act for the relief of Madison County, Ky.—to the Committee on Claims.

S. 4833. An act to provide for the purchase of a site and the erection of a public building thereon at Le Mars, Iowa—to the Committee on Public Buildings and Grounds.

S. 4832. An act to provide for the erection of a public building at Ottumwa, Iowa—to the Committee on Public Buildings and Grounds.

S. 4801. An act granting certain lands in the Wind River Reservation, in Wyoming, to the Protestant Episcopal Church—to the Committee on Indian Affairs.

ADJOURNMENT.

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and, accordingly (at 4 o'clock and 52 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of Agriculture, transmitting a statement of payments to officers of State, county, and municipal governments for services in enforcing the pure-food law, was taken from the Speaker's table, referred to the Committee on Expenditures in the Department of Agriculture, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the joint resolution of the House (H. J. Res. 134) for the relief of Archibald G. Stirling, recently midshipman, United States Navy, reported the same with amendment, accompanied by a report (No. 1147), which said resolution and report were referred to the Private Calendar.

Mr. SMITH of Arizona, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17277) for the relief of George S. Patten, of Williams, Coconino County, Ariz., reported the same with amendment, accompanied by a report (No. 1148), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2395) granting an increase of pension to Frank Z. Curry, reported the same with amendment, accompanied by a report (No. 1149), which said bill and report were referred to the Private Calendar.

Mr. KENNEDY of Iowa, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4226) granting a pension to Harry Orendorff, reported the same with amendments, accompanied by a report (No. 1150), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4326) granting an increase of pension to James Barbour, reported the same with amendments, accompanied by a report (No. 1151), which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6543) granting an increase of pension to Margaret C. Storts, reported the same with amendments, accompanied by a report (No. 1152), which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7741) granting an increase of pension to Louisa E. Price, reported the same with amendment, accompanied by a report (No. 1153), which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10837) granting a pension to Maggie Z. Tarter, reported the same with amendments, accompanied by a report (No. 1154), which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10938) granting an increase of pension to Samuel A. Burt, reported the same with amendments, accompanied by a report (No. 1155), which said bill and report were referred to the Private Calendar.

Mr. LANING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11457) granting a pension to Noble Saxton, reported the same with amendments, accompanied by a report (No. 1156), which said bill and report were referred to the Private Calendar.

Mr. BARCLAY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11464) granting a pension to Anna Borkowski, reported the same with amendments, accompanied by a report (No. 1157), which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14341) granting an increase of pension to Mary Hutchinson, reported the same with amendment, accompanied by a report (No. 1158), which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14680) granting a pension to Elizabeth Norton, reported the same with amendments, accompanied by a report (No. 1159), which said bill and report were referred to the Private Calendar.

Mr. HULL of Tennessee, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15019) granting an increase of pension to W. H. Jones, reported the same with amendments, accompanied by a report (No. 1160), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15547) granting a pension to Alexander Iuan, reported the same without amendment, accompanied by a report (No. 1161), which said bill and report were referred to the Private Calendar.

Also, from the same committee, to which was referred the bill of the House (H. R. 15605) granting an increase of pension to Dinah E. Sprague, reported the same with amendments, accompanied by a report (No. 1162), which said bill and report were referred to the Private Calendar.

Mr. BARCLAY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15958) granting an increase of pension to Addie W. Farquhar, reported the same with amendments, accompanied by a report (No. 1163), which said bill and report were referred to the Private Calendar.

Mr. HULL of Tennessee, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16028) granting an increase of pension to America Bruce, reported the same with amendments, accompanied by a report (No. 1164), which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17331) granting an increase of pension to John Mogg, reported the same with amendments, accompanied by a report (No. 1165), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18029) granting an increase of pension to James Kilby, sr., reported the same with amendments, accompanied by a report (No. 1166), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 2674) granting a pension to Margaret Tayes, née Ellis—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5279) granting a pension to Marcus A. Moses—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17736) granting a pension to Clarence F. Moore—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17113) granting a pension to John J. James—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HAY: A bill (H. R. 18689) to authorize the Secretary

of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Winchester, Va.—to the Committee on Military Affairs.

By Mr. SMITH of Texas: A bill (H. R. 18690) to enlarge the powers of the Interstate Commerce Commission, and to further regulate common carriers engaged in interstate and foreign commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. McDERMOTT: A bill (H. R. 18691) making the 12th day of October of each year a national holiday and designated "Discovery Day"—to the Committee on the Judiciary.

By Mr. OLMSTED: A bill (H. R. 18692) granting to the borough of Carlisle, Pa., the right of way for a sewer pipe through and under lands owned by the United States and used in connection with the United States Indian Industrial School—to the Committee on Indian Affairs.

By Mr. GREENE: A bill (H. R. 18693) for a United States post-office building and the purchase of a site for same at New Bedford, Bristol County, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. MANN: A bill (H. R. 18694) relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama—to the Committee on Interstate and Foreign Commerce.

By Mr. RANSDELL of Louisiana: A bill (H. R. 18695) to protect the banks of the Mississippi River in front of the city of New Orleans, La.—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. GOULDEN: A bill (H. R. 18696) to amend an act entitled "An act to facilitate the collection of commercial statistics required by section 2 of the river and harbor appropriation acts of 1866 and 1867," approved February 21, 1891—to the Committee on Rivers and Harbors.

By Mr. FULTON: A bill (H. R. 18697) to authorize the Secretary of the Interior to sell 640 acres of land of the Cheyenne and Arapaho Agency and Arapaho School in Oklahoma, and for the use of the proceeds thereof—to the Committee on Indian Affairs.

By Mr. DUNWELL: A bill (H. R. 18698) making it a misdemeanor for any other person than those to whom Congressional medals of honor are awarded by proper authority to wear such medal or any ribbon or other insignia thereof, or to personate such medal-of-honor man or in any manner represent himself to be such—to the Committee on Military Affairs.

By Mr. WILLIAMS: A bill (H. R. 18699) authorizing a survey of Pearl River, Mississippi—to the Committee on Rivers and Harbors.

By Mr. THOMAS of North Carolina: A bill (H. R. 18700) to provide for terms of the United States district and circuit courts at Goldsboro, N. C.—to the Committee on the Judiciary.

By Mr. FOSTER of Illinois: A bill (H. R. 18701) providing for the retirement of certain officers of the Navy—to the Committee on Military Affairs.

By Mr. BENNET of New York: A bill (H. R. 18702) authorizing the extension of P, Volta, Q, and Dent streets NW.—to the Committee on the District of Columbia.

By Mr. WILSON of Illinois: A bill (H. R. 18703) providing for the purchase of a site and the erection of a public building thereon at Chicago Heights, in the State of Illinois—to the Committee on Public Buildings and Grounds.

By Mr. VREELAND: A bill (H. R. 18704) to establish a fish-culture station in the State of New York—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Michigan: A bill (H. R. 18705) authorizing the extension of Massachusetts avenue from Wisconsin avenue to the District line, and for other purposes—to the Committee on the District of Columbia.

By Mr. FOSS: A bill (H. R. 18706) increasing the limit of cost of a public building at Waukegan, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. LOVERING: Joint resolution (H. J. Res. 149) proposing an amendment to the act of March 2, 1907, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. PAYNE: Resolution (H. Res. 279) for a janitor to the Committee on Ways and Means—to the Committee on Accounts.

By Mr. CURRIER: Resolution (H. Res. 280) providing for an additional messenger in charge of telephones on the floor of the House—to the Committee on Accounts.

By Mr. SULZER: Memorial of the legislature of Illinois, recommending the creation of a volunteer retired list of the officers of the late civil war—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 18707) granting a pension to Elizabeth Grave—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 18708) to reimburse Mary W. Douthett for United States bonds and coupons owned by her and destroyed by fire—to the Committee on Claims.

By Mr. BYRD: A bill (H. R. 18709) to indemnify Clarke County, Miss., in the sum of $40,000, for the court-house records and other property destroyed by the Federal troops during the late civil war—to the Committee on War Claims.

Also, a bill (H. R. 18710) for the relief of the estate of Francis Mayerhoff—to the Committee on Claims.

By Mr. CALDERHEAD: A bill (H. R. 18711) granting an increase of pension to William Quinn—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 18712) granting an increase of pension to James H. Rickard—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 18713) granting an increase of pension to Benjamin W. Patterson—to the Committee on Invalid Pensions.

By Mr. COOK of Colorado: A bill (H. R. 18714) granting an increase of pension to Charles W. Eaton—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 18715) granting a pension to Edward Taussig—to the Committee on Invalid Pensions.

By Mr. CAULFIELD: A bill (H. R. 18716) for the relief of the estate of Joseph Kulage, deceased, late of St. Louis, Mo.—to the Committee on War Claims.

By Mr. DIEKEMA: A bill (H. R. 18717) for the relief of Alvah Clement—to the Committee on Military Affairs.

Also, a bill (H. R. 18718) granting a pension to Harriet Ballou—to the Committee on Invalid Pensions.

By Mr. BEALE of Pennsylvania: A bill (H. R. 18719) granting an increase of pension to Thomas Gatings—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: A bill (H. R. 18720) granting a pension to Eliza J. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18721) granting an increase of pension to James P. Testerman—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 18722) granting an increase of pension to J. H. Condon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18723) granting a pension to Carrie Booher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18724) granting an increase of pension to James K. Snyder—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 18725) granting a pension to Eugene H. Hillyer—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 18726) for the relief of Wyatt O. Selkirk—to the Committee on Military Affairs.

By Mr. HACKETT: A bill (H. R. 18727) granting an increase of pension to Thomas B. Handy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18728) granting an increase of pension to William A. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18729) to correct the military record of Gilomiel L. Smoot—to the Committee on Military Affairs.

Also, a bill (H. R. 18730) for the relief of J. B. Johnston, administrator of John D. Johnston—to the Committee on War Claims.

By Mr. HACKNEY: A bill (H. R. 18731) for the relief of Washington L. Regan—to the Committee on Military Affairs.

Also, a bill (H. R. 18732) granting a pension to George W. Brittain—to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 18733) for the relief of the heirs of G. W. Upton, deceased—to the Committee on War Claims.

By Mr. LAFEAN: A bill (H. R. 18734) for the relief of Edward Livingston Keyes—to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 18735) for the relief of the legal representatives of Adam Baum—to the Committee on War Claims.

Also, a bill (H. R. 18736) to correct the military record of Henry Ritchie—to the Committee on Military Affairs.

By Mr. LAW: A bill (H. R. 18737) for the relief of the widow of the late Capt. Henry B. Noble, retired, Eighth Infantry, United States Army—to the Committee on War Claims.

By Mr. LILLEY: A bill (H. R. 18738) granting an increase of pension to William J. Wilson—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 18739) granting a pension to Malcolm H. Browning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18740) granting an increase of pension to O. B. Shine—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 18741) granting an increase of pension to Alfred L. S. Morand—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 18742) for the relief of Henry C. Haynes—to the Committee on Military Affairs.

By Mr. ROTHERMEL: A bill (H. R. 18743) granting an increase of pension to Daniel Knauss—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 18744) for the relief of the estate of Mark S. Gorrill—to the Committee on Claims.

By Mr. SLAYDEN: A bill (H. R. 18745) granting an increase of pension to James Parkerson—to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 18746) granting a pension to Myrtle L. Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18747) for the relief of J. S. Huron—to the Committee on War Claims.

Also, a bill (H. R. 18748) for the relief of George A. Williams—to the Committee on War Claims.

Also, a bill (H. R. 18749) for the relief of the city of Key West, Fla.—to the Committee on War Claims.

By Mr. SPERRY: A bill (H. R. 18750) granting an increase of pension to Harriett N. Nichols—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 18751) authorizing a patent to be issued to Walter H. Quist for certain lands therein described—to the Committee on the Public Lands.

By Mr. SULLOWAY: A bill (H. R. 18752) granting a pension to Annie Lynch—to the Committee on Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 18753) granting an increase of pension to Joseph Dickey—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Trades and Labor Assembly of New Castle, Pa., for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. ALEXANDER of Missouri: Papers to accompany bills for relief of Catherine J. Thomas and Reuben Duskill—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: Petition of Brotherhood of Railway Trainmen, for the La Follett-Sterling employers' liability bill (S. 5307, H. R. 17036)—to the Committee on the Judiciary.

Also, petition of Buffalo Lodge, No. 187, Brotherhood of Railway Trainmen, for H. R. 17137—to the Committee on the Judiciary.

By Mr. ANSBERRY: Joint memorial of legislature of Ohio, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. ASHBROOK: Petition of Licking Valley Grange, No. 1511, for a national highway commission—to the Committee on Agriculture.

By Mr. BATES: Petition of L. Conreux, of Frenchtown, Pa., against amendment to postal laws giving Postmaster-General autocratic powers—to the Committee on the Post-Office and Post-Roads.

Also, petition of George P. Ryan, for special law to give exprisoners of war adequate pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Erie and Crawford counties, Pa., for S. 3152, making oleomargarine subject to laws of States, Territories, etc.—to the Committee on Agriculture.

Also, petition of A. M. Peebles, of Meadville, Pa., against Penrose bill amending postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BRICK: Petition of Lake View Post, Grand Army of the Republic, of Syracuse, Ind., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of W. H. Story, representing the Brotherhood of Printers, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Philadelphia Credit Men's Association, for the bankruptcy bill—to the Committee on the Judiciary.

Also, petition of M. J. Mawhinney, against sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Philadelphia Association of Retail Druggists for S. 4700 and H. R. 14639—to the Committee on the Post-Office and Post-Roads.

Also, petition of Western Electric Company, Pittsburg, Pa., for the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. BURLEIGH: Petition of lumber dealers of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Capital Grange, No. 248, and citizens of Fairfield, Me., for a national highway commission—to the Committee on Agriculture.

By Mr. BYRD: Paper to accompany bill for relief of Clark County, Miss., for destruction of the court-house in late civil war—to the Committee on War Claims.

By Mr. CALDER: Paper to accompany bill for relief of Henrietta V. Miller (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

Also, petition of Robert Schafges and others, for modification of criminal laws—to the Committee on the Judiciary.

Also, petition of Walter Arfenann, for salary advance of certain numbered post-office stations—to the Committee on the Post-Office and Post-Roads.

By Mr. CAPRON: Memorial of town council of New Shoreham, R. I., and town council of Narragansett, R. I., for increasing efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Gen. Elisha H. Rhodes and 31 other volunteer officers of the civil war, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of James Cavenaugh and James H. Pickard—to the Committee on Invalid Pensions.

Also, petition of Cumberland Grange, No. 2, Patrons of Husbandry, of Rhode Island, for a national highway commission—to the Committee on Appropriations.

By Mr. CLARK of Florida: Paper to accompany bill for relief of John B. Wood—to the Committee on Invalid Pensions.

By Mr. COCKRAN: Petition of North Side Board of Trade, urging annual appropriation bill for rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. COOK of Pennsylvania: Petition of Philadelphia Association of Retail Druggists, for S. 4700 (Rayner bill) and H. R. 14639 (Bennet bill)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Philadelphia Credit Men's Association, for the present bankruptcy bill—to the Committee on the Judiciary.

By Mr. COUDREY: Petition of Southwestern Lumbermen's Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of Dr. S. P. Myers, of McKeesport, Pa., against shipment of liquor into prohibition States—to the Committee on the Judiciary.

Also, memorial of the Allied Agricultural Organization of Pennsylvania, for passage of Davis bill (H. R. 534) teaching agriculture in high schools—to the Committee on Agriculture.

By Mr. DAVIS of Minnesota: Petition of Manufacturers' Bureau of Industry, favoring H. R. 534, relative to agricultural education—to the Committee on Agriculture.

Also, petition of Minneapolis Credit Men's Association, favoring any amendment to improve bankruptcy act—to the Committee on the Judiciary.

By Mr. DUNWELL: Petition of Massachusetts State Federation of Women's Clubs, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of International Stereotypers and Electrotypers' Union No. 1, of New York City, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Manufacturers' Association of New York, for H. R. 31, 225, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles H. Burtis Post, No. 185, Department of New York, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of educators of the city of New York, against increase of the Navy—to the Committee on Naval Affairs.

Also, petition of Robert Schafges, for mitigation of the criminal law—to the Committee on the Judiciary.

Also, petition of Merchants' Association of New York, favoring the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of New York Advertising League, for H. R. 14387, to penalize fraudulent advertising—to the Committee on the District of Columbia.

By Mr. ELLIS of Oregon: Paper to accompany bill for relief of George W. Mathews—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of Homeopathic Association of Kings County, for H. R. 6089, to amend the pure-food act by recognizing the Homeopathic Pharmacopœia—to the Committee on Interstate and Foreign Commerce.

Also, petition of S. Sternau & Co., against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. FOCHT: Paper to accompany bill for relief of J. H. Condon—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Seth C. Earl Post, No. 156, Grand Army of the Republic, of Ottawa, Ill., against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. FULTON: Petition of John T. Lehman and others, for H. R. 6100, pensioning all officers and enlisted men of the civil-war service of the United States—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Elias Gibbs—to the Committee on Military Affairs.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Clarence F. Moore—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Clarence F. Moore (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. GRAHAM: Petition of Philadelphia Association of Retail Druggists, for the Rayner bill (S. 4700) and Bennet bill (H. R. 14639)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Philadelphia Credit Men's Association, favoring present bankruptcy act—to the Committee on the Judiciary.

By Mr. GRONNA: Petition of Musicians' Protective Union of Fargo, N. Dak., for H. R. 103—to the Committee on Labor.

Also, petition of Lodge No. 709, Brotherhood of Railway Trainmen, of Minot, N. Dak., and Lodge No. 657, Brotherhood of Locomotive Firemen and Engineers, of Enderlin, N. Dak., for the La Follette-Sterling employers' liability bill, Clapp free-pass amendment, and for defeat of Knox bill—to the Committee on the Judiciary.

By Mr. HAYES: Petition of steam engineers of San Jose, Cal., for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. HUFF: Petition of Philadelphia Maritime Exchange, for H. R. 17044, to provide for lading and unlading vessels at night—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Philadelphia Association of Retail Druggists, for increase of pay of superintendents of post-office contract stations (S. 4700, Rayner bill; H. R. 14639, Bennet bill)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Massachusetts State Federation of Women's Clubs, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committtee on Agriculture.

By Mr. KELIHER: Petition of forest committee of the Massachusetts State Federation of Women's Clubs, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. LAFEAN: Petition of residents of York, Pa., for resolution acknowledging services of the York Rifle Company during late civil war—to the Committee on Military Affairs.

Also, petition of Rural Free-Delivery Carriers' Association, of York County, Pa., for H. R. 10504, for special parcel post in York and Adams counties—to the Committee on the Post-Office and Post-Roads.

By Mr. LEE: Paper to accompany bill for relief of Maryetta Presbyterian Church—to the Committee on War Claims.

By Mr. LILLEY: Paper to accompany bill for relief of William J. Wilson—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Petition of Topsham Grange, No. 37, for national highway commission—to the Committee on Agriculture.

By Mr. LOUDENSLAGER: Petition of Thorofare Grange, New Jersey, for a national highway commission—to the Committee on Agriculture.

Also, paper to accompany bill for relief of John J. James (previously referred to Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. MADDEN: Petition of James Black, favoring services of qualified attorneys in presentation and prosecution of pension claims—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Petition of Henry W. Mickel, Cicero, Ind., against any interstate liquor legislation—to the Committee on the Judiciary.

Also, petition of Nordyke & Marmon Company, for a national highway commission—to the Committee on Agriculture.

By Mr. PAYNE: Paper to accompany bill for relief of Francis N. Thompson—to the Committee on Invalid Pensions.

By Mr. PRATT: Paper to accompany bill for relief of Mary E. Meldrum—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of Buffalo Lodge, No. 187, Brotherhood of Railway Trainmen, favoring the anti-injunction bill (H. R. 17137)—to the Committee on the Judiciary.

Also, petition of Buffalo Lodge, No. 187, Brotherhood of Railway Trainmen, for the Clapp pass amendment—to the Committee on Interstate and Foreign Commerce.

Also, petition of Buffalo Lodge, No. 187, Brotherhood of Railway Trainmen, favoring passage of employers' liability bill—to the Committee on the Judiciary.

Also, petition of forestry division of Massachusetts Association of Women's Clubs, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of New York branch of the American Federation of Labor, against bill to abolish pilotage on South Atlantic coast—to the Committee on the Merchant Marine and Fisheries.

Also, petition of William H. Maxwell and over 300 other professors and educators of New York City, against increase of the Navy—to the Committee on Naval Affairs.

Also, petition of New York State Bankers' Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. SHERWOOD: Petition of citizens of Toledo, Ohio, to cause general investigation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Petition of National Metal Trades Association, New Haven, Conn., branch, against the Gardner eight-hour law—to the Committee on Labor.

By Mr. STERLING: Petition of Illinois Typographical Union, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. SULZER: Petition of Francis N. Johnston, of Massachusetts State Federation of Women's Clubs, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of George E. Sheldon and others, against legislation extending naturalization rights—to the Committee on Immigration and Naturalization.

Also, petition of M. J. Griffin, for the clause in Kittredge copyright bill beneficial to composers of music (S. 2900; H. R. 11794, Barchfeld bill)—to the Committee on Patents.

Also, joint memorial of both houses of the Ohio legislature, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. TOWNSEND: Petition of Jackson County (Mich.) Medical Society, for pension for widows of Dr. Jesse M. Lazarre and Dr. James Carrol—to the Committee on Pensions.

Also, petition of Farmers' Club of Norvell, Mich., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WILEY: Petition of Mobile Chamber of Commerce, against joint resolution which would restrict transportation by sea of materials used in construction of the Panama Canal to vessels owned by the United States and Canada (S. 40)—to the Committee on the Merchant Marine and Fisheries.

By Mr. WILLETT: Petition of Lumber Dealers' Association, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Rochester Credit Men's Association, approving bill amendatory of the bankruptcy law (H. R. 13266)—to the Committee on the Judiciary.

SENATE.

THURSDAY, *March 5, 1908.*

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

For this cause we faint not. But though our outward man is decaying, yet our inward man is renewed day by day.

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For we know if the earthly house of our tabernacle be dissolved, we have a building from God, a house not made with hands, eternal in the heavens.

* * * * * * *

Now he that hath wrought us for this very thing is God, who also hath given to us the earnest of the Spirit.

Even so, Father, Thou art pleased to teach us the lesson of life, even at the moment of death. Thou hast promoted Thy

servant to higher service, he that had trained himself for such service here. And now we ask Thee in Thine own holy spirit to quicken our spirits that we may not be afraid of the end; that we may accept in Thine infinite providence what Thou hast prepared for us beyond this line of earthly life; that day by day and hour by hour we may come nearer to Thee; and that we may open our eyes to see that larger and better world, and that wider life for which Thou hast prepared us.

Father, we thank Thee for the memories of such a life. We thank Thee for the service that he has rendered to this land. And we ask Thee to go with us, to go with all these who hear with sorrow of his death, as Thine own children. Amen.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory forever. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on request of Mr. DILLINGHAM, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DEATH OF SENATOR REDFIELD PROCTOR.

Mr. DILLINGHAM. Mr. President, it is with profound sorrow that I announce to the Senate the death of Hon. REDFIELD PROCTOR, late a Senator from Vermont, which occurred at his apartments in this city last evening shortly before 5 o'clock, after an illness of less than a week. While it was known that the nature of his illness was serious, yet his condition was not considered critical until Tuesday evening, and therefore the announcement comes with a shock as well as with a sense of grief to all his friends and associates.

At some future time, and on an occasion appointed for that purpose, I hope to join with other friends of Senator PROCTOR in this body in paying to his memory that tribute of affection, confidence, and esteem which I know is felt by all, and to speak from a personal knowledge of what I conceive to be a remarkable life, one marked by great accomplishments.

Senator PROCTOR was a man of strong powers. He possessed keen judgment, an indomitable courage, and an energy that never lagged. His life was one of achievement along all the lines toward which his energies were directed, but however great these achievements have been, they never narrowed his sympathies nor affected his friendships.

He loved his State. He loved her people. His State loved him, trusted him, and honored him. To-day Vermont mourns the loss of her distinguished son.

In order that the Senate may give expression to the feeling which I feel sure is entertained by all his associates, I ask for the immediate consideration and adoption of the following resolutions:

The VICE-PRESIDENT. The Senator from Vermont asks for the present consideration of resolutions which will be read by the Secretary.

The resolutions were read and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. REDFIELD PROCTOR, late a Senator from the State of Vermont.

Resolved, That a committee of seven Senators be appointed by the Presiding Officer to take order for arranging the funeral of Mr. PROCTOR.

Resolved, That as a further mark of respect his remains be removed from Washington to Proctor, Vt., for burial in charge of the Sergeant-at-Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives and request the House to appoint a committee to act with the committee of the Senate.

The VICE-PRESIDENT appointed as members of the committee under the second resolution Mr. DILLINGHAM, Mr. DANIEL, Mr. GALLINGER, Mr. PERKINS, Mr. TALIAFERRO, Mr. OVERMAN, and Mr. HEMENWAY.

Mr. DILLINGHAM. Mr. President, I offer the following resolution and ask for its immediate consideration.

The VICE-PRESIDENT. The Senator from Vermont proposes an additional resolution, which will be read.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased Senator the Senate do now adjourn.

The resolution was unanimously agreed to, and (at 12 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 6, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 5, 1908.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for that deep and abiding faith which Thou hast made an integral part of our being and which under all the strange vicissitudes of life holds us close to Thee and which enables us with courage and fortitude to go forward to the daily tasks which come to us without fear, since Thou art infinite in wisdom, power, and goodness. Thou hast laid a heavy hand upon us in the removal of a public servant, whose strong mind and pure heart made him conspicuous in the affairs of state and nation. His work was of the highest order, his counsels wise and just; he will live in the hearts of his countrymen for what he was and for what he did, and be an inspiration to those who shall come after him.

Comfort, we beseech Thee, the hearts of his colleagues and friends and those to whom he was nearest and dearest by the ties of kinship with the blessed hope of the immortality of the soul, and teach us all so to live that when our days are numbered we may pass serenely on to that larger life in Thee. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

PRINTING AND BINDING FOR COMMITTEE ON LABOR.

Mr. GARDNER of New Jersey. Mr. Speaker, I ask unanimous consent for the immediate consideration of the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolution 283.

Resolved, That the Committee on Labor be authorized to have printed and bound whatever papers and documents in connection with subjects under consideration by the committee may be necessary to the transaction of its business.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

WILLIAM POOR.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 598 and concur in the Senate amendments.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent to take from the Speaker's table the bill with Senate amendments, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 598) granting an increase of pension to William Poor.

The Senate amendments were read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

CHANGE OF REFERENCE.

By unanimous consent the Committee on War Claims was discharged from the further consideration of the bill (S. 3848) for the relief of James A. Russell, and the same was referred to the Committee on Claims.

PRINTING AND BINDING FOR COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the following resolution.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Interior Department is hereby authorized to have such printing and binding done as may be required in the transaction of its business during the Sixtieth Congress; also that the committee be authorized to sit during the sessions of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

PRINTING AND BINDING FOR COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES.

Mr. McKINLEY of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee on Coinage, Weights, and Measures be allowed to have such printing and binding done as is necessary in the transaction of its business during the Sixtieth Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

BRIDGE ACROSS COOSA RIVER, ALABAMA.

The SPEAKER. The Chair lays before the House the following House bill with Senate amendments, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13102) to authorize the county of Elmore, Ala., to construct a bridge across the Coosa River, Alabama.

The Senate amendments were read.

Mr. HEFLIN. Mr. Speaker, I move to concur in the Senate amendments.

The amendments were agreed to.

Mr. UNDERWOOD. Mr. Speaker, many of the States in the Union have adopted laws prohibiting the sale of intoxicating liquors, which is a proper subject of police regulation, and in other States, under local option, many counties are dry. These laws are passed under the police powers of the States, and should be enforced when the sentiment of the people in these States and communities has declared that it is in the interest of order and good morals that intoxicating liquors should not be sold. You can not have prohibition in any State or community when intoxicating liquors can be shipped from a wet State into a dry one; you merely substitute the jug trade for the open saloon, and though the jug trade may not be as injurious to good morals and good order as the uncontrolled sale of liquor, yet the temperance sentiment of these communities, as expressed by the people, is then overthrown and not enforced and many of the evils of intemperance still exist.

The jug trade exists by reason of the commerce clause of the Constitution of the United States, which prevents the States from interfering with interstate commerce. The Congress, and the Congress only, can remedy this evil. It has the power to prevent the use of the mails for the purpose of advertising the sale of intoxicating liquors in prohibition territory. I believe that for the same reasons that Congress prohibited the use of the mails to the lotteries of the country it should prohibit the use of the mails to advertise the sale of intoxicating liquors in dry States, and hope that such a law will be enacted at this Congress.

I have always favored the enactment of laws by Congress that will prevent the commerce clause of the Constitution being used as a shield to allow the liquor interests in a wet State to defeat the will of the people declared for temperance in a dry State, and hope that the Republican party, in its control of the legislation of this Congress, will no longer block the way to the passage of the bills intended to relieve this situation, but will allow the same to be reported to the House, where we can have a fair vote on them.

Some time ago I wrote a letter expressing my views on this question, which I send to the desk and ask the Clerk to read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, December 17, 1907.

Rev. J. M. MASON,
Secretary Alabama Conference Methodist Episcopal Church South, Eufaula, Ala.

MY DEAR SIR: Your favor, conveying the resolutions passed by the conference of the Methodist Episcopal Church South, petitioning the Representatives in Congress from Alabama to enact such laws as may be necessary to prevent the introduction of intoxicating liquors into prohibition States and to prevent the issuance of internal-revenue licenses in such States, is received.

I believe that the regulation or prohibition of the sale of liquor is a police power, and the control of it is vested in the State governments, and not in the National Government; but, on account of the commerce clause in the Federal Constitution, unless the Federal Government aids the State government in enforcing its police regulations in reference to the sale of liquor, the States can not prevent the introduction of liquor into prohibition territory. I am now and always have been in favor of enacting the necessary legislation in Congress to enable the States to enforce their own laws.

In the Fifty-seventh Congress, some six years ago, a bill was reported to the House by my colleague from Alabama [Mr. CLAYTON], known as the "Hepburn-Dolliver bill," the effect of which was to prevent the introduction of liquor from a wet State into a dry State. I voted for this bill along with my other colleagues from Alabama. The bill passed the House and went to the Senate, where it died. In the next Congress a similar bill was again reported by [Mr. CLAYTON] from the Judiciary Committee of the House, but it was never reached on the Calendar. In the last Congress, the Fifty-ninth, a bill was reported in the second session, but was not acted upon by the House. I am in favor of a bill as above described, and should one come up for consideration by the House I will vote for it and do what I can to aid in its passage.

Referring to your second question, to wit, a bill to prevent the issuance of revenue liquor licenses in prohibition States, I think the conference has mistaken the correct remedy in this matter. The United States Government does not license the right to sell liquor, and has not any power to license its sale. It merely taxes liquor when it is sold. Liquor is not sold in prohibition States by reason of a Federal license. The Federal Government merely punishes those who sell without paying the tax. Should we repeal the law requiring a tax to be paid in prohibition States, then there would be no punishment for not paying the tax in prohibition territory, and the object that I believe you have in view would not be accomplished. Again, I do not believe it would be constitutional to pass a bill that levied a tax on one portion of the United States and did not make it uniform throughout the country.

Last winter a subcommittee of the Ways and Means Committee of the House of Representatives, of which I was a member, had before it a number of bills on this question. Amongst them was a bill preventing the issuance of special-tax stamps to retail and wholesale dealers in liquors in prohibition districts; also a bill by Mr. HUMPHREYS of Mississippi to amend the internal-revenue laws so as to provide for publicity of its records. We had hearings on these various bills, and among those who appeared before our committee in reference to them was Rev. Edw. S. Dinwiddie, legislative superintendent of the Antisaloon League of America, whose post-office address is Washington, D. C. Mr. Dinwiddie made the following statement:

"A great many people have employed the word 'license' to describe the tax which the Federal Government requires from retail liquor dealers. It is true that this language was used in the original act and often in the debates when the law was passed, over forty years ago, and the word has sometimes been used even in the various Supreme Court decisions which have, at the same time, held that the license confers no authority to sell intoxicating liquors. 'A license,' according to Bouvier's definition, in his law dictionary, 'is a grant by some competent authority to do an act which, without such authorization, would be illegal.'

"As I understand it, the United States Government neither authorizes a man to sell liquor in any of the States, nor could it do so by any specific enactment for that purpose. The regulation of the liquor traffic within the States has been universally held to be under the police powers of the State, and, in addition to this constitutional fact, the act itself specifically says: 'The payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.'

"The following decision of the Treasury Department, recorded in volume 2 of the Treasury Decisions, 1899, No. 21851, clearly indicates the view of the Department, as well as the judgment of the courts, that the payment of the United States special tax and the possession of the tax receipt for $25 does not confer any authority whatever upon the possessor to sell liquor contrary to State law. This decision reads as follows: 'Persons who indulge in the sale of alcoholic liquors, even though such business is a violation of the laws of their State, are, nevertheless, required to pay the special tax under the internal-revenue laws of the United States. The stamp, however, issued to them is not a license, and does not protect them from prosecution, conviction, and sentence under the State law.'

"Further, this statement of the nonconferring of authority to sell liquor by the Federal Government is printed in red ink across the face of this special $25 tax receipt. As I understand it, the position of the Federal Government is simply that if a man sells liquor at retail anywhere throughout the United States he is required to pay $25 to the Federal Government as revenue. The Federal Government is not, and, of course, can not be, charged with the enforcement of State or local legislation, but when we consider the nature of our dual Government and the attitude of the States, particularly with reference thereto, it is not asking too much, indeed, it is only asking a fair and proper thing—that the Federal Government should do nothing by legislation or regulations of its Departments to embarrass and thwart the States in the exercise of their police powers, because of the acknowledged delegated powers of Congress to raise revenue upon one hand and regulate interstate commerce upon another.

"It should be borne in mind that under the old Confederation the States had absolutely plenary powers over all these subjects. The intention was not to have the States or the citizens of the States placed in a position where their reserved police powers would be seriously crippled because of their delegation to Congress of certain other powers simply in order to secure uniformity of operation in matters of purely national concern. What we contend for, and what is reasonable to expect between the Federal and State governments in matters of this kind, is what Mr. Justice Johnson in his concurring opinion in the Gibbons v. Ogden case, referring to the difficulty in drawing the line between the police powers of the State governments and the commercial powers of the Federal, called 'A frank and candid cooperation for the general good.'

"In the next place, it seems that many of our friends who advocate the passage of the law to actually forbid the issuance of special-tax receipts in prohibition territory do so upon the supposition that if the parties then continue to sell intoxicating liquors without having paid the tax, the Federal Government will come in and assist the State in exercising its police powers by proceeding against such parties for selling without paying this tax and possessing this tax receipt. In other words, by one law the United States Government is to forbid its officers to receive this special tax and issue its receipt therefor to applicants proposing to retail liquors in territory in which the sale of intoxicating liquors is prohibited by State or municipal law, and by another Federal law such an applicant is to be prosecuted by the United States Government for selling such liquor without having paid this special tax and possessing the receipt therefor.

"I may be in error about this, but it does not appear to me that the Federal Government will place itself in an attitude of criminally prosecuting a man for failure to pay a tax and possessing a receipt therefor which the officers of the Government itself are forbidden, by another Federal Statute, to receive and issue, respectively. I have serious doubts as to whether it would be possible to convict a man under conditions just named.

"I may be further in error, but I incline strongly to the belief that what is needed to remedy the admitted evils of the present situation throughout our States in connection with the issuance of the special tax receipts is not Federal legislation to prohibit their issuance in prohibition territory so much as a Federal mandate to the proper internal-revenue officers to furnish a certified list of those paying the special tax in certain districts as may be called for by proper State or local officers. * * *

"I may say, in conclusion, that I believe the vast majority of the church and moral forces which I have the honor to represent would prefer that the Federal Government received no revenue from the liquor

traffic, believing that it would expedite our contest against the liquor traffic; but until this is done we incline to believe that the certified list which I have mentioned will probably more fully answer the requirements of the States in their endeavor to enforce police regulations than any other method. They can ferret out violators of the law in this way through the records of the revenue department as they would not be able to do were a measure to pass aiming at the entire prohibition of the issuance of such tax receipts in prohibition territory."

From these statements you will see that the representative of the American Antisaloon League did not favor a bill prohibiting the payment of tax for the sale of liquor in prohibition territory, because he believed such a bill would prevent the United States Government from prosecuting those who sold liquor without paying the tax in that territory.

On the other hand, the committee believed that the evil growing out of the issuance of the Government tax was due to the fact that the rules of the Treasury Department prevented the collectors of internal revenue from giving the names of those who paid the tax. Having this in view, the committee recommended the passage of the following bill:

"Public, No. 263.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That chapter 3 of the Revised Statutes of the United States be, and hereby is, amended in section 3240 so as to read:

"SEC. 3240. Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office for public inspection an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes shall be paid, and upon application of any prosecuting officer of any State, county, or municipality he shall furnish a certified copy thereof as of a public record, for which a fee of $1 for each 100 words or fraction thereof in the copy or copies so requested may be charged.

"Approved, June 21, 1906."

I favored this bill, and it was passed; it became a law, and is now on the statute books. The report of the committee, in favoring the passage of the bill, was as follows:

"The Committee on Ways and Means, to whom was referred the following bills: H. R. 4533, by Mr. HUMPHREYS; H. R. 4452, by Mr. LITTLE; H. R. 8104, by Mr. CLARK of Florida; H. R. 6014, by Mr. BOWIE, and H. R. 8465, by Mr. BOWIE, having had them under consideration, beg leave to report a substitute. Section 3240 of the Revised Statutes reads as follows:

"'SEC. 3240. Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, keep and place conspicuously in his office an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special tax has been paid.'

"A regulation of the Treasury Department in language is as follows:

"'Collectors are hereby prohibited from giving out any special tax records or any copies thereof to private persons or to local officers or to produce such records or copies thereof in a State court, whether in answer to subpœnas duces tecum or otherwise. Whenever such subpœnas shall have been served upon them, they will appear in court and answer thereto and respectfully decline to produce the records called for, on the ground of being prohibited therefrom by the regulations of this Department.'

"The law and Treasury regulations being as just recited, it is contended that violators of the local law in prohibition districts are enabled to escape conviction and punishment because of the difficulty of procuring evidence against them, and that one of the difficulties in the way is the cited Treasury regulation.

"There does not seem to your committee to be any good and sufficient reason why collectors in revenue districts should not furnish certified copies of the lists on view in their office for such uses as they may be put to. They have therefore reported the accompanying bill in lieu of those recited at the beginning of this report."

From the above statement you will see that my position is now, and always has been, in favor of the Congress passing such laws as will enable the State to enforce its laws in reference to the regulation of the liquor traffic.

Very truly, yours, O. W. UNDERWOOD.

Mr. Speaker, the letter just read expresses my views on the subject. I will not now detain the House with an extended debate. I merely wish to call attention to the crying need of legislation along these lines, that the will of the people in favor of temperance in the several States may be fairly and honestly enforced, and the right of local self-government may become a fact and not be a mere figure of speech.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent that the time for general debate upon the post-office appropriation bill heretofore agreed to for to-day may be given on Tuesday next in lieu of to-day, which would mean that the general debate on Tuesday would continue at least two hours and thirty minutes or three hours, preceding 3 o'clock, and that at 3 o'clock on Tuesday the reading of the bill be begun.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS MONONGAHELA RIVER.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16749) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Liberty Bridge Company," approved March 2, 1907.

Be it enacted, etc., That section 2 of an act entitled "An act to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Liberty Bridge Company," approved March 2, 1907, be, and is hereby, amended to read as follows:

"SEC. 2. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from March 15, 1908."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time and passed.

MANEUVERING GROUND.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill S. 5155, and that it be considered at this time.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill S. 5155, and that the same be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That whenever the Secretary of War shall deem the acquisition of lands in private ownership necessary for the enlargement of the military maneuvering grounds for the United States Army and National Guard within the reservation known as the Crow Creek National Forest, he may certify to the Secretary of the Interior the description of such specific tract or tracts of land as he may deem necessary for such purpose, and the Secretary of the Interior may thereupon, with the approval of the President, exchange therefor an equal area of any of the unoccupied, nonmineral, untimbered public land subject to entry within the State of Wyoming.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, has this been to a committee of the House?

Mr. MONDELL. This bill was reported unanimously by the Committee on Military Affairs.

Mr. WILLIAMS. Of the House?

Mr. MONDELL. Of the House. Last year a similar bill, including a larger area, was reported from the Committee on the Public Lands. I have also brought the bill to the attention of the Committee on the Public Lands, as it involves the action of the military on one side and of the Department of the Interior on the other, so that it has the approval of the two committees.

Mr. WILLIAMS. It has been to the Committee on Military Affairs of this session?

Mr. MONDELL. And reported by them.

Mr. WILLIAMS. Unanimously?

Mr. MONDELL. Unanimously, so far as I know.

Mr. HULL of Iowa. I will say to the gentleman that last year a similar bill involving all reservations was reported from the Committee on Public Buildings and Grounds, and those of the Committee on Military Affairs who at that time inspected the bill or investigated the subject were opposed to passing a general law authorizing it anywhere. They believed if it was proposed to do it in any particular place it ought to stand on its own merits. In this case the railroads have been granted each alternate section. They are now within a reservation of the United States. They are willing to exchange the sections that have been given to them for others outside of the reservation, of the same character of land, no better, no worse, as I understand it, and the Committee on Military Affairs believed it would be a good thing to get the control of all the land within the reservation that is now established by the Government.

Mr. PAYNE. It is necessary for the enlargement of this——

Mr. HULL of Iowa. I do not understand it is absolutely necessary for that, but in firing artillery and all that the private lands are discommoded. And it aids largely in caring for the water supply for the Post D. A. Russell and for the city of Cheyenne.

Mr. MONDELL. I will say to the gentleman that it does not enlarge the exterior boundaries of the reservation at all. It simply eliminates from the present boundary the private lands.

Mr. PAYNE. Of course the Government always gets the worst of it when it exchanges land.

Mr. MONDELL. These lands are partially timbered, and the lands that are to be taken are untimbered.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

REPRINT OF BILLS.

Mr. SULZER. Mr. Speaker, I will ask unanimous consent for the reprint of the bill H. R. 17300, entitled "A bill to establish a Department of Labor," and the bill H. R. 408, entitled "A bill to create a Department of Transportation." The supply of these bills has become exhausted.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. REDFIELD PROCTOR, late a Senator from the State of Vermont.

Resolved, That a committee of seven Senators be appointed by the Presiding Officer to take order for arranging the funeral of Mr. PROCTOR.

Resolved, That as a further mark of respect his remains be removed from Washington to Proctor, Vt., for burial in charge of the Sergeant-at-Arms attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives, and request the House to appoint a committee to act with the committee of the Senate.

Resolved, That as a further mark of respect to the memory of the deceased Senator the Senate do now adjourn.

And that in compliance with the foregoing the Vice-President had appointed as said committee Mr. DILLINGHAM, Mr. DANIEL, Mr. GALLINGER, Mr. PERKINS, Mr. TALIAFERRO, Mr. OVERMAN, and Mr. HEMENWAY.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3409) to extend the time of payments on certain homestead entries in Oklahoma.

DEATH OF HON. REDFIELD PROCTOR.

Mr. HASKINS. Mr. Speaker, it becomes my painful duty to announce to the House of Representatives the death of the Hon. REDFIELD PROCTOR, senior Senator from the State of Vermont, who passed from this life to the life eternal a few minutes before 5 o'clock last evening. In a short time I shall ask this House to set apart a day to pay proper tribute to his life, his character, and his distinguished public services. I now send to the Clerk's desk resolutions which I ask to have read and move their adoption.

The Clerk read as follows:

Resolved, That the House of Representatives has heard with profound sorrow of the death of Hon. REDFIELD PROCTOR, late a Senator of the United States from the State of Vermont.

Resolved, That a committee of six Members of the House of Representatives, with such members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the late Hon. REDFIELD PROCTOR the House of Representatives do now adjourn.

The SPEAKER. The question will be on agreeing to the resolutions save the last.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER. The Chair announces the following committee.

The Clerk read as follows:

Mr. HASKINS, Mr. FOSTER of Vermont, Mr. PARKER of New Jersey, Mr. LITTLEFIELD, Mr. LAMB, and Mr. SLAYDEN.

The SPEAKER. The question is on agreeing to the last resolution.

The question was taken, and the resolution was unanimously agreed to.

Accordingly (at 12 o'clock and 32 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for education of natives of Alaska—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of appropriation for relief of Maj. G. H. Bingham—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of appropriation for relief of certain officers of the United States Army—to the Committee on Appropriations and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George Leonard, administrator of estate of Catherine Morin, against The United States—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18754) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1167), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COOPER of Texas: A bill (H. R. 18755) authorizing a light station at Sabine Pass, Texas—to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: A bill (H. R. 18756) providing for the purchase of a site and erection of a public building in the city of Alliance, State of Nebraska—to the Committee on Public Buildings and Grounds.

By Mr. ANDREWS: A bill (H. R. 18757) to authorize the issue of bridge bonds by the county of Valencia, in the Territory of New Mexico—to the Committee on the Territories.

By Mr. HARDWICK: Resolution (H. Res. 286) calling on the President of the United States for certain information—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. WEISSE, from the Committee on Invalid Pensions: A bill (H. R. 18754) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. ANDREWS: A bill (H. R. 18758) for the relief of Eduardo Martinez—to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 18759) granting an increase of pension to Garrett H. Fowler—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 18760) for the relief of David Housel—to the Committee on Military Affairs.

By Mr. BOYD: A bill (H. R. 18761) granting a pension to E. Perrine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18762) granting an increase of pension to Alpheus Wright—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 18763) granting an increase of pension to Samuel H. Hartman—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 18764) granting an increase of pension to M. M. Martin—to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 18765) granting an increase of pension to Joseph Lewis—to the Committee on Pensions.

By Mr. HINSHAW: A bill (H. R. 18766) granting an increase of pension to James C. McClay—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 18767) granting a pension to George C. Middaugh—to the Committee on Pensions.

Also, a bill (H. R. 18768) for the relief of Mrs. John Wesley Leap—to the Committee on War Claims.

By Mr. LITTLEFIELD: A bill (H. R. 18769) granting an increase of pension to Charles W. Sanborn—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 18770) for the relief of William H. Taylor—to the Committee on War Claims.

Also, a bill (H. R. 18771) for the relief of the heirs of Jonas Sutton, deceased—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 18772) granting an honorable discharge to Joseph Levers—to the Committee on Military Affairs.

By Mr. WOOD: A bill (H. R. 18773) granting an increase of pension to George W. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18774) granting an increase of pension to Frank M. Gress—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Robert D. Kinney, of Philadelphia, Pa., for inquiry and relief regarding course pursued by James B. Holland, United States judge, in the case of R. D. Kinney & Co. *v.* Burhorn & Granger—to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of United Mine Workers of America, nineteenth annual convention, indorsing the McHenry bill; also resolutions on subject of injunctions in labor disputes—to the Committee on Mines and Mining.

By Mr. BOOHER: Paper to accompany bill for relief of David Housel—to the Committee on Military Affairs.

By Mr. BRICK: Petition of A. E. Roundy and other citizens of Indiana, against Penrose bill (S. 1518), giving Postmaster-General power to suppress any publication he may see fit—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of Woman's Christian Temperance Union, of Bangor and Fairfield, Me., against use of mails for liquor advertising—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Pennsylvania: Petition of citizens of Pennsylvania, for legislation granting further protection to dairy interests—to the Committee on Agriculture.

By Mr. ELLIS of Oregon: Paper to accompany bill for relief of Eliza J. Scott—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of Cream City Division, No. 66, Brotherhood of Locomotive Engineers, favoring the Clapp free-pass amendment (S. 4260)—to the Committee on Interstate and Foreign Commerce.

Also, petition of United Mine Workers of United States, favoring the McHenry bill (for Bureau of Mines)—to the Committee on Mines and Mining.

Also, petition of Division No. 618, Brotherhood of Locomotive Engineers, of Portage, Wis., for the Clapp free-pass amendment (S. 4260)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Consumers' League, of Wisconsin, for the Beveridge-Parsons child-labor bill—to the Committee on Labor.

By Mr. FITZGERALD: Petition of National Guard Association of New York, for amendment of militia law (S. 4316 and H. R. 14783)—to the Committee on Militia.

Also, petition of 294 clergymen of New York City, against increase of Navy—to the Committee on Naval Affairs.

Also, petition of Allied Boards of Trade and Taxpayers' Association of Brooklyn, N. Y., for battle ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. FOSTER of Illinois: Petition of J. W. Watts Post, No. 281, Grand Army of the Republic, of Sumner, Ill., against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. FULLER: Petition of Biological Club of Northern Illinois State Normal School, for forest reservation in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Joseph Woodruff Post, No. 281, Grand Army of the Republic, against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. HAYES: Petition of American Association of Masters, Mates, and Pilots, against Littlefield bill (H. R. 4771)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of California Harbor, No. 15, for the Hayes bill, making license compulsory for masters and mates of all sail vessels of 300 gross tons and over—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Local No. 394, International Typographical Union, for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of Sacramento Federated Trades Council, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of California State Federation of Labor, against enlisted musicians competing with civilian musicians—to the Committee on Labor.

Also, petition of California State Federation of Labor, for legislation to protect employees of the United States injured in line of duty—to the Committee on Labor.

Also, petition of California State Federation of Labor, for legislation excluding all Asiatic laborers—to the Committee on Immigration and Naturalization.

Also, petition of California State Federation of Labor, for postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSTON: Paper to accompany bill for relief of Derinda Crouse—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Petition of New Jersey Chapter, American Institute of Architects, for open competition for Jersey City public building—to the Committee on Public Buildings and Grounds.

Also, paper to accompany bill for relief of Elizabeth Dieterle—to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: Petitions of officers of the Civic Federation of Honolulu, members of the Ministerial Association, and other citizens of Hawaii, relative to revision of penal laws—to the Committee on the Judiciary.

By Mr. LAFEAN: Petition of Allied Agricultural Organizations of Pennsylvania, for H. R. 534 (agricultural studies in high schools)—to the Committee on Agriculture.

By Mr. LAW: Petition of International Stereotypers and Electrotypers' Union No. 1, of New York, for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of mass meeting of the Poles held in New York City January 23, against Polish expropriation bill of the Prussian Diet—to the Committee on Foreign Affairs.

Also, petition of Washington Chapter American Institute of Architects, against change of site of Grant Memorial—to the Committee on the Library.

Also, petition of Authors and Composers' Copyright League of America, for legislation to protect musical composers—to the Committee on Patents.

Also, petition of nineteenth annual convention of United Mine Workers of America, favoring the McHenry bill—to the Committee on Mines and Mining.

Also, petition of United Mine Workers of America, protesting against action of Judge Dayton relative to injunctions—to the Committee on the Judiciary.

Also, petition of Massachusetts State Federation of Women's Clubs, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Allied Board of Trades and Taxpayers' Association, for battle-ship construction in Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. LITTLEFIELD: Petition of citizens of Maine, for a national highway commission—to the Committee on Agriculture.

Also, petition of citizens of Norway, Me., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. MALBY: Petition of various citizens of Lisbon, N. Y., against sale of intoxicants on all Government property—to the Committee on the Judiciary.

By Mr. OLCOTT: Petition of International Stereotypers and Electrotypers' Union No. 1, of New York City, for removal of duty on white paper, etc.—to the Committee on Ways and Means.

Also, petition of Edward Hourigan, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. PATTERSON: Paper to accompany bill for relief of Simon Brown—to the Committee on War Claims.

By Mr. PRATT: Petition of citizens of East Orange, N. J., for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. RIORDAN: Petition of United Mine Workers, against decision of Judge A. G. Dayton—to the Committee on the Judiciary.

Also, petition of United Mine Workers of the United States, favoring the McHenry bill, providing a bureau of mines, etc.—to the Committee on Mines and Mining.

Also, petition of Washington Chapter of American Institute of Architects, against change of site of the Grant Memorial in the Botanic Garden—to the Committee on the Library.

By Mr. RYAN: Petition of L. R. Skinner Lodge, No. 276, Brotherhood of Locomotive Firemen and Engineers, of Buffalo, N. Y., for the Rodenberg anti-injunction bill—to the Committee on the Judiciary.

Also, petition of L. R. Skinner Lodge, No. 276, Brotherhood of Locomotive Firemen and Engineers, of Buffalo, N. Y., for the Clapp pass bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Guard Association of New York, for appropriation for maneuvers of State troops—to the Committee on Military Affairs.

Also, petition of National Guard Association of New York, for the Dick-Steenerson bills (S. 4316; H. R. 14783)—to the Committee on Militia.

Also, petition of L. R. Skinner Lodge, No. 276, Brotherhood of Locomotive Firemen and Engineers, of Buffalo, N. Y., for employers' liability bill—to the Committee on the Judiciary.

By Mr. SHEPPARD: Petition of citizens of Texas, for restoration to the coins of the motto "In God we trust"—to the Committee on Coinage, Weights, and Measures.

By Mr. SIMS: Petition of voters of Eighth Congressional District of Tennessee, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of merchants of Atwood, Tenn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of B. F. Greenman, against amendment of section 3893 of Revised Statutes (S. 1518, Penrose bill)—to the Committee on the Judiciary.

By Mr. WARD: Paper to accompany bill for relief of Frank M. Gress—to the Committee on Invalid Pensions.

Also, petition of Hightstown (N. J.) Grange, No. 96, Patrons of Husbandry, for national highway commission—to the Committee on Agriculture.

Also, petition of W. R. Van Nartinck, for H. R. 11562, for repayment of collateral inheritance to Stevens Institute of Technology, of Hoboken, N. J.—to the Committee on Ways and Means.

SENATE.

FRIDAY, *March 6, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

DEATH OF THE KING AND THE CROWN PRINCE OF PORTUGAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a copy of a dispatch from the American minister at Lisbon, stating that he had been requested by the Portuguese minister of foreign affairs to convey to Congress sincere acknowledgments of the resolutions of condolence passed by the United States Senate and the House of Representatives in view of the assassination of the King and Crown Prince of Portugal, which, with the accompanying paper, was referred to the Committee on Foreign Relations and ordered to be printed.

LANDS IN MONTANA AND IDAHO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 28th ultimo, certain information relative to the number of acres of land examined and classified in the State of Montana under and in conformity with the provisions of the act of Congress approved February 26, 1895, providing for the examination and classification of certain mineral land in the States of Montana and Idaho, etc., which was referred to the Committee on Public Lands and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 4351. An act for the relief of the Alaska Pacific Railway and Terminal Company; and

S. 5155. An act authorizing the exchange of lands for the enlargement of maneuvering grounds.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 598. An act granting an increase of pension to William Poor; and

H. R. 13102. An act to authorize the county of Elmore, Ala., to construct a bridge across Coosa River, Alabama.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 15444. An act extending the time for the construction of the dam across Rainy River;

H. R. 15841. An act to amend section 4896 of the Revised Statutes;

H. R. 16073. An act to authorize the town of Edgecomb, Lincoln County, Me., to maintain a free bridge across tide waters;

H. R. 16749. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company, approved March 2, 1907;

H. R. 16874. An act to amend section 13 of an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902; and

H. J. Res. 101. Joint resolution authorizing the Secretary of War to secure a suitable design for a statue of the late Commodore John D. Sloat at Monterey, Cal.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. MARSHALL, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message further transmitted to the Senate resolutions of the House on the death of Hon. REDFIELD PROCTOR, late a Senator from the State of Vermont.

The message also announced that the Speaker of the House had appointed Mr. HASKINS, Mr. FOSTER of Vermont, Mr. PARKER of New Jersey, Mr. LITTLEFIELD, Mr. LAMB, and Mr. SLAYDEN members of the committee on the part of the House to attend the funeral of the late Senator.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 4376. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors;

S. 5110. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors;

S. 5255. An act granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 3923. An act to fix the limitation applicable in certain cases;

H. R. 6195. An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River, Dale County, Ala.; and

H. R. 15247. An act to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River near the city of Coeur d'Alene, Idaho.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Illinois Coal Operators' Association, praying for the establishment of a bureau of mining, which was referred to the Committee on Mines and Mining.

He also presented resolutions adopted by the Washington Chapter, American Institute of Architects, of Washington, D. C., favoring the plans of the Park Commission in adhering to the original plan of L'Enfant as indorsed by Washington and Jefferson and in extending its principles in their plans for the Greater Washington, which were referred to the Committee on the District of Columbia.

He also presented a petition of the mayor and council of Brunswick, Ga., praying that an annual appropriation be made for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

Mr. PLATT presented a petition of the Central Federation of Labor, of Albany, N. Y., praying for the enactment of legislation providing for the construction of the proposed new battle ships at Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Wolcott, N. Y., praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Union No. 55, International Typographical Union, of Syracuse, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. DICK. I present a petition from sundry telegraphers, citizens of Ohio, praying for the enactment of legislation placing the telegraph systems of the United States under the provisions of certain bills which have been introduced in the Senate and House of Representatives. I ask that the petition be printed in the RECORD, omitting the names, and that it be referred to the Committee on Interstate Commerce.

There being no objection, the petition was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, omitting the names, as follows:

To the Members of the Senate and House of Representatives in Congress assembled:

We, the undersigned, respectfully petition Congress as follows:

1. To enact legislation placing the telegraph systems of the United States under the provisions of an act whereby in any controversy threatening to interfere with or interrupt the telegraph service the Federal Government shall cause an investigation to be made on request

of either party to the controversy. President Roosevelt said, on this subject, in his message to Congress: "The need for some provision for such investigation was forcibly illustrated during the past summer. A strike of telegraph operators seriously interfered with telegraph communication, causing great damage to business interests and serious inconvenience to the general public," etc.

2. To enact legislation compelling telegraph companies to show plainly and accurately on each telegram delivered by them the time such telegram was filed for transmission at the place from whence it came and the time such telegram was received at the office from which it was delivered. (H. R. 15123, H. R. 15267, and S. 4395.)

3. To enact legislation designed to prevent mailing of telegrams by telegraph companies which are accepted for telegraphic transmission. Telegrams were mailed in every State of the Union during the recent telegraphers' strike, and evidence is on file at Washington. (H. R. 15929.)

4. To cause a general investigation of the telegraph companies, especially as to the justifiability of their joint increase in telegraphic rates to the public of 20 per cent to 60 per cent, the reduction of 10 per cent in salaries of employees, and the conduction of their business during the telegraphers' strike. (H. J. Res. 126.)

Mr. DICK presented a petition of sundry citizens of Toledo, Ohio, praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Convoy Grange, No. 153, Patrons of Husbandry, of Convoy, Ohio, and a petition of Pomona Grange, Patrons of Husbandry, of Wyandot County, Ohio, praying for the enactment of legislation to create a national highway commission, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 122, Musicians' Protective Union of Newark, Ohio, praying for the enactment of legislation to prohibit Army and Navy bands from entering into competition with civilian bands, which was referred to the Committee on Military Affairs.

He also presented petitions of Local Division No. 522, Brotherhood of Locomotive Engineers, of Chicago Junction; of Franklin Lodge No. 628, Brotherhood of Railroad Trainmen, of Columbus, and of Local Lodge No. 470, Brotherhood of Railroad Trainmen, of Painesville, all in the State of Ohio, praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which were referred to the Committee on the Judiciary.

He also presented the petition of J. Elmer Hall, of Worcester, Mass., praying for the passage of the so-called "Dick bill," amending the present law granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Toledo, Canton, and Cincinnati, all in the State of Ohio, praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which were referred to the Committee on Naval Affairs.

Mr. HOPKINS presented a petition of sundry citizens of Galesburg, Ill., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 194, International Typographical Union, of Joliet, Ill., and a petition of Local Union No. 390, International Typographical Union of Pontiac, Ill., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a memorial of the executive committee of the Association of Commerce of Chicago, Ill., remonstrating against the enactment of legislation to change and restrict the sale of grain and provisions for future delivery, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 750, Brotherhood of Railroad Trainmen, of Chicago, Ill., praying for the passage of the so-called "La Follette-Sterling employers' liability bill." which was referred to the Committee on the Judiciary.

Mr. McCUMBER presented a petition of sundry citizens of Glenburn, N. Dak., praying for the passage of the so-called "parcels-post bill," and also for the inspection of grain under Federal control, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Christian Endeavor Society of Eureka, N. Dak., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Harvey, N. Dak., and a memorial of sundry citizens of Lincoln, N. Dak., remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BRANDEGEE presented a petition of sundry manufacturing companies of Bridgeport, Conn., praying for the enactment of legislation to create a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. KNOX presented a petition of the Board of Trade of Scranton, Pa., praying for the enactment of legislation providing for the establishment of an American merchant marine, which was referred to the Committee on Commerce.

He also presented petitions of Hydetown Grange, Patrons of Husbandry, of Hydetown; of H. D. Ott and sundry citizens of Smithport; W. H. Bicker and sundry other citizens of Alba; Fulton Grange, No. 66, of Furniss; J. J. Ashtor and sundry other citizens of Union City; Keystone Grange, No. 2, of Trappe; Chestnut Ridge Grange, No. 1133, of Washington, all in the State of Pennsylvania, praying for the enactment of legislation providing additional protection to the dairy interests of the country, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Charles C. Leeds, of Pittsburg; J. S. Peacock, of Lancaster; of the faculty of Franklin and Marshall College, Lancaster; John W. Harshberger, of Philadelphia; William H. Fritz & Co., of Philadelphia; William L. Du Bois, of Phiadelphia; John C. Trautwine, of Philadelphia; George Burnham, jr., of Philadelphia; R. E. Chase, of Edinboro; Hemsing & Son, of Souderton; J. S. Kent Company, of Philadelphia; E. F. M. Cope, of Stroudsburg; Frank T. Gucker, of Philadelphia; Henry Gawthrop, of Swarthmore; J. H. Sternbergh, of Reading; Owen M. Bruner Company, of Philadelphia; Charles M. Betts & Co., of Philadelphia, all in the State of Pennsylvania, and of J. E. Defebaugh, of Chicago, Ill., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Edward King, of Newcastle; Standard Steel Works Company, of Philadelphia; The Griswold Manufacturing Company, of Erie; E. B. Heckel, of Philadelphia; The Consumers' League of Philadelphia; James H. Mann, of Lewistown; Monongahela Tube Company, of Pittsburg; Galland Brothers Company, of Wilkes-Barre, and Bryden Horse Shoe Company, of Catasauqua, all in the State of Pennsylvania, praying for the enactment of legislation providing for the creation of a tariff commission, which were referred to the Committee on Finance.

He also presented memorials of the American Preserve Company, of Philadelphia; the Keystone Watch Case Company, of Philadelphia; the W. O. Hickok Manufacturing Company, of Harrisburg; Standard Underground Cable Company, of Pittsburg; Union Drawn Steel Company, of Beaver Falls, and Union Steel Casting Company, of Pittsburg, all in the State of Pennsylvania, remonstrating against the passage of the so-called "Gardner eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented petitions of Local Union No. 86, International Typographical Union, of Reading; Local Union No. 7, International Typographical Union, of Pittsburg; Local Union No. 119, Printing Pressmen, of Scranton; Local Union No. 240, International Typographical Union, of Altoona; Local Union No. 239, International Typographical Union, of Carbondale; Local Union No. 258, International Typographical Union, of Easton; Local Union No. 112, International Typographical Union, of Scranton; Local Union No. 141, International Typographical Union, of Williamsport; Local Union No. 77, International Typographical Union, of Erie; Local Union No. 456, International Typographical Union, of Washington; Local Union No. 270, International Typographical Union, of Newcastle, and Local Union No. 151, International Typographical Union, of Oil City, all in the State of Pennsylvania, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented petitions of the Merchants and Business Men's Association of Sunbury, and W. H. & F. Jordan, jr., of Philadelphia, in the State of Pennsylvania, and of Burgess & Chester, of Baltimore, Md., praying for the passage of the so-called "Fowler currency bill," which were referred to the Committee on Finance.

He also presented memorials of Frederick A. Riehle, of Philadelphia; The Hale & Kilburn Manufacturing Company, of

Philadelphia; G. A. Bisler (Incorporated), of Philadelphia; Codling-Ewen Lumber Company, of Philadelphia; Pomona Grange, No. 23, of West Franklin, all in the State of Pennsylvania, remonstrating against the passage of the so-called "Aldrich emergency currency bill," which were referred to the Committee on Finance.

Mr. CLAPP presented a memorial of sundry citizens of Belgrade, Minn., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Monticello, Minn., remonstrating against the passage of the bill (H. R. 13477) to amend the Revised Statutes relating to post-offices and post-roads, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a memorial of the Women's Auxiliary of the Massachusetts Civil Service Reform Association, remonstrating against the passage of that part of the so-called "census bill" providing for appointments by noncompetitive examination, which was referred to the Committee on the Census.

Mr. CURTIS presented a petition of sundry citizens of Taw, Kans., praying for the repeal of the present anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Mound City, Kans., praying for the enactment of legislation to regulate the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of the Southwestern Lumbermen's Association, of Kansas, praying for the adoption of a certain amendment to the interstate-commerce law, which were referred to the Committee on Interstate Commerce.

Mr. BULKELEY presented a memorial of sundry citizens of Mansfield Center, Conn., and a memorial of sundry citizens of Cromwell, Conn., remonstrating against the passage of the so-called "Crumpacker bill," providing for the employment of additional clerks for the taking of the Thirteenth and subsequent censuses, which were referred to the Committee on the Census.

Mr. BURKETT presented a petition of the Credit Men's Association of Omaha, Nebr., praying for the adoption of certain amendments to the national bankruptcy law, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Suffrage Association of Table Rock, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of sundry citizens of Lincoln, Nebr., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. BURROWS presented a memorial of the Farmers' Institute of Lakeview, Mich., remonstrating against any reduction being made in the duty on sugar imported into the United States, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Jackson, Detroit, and Muskegon, all in the State of Michigan, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Palo, Hillsdale, Mason, Gladwin, Hadley, Jackson, and Clayton, all in the State of Michigan, praying for the passage of the so-called "Sherwood pension bill," granting more liberal rates of pensions, which were referred to the Committee on Pensions.

He also presented petitions of sundry volunteer officers of the civil war of St. Johns, Kinderhook, Coldwater, Sturgis, and Kalamazoo, all in the State of Michigan, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented a petition of the Marine Engineers' Beneficial Association of Detroit, Mich., and a petition of the Shipmasters' Association of Detroit, Mich., praying for the enactment of legislation providing for the appointment of an additional judge of the United States district court for the eastern district of that State, which were referred to the Committee on the Judiciary.

He also presented a petition of the Medical Society of Marquette and Alger counties, in the State of Michigan, praying for the enactment of legislation granting pensions to the widows of Dr. James Carroll and Dr. J. W. Lazear, which was referred to the Committee on Pensions.

He also presented a memorial of Hazen S. Pingree Camp, No. 5, United Spanish War Veterans, of Detroit, Mich., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of the State Federation of Women's Clubs of Charlotte, Mich., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Park Lodge, No. 555, Brotherhood of Railroad Trainmen, of Detroit, Mich., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a petition of the Credit Men's Association of Grand Rapids, Mich., praying for the adoption of certain amendments to the present national bankruptcy law, which was referred to the Committee on the Judiciary.

He also presented a petition of Grand Traverse Grange, No. 379, Patrons of Husbandry, of Traverse City, Mich., praying for the establishment of savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Federation of Labor of Detroit, Mich., praying for the enactment of legislation providing for the construction of the next proposed new battle ship at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented resolution adopted by the Polish-American Societies of Manistee, Mich., expressing their disapproval of the expropriation measure proposed to be enacted by the Prussian Government, which was referred to the Committee on Foreign Relations.

Mr. PENROSE presented petitions of 1,177 citizens of the State of Pennsylvania, praying for the enactment of legislation providing additional protection to the dairy interests of the country, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of the States of Pennsylvania, Illinois, New Jersey, New York, and Ohio, praying for the enactment of legislation to regulate the salaries at post-office substations, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of sundry citizens of Illinois, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

SALES FOR FUTURE DELIVERY.

Mr. CULLOM. I present a memorial of bankers of the city of Chicago, protesting against the passage of any bills for the modification of the system of selling grain and other commodities for future delivery now in vogue on the principal exchanges of the country. I ask that it be printed in the RECORD, with the names attached, and referred to the Committee on the Judiciary.

There being no objection, the memorial was ordered to be printed in the RECORD, with the names attached, and referred to the Committee on the Judiciary, as follows:

CHICAGO, *March 2, 1908.*

To the Senate of the United States:

The undersigned bankers of the city of Chicago, emphatically disapproving of the provisions of Senate bill 4298, introduced by Senator GORE, of Oklahoma, and Senate bill 3619, introduced by Senator DAVIS, of Arkansas, or any bills having in view the impairment, or even modification, of the system now in vogue on the principal exchanges of the country of selling grain and other commodities for future delivery, hereby respectfully protest against their passage.

If any such bills should be enacted it would be, in our judgment, well-nigh disastrous to the commercial, agricultural, and financial interests of the country.

We have no hesitation in saying that this system has been and is of incalculable advantage, particularly to the agriculturist, and secures to him the unfettered operation of the law of supply and demand.

It is our firm conviction that such proposed legislation would inflict on the community a loss quite out of proportion to the evils sought to be eradicated thereby.

It would seriously interfere with our making loans on grain or provisions, as we would be deprived of an open, ready, and constant market for these important commodities, which sustain a vital relation, directly and indirectly, to our industrial and commercial life.

We trust that you can consistently use your best efforts to defeat any such proposed legislation.

The Merchants' Loan and Trust Company, Orson Smith, president; The Continental National Bank of Chicago, G. M. Reynolds, president; The Corn Exchange National Bank, D. A. Moulton, vice-president; The National City Bank of Chicago, by David R. Forgan, president; The Northern Trust Company, by J. Z. Hanred, vice-president; The National Bank of the Republic, of Chicago, by W. F. Fenton, vice-president; First National Bank, Chicago, by H. H. Hitch-

cock, vice-president; Illinois Trust and Savings Bank, F. T. Haskell, vice-president; State Bank of Chicago, H. A. Haugan, president; Union Trust Company, by F. H. Rawson, president; The Commercial National Bank, by Geo. E. Roberts, president; Royal Trust Company, by E. T. Mack, vice-president; The American Trust and Savings Bank, E. A. Potter, president; The Fort Dearborn National Bank of Chicago, by Nelson N. Lambert, vice-president; The Hamilton National Bank, by J. H. Cameron, vice-president; Foreman Bros. Banking Company, Oscar T. Foreman, vice-president; The Hibernian Banking Association, by L. B. Clarke, vice-president; Western Trust and Savings Bank, Joseph E. Otis, president; Central Trust Company of Illinois, Charles G. Dawes, president; The Bankers' National Bank of Chicago, J. C. Craft, vice-president.

THE UNITED STATES NAVY.

Mr. HALE. I present the memorial of William H. Maxwell, city superintendent of schools, and members of faculties in universities and colleges and educators of New York City, remonstrating against the great addition to the Navy involved in the plan of authorizing at once the construction of four new battle ships. I ask that the memorial be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, with the names, and referred to the Committee on Naval Affairs, as follows:

To the Representatives and Senators in Congress:

We, the undersigned members of faculties in universities and colleges and educators of New York City, voicing, as we believe, the sentiments of many thousands of American citizens, earnestly protest against the extravagant demand for an addition of over $60,000,000 in the form of four new battle ships, cruisers, etc., to the naval budget of last year, inasmuch as no danger threatens the country not known last April when President Roosevelt told the world: "We are no longer enlarging our Navy. We are simply keeping up its strength. The addition of one battle ship a year barely enables us to make good the units which become obsolete."

Sixty-five per cent of the national income is now expended on war, past and present. The increase of our naval budget has recently been used in the French Assembly as a reason for increasing its own; is largely responsible for the increase of armaments among Asiatic nations, and is well-nigh certain to retard that reduction in the armaments of the world for which we have so long been waiting.

The growing discontent throughout the world at the appalling increase of waste of national resources must be heeded. We feel that this protest is the more necessary, inasmuch as there are various new and effective methods now available for promoting international friendship and rationally settling difficulties which these new demands seem to ignore.

William H. Maxwell, city superintendent of schools.
John H. Finley, president of the College of the City of New York.
Clarence D. Ashley, dean of the Law School, New York University.
Henry W. Leipziger, supervisor of public lectures.
John Bates Clark, Columbia University.
George W. Kirchwey, dean of the Law School, Columbia University.
Charles P. Fagnani, Union Theological Seminary.
Andrew W. Edson, associate city superintendent of schools.
Samuel T. Dutton, Teachers' College, Columbia University.
H. C. Bumpus, American Museum Natural History.
Frederick Dielman, College of the City of New York.
Alfred G. Compton, College of the City of New York.
James C. Egbert, Columbia University.
James Voorhees, Columbia University.
Francis H. Stoddard, New York University.
Carl Lorentzen, New York University.
James Harvey Robinson, Columbia University.
Henry R. Seager, Columbia University.
Edward L. Thorndike, Teachers' College, Columbia University.
John Dewey, Columbia University.
A. D. T. Hamlin, Columbia University.
Calvin Thomas, Columbia University.
Francis M. Burdick, Columbia University.
J. E. Spingarn, Columbia University.
J. R. Wheeler, Columbia University.
Conzalez Lodge, Teachers' College, Columbia University.
Herbert L. Osgood, Columbia University.
Joseph French Johnson, New York University.
D. W. Hering, New York University.
Arthur B. Lamb, New York University.
Dr. Henry G. Piffard, Columbia University.
Charles Lane Poor, Columbia University.
Louis Celamarre, College of the City of New York.
George C. Scott, College of the City of New York.
William J. Brewster, Columbia University.
William G. McGuckin, College of the City of New York.
Anna M. Olsson, principal Public School 141, Brooklyn.
George Meason Whieher, Normal College.
Hiram H. Bice.
Eugene H. Pool, M. D., Columbia University.
F. W. Osborn, Adelphi College.
James C. Reynolds.
Edwin A. Greenlaw, Adelphi College.
Ellen Murray, Public School 38, Bronx.
Annie J. Farley, Public School 183.
Isabel D. Fisher, Adelphi College.
Agnes E. De Monde, principal Public School 116, Brooklyn.
Kate S. Anthony, Horace Mann School.
C. F. Chandler, Columbia University.
May F. M. Aleer, principal Public School 188.
Charles A. Beard, Columbia University.
Ernest Ilgen, College of the City of New York.
A. Beatrice Beard, Adelphi College.
W. E. Waters, New York University.
Ida Ikeller, Public School 68.
C. L. Speranza, Columbia University.
Frederick L. Ludgueer, principal Public School 152, Brooklyn.
Mrs. Maria Kraus-Buelte, Kraus' Seminary for Kindergartners.
Mary C. Bergen, Public School 73.
K. R. Brady, Public School 151, Brooklyn.
Charles Perrine, principal Public School 110, Brooklyn.
Eliza S. Pell, principal Public School 96.
M. A. Regan, Public School 107.
A. B. Turner, College of the City of New York.
Joseph Allen, College of the City of New York.
Samuel Newman, College of the City of New York.
J. H. Grotecloss, Public School 11.
Margaretta Uehlein, Public School 54.
Henry C. Pearson, Teachers' College.
Gustave Le Gros, College of the City of New York.
Emma S. Saudrine, Public School 93.
Jeannette S. Sewett, Normal College.
Graham Lusk, New York University.
Henry Edward Crampton, Columbia University.
William M. Campbell, New York University.
Joseph S. Taylor, district superintendent of schools.
Elizabeth A. Duggan, Public School 57.
M. B. Coles, Normal College.
Cecile Freese, Horace Mann School.
Edmund Burke, College of the City of New York.
Ellen M. Philips, principal Public School 131.
J. G. Bowtell, Normal College.
Royal Whitman, Columbia University.
A. G. Jacob, Jamaica High School.
H. F. Walker, Columbia University.
G. M. Swift, Columbia University.
George N. Boardman, Columbia University.
Edwin C. Broome, Adelphi College.
A. Henry Grant, Jersey City High School.
Samuel Ayers, Public School 132.
J. C. Gordy, New York University.
Caroline Emanuel, Public School 50.
Charles C. Roberts, Public School 25.
Emma L. Johnston, Brooklyn Training School.
M. A. Bigelow, Teachers' College, Columbia University.
Isabella Sullivan, Public School 170.
Maurice J. Thompson, Public School 6.
M. Allen Starr, Columbia University.
William E. Grady, Public School 64.
Ellen T. O'Brien, Public School 36.
Kate M. Falvey, Public School 78.
Jessie Ashley, New York University.
Jennie Birmingham, Public School 90.
Charles Bikle, Horace Mann School.
George Philip Krapp, Columbia University.
Agusta L. Cassidy, Public School 49.
Benjamin Veit, Public School 1.
William B. Coley, Columbia University.
M. B. Barringer, Public School 39.
Teresa C. Burke, Public School 121.
Downing Bain, New York University.
Clara American, Public School 127.
Gertrude Hirst, Columbia University.
William N. Story, Public School 34.
Elizabeth J. Hofer, Public School 174.
William J. O'Leary, Public School 5, Brooklyn.
Elizabeth V. Gaines, Adelphi College.
John F. Reigart, principal School 2.
Emma Sylvester, principal Public School 35.
Paul Monroe, Teachers' College.
V. E. Kilpatrick, principal Public School 52.
Millicent Baum, principal Public School 168.
William L. Ettinger, Public School 147.
Isaac Price, Public School 65b.
Olivia J. Hall, Public School 157.
James Sullivan, Boys' High School, Brooklyn.
Charles J. Pickett, principal Public School 26, Bronx.
Margaret E. Maltby, Barnard College.
H. M. C. Vedder, New York University.
William L. Fuller, Girls' High School.
Charles Gray Shaw, New York University.
J. F. Kemp, Columbia University.
Florence M. Marshall, Horace Mann School.
W. L. Bulkley, principal Public School 80.
F. M. McMurry, Teachers' College, Columbia University.
William E. B. Starkweather, College of the City of New York.
John F. Harris, principal Public School 95.
M. F. O'Connell, principal Public School 31.
Jennie M. Tower, principal Public School 114.
Sadia E. Baird, Public School 48.
Helena A. Hulskamp, Elementary School 63.
Mary L. Brady, Public School 177.
Florence E. Viet, Packer Collegiate Institute, Brooklyn.
Mary A. Willis, Packer Collegiate Institute.
John F. Woodhull, Columbia University.
M. Adelainde Nutting, Teachers' College, Columbia University.
George N. Olcott, Columbia University.
Charles P. Berkey, Columbia University.
Julia Emery Turner, Packer Collegiate Institute.
E. L. Kuntz, Columbia University.
Joseph E. Messenger, New York.
Clarence H. Young, Columbia University.
Edith C. Squires, Packer Collegiate Institute.
E. Kelly, Public School 87, Brooklyn.
Lyman A. Best, Public School 108.
John J. Wells, Public School 35, Brooklyn.
M. D. Batchelder, Horace Mann School.
E. G. Sihler, New York University.
F. A. Irvine, Public School 68, Brooklyn.
Elenore E. Elliott, Public School 57.
Catherine P. Candler, Normal College.
E. Aubert, Normal College.
Herbert G. Lord, Columbia University.
Laura B. Collier, Packer Collegiate Institute.
E. F. Nichols, Columbia University.
Robert Peele, Columbia University.
Virgil Prettyman, Horace Mann School.
Thomas C. Baker, Public School 44, Brooklyn.
Bernard J. Devlin, Public School 13, Bronx.
M. E. Quinn, Public School 125.
Ella Keith, Normal College.
Kathleen M. Kullen, Public School 66, Brooklyn.
Margaret S. Winslow, Public School 18, Brooklyn.

Harriet L. Bogue, Public School 55, Brooklyn.
Gertrude E. Hale, Packer Collegiate Institute, Brooklyn.
Julia B. Anthony, Packer Collegiate Institute, Brooklyn.
Emily H. Welch, Packer Collegiate Institute, Brooklyn.
Edwin B. Uline, Public School 27.
Mary Walsemaim, Public School 8, Brooklyn.
Matilda C. Skine, Public School 20, Brooklyn.
M. W. Kennerly, Normal College.
M. J. Merritt, Public School 29, Brooklyn.
Joseph C. Pfister, Columbia University.
Mary A. Regan, Public School 31, Bronx.
William P. McCarthy, Public School 42, Bronx.
Mary C. V. Connolly, Public School 113.
L. A. McLauth, New York University.
Channing Rudd, New York University.
Charles C. Holden, Public School 17, Bronx.
James S. C. Wells, Columbia University.
James C. Rogers, Public School 128, Brooklyn.
Olin Cartridge, Horace Mann School.
Elizabeth F. Doherty, Public School 42, Brooklyn.
Henry C. Sherman, Columbia University.
Miss Miriam Werner, Normal College, New York.
William Fox, College of the City of New York.
Priscilla Fletcher, Normal College.
Henry E. Bliss, College of the City of New York.
C. Howard Parmly, College of the City of New York.
Sarah Goldie, Public School 190.
Kate M. Stephens, Public School 135.
Walter W. Arnold, Horace Mann School.
Ida E. Robins, Teachers' College, Columbia University.
Elizabeth M. Wheelock, Horace Mann School.
Edmund M. Foote, College of Physicians and Surgeons, Columbia University.
John S. Fitzpatrick, Public School 81, Brooklyn.
Augusta Beck, Public School 88, Brooklyn.
Kate Van Wagenen, Public School 2, Bronx.
Andrew E. Eichman, Public School 97, Brooklyn.
James E. Lough, New York University.
Louise Castle, Public School 92, Brooklyn.
Edward Bush, Public School 18, Brooklyn.
Curtis Claassen, New York University and Bellevue Hospital Medical College.
Leslie J. Tompkins, New York University Law School.
Gorham Bacon, Columbia University.
Carlos F. MacDonald, University and Bellevue Medical College.
Barclay W. Bradley, College of the City of New York.
Edward Mandell, Public School 188.
Mary A. Mason, Public School 79, Brooklyn.
Moses Becker, jr., Public School 118, Brooklyn.
Kate Morgan Ward, Packer Collegiate Institute.
Fred H. Sykes, Columbia University.
F. N. Cole, Columbia University.
David Sneddon, Columbia University.
Allan Abbott, Horace Mann School.
C. M. Baker, Horace Mann School.
Adolph Werner, College of the City of New York.
Emory B. Lease, College of the City of New York.
Marie-Louise Raoux, Normal College.
Mary Amelia Sheldon, Normal College.
Lewis F. Mott, College of the City of New York.
Charles A. Downer, College of the City of New York.
Marion S. Coan, Normal College.
Susan E. Van Wert, Normal College.
Thomas J. Meighan, Public School 27, Bronx.
L. G. Simmons, Normal College.
A. Wadsworth, Columbia University.
Frederica J. Constantini, Normal College.
Margaret Laing, Public School 117, Brooklyn.
Henry G. Kost, College of the City of New York.
Joseph G. Furey, Public School 123, Brooklyn.
Lilla A. Nourse, Columbia University.
Jefferson B. Fletcher, Columbia University.
Herbert M. Richards, Barnard College.
Marie H. Brooks, Horace Mann School.
John King Clark, Public School 23, Bronx.
Roland H. Williams, Horace Mann School.
Frank E. Brooks, Horace Mann School.
A. L. McDevitt, Public School 61, Brooklyn.
Maud V. Keyes, Horace Mann School.
Charles D. Raine, principal Public School 147.
Winifred T. Cullen, Public School 56.
E. G. Bridgham, Public School 111.
Lillian E. Rogers, Horace Mann School.
Mary E. O'Donnell, Public School 90, Brooklyn.
C. C. Calkins, Public School 6, Brooklyn.
M. Louise Rockwood, Public School 46, Brooklyn.
Honor E. Quinn, Public School 63, Brooklyn.
Lizzie F. Spafford, Public School 161.
C. F. Kayser, Normal College.
James T. Shorwell, Columbia University.
Eugenie C. Levie, Public School 124.
Walter B. James, Columbia University.
Isabella F. Wright, Public School 104.
N. B. Foster, Columbia University.
L. G. Forward, Bellevue Hospital Medical School.
Prince A. Movine, Bellevue Hospital Medical School.
Mary S. Woolman, Teachers' College, Columbia University.
Oliver C. Mordock, Public School 10, Brooklyn.
Marion Clarey Public School 19.
Robert F. Smith, College of the City of New York.
Dorothy C. Hess, Normal College.
Mary G. Peabody, Horace Mann School.
H. H. Presby, New York College of Pharmacy.
Edward S. Page, Public School 77.
Margaret Knox, Public School 15.
J. Loaz, Packer Collegiate Institute, Brooklyn.
Freda M. Brunn, Adelphi College, Brooklyn.
Eugenie Menut, Horace Mann School.
Stephen P. Duggan, College of the City of New York.
Linneas E. La Ferra, Columbia University.
L. Emmett Holt, Columbia University.
Charles P. Warren, Columbia University.
Emma J. MacAlarney, Horace Mann School.
J. D. Miller.
Charles F. Horne, College of the City of New York.
Frank Rollins, Stuyvesant High School.
Leon Brummer, New York University.
Nathan Abbott, Columbia University.
George T. Holm, Columbia University.
N. Louise Roethgen, Adelphi College, Brooklyn.
Phillip D. Kurrison, Bellevue Medical School.
Franz Boas, Columbia University.
Carl Leonardo Speranza, Columbia University.
Frederick H. Wilkens, New York University.
Rudolph M. Binder, New York University.
Helen H. Tanzer, Normal College of the City of New York.
Mary J. McHench, principal Public School 114, Brooklyn.
Margaret M. Slattery, principal Public School 53, New York City.
Eliza A. Caterson, Public School 21, New York City.
Julia C. Cremins, New York University.
Amanda C. Northrop, Normal College.
Jesse H. Bigham, department of manual training, New York City.
Mabel L. Chesley, Erasmus High School, New York City.
Arthur Schultze, New York University.

ENROLLMENT OF CHOCTAW AND CHICKASAW INDIANS.

Mr. TELLER. I present the petition signed by Hon. Henry W. Blair and a large number of Indians in the Choctaw and Chickasaw Nation, praying for the enrollment of all such descendants born or who shall be born after the approved enrollment until the National Government's and tribal existence shall be terminated, and for other purposes.

The petitioners have asked me to have the petition inserted in the RECORD. I do not think it is wise to lumber up the RECORD with these petitions, but, as a matter of considerable interest to a large portion of new-made citizens, I move that the petition be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

EXTENSION OF PARCELS-POST SYSTEM.

Mr. BURNHAM. I present a letter from the Postmaster-General containing certain data relative to the proposed extension of the parcels-post, with exhibits on the same subject. I move that the letter, with the exhibits, be printed as a document and referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. BURNHAM. I ask that the letter and exhibits be also printed in the RECORD.

There being no objection, the letter and exhibits were ordered to be printed in the RECORD, as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 4, 1908.

MY DEAR SENATOR: It affords me great pleasure, in compliance with your request, to place at your disposal the data which are available relative to the proposed extension of the parcel post.

It does not appear to be generally appreciated that a comprehensive system of parcel post is already in satisfactory operation in most foreign countries. Exhibit 1 gives detailed information on this subject. I show here the limit of weight which has been fixed in a number of instances:

Great Britain, 11 pounds; Germany, 110 pounds; France, 22 pounds; Italy, 11 pounds; Chile, 11 pounds; New Zealand, 11 pounds; Austria, 110 pounds; Belgium, 132 pounds; The Netherlands, 11 pounds; Cuba, 11 pounds.

The rates in the countries mentioned are much lower than those shown in Exhibit 2, which have been recommended for the general parcel post in the United States.

The present rate on the general parcel post is 16 cents a pound for people in our own country, the limit of weight being 4 pounds, while the rate from the United States to 29 foreign countries is 12 cents a pound and the limit of weight to 24 of these countries is 11 pounds. In other words, our own people must pay 4 cents a pound more for the privilege of dispatching packages to each other than when destined to residents of a foreign country. I have therefore urged a rate of 12 cents a pound for packages forwarded through the mails to post-offices in the United States and its possessions, subject to the same regulations as exist at the present time, with the exception of increasing the weight limit to 11 pounds. The service can be rendered at a cost well within the rates recommended.

According to the Report of the Record of Weight of Second-class Mail Matter, transmitted by the Post-Office Department to the House of Representatives under date of February 1, 1907, the average haul of all second-class matter was 540 miles.

Of the total receipts of the Post-Office Department, 69 per cent are expended for labor and supplies and 7 per cent for conveyance charges other than those paid the railroads for transporting the mail. A general rate for parcel post of 12 cents a pound would produce a revenue of $240 a ton. Even on the basis of a 540-mile average haul I find the debit and credit sides of 1 ton of parcel post to be as follows:

By postage		$240.00
To railroad transportation, 540 miles, at 5½ cents	$29.70	
Other transportation charges	16.80	
Labor and supplies	165.60	
Total cost		212.10
Profit		27.90

A local parcel post confined to rural-delivery routes is also advocated at the rates given in Exhibit No. 3. The Department favors the establishment of this special service because of its ability to render it with great advantage to the farmer, the country merchant, and other patrons of the routes, as the necessary machinery—over 38,000 routes now regularly covered by rural carriers—is in operation. There are some fifteen millions of people living on these routes, which shows the vast possibilities of the rural service. It has been estimated that if but three packages of the maximum weight were handled each trip on the rural routes now established, the resulting revenue, even at the low rates given, would more than wipe out the postal deficit. The

increased cancellations would automatically advance the salaries of postmasters of the fourth class and the remaining revenue, which would be clear gain, would be of great assistance in making the rural service self-sustaining. The rural service will in all probability cost the Government this year $34,000,000, an increase of $10,000,000 over last year.

The history and advantages of the rural delivery should be understood by our people. There is a feeling in many quarters that it is an extravagance and an unnecessary drain upon the postal revenues. The first rural route was established in the latter part of 1896, $14,840 being expended for rural delivery during that fiscal year. At that time the postal deficit was $11,411,779. During the fiscal year ended June 30, 1907, the expenditures for rural delivery aggregated $26,671,699, while the postal deficit showed a decrease, as compared with 1897, of $4,800,000, the deficit amounting to $6,653,282. This would seem to show that while the expense incurred for maintaining rural delivery is great, yet the rural delivery has been instrumental in increasing the general postal receipts. However, its benefits to our people can not be measured in dollars and cents.

That a local parcel post would be of material advantage to the retail merchant in competition with mail-order houses is seen at once, when it is pointed out that the latter, at the proposed general parcel-post rate of 12 cents a pound, would be obliged to pay $1.32 for sending an 11-pound package to a rural route patron, a difference in favor of the local storekeeper of about 10 cents a pound, or $1.07 on an 11-pound package.

Letters and petitions for the extension of the parcel post are being received from all sections of the country. Many commercial bodies formerly opposed to any action of this kind are on record as being heartily in favor of it.

On the other hand, objections have been raised to the measures the Department is advocating. Although no sound argument has been advanced in opposition, the contentions which have been made are not without interest. I mention the more important of them, at the same time giving the replies which they have elicited:

It has been stated that the Department is not equipped to deliver 11-pound parcels received in the general mails. The present postal regulations provide that where a package is of undue size or weight a formal notice shall be sent the addressee requesting him to call for it. This practice would continue were the weight limit increased to 11 pounds, in the case of offices having free delivery. Nor would it work a hardship, for under the present limit of 4 pounds the average weight of parcels sent through the mails is but one-third of a pound. Increasing the weight limit would not have nearly as great an effect on the average weight of parcels mailed as seems to be commonly supposed. Where packages were addressed to persons living on rural routes they would, of course, be delivered to the boxes of the patrons by rural carriers, who would not thereby be inconvenienced.

The claim that the special local rate recommended for the parcel post on rural routes would eventually be extended to include the entire postal service has been given considerable publicity. The impossibility of this becomes apparent when attention is directed to the cost of railroad transportation, which has no part in the former service. About $45,000,000 was paid last year for mail transportation and $6,000,000 for postal cars.

Others have said that large mail-order houses would, under the proposed law, utilize the special parcel post on rural routes through agents, to the great disadvantage of the country merchant, first assembling their orders and dispatching them by express or freight to suitable distributing points. The Department has recommended provisions which will prevent any such use of the routes. It should be remembered, too, that, even in the absence of a specific prohibition of this nature, any systematic attempt upon the part of a mail-order house to thus distribute its wares would necessitate the employment of many thousands of local representatives. The catalogues of these concerns indicate in no uncertain way that they attribute their success, in large measure, to their low selling expense, and that the absence of any sort of agents is the principal feature of their argument in accounting for the supposedly low prices of their goods.

The cry of "class legislation" has been raised. There is, of course, no discrimination involved, for all who can be reached by rural carriers will be accommodated. It would be as reasonable to decry the laws which permit the delivery of mail to patrons living on rural routes, while persons differently situated are obliged to make a trip to a near-by post-office to obtain their letters.

Those who claim than an increase in the weight limit would work an injury to country merchants appear to have the impression that mail-order houses now deliver their goods extensively through the postal service, and that this practice would largely increase if the recommendations which have been made become law. Upon a moment's reflection it will be perceived that the present rate of 16 cents a pound ($16 per hundredweight), as well as the proposed rate of 12 cents a pound ($12 per hundredweight), are alike prohibitive on practically all lines of merchandise. Mail-order houses make their shipments usually by freight or express and would continue to do so.

Antagonism to the proposed measures, when analyzed and found not to be the result of selfish motives, appears to be based upon inaccurate or insufficient information. In illustration I desire to invite attention to a communication of the Richmond Commercial Club, of Richmond, Ind., which appeared in the CONGRESSIONAL RECORD of January 4, 1908. In this letter the statement was made that a certain mail-order house would save $40,000 a year on the mailing of catalogues alone. Catalogues are rated as third-class matter, whereas the Department's recommendations with respect to parcels post relate to fourth-class matter only. Catalogues are now mailable at 1 cent for 2 ounces, or 8 cents a pound, 4 cents a pound less than the rate proposed for the general parcels post. The mail-order house referred to, therefore, would gain nothing under the proposed law in the mailing of its catalogues.

With the adoption of new conveniences of life by urban residents, and the ever-increasing attractions of the city, especially potent in their influence upon the younger generation, the importance of affording farmers and ruralites generally every legitimate advantage becomes more and more apparent. The free rural delivery has improved materially and intellectually the life of great numbers of these people. Is it too much to ask that the Department shall make a further use of this important system, a use which, while adding appreciably to the postal revenues, will directly and vitally benefit every man, woman, and child within reach of a rural route? The countryman would have the necessities of life delivered at his gate at an average cost of 2 cents a pound, thereby facilitating and increasing consumption. This would mean augmentation of the trade of thousands of country merchants. The commercial traveler should appreciate the advantages of this system; it would increase his orders, because the country merchant buys from the jobber or the wholesaler. Every component part of our commercial system would feel the effects of an increased prosperity.

It would inevitably tend toward the improvement of the roads. Better roads and improved postal facilities in the rural districts would result in increased values of farm lands. The rural service as now organized has accomplished something in this direction; its enlargement will add to the good attained.

Believe me, faithfully, yours, G. VON L. MEYER.

Hon. HENRY E. BURNHAM,
United States Senate, Washington.

EXHIBIT 1.

Parcels-post rates in the domestic service of the countries named.

Great Britain.—Postage rates for the first pound, 3 pence (6 cents), and for each additional pound, 1 penny (2 cents); maximum weight, 11 pounds; greatest length, 3 feet 6 inches; greatest length and girth combined, 6 feet.

New Zealand and the states composing the Commonwealth of Australia.—Limits of weight and size, same as in Great Britain. Postage rates, 6 pence (12 cents) for the first pound and 3 pence (6 cents) for each additional pound.

Germany.—Greatest weight, 50 kilograms (about 110 pounds); no limit of size. Postage rates: For all parcels conveyed not more than 10 geographic miles, 25 pfennig (6 cents), and 50 pfennig (13 cents) for greater distance; if a parcel weighs more than 5 kilograms (11 pounds avoirdupois) it is charged for each additional kilogram (2 pounds) carried 10 miles, 5 pfennig (1 cent); 20 miles, 10 pfennig (3 cents); 50 miles, 20 pfennig (5 cents); 100 miles, 30 pfennig (8 cents); 150 miles, 40 pfennig (10 cents); and more than 150 miles, 50 pfennig (13 cents). Unwieldy parcels are charged, in addition, 50 per cent of the above rates.

Austria.—Greatest weight, 50 kilograms (110 pounds), except that parcels containing gold or silver coin may weigh up to 65 kilograms (143 pounds). Postage rates: Parcels up to 5 kilograms (11 pounds) in weight are charged 30 heller (6 cents) for the first 10 miles, and 60 heller (12 cents) for greater distances. A parcel weighing more than 5 kilograms (11 pounds) is charged for each kilogram (2 pounds), in addition to the above rates, for the first 10 miles, 6 heller (1 cent); 20 miles, 12 heller (2 cents); 50 miles, 24 heller (5 cents); 100 miles, 36 heller (7 cents); 150 miles, 48 heller (10 cents); and more than 150 miles, 60 heller (12 cents).

France.—Greatest weight, 10 kilograms (about 22 pounds); no limit of size. Postage rates: Up to 3 kilograms (7 pounds), 60 centimes (12 cents) delivered at the railway station, and 85 centimes (17 cents) delivered at a residence; from 3 to 5 kilograms (7 to 11 pounds), 80 centimes (16 cents) at a station, and 1 franc 5 centimes (21 cents) at residence; from 5 to 10 kilograms (11 to 22 pounds), 1 franc 25 centimes (25 cents) at a station, and 1 franc 50 centimes (30 cents) at a residence.

Belgium.—Greatest weight 60 kilograms (about 132 pounds); no limit of size, but unwieldy parcels are charged 50 per cent in addition to the following rates for any distance: Parcels up to 5 kilograms (11 pounds), 50 centimes (10 cents), or if by express trains, 80 centimes (16 cents); up to 10 kilograms (22 pounds), 60 centimes (12 cents); or if by express trains, 1 franc (20 cents); for each additional 10 kilograms (22 pounds), 10 centimes (2 cents); or if sent by express trains, 50 centimes (10 cents) additional. Fee for delivering at residences, 30 centimes (6 cents).

Italy.—Greatest weight, 5 kilograms (11 pounds). For ordinary parcels, greatest size in any direction, 60 centimeters (2 feet), except rolls, which may measure 1 meter (40 inches—3 feet 4 inches) in length by 20 centimeters (8 inches) in thickness. Postage rates for a parcel not exceeding 3 kilograms (7 pounds), 60 centimes (12 cents), and 1 franc (20 cents) for a parcel exceeding that weight. A parcel which exceeds 60 centimeters (2 feet) in any direction, but does not exceed 1½ meters (5 feet), is admitted to the mails as an "unwieldy" parcels, and is charged, in addition to the above rates, 30 centimes (6 cents) if it does not weigh more than 3 kilograms (7 pounds), and 50 centimes (10 cents) if it exceeds that weight.

The Netherlands.—Greatest weight, 5 kilograms (11 pounds); greatest size, 25 cubic decimeters (1,525 cubic inches), or 1 meter (3 feet 4 inches) in any direction. Postage rates: Fifteen (6) cents (Dutch) up to 1 kilogram (2 pounds); 20 (8) cents from 1 to 3 kilograms (2 to 7 pounds); 25 (10) cents from 3 to 5 kilograms (7 to 11 pounds).

Chile.—Greatest weight, 5 kilograms (11 pounds); must not measure more than 60 centimeters (2 feet) in any direction. Postage rates: Thirty centavos (10 cents) if a parcel does not weigh more than 3 kilograms (7 pounds); 50 centavos (17 cents) if it weighs more.

Cuba.—Greatest weight, 11 pounds; greatest size, 3 feet 6 inches in length by 2 feet 6 inches in width. Postage rate: Ten centavos (10 cents) a pound up to 5 pounds; and 6 centavos (6 cents) for each additional pound.

EXHIBIT 2.

Rates recommended by the Postmaster-General in his annual report (year ended June 30, 1907) for packages forwarded through the mails to post-offices in the United States and its possessions, subject to the regulations which exist at the present time, with the exception of increasing the weight limit to 11 pounds.

	Cents.
One ounce	1
Over 1 ounce and not exceeding 3 ounces	2
Over 3 ounces and not exceeding 4 ounces	3
Over 4 ounces and not exceeding 5 ounces	4
Over 5 ounces and not exceeding 6 ounces	5
Over 6 ounces and not exceeding 8 ounces	6
Over 8 ounces and not exceeding 12 ounces	9
Over 12 ounces and not exceeding 16 ounces	12

EXHIBIT 3.

Rates recommended by the Postmaster-General in his annual report (fiscal year ended June 30, 1907) for packages covered by the special local parcels post on rural delivery routes.

	Cents.
For the first pound	5
For each additional pound, up to 11 pounds	2
For fractional parts of a pound:	
Two ounces or less	1
Over 2 ounces and up to 4 ounces	2
Over 4 and up to 8 ounces	3
Over 8 and up to 12 ounces	4
Over 12 ounces and up to 1 pound	5

EXHIBIT 4.

[S. 5115, Sixtieth Congress, first session. In the Senate of the United States, February 10, 1908.]

Mr. KEAN introduced the following bill, which was read twice and referred to the Committee on Post-Offices and Post-Roads:

A bill to increase the limit of weight of fourth-class mail matter, to amend the postage rates chargeable thereon, and for other purposes.

Be it enacted, etc., That parcels of merchandise or other matter not embraced in the first, second, or third class of mail matter, and not exceeding 11 pounds in weight, shall, subject to the provisions of existing law governing matter of the fourth class, except as hereby amended, be admitted to the mails as such matter at the following rates of postage: One ounce, 1 cent; over 1 ounce and not exceeding 3 ounces, 2 cents; over 3 ounces and not exceeding 4 ounces, 3 cents; over 4 ounces and not exceeding 5 ounces, 4 cents; over 5 ounces and not exceeding 6 ounces, 5 cents; over 6 ounces and not exceeding 8 ounces, 6 cents; over 8 ounces and not exceeding 12 ounces, 9 cents; and over 12 ounces and not exceeding 16 ounces, 12 cents.

EXHIBIT 5.

[S. 4122, Sixtieth Congress, first session. In the Senate of the United States, February 10, 1908.]

Mr. BURNHAM introduced the following bill, which was read twice and referred to the Committee on Post-Offices and Post-Roads:

A bill to provide a rural delivery parcel post for merchandise and other articles mailed on rural delivery routes, and for other purposes.

Be it enacted, etc., That the Postmaster-General is authorized, under such regulations as he may prescribe, to establish a domestic rural parcel post at special rates of postage, for the delivery on rural delivery routes of foodstuffs (including groceries, provisions, meats, fruits, and vegetables), dry goods, drugs, books, and other merchandise, unless the same shall be unmailable under this act or any other act as hereby amended.

SEC. 2. That such special rates of postage on such parcels of merchandise shall be 5 cents for the first pound and 2 cents for each additional pound or fractional part thereof, and on parcels weighing less than 1 pound as follows: Two ounces or less, 1 cent; over 2 ounces and not exceeding 4 ounces, 2 cents; over 4 ounces and not exceeding 8 ounces, 3 cents; over 8 ounces and not exceeding 12 ounces, 4 cents, and over 12 ounces and not exceeding 1 pound, 5 cents: *Provided,* That such postage shall be prepaid by ordinary postage stamps affixed to such parcels, and that the character of such matter shall be indicated by the words "Rural Parcel Post," stamped on each of such parcels by the postmaster or rural carrier receiving it: *Provided further,* That the establishment of such rural parcel post and special postage rates shall not in any wise affect the mailing of or postage rate on packages of third and fourth class matter, except within the limitations stated: *Provided further,* That nothing herein contained shall be taken as authorizing the acceptance or delivery at the special rates of postage herein provided of any parcel offered by any person acting as agent or representative, upon commission or otherwise, for any person or company not resident on such rural delivery route: *And provided further,* That only such parcels shall be received for delivery at the special rates of postage herein provided as are offered by bona fide merchants or dealers whose regular places of business are on rural delivery routes covered by this act, in the ordinary and regular course of their business, and by residents on such routes in their individual capacity.

SEC. 3. That parcels covered by said special postage rates and deliverable by said rural parcel post under this act shall not exceed 11 pounds in weight, 3 feet 6 inches in length, or 6 feet in length and girth combined, and such parcels shall conform to the Postal Laws and Regulations concerning mailability, except as they are modified by this act and regulations promulgated in pursuance thereof.

SEC. 4. That perishable articles of food submitted for mailing under said rural parcel post shall not be accepted by postmasters or rural delivery carriers more than three hours before the departure of the mail, and then only at the risk of the sender, and the postmaster or rural carrier shall stamp or note on any such parcels the time of acceptance and of transmittal, and the words "At the sender's risk."

SEC. 5. That the provisions of this act shall apply only to parcels mailed on and addressed to rural delivery routes, as follows:

(1) From the post-office or station from which one or more rural delivery routes emanate to any intermediate post-office or to any patron on any of said routes emanating from said post-office or station and supplied by rural carrier.

(2) From any intermediate post-office on any rural delivery route to the post-office or station from which said route emanates, or to any intermediate post-office, or to any patron on that or any other rural route emanating from said post-office or station and supplied by rural carrier.

(3) From any patron on any rural delivery route to the post-office or station from which said route emanates, or to any patron or intermediate post-office on that or any other rural delivery route emanating from said post-office or station and supplied by rural carrier: *Provided,* That in all cases where, under this act, parcels are mailed at a post-office on a rural route which emanates from a station of such post-office, such parcels shall be offered for mailing at such station; and in all cases where parcels mailed under this act are addressed to a post-office on a rural route terminating at a station of such post-office, such parcels shall be delivered to addressees at such station, and in the later case addressees shall call or send for such parcels.

SEC. 6. That the proviso in the act of April 28, 1904, chapter 1759 (33 Stats., p. 440), relative to the transportation of merchandise by rural carriers for patrons, is hereby repealed.

SEC. 7. That seeds, cuttings, bulbs, roots, scions, and plants, when mailed under this act, shall be chargeable with the postage rates and subject to the limit of weight herein provided.

SEC. 8. That all provisions of law applicable to the third and fourth classes of mail matter, and all provisions of law applicable generally to mail matter, and not inconsistent with the provisions of this act, are hereby extended and made applicable to matter of like character mailable under this act: *Provided,* That matter so mailable shall be subject to the rates of postage and the limitation of weight herein provided.

EXHIBIT 6.

MEYER WILL WAGE ACTIVE CAMPAIGN FOR PARCELS POST—HAS STARTED MACHINERY FOR HIS REFORM, AND WILL MAKE GREAT EFFORT TO ROUSE AND EDUCATE PUBLIC SENTIMENT IN ITS FAVOR BEFORE CONGRESS CONVENES—AMERICA SHOULD CATCH UP WITH PROCESSION—TALKS ABOUT PLANS FOR THE HERALD—RÉSUMÉ OF THE OPERATION OF SYSTEM IN EUROPEAN COUNTRIES, THE COST OF TRANSPORTATION, AND BENEFITS WHICH ACCRUE.

[By Ernest G. Walker.]

WASHINGTON, D. C., *October 13, 1907.*

Postmaster-General George von L. Meyer, in his speech at Boston Saturday upon his plan for a parcels post, has started the machinery for his reform with all the acumen of an old campaigner. He is going to put the matter squarely up to the people before Congress comes on the scene.

Quick and cheap transport for more of the innumerable small packages that Americans have to exchange is to be the dominant issue of a good business administration of the Post-Office Department. By and by Mr. Meyer is going out to make more speeches at places where they will do the most good for the cause. He wants to arouse and educate public sentiment.

The parcels post is not an exceedingly attractive subject to everybody. Probably hundreds of thousands of people who patronize the United States mails have never thought seriously about what a parcels post is, although it enters tremendously into the domestic, commercial, and industrial economics of the world. It is a vehicle for the carriage of billions of dollars of values annually. Admittedly the United States is far behind the procession. And yet the readiness with which a few pounds of a given article can be moved from Washington to Boston, or from town to town between the two great oceans, means a vast deal to the convenience as well as to the pocketbooks of a great number of people.

European countries employ the machinery of the posts in this herculean task. Many years ago they went far beyond the transmission of information through the mails and utilized the service for the transmission of materials. The United States has been doing the same thing since 1863, but only to a limited degree. Mr. Meyer now wants this country to catch up a little.

WILL HAVE BILL DRAWN.

That is why he is trying to awaken the people to what he wants. He expects to speak in Philadelphia, Chicago, and other cities about the parcels posts, and by the time Congress is here will have a bill drawn. It will be introduced early in December and will cover the changes the Postmaster-General intends recommending in his annual report. These will be the admission to the mails of parcels of a maximum weight of 11 pounds, at 12 cents a pound (4 pounds is now the maximum, at 16 cents a pound), and a local service on rural delivery routes at 5 cents a pound, with 2 cents for every additional pound up to 11. This local service will be confined to each rural route and can not be extended beyond it. Mr. Meyer believes this, if adopted, will make the rural delivery of mail self-sustaining, and the postal service, as a whole, would probably yield a surplus.

Postmaster-General Wanamaker first actively urged the establishment of a parcels post on a large scale. He summed up the situation epigrammatically in his 100 reasons for it and only four reasons against it—those four being the express companies. Others after him, especially the late Postmaster-General Bissell, made like recommendations. But Mr. Meyer now has an advantage in his campaign, which none of his predecessors had in the rural-delivery routes. Every one of the many thousands of routes would be a little parcels service in itself, aside from being a line of communication by which small packages could be conveyed from all parts of the country or to any part of the country. Mr. Meyer is building much upon that fact. The local service at cheaper rates will also protect the local storekeepers, to which the big department stores and mail-order establishments are bogeys.

ASKS NO RADICAL STEP.

If he can carry his recommendations through and persuade Congress to enact them into law, it may be that he will have effected a greater advantage to the country than is likely to follow from any other transportation statute of the last decade. Parcels-post enthusiasts at least think so, drawing their conclusions from observations of the service in Europe.

"I shall not urge any radical step," said the Postmaster-General recently in explaining his plans. "I only want the present service extended toward such a domestic parcels post as we already have by postal treaties with a number of foreign countries. A service that the Government gives its own people with those abroad is none too good for us at home.

"The extension proposed would enable the Department to ascertain how far we can safely go, and also to adapt itself gradually to new requirements. It is a large business proposition. We do not know how much additional equipment would be needed eventually. Probably the equipment on the rural routes would be nearly adequate for the local and general parcels service. In the cities it might be otherwise. But by making a comparatively small extension of the service we could determine whether it would be advisable to go further. I shall only indicate in my annual report a belief that the establishment of a local parcels service in the big cities would be advisable, but shall not urge the incorporation of that feature into law at present.

"I anticipate opposition to this improvement of the postal service, but I believe it will not be influential after the details have been explained. I regard the apprehensions of the small storekeepers as without foundation. That has been the case in European countries, where the same kind of opposition has shown itself at times. The local service on the rural routes at lower rates will give the local dealers an advantage."

SEEKS EXPERTS' VIEWS.

Postmaster-General Meyer is taking pains to collect the opinions of postal experts on his recommendations. He will have the views of a large number of postmasters long before Congress convenes. They are being invited to present whatever objections they may see and also to offer practical suggestions.

Ever since he announced his intention of urging a better parcels-post service for the United States the Postmaster-General has been the recipient of many letters. These come from various classes of people. Most of them commend his plan, but the retail associations, such as the associations of hardware men and grocers, come out in bold opposition. It is such people as these that the Postmaster-General hopes to con-

vert when they are brought to understand the details of what he wants to do. Some of these critics, besides claiming that the legislation would favor the catalogue houses, argue that the Government should not go into a general freight business, and that if the express companies are charging exorbitant rates, the Interstate Commerce Commission, which now has authority over them, should step in and require that the rates be lowered.

The operations of parcels posts in other countries make a very interesting transportation chapter. They are conducted on a gigantic scale, and, apart from what J. Henniker Heaton, long an English member of Parliament from Canterbury, and a great advocate of postal reforms, calls "grandmotherly regulations," have worked with practically world-wide success. Shopping by mail is made easy, whether one in the country would trade with the local draper or the big metropolitan merchant.

FACILITATED BY TELEPHONE.

An extension of parcels posts in the United States would be enormously facilitated, as the matter is viewed at the Post-Office Department, by the prevalence of telephones. Farmers and culturists now have them the country over. Telephone wires have followed in the wake of the rural free-delivery wagon. The postage is now too expensive and the limit of the package too small. But instead of a 4-pound package for 16 cents, let there be a 11-pound package for 25 cents and the rural routes will do a rushing business. Rural patrons will telephone to town for half the things they want—for hardware, groceries, and dry goods—and in turn will be sending to town butter, cheese, eggs, and vegetables. A great saving of time in many branches of industry will be possible under the general extension that Mr. Meyer wants. It would be a boon to manufacturers of a great variety of small articles. The Postmaster-General refuses to consider whether this would injure the express companies. He approaches the matter purely as a parcels-post extension that should give postal patrons a quicker and cheaper service.

Great Britain's conservative enactments will likely be a model for any extension of the parcels-post service by Congress. The service is almost twenty-five years old over there. It has become one of the most important and highly appreciated postal features. Its growth has been continuous and phenomenal. The scope has frequently been broadened. There was an early clamor for an agricultural parcels post. The owners of small farms in remote localities wanted it. The growers of spring flowers in Kerry said it would enable them to compete with the south of France and the Scilly Isles. Eventually the agricultural parcels post was authorized and also spacious dimensions for packages. Flower growers can now send full-length orchids and long-stemmed roses by post, where formerly only simple blooms were admissible.

SEND FISH, EGGS, AND FRUIT.

The produce of the culturists goes forward to London and other big English cities in tremendous volume. Fresh fish, dispatched from seaport towns to the large hotels, are delivered with celerity. Meats, cheese, fruits, vegetables, and freshly laid eggs in mail packages under the 11-pound limit form a very considerable factor in the commerce of the Kingdom.

The general rates are low. A 1-pound parcel takes a 3-penny stamp. That is 6 cents in our money. For 2 pounds an 8-cent stamp is required; for 3 pounds, a 10-cent stamp; for 5 pounds, 12 cents; for 7 pounds, 14 cents; 8 pounds, 16 cents; 9 pounds, 18 cents; 10 pounds, 20 cents, and 11 pounds, 22 cents. Four-pound parcels cost as much as 5 pounds, and 6 pounds cost as much as 7 pounds. For inland parcels 3 feet 6 inches is the maximum length; 6 feet the maximum measurement for length and girth. These have been adopted as standard dimensions in the services of numerous other countries. Parcels should not be posted at a letter box, but presented at the counter of a post-office. The Government virtually guarantees the sender against loss up to $10. Payment of a registry fee of 4 cents, in addition to the regular postage, insures the parcel for $25; a 25-cent registry stamp carries an insurance of $1,000. There have been demands, not yet conceded, for the cash on delivery system that several European countries have adopted.

The big retail stores of London avail themselves extensively of the parcels service for delivery of goods. The rates, ranging from 6 to 22 cents, are not prohibitive. In many cases the Government service is cheaper and quicker. Laundries return washing by parcels post. In Germany, where the rates are even cheaper, lads away at school send their soiled linen home by mail to be washed, and it is returned to them by the same conveyance.

POSTED LIVE BABY.

Many curiosities, as well as staple articles of trade and foodstuffs, are carried in British parcels. A live baby, it is said, was posted in London not long ago and promptly delivered at its destination. A mouse was brought all the way from India, where the parcels post has been developed much more than in England. Several kinds of live animals, including bees, are accepted, if "properly packed."

Sydney Buxton, the postmaster-general of Great Britain, in his last report, statistically demonstrates the continuous growth, and consequently the popularity, of the parcels post in the United Kingdom. The number of parcels delivered in the country districts of England and Wales in 1896–97 was 41,512,000, and increased annually by from 3 to 6 per cent, till in 1905–6 the number was 66,277,000. In the London district for the same ten-year period the increase was from 11,229,000 parcels to 18,167,000. A similar increase was shown for Scotland from 6,802,000 to 10,725,000 parcels, and for Ireland, where the increase was from 4,172,000 in 1896–97 to 6,513,000 in 1905–6.

The gross amount of revenue the Government collected increased from £1,445,126 for 63,715,000 parcels in the United Kingdom the first year of the decade to £2,138,673 for 101,682,000 parcels in the last year of the decade. The post-office's share of these collections increased from £763,307 to £1,142,224. The average postage per parcel decreased during the period from about 11 cents to 10 cents. The postmaster-general undertakes to deliver both letters and parcels at every house in the Kingdom. They are delivered by the same postman, except in the large towns, where there is a special staff for parcel work.

CALL SWISS SERVICE BEST.

Because of competition from private agencies, that have charges graduated on a basis of distance, there is a tendency for an unduly high proportion of long-distance parcels and parcels for delivery in rural districts, which are the least remunerative. The post-office has met this competition by establishing, for comparatively short distances, a large number of horse and motor parcel van services, as road conveyance for these distances makes possible an economy as compared with conveyance by railway at the charge of 55 per cent of the receipts.

The Swiss service is cited much as one of the most efficient and satisfactory in Europe. The mountain villages and resorts of that industrious little country receive a large portion of their supplies by post, as a maximum weight of 110 pounds is carried within a radius of 62 miles. The conditions there are somewhat the same as with the dwellers in the Appalachian and Blue Ridge mountains, to whom it has been declared that a parcels post would be a great boon, because there is no prospect that either the railroads or the express companies will ever approach their hamlets and villages.

This Swiss law includes an agricultural parcels post and likewise a passenger post, agitation for both of which has generally followed the establishment of parcels post in most countries. The passenger post of Switzerland is something like the mail coaches in the United States before the coming of railroads, except that the coaches are owned by the State and the fees are prescribed by the same authority. A very large business is done in sending parcels through the mails. A Treasury official, who was traveling in Switzerland during the past summer, saw at one railroad station several enormous baskets filled with hams and provisions. They were samples of mail parcels under the 110-pound limit.

CASH-ON-DELIVERY PLAN.

The general rates are more liberal than in any other country. A parcel weighing 1 pound is carried anywhere within the boundaries of the Federation for 3 cents, a 5-pound parcel for 5 cents, a 11-pound parcel for 8 cents, a 22-pound parcel for 17 cents, a 33-pound parcel for 23 cents, and a 44-pound parcel for 33 cents. Parcels weighing as much as 110 pounds are carried within a radius of 62 miles for 60 cents, which enables many of the peasants to market much of their light produce by mail. The rates are so adjustable that housewives can secure anything by post from a paper of pins to a bag of flour. The V. P., or value payable, system is a part of the Swiss postal arrangements, so that the purchaser can pay for his goods on delivery, and there is but one financial transaction connected with the purchase as far as he is concerned. A provision for delivery makes the service all the more attractive.

Belgium's parcels post has even a higher-weight limit than Switzerland, for it accepts articles of 62 kilograms, or about 132 pounds, in one package, and puts no limit upon the size, except that unwieldy packages are subject to an extra charge of 50 per cent. But up to 5 kilograms, which is the conventional 11-pound limit of a majority of the parcels-post countries, the charge is 50 centimes, or 10 cents; for 10 kilograms 12 cents, and 2 cents extra for every additional 10 kilograms (22 pounds). A higher charge is made in Belgium, as in several other European countries, if the parcel is to be carried on an express train. It amounts to 6 cents for 5 kilograms. The fee for delivering at residences is 6 cents additional.

Germany and Austria maintain the 50-kilogram limit. The first-named country enforces the 50 per cent extra charge for unwieldy articles. It also has what is called the "zone system." For conveyance 10 geographic miles the charge is 6 cents (25 pfennigs) and 13 cents (50 pfennigs) for greater distances. If the parcel weighs more than 11 pounds, there is a charge of 1 cent (five pfennigs) for each additional kilogram carried 10 miles, 10 pfennigs for 20 miles, 20 pfennigs for 50 miles, 30 pfennigs for 100 miles, 40 pfennigs for 150 miles, and 50 pfennigs, approximately 13 cents, for more than 150 miles. The same rate of charges applies in Austria.

A TABLE OF CHARGES.

The French parcels-post law requires presentation at the railroad station. Some other European countries, like Great Britain, require it to be delivered at the post-office. The French maximum weight is 10 kilograms (22 pounds) without any restriction as to size. The postage rates are 12 cents up to 3 kilograms; 16 cents up to 5 kilograms, and 30 cents up to 10 kilograms. These rates are for delivery at a railroad station. An extra fee of 25 centimes (5 cents) is charged for delivering the parcel at the residence of the addressee.

A table of the parcels-post charges of several countries follows: It shows the maximum weight carried, the minimum charge collected, and also the charge for an 11-pound package, the limit for many of the parcels-post countries.

	Maximum weight of parcel.	Minimum charge for a parcel.	Charge for 11 pounds.
Australia	11	$0.12	$0.72
Austria	110	.06	.12
Belgium	132	.10	.16
Chile	11	.10	.17
Cuba	11	.10	.46
France	22	.12	.16
Germany	110	.03	.13
Great Britain	11	.03	.22
Italy	11	.12	.20
Switzerland	110	.03	.08
The Netherlands	11	.03	.10
United States	4	.01	1.32

Certain of the figures in the table are only approximately correct. The 11-pound rate for a Belgium parcel, for instance, is put down at 16 cents, as that is the rate for carriage by express train, which, perhaps, more nearly compares with mail trains in the United States. By slow train 11 pounds go for 10 cents. Perhaps, also, an extra charge of 6 cents for delivery should be counted in the Belgium figures for purposes of fair comparison, because much of the mail in the United States is delivered.

AVERAGE DISTANCE GREATER HERE.

In the figures for the United States it should be borne in mind that the minimum charge of 1 cent is for an ounce, and that the rate of 16 cents a pound, which it amounts to, might be better for a comparative table; also, that it is impossible to send 11-pound parcels by mail in the United States, except when they are to go abroad to certain countries, with which parcels-post conventions have been concluded.

In a general way the table indicates that the cost in Great Britain or the Continent for sending an 11-pound parcel is in the vicinity of 20 cents. The minimum charge is sometimes for a pound, as in the case of Great Britain, and sometimes for several pounds, as 11 pounds for 10 miles in the case of Germany; or up to 7 pounds, as in the case of Italy. The great disparity in rates is apparent, as is the fact that Mr. Meyer's proposition of a 12-cent per pound rate is comparatively very high.

Certain elementary items of cost enter into the service of European countries that would not be identical with the maintenance of a similar service in the United States. In Germany a considerable mileage of the railroads are State owned. They carry certain parcels in the mails without compensation. In large sections of Europe there has never been anything like adequate service by express companies, and in the absence of business enterprises in establishing such transportation the people have been compelled to look to their governments for relief. The cheap rates for parcels post there were originally, in some part, intended as an accommodation for the poorer classes.

The distances for transportation are less and the population is denser. The United States is 225 times larger than Switzerland, 60 times larger than England, 17 times larger than Germany, 12 times larger than the three countries combined. In England the average distance a letter or mail package travels is 40 miles; in Germany it is 42 miles; in the United States it is said to be 542 miles.

DIFFICULT TO ESTIMATE COST.

No accurate information is available as to whether the European parcels posts are in reality self-supporting. They certainly are nearly so and, in some instances, are regarded as profitable government ventures. Everywhere the service is characterized by prompt transmission and prompt delivery. The percentages of loss are very small. The several national constituencies that have a parcels-post system would no more relinquish such privileges than American cities would relinquish electric lights or automobiles. One European enthusiast pronounced the establishment of the parcels-post "a service to mankind only less splendid than that of the transmission of thought."

In England it is claimed the parcels-post service would be a source of profit but for the amounts paid to the railroads for transportation, the share of 55 per cent of the receipts being regarded as exorbitant. Generally the parcels post is so joined with the rest of the mail service that its entire cost can not be counted.

The international business has grown to enormous proportions. The figures collected at Berne for 1904, in connection with the Postal Union, show that the parcels mailed across the frontiers of 36 nations and colonies that year numbered something like 38,000,000. The small percentage of that total, where the value was declared, showed an aggregate of about $162,000,000 worth of property. In that list the United States would have stood about eleventh on the showing for the fiscal year of 1906, when 264,438 parcels of an average weight of 2⅞ pounds were sent from this country abroad. Tunis sent more, according to the figures, than the United States. Germany, leading all other nations both in the dispatch and receipt of parcels in international mails, sent a total of 11,675,385, of which 11,343,516 were classed as "ordinary" and 331,869 were "with a declared value" of $23,352,378. Austria, enjoying close postal relations with Germany, dispatched 10,659,300 parcels to other countries, of which 1,082,430 had a declared value of $68,396,578.

HAS BECOME GREAT FACTOR.

The totals of "receipts" and "dispatches" of course balance for the thirty-six countries in question, but are not the same for each country represented. The rank in parcels dispatched runs: Germany, Austria, France, Hungary, Great Britain, Switzerland, Italy, Belgium, Netherlands, Tunis, British India, Bosnia-Herzegovina, Russia, Denmark, Luxemburg, Japan, and Egypt. In parcels received the order is: Germany, Hungary, Austria, Switzerland, France, Italy, Great Britain, Belgium, Russia, Netherlands, Denmark, Roumania, Spain, Bosnia-Herzegovina, Sweden, Norway, Luxemburg, Tunis, and so on. Switzerland, in 1904, received across her borders 2,788,406 parcels by post, of which 2,635,090 were "ordinary" and 133,316 were declared of a value of $9,863,886. Of 6,352,360 parcels that came over the Austrian frontier, 778,380 had a declared value of $64,788,927. Germany received 7,337,404 parcels in international mails, of which 482,472 had a declared value of $35,901,435. The parcels received by post in the United States during the fiscal year 1906 from abroad were recorded as 131,064, of an average weight of 2.73 pounds. Probably the actual number was much larger, perhaps twice as large.

Sufficient figures have been given to indicate what a great factor the parcels post has become in the trade of the world. The value of the merchandise thus transported can only be roughly estimated, but it will probably exceed half a billion dollars annually.

This business is transacted across frontiers, causing little or no friction with customs officers. Boxes with declared value are subject to the legislation of the country of origin or destination as regards payment of stamp duties on articles exported and as regards the control of stamp and customs duties on articles imported. The stamp duties and charges for examination by customs officers involved in the importation are collected from the addresses when the articles are delivered.

PROVISION FOR INSURANCE.

Practically the same rules apply for all parcels post. There is provision for insurance and also for "trade charges," which latter term means that goods can be sent C. O. D., the maximum value being 1,000 francs. The limit of weight is 5 kilograms, or 11 pounds. The cost of conveyance comprises a charge of — cents for each country participating in the territorial transit, a graduated distance tax for sea conveyance, and extra rates for cumbersome parcels, and may be increased under certain conditions by delivery fees, and, in case of declared values, by insurance fees. Weights under 2 pounds, however, are transported for a maximum of 1 franc. Special forms are provided for registering, for customs declaration, for certificate of prepayment, when that is desired, and for trade charges.

The United States is not a party to this comprehensive parcels-post convention, by which a vast quantity of merchandise is carried to different parts of the world annually, but Argentina, Bolivia, Chile, Colombia, Guatemala, Uruguay, and Venezuela are among the signatories. But the United States has parcels-post conventions with thirty-three different countries on somewhat different but fairly liberal terms. It keeps the postage for parcels it sends to other countries and they in turn retain the postage on parcels sent here. That saves in bookkeeping and has been found economical, whereas the more comprehensive convention, under which most of the European and Asiatic countries operate, divides the postage receipts pro rata. The United States will not transmit through its mails parcels en route from one foreign country to another. Among the latest parcels-post conventions the President has ratified under statute authority are those with Sweden, Peru, Denmark, Ecuador, and Bermuda.

CUSTOMS EASILY COLLECTED.

The popularity in this country of the parcels post is well demonstrated by the great growth in the use of international facilities. The dispatches from this country for the fiscal year ending June 30, 1905, amounted to 560,228 pounds, and for the year ending June 30, 1906, was 721,164 pounds, an increase of 28.73 per cent. Only one-fifth of the dispatches of the last mentioned fiscal year went to Europe, which indicates that a good share of the parcels business was with Mexico and Central South America. Parcels for Germany, Hongkong, Japan, Norway, Belgium, Great Britain, Sweden, and Denmark are accepted only for a maximum weight of 4 pounds and 6 ounces, where the maximum weight for the other countries with which the Post-Office Department now has conventions is 11 pounds.

The customs officials say that the parcels-post business with foreign countries is increasing by leaps and bounds. Within recent months better facilities for the collection of customs dues have been inaugurated, with the result, it is said, that many packages which hitherto passed without being noted are now being examined and recorded. These are offices of exchange, so called, in several of the larger post-offices of the United States where customs officials are stationed to attend to the collection of duties on these parcels from abroad. In the Washington City post-offices this foreign parcels-post business is said to have increased 300 per cent within the last twelve months. The Treasury Department keeps about twenty-five customs employees now on duty at the New York City post-office to attend to the foreign parcels-post business which goes through that office. Dutiable packages to minor offices are handled from exchange offices. Such mail addressed to Plymouth, Mass., for instance, would be held till the addressee had forwarded to the postmaster at Boston the amount of duty required.

INSPECTORS ON WATCH.

The customs officials find no serious difficulties in the enforcement of the laws with reference to the foreign parcels post. There was at first some abuse of the privileges which the parcels conventions offered, but the obstacles that the customs inspectors encounter are minor ones, and the Treasury Department expects they will be eliminated. Many of them have already disappeared under the new regulations for "mail importations" which were issued last March.

The inspectors are on the watch for parcels that happen to be sent from countries with which the United States has arrangements solely under the universal postal convention. Commercial papers not exceeding 4 pounds and 6 ounces in weight, and samples of merchandise not exceeding 12 ounces, may be brought here under that convention, but parcels are tabooed, and subject the sender to a fine. Parcels from countries having parcels-post conventions with the United States are inspected for dutiable articles, but fines are not imposed except for articles such as cigars and cigarettes that are put up in illegal quantities. A declaration of the dutiable articles is required with each parcel.

Anything as bulky as a box containing a new spring hat can be sent to most of the American countries or colonies, ranging from Newfoundland to the Danish West Indies and Chile, under existing parcels-post conventions. With a few exceptions, parcels can be sent to those American countries of a maximum length of 3 feet and 6 inches and of a maximum length and girth combined of 6 feet. The rate is 12 cents a pound or fraction thereof. Registry costs 8 cents in addition thereto.

TO MAKE PEOPLE REALIZE.

The customs officials likewise inspect another class of mail importations—those which come under existing postal conventions with Canada, Mexico, Cuba, and the Republic of Panama. No declaration of contents and value is required from those countries and everything is admitted that is allowed under the postal laws of the country where the mail originated.

The legislation that Postmaster-General Meyer has in mind comes home to practically every household in the United States. There is hardly a family in all the land that would not find it a decided convenience at times. If Mr. Meyer succeeds in making the people realize this and the arguments for the improvement of the service become generally understood, no opposition can prevail against it. Congress will be quick to see the virtues of a better parcels post, and the new law will be enacted with a whoop.

EXHIBIT 7.

[From "Government" for December, 1907.]

OMAHA, NEBR., *October 25, 1907.*

GEORGE VON L. MEYER,
Postmaster-General, Washington, D. C.

MY DEAR SIR: Your communication of October 18 received, for which I thank you. I am sending you herewith some editorial comments, collected from a number of trade papers. These may be of interest to you. The Trade Exhibit, I am pleased to state, is the first trade paper in the United States to approve your position as to a parcel post. During the past four years I believe I have circulated more anti-parcel-post literature than any other individual in the United States. All my work has been directed against the establishment of any parcels-post system that would be unfair to the retail merchants and which might be considered a subsidy to the mail-order system of business, and by making a rate much lower than cost of transportation to the Government would tend to concentrate business in districts where the price of labor is the lowest.

I inclose you a little pamphlet which I prepared two years ago. It is only one of the many like articles that I prepared for circulation, and which formed the basis of the antiparcel-post articles appearing in numerous trade journals. I also delivered many addresses before commercial bodies and merchants' organizations in Nebraska, Colorado, Kansas, and other Western States. I would still continue to oppose a widening of our parcel-post system did I believe that it would be injurious to those sections of our country which are now undergoing development.

After a most careful study of the plan you propose, I can not discover a single objection that can be based upon sound economics. Rather, a parcel-post extension, as you propose, will be helpful to enterprising retailers, and will assist in the building up of home industries in the so-called agricultural towns. Should any effort be made, when your proposition be laid before Congress, to have a lower rate instituted than that which you propose, I will use what little influence I have in opposing such a move.

Assuring you what little support I can give to the plan that you propose will be given, I beg to remain,

Yours, respectfully,

OMAHA TRADE EXHIBIT,
Per D. M. CARR, *Editor.*

GRADING AND INSPECTION OF WHEAT.

Mr. NELSON. I present a brief document prepared by R. J. Hall, president of the Minnesota Farmers' Federation, relative to the grading and inspection of wheat. I move that it be printed as a document and referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 5664) to increase the efficiency of the personnel of the Life-Saving Service of the United States; and

A bill (S. 5787) to amend section 4463 of the Revised Statutes of the United States.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4441) to acquire certain land in the District of Columbia as an addition to Rock Creek Park, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (H. R. 17511) to authorize the construction of a bridge across Bayou Bartholomew at Parkdale, Ashley County, Ark., reported it without amendment.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 2969) for the relief of O. Maury & Co., of Bordeaux, France, reported it with amendments and submitted a report thereon.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (S. 4687) to relieve William G. Gosslin and his assigns of and from the effect of a release made by him and his wife Marthena Gosslin of certain land in California, reported it with an amendment and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 5617) authorizing the Secretary of the Navy to accept and care for gifts presented to vessels of the Navy of the United States, reported it without amendment and submitted a report thereon.

Mr. DIXON, from the Committee on Indian Affairs, to whom was referred the bill (S. 4793) authorizing the settlers on Crow Reservation lands in Montana to mortgage same for the construction of irrigation systems prior to final proof, reported it with amendments and submitted a report thereon.

He also, from the Committee on Public Lands, to whom was referred the bill (H. R. 14043) to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana, reported it without amendment and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (H. R. 16493) limiting and restricting the right of entry and assignment under the desert-land law and authorizing an extension of time within which to make final proof, reported it without amendment and submitted a report thereon.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (H. R. 16860) to establish a United States land district in the Territory of New Mexico to be known as the Tucumcari land district, reported it without amendment and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report accompanied by a bill (S. 5938) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and helpless and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 5. Charles E. Dunn.
S. 8. Stephen L. Ethridge.
S. 52. Delia R. Seely.
S. 80. James Henry.
S. 118. James H. Hutchins.
S. 581. Henry S. White.
S. 620. Nathaniel Walker.
S. 621. James Ferguson.
S. 622. Almond J. Whaley.
S. 632. J. Woodruff Lewis.
S. 637. John H. Shumway.
S. 771. Mary McCandless.
S. 772. Daniel McDonald.
S. 775. Martha Doty.
S. 793. John C. Collins.
S. 859. Henry T. Ayers.
S. 884. Jennie E. Sawyer.
S. 885. Daniel R. Hanwell.
S. 887. Amanda A. Trueworthy.
S. 1082. Michael Brannan.
S. 1140. Henry J. F. Wert.
S. 1146. Mary P. Bradley.
S. 1248. George Harwood.
S. 1252. Henry A. Redfield.
S. 1334. Andrew J. Boswell.
S. 1419. Orville E. Campbell.
S. 1432. Charles E. Mayhew.
S. 1510. Martha E. Doebler.
S. 1584. Charles M. R. Atwell.
S. 1597. William Foster.
S. 1598. Eliza W. Garwood.
S. 1599. Jacob F. Greenman.
S. 1601. Catherine Lyda and Samuel Lyda.
S. 1647. William T. Trott.
S. 1648. Henry C. Hart.
S. 1775. George Callender.
S. 1926. Ignatz Gresser.
S. 2155. Albert Pohl.
S. 2161. David L. Beard, alias Lewis Beard.
S. 2240. John W. Vest.
S. 2256. John McDonnell.
S. 2293. Wellington W. Whitney.
S. 2384. Benjamin F. Housley.
S. 2401. Caleb Houdyshell.
S. 2406. James W. Divelbiss.
S. 2429. Charles Kort.
S. 2430. William Elias.
S. 2436. John W. Taylor.
S. 2500. John D. Dillingham.
S. 2581. William Dickerman.
S. 2745. Eldred Huff.
S. 2942. John M. Taylor.
S. 3030. John Hunter.
S. 3117. James W. Lankford.
S. 3136. Annie T. Penrose
S. 3204. Lewis F. Sycks.
S. 3255. Handy S. Day.
S. 3260. James S. Henry.
S. 3379. Francis M. Frazier.
S. 3447. William N. Berry.
S. 3459. Stephen O. Bryant.
S. 3765. Helen E. Fish.
S. 3787. Ira D. Marston.
S. 3832. James R. Potter.
S. 3888. John D. Harris.
S. 3901. David Kohr.
S. 3975. George W. Thomas.
S. 3999. Milton S. Lytle.
S. 4129. James Rugan.
S. 4180. Samuel N. King.
S. 4192. Martha E. Gabriel.
S. 4230. John L. Welch.
S. 4262. George W. Belknap.
S. 4458. William F. Fowler.
S. 4478. William M. Gentry.
S. 4495. Alice J. Hackney.
S. 4611. Calvin T. Blessing.
S. 4618. Philester S. Elliott.
S. 4619. William H. Elliott.
S. 4623. John H. Steward.
S. 4624. Joseph Hanna.
S. 4756. Celia A. Baldwin.
S. 4758. Rose Maxey.
S. 4772. Lewis E. Kauffer.
S. 4805. Charlotte M. Peters.
S. 4822. David K. Adkins.
S. 4838. James M. Swisher.
S. 4847. Nathaniel T. Gourley.
S. 4873. Lulia A. Derby.
S. 5011. Lewis L. Bell.
S. 5022. August Ihringer.
S. 5080. John W. Cheatham.
S. 5170. Martin B. Bartholomew.
S. 5171. Edward D. Barker.
S. 5181. Newbry Briggs.
S. 5230. Thomas Wallace.
S. 5288. Caroline P. Hill.
S. 5301. Elijah H. Bartlett.
S. 5320. Charles Kane.
S. 5373. James H. Wright.
S. 5408. John McCann.
S. 5492. Emily C. Cummings.
S. 5532. James A. Miller.
S. 5538. John S. Bagley, formerly John S. Brown.
S. 5539. William R. Drake.
S. 5570. Ann Eliza Hemenway.

S. 5599. Rose Anna Griffith.
S. 5671. Samuel E. Bernard.

Mr. NEWLANDS, from the Committee on Commerce, to whom was referred the bill (H. R. 16746) to authorize T. H. Friel or assigns to construct a dam across Mulberry Fork of the Black Warrior River, reported it without amendment.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1518) to amend section 3893 of the Revised Statutes, reported adversely thereon, and the bill was postponed indefinitely.

RIVER IMPROVEMENTS IN DELAWARE.

Mr. HOPKINS, from the Committee on Commerce, to whom was referred the following concurrent resolution, submitted by Mr. du PONT on the 3d instant, reported it without amendment:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made, and to submit a plan and estimate for dredging and otherwise improving the navigation of each of the following-named waters:

The upper waters of the Pocomoke River from the town of Snow Hill, Md., up to or near the town of Gumboro, Del.;

The Nanticoke River from the town of Seaford to the town of Middleford, in Sussex County, Del;

The Christiana River from the city of Wilmington to the town of Christiana, in Newcastle County, Del.;

The Laurel River in Sussex County, Del., from the town of Laurel to its mouth.

That the expense of such surveys and investigations be paid out of the fund appropriated for such examinations and surveys.

DONATION OF CERTAIN CANNON.

Mr. LODGE. From the Committee on Military Affairs I report back favorably the joint resolution (S. R. 28) authorizing and directing the Secretary of War to donate certain cannon, with their accessories, to the State of New Hampshire, and I ask for its present consideration.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. From the same committee I report back the joint resolution (S. R. 8) authorizing and directing the Secretary of War to loan certain cannon, with their accessories, to the State of New Hampshire, and I move that it be indefinitely postponed.

The motion was agreed to.

OMNIBUS CLAIMS BILL.

Mr. FULTON. I am directed by the Committee on Claims to report back with amendments the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, commonly known as the Bowman and the Tucker acts, and I submit a report thereon.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. FULTON. I wish to say in connection with the report that this is a bill commonly designated as the "omnibus claims bill," and in reporting back, as there are various amendments, the committee found it more convenient to recommend that all the items in the House bill be stricken out and to amend the bill by putting most of those items back in connection with other items recommended by the committee. These items are grouped by States, hence to do otherwise than as recommended by the committee would require a multitude of amendments. I ask that the report when printed shall be printed as indicated. The items which were contained in the original bill and which have been retained by the amendment have been marked to be printed in roman, and those items which are proposed by the Senate Committee on Claims are marked to be printed in italics; so that not only in the original bill when reprinted, but also in the printed report the House items will appear in roman and the amendments proposed by the committee in italics.

The VICE-PRESIDENT. Without objection, the bill will be printed as indicated.

MESSENGER FOR COMMITTEE ON RULES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. ALDRICH on the 4th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Rules be, and it is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum until otherwise provided for.

RIVER IMPROVEMENTS IN NORTH CAROLINA.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the following concurrent resolution submitted by himself on the 3d instant, reported it without amendment:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause surveys and examinations to be made of Neuse River from Pamlico Sound to Kinston, N. C.; of Trent River from its junction with Neuse River to Trenton, N. C.; of Tar River from Pamlico Sound to Washington, N. C.; of Pasquotank River from Albemarle Sound to Elizabeth City, N. C.; of Roanoke River from Albemarle Sound to Weldon, N. C.; of Chowan River from Albemarle Sound to a point opposite Winton, N. C., with a view to improving the navigability of all said rivers and providing channels of 10 feet depth, so as to conform the depth of said rivers from their mouths in said sounds to the points specified with the depth of the canal authorized by the river and harbor act of 1906, to connect the waters of Pamlico Sound and its connecting sounds with the Atlantic Ocean at Beaufort, N. C.

BILLS INTRODUCED.

Mr. du PONT introdced a bill (S. 5939) for the relief of the heirs of Lewis D. Brown, which was read twice by its title and referred to the Committee on Claims.

Mr. CURTIS introduced a bill (S. 5940) to establish a subtreasury at Kansas City, Kans., which was read twice by its title and referred to the Committee on Finance.

Mr. MARTIN. On behalf of my colleague [Mr. DANIEL], who is detained from his seat on a very sad official mission, I introduce a number of bills.

The VICE-PRESIDENT. The bills will be read by title.

Mr. MARTIN (for Mr. DANIEL) introduced a bill (S. 5941) for the relief of the heirs of John Millbourn, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

He also (for Mr. DANIEL) introduced a bill (S. 5942) for the relief of the legal representatives of the estate of Henry H. Sibley, deceased, which was read twice by its title and referred to the Committee on Claims.

He also (for Mr. DANIEL) introduced a bill (S. 5943) to place Louis Weber, a first-class musician, late of the Marine Corps, on the retired list, which was read twice by its title and referred to the Committee on Naval Affairs.

He also (for Mr. DANIEL) introduced a bill (S. 5944) for the relief of John F. Wingfield, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 5945) to provide for the appointment of a commission to select sites for certain public buildings on lands owned by the Government in the city of Washington, and to procure and report to Congress preliminary plans and estimates of cost therefor, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5946) for the relief of the estate of Lewis D. Crenshaw, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. SIMMONS introduced a bill (S. 5947) to provide for the defense of Beaufort Harbor, North Carolina, and the inland waters of the State tributary thereto, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. FOSTER introduced a bill (S. 5948) to protect the banks of the Mississippi River in front of the city of New Orleans, La., which was read twice by its title and referred to the Committee on Commerce.

Mr. HALE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Naval Affairs:

A bill (S. 5949) to regulate the use of wireless telegraphy; and

A bill (S. 5950) to provide for the disposition of pensions due inmates of the Naval Home.

Mr. FLINT introduced a bill (S. 5951) to increase the limit of cost of the public building at San Diego, Cal., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5952) for the relief of George S. Patten, which was read twice by its title and referred to the Committee on Public Lands.

Mr. HEMENWAY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 5953) to provide for the purchase of a site and the erection of a public building thereon at Juneau, in the Territory of Alaska; and

A bill (S. 5954) to provide for the purchase of a site and the erection of a public building thereon at Juneau, in the Territory of Alaska.

Mr. HOPKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5955) granting an increase of pension to Christian Kaiser (with an accompanying paper);

A bill (S. 5956) granting an increase of pension to Hannah Young; and

A bill (S. 5957) granting an increase of pension to Harriett Scott (with accompanying papers).

Mr. JOHNSTON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5958) for the relief of the heirs of Gen. John A. Quitman; and

A bill (S. 5959) for the relief of W. K. Spiller, administrator of C. C. Spiller, deceased.

Mr. WETMORE introduced a bill (S. 5960) granting an increase of pension to Charles S. Arnold, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SMOOT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 5961) to provide for the erection of a public building at Richfield, Utah;

A bill (S. 5962) to provide for the erection of a public building at Brigham City, Utah; and

A bill (S. 5963) to provide for the erection of a public building at Park City, Utah.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5964) granting an increase of pension to William D. Gaby; and

A bill (S. 5965) granting an increase of pension to Thomas J. Redman.

Mr. BACON introduced a bill (S. 5966) to establish a fish-hatching and fish-culture station for the hatching and propagation of shad upon or near the seacoast in the State of Georgia, which was read twice by its title and referred to the Committee on Fisheries.

Mr. FORAKER introduced a bill (S. 5967) for the relief of officers of the Philippine Volunteers, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5968) granting an increase of pension to Harriet V. Gridley, which was read twice by its title and referred to the Committee on Pensions.

Mr. WHYTE introduced a bill (S. 5969) to provide for the sale of lot 4, square 1113, in the city of Washington, D. C. which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. CLAPP introduced a bill (S. 5970) granting an increase of pension to James Karr, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 5971) granting a pension to Ida R. Foss, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARNER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5972) granting an increase of pension to Thomas C. Lyon;

A bill (S. 5973) granting an increase of pension to Frederick W. Odell (with accompanying papers);

A bill (S. 5974) granting an increase of pension to George T. Smith (with accompanying papers); and

A bill (S. 5975) granting an increase of pension to James A. Whitworth.

Mr. BORAH introduced a bill (S. 5976) to amend the military record of William J. Sailor, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BURROWS introduced a bill (S. 5977) granting a pension to Mary Eddy Driggs, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

Mr. BURKETT introduced a bill (S. 5978) granting an increase of pension to Charles E. Barker, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5979) granting an increase of pension to Margaret E. McPherran;

A bill (S. 5980) granting an increase of pension to Joseph C. Lambert (with accompanying papers); and

A bill (S. 5981) granting an increase of pension to Elijah Johnson (with accompanying papers).

Mr. MARTIN (for Mr. DANIEL) introduced a bill (S. 5982) to amend an act entitled "An act to regulate commerce," and acts supplementary thereto, approved June 30, 1906, which was read twice by its title and referred to the Committee on Interstate Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment proposing to abolish the use of irons, single or double, as a form of punishment in the Navy of the United States, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to increase the salary of the surveyor-general of Idaho from $2,000 to $3,000, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRANDEGEE submitted an amendment proposing to raise the Committee on Forest Reservations and the Protection of Game to a standing committee of the Senate, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to allow railway mail clerks thirty days' leave of absence, with pay, each year, etc., intended to be proposed by him to the postoffice appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

He also submitted an amendment proposing to appropriate $2,000,000 for the actual and necessary expenses, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, while actually traveling on business of the Postoffice Department, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

He also submitted an amendment proposing that after June 30, 1908, employees of first and second class post-offices and in other post-offices having city delivery service be granted leave of absence, with full pay, not exceeding thirty days in a fiscal year, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. CLARKE of Arkansas submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were ordered to lie on the table and be printed.

Mr. CULLOM submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

Mr. BAILEY (by request) submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

AMENDMENT TO FINANCIAL BILL.

Mr. BURKETT submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and be printed.

GRADING AND INSPECTION OF GRAIN.

On motion of Mr. MCCUMBER it was

Ordered, That there be printed for the use of the Senate document room 500 copies of Senate Document No. 116, relative to the grading and inspection of grain.

HEARINGS BEFORE COMMITTEE ON NAVAL AFFAIRS.

Mr. HALE submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Naval Affairs be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

REPORT ON ROAD BUILDING IN YELLOWSTONE NATIONAL PARK.

Mr. CARTER submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War be, and is hereby, directed to forward to the Senate a report prepared by the engineer in charge of road building and improvements in the Yellowstone National Park on a survey made for a new road from the West Gallatin River to connect with the main traveled roadway in said park, at or near Golden Gate or Mammoth Hot Springs.

PARCELS POST AND POSTAL SAVINGS BANKS.

Mr. PENROSE. I offer a resolution providing for the printing of additional copies of certain bills pending before the Committee on Post-Offices and Post-Roads, and I ask unanimous consent for its present consideration.

The resolution was read and considered by unanimous consent, as follows:

Resolved, That there be printed for the use of the Committee on Post-Offices and Post-Roads 15,000 copies each of Senate bills 5115 and 5122 and 3,000 copies each of Senate bills 1234, 4853, and 5508.

Mr. CULBERSON. May I ask what committee the resolution comes from?

Mr. PENROSE. The Committee on Post-Offices and Post-Roads. For the information of the Senator, I will state that these bills relate to the parcels post and postal savings banks. There is very great demand from all over the country for copies of those measures. The total cost will be less than $500, and under the rule the resolution can now be considered.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

INDIAN APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist on its amendments and agree to the request of the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. CLAPP, Mr. MCCUMBER, and Mr. OWEN, the conferees on the part of the Senate.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 15444. An act extending the time for the construction of a dam across Rainy River;

H. R. 16073. An act to authorize the town of Edgecomb, Lincoln County, Me., to maintain a free bridge across tide waters; and

H. R. 16749. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Liberty Bridge Company," approved March 2, 1907.

H. R. 15841. An act to amend section 4896 of the Revised Statutes, was read twice by its title and referred to the Committee on Patents.

H. R. 16874. An act to amend section 13 of an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902, was read twice by its title, and referred to the Committee on the Judiciary.

H. J. Res. 101. Joint resolution authorizing the Secretary of War to secure a suitable design for a statue of the late Commodore John D. Sloat at Monterey, Cal., was read twice by its title, and referred to the Committee on the Library.

INDIAN APPROPRIATION BILL.

Mr. DIXON submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Senate conferees on H. R. 15219, "An act making appropriations for the current and contingent expenses of the Indian Department," etc., are hereby instructed to insert on page 37, line 15, after the word "dollars," the following: "the same to be immediately available."

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. CLARKE of Arkansas. I wish to give notice that immediately after the close of the morning business on Wednesday next I will address the Senate on what is known as the "Aldrich bill," if it shall not at that time be engaged in more important business.

PUBLIC BUILDING AT LAGRANGE, GA.

Mr. CLAY. The bill (S. 2736) to provide for the erection of a public building in the city of Lagrange, Ga., and the bill (S. 2732) to provide for the erection of a public building in the city of Cordele, Ga., were, when reached on the Calendar, passed over at my instance. I ask unanimous consent for the present consideration of Senate bill 2736. Neither bill will lead to debate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $50,000 to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, elevators, and heating and ventilating apparatus, for the use and accommodation of the United States post-office in the city of Lagrange, Ga.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to add the following:

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building in the city of Lagrange, Ga."

PUBLIC BUILDING AT CORDELE, GA.

Mr. CLAY. I ask the Senate to consider the other bill to which I referred, which was also passed over at my instance when reached on the Calendar.

There being no objection, the bill (S. 2732) to provide for the erection of a public building in the city of Cordele, Ga., was read and considered as in Committee of the Whole. It proposes to appropriate $50,000 to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, elevators, and heating and ventilating apparatus, for the use and accommodation of the United States post-office in the city of Cordele, Ga.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to add at the end of the bill the following:

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building in the city of Cordele, Ga."

OCEAN MAIL SERVICE.

Mr. FRYE. The Senator from New Hampshire [Mr. GALLINGER], who is absent on a sad errand, called my attention to the fact that the bill (S. 28) to amend the act of March 3, 1891, relating to ocean mail service, was by unanimous consent to be considered yesterday morning. Of course it could not receive consideration yesterday morning, and he requested me to ask that it might be brought before the Senate this morning; but the Senator from New York [Mr. DEPEW] has given notice that at this time he would desire to occupy the floor with his speech on the currency question.

I ask unanimous consent that on Tuesday morning this bill may be taken up immediately after the routine business for consideration.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the unanimous-consent agreement heretofore made with regard to the bill mentioned be modified, and that the bill be taken up for consideration immediately after the close of the routine morning business on Tuesday, March 10. Is there objection?

Mr. TELLER. Will that interfere with the financial bill? I do not want to have that interfered with.

Mr. FRYE. It is to be taken up only immediately after the routine business. Of course, at 2 o'clock the currency bill will be the unfinished business.

Mr. TELLER. I believe we have had notice given of a speech to be made on Tuesday.

Mr. BEVERIDGE. At 2 o'clock is the notice.

Mr. FRYE. At 2 o'clock on that day.

Mr. TELLER. Very well.

The VICE-PRESIDENT. Without objection, it is so ordered.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. DEPEW rose.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. DEPEW. Mr. President, Presidents, Secretaries of the Treasury, and Comptrollers of the Currency have for many years seen the defects in our banking system and urged legislation. Eminent bankers, both at home and abroad, have taken the same view. For various reasons Congress has failed to act or even to seriously consider any of these suggestions. The legislative body is always conservative, at least in the sense that it never acts until there is a strong public pressure behind. Legislation may at times seem radical, but it is always because the representatives believe such measures properly interpret and put in force the popular will.

We have had several disastrous panics, the most noted being those of 1837, 1857, 1873, 1893 and 1907.

All but the last became subjects of rancorous party discussion, and there was no agreement at the times of their occurrence as to the causes of their happening. But now contemporary opinion with great unanimity puts the blame upon our system of banking and currency and demands action and remedial legislation.

Under the delicate system of credit upon which the commercial transactions of the world are now based there will always be panics. They may come from wars or from fabulous destruction of property by earthquakes or fire or from overspeculating, resulting in the bankruptcy of financial institutions, succeeded by loss of confidence. These panics occur in every one of the great industrial countries. They happen in England, Germany, Austria, Italy and France, but less frequently in France because the French are the most conservative and the least speculative of all peoples. They are a thrifty nation of savers and investors, and not of exploiters and promoters. They lose capital, as they did in the Panama Canal, to the extent of hundreds of millions, but it is taken out of their stockings and not out of their business. While these financial and industrial disasters are common to manufacturing, producing and trading nations, they never imperil the whole structure of trade and finance in other countries as they do with us. They never lead to such stringency of money and phenomenal rates of interest. The rate of interest marks the price which business pays for capital. As it advances new enterprises stop, production is curtailed and industries shut down, until finally, if money must be had at prices which necessitate great and continuing losses, the whole community is involved, capital and labor are both temporarily out of employment, with bankruptcy for the one and starvation or reliance upon charity for the other.

The United States is the greatest creator of wealth of all countries, and its productiveness is almost as great as that of all other nations who might be deemed its rivals combined. A financial panic with us leaves the field strewn with the dead and wounded, but our enormous possibilities for the creation of wealth speedily bring back prosperous times. The new and eager recruits and contestants for fortune fail to remember those who have fallen in the battle and take little heed of the lessons of the catastrophe. With our people so keen upon business propositions, with our agricultural and mineral production throwing the balance of trade in our favor every year, with our gold reserve kept at a higher average than that of any other nation, because it flows in to us to pay the international balances which are due, these recurring disasters, so universal and so terrible, must be caused by deficiency somewhere in our system. We have a larger per capita currency than any other country in Europe except France, and yet money, mere currency, has been for months commanding a premium, and in one of our panics gold was raised to 250 per cent. The German, French and English financiers say such conditions are impossible with them. They are unanimous in the opinion that their safety and our peril are because they possess central banks with power to issue emergency currency, while our currency is rigid and inelastic, and there is and can be no unity of action among our 6,600 independent banks.

There have been efforts made in this discussion to locate and place the blame for this panic. It furnishes a fine field for partisan attack, but a calm and judicial review of the situation will develop many and sufficient reasons which are neither political, personal nor partisan. Undoubtedly the large and continuing increase year by year in the production of gold, which is the universal standard of value, deranges calculations and exchanges. The figures of this increase for the last decade are startling. The world's production of gold was $7,000,000 in 1700, $12,000,000 in 1800, $262,000,000 in 1900 and $425,000,000 in 1907.

This shows that while in the hundred years from 1700 to 1800 the increase was only five millions, in the hundred years from 1800 to 1900 it was two hundred and fifty millions and in the short period of seven years from 1900 to 1907 it was one hundred and sixty-three millions.

While according to Lord Cromer $150,000,000 are buried in the ground by the Egyptians, who are universally money hoarders, and a large sum used in the arts, the amount available for currency is constantly and rapidly increasing. The Russo-Japanese war and the San Francisco earthquake and fire burned up and destroyed a very appreciable percentage of the capital of the world. Industrial expansion, the consolidation of industries into strong and unified corporations with increasing productive power and requiring more money, great enterprises by governments and by corporations, the requirements of the railways caused by the increase in traffic, and amounting within the last year to a thousand millions of dollars, have locked up immense amounts of capital otherwise fluid into permanent investments. The railroad companies tried to raise in round figures $1,600,000,000, but could sell only a small portion of their 4 per cent bonds, and including what they obtained by the issue of short-term notes carrying 6, 7, and 7½ per cent interest, were able to borrow only $960,000,000, or about two-thirds of their immediate practical needs. The industrials were having such prosperity that they needed about $600,000,000, and nearly two-thirds of the sum were secured by the stronger concerns at exorbitant interest, but those which failed to get the money for their capital requirements were forced into the hands of receivers. The tremendous volume of our internal commerce, the feverish activity of our manufacturers and the active demand and high prices for the food products of the West and Northwest, and for the cotton of the South, and for our coal, iron, copper, gold and silver, expanded our credit until probably at the time our trouble began 98 per cent of our business was being done by credit agencies and not more than 2 per cent with currency.

When the annual demand came for $300,000,000 of reserve money to be taken from the banks in the central reserve cities to the West and South to move the crops, it called for a curtailment of over $1,200,000,000 in credits and the calling of loans to meet this demand. If we had a central bank or if there was by some Government agency concerted action among our 6,600 national banks our affairs would never have reached this perilous condition. In Germany, for instance, the commercial paper of all banks in the Empire would have been indorsed by the banks which had discounted it and, being rediscounted in the central bank, have been the basis for currency to meet the demand and tide over the crisis without endangering the whole manufacturing and commercial fabric. But we have a currency which we can not expand, except by processes too slow to do any good, and which can not contract when the demand for currency relaxes. We have to maintain a national debt to have any currency, and we have to retain our present system to furnish a market for Government bonds in national emergencies at a rate which makes them from 15 to 25 per cent higher on the same interest charge than those of any other country.

There is no doubt that hasty and ill-considered legislation in many States had much to do with the panic. One-seventh of the wealth of the United States is invested in railroads. A very large amount of the securities upon which business is done is based upon these securities. There are many thousands of railroad freight rates in force at the same time, and they are frequently changed according to the necessities of competition or of the traffic. Whether a reduction of rates will be confiscatory or not can only be ascertained by an investigation and the testimony of experts. This is thoroughly understood by the investing public, both in this country and in Europe. Rate-reduction bills were passed in many legislatures without reference to committees, without discussion, and with a whoop-la cry of "Hit them again; they have no friends." The machinery of the *Mauretania* or *Lusitania* is as complex as a watch. Any man could throw a crowbar into it and produce derangements which might jeopardize the safety of the ship, or do damage which would require experts and time and money to repair. Governor Hughes stated the true principle of the treatment of rates when, having advised and secured from the legislature the creation of public utilities commissions with full power, he courageously vetoed a 2-cent fare bill, which had been unanimously passed, on the ground that until those commissions had investigated and reported neither the Governor nor the legislature had any information upon which to base intelligent action affecting the securities owned by millions of investors and the employment and wages of millions of men.

Much has been said here and everywhere against Wall street, and sometimes New York is made interchangeable with Wall

street. One of the most eminent agricultural experts in the country said to me recently:

If you New Yorkers would stop buying diamonds and autmobiles the farmers with their seven thousand millions of salable products this year will save the country.

New York is the financial center of the United States, and, if our banking system was scientific, would be of the world. It is the greatest manufacturing city in the world. It has four millions of inhabitants within its boundaries, and if those who reside in the suburban districts and have their daily business in New York are included, as they ought to be, six millions of people belong to the metropolis, or more than the population of fourteen of the sovereign States of the United States. Every section of the country—North, South, East and West—has as many representatives there as can be found in their largest cities. Every country bank is in a sense a branch of New York institutions. If a railroad is to be constructed or extended or its facilities enlarged, a mine opened, a water power developed, a burned town rebuilt or a disaster like that of the Johnstown flood alleviated by the raising of millions of dollars, the applicants all come to New York, and if the money can not be raised there it can be had nowhere. The various interchanges of the metropolis are the thermometers of values and of advancing or receding prosperity. Not over 1 per cent of the people who operate in these exchanges are New Yorkers. Every city in the United States has branches representing the houses which buy and sell on the stock, cotton, produce, coal and metal exchanges of New York. Every bank in the United States sends its surplus funds, when there is no opportunity for local investment, to New York to get the interest prevailing there upon all loans, and also because their exchange on New York is available all over the world.

Prosperity and high prices have paid off farm mortgages, and western farmers are depositors instead of borrowers. Thousands of rural banks find there is no neighborhood demand for this money, so they send it to New York, where it produces a redundancy which stimulates speculation and overtrading. When an emergency arises in the West, the Northwest or the South necessitating the return of this money to those sections, they call for it immediately and expect it in lawful money. This always leads to the sudden calling of loans, and interest goes up by leaps and bounds. If confidence is a bit disturbed, then others withdraw their money. No bank in the world is strong enough or possesses the liquid assets to respond in a day to a call for all or a large part of its deposits. Then comes a panic which involves the whole country, and the country banks and other sufferers are, in the main, responsible for the stringency of which they complain. There is, unhappily, always speculation, and at times dangerous speculation, in the New York exchanges, but so there is in the exchanges of London, Paris, Berlin, Frankfort and Vienna. The movement of trade would stop and all interchanges and sales of products cease if there was not a central market where people with goods could always find a purchaser. It is, in a sense, the ocean of credit which supports the vessels of commerce, great and small. Tidal waves can not be abolished without drying up the ocean and need not be feared by craft built and manned to ride them safely in all weathers. The banks and bankers of New York bought abroad $100,000,000 in gold, and most of this was shipped to the West, and reserves were drawn down to the danger line for the same purpose. The panic was as unreasoning as it was unreasonable. It demonstrated that there is no financial cleavage of classes in such a stampede. Men and women who came in automobiles and carriages were equally as clamorous as those who had their little all in the suspected trust companies or banks.

Many years ago a man came into my office and introduced himself, saying that he had made a million of dollars in western mines, had brought it in cash to New York, but possessed experience and intelligence far beyond the tenderfeet of Wall street, many of whom he had met, and wanted an introduction to New York bankers and brokers. I stated to him the dangers, told him that I had seen financial cataclysms which destroyed the best calculations of the most level-headed speculators, with the largest fortunes, but I might as well have attempted to stop a stampede of a herd of buffalo. I said, "Well, I give you six months." He lasted nearly a year, and then I gave him transportation to Denver, to begin life anew in the mountains of Colorado. In a few years he returned with another million, dug out of the earth, saying that he intended to get back from Wall street what he had lost. In three months I again enabled him to reach the mining regions of the Rockies, but have never heard from him since. His two millions did not go into the bank accounts of New Yorkers only. It was found in the balance sheets of traders who were on the opposite side of the market in Chicago, Milwaukee and St. Paul, Buffalo, San Francisco and New Orleans, Charleston, Atlanta, Galveston and Boston, Portland, Me., Portland, Oreg. and Seattle.

Commodore Vanderbilt once said to me that any fool could make a million, but it took a wise man to keep it. It is these fools who are responsible for the exaggerated fortunes of which we hear so much, and it was the wise use of these fortunes in the recent panic by the wise men who had accumulated and kept them which saved from annihilation fools and wise men alike whose all was embarked in their business.

The discussion of this question has taken a wide range, and has been able and exhaustive. A stranger reading these arguments would come to the conclusion that there is neither speculation nor gambling anywhere in the United States except in the New York Stock Exchange, and that the New York banks both promote and help speculation, and thereby involve bankers and banking institutions, national and State, all over the country who are entirely innocent of such practices. Not only the United States, but Canada, Mexico, the South American Republics and the West Indies on this side of the ocean, and Europe on the other, transact their purchases and sales of securities on the New York Stock Exchange which are listed there. Pure and simple speculative transactions are only the fringe upon its serious business. I believe in the virtue of the country without conceding the wickedness of the metropolis. There is not much difference in the human nature of the pavement and of the field. The banking mind works in like channels all over the world.

The western and northwestern farmers agree to withhold their grain for higher prices. They are indebted for the expenses of the harvesting and of carrying it to the granaries at the stations and keeping it there to the local banks who finance them, and this is in the nature of a speculation. The same is true of the cotton growers of the South, and they claim that by this process, aided by their banking institutions, they have added enormously to the value of their crop. Real estate booms in prospective city and town lots are financed by banks all over the country and they are purely speculative. The same human nature leads people to buy stocks or grain or cotton on the New York exchanges. To carry this to the gold fields of Nevada, the men in the shanties of these tented towns of the mining districts are as eager watchers of the blackboards which record the prices of their mining stocks as are those in the brokers' offices of the cities. In some counties of Kentucky the price of tobacco is now regulated by the shotgun. Night riders burn the barns and lash the backs of those who are on the other side of the market. The method is original and spectacular, but wholly speculative.

In my days of active railroading I made an extended tour every year covering the Middle and Western States. Upon one of these trips my train was stopped by an obstruction on the track which was being repaired, and I saw among the laborers a man evidently capable of better work. I told him so, and asked him how he came to be simply a laborer on the track. He said:

Do you see that farm yonder with that good house and outbuildings? That was recently mine. I was happy and comfortable. A man came along and offered me $10,000. It was more than I thought the farm worth and I accepted it. He paid me $1,000 down and gave me a mortgage for nine thousand. I then moved to town and sat in the office day by day, where the maps were displayed of the avenues, streets, parks and university grounds of the town which was to cover miles about. I saw my farm bought and sold until it brought $15,000. I got the fever and became convinced that every foot of it was part of a city lot. I bought it back for twenty thousand, gave the thousand dollars which I had received and a mortgage for nineteen thousand and then the boom burst. The farm was sold under the mortgage and brought $5,000 and left me in debt under a deficiency judgment for three times what I was worth when I parted with it. That is why I am working on the track.

I remember in another State where the mayor and the city officials took me about in carriages, showing me what was and what was to be. There was the real estate exchange, the blackboard, the excited bidders, the transfer of lots and all the paraphernalia of the stock exchange. At every corner I was shown a house in which lived a man who had been a railroad conductor, or a locomotive engineer, or a small farmer, or grain dealer, or lawyer, or clerk, who was now worth hundreds of thousands on paper. That was stimulating everybody to put what little money he had upon margins for the purchase of lots. I finally said to the mayor, "I see you have everything mercantile, industrial, financial, charitable, religious and educational which a great city and large population may require, but I have noticed no graveyard." "Oh!" he said, "Our cemetery was what is now the center of our city as it is laid out. It was too expensive to keep for that purpose and retarded our expansion, so we moved it some miles over the hill and transplanted our dead to the new location. That corner lot, now

worth $20,000, was my family plot. I was compelled to remove the remains of my wife over the hill to the new location, but I knew her spirit approved of it, because she was always most deeply interested in the growth of our town." Traveling again through another State I saw a large portion of the State staked out. I ascertained that the banks were loaning money to carry on these operations. I stated the facts to an interviewer at the next city, as I had ascertained them, with the result that the train was stopped the next day at noon and several bushels of telegrams were handed in, protesting against the interview. It created a panic of considerable proportions in New York and London. One message stated that I had cost honest people the loss of hundreds of millions of dollars, while several from the booming towns assured me that leading citizens with shotguns were on my trail. We all remember how in the early days of the oil excitement in Pennsylvania farmers on the poorest lands became rich and rich men became poor and the wildest speculation prevailed, receiving encouragement in every country banking office.

We remember the absurd and spectacular career of Coal Oil Johnnie who arose to be a millionaire in a day and spent all in a month. I want to assure Senators from the States where I have noticed these things that there is no such reckless speculation on the stock exchange in New York. There is no currency panic because of stock transactions on the stock exchange. There is not a dollar passed there in money. It is all done by checks and the balances adjusted between the banks in the clearing house. The shares and bonds are actually bought and paid for in all these vast transactions whose record presents such phenomenal figures. Investors and buyers for a rise are inextricably mixed, as the stocks and bonds are actually bought and paid for. The demand loans are not nearly all for gambling on the exchanges. There are thousands of transactions where the man with securities which are bankable, but a permanent part of his estate, borrows on demand, because he gets the money at a low rate of interest and needs it for a turn in the sale of real estate or of other property by which he may be able in a few days to pay off the loan without having an interest charge running against him for money for which he has no further use, or he uses the securities for temporary loans in his business. While it is the purpose of the creation of banks and their duty to aid business and industries through the legitimate use of commercial paper, nevertheless the enormous increase of bonds and stocks and their use as security for loans for all purposes have imposed upon the banks an enlargement of their business and an addition to their responsibilities which did not exist fifty years ago.

One of the railroads of the country, to increase its equipment and enlarge its facilities, either upon its own motion or the order of the legislature or the railroad commission, issues ten, twenty, thirty or fifty millions of new securities. The railroad has no means of disposing of them. It is not in the banking business. It goes to one of the great bankers, and he immediately forms a syndicate which buys these bonds at a price and gives the railroad the money. The bankers are not supposed, in the large transactions in which they are engaged, to have these millions in their vaults. They borrow the money upon these securities and their credit from the banks. They may be able to dispose of them in a very short time, but if there comes a panic or a period of very active money, the bonds can not be sold for some time without a loss. In either case the banks finance the transaction until the bankers can find somewhere in the world a market for these securities, but they are generally call or demand loans. Such transactions are as much an aid to commerce and industries as loans upon commercial paper and the usual and ordinary course of business in a bank of deposits and discounts. They extend the facilities of the railroad. They give employment to multitudes of men. They provide means for a larger and cheaper distribution of the products of the farm, the factory and the mine. In the round-up of the transaction the railroad has enlarged its equipment and facilities, the bank has had a profitable use for its money, the banker has made his commission on the sales and the country is richer with larger possibilities by the transaction. New York does this to an extent unknown anywhere else, but it does it for every State, Territory and section of the Union.

I fully realize the evils of gambling, whether in stocks or grain or in any other way. Its demoralization and perils are patent to everybody. I will aid in any effort to suppress it which does not involve embarrassment or ruin to legitimate business. But what I am saying is that in proportion to the volume of its business and the magnitude of its transactions there is as little of it in New York as anywhere else in the United States, and it is under better control. We can not abolish doing business on a margin of cash and the balance on credit. Every successful business man in the country has risen by the use of his credit. All merchants, manufacturers and bankers would work within very narrow limits if their transactions were confined to their cash capital.

I heard an interesting discussion in London about twenty years ago between English and American bankers of international reputation. Money was nominally 1 per cent and in little demand at that. Bankers of London were refusing to take deposits. They could not derive incomes sufficient to pay for the care of them. The opinion of these London and American financiers was that the wealth-producing powers of the world had exceeded investment possibilities. The same thought found expression in the most authoritative of the financial journals. They saw no hope for people who were compelled to live upon invested capital and who had not the ability to work. In their view 1 per cent was to be the standard of interest, and a man would have to be worth a million to leave his family fairly comfortable. These financiers and financial writers could not foresee what the world has experienced in the tremendous, almost miraculous, development of industries during the last decade.

It has created a demand for money which raised the rate of interest in the Bank of England to 7 per cent and made the prevailing profitable charge in Germany 7½. While we have the same conditions, yet our rate should never have exceeded 10 per cent, but we know it has varied from 20 to 120 during three months. These countries had the scientific machinery tested and tried by a century of experience, while we were living within the bolted and barred walls of an inelastic and unexpanding currency. Our financial system is like a pyramid placed upon its apex. The higher it is built the greater the danger of its toppling over, and yet every new strata is evidence of what we call prosperity. The systems of Germany and other countries construct the broadest foundation for the pyramid of their expanding business and credits, and as it rises the foundation becomes firmer.

The prosperity of the decade now closing, owing to good harvests, good markets and high prices for products, has paid off mortgages on farms and increased deposits in the country banks beyond all precedent and all forecasts of the past. If the farmer needs no money on mortgages, if the local demand of the country merchant is easily satisfied, if, as has been the case, money accumulates in these rural communities far beyond any local needs, we have in large sections of our country the conditions which prevailed twenty years ago when the bankers and financial writers of London were predicting hopeless stagnation of capital. But capital is fluid as never before, and so it flows from these rural neighborhoods to the places where it is loanable at a profit.

Commercial paper issued legitimately in the great cities for the necessary transaction of business appears among the assets of these country banks with names unknown to the neighborhoods. This paper is bought upon confidence in their correspondents in the cities and the relations between banker and depositor and borrower which is the life of credit can not exist. A trust company closing its doors, a bank failure or an overcapitalized industry going to pieces undermines confidence. Then with the inability of immediate response an unreasonable alarm spreads all over the country. We have just escaped the most potential possibility of financial and industrial ruin in our history. We were in this peril at a time when production was never so great; new wealth from the farms, the mines and the forests never created so rapidly; markets never so good and the balance of trade in our favor never so large. Conditions similar but not so acute happen every year when the crops are to be moved, and bank reserves in the central reserve cities are drawn down with the curtailment of $4 of credit for every dollar shipped. The oft-repeated statement of our redundant currency and of our per capita being greater by 25 per cent than that of any other country is largely a delusion. Take out of our currency the amount which the Government holds in gold, the currency which it keeps out of the banks and in the Treasury to meet current expenses, and that which is locked up in bank reserves against deposits and probably instead of three thousand millions less than one-half of that will be in circulation.

There is no other people in the world whose per capita keeps anything like so much money out of circulation by carrying it in their pockets and hiding it in their houses. The circulating medium for the ordinary and necessary transactions of life, which are done upon the cash basis in foreign countries, is largely gold, silver and copper. The result is that only a limited amount is carried by the individual. Our citizens, whether men or women, rarely have gold. They dislike silver and use bills. The aggregate of money upon the persons of men, women and grown-up children of our country is enormous. The same is true of the sums which are in nooks and corners and hidden

recesses of the homes of our people. Immigrants from Europe who spend little and save nearly all their earnings, to live in ease at home the rest of their lives, send abroad annually about $250,000,000, of which it is estimated nearly one hundred millions in cash are carried by those returning. Twenty-five thousand millions of current business was confronted, when loss of confidence impaired credits, with the peril that it must have nearly the equivalent of thirteen billions of deposits in cash to go ahead, and millions of depositors wanted at once to draw out to hoard or to hold in safe-deposit boxes for pay rolls all of that less than one thousand five hundred millions of currency available.

For three days the most prosperous and progressive of peoples, at the high tide of the most wonderful prosperity of their marvelous material development, were on the brink of the most destructive and widespread financial and industrial breakdown ever experienced. The situation was saved because the banks had a leader of vast experience, of demonstrated genius for affairs, and large resources, who could unite them and whom they could follow, and because the banks of New York had the courage and wisdom to act in concert, and because the Secretary of the Treasury, Mr. Cortelyou, met the situation with rare firmness and ability.

We are in danger with our inelastic currency from another source which has received little attention. What has been done once can be repeated, and we have had artificial currency famines brought on by audacious operators locking up money. With the vast resources which a few speculators can now control, the temptation is great to put the prices of securities or products up or down by cornering the currency. Ours is the only country where this is possible. The Bank of France could swamp an unscrupulous syndicate attempting such a scheme with a thousand millions of dollars of currency, and other financially civilized countries would be proportionately powerful, while our banks are powerless to expand quickly in lawful money and might be enjoined by speculators in their makeshift efforts to save the situation by clearing-house certificates and credit devices. It is a tribute to the integrity, the morality, and the patriotism of our much-abused bankers and men of great wealth that they have used all their resources and all their power to prevent, to make impossible, the success of such efforts.

A Senator upon this floor the other day placed Andrew Jackson next to George Washington in the influence which eminent men have had upon the destinies of the Republic. Alexander Hamilton, the greatest original genius this country or any other ever knew, in placing our chaotic finance upon a stable basis, brought into existence, among other things, a central national bank. Andrew Jackson, who hated all banks, not only destroyed the central bank, but left a profound impression against it upon the minds of his countrymen, and so deeply embedded that hostility in his own generation that to-day his dead hand clutches with a grip which can not be loosened a central national bank. We can not, without consequences not to be contemplated, change our present basis of national banking and circulation based upon Government bonds, but we can add to the present system an elasticity which, while it will not prevent, will avert many of the dangers now threatening us; dangers which will increase as our country grows in population, wealth and productive energies.

I would prefer an asset currency for our emergencies such as has proven eminently successful under conditions exactly the same as ours in Canada, and which works with like success in Scotland.

I know that generations must pass before the traditions of General Jackson will permit a central national bank. While clearing-house certificates and other makeshifts of doubtful legality, which have been held up to attack and ridicule here, have been our only safety in these recurring financial difficulties, we ought by legislation to supply practical and simple remedies. There is as much danger in redundant as in restricted currency, and if we add to our present system an elasticity which has been demonstrated to be safe and effective under proper restrictions of taxation, we are entering upon no new experiment, but simply following the proved experience of other highly organized industrial and financial countries. A currency based upon assets which would go out automatically when the interest rate rose so as to make it profitable and come back automatically under a tax which would make it unprofitable when the interest rate went down, would give us easily and instantly all the new currency required. If it was printed in the same way as other bills, presented the same appearance, had the sanction of the law, and was issued only under the authority of Government officials, it would meet emergencies satisfactorily and the demands of the business of the country, preventing the curtailment of commercial credits for legitimate business and removing the danger of cornering of the currency. Five thousand millions of dollars were lost by investors in the shrinking of securities, and probably one hundred millions to wage-earners in the stoppage of enterprises and curtailment of employment in the recent panic.

There is a popular delusion about a rich man's panic. It means a general belief and satisfaction that the so-called "multimillionaires" have suffered serious losses. Men of great wealth and financial genius foresee the storm long before it breaks. If property is to be attacked by legislation or depreciated by a panic they sell out when the public are buyers. They foresee again when the storm has spent its force, repurchase at panic prices, and double their fortunes. It is business men whose capital is active and who are borrowers on their credit to keep their business enlarging who suffer loss or are forced into liquidation or bankruptcy.

But while I believe in an asset currency, under such safeguards and restrictions as have proved successful in the experience and practice of other commercial and industrial nations, I have become convinced of two things: First, that it is impossible at this session of Congress to revolutionize our banking and currency system; second, that it is absolutely essential that we should have at the earliest possible moment some form of emergency currency. We do not need this relief to-day, but no one can predict when it will be required because of the limited amount of available currency, amounting to less than 8 per cent of the total deposits in all the banks of the country.

Panics and bank suspensions are matters of confidence. The fact that the banks are sound, as the recent panic demonstrated to such an extraordinary degree, is of no avail. The first people to draw money from suspected institutions were the banks and trust companies which had deposited in those against which rumor leveled its shafts. All that the public grasp when fear prevails is that there is no way of furnishing money except by the help which the Government can give in deposits and by currency being issued under a process now too slow to be available and of too limited amount to remedy any difficulties. Both institutions and individuals forget, in their anxiety to get their money out of the bank, that its assets are necessarily in commercial paper, securities and real estate which can not immediately be turned into cash.

I would like to change our system of bond-secured currency. I would like to have all our various kinds of currency consolidated into one, and that based upon gold as a reserve, with power to increase it in a crisis, as can be done under similar conditions in Germany, France, England, Scotland and Canada. But the Senator from Rhode Island [Mr. ALDRICH] says in his very able and lucid speech that our system is a growth and makeshift created to meet emergencies at different periods.

That is the fact, and it has become so deeply embedded in our commercial, financial and industrial life that it can not be changed in a day. During my earlier, more tumultuous and enthusiastic years I expected the millennium to arrive as soon as needed in every department of human endeavor, but I have learned in the observations of a long life that reforms come slowly and not at once. Those succeed which are tentative and proved by trial until perfected. I think everyone will admit that we can not go into a broad scheme which will undo absolutely the work since 1862 and build within the next few months a wise and enduring structure. That can only be done in times of industrial prosperity, confidence and financial peace. That we have not now. We are living in a period of unrest, and the wounds of our catastrophe are not yet healed. The country is recuperating and, with its enormous resources and productiveness, will recover rapidly; but the basic condition of its restoration is confidence in the belief that the banks will not again suspend and that the depositors can have their money whenever they want it. This bill tides over the crisis. In forty-eight hours five hundred millions of new money can be had. The fact that this is possible is in itself assurance and reassurance.

By the reports of two of the greatest railroad systems in the country, the gross earnings of one of them had fallen off 12½ per cent and of the other 18½ per cent for January, 1908, as compared with January of last year. This meant that there had been in each of these systems a corresponding percentage in the reduction of expenses. "Reduction of expenses" is a sentence of calamity to tens of thousands of workers and fear to them all. If this reduction involves 50,000 men, it means 250,000 people who are without incomes. It means strained credit for the storekeeper and possibly bankruptcy. It means a smaller demand upon the manufacturer and from him upon the raw-material producer. The effect of this percentage of decrease in earnings on the railroads is idle cars, and, with the curtailing of the movement of traffic, a reduction in the consumption of

coal, which again reacts with like effect upon the coal miner and the coal operator. The managers of these properties believe that the downward movement is checked. They see that every condition exists for a renewal of the prosperity which was so suddenly halted in October of last year, but they all believe that the public must be assured that legislation has provided means to increase the currency to meet emergent and exigent demands, and with confidence that this has been done the tremendous forces of production will again energize industries and transportation.

The Aldrich bill, so called, is simple in its remedies, practical and easily understood. It is a makeshift, if you please, but as long as we can not recreate our system at once, expedients which are effective are essential to meet present conditions. The main thing is to have securities available for the additional currency which are so large in amount and so easy to be held or obtained that the control or cornering of them is impossible. The bill under consideration accomplishes this result.

This legislation should be supplemented by a commission. I do not mean a commission of experts, so called, but a commission composed of the joint committees of the two Houses of Congress. I have little faith in commissions selected outside of Congress to recommend work for the National Legislature. Such commissions are necessarily composed of specialists who are limited in knowledge to the line of their own studies and activities and know little of other interests and have less confidence in their advocates, while legislators of long experience, who are committed to no theory, who are practical and who have heard all sides over and over again, can formulate into legislation the results gathered from expert testimony bearing upon questions in which they also have had broad and large experience.

I think we should strengthen the position of the Comptroller of the Currency. So long as the Government is in the banking business, his functions are as important as that of any officer in the Government. The position requires a man of first-class ability, training and experience. When he demonstrates this upon the national platform, his services are required for life positions at large salaries by the great financial institutions of the country. These institutions, whether they be railroads or banks or trust companies, understand that the salary, no matter how large, which secures the right man—and there are very few compared with the demand—is of little account. I have known in my own experience several instances where the talent of the manager of a corporation dealing in enormous figures was the difference between surplus and dividends and deficiencies and bankruptcy. The Comptroller of the Currency should have Cabinet pay and a term of office not dependent upon changes of Administration. The Government, having secured the best available talent, should be able to retain it by the permanency and dignity of the office, even though its salary was far below what a private corporation would gladly give.

The number of bank examiners should be increased very largely and their compensation be a fixed salary instead of fees. I believe there are now eighty, and it is impossible for that number, however competent or well intentioned, to make the frequent examinations necessary to keep their fingers upon the 6,600 national banks. I think the commission I have suggested should provide some method by which the Secretary of the Treasury, the Comptroller of the Currency and the Treasurer of the United States could be brought in intimate contact with a board selected by the national banks and possessing supervisory and advisory powers, with some executive responsibilities, which might concentrate the banking power of the country for the prevention of panics and also for the protection of depositors, stockholders and the public against badly or corruptly managed institutions. This would meet in a limited way the duties of a central bank without its power. I agree with the Senator from Alabama that there should be a larger amount of the reserve kept in the country banks and that they should have the privilege of keeping part of them in bonds which could be used for emergency currency. I believe it would be a hazardous experiment for the Government to guarantee deposits. The effect upon State banks, trust companies and savings banks would be disastrous. They could not survive the competition of national banks with the Government standing sponsor for their deposits. It would eliminate the sense of responsibility now resting upon officers and directors. It would place a premium upon incompetency and carelessness. It would penalize banks wisely, honestly and efficiently managed by taxing them to raise a fund to pay the debts of those which fail through bad or dishonest officials.

The difficulties of this legislation are in the possession of every Senator. Our mails are crowded with suggestions, all different. I wrote a letter, mailing with it a copy of this bill, to the officers of over 400 banks. Most of them have responded, but there is no substantial agreement among them. The Bankers' Association of the United States prepared a bill, which I think excellent, but that has been attacked by bankers of distinction, and its passage at this session rendered impossible. Action at the earliest moment possible is the demand of the people. Industry is waiting, as never before, upon the removal of a present danger which excites general apprehension. Failure to agree upon any legislation would result in suspense and partial paralysis. The country is prosperous, and its financial, transportation, farming and manufacturing resources are unimpaired. Their movement halts because of fear that our currency, notoriously insufficient in times of trouble, will not have given to it by this Congress an elasticity which will prevent a recurrence of crises like that through which we have recently passed. The Aldrich bill is the result of the most careful study of one of the ablest of committees on finance. It is the only one upon which there is any promising unison of opinion. Therefore it is that I believe this measure, amended along the lines of its original plan and design by the suggestions which the debate has evolved, will accomplish the purpose of restoring confidence, preventing and minimizing panics and meeting emergencies until a full and complete system for our banking and currency can be perfected.

PAY OF THE ARMY.

Mr. WARREN. I desire to call up the bill (S. 4030) to fix the pay of the Army, which was under consideration when we adjourned Wednesday.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CULBERSON. I understand that the Senator from Wyoming, in charge of the bill, will accept the amendment proposed a few days ago by me to section 2.

Mr. WARREN. I now accept, so far as the committee is concerned, the amendment offered by the Senator from Texas.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. It is proposed to strike out section 2 and to insert in lieu thereof the following:

SEC. 2. That the average pay of enlisted men of the Army as now established is hereby increased 40 per cent.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was agreed to.

Mr. WARREN. On behalf of the committee, I offer the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Wyoming proposes an amendment, which will be stated.

The SECRETARY. At the end of section 1 it is proposed to insert:

Provided further, That nothing in this section is intended to increase or change, or shall be construed as increasing or changing the present pay or allowances of any officer in the United States Navy, and the effect of this section shall only be upon the officers of the Army herein enumerated, and section 13 of an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1889, shall not be construed as changing the pay of any naval officer by reason of the provisions of this act, which shall apply solely to the pay of officers of the Army.

Mr. CULBERSON. I did not catch distinctly from the reading the meaning of the amendment.

Mr. WARREN. I will say to the Senator from Texas that under existing law the bill, if we passed it as the committee reported it, would affect the pay of the active officers of the Navy.

Mr. CULBERSON. Does the Senator mean section 2?

Mr. WARREN. Not section 2. This does not apply to section 2, but to section 1. It comes in at the end of section 1.

Mr. CULBERSON. "*Provided*, That section 1267 of the Revised Statutes of the United States is hereby repealed." I am trying to get the connection, if the Senator please.

Mr. WARREN. If the Senator from Texas will listen for a moment——

Mr. TELLER. What is section 1267?

Mr. CULBERSON. It relates to the pay of a colonel.

Mr. TELLER. In the Army.

Mr. WARREN. That applies to the Army, but this amendment is to come in as new matter at the end of section 1.

The purpose of the amendment is to provide that section 1, if the bill shall pass, will not affect the pay of the active officers of the Navy, which it would do under existing law if not amended. The existing law provides that the pay of the officers of the Navy shall be the same as the corresponding officers of the Army, and the Naval Committee very properly have asked that they shall have charge of that part of it, and we are willing they should have.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

Mr. CURTIS. Mr. President, on the 14th of February I submitted an amendment intended to be proposed by me to the pending bill, which I should like to have placed in the RECORD. Then, in view of the statement made by the Senator from Maine [Mr. HALE] that a bill will be presented in reference to the pay of the Navy, and in view of the amendment just offered by the Senator from Wyoming, the chairman of the committee, I withdraw the amendment. But I want it printed in the RECORD.

The VICE-PRESIDENT. Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

Insert as a new section after section 2:

"SEC. 3. That hereafter the pay and allowances, except forage and mileage, which shall be governed by existing law, of officers of the Navy, Marine Corps, and Revenue-Cutter Service shall be the same in every respect, according to rank and length of service, as the pay and allowances of officers of corresponding rank and length of service of the Army."

Mr. CULBERSON. I call the attention of the Senator from Wyoming, the chairman of the Committee on Military Affairs, to the portion of section 1 of the proposed act increasing the pay of lieutenant-generals 5 per cent, major-generals 10 per cent, and brigadier-generals 15 per cent. I would be glad if the Senator would state why there is any necessity for increasing the pay of lieutenant-generals. I understand the salary now is $13,000 a year.

Mr. TELLER. How much?

Mr. CULBERSON. Thirteen thousand dollars a year.

Mr. WARREN. No, Mr. President; the Senator from Texas is mistaken.

Mr. TELLER. What is it?

Mr. WARREN. The pay is $11,000 or $11,500; I think the former. The pay of a general, if we had one, would be $13,000.

Mr. CULBERSON. The pay now of the lieutenant-general is how much?

Mr. WARREN. Eleven thousand dollars.

Mr. CULBERSON. Or $11,500. The Senator does not seem to be entirely satisfied as to which it is.

Mr. WARREN. I can inform the Senator in a moment. I think it is an even $11,000. It is difficult to carry all those figures in my mind. I can tell by looking at the table. It is $11,000, even.

Mr. CULBERSON. I simply wished to inquire of the Senator.

Mr. TELLER. I understand the chairman of the committee has accepted the amendment of the Senator from Texas, which makes section 2 provide that "the average pay of enlisted men of the Army as now established is hereby increased 40 per cent." Is not that the fact?

Mr. CULBERSON. It is my understanding that my amendment takes the place of the entire section 2.

Mr. WARREN. Exactly.

Mr. TELLER. That is what I wanted to inquire about.

Mr. WARREN. Exactly. In place of section 2 occurs the matter offered by the Senator from Texas.

Mr. TELLER. That is right. Now, Mr. President, I want to say a word or two about the bill.

I think myself that for many years we have kept our Army on a pay that has been very small, and it has been somewhat embarrassing, I know, to the military department of the Government to maintain a good, healthy organization except in time of war. I believe when the Spanish war broke out, or when it was in immediate prospect, we had no difficulty in filling up the ranks with proper men, and I presume that will always be the case.

It seems to me that when we have an army in the field in time of war or in time of peace we ought to pay a living rate to the soldiers. Of course, I understand that they get rations and clothing and all that, but I do not believe we have been doing a very fair thing by the soldiers.

Mr. President, I am very glad to see this bill come up. I suppose the legislation will really take place in the appropriation bill I hold in my hand, but I understood the Senator who has that bill in charge, the chairman of the Committee on Military Affairs, wanted some expression from the Senate. I think he has had it pretty well. I have not heard complaint of this proposed increase of pay from anybody.

I objected the other day to the bill as brought in by the Senator from Wyoming, the chairman of the committee, not because it proposed to give too much pay, but because it had a principle in it that I thought was vicious. I expressed myself very briefly, and in answer there were some sneering comments to the effect that the country had not yet suffered any great disaster. Mr. President, I do not claim that if the bill had been enacted into law any deleterious effect would have been felt, and I do not claim that the provision of law that has been in existence for many years as to the Navy has probably had any deleterious influence on the public morals or the public interest.

But there is a very wide distinction between the Army and the Navy when it comes to allowing the President of the United States to increase the pay of the Army and to control that matter. If he can increase the pay to-day he can cut the pay down to-morrow. I believe in all times in every part of the world that has been recognized. It has always been recognized in every liberty-loving country that there was danger from the army. The history of the world has shown that in ages past great armies have determined who shall be the executive of the greatest and the most powerful nations of the world.

It is not popular, perhaps, in these days to make the suggestion that the Constitution of the United States provides three distinct departments of government—a legislative department, an executive department, and a judicial department. When the fathers of this Republic organized this system they acted wisely. There is no other government in the world of this kind except ours, unless it be, perhaps, some of the small republics of the world, where they have endeavored to pattern after us. What is more, there never was a government organized on the same plan that this Government has been organized. The founders of the Republic dealt with a new condition, a condition that never existed exactly as it existed when they created this Constitution of ours.

It may not be popular in these days, when we are urged to change the Constitution either by legislation or by judicial construction, to stand for the principles enunciated and heretofore recognized in the Constitution. We have had appeals from the executive department of the Government to increase the power of the executive department.

Mr. President, there is a way by which, if the American people want to increase the power of the Executive, it can be done. It can be done by an amendment to the Constitution of the United States.

There are two methods in which it can be done. You may do it by action of the National Legislature by submitting the question to the several States to be acted upon, and you may do it by creating a national convention for the purpose of changing the Constitution.

Yet, Mr. President, with that before us we have appeals from the executive department of the Government on more than one occasion that we should extend the power of the Executive either by legislative declaration or by judicial construction. I heard a Senator say, not long ago—and he is in the Chamber now—"I am not one of those who think that the old men who made the Constitution possessed all the wisdom of the world." Mr. President, I will venture to say here and to challenge contradiction, that at no time in the history of the world, either in the great countries of the East, like Greece and Rome, or at any other time, or in any other nation were there gathered together sixty-five men possessing the qualifications that these men possessed for the creation of a Constitution that has practically stood the test of a hundred years and more.

If I had time I should like to take up the membership of that convention, man by man, and show their character. It has been done repeatedly by historians, and I repeat it would be profitable to study the character of those men when they were there, and their conduct in after times supported the character they had when they made the Constitution. It would be profitable to study the character of the men as well as to study the character of this Constitution of ours.

Whenever the American people want to change the Constitution they will change it. They will not change it by submitting it to five men who sit on the bench to do it. They will not change it by the action of this body and the other. When they want it changed they will change it as they have a right to change it. They will change it by the method the fathers provided they should exercise when they wanted to change it.

Mr. President, I said, and I am not ashamed to repeat it, that if there is any threat of trouble to this country of ours it comes from a departure from the limitations of the Constitution. It comes from failing to recognize the duty that this body, as a legislative body, has to the country and to recognize the duty of the Executive toward this body and toward the people.

Mr. President, nobody will sneer me down by saying there is no danger of executive interference or executive change in the system of this Government. That has been the cry of all men who want to exercise arbitrary power. Buckle, the great historian, declared that power exercised by classes had never been exercised but what it was ultimately abused. I believe that that is the history of mankind. I could name you to-day

the Roman emperor who went into power with a determination undoubtedly to serve the people and who came out of it a tyrant of the worst possible form.

Mr. President, there is not anything that will so degrade the human being as an exercise of arbitrary and unjust power. Buckle might have added to what he said of power exercised by a class of men that there was no history of the arbitrary exercise of executive power by any individual in which he did not ultimately demand more power than he originally started to exercise. The old Massachusetts Senator, Daniel Webster, was heard on this floor to put in a few lines the danger of executive power. I had his words in my desk, and I would have read them day before yesterday if I had had an opportunity. Webster said here in this body, long before some of the Members of the body were born:

> The contest of the ages has been to rescue liberty from the grasp of executive power.
> On the long list of the champions of human freedom there is not one name dimmed by the reproach of advocating the extension of executive power.

Mr. President, the lovers of liberty everywhere have warned the people against executive power. Our ancestors carefully guarded the executive power, and they carefully guarded the limitations between legislative and executive power. Just as long as we adhere to the lines laid down by the fathers of the Constitution in that written instrument, just so long may we hope for this young Republic. I speak of it as a young Republic. For while it has lived one hundred and thirteen years, I could call your attention to a republic that lived five hundred years and then went into despotism because of the failure to observe the limitations put upon executive power. I could call your attention to another nation supported by the most learned and civilized people of the world—ancient Greece—who maintained a republic for nine hundred years, and then went out of existence because of their failure to recognize the principles upon which they had established their government and maintained it for so many years.

Mr. President, if we maintain respect for the limitations provided by the Constitution, we may hope that this Republic will live as long as Greece lived and still be a Republic.

Mr. SCOTT. Mr. President, I hold in my hand a communication from a banker who has a large business with officers in discounting their pay accounts, and while this banker makes a very comfortable living in that business he writes me in the interest of the pending bill. I will quote only a portion of it, because his letter is long. He says:

> To my personal knowledge, through years that I have been in this business, I find that the commissioned officers whose pay averages $157 a month have tried at least to rear their families and to educate their children, but at the end of their service, at the age of retiring, they go out with nothing perhaps but a small life-insurance policy. Many times those companies have failed, leaving the officer and his family almost destitute, with the exception of his small retired pay.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 3023) to amend the national banking laws.

Mr. ALDRICH. I ask that the unfinished business may be laid aside temporarily.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from West Virginia will proceed.

Mr. SCOTT. The writer says:

> I hope, Senator, you will do everything in your power for at least the junior officers who are now serving their country. They pay a discount, and are willing to do it, of 36 per cent a year—

Or 3 per cent a month for having their checks anticipated and discounted, and—

> I beg of you, while it may interfere with my business, to do something to relieve the necessities of these officers. I feel that if the Senate of the United States knew as I do the necessities of these deserving officers there would not be a dissenting vote against the present pay bill.

Mr. President, in addition to that, I want to speak for the private soldier, for whom I believe the Senator from Texas [Mr. CULBERSON] has fully provided in the increase of 40 per cent.

There are a few Senators, perhaps, on this floor who had the distinction of carrying a knapsack and gun. They know what it is and what it has been for a common soldier to serve his country at $13 a month. I certainly hope that in this bill being passed now, when it comes to be incorporated in the appropriation bill there will at least not be any reductions, but, if anything, that the increase proposed now in the pay of the noncommissioned officers and privates may be increased.

Mr. BACON. Mr. President, I wish to offer an amendment to the bill which I ask, if adopted, shall constitute the second section of the bill.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment which will be stated.

The SECRETARY. Add to the bill a new section, to be known as "section 2," to read as follows:

> That upon the death of any commissioned officer of the Army while in the line of duty there shall be paid to the widow, or to the widow and children, of such officer, or to his legal representative, if there be no widow or children, in addition to the arrearages of salary then due, an amount equal to two months of the salary which he was enjoying at the time of his death.

Mr. WARREN. If the Senator offers that, I am perfectly willing to accept it.

Mr. BACON. I want to say one word about the amendment, Mr. President, and only one word.

The present law is one of very great hardship to the officers of the Army, and I do not think it is creditable to the Government of the United States. Under the law as it now exists an officer's pay stops on the day of his death. We know as a fact, and have had the fact emphasized by the letter which has just been read by the Senator from West Virginia [Mr. SCOTT], that officers have not been able to do more than eke out a bare existence on the pay they have had, and even with the additions which we now propose to make to their pay they will not be able to accumulate anything.

Mr. WARREN. Will the Senator allow me a moment?

Mr. BACON. Certainly.

Mr. WARREN. Right along the line in which he is talking, the pay of the junior officers of the Army is so little that it even has been brought to the attention of the Commander in Chief and of the Secretary, who, while not undertaking to govern the matter, have recommended that they shall not marry until they at least arrive at the rank of captain.

Under our present lines of promotion captains are largely men away beyond 40, and sometimes they are 50 years of age. The consequence is that officers marry late in life, and so when an officer dies he leaves a widow usually without any money and a family of children at just the age when they need money most to educate them. I thank the Senator very much for his forethought in offering the amendment, which I most cheerfully accept, and I wish it were even more liberal.

Mr. TELLER. I should like to have the amendment read.

Mr. WARREN. I did not wish to interrupt, only to say that.

The VICE-PRESIDENT. The Secretary will read the proposed amendment at the request of the Senator from Colorado.

The Secretary read as follows:

> SEC. 2. That upon the death of any commissioned officer of the Army while in line of duty, there shall be paid to the widow, or to the widow and children, of such officer, or to his legal representative, if there be no widow or children, in addition to the arrearages of salary then due, an amount equal to two months of the salary which he was enjoying at the time of his death.

Mr. BACON. As I was proceeding to remark at the time of the interruption by the Senator from Wyoming, officers in the past have been unable to support themselves respectably or in a respectable style upon their salaries, even with the increased salary which is proposed in this bill. They will certainly never be able to accumulate anything to provide for the even temporary support of those whom they leave behind them as widows or children.

As I said, under the law, when an officer dies his pay stops on the very day of his death. There is no provision made in the law itself even for his burial, except, I think, that under either a law or some regulation of the Department $75 is allowed for that purpose—not enough to pay for the coffin in which an officer is buried.

Now, we do not deal in that way with any other branch of the Government. In our own case when a Senator or Representative dies, while there is no statute upon the subject, the universal custom is to give to the widow and children a year's pay. When an officer of the consular service or diplomatic service dies, there is always a liberal provision made in a bill by which there is to be paid to the widow and children or the personal representative of such diplomatic or consular officer a liberal sum. But in the case of a commissioned officer, who above all men is debarred from an opportunity to get any revenue from any other source except his salary, there is absolutely not a single day's pay allowed after his death.

I say very frankly, Mr. President, that if I thought the measure would have received the favorable consideration of the Senate, I would have proposed even more than that; but I feared that it might not be approved, and for that reason I limited it to two months' pay. I am very much gratified——

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. BACON. I do.

Mr. McLAURIN. I desire to ask the Senator from Georgia if there is any provision made for the payment of anything to the family of the enlisted man upon his death? If there is not any provision made for him, will the Senator be willing to amend his amendment by putting after the word "officer" wherever it occurs in the amendment the words "or enlisted man?"

Mr. BACON. I have no objection to that at all, though the necessity for it is not so great as in the case of the officer, for the reason that enlisted men are generally young men, a large majority of them not married, and the necessity for it is not so great. Very few of them die in the service except in time of war.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from West Virginia?

Mr. BACON. I do.

Mr. SCOTT. In reply to the Senator from Mississippi, I will state that in enlisting a soldier now he has to be a single man. The Government will not allow a man to enlist as a soldier who is a married man. He can reenlist if he has been married during his term of service, but a new man going into the Army has to be a single man.

Mr. BACON. I have no objection to the provision if the Senator desires it, but I would prefer it should come in as an independent amendment. Let the two things stand each upon its own basis. I presume it is a fact that in a majority of instances when officers die, immediately succeeding their death their families are dependent upon their relatives for the support that they ought to have until provision can be made of a more permanent character.

While I do not wish to express any objection to the amendment as suggested by the Senator from Mississippi, I prefer that this should go through by itself. Then if the Senator desires to offer an amendment properly framed he can present it. I do not know how far conditions may require that there should be a different provision made for the enlisted men. We do know what the conditions are as to the officers. The enlisted man is certainly buried at the expense of the Government. The officer is not, and, as suggested by me and more definitely stated by the Senator from West Virginia [Mr. SCOTT], the enlisted men are not generally married men. They do not generally leave behind them those who are dependent.

It may be that the provision suggested by the Senator from Mississippi would require some little examination into conditions in order to determine exactly what should be done, but we do know what the conditions are as to the commissioned officers, and I therefore trust that the amendment may be acted upon independently of the consideration of the question as to what should be done in the case of the death of a private soldier.

I would be perfectly willing that an amendment should be adopted and would favor an amendment which would give that much pay, or even more, to anyone who should be found to be dependent upon an enlisted man at the time of his death, whether it be his mother or his wife and children, but I would prefer that the amendment as to officers should go through unless the Senator in charge of the bill thinks otherwise.

Mr. WARREN. If the Senator will allow me, I wish to suggest to him that I would just as freely, and I think members of the Military Affairs Committee and the Senate itself would just as freely, accept the amendment if made to cover three months' pay or possibly six months' pay—certainly for three months.

Mr. TELLER. Make it six.

Mr. BACON. I would prefer to make it six months.

Mr. SCOTT. That is what it ought to be.

Mr. BACON. I think it ought to be that. I should have framed it in that way in the beginning if I had been confident of the fact that it would have met with the approval of the Senate. I think it is as little as we can do. These men are the men who beyond all others are liable to sudden and unexpected death and the men of all others in the service of the Government who are debarred from the opportunity and the possibility of making provision against that day. I am very much gratified that the suggestion made by me for two months has met with a response which has suggested a change to six months, and I therefore, with the consent of the Senate, will modify my amendment and make it six months instead of two.

The VICE-PRESIDENT. The Senator from Georgia modifies his amendment. The modification will be stated.

The SECRETARY. Before the word "month" strike out "two" and insert "six," so as to read "equal to six months of the salary."

Mr. McLAURIN. The amendment of the Senator from Georgia proposes to give to the widow, or widow and children, or, if there is no widow or any child, to give to the legal representative of the officer six months' additional pay. It does not make any distinction between married and unmarried officers. I do not think it ought to make any distinction between officers and enlisted men upon the ground that enlisted men can not be married men in the first instance. I do not see that there should be any distinction made, and I do not see any good reason for making a distinction.

The officer receives a great deal more pay than the private soldier, and to give the family or the legal representative of the officer six months' pay after he shall have died and to make no provision for the enlisted man seems to me to be a discrimination against the enlisted man that ought not to be made by Congress.

Mr. BACON. Mr. President, will the Senator pardon me a moment?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. McLAURIN. Certainly.

Mr. BACON. If the Senator will limit his suggestion of an amendment to the case of a soldier who leaves a widow, or a widow and children, or children, or a dependent mother, I will agree to it. But it is frequently the case—it is most frequently the case—that the private soldiers have not these dependent relatives, and there are a great many instances in which they would even be without legal representatives, I presume.

Mr. McLAURIN. Mr. President, I will agree to limit the amendment in behalf of the private soldiers as suggested by the Senator from Georgia, if he will make the same limitation in behalf of the officers.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Wyoming?

Mr. McLAURIN. With pleasure.

Mr. WARREN. Mr. President, I can see the Senator's idea of equity in his proposition and I honor him for wanting to put the pay of the private soldier on a comparative basis with the commissioned officer in that respect; but there is this difference: The commissioned officer is a man who has already given a number of years of his life in the service before he gets a commission. I am sorry to say that nearly every cadet on his graduation, after the buying of his uniform and arms, leaves West Point in debt. To allow the amendment to apply to those officers who are unmarried would simply be to protect their honor and their name by paying their debts. The enlisted man is a free agent working for a salary somewhere to-day, and enlisting to-morrow, and he may not remain in the Army more than one term of three years. So I think that we ought to make a distinction. I agree with the Senator, and should only be too glad to accept his proposition, so far as it provides for payment to the widow, or widow and children, or children, or dependent mother of the enlisted man; but I think it ought to be confined to them.

Mr. McLAURIN. Mr. President, there is a liberal allowance made——

Mr. WARREN. I might say also that an officer of the Army is not permitted to leave the service, unless, of course, he resigns his commission and loses the years to his credit, while an enlisted man every three years has his choice to reenlist at larger pay, or to go out.

Mr. McLAURIN. Mr. President, I was about to say that there is a liberal allowance made by the law to the cadet while he is at the Military Academy performing the service, if it can be called service, that qualifies him for a commission in the Army. He is educated at the expense of the Government, and, while I may be mistaken in this particular, I understand that after he shall have served two or three years he can then resign, if he sees proper to do so, just exactly as the enlisted man can be discharged at the end of three years.

It may or may not be that the officer will have served a considerable length of time. He has gotten his education at the expense of the Government, and, under this amendment, if he dies within six months, or within three months, after he shall have been commissioned, his estate will get the benefit of it. The private soldier may have been in the service two years and ten months or eleven months and die, but his estate will get no benefit from it at all.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Wyoming?

Mr. McLAURIN. With pleasure.

Mr. WARREN. Of course, the Senator from Mississippi understands that a man must have completed his education sufficiently for all the ordinary walks of life before he can enter West Point. The examination is such that he must be a graduate from higher schools of learning.

Mr. McLAURIN. Mr. President, I understand that he must have prepared himself sufficiently to enter into the fourth class at the Military Academy, but not that he shall have graduated at any other institution or that he shall have become a scholar before he enters that institution. It is true that he must have proceeded until he has acquired some proficiency in learning and letters before he can enter West Point, but after he enters there he is educated at the public expense. He is not only educated there, but he is given a liberal allowance while he is being educated.

I do think that there ought not to be made any such discrimination between the private soldiers and the officers as this amendment would make. I am willing for our Government to be liberal with its officers, and I think it is liberal with them after they have attained the rank of colonel or general, or probably lieutenant-colonel or major, or, in other words, after they have become field officers; but I do not think it ought to make such a great discrimination between the officer and the private soldier.

In this country it is presumed that one man is as good as another. It may be that he is a poor man, not able to get an education that would qualify him to enter the Army as a commissioned officer, but he ought to be treated as an American citizen, and this discrimination ought not to be made against any class of citizens.

I have no objection to a sum being paid to the widow and to the orphans of the officer who dies in the service of his country, but there ought also to be some provision made for the dependent relatives of the private soldier who dies in the service of his country. I therefore move to amend the amendment by adding, after the word "officer," wherever it occurs, the words "or enlisted man."

The VICE-PRESIDENT. The amendment proposed by the Senator from Mississippi [Mr. McLAURIN] to the amendment proposed by the Senator from Georgia [Mr. BACON] will be stated.

The SECRETARY. After the word "officer," wherever it occurs in Mr. BACON's amendment, it is proposed to insert the words "or enlisted man."

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WARREN. Mr. President, I now ask that the amendment reported by the Committee on Military Affairs to section 1 be stated.

The VICE-PRESIDENT. The amendment reported by the Committee on Military Affairs will be stated by the Secretary.

The SECRETARY. The amendment reported by the Committee on Military Affairs is, in section 1, page 1, line 4, after the word "lieutenant-generals," to strike out "10" and insert "5;" and in line 5, after the word "major-generals," to strike out "and" and insert "10 per cent; of," so as to make the section read:

That the pay of officers of the Army is hereby increased as follows: Of lieutenant-generals, 5 per cent; of major-generals, 10 per cent; of brigadier-generals, 15 per cent; of colonels, lieutenant-colonels, and majors, 20 per cent; of captains, first lieutenants, and second lieutenants, 25 per cent; and the pay of cadets at the Military Academy is hereby increased 25 per cent: *Provided*, That section 1267 of the Revised Statutes of the United States is hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 2 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, March 9, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 6, 1908.

CONSULS.

Paul Nash, of New York, now consul of class 6 at Vladivostok, to be consul of the United States of class 8 at Rheims, France, vice J. Martin Miller, resigned.

Lester Maynard, of California, now consul of class 7 at Sandakan, for promotion to be consul of the United States of class 6 at Vladivostok, Siberia, vice Paul Nash, nominated to be consul of class 8 at Rheims.

ASSAYER AND MELTER.

William S. Pearson, of North Carolina, to be assayer and melter of the United States assay office at Charlotte, N. C., in place of Daniel K. Pope, resigned.

APPOINTMENTS IN THE ARMY.

TO BE SECOND LIEUTENANTS, WITH RANK FROM FEBRUARY 14, 1908.

Corps of Engineers.

Cadet Glen Edgar Edgerton.
Cadet Charles Lacey Hall.
Cadet Virgil Lee Peterson.
Cadet George Rodman Goethals.
Cadet John Wesley Niesz Schulz.
Cadet Clarence Lynn Sturdevant.
Cadet Earl James Atkisson.
Cadet Richard Tide Coiner.
Cadet Robert Starrs Aloysius Dougherty.

Field Artillery.

Cadet William Eugene Dunn.
Cadet James Henry Burns.
Cadet Everett Strait Hughes.
Cadet Thomas Jefferson Smith, jr.
Cadet Roger Sheffield Parrott.
Cadet Telesphor George Gottschalk.
Cadet Harvey Douglas Higley.

Coast Artillery Corps.

Cadet Halvor Geigus Coulter.
Cadet West Chute Jacobs.
Cadet James Wilbur Lyon.
Cadet Harold Geiger.
Cadet Rodney Hamilton Smith.
Cadet Albert Lawrence Loustalot.
Cadet Richard Donovan.
Cadet Sanderford Jarman.
Cadet Clair Warren Baird.
Cadet Edward Willis Putney.
Cadet Gilbert Marshall.
Cadet Louis Lindsay Pendleton.
Cadet Thomas Alexander Terry.
Cadet Edward Nicoll Woodbury.
Cadet Ray Longfellow Avery.
Cadet Edward Alexander Stockton, jr.
Cadet James Hutchings Cunningham.
Cadet Youir Montefiore Marks.
Cadet Allison Barnes Deans, jr.

Cavalry.

Cadet Lawrence Wright McIntosh.
Cadet Richard Edgar Cummins.
Cadet Robert Clive Rodgers.
Cadet Philip Gordon.
Cadet Alexander Long James, jr.
Cadet John Thomas Kennedy.
Cadet Horace Meek Hickam.
Cadet Homer McLaughlin Groninger.
Cadet Charles Shattuck Jackson.
Cadet Stewart Oscar Elting.
Cadet John Kimball Brown.
Cadet George Washington Beavers, jr.
Cadet Richard David Newman.
Cadet Elbert Lynn Grisell.
Cadet William Henry Garrison, jr.
Cadet Sumner McBee Williams.
Cadet Henry Wallace Hall.
Cadet Edwin Vose Sumner.
Cadet Henry Fairfax Ayres.
Cadet Gibbes Lykes.
Cadet Arthur Earl Wilbourn.
Cadet Nathan Crary Shiverick.
Cadet Ernest Grove Cullum.
Cadet William Walter Erwin.

Infantry.

Cadet Oliver Andrew Dickinson.
Cadet Homer Havron Slaughter.
Cadet Henry Clinton Kress Muhlenberg.
Cadet John Francis Curry.
Cadet James Eugene Chaney.
Cadet William Jay Fitzmaurice.
Cadet Carl Cogswell Oakes.
Cadet Blaine Andrew Dixon.
Cadet Owen Riggs Meredith.
Cadet James Clifford Williams.
Cadet Robert Emmett O'Brien.
Cadet Francis Ludwig Sward.
Cadet Edward Seery Hayes.
Cadet Simon Bolivar Buckner, jr.
Cadet Charles Hartwell Bonesteel.
Cadet Thomas Jefferson Johnson.
Cadet Robert Howe Fletcher, jr.
Cadet Frederick Ambrose Barker.
Cadet Agard Hyde Bailey.
Cadet Chester Amos Shephard.
Cadet George Cleveland Bowen.
Cadet John Hutchison Hester.
Cadet Franklin Langley Whitley.
Cadet Alfred Harold Hobley.
Cadet Arthur James Hanlon.
Cadet Olin Oglesby Ellis.
Cadet Elmer Cuthbert Desobry.
Cadet Emile Victor Cutrer.
Cadet Harry Bowers Crea.
Cadet Robert Christie Cotton.
Cadet George Barrett Glover, jr.
Cadet Henry John Weeks.
Cadet Roy Alison Hill.
Cadet Arthur Edward Bouton.
Cadet Enoch Barton Garey.
Cadet Leonard H. Drennan.
Cadet Charles Kilbourne Nulsen.
Cadet Lawrence Campbell Ricker.
Cadet Leighton Wilson Hazlehurst, jr.
Cadet John Harold Muncaster.
Cadet Theodore Kendall Spencer.
Cadet Edwin Martin Watson.
Cadet Charles Dudley Hartman.
Cadet Edgar Simpson Miller.
Cadet Thomas Clement Lonergan.
Cadet Albert Lee Sneed.
Cadet Lester David Baker.
Cadet George Auguste Matile.
Cadet Walter Reed Weaver.

PROMOTIONS IN THE NAVY.

Lieut. Commander Albert L. Key to be a commander in the Navy from the 28th day of January, 1908, vice Commander Stacy Potts, promoted.

Lieut. (Junior Grade) Owen Hill to be a lieutenant in the Navy from the 30th day of July, 1907, to fill a vacancy existing in that grade on that date.

Ensign John S. Abbott to be a lieutenant (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years' service in present grade.

Lieut. (Junior Grade) John S. Abbott to be a lieutenant in the Navy from the 3d day of February, 1908, to fill a vacancy existing in that grade on that date.

First Lieut. Theodore E. Backstrom to be a captain in the Marine Corps from the 2d day of January, 1908, vice Capt. Theodore H. Low, retired.

The following-named midshipmen to be ensigns in the Navy from the 13th day of February, 1908, to fill vacancies existing in that grade on that date:

Allan J. Chantry, jr.,
Whitford Drake,
John P. Miller,
Harry G. Knox,
George B. Wright,
Henry M. Jensen,
William C. Barker, jr.,
Augustus C. Wilhelm,
Hugh Allen,
Roy L. Lowman,
Robert L. Ghormley,
William L. Calhoun,
Russell Willson,
Leigh Noyes,
Stephen W. Wallace,
Walter W. Lorshbough,
Eldred B. Armstrong,
Lew M. Atkins,
William A. Glassford, jr.,
Conant Taylor,
Ray S. McDonald,
Herbert J. French,
William A. Hall,
Arthur L. Bristol, jr.,
Frank J. Fletcher,
Walter B. Decker,
Herbert B. Riebe,
John H. Towers,
Julian H. Collins,
Thomas Withers, jr.,
Isaac C. Bogart,
Pierre L. Wilson,
Owen Bartlett,
Walter F. Jacobs,
Leo F. Welch,
Carroll S. Graves,
Harry L. Pence,
Ferdinand L. Reichmuth,
Wolcott E. Hall,
Isaac C. Kidd,
Fred M. Perkins,
Robert A. White,
Frank H. Roberts,
Lewis D. Causey,
William P. Hayes,
William C. I. Stiles,
Stuart W. Cake,
Stephen Doherty,
Charles A. Woodruff,
Randolph P. Scudder,
George A. Alexander,
Edwin B. Woodworth,
Wilson E. Madden,
James P. Olding,
Roland M. Brainard,
Sherwoode A. Taffinder,
John T. G. Stapler,
Lesley B. Anderson,
John S. McCain,
Matthias E. Manly,
Ronan C. Grady,
Reuben L. Walker,
Joe R. Morrison,
Harold Jones,
Alexander Sharp, jr.,
Richard R. Mann,
Hollis M. Cooley,
Aubrey W. Fitch,
Lorenz W. F. Carstein,
Donald P. Morrison,
Edward D. Washburn, jr.,
Frank N. Eklund,
Robert V. Lowe,
Claude A. Bonvillian, and
Edwin A. Wolleson.

PROMOTIONS IN REVENUE-CUTTER SERVICE.

First Asst. Engineer Albert Clift Norman to be chief engineer in the Revenue-Cutter Service of the United States, with the rank of first lieutenant, to rank as such from July 20, 1907, in place of Charles Hunt Foote, retired.

First Asst. Engineer Theodore Graham Lewton to be chief engineer in the Revenue-Cutter Service of the United States, with the rank of first lieutenant, to rank as such from October 4, 1907, in place of William Frederic Blakemore, retired.

Second Asst. Engineer Jesse Wilbur Glover to be first assistant engineer in the Revenue-Cutter Service of the United States, with the rank of second lieutenant, to rank as such from July 20, 1907, in place of Albert Clift Norman, promoted.

Second Asst. Engineer George Warren David to be first assistant engineer in the Revenue-Cutter Service of the United States, with the rank of second lieutenant, to rank as such from October 4, 1907, in place of Theodore Graham Lewton, promoted.

POSTMASTERS.

CALIFORNIA.

Anna C. Mahan to be postmaster at Fort Jones, Siskiyou County, Cal., in place of Martin C. Beem. Incumbent's commission expired January 29, 1908.

Edwin Stanton to be postmaster at Avalon, Los Angeles County, Cal., in place of Edwin Stanton. Incumbent's commission expires April 27, 1908.

COLORADO.

Jessie L. Cozens to be postmaster at Littleton, Arapahoe County, Colo., in place of Clark Z. Cozens, deceased.

ILLINOIS.

Lewis J. Farmer to be postmaster at Tamaroa, Perry County, Ill., in place of Lewis J. Farmer. Incumbent's commission expired January 18, 1908.

Yale T. Kiblinger to be postmaster at Morton, Tazewell County, Ill., in place of William H. Voelpel, resigned.

INDIANA.

Charles Laramore to be postmaster at Knox, Starke County, Ind., in place of Charles Laramore. Incumbent's commission expired February 23, 1908.

KANSAS.

Thomas R. Jones to be postmaster at Girard, Crawford County, Kans., in place of Albert M. Wasser. Incumbent's commission expired December 1, 1907.

MICHIGAN.

Fabius A. Fisk to be postmaster at Colon, St. Joseph County, Mich., in place of Fabius A. Fisk. Incumbent's commission expired February 20, 1908.

Jacob Leroy Gumaer to be postmaster at Ovid, Clinton County, Mich., in place of George B. Faxon, removed.

Eugene T. Slayton to be postmaster at Lapeer, Lapeer County, Mich., in place of Eugene T. Slayton. Incumbent's commission expired February 23, 1908.

MINNESOTA.

Anton R. Erickson to be postmaster at Bemidji, Beltrami County, Minn., in place of George E. Carson. Incumbent's commission expires March 12, 1908.

NEBRASKA.

Daniel N. Wonder to be postmaster at Blue Springs, Gage County, Nebr., in place of Daniel N. Wonder. Incumbent's commission expired January 25, 1908.

NEVADA.

Theodore R. Hofer, jr., to be postmaster at Carson City, Ormsby County, Nev., in place of Theodore R. Hofer, jr. Incumbent's commission expires April 27, 1908.

NEW JERSEY.

Charles D. Stainton to be postmaster at Englewood, Bergen County, N. J., in place of Charles D. Stainton. Incumbent's commission expires March 16, 1908.

NEW MEXICO.

Albert R. Carter to be postmaster at Tucumcari, Quay County, N. Mex., in place of Albert R. Carter. Incumbent's commission expired November 17, 1907.

PENNSYLVANIA.

John W. Chamberlain to be postmaster at Wyalusing, Bradford County, Pa., in place of John W. Chamberlain. Incumbent's commission expired March 4, 1908.

Thomas Finch Hampton to be postmaster at Honey Brook, Chester County, Pa. Office became Presidential January 1, 1908.

TEXAS.

William H. Bradley to be postmaster at Groveton, Trinity County, Tex., in place of William H. Bradley. Incumbent's commission expired January 27, 1908.

W. A. Gardner to be postmaster at Falfurrias, Starr County, Tex. Office became Presidential January 1, 1908. (Postmaster removed.)

Lucius C. Guin to be postmaster at Mount Calm, Hill County, Tex. Office became Presidential January 1, 1908.

Andrew J. Harrison to be postmaster at Goldthwaite, Mills County, Tex., in place of Andrew J. Harrison. Incumbent's commission expired January 27, 1908.

Charles B. Moore to be postmaster at Lovelady, Houston County, Tex. Office became Presidential January 1, 1908.

Rudolph L. Reuser to be postmaster at Runge, Karnes County, Tex., in place of Rudolph L. Reuser. Incumbent's commission expired February 12, 1908.

VERMONT.

Henry S. Webster to be postmaster at Barton Landing, Orleans County, Vt., in place of Henry S. Webster. Incumbent's commission expired January 14, 1908.

WITHDRAWAL.

Executive nomination withdrawn from the Senate March, 6, 1908.

C. C. Johnson to be postmaster at Melville, in the State of Louisiana.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, March 6, 1908.

CONSUL-GENERAL.

Alfred L. M. Gottschalk, of New York, now consul-general of class 3 at Mexico, to be consul-general at large of the United States.

DISTRICT JUDGE FOR ALASKA.

Silas H. Reid, of Oklahoma, to be judge of the district court for the district of Alaska, assigned to division No. 3.

UNITED STATES ATTORNEY.

John T. Robinson, of Connecticut, to be United States attorney for the district of Connecticut.

APPOINTMENT IN THE NAVY.

Asaph Hall, a citizen of Michigan, to be a professor of mathematics in the Navy from the 26th day of February, 1908.

PROMOTIONS IN THE NAVY.

Lieutenant (Junior Grade) Frank Rorschach to be a lieutenant in the Navy from the 30th day of July, 1907.

Passed Assistant Engineer Henry E. Rhoades, who was confirmed by the Senate on January 23, 1907, for advancement from the grade of assistant engineer, with the rank of lieutenant (junior grade), to the grade of passed assistant engineer (junior grade), in accordance with the provisions of an act of Congress approved June 29, 1906, to be a passed assistant engineer, with the rank of lieutenant, on the retired list, from the date of his advancement, in accordance with an opinion of the Attorney-General dated January 13, 1908.

POSTMASTERS.

IDAHO.

Francis Ball to be postmaster at Pocatello, Bannock County, Idaho.

NEW JERSEY.

Philip H. Focer to be postmaster at Pitman (late Pitman Grove), Gloucester County, N. J.

George B. Jacobus to be postmaster at Caldwell, Essex County, N. J.

Charles S. Simonson to be postmaster at Verona, Essex County, N. J.

NEW YORK.

William W. Worden to be postmaster at Saratoga Springs, Saratoga County, N. Y.

MISSISSIPPI.

Malcolm S. Graham to be postmaster at Forest, Scott County, Miss.

ARBITRATION CONVENTION WITH SWITZERLAND.

The injunction of secrecy was removed March 6, 1908, from an arbitration convention between the United States and Switzerland, signed at Washington on February 29, 1908.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 6, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

INVESTIGATION AS TO SUBMARINES.

Mr. DALZELL. I submit the following privileged report from the Committee on Rules.

The Clerk read as follows:

House resolution 288.

Whereas Mr. GEORGE L. LILLEY, a Representative from the State of Connecticut, on his responsibility as a Member of this House, before the Committee on Rules, has among other things, stated in substance that the Electric Boat Company, of New Jersey, and their predecessors, the Holland Boat Company, have been engaged in efforts to exert corrupting influence on certain Members of Congress in their legislative capacities, and have, in fact, exerted such corrupting influence: Therefore be it

Resolved, That a committee of five Members be appointed to investigate the charges made by said GEORGE L. LILLEY of corrupt practices on the part of said company and of Members of Congress with respect to legislation; and that said committee shall have authority to send for persons and papers, and to take testimony in Washington D. C., or elsewhere, either before the full committee or any subcommittee thereof. Said committee shall report as speedily as possible with such recommendation, if any, as to this committee shall seem meet.

Mr. DALZELL. Now, Mr. Speaker, I ask for the previous question.

The previous question was ordered.

Mr. DALZELL. All that I care to say upon the subject is embodied in a report, which is in print, which I send to the Clerk's desk and ask to have read, after which I want to say a word or two.

The Clerk read as follows:

To accompany House resolution 288.

On the 20th day of February last Mr. GEORGE L. LILLEY, a Representative from the State of Connecticut, introduced into the House a resolution calling for the appointment of a special committee of five Members of the House, to be appointed by the Speaker, "to investigate the conduct of the Electric Boat Company of New Jersey and their predecessors, the Holland Boat Company, respecting the methods employed by said companies in connection with passed or proposed legislation before Congress."

There was nothing on the face of the resolution that charged corrupt or even improper methods on the part of the company or companies in connection with legislation or proposed legislation. On the day succeeding the introduction of the resolution, however, an article appeared in the Washington Post which did charge the companies named in the resolution with corrupt practices, and which quoted an interview on the subject with Mr. LILLEY, the author of the resolution. Thereafter numerous alleged interviews with Mr. LILLEY appeared in certain newspapers of the country coupling the names of Members of the House with the Electric Boat Company and legislation in its interest.

Following upon these publications, Mr. LILLEY at his own instance appeared before the Committee on Rules; admitted the authenticity of the interview in the Washington Post, but repudiated all others, and made a statement which is submitted herewith as part of this report.

In that statement charges are made of corrupt practices on the part of the Electric Boat Company influencing Members and legislation, and of such character, taken as a whole, as to lead your committee to conclude that it is due to the maintenance of the dignity and integrity of the House and its Members that an investigation into the charges made by Mr. LILLEY should be had. They therefore recommend the adoption of the accompanying resolution.

Mr. DALZELL. Now, Mr. Speaker, I just want to say that attached to this report, which is in print, is a full account of the proceedings had before the Committee on Rules, including Mr. LILLEY'S statement, and also the Washington Post article, the genuineness of which he admitted. In printing this document a mistake was made at the Printing Office in marking it "Confidential." It was asked to be considered confidential until delivered to the House, and by mistake they marked it "Confidential." These reports can be had at the document room. I now ask for a vote.

The question was taken, and the resolution was agreed to.

The SPEAKER. The Chair announces the following committee.

The Clerk read as follows:

Mr. BOUTELL, Mr. STEVENS of Minnesota, Mr. OLMSTED, Mr. HOWARD, and Mr. BROUSSARD.

ORDER OF BUSINESS.

The SPEAKER. Is there a gentleman representing the Committee on Claims present? The Chair recognizes the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, I have a bill reported from the Committee on Insular Affairs on the Private Calendar.

The SPEAKER. The gentleman can move, if he desires, that the House go into Committee of the Whole for the consideration of bills on the Calendar.

Mr. COOPER of Wisconsin. I move that the House resolve itself into Committee of the Whole on that bill.

The SPEAKER. The gentleman from Wisconsin moves that the House resolve itself into Committee of the Whole to consider business on the Private Calendar in order to-day under the rule.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. WEEKS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House to consider bills on the Private Calendar under the rule.

CATHOLIC CHURCH CLAIMS IN THE PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to take up for consideration at this time the bill (H. R. 16143) to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands.

The motion was agreed to.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of ——— dollars and ——— cents, the same to be paid to the archbishop of Manila, in the Philippine Islands, as the representative (and trustee) of the Roman Catholic Church in said islands; and that the acceptance of said sum, paid under the provisions of this act, shall be in full satisfaction of all claims for use and occupation of the property of said church in said islands and for damages done thereto by the military forces of the United States prior to the date, to wit, August 31, 1905, of the official report of the "Board on Church Claims," which said board, composed of John A. Hull, lieutenant-colonel, judge-advocate; Alexander O. Brodie, lieutenant-colonel, military secretary, and J. W. Moore, first lieutenant, Second Cavalry, was duly convened August 1, 1905, at headquarters Philippines Division in the city of Manila, in said islands, to consider and report upon said claims.

The following committee amendments were read:

In the blank space at the end of line 4, page 1 of the bill, insert the words "four hundred and three thousand and thirty."

In the blank space in line 5, page 1 of the bill, insert the word "nineteen."

In lines 12 and 13, page 1 of the bill, strike out the words "August 31, 1905," and insert in lieu thereof the words "January 15, 1906."

Mr. COOPER of Wisconsin. Mr. Chairman, this bill is what is known as the "Catholic Church claims bill." It provides for the payment of certain claims presented by the Catholic Church in the Philippine Islands for use and occupation of church property, and for the destruction of church property in the Philippine Archipelago. Shortly after the victory of Admiral Dewey at Manila the troops of the American Army landed in the Philippines.

Mr. CLARK of Missouri. Mr. Chairman, can we not have order? We can hear scarcely a word over here that the gentleman from Wisconsin is saying.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to inquire how much time there is for this bill.

The CHAIRMAN. The gentleman from Wisconsin has an hour, and the gentleman representing the minority will have an hour.

Mr. COOPER of Wisconsin. In view of the fact that there is a minority report, Mr. Chairman, I move that the time to be consumed on this side may be controlled by myself, and the time on the other side to be controlled by the gentleman from Virginia [Mr. JONES]. Inasmuch as I see that Mr. JONES is not in his seat, I will ask that the time on that side be controlled by the gentleman from Tennessee [Mr. GARRETT].

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time for debate be divided equally, one-half to be controlled by him and the other half by the gentleman from Tennessee [Mr. GARRETT].

Mr. PAYNE. What time is to be divided?

The CHAIRMAN. The time for general debate.

Mr. PAYNE. The committee can not fix the time for general debate.

The CHAIRMAN. If there is no objection, it may be divided by unanimous consent.

Mr. COOPER of Wisconsin. Mr. Chairman, I will move that the committee rise.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from Wisconsin that he will have no difficulty about the time. He has the control of one hour and he can yield such part of that as he desires.

Mr. COOPER of Wisconsin. I was apprehensive that the time might not be so easy to arrange.

Mr. TAWNEY. In the absence of any agreement in the House the Chair has control of the time for general debate and recognition.

Mr. CLARK of Missouri. Mr. Chairman, the parliamentary situation about it is that anybody who gets the eye of the Speaker has an hour. Now, if you want to make an agreement contrary to that, it is well and good. The gentleman from Wisconsin has an hour, and then anybody who gets recognition has an hour.

Mr. COCKRAN. And the members of the committee have the preference.

Mr. CLARK of Missouri. And members of the committee have preference.

Mr. JONES of Virginia. Mr. Chairman, I have just this moment come into the Chamber, and I would like to have my friend, the chairman of the committee [Mr. COOPER of Wisconsin] state what the situation is.

Mr. COOPER of Wisconsin. The House is in Committee of the Whole House on the state of the Union for the consideration of House bill 16143, to provide for the payment of Catholic Church claims in the Philippine Islands.

Mr. JONES of Virginia. And any arrangement made for debate?

Mr. COOPER of Wisconsin. I have made a motion that the committee rise in order that the House may fix a time for general debate and the time to take a vote.

The CHAIRMAN. The gentleman from Wisconsin moves that the committee do now rise.

The question was taken, and the motion was agreed to. Accordingly the committee rose, and the Speaker having resumed the chair, Mr. WEEKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16143) to provide for payment of the claims of the Roman Catholic Church of the Philippine Islands and had come to no resolution thereon.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that the House go into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16143, and at the hour of 4.30 the committee rise and report the bill to the House and that a vote be taken. And pending that, I ask unanimous consent that the time be equally divided.

The SPEAKER. The gentleman from Wisconsin moves that the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16143. And pending that motion, the gentleman moves to close general debate at what time?

Mr. COOPER of Wisconsin. At 4.30, the time to be equally divided between the gentleman from Virginia, who represents the minority, and myself.

Mr. MANN. General debate on what?

Mr. COOPER of Wisconsin. On bill H. R. 16143.

Mr. MANN. The gentleman can not make any such motion.

The SPEAKER. The Chairman of the Committee of the Whole has reported that that committee have had this bill under consideration and have come to no resolution thereon. Now it is in order for the gentleman to move to close general debate upon this bill at a given time.

Mr. MANN. That is what I asked as a parliamentary inquiry, what they were going to close debate upon. The motion the gentleman made was to close general debate, when we are going into Committee on the Calendar.

The SPEAKER. The Chair understands that the gentleman from Wisconsin moves to close general debate upon this bill at 4.30 o'clock. The Chair will call the attention of the gentleman from Wisconsin to the fact that his motion to close general debate is in order, but this bill will then be read under the five-minute rule for amendment. Will the gentleman state his motion again?

Mr. PAYNE. Mr. Speaker, I hope the gentleman will accept a suggestion to close general debate at 4 o'clock. I presume he wants to conclude his bill to-day, and if he closes general debate at 4 o'clock there will be a chance for debate under the five-minute rule.

Mr. COOPER of Wisconsin. In view of the fact that there is only one paragraph in the bill, and that the amendments are very simple indeed, I did not suppose there would be much necessity to discuss it under the five-minute rule; but in view of what gentlemen say around me, I will move that general debate close at 4 o'clock.

The SPEAKER. The gentleman from Wisconsin moves that all general debate close upon this bill at 4 o'clock.

The motion was agreed to.

Mr. CRUMPACKER. Mr. Speaker, would it be in order now for the gentleman to ask unanimous consent that the time in general debate be equally divided between the two sides, one half to be controlled by himself, and the other half to be controlled by the gentleman from Virginia [Mr. JONES].

The SPEAKER. Undoubtedly.

Mr. CRUMPACKER. Then I ask unanimous consent——

Mr. COOPER of Wisconsin. That was my original request. I ask that the time be equally divided, one half to be controlled by the gentleman from Virginia [Mr. JONES] and the other half by myself.

The SPEAKER. The gentleman asks unanimous consent that the time be equally divided between the majority and the minority, one half of it to be controlled by himself and the other half by the gentleman from Virginia [Mr. JONES]. Is there objection?

There was no objection.

The SPEAKER. The question is now on the motion that the House resolve itself into the Committee of the Whole House.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House, with Mr. WEEKS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House to consider bills on the Private Calendar. The gentleman from Wisconsin [Mr. COOPER] is recognized to discuss the bill H. R. 16143. General debate is limited until 4 o'clock this afternoon.

Mr. COOPER of Wisconsin. Mr. Chairman, this bill, reported by the Committee on Insular Affairs, provides for the payment of the claims of the Catholic Church in the Philippines for the use and occupancy of property of that church in the islands, and also for damages done to the same by United States troops during the insurrection.

It is an important measure, not only in the amount of money appropriated, but also because of some of the questions involved.

In the year 1898 our troops landed in the Philippine Islands, and from that time on took possession of churches, parish houses, schoolhouses, and other buildings belonging to the Catholic Church and used them for prisons, hospitals, or barracks. Some of these buildings were fine structures, costing many thousands of dollars. The cathedral at Manila and other similar buildings were notable in architecture and interior adornment.

After hostilities ceased the occupation of these buildings had to be continued until suitable quarters could be erected for the troops which remained in the archipelago, the entire time of the occupancy varying in individual cases from a few weeks to two years or more. This occupation was exclusive, entirely preventing the church authorities from taking measures to protect the property. Some of the buildings thus seized and occupied were seriously damaged, others partially or wholly destroyed.

Claims for damages and for use and occupancy were presented by the Catholic Church authorities to the Government of the United States. Thereupon the Government, through the War Department, issued an order convening a board called "The board on church claims" for the sole purpose of making an investigation and report.

This board consisted of Lieut. Col. J. A. Hull, judge-advocate; Lieut. Col. Alexander O. Brodie, military secretary, and First Lieut. J. W. Moore, Second Cavalry, all of the United States Army. They met August 1, 1905, at the headquarters of the Philippines Division, in the city of Manila, and entered upon what proved to be a very exhaustive investigation, continuing upwards of six months. Lieutenant-Colonel Hull, who, by the way, is a son of our colleague on this floor, the distinguished gentleman from Iowa, was one of the witnesses before the Committee on Insular Affairs during the hearings on the pending bill.

I know that I voice the unanimous opinion of the Committee on Insular Affairs when I say that in its judgment the work of the board on church claims was most conscientious, painstaking, and thorough, and that it was conducted with conspicuous ability. [Applause.] The award of the board carefully excluded all compensation, first, for damages incident to military operations; second, for damage done by the insurgents; third, wanton damages by soldiers of the American army; fourth, for use and occupancy by servants of the civil government.

Of the total number of cases presented by the Catholic Church, aggregating between four and five hundred in number, the board entirely excluded from consideration fifty-nine, holding in these that no rent was due, and that the damage, if any, was done by the enemy, or that it was an incident of actual warfare. The total amount of claims presented by the Catholic Church in the Philippines was $2,442,963.13, and the total amount awarded by the board was $363,030.19.

Mr. LAWRENCE. Now that order has been restored, I wish the gentleman would state again the amount of claims and the amount allowed by the board. I was unable to catch the figures.

Mr. COOPER of Wisconsin. The total amount claimed by the church was $2,442,963.13; the total amount awarded by the board was $363,030.19.

Mr. LAWRENCE. And the bill which you are advocating followed the report of the board and reported that amount?

Mr. COOPER of Wisconsin. I intended to reach that point a little later, but I will digress now and answer the inquiry of the gentleman from Massachusetts. In addition to this award of $363,030.19, which was for damages and for use and occupancy only, the board found that there had been a loss also of articles of cult and ornamentation, for which the church claimed $298,222.50.

This board, however, reported that in so far as the American army was concerned the testimony concerning the loss of such articles did not warrant them in suggesting a larger amount by way of compensation than $40,000. A majority of the Committee on Insular Affairs saw fit, in the exercise of its judgment and in view of the very conservative award for damages and for use and occupancy, to add the $40,000 to the $363,030.19. In this connection I call the attention of the gentleman from Massachusetts and other gentlemen to the testimony of the witnesses before the Committee on Insular Affairs as to the award of the board. From page 73 of the hearings I read the testimony of Mr. Secretary Taft, a witness thoroughly familiar with the facts relating to these claims:

I think that $363,000 is much too low for rent and damages in occupation by our troops. It is much too low, because of the difficulty of bringing in evidence so long after the event. I think the board went through the matter with great care. But there are a great many claims filed in excess of the $363,000 that, nearer to the event, might have been proven. The burden of course was on the claimants; but with the immense loss that the church suffered from war, and other causes, I am quite sure that the increase of $363,000 to a half a million or more would be no injustice.

Maj. John Biddle Porter, judge-advocate United States Army, who served in the islands in command of troops which occupied some of this property, said in his testimony before the Committee on Insular Affairs:

Major PORTER. I think the award is extremely conservative, Mr. Chairman; that is my opinion of it. I have no interest in it one way or another, but the impression made on my mind from what I have seen in the Philippines during the two years and a half that I was in the islands is that the estimates were very moderate, particularly considering the difficulty of replacing the property destroyed.

Colonel Hull, on page 103, said, concerning the award of the board:

Mr. WASHBURN. There is one question that I would like to ask Colonel Hull. If this $363,000 award was a fair one at the time it was made by the Commission, should anything be added to that because of deterioration of property between that time and the time that this matter is acted upon?

Mr. MCKINLAY. Material is higher and labor is higher. There has been an advance in prices ever since that award was made.

Colonel HULL. That award was based not on the value at the time it was made (1905–6), but it was based on the value at the time of the occurrence (1898–1902). I probably have a more intimate knowledge of these claims than any other one man. I have gone over them all, and I know them intimately. I am confident that $500,000 would not be an excessive award at this time.

He went on a little later to speak of the enormous loss that the Catholic Church has suffered because of our occupation of the Philippines.

I now call your attention to the testimony of a very distinguished witness, Bishop Rooker, an American bishop sent to the archipelago to supersede a Spanish ecclesiastic. Bishop Rooker, whom many on the floor knew well while he was a resident of Washington, testified:

This subsequent deterioration has not been included in the claims which have been presented. The repairs to-day would be much more than at time of damage. For example: If the claim made for damages in the parish of Maasin (case 369), amounting to ₱2,000, had been paid at the time they were made the amount would have restored the property to its original condition; to-day that restoration would cost not less than ₱10,000.

Mr. LAWRENCE. Mr. Chairman, it would be interesting to know if the Committee on Insular Affairs considered the matter from that standpoint. Did the committee follow absolutely the report of the board?

Mr. COOPER of Wisconsin. Followed absolutely the report of the board. I am speaking of this only for the purpose of showing the uniform care and conservatism of the board when making this award.

Mr. LAWRENCE. Did not the chairman of the committee feel, or did not the committee feel, that those suggestions might have been considered with reference to raising the award that seemed very reasonable, as the gentleman states?

Mr. COOPER of Wisconsin. I wish to say this frankly in reply to that suggestion—and it is very pertinent, the suggestion of the gentleman from Massachusetts [Mr. LAWRENCE]—that I did not favor what I was instructed to report—the allowance of $40,000 for loss of articles of ornamentation, on the theory that they had been taken away by our soldiers. But I am perfectly willing, and I think it only my duty under my oath as a Representative in Congress to vote that additional $40,000 by way of legitimate compensation to the church for use and occupation and for damage to these properties. I therefore shall vote the amount appropriated in the bill, but with the distinct understanding that I vote it upon the theory that I have just announced.

Mr. HINSHAW. What proportion of this sum that is sought to be appropriated here would probably be a reasonable compensation for the rent of the buildings occupied by the men of the United States forces?

Mr. COOPER of Wisconsin. The board awarded three hundred and sixty-three thousand and a fraction dollars.

Mr. HINSHAW. For the rent?

Mr. COOPER of Wisconsin. For the rent, occupancy, and damage.

Mr. HINSHAW. So that sum would not really compensate for the destruction of the property?

Mr. COOPER of Wisconsin. That only includes rent and damages.

Mr. COCKRAN. I would like the question propounded by the gentleman from Nebraska repeated.

Mr. HINSHAW. The question I sought to make plain was the amount of the proposed award here which is justly attributable to the rental value of the land, and how much for the church structure.

Mr. COOPER of Wisconsin. If my memory serves me right, the amount allowed for rent alone is $306,000 and the damages about fifty-seven or fifty-eight thousand dollars, approximately, the aggregate being $363,000 and a fraction for the two items.

Mr. CRAWFORD. Upon what theory is it that the church claims $2,000,000 and the award was only $306,000?

Mr. COOPER of Wisconsin. The claims as originally presented comprised many items which the board entirely refused to consider. Claims were presented for use and occupation and for damages not only by our own forces, but also by the forces of the insurgents. The board excluded all compensation for damages by the insurgents; they also excluded all compensation for damages incidental to military operation. These were included in the claims. They excluded also claims for wanton damages by soldiers of the Army.

These were included in the claims. And they excluded compensation for use and occupancy and damages by servants of the civil government, all of which were included in the claims. Striking out these items greatly reduced the amount of the award.

Mr. CRAWFORD. Why was it necessary to put the soldiers in the churches?

Mr. COOPER of Wisconsin. It was necessary to put the soldiers in the churches because in almost every barrios the only buildings suitable, strong, and safe for soldiers to occupy were the church edifices. Many of them were massive stone structures, built like fortresses.

Mr. CRAWFORD. It was not necessary to use the churches for protection against the enemy?

Mr. COOPER of Wisconsin. Sometimes; yes, sir. They used them also as barracks, as hospitals, and prisons. In one of them they had for a time 4,000 Spanish prisoners.

As to these buildings, Secretary Taft says:

Now, in the Philippines, in a good many of the villages, the only buildings of strong material—to use the expression they use there—are the churches and conventos, the convento being what we call the rectory, the priest's house. This is ordinarily a building nearly as large as the church, with a good many rooms in it—a place in which entertainments are given, and in which the people have a sense of ownership, and which in the olden times was used, really, as the only hotel in which to entertain people. It was the only building, therefore, adapted for the occupation of the troops, unless they used the church. And so it was that these rectories in the islands, and especially in those villages where the priests had been driven away, were used by the American troops.

We had to use these buildings that we might have suitable hospitals and barracks for our soldiers and safe places to keep our prisoners. I will ask that I be allowed to proceed without interruption, in view of the fact that a number of the members of the Committee on Insular Affairs desire to be heard.

Mr. WANGER. Will the gentleman permit me to ask him one question?

Mr. COOPER of Wisconsin. I yield to the gentleman.

Mr. WANGER. Is what you term "rent" a designation of rent or is it compensation for use and occupation?

Mr. COOPER of Wisconsin. It is for use and occupation.

Mr. Chairman, just a word as to the work which has been done in the archipelago by the bishops and the clergy by way of assisting the Federal Government in bringing about and maintaining order in the islands. I have here an extract from the annual report of the governor of the province of Samar. I call particular attention of gentlemen of the committee to the language of the governor, Hon. George Curry, in his report for the fiscal year ending June 30, 1906. The province of Samar has been one of the most warlike of any in the archipelago. It was in this province some years ago that occurred the horrible massacre of United States soldiers. Here is what the governor says:

In the municipal elections in December last for consejales for all of the thirty-two towns there were only two contests, and in the seven newly created municipalities, where all of the municipal officials were elected, there was but one contest, as the law had not been complied with in registering the voters. There were no disturbances of any kind and the elections were held in a very orderly manner.

There have been no religious disturbances of any kind in this province. All of the people being members of the Roman Catholic Church, they have been visited by the Right Rev. Thomas A. Hendrick, bishop of Cebu, who exercises great influence over the people of the island of Samar, and whose influence has always been exercised in the interests of good government; in fact, I believe that the influence of Bishop Hendrick has done much to bring about the good results that have been obtained in this province, and that, with two or three missionaries in the interior working under the direction of Bishop Hendrick, the results obtained will be permanent.

Here is a copy of a letter sent to Maj. Gen. Leonard Wood, in command of our division in the Philippines, by Gen. James F. Smith, the governor-general of the islands, dated March 5, 1907:

MARCH 5, 1907.

MY DEAR GENERAL: I have just received several telegrams from Governor De Veyra stating that the native clergy are lending great assistance in securing surrender of Pulahans. This is largely due to the influence of Bishop Hendrick. He informs me, however, that many officers, both Regular Army and constabulary, are disposed to look upon the native clergy with suspicion. Would it be too much trouble to have the commanding officer of Leyte call the attention of the officers and men to the fact that these clergy are rendering valuable assistance and that their efforts should be encouraged?

Sincerely,

JAMES F. SMITH,
Governor-General.

Maj. Gen. LEONARD WOOD, U. S. A.,
Commanding Philippines Division, Manila, P. I.

Colonel Hull, in his testimony before our committee, said of Bishop Rooker of the diocese of Iloilo:

Colonel HULL. He died since I left the islands.

The CHAIRMAN. He was formerly stationed in Washington, was he not?

Colonel HULL. He was probably known to a great many of the members of the committee. He was the Doctor Rooker who was secretary of the papal delegation here. He was one of the best-known Washing-

tonians, a man who was invited everywhere on account of his wit and mental activity, and I think that it would not be out of place to call the attention of the committee, although you may not desire to have it go in the record——

The CHAIRMAN. I want you to state, so that it may go into the record, his mode of life there, his influence in the church, and how he died.

Colonel HULL. I did not have the pleasure of knowing Doctor Rooker at the time that he was in this country. I did meet him in the Philippines as the Bishop of Jaro. I have had a great many personal talks with him, and I know that the man was bending every energy that he could to fix up the buildings and the cause of education in his diocese. I know that the man lived in conditions entirely different from that usually supposed bishops enjoy, on account of expense, and he felt that he could better use the money for buildings and education than he could for living; and I know that the man went hungry, and I have no doubt that his death was probably hastened from the fact that he starved himself for the benefit of his diocese. I know that at times he did not have enough to eat.

* * * * * * *

I was there one time, and he told me that he was sorry that he could not have me to lunch that day because he had nothing but native food, and he would not care to offer that to an American; he did not think it was fit to serve to a friend. He lived on fish, rice, and other things that are not palatable to one who has not been thoroughly educated to them.

Bishop Hendrick's testimony was as follows:

The priests and the bishops have no salaries. Where churches have been destroyed the people are worshiping in huts made of bamboo and grass, hoping for some help from elsewhere. The people are exceedingly poor everywhere.

When I heard Colonel Hull give that testimony of the life led by Bishop Rooker there came to my mind the saying of George Eliot, that—

The growing good of the world is partly dependent upon unhistoric acts; and that things are not so ill with you and me as they might have been is partly owing to those who lived faithfully a hidden life and rest in unvisited tombs.

Mr. Chairman, I desire now to call attention to some of the statements in the report of the minority.

Mr. PAYNE. Before the gentleman goes to that, I understand that the real basis of this claim is a legal one; that the Catholic Church is the owner of the property, that the Government of the United States in suppressing the rebellion took possession of that property, and that it became injured while in possession of the Government, and that the claim itself is for the rents and the injuries to the property, a claim well recognized in the books as a part of the burden of the Government. Is not that true?

Mr. COOPER of Wisconsin. Yes; but there are many things said in the report of the minority to which I wish to refer briefly.

Mr. PAYNE. Well, I know; but the decision of the courts was based on the ground that the church owned the property, and also on the ground that the United States, being a tenant of the church, could not dispute the title; but the courts traced the legal title to the Catholic Church, to whom you propose to pay this money. Is not that correct?

Mr. COOPER of Wisconsin. The equitable title only, it is claimed by the minority of the committee.

Mr. PAYNE. But the courts trace the legal title. I have read the prevailing opinion, and I have not any question but what it was the legal title that vested in the Catholic Church, they having the right to claim the property and the use of it, certainly, without any question.

Mr. OLMSTED. And that in any event we occupied as their tenants and could not dispute their title.

Mr. PAYNE. That was another branch of the decision. They put it on both grounds.

Mr. COOPER of Wisconsin. Mr. Chairman, the minority report makes a forceful reference to the friars and their claims. But the friar claims were expressly and entirely excluded from consideration by the Committee on Insular Affairs, and they have nothing to do with the pending bill.

The work of the board which we considered had no reference whatever to the friars' claims, and therefore any reference or discussion of them at this time is not germane.

The minority of the committee assert also that there are many hundreds of other church claims, Catholic and Protestant, now pending before Congress which have been waiting for a long time. In reply to this statement of the minority I need only to suggest that the fact that there are a number of other claims demanding attention by Congress does not in any way affect the validity or merit of the claims now before us. The only thing here before us is whether the claims appropriated for by this bill ought or ought not to be paid. There may be a hundred other worthy claims that have not been considered, but that ought not to deter us from paying these just claims of the Catholic Church in the Philippine Islands.

Now, in view of what the gentleman from New York [Mr. PAYNE] said to me, I wish to say that there is another phase of this question—a very important one; more important than that the gentleman has mentioned. The minority of the committee—and there are four members of the minority—united in declaring that there is an Independent Catholic Church in the Philippines which claims consideration in connection with these claims. Let us understand about the origin and character of the Independent Catholic Church in the Philippine Islands.

On page 20 Colonel Hull says that the Independent Church in the Philippine Islands was not organized—was never heard of—until after the time covered by the award of the board on church claims. This award covers damages for use and occupancy from 1898 to 1902. That Philippine church, the Independent Church, was not organized until after these claims had accrued.

Instructive testimony concerning this church was given by Colonel Hull. I will read the questions and answers, so that gentlemen may get thoroughly in mind the essential facts concerning the Independent Church in the islands:

The CHAIRMAN. Let us have a distinct understanding as to what was meant by the Independent Catholic Church in the Philippines. When was that church first heard of there?

Colonel HULL. Along about the latter part of the summer, or in the early fall of the year 1902.

The CHAIRMAN. That was after our occupancy of the Islands?

Colonel HULL. Yes, sir.

The CHAIRMAN. Who was Aglipay?

Colonel HULL. He was a sort of vicar-general, at one time, of the diocese of Vigan, under the Roman Catholic Church.

The CHAIRMAN. That was prior to the war, and before our occupancy?

Colonel HULL. It was after our occupancy—say, August, 1898, to March, 1899. The insurgents seized the Bishop of Vigan and carried him to the mountains, and he subsequently died of hardships that were placed upon him by the insurgents.

The CHAIRMAN. The Bishop of Vigan of the Catholic Church?

Colonel HULL. Yes, sir.

The CHAIRMAN. Not of the Independent Church?

Colonel HULL. No, no; that was before the Independent Church had started. Then Aglipay joined the insurrection as a general of the insurrectionary forces, and he had the reputation among the Americans of being a very bloodthirsty individual. He surrendered, finally, to the American authorities and shortly afterwards started the so-called "Independent Catholic Church."

Concerning Archbishop Aglipay, the head of the Independent Catholic Church, Colonel Hull testified:

The CHAIRMAN. And this man, who had the reputation of being a bloodthirsty individual, was the head of the Independent Catholic Church in the Philippine Islands?

Colonel HULL. Yes, sir. I might add that it was frequently reported that he was guilty of burying American soldiers alive if they fell into his hands as captives.

The CHAIRMAN. Now, the possession of these churches by the Independent Catholic Church, at the head of which was Aglipay—this man who had the reputation of burying our soldiers alive—was what——

Mr. DRISCOLL. Has the gentleman the exact date of that surrender?

Mr. COOPER of Wisconsin. It was after we went there. On page 139 of the hearings is more information. I will read:

Mr. GARRETT. I want to ask Colonel Hull this question in view of the answer just given by him: At the time for which you made these awards, was there any Independent Church there?

Colonel HULL. No, sir.

Mr. GARRETT. There was no Independent Church for the time that you made these awards?

Colonel HULL. No, sir.

Mr. GARRETT. The organization of the Independent Church has all come since the time of our occupancy for which these awards were made?

Colonel HULL. Yes, sir; unless in one or two particular cases, where we have kept scouts; but as a very general proposition, I should say that it was afterwards.

The CHAIRMAN. During the time that these damages were inflicted there was no Independent Catholic Church in the Philippines?

Colonel HULL. No, sir.

Mr. HELM. Perhaps it is a little bit apart from the Colonel's office, but it occurs to me, and I would like to ask him if it would be possible out of abundant precautions that there would be an award made, that a case could be prepared and presented to this Manila court, or to whatever court prevails over there, and have it adjudicated thoroughly and completely as to whom this money should be paid? Could that be done? Would it be possible?

Colonel HULL. For what purpose? What claims are you afraid of?

Mr. HELM. There seems to have been some confusion or some misunderstanding as to who was the proper person in each instance to whom to pay this money. Could that not be all adjudicated or determined conclusively by the court in a certain case?

Colonel HULL. It could be determined conclusively by the War Department, without the necessity of an investigation by judicial process, by securing any necessary quittance of every legal authority of the Catholic Church.

* * * * * * *

The CHAIRMAN. I think that I can ask a question which will clear up part of the doubt in your mind, Mr. Helm. Let me ask the Colonel this: Has the Independent Catholic Church ever presented a demand for damages to any property mentioned in any of these claims?

Colonel HULL. No, sir; and there is a document on record, secured from Aglipay by an officer whose name I do not now recall, stating that no such claims were contemplated.

The CHAIRMAN. That being true, the only claimant who has asked compensation for damages on the property mentioned in your itemized report is the Roman Catholic Church of the Philippine Islands?

Colonel HULL. Yes, sir; of which there are only five owners—the bishops.

There is only one possible way by which the Independent Catholic Church could have acquired title to the church property in the islands. That would be upon the assumption or

theory that before we went to the Philippines the title to church property there was in the Spanish Government and that by virtue of the treaty of Paris such title passed to the United States Government and through the United States Government to the Independent Catholic Church. But the United States has never made any claim to this property; it has never transferred or attempted to transfer any property claimed by the Roman Catholic Church.

So, then, the sole question is this: Prior to the treaty of Paris, was the title to the church property in the Spanish Government? And if so, is it now in the United States Government? This assumption that the title to church property in the Philippines passed from Spain to the United States by the treaty of Paris, has been given attention in the supreme court of the islands in an opinion by Justice Willard, in the case of Barlin, bishop, etc., plaintiff, *v.* Ramirez, ex-rector, etc., and the municipality of Laganoy, defendants. This case was brought in 1904 under the act of 1901, which gave the courts of first instance the right to try questions of title to, and right of possession of, real estate in the Philippines. The complaint alleged the title in the Roman Catholic Church. The defendant in his answer denied such ownership and alleged title in the province of Laganoy, That province being given permission to intervene, filed its pleading in intervention, alleging that it owned the property in question. The plaintiff thereupon replied to this complaint, or answer in intervention, and denied ownership in the province of Laganoy. The court of first instance decided that the plaintiff was entitled to possession of the property in question, and an appeal was taken to the supreme court.

The supreme court of the Philippine Islands, with the allegation of ownership in the province made and denied and of ownership in the church made and denied, used the following language in its decision dated November 24, 1906, more than a year after the date of the act of 1905 conferring original jurisdiction on the supreme court to hear and determine cases, including questions of title to church property:

> We have said that it (that is, the municipality of Laganoy) could have no such title or ownership even admitting that the Spanish Government was the owner of the property and that it passed by the treaty of Paris to the American Government. But this assumption is not true. As a matter of law, the Spanish Government at the time the treaty of peace was signed was not the owner of this property or of any other property like it situated in the Philippine Islands.

The supreme court declares that Spain was not the owner of this property "nor of any other like it situated in the Philippine Islands," and the court based this declaration not upon the facts of that particular case, but upon its construction of the Spanish written law governing the status of all property in the Philippine Islands. They decided it not as a question of fact—that is, that particular fact—but as a question of law in construing the Spanish statutes. The treaty of Paris confirmed all property rights, either of title or possession, which were guaranteed under the Spanish law. No one will deny that all property in the Philippine Islands before we went there which was devoted to religious purposes was in the exclusive control, possession, and occupancy of the Roman Catholic Church. Even if we were to disregard this decision of the supreme court of the islands, no one can truthfully say that the relation of the Spanish Government to any of the property concerned by these claims was anything else than that of a mere trustee.

Therefore the United States could have no title except that of a mere trustee. The United States Government can not and ought not to hold title to property as the trustee of any religious organization, Catholic or Protestant. We hold that, throwing aside this decision of the supreme court of the Philippine Islands, the equitable title has always been and now is unquestionably in the Roman Catholic Church, and that this money should be paid to that organization.

Mr. HUMPHREYS of Mississippi. I would like to ask the gentleman is there any suit now pending in this court that has been given jurisdiction over this matter between these two churches in the Philippine Islands, upon a decision in which case it is expected that this matter may be determined differently from what it has already been decided?

Mr. COOPER of Wisconsin. We have the testimony of Colonel Hull here that the archbishop of that church, the head of it, Aglipay, filed a paper with the American authorities in the islands in which he expressly disavowed any intention of making any claim for damages to this property. The independent church has never filed any claim and does not intend to file any.

Mr. HUMPHREYS of Mississippi. I understand the claim of the Roman Catholic Church is predicated on a decision of the supreme court over there, which it is claimed was made prior to the time when original jurisdiction was given to the court to determine this matter.

Mr. COOPER of Wisconsin. No; that is a mistake. Now, here is an important fact for the gentlemen of the committee to bear in mind. This decision of the supreme court of the Philippine Islands in which they held in express language that the title to all the church property in the Philippine Islands was in the Roman Catholic Church, was made in November, 1906. It was on appeal.

But the statute which conferred upon the supreme court original jurisdiction to hear, try, and determine such cases was passed in July, 1905, a year and several months before it rendered this decision on the question of title on appeal, so that this court must have had in mind that statute of 1905. Even the dissenting opinion does not seem to doubt the right of the court to render that decision, notwithstanding the statute of 1905.

Mr. Chairman, I have now occupied more time than I intended to. There is another case which has been decided since, and attention to it will be called by the gentleman who will follow me.

Mr. DOUGLAS. May I ask the gentleman a question for information before he takes his seat? It is this: What has the committee done or what can be done to see to it that this money shall go to the repairs of the buildings that were injured by the Government? I do not think the House would care so much as to exactly who the beneficiary is or who the trustee is, provided that, for the benefit of the village or the city or the hamlet where these buildings are, they are repaired. I think the letter of Governor Taft of January 20, 1903, really leaves it a question of possession rather than a question of title. So how can this committee know that this money if paid to a certain Roman Catholic bishop will actually be appropriated to the repair of that damage done by the troops of the Government?

Mr. COOPER of Wisconsin. I will answer that question by quoting from the testimony of men best qualified to answer. Colonel Hull, on page 15 of the hearings of the committee, said:

> Colonel HULL. I have no hesitancy in answering that question emphatically. I have no doubt but that any amount of money that may be received will be spent in the reconstruction of church property in the individual towns.

He also says:

> Colonel HULL. I can answer that question, I think, very fully. I have talked with, I think, almost every priest in the island and with every bishop, and I know the purpose and intention of the Papal delegate in case of payment. Any amount of money that is paid there will be spent in the individual localities in the reconstruction of church property.

Gen. Clarence Edwards, who was sitting by, interrupted to say:

> There is no question about that.

General Edwards said in addition:

> When I was in the Philippines the last time with the Secretary I found that the archbishop was not any too anxious to assume this responsibility, but it should be borne in mind that there is an American archbishop with four bishoprics under him. They are harmonious in any decision they might make, or if the money be turned over to the archbishop, and he is not at all keen to have this done; in other words, just as Colonel Hull has said, he does not care about adjudicating these matters with the different churches, although it strikes me that that is the most practicable way. Any lump award would be made to the archbishop and he would reconcile the various amounts according to the dioceses under him, the four dioceses presided over by the bishops, and therefore if they are willing to turn over the lump sum they will have to be willing to adjudicate those various claims. So there is no contention among the various churches; they are perfectly harmonious, under the church control over them, as to the acceptance of this money.

Now, then, if the gentleman will permit me, I absolutely insist that I close right now by saying this additional word. The Constitution of the United States provides that Congress shall make no law for the establishment of religion. Now, have we a right to appropriate money out of the Treasury of the United States and specifically provide that it shall go to the building of Presbyterian churches or Methodist churches or Catholic churches? Have we anything else to do than to appropriate money to compensate for damages which we have inflicted? We do not ordinarily say in a judgment in a circuit court, or in any other court, to the man who succeeds in getting it, "We will give you this amount of money if you will use it in a certain way." The man upon whose property the damage is inflicted is entitled to compensation in money, and he takes the money and does with it as he pleases.

Therefore it is much better not to limit to this province or that province the expenditure of the money to be here appropriated. Railroads are being built, conditions are changing, and it may be that some of these hamlets will gradually be transferred from their present location to the vicinity of the railroads, and it may be necessary to build these churches miles away from where they are now.

Mr. COCKRAN. If the gentleman will allow me, Mr. Chairman, I would like to give an answer to that question.

The CHAIRMAN. Does the gentleman from Wisconsin reserve the balance of his time?

Mr. COOPER of Wisconsin. I do reserve the balance of my time.

Mr. COCKRAN. Mr. Chairman, I understand the gentleman yields to me just enough time to answer the question propounded here concerning the use to which this fund may be put.

The CHAIRMAN. The gentleman yields to the gentleman from New York to answer a question.

Mr. COCKRAN. I desire to answer that question propounded to the gentleman from Wisconsin [Mr. COOPER] by this statement: Wherever the organization of the Catholic Church extends there is one solemn vow which every bishop must take at the moment of his consecration, and that is to guard, as a precious deposit, all the church property that may come into his custody while he exercises the episcopal function. That oath, which is a feature of his consecration, is exacted as much against temptations to use church property himself for his own profit as against any surrender of it by him to others, no matter who may seek to invade it. There is no power anywhere on earth under the canon law—that is to say, under the very constitution of the church—that can take from a diocese a single penny coming to it from any source for ecclesiastical purposes. The Pope himself has no such authority. The bishop is prohibited under a solemn vow from attempting such a diversion himself or suffering anyone else to effect it. The moment a fund reaches his hands, at that instant, under every obligation of his office, affirmed as a distinct solemnity of his consecration, he becomes its trustee, to use it solely for ecclesiastical purposes, and transmit it intact to his successor for the benefit of those falling within that particular episcopal jurisdiction.

Mr. DOUGLAS. Does the gentleman seriously think that answers my question? This House can not deal with a few bishops, nor an individual party, nor the church itself. It must be its own judge as to who this money shall go to, and, if necessary, by commission remedy the wrongs that this Government did.

Mr. COCKRAN. Why, Mr. Chairman, the property having been in the custody of the church, if return is to be made and compensation given for the use of it, surely the amount must go to the person or body who held the legal title.

Mr. DOUGLAS. If the gentleman will pardon me, if you will read page 4 of the minority report, the language of Judge Taft, you will see that he gives a statement which is strictly true as to the decision of this great question.

Mr. COCKRAN. The gentleman is now referring——

The CHAIRMAN. The Chair reminds the gentleman from Wisconsin that this is being taken from his time.

Mr. COCKRAN. The gentleman from Virginia [Mr. JONES] who presents the report of the minority can probably state that objection, based on his own report, better than anybody else, and we might as well hear it from him now.

Mr. JONES of Virginia. Mr. Chairman, there are two or three excellent reasons which can be advanced against the payment to the Roman Catholic Church of the $403,030.19, recommended in the report which accompanies this bill. It is well known that since the year 1902 there has existed in the Catholic Church of the Philippines a most serious schism, which has resulted in dividing that church into two branches—the Roman Catholic Church and the Independent Filipino Catholic Church. The rites, ceremonies, and manner of worship in these two branches, or separate and independent Catholic churches, are the same. The only difference between them is that the Independent Filipino Church does not recognize the authority of the Pope of Rome. Since the organization of the Independent Filipino Church a bitter controversy has been waged between the two over the right to the use and occupation of the six or seven hundred church edifices which are scattered over the thirty-four civilized provinces of the islands. To this moment this question, which involves the ownership and possession of church properties worth many millions of dollars, has not been judicially determined. In my judgment, it should be so determined before Congress undertakes to pay any sum for the use and occupation of and for damages inflicted upon the four hundred and odd churches and other church buildings embraced in this report. The Philippine government has never undertaken to decide this bitterly controverted question, but, on the contrary, has expressly relegated it to the supreme court of the islands. That this court has never decided it is, in my opinion, equally clear.

In January, 1903, the Hon. W. H. Taft, then civil governor of the Philippines, realizing, as he declared, that the conflicting claims in respect to church property might result in attempts to dispossess those in charge of the various churches and consequent disturbance of the peace, issued an order the purpose and effect of which was that where the Roman Catholic Church or its representatives was in actual possession of church property that possession should not be disturbed, and where the Independent Filipino Church or its representatives was in possession that possession should be respected until the question could be finally determined by the courts. Acting under that order the members of the Independent Catholic Church of the Philippine Islands retained possession of the churches and conventos of which they then had possession, and the members of the Roman Catholic Apostolic Church, where they were in possession of churches and other church property, retained possession of the same. In other words, Secretary Taft, then civil governor of the Philippines, realizing that unless such an order was issued there would be waged throughout the Philippines a bloody controversy between the two branches of the Catholic Church as to the possession of church property, determined to see that those in actual possession of the various properties should be protected in that possession until a question of such transcendent importance as this should be determined judicially and finally.

Accordingly he issued the order which is presented in the views of the minority. And in the year 1905, on the 24th of July, the Philippine government enacted a law which conferred upon the supreme court of the Philippine Islands original jurisdiction to hear and determine every question relating to the right of possession and ownership of all church property in the islands. This property was, as I have said, located in thirty-four different provinces. In order to avoid a multiplicity of suits the act provided the means by which one suit might determine the ownership and possession of all the church property located in any one of these provinces. Bear in mind, please, that Civil Governor Taft, in order to avoid public disturbance over this property, and being unwilling to assume the grave responsibility of determining so important and far-reaching a question, took the wise, just, and humane course of referring it to the courts, and the Philippine government then proceeded to designate the supreme court of the islands as the tribunal to try the question, conferring upon it original jurisdiction for that purpose, and providing all the legal machinery requisite to its speedy and final determination.

Some of those here will doubtless be surprised to be told that notwithstanding what has been said by gentlemen who have preceded me, notwithstanding the imperative and universally recognized necessity for a legal determination of the question of ownership of this vast church property, and notwithstanding the wise action of Civil Governor Taft and the subsequent enactment of a special act conferring original jurisdiction upon the supreme court of the islands to hear and determine these church controversies, no action has ever been brought up to this time having that object in view. It is true that some sort of an action was brought in January, 1904, in an inferior court in the province of Ambos Camarines, to recover the possession of a small church and convento located in the pueblo of Lagonoy. This case, brought a year and a half prior to the enactment of the statute to which I have alluded, was carried on appeal to the supreme court. This is the case of Barlin *v.* Ramirez, relied upon by the advocates of this report to sustain their contention that the question as to the ownership and title of all the church properties in the Philippines has been decided in favor of the Roman Catholic Church, and that it is, therefore, entitled to receive whatever sum may be paid for damages thereto as well as for the use thereof.

As I have said this section was brought for the purpose of determining the right to the possession, and not the actual ownership and title to this property. My friend, the chairman of this committee, says that the complaint in this case sets forth that the plaintiff was the owner of the property, and that is true; but this bare statement in the opinion handed down by the supreme court is all that can be found in that opinion which supports the contention that anything beyond the mere right of possession was in issue. The prayer of the complaint, we are told, was that the plaintiff be restored to the possession of the property, and throughout the opinion it is made clear that bare possession, and only possession, was the question involved. Mr. Chairman, I dare affirm that there is not a lawyer in this body who, if he will take the trouble to read carefully this rather remarkable opinion, will say that any question of title was involved in this case. On this point the court said:

> As to the defendant, Ramirez, it appears that he took possession of the property as the servant or agent of the plaintiff. The only right which he had to the possession at the time he took it was the right which was given to him by the plaintiff, and he took possession under

the agreement to return that possession whenever it should be demanded of him. Under such circumstances he will not be allowed, when the return of such possession is demanded of him by the plaintiff, to say that the plaintiff is not the owner of the property and is not entitled to have it delivered back to him. The principle of law that a tenant can not deny his landlord's title, which is found in article 333, paragraph 2, of the Code of Civil Procedure, and also in the Spanish law, is applicable to a case of this kind.

And again:

The plaintiff, in 1902, had been in the lawful possession thereof for more than thirty years and during all that time its possession had never been questioned or disturbed. That possession has been taken away from it and it has the right now to recover the possession from the persons who have so deprived it of such possession, unless the latter can show that they have a better right thereto. This was the proposition which was discussed and settled in the case of the Bishop of Cebu *v.* Mangaron, No. 1748, decided June 1, 1906. That decision holds that as against one who has been in possession for the length of time the plaintiff has been in possession, and who has been deprived of his possession, and who can not produce any written evidence of title, the mere fact that the defendant is in possession does not entitle the defendant to retain that possession. In order that he may continue in possession, he must show a better right thereto.

Mr. DOUGLAS. What is the title of that case? Is that the Barlin case?

Mr. JONES of Virginia. Yes; I am reading from the Barlin case.

These are the words of Judge Willard, who delivered the opinion of the court, and to my mind they conclusively establish, without any reference to what is said on this subject in the independent opinion of Judge Carson, that the only question before the court was the question of possession. No copy of the record in this case has ever been received here, so far as I know, and we can only gather what the facts were from reading the two opinions which have been furnished us.

It is true that Judge Willard declares, in the concluding part of his opinion, that the King of Spain was not the owner of the consecrated churches in the Philippines, and that the exclusive right to their possession was in the Roman Catholic Church; but this, at most, was merely obiter dictum. No such question as that was raised in the pleadings, and, moreover, neither Spain nor the United States as her successor under the treaty of Paris was a party to this suit.

Mr. COCKRAN. As I understand the gentleman, this priest had been in the possession of this church property, and the issue there was the right of possession and not the actual possession?

Mr. JONES of Virginia. The issue was the right of possession, the right to recover the actual possession.

Mr. COCKRAN. Did not that involve the title?

Mr. JONES of Virginia. Not the ownership; there is a vast difference between the two propositions, as my friend knows.

Mr. COCKRAN. Yes; but I would like to ask the gentleman another question.

Mr. JONES of Virginia. I will yield to the gentleman from New York.

Mr. COCKRAN. What other question was litigated in order to establish the right of possession except the question of title, if any?

Mr. JONES of Virginia. The question of title was not litigated at all. The case was decided upon a principle familiar to every lawyer, namely, that a tenant is estopped from denying the title of his landlord. The defendant priest had been put in possession of this church by the Roman Catholic Church, and when he refused to surrender possession thus conferred upon him by that church suit was brought in the court of first instance of the province to compel him to restore the possession thus unlawfully withheld. He was not permitted to even deny the title of his landlord.

This case having been carried to the supreme court, the only question properly before that appellate tribunal was the question of possession. Every single word, every single expression, in the opinion delivered by the supreme court dealing with questions not properly before that tribunal, as every lawyer knows, is nothing more nor less than pure obiter dictum, and, in so far as that opinion undertakes to decide anything except the right of possession of this property, it is absolutely ultra vires.

Mr. KEIFER. I would like to ask the gentleman a question.

Mr. JONES of Virginia. I will yield to the gentleman.

Mr. KEIFER. I want to know if the gentleman stated what the claim of the plaintiff, if that is his title—the party bringing the suit—what the claim was based on as against the possessory title of the defendant in this case? I understand that a possessory title is as good as another title if it has been long enough established.

Mr. JONES of Virginia. In the absence of any copy of the record in this case, it is not easy to determine from the opinion of the court just what the facts were. They were certainly very meager. It is stated that the form of action was a complaint, and that is all. Just what was set out therein does not appear. It does appear, however, from a careful reading of the two opinions filed that the right to the possession of the church was the only issue properly involved.

Mr. KEIFER. Is it not fair to infer that they had a superior title to the defendant, or that the apostolic church had granted them the right?

Mr. JONES of Virginia. I can only speak as to what was claimed from the record before me. It may be, and I presume is, true that the Roman Catholic Church claims the ownership of all the church properties in the islands, and I am not undertaking to express any opinion on that subject. I am only contending that no such claim has as yet been set up and judicially determined.

The point I make is that this was a suit brought in the early part of the year 1904, in an inferior court, to determine the possession, and not the title and ownership, of the Lagonoy church.

I further contend, even if I can be mistaken in believing that no question of title was involved in this litigation, that a decision which affected only this particular piece of church property could not determine the title of all the vast church properties scattered throughout the Philippine Archipelago, the magnificent cathedral at Manila, and the hundreds of churches, conventos, and seminaries in the various provinces. To hold to the contrary is to maintain what to my mind is bordering on the absurd. To dignify this paltry case, the very issues of which it must be at least admitted by the most strenuous advocates of this report are enveloped in doubt and uncertainty, as an all-important test case and one deciding the ownership of vast property interests and settling great questions of canon law seems to me to be absolutely preposterous.

Mr. KEIFER. Will you read the decision?

Mr. JONES of Virginia. The decision or the sylabus?

Mr. KEIFER. The syllabus.

Mr. JONES of Virginia. The syllabus of the case, which I have been asked to read, is as follows:

1. In an action brought by the Roman Catholic Church to recover a church building against a priest whom it has put in possession thereof to administer the same, the latter is estopped from alleging ownership at the time he took possession, either in himself or in a third person.
2. Obispo de Cebu *v.* Mangaron, No. 1748, June 1, 1906, followed to the point that a person in possession of real estate who has been deprived of such possession can recover it unless the defendants can show a better right thereto.
3. The government of the Philippine Islands has never undertaken to transfer to the municipalities the ownership or right of possession of the churches therein.
4. Prior to the cession of the Philippines to the United States the King of Spain was not the owner of the consecrated churches therein and had no right to the possession thereof. The exclusive right to such possession was in the Roman Catholic Church, and such right has continued since such cession and now exists.
5. The Roman Catholic Church is a juridical person in the Philippine Islands.

What is said by Judge Willard, to the effect that neither Spain nor the United States owned the church property in the Philippines, was not at all necessary to the proper disposition of the case, and, as I have said, was mere obiter dictum. That question was not before the court, and if it had been the United States, as the successor to Spain, not being a party to the litigation, would not have been bound by any deliverance in relation thereto.

Mr. CRUMPACKER. I would like to ask the gentleman this question——

Mr. JONES of Virginia. I shall be glad to have the gentleman ask a question.

Mr. CRUMPACKER. Does not the gentleman know two-thirds of this entire opinion is taken up by the supreme court in discussing and deciding the question of title, and the court decided that the title to the property was not in Spain nor the United States nor the Independent Church, nor any property situated as this was in the entire archipelago, and that it involved every principle that applies to the controversy between churches over there——

Mr. JONES of Virginia. Please do not make a speech; I yielded for a question. I will answer the gentleman. I am entirely aware that a large part of the opinion delivered by Judge Willard is devoted to an attempt to show that neither Spain nor the United States owned the church property in the Philippines; but no such question as that was or could have been involved, for the simple reason that neither the Kingdom of Spain nor the United States was a party to the suit. Moreover, as I think I have shown, no question of title was involved in this suit. The court could not determine questions not before it.

I freely admit that Judge Willard's opinion was a long-drawn-out and labored attempt to decide a question of vast importance not before him, a question which he may have thought the po-

litical exigencies of the situation as to church property made it most desirable that the court should decide, but I utterly deny that it did or could have decided this question.

Now, permit me to say to the gentleman from Indiana [Mr. CRUMPACKER] that I shall be glad to have him explain, when he comes to address the House, why it was that the Philippine government in July 1905, passed a special act providing the means for determining the ownership of all church properties in the Philippines, if that question was at that very moment pending before the supreme court on an appeal from a court of first instance. If this momentous question had been passed upon by an inferior court and was then before the supreme court, why did the Philippine government pass a special act conferring jurisdiction upon that court—original jurisdiction—to hear and determine it? Was it possible that the governor of the Philippines—himself a member of the Philippine Commission—could have been in ignorance of this important decision? The truth is, and gentlemen know it, that nobody regarded this as a test case. To maintain otherwise is to seriously reflect upon the intelligence of the Philippine Commission and to hold that the Philippine government in passing this act stultified itself.

Mr. CRUMPACKER. If the gentleman will permit, the gentleman knows that——

Mr. JONES of Virginia. The gentleman can answer in his own time. Ask me a question.

Mr. CRUMPACKER. Let me ask the gentleman if he does not know this decision of the supreme court governing the Philippine Islands was not rendered until more than a year after that act; that the decision was rendered more than a year after the special act to which the gentleman referred?

Mr. OLMSTED. November 24, 1906.

Mr. CRUMPACKER. Does not the gentleman furthermore know——

Mr. JONES of Virginia. I will answer that——

Mr. DRISCOLL. I want to ask the gentleman——

Mr. CRUMPACKER. Let the gentleman answer the question; I would like to have him answer my question.

Mr. JONES of Virginia. The case was not passed upon until the latter part of 1906, but it was decided in the court of first instance in January, 1904, and it was pending before the supreme court in July, 1905, at the very moment the act was passed. Surely the Philippine government was not unaware that a case of this great magnitude was already pending when it passed this act.

Mr. CRUMPACKER. What were the issues?

Mr. JONES of Virginia. The only issue was that of the right of possession—that was the sole issue. Just why the supreme court took nearly three years in which to consider its opinion in this case is not disclosed by the opinion. I might assign a reason if I cared to discuss that phase of this remarkable case. I prefer not to discuss its political aspects.

Mr. WASHBURN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. JONES of Virginia. I do.

Mr. WASHBURN. May I ask the gentleman a question? I would like to ask if the gentleman is familiar with the case in which the Roman Catholic Apostolic Church is plaintiff and certain municipalities and Aglipay himself, as head of the Independent Church, are defendants, the original action in the supreme court?

Mr. JONES of Virginia. I have it here in my hand.

Mr. WASHBURN. The gentleman is going to comment on that case.

Mr. JONES of Virginia. I am going to comment on that case later on. I now yield to the gentleman from New York [Mr. DRISCOLL].

Mr. DRISCOLL. Am I correct in my understanding of the gentleman from Virginia that he has never seen the bill of complaint in this case that was brought and tried over there, in which Justice Willard rendered a decision?

Mr. JONES of Virginia. You are, and I think nobody else in the United States has ever seen it.

Mr. DRISCOLL. Then the gentleman does not know what facts or allegations are contained in that bill of complaint in that action?

Mr. JONES of Virginia. Only in so far as they are stated by the judge who delivered the supreme court opinion, and who sought by the labored argument to which I have referred to settle the title to church property in the islands.

Mr. DRISCOLL. The gentleman admits that about two-thirds of the opinion of Judge Willard was given up to the consideration and determination of the question of title. Is that not so?

Mr. JONES of Virginia. A large part of it. The gentleman from Indiana [Mr. CRUMPACKER] says two-thirds.

Mr. DRISCOLL. Since the gentleman has not read the complaint, and since two-thirds of the opinion were given up to the determination of title, why does the gentleman say that the question of title was not raised in the complaint?

Mr. JONES of Virginia. I say it because a careful reading of the text of this opinion makes it absolutely clear to my mind that nothing more than the mere possession was involved. I have already stated that whilst the complaint is said to have alleged ownership in the plaintiff, its prayer was for the recovery of the possession. Besides, Judge Carson, who concurred in the result, explicitly states in his independent opinion that there was no question of title involved. There is nothing in Judge Willard's opinion in conflict with this statement; on the contrary, that opinion strengthens my contention.

Mr. DRISCOLL. I understood the gentleman to say that it considered the right to possession and not simply the question of possession.

Mr. JONES of Virginia. I have read the syllabus in the case——

Mr. DRISCOLL. Since the gentleman has——

Mr. JONES of Virginia. I request the gentleman not to make a speech in my time. I am very anxious to present my reasons for declining to concur in this report.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. JONES of Virginia. If the gentleman will wait for half an hour in order to enable me to present my views without interruption, I will then endeavor to answer any further questions that may be asked me. I wish Members of this House to understand exactly what the issue is, and I am utterly surprised that some of my colleagues upon the committee seem prepared to contend that the case of Barlin *v.* Ramirez settles the ownership and title of all the church property in the islands.

In enacting the legislation which conferred upon the supreme court the jurisdiction to determine the question of the ownership of all church properties the Philippine Commission not only made it perfectly plain that it did not regard the case of Barlin *v.* Ramirez as settling anything but the right to the possession of the particular church which was the subject of that litigation, but it also made it clear that the Philippine government did not believe that the determination of any one case could settle the ownership of all the properties wherever located. This is shown by the fact that it prescribed the method by which the title to all the church property in any one province might be determined in a simple suit, brought originally in the supreme court at Manila. Let me read the preamble to that act and let us see if it does not sustain my contention. Here it is. Mark you, this was in July, 1905, a year and a half after the decision of the case of Barlin *v.* Ramirez in the court of first instance and whilst it was pending on appeal before the supreme court. It reads:

Whereas controversies have arisen between the Roman Catholic Apostolic Church on the one hand and the association called "the Independent Filipino Church," certain municipalities, and other persons on the other hand as to the right of administration or possession of numerous churches, convents, cemeteries, and real and personal property used in connection therewith, and as to the ownership thereof and title thereto; and

Whereas if actions involving controversies as to said church property are brought in the courts of first instance great and interminable delay, by reason of the great number of properties involved and the fact that the courts of first instance are fully occupied with ordinary litigation, will result not only in the disposition of the actions so brought, but also in the disposition of the ordinary litigation pending before said courts; and

Whereas frequent and angry controversies have arisen and continue to arise in numerous municipalities of the Philippine Islands between contending religious organizations, municipalities, and other persons as to the right to the possession of said properties, often culminating in illegal and forcible seizure thereof and in grave disturbances of the public peace and order, and it is believed to be in the interests of the Filipino people that such a condition of affairs should no longer continue and that all controversies of this character should be speedily settled in a legal and orderly way, etc.

In this preamble it is declared in plain terms that the controversies waged over the ownership and possession of church properties had not been settled. They had not been settled in the very case now relied upon to support the claims we are asked to pay the Roman Catholic Church. It was not believed that the final determination of that case by the supreme court could settle this great question, and hence this enactment.

This is the first section of the act passed to settle this important legal question and to compose these unfortunate differences:

SECTION 1. The supreme court of the Philippine Islands is hereby given original jurisdiction and constituted the tribunal to hear and finally determine all actions which involve controversies between the Roman Catholic Apostolic Church and its representatives on the one hand and the Independent Filipino Church and its representatives or

any municipality or other person on the other hand as to the title to any and all churches, convents, or cemeteries in the Philippine Islands and real and personal property used in connection therewith, or as to the ownership, right of administration, or possession thereof.

That is a complete answer to the question asked by the gentleman from New York [Mr. COCKRAN]. The Philippine government in enacting this law seems to have considered that a distinction was to be drawn between a suit to determine "the right of possession" to a church and one to settle the question of "title and actual ownership."

Mr. HUMPHREYS of Mississippi. Was that statute made retroactive so as to affect anybody's right who had begun a proceeding prior to that enactment?

Mr. JONES of Virginia. I have already attempted to answer that question. But for the purpose of my argument, I might concede, although such is by no means the case, that in the case of Barlin *v.* Ramirez the plaintiff not only recovered possession of the property, but was also adjudged to be the actual owner thereof. If this were true, that case could not be held to settle that the Roman Catholic Church was entitled to the possession of any other church edifice than the one actually in controversy.

Mr. HUMPHREYS of Mississippi. The gentleman misconceives my question, I think.

Mr. JONES of Virginia. I think that everybody must admit, even the gentlemen who argue so strenuously for this report, that there is at least a doubt as to whether the title and ownership to the Lagonoy church was decided. You must admit that much. Admitting that——

Mr. CRUMPACKER. I do not admit it.

Mr. JONES of Virginia. Admitting that, are you going to seriously ask this House to accept it as a test case, and proceed to hold that as such it has finally and irrevocably settled the ownership and title of all the vast church properties in the Philippines? Surely this would be going further than the most zealous partisan would dare go.

Now, mark you, that was a case in which the defendant had been put in possession by the plaintiff, and the court held that he was estopped from denying his landlord's title. Are we to say by our action upon these claims, dare we say, that the facts as to the possession of every other church in the Philippines are indentical with those disclosed in the case of Barlin *v.* Ramirez? Taking the most extreme view of this case contended for by the advocates of this report, it only decides that the Roman Catholic Church is entitled to be paid for the use and occupation of the church of Lagonoy and the damages thereto, fixed by the board of church claims at $475.

Mr. FORNES. You made a statement that the amount of damages involved accrued prior to 1902?

Mr. JONES of Virginia. Yes.

Mr. FORNES. Is that correct? You also make a statement that the Independent Church did not exist prior to 1902. That is a fact, is it not, according to the testimony?

Mr. JONES of Virginia. Is that the question?

Mr. FORNES. I am not a lawyer, but I am on the jury. How can you take into consideration either a corporation or a person that does not exist at the time the action has accrued? Will you answer that as a lawyer? [Laughter.]

Mr. JONES of Virginia. I will answer your question in this way: It is not the first time it has been propounded. If the Roman Catholic Church can be shown to have been entitled to the possession of these churches during the period they were occupied by United States troops, then that church would be entitled to receive compensation for such occupancy. But any payment for damage to or destruction of church property should, of course, be paid to the owner without any regard to who was entitled for the time being to the mere possession.

Now, this is my answer to that question, and I beg that gentlemen who do not agree with me will at least restrain their eagerness to interrupt the thread of my argument until I have proceeded with it a little further. I shall probably be the only one to speak at any length in favor of the views set forth in the report submitted by the minority. I have been asked if the passage of the act of July, 1905, took from the courts of first instance jurisdiction theretofore exercised by them.

Mr. HUMPHREYS of Mississippi. "Was it retroactive?" was my question.

Mr. JONES of Virginia. It does take away their jurisdiction to try questions of title. As to whether it was retroactive or not I am not so clear. In my view of this matter that is not a question of any great importance. The claim which we are now asked to pay relates to the occupancy of four hundred and odd churches, and even if the act of July, 1905, did not take away the jurisdiction of the supreme court to try the case of Barlin *v.* Ramirez on appeal (that case having been appealed prior to its enactment), the decision rendered in that case can only affect the property actually in litigation. This was evidently the view taken by the Philippine government. It is perfectly clear to me that no question of title was in any way involved in that case, so that the question as to whether or not the act of July 24, 1905, was retroactive is of no importance.

But, Mr. Chairman, whatever view may be taken by the House as to this legal question, I submit that there can be no justification for increasing the award of the board of church claims to the extent of $40,000. The chairman of the Committee on Insular Affairs, who was directed by the committee to report this bill, said a few moments ago that he had not favored the payment of this $40,000. Upon what principle of law or justice anybody can favor its payment passes my comprehension. The military board of church claims awarded $363,000 in round numbers. In reaching their conclusions as to the amount for which the United States was justly liable, they had the benefit of the advice and assistance of the Army officers who occupied the church buildings and who personally investigated the injuries inflicted upon them by United States troops. It was not possible in the limited time at their disposal for the individual members of the board to make personal investigations in a majority of the cases. Acting under the explicit written instructions of the Secretary of War as to the character of the injuries for which the United States could be held liable, this board awarded $363,030.19 as the total amount. This was a larger sum than the officers who had occupied the property, and who possessed personal knowledge as to the injuries, believed should be paid. To the amount ascertained to be due by these Army officers, the board added from 12 to 15 per cent, so as to be certain that they would do full justice to the claimants. Under these circumstances, what possible justification can there be for the payment of $403,030.19?

I am betraying no committee secrets when I say that the members of the Insular Affairs Committee who signed the views of the minority are not the only ones who do not believe a particle of justification can be found for arbitrarily adding the sum of $40,000 to the award of the board of church claims. The chairman of the committee has been frank enough to avow here, and openly, that he did not favor adding this sum to the award, and he is not the only member of the majority who did not favor it in committee. It is a gratuity pure and simple—a sop thrown to Cerberus. The pretext for its payment is that there had disappeared from the churches at some time or other certain sacred ornaments, images, and vestments, but there is absolutely no evidence to show that these articles were taken or appropriated by any representatives of the United States, if they were actually taken by anybody.

The bill we are considering also provides that this $403,030.19 shall be paid to the Archbishop of Manila. The Archbishop of Manila, as the gentleman from New York [Mr. COCKRAN] as well as every other Catholic in this House knows, does not hold the title to the church property in the various dioceses of the Philippine Islands. The gentleman admits this. The bishops of the five dioceses hold the church property. The gentleman now says this is true. Nevertheless, this bill provides, and the report recommends, that this money be paid to the Archbishop of Manila.

Mr. FITZGERALD. The gentleman has not stated all of it, has he?

Mr. JONES of Virginia. All that is of any importance.

Mr. FITZGERALD. But the gentleman has not made a complete statement. It is to be paid to the Archbishop of Manila as trustee. Will the gentleman go on and state what the bill provides?

Mr. JONES of Virginia. If I can put my hand on it I will read its exact provisions. It is to be paid to him as trustee for the Roman Catholic Church, of course.

Mr. FITZGERALD. The bill provides that it shall be paid to him as trustee for certain specific purposes.

Mr. JONES of Virginia. It shall be paid to him as the representative of the church in the islands. I am coming to that.

Mr. COCKRAN. Is the gentleman not aware that all the bishops have agreed to make Archbishop Harty the depositary of this money?

Mr. JONES of Virginia. That may be, but it can not be denied, I think, that the archbishop can collect this money as soon as the act of Congress becomes a law, and that he can expend every dollar of it according to his own sweet will for the benefit of the Catholic Church anywhere without regard to the wishes of either one of these bishops, in whom the title to the property must be if the church owns it.

It was said at the hearings, and the printed testimony will show it—the Secretary of War and Colonel Hull both said that in order to obtain for the United States a clear acquittance it would be necessary to have the bishops of the various dio-

ceses join in any receipt which might be given. What assurance have we that either of these bishops will execute an acquittance? How do we know that if this large sum of money is paid to the archbishop of Manila it may not be spent in the United States, or, for that matter, in Spain or in Italy? Permit me to call the attention of the House to this bit of testimony bearing upon this very point. I commend it to the gentlemen who may wish to vote according to the lights before them.

When Secretary Taft was before the Insular Affairs Committee I asked him this question:

Mr. Secretary, would there be any objection to limiting the expenditure of this money to objects in the islands?

Now, mark the question, "limiting the expenditure of this money to objects in the islands.' Bear in mind, too, that every church in the islands was built on Government property, and built out of funds contributed by, and labor furnished by, the inhabitants of the islands. Secretary Taft's reply was——

Mr. COCKRAN. Will the gentleman allow me?

Mr. JONES of Virginia. If the gentleman will wait just a minute. The gentleman from New York is trying to get in between a question and an answer. I will read the question again:

Mr. JONES. Mr. Secretary, would there be any objection to limiting the expenditure of this money to objects in the islands?

Secretary TAFT. No, sir. I wish, certainly, that would be the case.

If, may I ask, the purpose be to expend this money in repairing and in rebuilding the churches injured and destroyed by American troops in the Philippines, why do gentlemen object to its being paid to the bishops of the dioceses where the property is, or was, located, and why do they object to a requirement that it shall be expended within the islands? Secretary Taft thought such a limitation as this should be placed upon the payment, and his interest in the welfare of the Filipinos is conceded by everybody.

At another time I asked him another question along this line, and I will also read that question and the Secretary's answer:

Mr. JONES. I should fear if it were paid to the apostolic delegate it might be used outside of the islands—in Spain, for instance.

Secretary TAFT. If there were any danger of that, I should like some limitation made to prevent it.

So far as I know there has been no reason advanced by anybody why this money should be paid to the Archbishop of Manila rather than to the bishops of the dioceses by whom the title to all church property is held, or why some limitation as to how and where it shall be expended should not be placed upon it.

Mr. LENAHAN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Virginia. I will yield to the gentleman.

Mr. LENAHAN. Did anyone suggest that the money was to be diverted from the Philippine Islands except the gentleman who has the floor.

Mr. JONES of Virginia. The subject was discussed by various members of the committee. But whether or not anybody else suggested that in the absence of some limitation the money could be expended outside the islands I do not know nor do I care. [Applause.] I made such a suggestion, and it was graciously received and accepted by the Secretary of War, who feels a deeper interest in the settlement of these church claims than anybody else known to me.

Mr. FORNES. Will the gentleman from Virginia yield?

Mr. JONES of Virginia. For a question.

Mr. FORNES. The gentleman is aware that the archbishop is superior to the bishops and that the bishops have agreed and are most anxious that the archbishop should receive it. The gentleman is furthermore aware——

Mr. JONES of Virginia. Oh, Mr. Chairman, I can not allow the gentleman to make a speech in my time in order that he may tell me of what he says I am aware. [Laughter.] I admit that there was some loose talk before the committee to the effect that the bishops desired that the money should be paid to the archbishop. There was like loose talk before the committee to the effect that the apostolic delegate, who is the special representative of the Pope in the islands, would be a proper person to whom to pay it. Nobody, however, who testified before our committee pretended to speak for the bishops. I am content to know that Secretary Taft expressed the wish that the bill should require the expenditure of this money upon objects in the islands, and one of the most vital objections to it is that it does not do so.

I have said that there could be no justification for arbitrarily adding $40,000 to the amount found to be due by the board of church claims. At first the proposition was to add a large sum by way of interest, but when attention was called to the fact that Congress never allowed interest on claims of this character, and that to do so in this instance would be to establish a troublesome precedent and perhaps jeopardize the passage of the bill, that idea was abandoned. Finally somebody conceived the brilliant idea of paying for vestments and sacred ornaments, the spoilation of which was never proven.

Mr. FITZGERALD. I want to ask the gentleman a question.

Mr. JONES of Virginia. Very well.

Mr. FITZGERALD. My understanding is that the Secretary of War said that $500,000 would be a reasonable amount.

Mr. JONES of Virginia. He said he would be glad to see even twice the amount found to be due by the board paid, and at another time he suggested $500,000. He always expressed the hope that Congress would be as liberal as possible in the settlement of these claims, but he always regarded, I think, anything that might be paid in excess of the $363,000 as a gift.

Mr. FITZGERALD. Was it not stated before the committee upon what the Secretary based his estimate of $500,000?

Mr. JONES of Virginia. The church claimed more than two million dollars, if I am not mistaken, and it was the idea of Secretary Taft that the committee should go as far as it could with propriety in meeting its demands. It was his opinion that whatever sum might be given would be wisely expended in the way of settling disturbing questions in the islands. Perhaps I might describe it as "peace money."

Mr. GAINES of Tennessee. Will my friend yield for a question?

Mr. JONES of Virginia. Just for a question.

Mr. GAINES of Tennessee. Will the gentleman from Virginia please put his finger, as it were, on that part of the opinion which adjudicated that the title was in this church and the part which he says decides that it was a question purely of possession which the court decided. I would like to have the gentleman read those portions.

Mr. JONES of Virginia. I can not undertake to read this long opinion.

Mr. GAINES of Tennessee. Well, that particular part.

Mr. JONES of Virginia. I have read the syllabus and certain parts of the opinion. I can not take up my time now by reading the whole opinion. I will give the case to the gentleman and direct his attention to those portions of the opinion which have been commented upon.

Mr. GAINES of Tennessee. We are very anxious to get at those two points.

Mr. COCKRAN. Will the gentleman allow me——

Mr. JONES of Virginia. In just one moment——

Mr. COCKRAN. As to the question of the gentleman from Tennessee——

Mr. JONES of Virginia. I want first to make it clear, if I can, just what the supreme court did decide, for the minds of gentlemen seem to be greatly confused as to this point. If gentlemen will examine the testimony given at the hearings they will find that even the Secretary of War, who is doubtless the best informed man in the United States as to conditions in the Philippine Islands, was himself mistaken even as to how this case came before the supreme court. When this claim was first brought to the attention of the Committee on Insular Affairs, in January, 1907, Secretary Taft appeared before that committee and advocated its payment. He said then that the supreme court of the Philippines had decided that the Roman Catholic Church owned all the church property in the islands. He had just received a cablegram giving him that information. He was asked by the gentleman from Indiana [Mr. CRUMPACKER] whether the case to which he referred went up to the court upon an appeal or whether it was a case brought originally in the supreme court under the act which I have cited, and the Secretary unhesitatingly said, and, of course, believed it when he said it, that it was a case brought originally in the supreme court and not one carried there upon appeal. He did not then dream, of course, that the case which he had been led to believe decided the title to all the immensely valuable church property in the Philippines had been brought in an inferior court for the purpose of regaining the possession of a single church in a remote province. I have his testimony before me and will read it if any gentleman desires it—both the question of Judge CRUMPACKER and the Secretary's answer. It turned out, as I have shown, that the Secretary was absolutely mistaken. No case had ever been brought in the supreme court to test the ownership of this church property. The case taken to that court on appeal did not even involve any question of title or ownership.

The defendant, Ramirez, did not and could not deny that he had been put in possession of the church by the bishop who sought to recover its possession. The court held that he was estopped from denying the title of his landlord and therefore ejected him. The gentleman from New York [Mr. DRISCOLL] asks me where I got my information that the question involved in this case was merely one of possession. He wished to know

if I get it from the record of the case of Barlin *v.* Ramirez. My answer is that I do. No lawyer can read this case and come to any other conclusion. Every line of the opinion makes this absolutely clear. Judge Carson, who concurred in the decision of the court, but who dissented from some of the statements and much of the reasoning of Judge Willard, who delivered the opinion, makes it absolutely clear that the only question properly involved in this case was the question of possession. It was because no question of title was before the court that Judge Carson felt constrained to write his separate views, and it was doubtless for the same reason that Judge Johnson declined to subscribe to the opinion of the majority of the court. He was present and withheld his vote and there could have been no other reason for his course. It can not be possible that I am mistaken as to the issue in this case, and I do not have to go outside the two opinions to make clear my contention.

Mr. COCKRAN. Now, will the gentleman allow me to ask a question?

Mr. JONES of Virginia. Certainly.

Mr. COCKRAN. Does the gentleman concede, then, that the court held the Catholic Church was this priest's landlord?

Mr. JONES of Virginia. Yes, sir.

Mr. COCKRAN. Did the court find how the church became his landlord? Could they have found it was his landlord except by first finding that it had title to the property?

Mr. JONES of Virginia. We are not left in doubt as to that——

Mr. COCKRAN. I want to know——

Mr. JONES of Virginia. We are not left in doubt as to that. The court explicitly declared that the defendant had been put in possession by the church. Just how or when he was put in possession I do not know, but he was put in possession. I may say, too, that when he was put in possession he was a priest of the Roman Catholic Apostolic Church, but that he subsequently, as I understand, and his whole congregation with him, went over to the Independent Filipino Catholic Church. His contention was that the title to the property was in the United States as the successor to the Spanish Government, but that it was held in trust for the benefit of the people who worshiped in the church, and that inasmuch as the priest and all the worshipers were members of the Independent Filipino Catholic Church they were entitled to occupy and use it for religious purposes. But the court held that having been put in possession by the Roman Catholic Apostolic Church he was estopped from denying the title of his landlord, and the case was decided upon that point. All of the judges agreed as to that proposition, but Judge Willard went so far as to declare in his opinion that the King of Spain had never really had any title to this church, and that therefore the United States, as the successor to the rights of the King of Spain, could have none—that in effect the title was in the Roman Catholic Church. This declaration, as every lawyer knows, was a mere obiter dictum, and in so far as it may have attempted to decide the title and ownership of property, the right to the possession of which alone was before the court, the decision was clearly ultra vires.

Mr. COCKRAN. There was no dispute about the fact of possession itself, was there? Was there any dispute about Ramirez being in actual possession?

Mr. JONES of Virginia. There was not. I have stated that Ramirez was put in possession by the authorities of the Roman Catholic Church. When the schism in the church came and he and his whole congregation went into the independent Filipino branch of the church, he attempted to retain the possession of the church property. A suit was brought in an inferior court of the province to oust him. It is preposterous to claim that anything more than the right of possession was or could have been decided in this case.

Mr. COCKRAN. Will the gentleman allow me? I want to get his meaning perfectly clear.

Mr. JONES of Virginia. I have stated it as clearly as I can. The gentleman will have to state his own fine-spun theories.

Mr. COCKRAN. I do not think there is much difference between the gentleman and myself, and I think this would be clear if I could get his position stated according to what I apprehend is the real significance of his language.

Mr. JONES of Virginia. If the gentleman will only ask a question——

Mr. COCKRAN. As I understand the case, it was admitted that this priest was in possession and he set up as a claim of right against the church which appointed him—against its right to take possession or exercise control over this church property—the fact that he and his congregation had seceded from the Roman Catholic Church and had gone over to Aglipay, and against this contention the court held that the right of the church was superior to his and that even the transfer by his whole congregation of their allegiance to this other body did not justify him in holding the property against the church that had placed him in possession of it.

Mr. JONES of Virginia. I do not find that in the opinion.

Mr. COCKRAN. I understood that to be the gentleman's own statement.

Mr. JONES of Virginia. What the court said was that the defendant, having been put in possession of the property by the Roman Catholic Church, he was estopped by a principle of law familiar to every lawyer from denying the title of his landlord. That was all that was decided, and I have so stated over and over again. That was all that could have been decided; but Judge Willard, although he is presumed to have known when he wrote his opinion that the government of the Philippine Islands had conferred upon the supreme court original jurisdiction to try and determine all controversies over church property, undertook to decide in an insignificant case which came to his court by appeal the absolute ownership of all the church property in the Philippines, and that, too, a case which did not involve any question of title. The defendant never for one moment contended that the branch of the church to which he belonged had any actual title to this property. He made no such defense. I trust I may now have made it clear that the case of Barlin *v.* Ramirez, relied upon to sustain the contention that the courts have adjudged the Roman Catholic Church to be the absolute owner of all church properties in the Philippines, decides nothing of the kind. Therefore, for the reasons which I have set forth, it is worse than absurd to contend that this is a great test case.

And, now, a word as to the parties to this church conversy. It is purely a question between Catholics—between two branches of the same church. It is not a question between the Roman Catholic Church and any Protestant Church. The members of the Independent Filipino Catholic Church, who claim the right to worship in the Catholic churches of the Philippines, are as devout Catholics as can be found anywhere. They have never known any other religion than that of Catholicism.

There exists a schism——

Mr. CLAYTON. May I interrupt the gentleman? I understand from your speech you are advocating the claims of the bolting side, and I am for the regular organization. [Laughter and applause.]

Mr. JONES of Virginia. Mr. Chairman, tradition has it that there was once a contested election case pending before this House, when a Member who had heard none of the evidence was called upon to vote as to which of the contestants should be seated. Without the slightest hesitation he turned to a colleague and asked, "Which is our d—— rascal?" [Laughter.] The gentleman may make the application.

Mr. CLAYTON. I think it is right. I think your men got in possession and while in possession——

Mr. JONES of Virginia. The gentleman can not discuss this subject in my time. He can get time from the other side, if he wishes it.

Mr. CLAYTON. I am against the bushwhacker.

Mr. JONES of Virginia. Well, I am only the custodian of my own conscience and only responsible for my own vote, I am happy to say. I am attempting to give the reasons for my own action and that of the three members of the Committee on Insular Affairs who united with me in filing the views of the minority.

Mr. DRISCOLL. Will the gentleman allow me?

Mr. JONES of Virginia. I would like to be permitted to conclude what I was saying when interrupted by my friend from Alabama [Mr. CLAYTON]—that there is a most serious schism in the Catholic Church in the Philippines—a schism that has rent the churches in twain is a matter of well-known history. Just how many Filipinos there are who belong to the branch known as the "Roman Catholic Church" and how many to the other branch, styled the "Independent Filipino Catholic Church," I do not know. In the opinion of the four Members signing the minority views there are about 3,000,000 Filipinos in the independent church.

Mr. COOPER of Wisconsin. If the gentleman will permit me one interruption. I have it from a person who has just returned from the islands, and who presumably knows, and he says that there are hardly to exceed 350,000 of these Independents.

Mr. JONES of Virginia. I will accept that statement for what it is worth. I do not know who the gentleman is or what may be his means of information, and therefore, for one, I seriously question the accuracy of his statement. I have gotten my information from sources which I have every reason

to believe are entirely trustworthy, and never before have I heard anybody estimate the membership of the Independent Catholic Church as low as 350,000. Bishop Brent, who has been stationed for seven years in the Philippine Islands, is reported in the papers as having recently expressed the opinion that there were 4,000,000 members of the Independent Church. This distinguished divine, who has but recently visited this country, is certainly competent to speak on this subject. He possesses an intimate knowledge of every part of the Philippine Archipelago. A gentleman near me suggests that his testimony should not be accepted for the reason that he is a Protestant bishop. I decline to accept so unworthy a suggestion. The fact that he is a Protestant bishop does not, in my opinion, disqualify him as a witness.

Mr. FORNES. Will the gentleman allow me——

Mr. JONES of Virginia. No; I can not be interrupted now. I wish to say, in further reply to the statement just made by the gentleman from Wisconsin [Mr. COOPER], that I hold in my hand a book entitled "Our Philippine Problem," written in 1905 by Henry Parker Willis, Ph. D. Professor Willis spent some time in the Philippines, and I imagine that he is quite as well informed as to the membership of the Independent Filipino Catholic Church as is the nameless gentleman from whom the gentleman from Wisconsin obtained his information.

I now read from the book of Professor Willis:

> To state the precise extent of the following gained by the Iglesia Filipina would be difficult, if not impossible. Aglipay himself estimates the number of his followers at 4,000,000, but some enthusiastic partisans raise this figure to 5,000,000. More conservative estimates made by American observers place the number of Aglipayans at 3,000,000. Catholic authorities are inclined to underestimate the strength of the movement very considerably. They usually speak of the whole organization as artificial and temporary and place the number of people actually engaged in it far too low. The truth is that the movement has gained a very strong hold in many parts of the islands and has left other portions entirely untouched. This, of course, is due to the extreme shortness of the period during which active operations have been conducted by the Aglipayans, while, on the other hand, the newness of the movement makes it impossible to say how firm will be the allegiance of those who have already accepted membership in it.

This same author claims that there are at least 250 priests and 20 bishops in the Independent Catholic Church.

I talked some two years ago with a gentleman whom I believe the chairman of the Insular Affairs Committee himself will admit is—or was, at least, at one time—thoroughly well informed on this subject, a gentleman who spent years in the Philippine Islands in the capacity of private secretary to one of the Philippine Commissioners, who has written much on Philippine subjects, and who is widely accepted as an authority in regard to things Philippine, and it was his opinion at that time that the Independent Church had a membership of 3,000,000.

Now, I do not care whether they number two million or three million or five million. They largely outnumber the adherents of the other branch of the church, and they are natives. They are Catholics, as are the others. They believe in the same tenets and they have the same rites and ceremonies that the Roman Catholics have. And they are as much entitled to consideration at the hands of Congress as are any other Catholics in the Philippine Islands. The native Filipinos, practically all of whom profess the Catholic religion, with their labor, their taxes, and their private contributions built and equipped these churches, and shall we say to them by our action to-day that they shall have no further interest in them? They were built, every one of them, on land belonging to the Government, and not to the Roman Catholic Church, under the concordat entered into between the King of Spain and the Catholic Church by which that sovereign agreed to build and maintain them. They were built by the Government for the benefit of all, and not of a small part of the Catholic population of the islands. And so, when my distinguished friend from New York [Mr. COCKRAN] undertakes to say that the legal title to these churches is in either branch of this church, he says what can not be substantiated by the facts. The legal title never was in the Catholic Church. The legal title was always in the King of Spain, and there are those who contend—and as to that I express no opinion—that it passed under the treaty of Paris to the United States, and that when the United States Government transferred all of its property rights in the Philippine Islands to the Philippine government it passed to the Philippine government. I do not even contend that the Philippine government should administer this trust, if there is one, for the benefit of all the Catholics in the islands. My contention is simply that we should not prejudice any rights which the members of the Independent Church may have by our action here to-day. If it be as clear as some gentlemen seem to think that the Roman Catholic Church is the real owner of all this valuable church property let that church establish its title in the court which has been designated as the tribunal to settle the question. Why, I ask, should it not do so?

Mr. LENAHAN. Mr. Chairman, may I interrupt the gentleman?

Mr. JONES of Virginia. You may.

Mr. LENAHAN. I desire to ask the gentleman if Secretary Taft did not declare in 1905 that the title to this property was in the Roman Catholic Church?

Mr. JONES of Virginia. He stated that as his opinion.

The CHAIRMAN. Before the gentleman from Virginia resumes, the Chair would like to remind him that he has used one hour and fifteen minutes of his time.

Mr. JONES of Virginia. I will use a few minutes more and then I will reserve the remainder of my time.

I believe it to be true that Secretary Taft has said more than once that in his opinion the Roman Catholic Church was the rightful owner of this property. Nevertheless, he earnestly desired that the question should be settled in the courts. He never for one moment undertook to settle it himself. He merely expressed his individual opinion. Moreover, when he appeared before the Insular Affairs Committee in January, 1907, he thought the whole subject had been judicially and finally determined. In that, as I have shown, he was greatly mistaken.

A word more as to the legal question and I will conclude. One of my colleagues asked me a moment ago if I had seen some late decisions of the supreme court bearing upon this question. When some time since I called the attention of Secretary Taft to the fact that the case of Barlin *v.* Ramirez had not been brought originally in the supreme court, as he supposed was the case, and that it did not, in my opinion, settle anything but the right of possession to one small church, he replied that he thought there were two recent cases in which the question of title had been passed upon by the supreme court and immediately requested that they be sent me for my examination. Learning that this bill would in all probability be considered to-day, and not having received the promised decisions, I called at the War Department this morning on my way here in order to procure them, if possible. I got them, but the only opportunity I have had to read them was on the car which brought me here. I was informed by Major McIntyre, of the Insular Affairs Bureau, however, who gave me the copies, and who had examined the cases, that much to his regret they did not undertake to dispose of the question of title and ownership, but only of that of the right of possession. From my hasty reading of the opinions I think this is absolutely true.

I came straight from the War Department here, and when I entered the Hall I found this bill under consideration. I can only regret that I did not receive these decisions in time to carefully examine them. They were promised me at least two weeks ago. As to what they actually decide I must therefore depend, to a very large degree, on Major McIntyre, for whose judgment I entertain a very high opinion. I am entirely satisfied that they settled nothing more than was settled in the case of Barlin *v.* Ramirez, which, up to this very moment, has been relied upon by the advocates of the payment of this large sum of money to the Roman Catholic Church. The fact that these decisions have not before been furnished the committee, and the further fact that the case of Barlin *v.* Ramirez has all along been relied upon, convinces me that they decide nothing beyond a question of mere possession.

I will read a paragraph from one of these decisions upon which my eye has just happened to fall.

Mr. GOLDFOGLE. Will the gentleman yield to me?

Mr. JONES of Virginia. I can not yield now.

Mr. GOLDFOGLE. But the gentleman promised to yield to me.

Mr. JONES of Virginia. I hope the gentleman will not interrupt me without my consent. I will yield to the gentleman in my own sweet time. I shall now read from the opinion delivered by Judge Willard, the same judge who wrote the opinion in Barlin *v.* Ramirez:

> The only questions to be considered therefore, relate to this property in the barrio of La Paz, in the municipality of Tarlac, and the only defendants interested therein are the defendant Gregorio Aglipay and the municipality of Tarlac.

This clearly indicates to my mind that this could not possibly be regarded as a test case. The issue seems to have been of precisely the same character as was that in Barlin *v.* Ramirez. I notice, too, that two of the four American judges declined to subscribe to this opinion. They say:

> We agree to the dispositive part of the foregoing decision which adjudges the right of possession in favor of the plaintiff, adopting in this case the reasoning of the concurring opinion in the case of Barlin *v.* Ramirez.

Evidently another case in which only the right of possession was passed upon.

If there had been anything in this decision which, by any possibility, could have been so construed as to sustain the contention of the advocates of the payment of these claims, it would have been read long before in this discussion. The

slightest expression tending to uphold the position so earnestly contended for by gentlemen would have been eagerly seized upon. That they have not been read shows the futility of reading them.

Now, I will yield to the gentleman from New York.

Mr. GOLDFOGLE. I want to ask the gentleman if it is not a fact that the so-called "independent church" was not known and was not chartered or organized at the time of the making of the award?

Mr. JONES of Virginia. No, sir; it is not a fact.

Mr. GOLDFOGLE. Does not this evidence before the committee show that to be the fact, and does it not appear in the hearings?

Mr. JONES of Virginia. The evidence most emphatically does not show that to be the fact, and it does not so appear in the hearings before the committee. Now, I hope I have answered the gentleman's question to his satisfaction, and if his vote was dependent upon my replies, he will, of course, vote with me. [Laughter.]

Mr. GOLDFOGLE. I want to say to the gentleman——

Mr. JONES of Virginia. But I do not want anything further said. [Laughter.]

Mr. GOLDFOGLE. The gentleman from Virginia is against the whole proposition?

Mr. JONES of Virginia. Yes; and I believe the gentleman from New York is in favor of the whole proposition. And if the committee had recommended the payment of $5,000,000 instead of $400,000 he would still have been in favor of it. I give the gentleman full credit for his enthusiasm in behalf of these claims. Now, Mr. Chairman, one word more. I deprecate the attempt to have matters of religion and politics enter into the consideration of, and perhaps determine, a question like this. If gentlemen are going to permit their church affiliation and political considerations to determine their action in so important a matter as this, then, of course, I have wasted a great deal of time in discussing the legal aspects of the proposition now before us. Still, I have felt it to be my duty to present the case as it appears to me.

I hold that the legal status of the Catholic Church property in the Philippines is precisely what it was when Secretary Taft, then Civil Governor Taft, issued his order protecting its possession and occupancy; that it is precisely what it was when the Philippine government designated the court and provided the legal machinery for a speedy and final adjudication as to its rightful ownership, and that until this question of ownership and title has been finally passed upon Congress should not pay the claims embraced in this bill. The need for the adjudication of the title to this vast property is no less imperative now than it was in January, 1903, and in July, 1905. But if gentlemen will insist upon passing this bill, then strike out of it the $40,000 intended to be, or, rather, alleged to be, compensation for sacred ornaments, the loss of which has never been established, and provide that the money shall be expended in the Philippines for religious purposes.

Mr. McKINLAY of California. Will the gentleman yield for just one question?

Mr. JONES of Virginia. In just one moment. In what I have said concerning this bill I certainly can not be accused of having been actuated by prejudice. All who are directly interested in this subject are Catholics. There is no earthly reason why I should prefer one party to this controversy rather than another, not the slightest.

Two weeks ago, or thereabout, a bill was passed by this House carrying a number of church claims, known as the "omnibus claims bill," claims for the use and occupation of and injury to churches. When that bill was being read under the five-minute rule I offered an amendment providing for the payment of a small claim to the Catholic Church of Fredericksburg, Va., in my district, a claim which had been pending here for many years. It had long since been referred by Congress to the Court of Claims, and had by that tribunal been thoroughly investigated and finally adjudicated, and by it certified to Congress for payment.

Mr. OLMSTED. Did you investigate the title to the land?

Mr. JONES of Virginia. There was no such question to be investigated, and yet my amendment was strenuously objected to by gentlemen who are now using their utmost endeavors to pass this bill. There has never been, and there never can be, any question as to either the amount, the justice, or the legality of the claim of the Catholic Church of Fredericksburg, and yet I was forced to withdraw my amendment looking to its payment by this Congress. That little church is located within 60 miles of this Capitol building, and yet the great Government of the United States has declined for a third of a century to pay it the paltry sum of $500, which the Court of Claims has adjudged to be due to it. The churches for the use of which we are now asked to pay $403,000 are separated from this capital city by 10,000 miles of land and sea, and it never has been judicially determined that the church seeking this payment actually owns them. This is a beautiful illustration of that even-handed justice of which so much has been said here. Now, I will answer the gentleman from California.

Mr. McKINLAY of California. I would like to ask the gentleman from Virginia, Has the Aglipayan branch of the Roman Catholic Church of the Philippine Islands ever made any claim for any portion of this award to the American Government or the island government or to Congress?

Mr. JONES of Virginia. I am very glad the gentleman asks me that question. The Aglipayan branch, or the Independent Catholic Church in the Philippines, has not set up any claim. The contention of the Independent Filipino Catholic Church is that this property is held, or should be held, by the Philippine government, as it was originally held by the Spanish Kingdom, in trust for the benefit of the Filipino Catholic people who worship in the churches. Archbishop Aglipay, as I understand it, is perfectly willing that where a priest of the Roman Catholic Church and his congregation are worshiping in a church that they shall continue to worship there, but he insists that in those localities where every communicant is a member of the Independent Church they shall be permitted to use the church edifices there located for purposes of religious worship. He insists that those who built such churches shall be permitted to worship God therein according to the forms and ceremonies of the Catholic Church to which they have ever been and are still devoted, and that these splendid churches shall not be abandoned to the habitation of owls and wild beasts.

Mr. Chairman, I reserve the balance of my time. I yield so much as may be necessary to the gentleman from Mississippi [Mr. WILLIAMS], who desires to ask for unanimous consent——

Mr. BONYNGE. Before the gentleman takes his seat I desire to ask a question in regard to what he last stated. I understood the gentleman to say the independent branch church property is now held by the United States Government the same as it was held by the Kingdom of Spain.

Mr. JONES of Virginia. The United States Government has by act of Congress transferred everything that it got from Spain to the Philippine government and it is now held by the Philippine government.

Mr. BONYNGE. Has not the supreme court of the Philippine Islands determined that question and decided that neither the Kingdom of Spain nor the Philippine government has any title to this property?

Mr. JONES of Virginia. That is just the question to which I have been addressing myself for most of the time that I have occupied the attention of the House. I have been endeavoring to demonstrate that no such question has ever been before the supreme court, and that therefore no such question could by any possibility have been adjudicated by that tribunal.

Mr. BONYNGE. But in the case that is cited by the majority of the committee, the court did determine, did it not, that the Kingdom of Spain did not have title and that the Philippine government has not the title?

Mr. JONES of Virginia. I will say to my friend——

Mr. BONYNGE. It did decide that, did it not?

Mr. JONES of Virginia. I say it did not, for the excellent reason that no such question was presented to the court in the pleadings. That question was not properly before the court, and two of the four American judges refused to concur in the opinion of the court because it discussed a question not before it. They did concur in the judgment of the court.

Mr. BONYNGE. But we have not the pleadings, and have no method of determining what the issues were except as we read the opinion. Now, taking the opinion without the complaint, does not the opinion decide that the Kingdom of Spain did not have the title and that the Philippine government has not the title?

Mr. JONES of Virginia. If the gentleman will take the trouble to carefully read that opinion, and he will then say to me that in his judgment the case of Barlin *v.* Ramirez finally disposed of any claim which the United States as the successor to Spain might have had to church property in the Philippines, I will abandon my contention. I have this much faith in his ability as a lawyer and his fairness as a man. The United States was not even a party to the suit.

Mr. BONYNGE. I never read this opinion until to-day, but, in a cursory reading of it, I conclude the court does decide that specific question; that the Kingdom of Spain has not the title and the Filipino government has not the title.

Mr. JONES of Virginia. I laid down this proposition when I first arose and now repeat it, that there is not a lawyer in this body who would dare assert that as his deliberate opinion in a court of justice. I have never discussed the case with one who would do it, and I will now go so far as to declare that there are members of the Insular Affairs Committee on the gentleman's side of the House, one of them into whose face I am now looking, who have frankly admitted to me that the position taken by me as to what this case does and does not decide is absolutely unassailable. One of the Members on your side of the House who will vote for this bill has, nevertheless, assured me that he is even more convinced than I am that my contention as to what this case decides is absolutely unanswerable.

I yield to the gentleman from Mississippi [Mr. WILLIAMS.]

The CHAIRMAN. The gentleman from Mississippi is recognized for ten minutes.

Mr. WILLIAMS. Mr. Chairman, I hold in my hand a letter addressed to the Hon. Charles J. Bonaparte, Attorney-General, by Mr. Herman Ridder, president of the American Newspaper Publishers' Association and editor and proprietor of the Staats-Zeitung. It gives the facts upon which a prosecution of the paper trust can be based. I do not want to take up the time of the committee, and I therefore ask consent to publish it as a part of my remarks.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that his remarks be extended in the RECORD. Is there objection?

There was no objection.

The letter referred to is as follows:

AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION,
March 4, 1908.

DEAR SIR: I take pleasure in sending to you a copy of letter to the Attorney-General. It summarizes the publishers' statement of the efforts made by the seven groups of the American Paper and Pulp Association to stifle competition, to increase prices, and to put an additional burden of $60,000,000 per annum upon the printing and publishing interests of the country, without other justification than the power of combination.

Yours, faithfully,

HERMAN RIDDER,
President American Newspaper Publishers' Association.

AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION,
February 10, 1908.

Hon. CHARLES J. BONAPARTE,
Attorney-General, Washington, D. C.

SIR: In the matter of combination of paper makers in restraint of trade, I venture, as president of the American Newspaper Publishers' Association to reply to your letter of November 13, 1907, addressed to Mr. John Norris. In that letter you say:

"If you are in possession of any further evidence tending to establish the fact that there exists an agreement or understanding among such manufacturers to maintain or increase the prices of paper to the consumer I shall be pleased to receive it; and should such additional evidence be sufficient to establish a case of an illegal combination or conspiracy I shall direct at once that proceeding be instituted with a view to obtaining immediate relief."

Appreciating the obligation that rests upon you to require evidence that shall be more than inference, I beg to call your attention to the following:

THE FIBER AND MANILA POOL.

I inclose (Exhibit 1 [a]) records of one organization of twenty-four paper mills (the Fiber and Manila Association), including ten mills, with capacity for news print paper. These records show that a pool was formed under the chairmanship of one John H. Parks, of No. 1 West Thirty-fourth street. The eight meetings of which we have reports show:

Creation of a ways and means committee.

Agreement on schedules of prices and discounts, with uniform trade customs respecting terms and charges for finishing, preparation, and packing. (See Exhibits 1 A and B [a] for schedules.)

Agreement upon a code establishing the percentages of sulphite pulp in each grade of paper.

The filing with the originator of the so-called "Parks pool plan" of all orders and names of customers and quotations of invoices and samples of paper and date of shipment.

The division of the product into "preamble" and "nonpreamble" goods.

Allotments of output by each of twenty-four mills.

Restriction of production.

Regulation of the basis of weights of paper.

Agreement to fix prices.

Agreement to advance prices.

Actual advances that ultimately reached $12 per ton.

Discriminations in prices upon shipments west of Minneapolis and north of Omaha.

Payments into a pool of part of the proceeds of all sales. (Usually the pool tax was $5 per ton sold.)

Divisions of 70 per cent of proceeds of the pool.

Allowances to mills that shut down.

Imposition of a penalty for shipments in excess of allotments.

Denial of quotations to six brokers. (Exhibit 1, p. 25.[a])

Restriction of jobbing to a special class and fixing the commission therefor.

Restriction of contract periods to three months, subject to permission of ways and means committee for a longer period.

Payments of money for expenses of pool and of those who had organized the association.

Creation of an exemption list with corresponding reductions in the participation of profits.

[a] Not printed.

Votes by mail on numerous questions, including the following:

"Should the association sell bag paper to jobbers or to bag manufacturers exclusively.

"Granting special privilege to a number to sell on terms better than thirty days."

Participation in the organization by members of the General Paper Company, who had been prohibited by Federal court from participating in such combinations.

Negotiations with "western trustee" mills and cooperation by them in the programme of the association and subsequent withdrawal of the "western trustee" mills.

Curtailment of profits of mills of one company to 50 per cent.

Instructions to counsel to find a plan for conducting the affairs of the association in such manner as would defeat any attack made upon it by the Federal or State government.

The association also voted upon the question of granting permission to members to bid on a large prospective contract in competition with a mill outside of the association.

DATES OF POOL MEETINGS.

Meetings of this particular association, of which we have reports, were held in New York City, either at the Waldorf-Astoria or at the offices of J. H. Parks, across the street, on the following dates:

November 14, 15, and 16, 1906.
December 13, 14, 15, 1906.
January 18, 19, 21, 22, 1907.
February 25, 26, 1907.
May 27, 28, 1907.
August 20, 1907.
September 19, 1907.
November 21, 1907.

At the meeting in February an advance of $3 per ton was ordered.

In May $3 per ton additional advance was ordered, with a rerating of mills.

In August $4 per ton advance was ordered by the eastern and western mills.

In November a shut down of one week was ordered, to restrict production.

At the meeting in November the following authorized statement was issued:

"At a largely attended meeting of wrapping-paper manufacturers it was the opinion of every manufacturer present that on account of the difficulty in getting cash to meet the pay roll, due to the financial stringency, and on account of the shortage of pulp wood, it was wisdom to shut down paper machines for at least a week. In order to give stability to the market it was also deemed advisable not to increase or decrease prices, but to hold them as at present."

The western fiber and manila paper manufacturers held a meeting in Chicago in the third week of December, 1907, at the Grand Pacific Hotel, at which the mills in Wisconsin and Michigan making these classes of paper were represented. A shut down of thirty days to starve the market was agreed upon, and the maintenance of pool prices was approved.

BOX BOARDS.

The box-board makers met in New York in the first week of June, 1907, and advanced the price $2 per ton, effective June 11, 1907, upon everything except patent white-coated board. This division of the American Paper and Pulp Association also planned a raid on the raw-material men to force down their prices.

In the first week of September, 1907, the box-board makers met at the office of J. H. Parks, No. 1 West Thirty-fourth street, New York, to act upon prices and to rerate mills.

MONEY IN KNICKERBOCKER TRUST CRASH.

May I call special attention to a statement published in the Paper Trade Journal of October 31, 1907, giving a report of the locking up of half a million dollars of the funds of this Parks pool in the Knickerbocker Trust Company? This fund purports to represent several months' profit of all the mills, as well as a two-year accumulation of a contingent fund. The attitude of the Government toward such a fund is a matter which I am sure you will promptly determine.

BOOK PAPER.

The book-paper makers, members of the American Paper and Pulp Association, combined in November, 1906, and adopted so-called "trade customs," fixing terms of sale, the minimum basis of weight, and extra prices for lighter weights, for finishing, and for trimming and wrapping. Subsequently, after conference with the jobbers' association, these regulations were slightly changed. In the modified form they were submitted and formally approved by the American Paper and Pulp Association at its meeting in New York in the second week of February, 1907. From time to time, on dates of which we have not at present the precise record, advances were made in the price of book papers by the combination of book-paper makers.

On April 1, 1907, this book-paper combination made an additional advance of $2 per ton in prices. New clauses were added to the "trade customs" regulations.

At Atlantic City on May 24, 1907, the book-paper manufacturers met to act in combination upon the price of book papers.

On September 30, 1907, they met in New York City and advanced the prices of eastern mills $3 per ton and of western mills $5 per ton. The old custom of sending out trade notices and of giving the new price list was abolished. A new method was adopted. Customers were notified that old prices had been withdrawn and new prices would be quoted on application.

At meetings held in New York, November 20, 21, and 22, 1907, an agreement to restrict production was acted upon. A further agreement to the same effect was made for the holiday week at the end of 1907.

WRITING PAPER.

On January 26, 1907, the writing-paper manufacturers, in accordance with an agreement made among themselves in combination, withdrew previous quotations and issued a new price list averaging $2 per ton increase. They also adopted trade customs regulations fixing prices on special sizes of papers and on special colors and on special orders of papers and for special weights of papers and for folding. These regulations were formally ratified by the American Paper and Pulp Association at its meeting in New York in February, 1907. (See p. 422, Paper Mill Directory.)

From time to time the makers of writing paper have met in New York to fix prices. The meeting on the third Friday of September, 1907, was held at Hotel Astor. A restriction of production over the holidays at the end of 1907 was also agreed upon by the writing-paper makers.

BLOTTING PAPER.

The blotting-paper makers, members of the American Paper and Pulp Association, advanced their prices $5 per ton in the last week of February, 1907, as the result of an agreement by a combination, this advance following a similar advance of $5 per ton, making a total of $10 per ton within a short period.

TISSUES.

The makers of No. 2 white and manila tissues met at the Fifth Avenue Hotel in the last week of March, 1907, to stop price cutting. The Crystal Paper Company, of Middletown, Ohio, has recently withdrawn from that association and has revised its price list to cut under that of the association.

SODA PULP.

The soda-pulp makers in the second week of October, 1907, at a meeting in New York, agreed upon a combination price for the year 1908.

On November 21, 22, and 23, 1907, the soda-pulp makers met in New York City to discuss a shut down in order that the artificial scarcity which they had produced might be maintained. At that meeting they decided not to reduce the price previously agreed upon.

SULPHITE PULP.

The sulphite-pulp makers met in New York November 20 and 21, 1907, to dissolve the old combination and to form a new one which would dodge the antitrust law. The shutting down of mills to continue the paper famine and maintain old prices was also planned at that meeting.

On December 19, 1907, the sulphite-pulp makers adopted new by-laws to carry out in new guise the purposes of price fixing and output restriction and trade conditions while evading the Federal statute. The new by-laws and the list of new officers are attached hereto, marked "Exhibit 4." [a]

A restriction of production over the holidays was also planned at the last meeting in December, 1907.

The sulphite-pulp makers, in anticipation of Federal inquiry, have changed the form of their organization, which has held monthly meetings in this city for more than a year. (See Exhibit 2, giving rules of the new association.[a])

We furnish herewith (Exhibit 4) a list of sulphite-pulp manufacturers, including Canadians, who attended a meeting at the Hotel Belmont, November 20, 1907, for promoting the purposes of the sulphite combination in restraint of trade.

NEWS PRINT.

We herewith furnish your Department a list of news print paper manufacturers who met in New York City early in September, 1907, to advance prices and who did so advance them, as follows:

For 1,000-ton orders in rolls, 2½ cents.
For less than 1,000-ton orders in rolls, 2.60 cents.
For less than 1,000-ton orders in sheets, 2.85 cents.

A prior advance had been made in the first week in March, 1907, and a meeting of eastern and western manufacturers was held in Chicago, March 11, 1907, to act upon another advance in price. (See Exhibit 3.[a])

SEVEN GROUPS OF PAPER MAKERS.

Seven groups of paper makers have held meetings in New York City within the last fortnight. These groups include pulp makers, makers of boards, tissue, book paper, news print paper, writing, and manila and wrapping paper. Sulphite pulp constitutes one-fifth of the material that enters into print paper, ground wood constituting four-fifths.

AMERICAN PAPER AND PULP ASSOCIATION.

All of the groups referred to have a common purpose and a common method, which is illustrated by the details herewith shown. All of these are subdivisions of the American Paper and Pulp Association, a national organization that has its headquarters and address at 309 Broadway, New York City. From a merely statistical body, with a restricted purpose of discussion and interchange of ideas, it has become a center for seven divisions of paper makers who have undertaken to cooperate through it in a general restriction of production, a regulation of the output, and an advance in prices through combinations so solidly organized as to control the market arbitrarily by pool agreements and penalties and restrictions.

The paper-making business is so interdependent between these groups that the actions of many of them have contributed materially toward producing an artificial scarcity in news print paper and an abnormal and utterly unjustifiable increase in the price of news print and book and other papers.

Half the members of the Fiber and Manila Association are rated also as producers of news print paper.

IGNORING PROHIBITION OF FEDERAL COURT.

We call your attention to the general shut down recently decided upon by many of these groups to curtail the supply and to maintain the artificial scarcity by which consumers of paper have been oppressed. (See Exhibit 5.[a])

We call your attention to the action of the twenty-four mills which formerly constituted the General Paper Company and which, after dissolution by the Federal court at the instance of your Department, and after service upon them of order of prohibition of further participation in combinations, have employed a common traffic manager to regulate shipments for all of them. In other respects they have acted in concert for the promotion of mutual profit and in disregard of the order of the court.

In March, 1907, the announcement came from Milwaukee that the former traffic manager of the General Paper Company, Mr. W. H. Hurlburt, of St. Louis, had been put in charge of routing and shipping all the product of the mills formerly tributary to that company. Previously there had appeared in the western field one John J. Hanrahan, said to be a representative of Dean & Shibley, of 26 Broadway, New York. Mr. Hanrahan traveled from mill to mill with a force of nine men, comprising N. M. Jones, of the Katahdin Mills, Lincoln, Me., a sulphite pulp manufacturer; George F. Hardy, a paper-mill architect; Stuart B. Lansing, a paper-machinery maker, of Watertown, N. Y.; four representatives of the American Appraisal Company, and two expert accountants from New York.

Evidence is at hand that former members of the General Paper Company have agreed as to "prices and to the imposition of conditions upon the manufacture, sale, and distribution of the paper manufactured" in direct violation of the decree issued by Judge Sanborn.

[a] Not printed.

Their participation in the action of the American Pulp and Paper Association respecting trade customs—the participation of some of them in the Parks pools and in the various arrangements for penalties on excess production are challenges to the authorities which can not be ignored without danger to the foundations of government.

WITNESSES WHO TOLD OF COMBINATION PLANS.

We can furnish evidence that J. C. Deery, of J. W. Place & Co.; W. B. Moore, a representative of the Berlin Mills, of Berlin, N. H.; a representative of the International Paper Company of New York; a representative of the Richmond Paper Company, and a representative of the Graham Paper Company, of St. Louis, Mo., had knowledge of the uniform raise in prices among manufacturers in advance of the actual announcements by the mills. They told various publishers of an agreement among the mills to uniformly advance prices, and that a uniform price had been fixed; that customers had been allotted to special mills and jobbers; that certain jobbers controlled given territories; that an actual combination existed; that information as to prices, quotations, contracts, and orders was interchanged; that advances in prices were practically simultaneous by the mills. We will furnish evidence that contracts and orders were shifted between mills located East and West without the knowledge or consent of the newspapers, and this occurred between mills that had no known trade relation. These outgivings of proposed increases in prices preceded the alleged increase in the cost of labor and in the cost of wood attending the manufacture of news print paper. Many of the mils have refused to make quotations to newspapers. One of them claimed to have been oversold when its agent stated that it was not then oversold.

PUBLISHERS' SUPPLY PREDERTERMINED.

Publishers who apply for quotations realize that in some intangible way the source of their supply has been predetermined for them and that the price they are to pay has been prearranged for them. In each case the publisher finds that all bids but one are at a prohibitory price. He also finds that he has no remedy against the supply of inferior paper. Unity of action on the part of manufacturers and uniformity of price are obvious.

Publishers who make inquiry of one mill discover that the others have been advised of that inquiry. A secret bureau of information is at work. New selling agencies, representing an aggregation of previously independent mills have merged the output of those mills.

Various mills have been shut down for various periods upon various pretexts. We allege and expect to be able to prove that some of these mills were shut down to starve the paper market and to create a paper famine.

CREATING A PAPER FAMINE.

At the beginning of the year 1907 there was a stock of 60,000 tons of news print paper on hand. August, 1907, should have disclosed a reasonable stock on hand and an accumulation; but the announcement came in that month from paper makers that a paper famine was imminent. The president of the American Paper and Pulp Association wrote in September, 1907, as follows: "Every indication points to the fact that the consumption of news paper has rather more than overtaken the production, and with the natural yearly increase in consumption it would seem as though there would be a real scarcity of news paper during 1908, and perhaps for a much longer time."

INCREASED EXPORTS OF PAPER.

Newspapers find a difficulty in reconciling these statements with increased shipments of paper to Mexico, Cuba, Chile, Argentina, and Japan, and an export of 60,000 tons of news print paper during the year ended June 30, 1907, in disregard of the depleted condition of the domestic market.

Heretofore newspapers have been able to contract for a supply of paper for two or more years, and to adjust their business accordingly. At present they are unable to get bids for more than one year. Jobbers report difficulty in obtaining quotations for any period unless they disclose the names of customers and the use to be made of the paper. When this disclosure is made, jobbers find that satisfactory quotations can be obtained from only one mill. No publisher is safe when mills refuse new orders, as some of them have done.

CHEAPNESS OF AMERICAN PRODUCTION.

Apart from the purely legal or technical phases of the proposition, we can establish to your satisfaction through reports from consuls in Canada on file in the Department of State that the pretexts put forward by paper makers for their advances in prices are not borne out by the facts; that the cost of labor has not increased to the extent represented by the paper makers. Figures printed in the Paper Mill Directory for 1907 shows an increase of only 1 per cent in labor cost of a news print paper mill, the increased production of faster running machines and other improvements having offset the increased pay of the paper-mill employee in up-to-date mills; not one-twentieth of the proposed advance in paper price goes to labor. We can show that news print paper has been recently made and sold in Canada at $32 per ton, including profit of mill, and that American mills can and do make paper more cheaply than Canadian mills by reason of a better supply of skilled labor, cheaper coal, and adequate home market for their products, lower ocean rates, and lower marine insurance on their exports. American mills pay less in the first cost of their machinery, in the cost of repairs and maintenance of machinery, in the cost of mill supplies, and in many other things.

Canadian paper mills with American stockholders have been paying the duty of $6 per ton and have profitably undersold American mills in the American market.

SPECULATING IN WOODLANDS—POURING MILLIONS INTO CANADA.

The latest census bulletins on pulp and pulp wood refer to a gigantic speculation in woodlands by pulp and paper companies, as an explanation for an increase in the quoted cost of pulp wood; but these quotations do not represent any considerable part of the supply of pulp wood used by news print paper makers. The International Paper Company controls 5,000 square miles of timber land. Within the last week it bought 550 square miles on the Restigouche River, New Brunswick, and it is credited with pouring millions of dollars into investments in Canadian forests, though it previously held woodland that would reproduce forever a supply of spruce pulp wood sufficient to make twice the quantity of pulp it now uses. Any purchases of pulp wood by it from outside sources tend to stimulate the price of pulp wood and to furnish a pretext for an advance in price of news print paper.

STUMPAGE.

The stumpage of the International Paper Company is rated on its books at about $1.70 per acre, but its officers claim to be buying outside supplies on a basis which is three times that book valuation. The

International Paper Company advanced its price of paper to $50 per ton when it had been invoicing wood in the raw from Canada at $5 per cord. Its officers have been quoted within the last week as saying that $14 had been paid for pulp wood, and that "this phenomenal advance has foreed all companies to mark up the price of paper." Dispatches from Minnesota indicate that the price of pulp wood has dropped to $4.75 per cord or less than one-half the former quotation. Canadian paper makers say that $3 per cord was paid last summer to farmers for pulp wood. Ottawa advices say that there is no increase in the cost of pulp wood.

News print paper mills that are not entirely modern are now making paper at figures that show a profit of more than $20 per ton on the paper prices just announced by the International Paper Company ($52.50 per ton). In other words, for paper delivered, say in New York, up-to-date mills are making a profit of more than 60 per cent on the cost of manufacture, delivery, and storage, and they are making a profit of 40 per cent upon a reasonable allowance for the capital required by a modern plant. Public officials who might look with lenient gaze upon those who were trying to save themselves from loss are not justified in countenancing such oppression of innocent buyers by criminal combinations of paper makers.

PROFITS OF 60 PER CENT.

In 1905, when the International Paper Company was admittedly selling paper at $38 per ton, delivered on the sidewalk, it made a profit of $5 per ton, as shown by its annual report, indicating that the cost delivered on the sidewalk was $33 per ton, and that the cost at mills was averaging about $29 per ton. Many newspapers are at the mercy of this combination of mills that groups together twenty-four plants, one of which (Haverhill), scheduled at a valuation of $228,000, was promptly dismantled. Another mill (Harkimer), scheduled at $592,800, had not been profitable and is not now in operation. Another mill (Fall Mountain), scheduled at $4,105,507, had one machine that was sixty years old.

These illegal combinations have imposed burdens upon consumers of all kinds of paper, and, if carried out as indicated by the published utterances of the leaders of the various groups, they will add at least $60,000,000 per annum to the cost of paper as compared with two years ago.

We therefore ask that you direct that proceedings be instituted with a view to obtaining immediate relief.

Yours, truly, HERMAN RIDDER,
President American Newspaper Publishers' Association.

Mr. WILLIAMS. Mr. Chairman, I also hold in my hand the advance sheets of an editorial which will appear in the next issue of the Commoner from the pen of Hon. William J. Bryan, giving his opinion concerning the so-called "Williams currency bill," indorsing the same and recommending its support to Members of the House. For the same reason, to wit, that I do not desire to take up the time of the House, I ask unanimous consent that it be published as a part of my remarks. [Applause.]

The CHAIRMAN. The gentleman from Mississippi [Mr. WILLIAMS] asks unanimous consent that the paper which represents advance sheets of an editorial to be published in the Commoner be included and added as a part of his remarks. Is there objection?

There was no objection.

The editorial is as follows:

THE WILLIAMS CURRENCY BILL.

Hon. JOHN SHARP WILLIAMS, the Democratic leader of the House of Representatives, has introduced a bill, a copy of which will be found upon another page. It was introduced after a conference with other Democrats of the Senate and House—a conference which Mr. Bryan attended—and has the support of practically all of the Democrats. The Commoner commends this bill to its readers and to the country as a vast improvement over the present national banking act and over both the Aldrich and Fowler bills.

In the first place, it requires the reserves to be kept in the banks and repeals the law which permits these reserves to be loaned to other banks. This provision requiring the reserves to be kept at home protects the country from the concentration of money in New York, where it is not only loaned for speculative purposes, but where it can be retained to the embarrassment of outside banks. In order that the banks may not be crippled by this requirement another provision of the bill permits national, State, and municipal bonds to be counted in the reserve up to one-half of the reserve. As these bonds draw as high rate of interest as the banks now receive on that part of the reserve which is loaned to banks in reserve cities, there is no loss to the bank in keeping its reserves at home.

These bonds which are kept in the reserve are, by another provision of the bill, made the basis for an emergency currency, consisting of national notes loaned to the banks upon rate of interest which will compel the retirement of the notes when the emergency is over.

These three provisions—first, that the reserves shall be kept in the banks; second that half of the reserves may be kept in bonds, and, third, that these bonds may be used as the basis for an emergency currency—will protect the country from any such panic as that through which we are passing, for the present panic began with the refusal of the New York banks to return the reserves deposited with them.

Under the Williams bill these reserves will be kept in the home banks, and therefore always ready for use. The banks can not say that a hardship is imposed upon them by this requirement, because the reserve held in bonds is drawing interest, and these bonds furnish a basis sufficiently large for any emergency currency that may be needed. Every interest therefore is protected without any hardship to anyone. Whatever emergency currency we need ought to be issued by the Government, and the Williams bill provides for such an emergency currency.

The second provision of the bill requires the banking associations of the reserve cities to keep not less than half of their reserve in gold or gold certificates. This puts upon the banks in the reserve cities the burden of carrying a part of the gold reserve, and thus relieves the Government to some extent.

Section 3 substitutes salaries for fees for bank examiners, and is a step in the right direction.

But the Williams bill goes further. It adds restrictions upon the banks which look to the prevention of failures. The cause of failures is to be found in the use of the money of the banks by officers and directors. The present law limiting loans to any one person to one-tenth of the capital and surplus is merely directory and is violated with impunity. The Williams bill provides a penalty for such loaning, and thus makes it a criminal offense to violate the rule laid down as to loans. This will stop loaning of an excessive amount to any one individual and will in itself go far toward preventing failures.

Section 5 adds another valuable restriction, namely, that the aggregate loans of a bank shall not amount to more than seven times its paid-up capital and unimpaired surplus. Some of our banks are top-heavy. They have enormous deposits and enormous loans, but have a small capital and surplus back of the loans and deposits.

No argument need be advanced in proof of the statement that the bank is safe just in proportion as its capital and surplus are large when compared with its deposits. One of the large banks that failed during the present panic had deposits to the amount of seventeen times its capital and surplus, and sometimes the deposits amount to as much as twenty or thirty times the capital and surplus. It is readily seen that a bank with $100,000 capital and surplus and $500,000 deposits is conducted upon a safer basis than a bank with $100,000 capital and surplus and $2,000,000 deposits. In the first case, the bank could loan its capital of $100,000 and 75 per cent of its deposits—$375,000—or a total of $475,000. In this case its capital and surplus of $100,000 would offset a shrinkage of $100,000 in its loans, or shrinkage of more than 20 per cent. In the latter case the bank could loan $100,000 capital and surplus plus $1,500,000, or a total of $1,600,000. In this case the capital and surplus of $100,000 would cover a shrinkage of only about 6 per cent.

The Williams bill, by limiting the loans to seven times the capital and surplus, compels the bank to keep all of its deposits on hand after it has loaned seven times its capital and surplus, and as there is no profit in accepting deposits that can not be loaned, the bank will at once increase its capital and surplus in order to make use of its deposits. In other words, it will increase the basis upon which it is doing business and the margin which protects depositors from any shrinkage in the value of the bank's securities. Oklahoma, so far as the editor knows, is the first State to attempt this regulation, and the loans are there limited to eight times the capital and surplus. The Williams bill makes the bank even safer by putting the ratio at seven.

Section 14 of the Williams bill makes it a criminal offense for any officer or director of a bank to knowingly loan money for gambling purposes. While this provision may be difficult to enforce, it is a declaration that will, to some extent at least, restrain the officer and will do good, and Mr. WILLIAMS might have gone further and made it a criminal offense for any official of a bank to buy or sell stock or farm products on a margin, a margin being defined as less than one-half of the purchase price. A man who handles money of others ought not to be subjected to the temptation into which gambling leads one.

Another important provision of the Williams bill relates to the deposits of Government money in banks. The bill provides that Government deposits shall be made in response to sealed bids and the money divided, where bids are equal, between the States in proportion to population, and banks making the same bid are to be treated alike. This provision for the loaning of Government money at competitive rates eliminates favoritism which has existed up to this time, and at the same time secures to the Government a profit. Where the security is fixed as it is in the Williams bill, there is no reason why the loans should not be made to the bank offering the highest rate of interest, the deposits in any bank being limited to 50 per cent of the paid-up capital.

Mr. WILLIAMS is to be congratulated upon inserting these provisions in the bill for it points a way to the only remedy for favoritism in the loaning of money.

But the Williams bill not only provides for an emergency currency and the better regulation of banks, but it provides for a guaranty fund for the protection of depositors. A semi-annual tax of one-sixteenth of 1 per cent is levied upon the banks voluntarily entering the plan until the sum of $15,000,000 is collected. After that the assessment is suspended until it is necessary to reimburse the fund for money paid to the depositors of failed banks. This sum is held by the Treasurer of the United States and administered for the protection of depositors. The fact that the banks enter the system voluntarily rather than under compulsion has no disadvantages, for all banks will be able to enter the system, or if they do not, the people having an opportunity to protect themselves will knowingly assume the risk if they deposit in unsecured banks.

WHY OPPOSED.

The bill provides that the money should be drawn from the funds "after the exhaustion of the assets of any failed bank." This ought to be amended so as to provide for the payment of the depositors immediately upon the suspension of the bank in order to protect the community and the depositors from embarrassment, and then the Government can proceed to collect the assets of the bank, including the 100 per cent liability of stockholders, and reimburse the fund. This amendment would improve the bill, and there could be no objection to it.

THEN BANKS WOULD NOT ENTER.

The only other amendment which needs to be suggested is that the Government should have the right to collect additional assessments if necessary to protect depositors so that there would be no danger of any time elapsing between the failure of the bank and the payment of depositors. The banks can very well afford to risk these additional assessments in order to give absolute security to depositors. While the fund is sufficient for all probable emergencies, the law should provide for possible emergencies, as well as probable ones, and in subjecting all of the banks of the system to unlimited assessment, it is simply giving the benefit of the doubt to the depositor, who is likely to be more timid than the banker. The banker knows by experience that the assessment could not be large, and therefore takes no great risk in making the depositors' security absolute.

The guaranty system proposed by the Williams bill is open to State banks as well as national banks, and very properly so. A law that provides for the protection of national-bank depositors only would discriminate between the State bank, just as a law protecting depositors of State banks only would discriminate between national banks. It is well that the system proposed in the State and in the nation should be broad enough to avoid discrimination, and thus put all banks upon the same level when they are willing to stand upon the same footing as to inspection and security.

Mr. WILLIAMS has rendered his party a distinguished service in presenting this currency reform measure. The Democrats can afford to support it unitedly and then ask the judgment of the country between it and the measures proposed by the Republican leaders. The Williams

bill meets the difficulty from the standpoint of all the people, the Fowler bill and the Aldrich bill look to the interest of the bankers alone. If the Democrats of the House will stand by the Williams bill and put the Republicans on record, the Republicans will have to support the Williams bill or risk retirement at the next election.

Mr. WILLIAMS. Mr. Chairman, I now yield back the balance of my time to the gentleman from Virginia [Mr. JONES].

Mr. JONES of Virginia. Mr. Chairman, I reserve the balance of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GREENE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. MCCUMBER, and Mr. OWEN as the conferees on the part of the Senate.

CATHOLIC CHURCH CLAIMS IN THE PHILIPPINE ISLANDS.

The committee resumed its session.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield ten minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, there are only three questions involved in this controversy. The first is the character of the claim, the second the amount, and the third the ownership. These are the three problems before the Committee of the Whole House for consideration. The character of the claims has been quite fully explained to the committee by the gentleman from Wisconsin [Mr. COOPER], and also the gentleman from Virginia [Mr. JONES]. They are claims for use and occupation of church property by the Federal Government during the insurrection in the Philippine Islands, including schools and hospitals, and for damages resulting from acts of destruction by occupants of the Federal Government while it was in possession of the property. The Hull board made a careful and exhaustive investigation of these claims, and made a report recommending that $363,030.19 be appropriated by the Federal Government in payment of the claims. The board in its report likewise recommended or suggested an additional $40,000 that might be paid as the share of liability for which the Federal Government might be responsible in the loss and destruction of sacred ornaments, vestments, and utensils in the churches, convents, and other buildings.

The chairman of the board said the evidence upon that question was not very clear. But I want to call the attention of the committee to this proposition: Colonel Hull, in his testimony before the Committee on Insular Affairs, reported that the board, in determining the question of liability, only considered the property actually appropriated by the Federal Government and the rents of property actually occupied by the Government during the occupancy. That the board decided not to include wanton cases of damage and destruction by our soldiers, notwithstanding these acts of damage and destruction occurred by them as our tenants of church buildings, convents, and educational institutions while the Federal Government was in possession of the property, and had excluded the rightful owner from its possession and control. There is a considerable element of damage of that kind that has a recognized basis in law and justice that the board admitted it did not consider at all. That element is as well based in law and justice as any claim that was allowed.

There is no doubt in the world that when the Federal Government takes possession of a building of a noncombatant in time of warfare and converts it to its own use for the time being, it becomes a tenant, it assumes responsibility that belongs to a tenant. It has excluded the rightful owner, taken from him the right to control the property and protect it against wanton acts of destruction; and by its own occupancy, where it has destroyed furniture and decorations, carried away sacred vestments and ornaments, in that relation the Federal Government, under the law of war, is responsible, and that substantial element of damage, Mr. Chairman, was entirely ignored by the Hull board. I do not know how much it may have been. A number of thousands of dollars in all probability would be required to cover it. At one time, in the magnificent cathedral at Manila, the United States Government had several thousand Spanish soldiers confined for a number of months as prisoners of war, and the damage to that property by those prisoners was outrageous. No allowance was made for that.

Again, the Committee on Insular Affairs, in reaching its conclusions, decided to add $40,000, as the Hull board recommended or suggested, as the share of the Federal Government for the taking and destruction of sacred ornaments of the churches and convents. That claim was about $288,000 in the aggregate. The board said that the share for which the United States might be held responsible would amount to about $40,000.

Now, I want to call the attention of the committee, too, to the fact that Colonel Hull stated to the committee that, in his judgment, if Congress should allow $500,000 upon this claim, it would not be excessive; it would not be more than the church was justly entitled to.

Mr. GARRETT. Will the gentleman allow me?

Mr. CRUMPACKER. I only have ten minutes, and if I yield to interruptions I can not present the questions I have in mind as fully as I desire to. I hope the gentleman will pardon me.

Secretary Taft, who is familiar with the situation, has recommended an allowance of $500,000. Mr. Chairman, in my judgment, the $403,030.19 falls many thousand dollars below fair compensation for the actual damage that this Government committed and for which it was clearly liable under the law.

Now, another question is: To whom does this damage belong? There can be little doubt about that. The gentleman from Virginia [Mr. JONES], my genial friend, has made a very elaborate argument to prove that the question of title is in doubt. Mr. Chairman, I undertake to say that no man who is a lawyer and who has not started in wrong, who has not conceived some mental bias before undertaking the examination, can read the opinion which is appended to this report and not come to the conclusion that the title to all property situated like this in the Philippine Islands was conclusively adjudicated by the decision of the supreme court of the Philippine government. The opinion is here. We present it in the report, and I make the assertion that the question of title was adjudicated as clearly as it was possible for it to be. The plaintiff went into the court declaring he was the owner and entitled to possession of the property. The defendant answered title and right of possession in the municipality under which he held possession. The municipality was made a party defendant upon its own petition, and asserted ownership and right of possession, and these were the questions in issue.

The case was filed in a court of general jurisdiction, not before a justice of the peace. Jurisdiction in such cases was given courts of first instance in the islands by the organic act passed by Congress creating the government of the Philippine Islands, with the right to appeal to the supreme court. The local court decided in favor of the plaintiff, and the case went to the supreme court of the islands regularly on appeal, and the supreme court took up the propositions one after another, every proposition that was presented in the record, and decided fully, clearly, and conclusively that the title and right of possession were in the Roman Catholic Church. The court devoted two-thirds or three-fourths of its long opinion in discussing the question of ownership, of title, upon the theory, as the gentleman from New York [Mr. COCKRAN] intimated in his questions, that the right of possession followed the ownership.

(The time of Mr. CRUMPACKER having expired, Mr. COOPER of Wisconsin yielded to him three minutes.)

Mr. OVERSTREET. What was that decision? The gentleman has not stated it yet.

Mr. CRUMPACKER. The decision was that the Roman Catholic Church of the Philippine Islands was the owner, that it held all the title to the property there was in existence, that the title never was in the Crown of Spain, that it never was in the United States, that it never was in the Independent Church. Why, Aglipay, the founder of the Independent Church has placed on file with the government down there a renunciation, a disclaimer of any right or title to the damages in controversy. Those damages accrued before there was any Independent Catholic Church in the Philippine Islands. The church was not organized until after the damages had accrued, and nobody questions that when the damages accrued the title and the right of property were in the Roman Catholic Church. There is no legal problem in this case. It has been adjudicated by the court of last resort in a typical case, as the court practically said; and the court took occasion to say that the title to no property situated as that was in the Philippine Archipelago was anywhere else than in the Catholic Church. It is as fair and clear and conclusive an adjudication of title and right of possession of all that class of property as it is possible to make, and I make this statement knowing that the opinion of the court is within ready reach of every member of the Committee of the Whole. The Aglipayan church is said by the gentleman from Virginia to number five or six million communicants.

Mr. JONES of Virginia. No; I did not say that. I said three million.

Mr. CRUMPACKER. I took occasion this morning to call up the War Department upon that question, and Major McIntyre told me that at no time had it exceeded one million, according to the best information, and that included men, women, and children, and he said that to-day the communicants were not one-third of a million. They have but one small chapel in the great city of Manila, in which city there are sixteen important Roman Catholic churches.

Mr. COOPER of Wisconsin. I yield ten minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Chairman, the Government of the United States occupied 407 different church properties in the Philippines, or at least that many claims were presented. The contention of the gentleman from Virginia [Mr. JONES] is that there ought to be 407 lawsuits to determine the title to those properties, when everybody concedes and everybody knows that they were all held by precisely the same title, and that the question has been decided in the Ramirez case, to which he has referred. Now, here is the syllabus of that case: There could be not more than three possible claimants to the title of this property—one, the Government of the United States, deriving through the Kingdom of Spain; the other, the Roman Catholic Church; and, third, the new claimant, which does not claim, but on whose behalf the gentleman from Virginia [Mr. JONES] bases largely his contention, the Aglipayan branch of the Catholic Church.

There was some difference of opinion in the supreme court, not the inferior court, but the supreme court of the Philippine Islands. Five of the judges of that court held, as stated in the syllabus, that "prior to the cession of the Philippines to the United States the King of Spain was not the owner of the consecrated churches therein and had no right to the possession thereof. The exclusive right to such possession was in the Roman Catholic Church, and such right has continued since that cession, and now exists."

The minority of the court, one judge, held that the legal title to the churches was in the United States, but he concurred in the judgment upon the ground that the right to possession and control of these churches is in the Roman Catholic Church so long as they continue to use them for the purpose to which they were dedicated. Even the dissenting judge conceded, and the gentleman from Virginia [Mr. JONES], I think, must concede, that the exclusive right to the occupancy and possession of these churches was in the Roman Catholic Church. Why need we go into any refinement of distinction between the right to ownership and the right to possession through all time, if not eternity?

Mr. HARDY. Does it not also give them the exclusive and perpetual right of possession?

Mr. OLMSTED. The exclusive and the perpetual right just as long as they are occupied for ecclesiastical purposes. Now, if I am in possession of a building, if you please, and the courts decide that I have the exclusive right to the possession of that property forever, and you blow off a chimney or blow out the windows, who is damaged? Am I not? And if I am driven out of the possession, as the Roman Catholic Church was driven out of the possession of these buildings in the Philippine Islands, who is damaged?

Whose property was taken? Whose right was taken? Was it not the property—the property right—of the Roman Catholic Church? What other claimants could there be? This, Mr. Chairman, is simply a bill to pay rent. The Government of the United States occupied these buildings; it owes the rent to somebody. The question is to whom the rent is due. To whom is it owing if not to the body whom the Supreme Court has decided—not only in this case, but in a later case, only last December, and from which the gentleman from Virginia has read—has decided that the exclusive right of possession is in the Roman Catholic Church in perpetuity?

Mr. CHANEY. Will the gentleman yield?

Mr. OLMSTED. For a question.

Mr. CHANEY. I want to inquire if the decision of the dissenting judge that the title was in the United States was not on the theory that the church had only been given the right of property on the ground that it was to be used for public worship?

Mr. OLMSTED. That is the fact. There was no difference of opinion among any of the judges as to the exclusive right of possession. They all held that the exclusive and perpetual right of possession and occupancy was in the Roman Catholic Church. Everybody conceded it. The Aglipayan faction of the church has renounced all claim. The Kingdom of Spain, for obvious reasons, can not make any claim of ownership now, and the court has decided that it never had any title.

Now, why should we waste words on the mere question of whether or not these cases decide in whom is the legal title—who would finally receive it if the churches should cease to use it for church purposes? The Roman Catholic Church claimed rental and damage to the amount of $2,442,916.13. The board allowed $363,030.19. The Secretary of War and the chairman of that board held that the damages that had accrued for deterioration as the result of damages by the United States during its occupancy had caused an additional damage, so that $500,000 would not be an excessive amount to be paid at the present time. The Committee on Insular Affairs has allowed a total of $403,030.19 as rent for occupancy and damages to the property during the occupancy by the United States, or by those whom it authorized to occupy them. Nothing whatever is allowed for damages by insurgents, who were in possession of many of the properties before the United States took possession.

Now, let me summarize the matter. The Government having for its purposes occupied some or all of these buildings—some for use as hospitals, some for the housing of troops, some as barracks, etc.—the church made claim for rental and also for damages. The Secretary of War appointed a so-called "board of church claims" for the sole purpose of investigating and reporting upon the matter. This board consisted of Lieut. Col. John A. Hull, judge-advocate; Lieut. Col. Alexander O. Brodie, military secretary, and First Lieut. J. W. Moore, Second Cavalry. They went upon the ground and spent some six months in making a thorough investigation. The total claims presented for rent and damages amounted to $2,442,963.13. In addition to this there were claims made for articles of cult and ornamentation, claimed to be missing, to the value of $289,222.50. The board allowed nothing except for rent and damages to the property while in the occupation and use of the United States Government.

Nothing whatever was allowed for damages incident to military operations as an incident of war. For instance, take this extract from the report of the board:

No. 256. Paco, Manila. Claim for damages to church, convent, and effects, amounting to ₱300,000 (amount of ₱554,785, as stated in Exhibit B, was taken from an abstract and is incorrect). We recommend that nothing be paid.

That church was occupied by the insurgents at the outbreak of hostilities in February, 1899. In order to dislodge and subdue them it was necessary for the United States artillery to shell the church. During the engagement it was set on fire and destroyed. The damage was an incident of war, and no claims of that kind were allowed.

Some of the claims were for damages done by the insurgents. These were not allowed, as the United States was not responsible for such damages. Then there were claims for rentals and damages for occupation and use by officers and agents of the civil government of the Philippines. Those claims were all disallowed on the ground that if any lawful claim existed it was against the Philippine government and not against the United States. None of the claims for lost articles of cult and ornamentation were allowed. The evidence concerning such articles was very meager. There was little or no evidence that the articles had been taken by United States soldiers. In many instances the property had been abandoned by the church and occupied by the insurgents before the United States troops came along. It is more than likely that if any articles were stolen they were stolen by the insurgents before our troops got there. In any event, wanton damages by soldiers, thefts of property, etc., are never allowed in claims against the United States. The same principle is applied in this case as was applied here at home during the Spanish war.

In my own district we had Camp Meade. The Government paid rentals for properties occupied and they paid for damages to the property caused by the Army necessarily resulting from the occupancy by the Army, but where rails were stolen from fences, chickens from roosts, pigs from pens, or horses from stables no payment has been made by the Government. The theory is, as I understand it, that such wanton acts when committed by persons who are soldiers are committed by them not as soldiers, but in their individual capacities, and can not be construed as in any event the act of the Government nor so as to make the Government responsible. The reductions that were made brought the total down to $363,030.19, which was the sum allowed by the board of church claims for rent and damages for the use and occupancy by the Government. It was urged that deterioration of the properties resulted from the Government use and damage had followed the Government occupancy, and the Committee on Insular Affairs was urged to allow a total of $500,000. This it refused to do, but did add $40,000 to the award of the board, bringing the total up to $403,030.19, and the bill now under discussion provides for the payment of this amount.

The very full and comprehensive report accompanying this bill shows numerous precedents where Congress has appropriated money to pay just such claims as these to nearly every religious denomination arising out of the occupancy and use of churches during the civil war. Such payments have been made to the German Evangelical Church, Presbyterian Church, and others, and only a few years ago, in the Fifty-fifth Congress, there was appropriated $288,000 to the Methodist Church South upon just such a claim. This is not a question of politics or religion. It is merely a question of the Government paying the proper rental for its use of property belonging to others.

The report of the minority of the Committee on Insular Affairs lays considerable stress upon the fact that there is now in the Philippine Islands an Independent Catholic Church, headed by Gregario Aglipay and sometimes known as the "Aglipayan Church" or faction. What have we to do with that? The Aglipayan Church or faction did not exist until 1902, and the occupancy of these buildings by the United States Government, for which rental is now claimed, occurred prior to that time.

The minority report is devoted mainly to a vain and fruitless effort to show that the title to these lands is not in the Catholic Church. The judicial decisions cited upon that point do not so decide. The case of Barlin *v.* Ramirez seems to me conclusive upon the subject. But it is urged that this case originated some time prior to 1905, not in the supreme court, but in the court of first instance of Ambos Camarines, and that on the 24th of July, 1905, the Philippine government passed, or the Philippine Commission passed, an act giving the supreme court original jurisdiction in such cases. They did not claim that the act gave the supreme court exclusive original jurisdiction, and that tribunal certainly held that it was still proper for it to pass upon a case which had, prior to 1905, arisen in an inferior court, for the Ramirez case was decided by the supreme court itself on the 24th of November, 1906. Furthermore, two cases which did originate in the supreme court itself, after the passage of the act of 1905, were decided by that tribunal in December, 1907, and the principles of the Ramirez case were again decided and distinctly affirmed.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask that all gentlemen have the opportunity to extend their remarks in the RECORD.

The CHAIRMAN. The Chair will state to the gentleman that that must be decided by the House.

Mr. COOPER of Wisconsin. I now yield to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Chairman, this bill provides for the payment to the Roman Catholic Archbishop of Manila of the sum of $403,030.19. The bill is to make a settlement with the Roman Catholic Church for the use and occupation of its property in the Philippines and for damages to that property by the United States troops. A military board, styled the "board on church claims," convened in the Philippines, has examined each item included in the award, and this appropriation is to carry out the findings of that board.

The bill itself comes before the House as the report of a majority of the Committee on Insular Affairs, of which committee I am a member. A minority of that committee, however, are opposed to the measure, and their views are set forth in a report which has been filed with that of the majority.

The objection of the minority is on the ground that "no sound public policy is to be subserved by the appropriation by Congress of a considerable portion of the amount recommended," and in particular denies the right of the Roman Catholic Church to have the sum awarded paid to it.

This bill is a measure of importance, and as I strongly believe in its merits and differ from certain of my associates on the committee in my views on it, I wish to state my attitude and the reasons which I believe entitle the bill to receive the support of the House.

A clear understanding of the grounds on which the claims are supported requires a brief glance at the history of the Roman Catholic Church in the Philippines, an appreciation of the relations between that church and the King of Spain and the people of the Philippine Islands themselves, a knowledge of the arrangement under which the churches were built, and of the events connected with our use of them.

The relations of the former government of the Philippine Islands and the Roman Catholic Church were of the closest kind and existed from the first settlement of the islands by the Spanish. One of the main motives for foreign conquest, and one to which the Crown of Spain devoted especial attention, was the christianizing of the native populations of the new countries. The relations of the church and the King of Spain in these new possessions found expression from time to time in various concordats. In one of the early concordats the right to the tithes and patronage of the church was transferred to the King of Spain, who in turn agreed, as part of his responsibilities, to maintain the churches and furnish them with priests and aid in their construction and maintenance. The churches themselves, which were constructed from time to time, were built with funds furnished partly by the Roman Catholic Church directly, partly from the Spanish treasury, and partly by donation from the local members.

The church itself was a part of the Spanish Government in the Philippines, and there was no clear line of demarcation between civil and ecclesiastical matters, the Spanish Crown, in temporal matters at least, exercising a very large jurisdiction over the Spanish church. The cession of the Philippine Islands, in taking from the place of sovereign a government so intimately associated with the church and placing in that position a nation which by its constitution and by its traditions was precluded from all association with ecclesiastical affairs, raised many questions most perplexing in their nature.

The present Secretary of War, Mr. Taft, in an address to His Holiness the Pope, said:

> The transfer of sovereignty and all governmental property rights and interests from the Crown of Spain to the United States in the Philippine Islands, contained in the treaty of Paris, was a transfer from a government between which and the Church of Rome there had been in those islands the closest association in property, religion, and politics to a Government which by the law of its being is absolutely prevented from having such associations with any church. To make the transfer effectual, and at the same time just, it is obvious that the proper line of division must be drawn between what were really civil property interests of the Crown of Spain and what were religious trusts of the Catholic Church, and that all union of civil and clerical agencies for performance of political functions must end. (Report of Secretary of War, 1902, p. 237.)

Tracts of land of considerable area had been acquired by monastic orders in the Philippines, and in 1896 there arose an insurrection directed largely against these friars, who occupied and cultivated by native labor these large pieces of land. During this insurrection in 1896 many of the convents were occupied both by insurgents and by Spanish, and no small destruction of property ensued. The insurrection of the summer of 1898, which occurred against the Spanish Government, brought on the same conditions, and the church property, much of which had remained unrepaired since the first insurrection, was used and injured once more by the combatants.

TREATY OF PARIS.

The treaty of Paris, signed December 10, 1898, ceded to the United States the Philippine Islands and all the property located there which belonged to the Crown of Spain. The new sovereignty, however, was not accepted without a struggle and the insurrection continued the next year against the United States. The great damage to the churches was inflicted in this insurrection in 1899, and it was during this insurrection that the use of the church property by our troops occurred.

In 1902 a Philippine priest named Aglipay started a schism in the Roman Catholic Church. Aglipay had refused previously to obey the order of the Archbishop of Manila to present himself and come away from Aguinaldo and had been defrocked for disobedience. In his opposition to the Roman Catholic Church Aglipay took the position that the municipalities were the owners of the churches and organized a body called the "Independent Filipino Church," constituting himself its head. This body denied the authority of the Roman Catholic bishops over the churches and claimed that each community held the title to the church situated within its borders. The churches in some of the towns joined in this revolt and essayed to turn out the Roman Catholic priests who refused to renounce their allegiance to the Roman Catholic bishop of that diocese.

In fact, on January 10, 1903, Secretary Taft, then civil governor of the Philippine Islands, sent to all the governors of the provinces a letter in which he cautioned them to avoid so mixing themselves in the controversies as to cause them to be criticised, and warned them that the right of occupation or ownership of property was one to be determined by the courts.

Cases involving the right of possession of the church property immediately arose and have been so determined by the supreme court of the Philippines as to leave no doubt of the soundness of this measure in providing for payment to the Roman Catholic Church.

CLAIMS ARE FOR RENT FOR THE CHURCH BUILDINGS USED BY OUR TROOPS AND DAMAGES FOR THEIR INJURY.

The claims the payment of which this bill seeks to provide are, in part, for rent of the church buildings for their use by our troops and, in part, for damages incident to such occupation. The churches were the principal buildings in the towns, and the United States troops used them in most instances for barracks. They were obliged to do this, as the church, or convento, was, commonly, the only building in the town suitable

for sheltering troops. In some instances they were used as places in which to detain prisoners. While our troops occupied the buildings it not infrequently happened that they would be attacked. Even those buildings which escaped attack sustained serious damage from the occupation by soldiers. The occupation of the troops was paid for at the time in some instances, but usually either there was no one there with whom to treat, or the commanding officer preferred to occupy the buildings and allow the amount of the rent to be determined later.

EARLY RECOGNITION OF THE EXISTENCE OF CLAIMS.

Owing to the close relations of the Roman Catholic Church with the Spanish Government when the latter transferred its rights to the United States, many matters of importance required adjustment, and the recognition that claims of this nature existed is found in the earliest correspondence of our officials. When, in 1902, the then Secretary of War, Mr. Root, sent the present Secretary of War, Mr. Taft, to the Philippines in relation to the sale of the friars' lands, he instructed him to take up certain other matters with the Church of Rome, and said:

Provision should be made for ascertaining what rentals, if any, ought to be paid for conventos and other church buildings which have been occupied by United States troops during the insurrection, this being, of course, subject to further specific action by Congress. (Report of War Dept., 1902, Vol. I, p. 235.)

In furtherance of these instructions, Mr. Taft, when governor-general of the Philippine Islands in 1902, in his letter to Cardinal Rampolla, representing the Roman Catholic Church, agreed to—

Direct the general commanding * * * to ascertain what damages have been done, and in each case what reasons, if any, for denying an obligation to pay rentals and damages.

Following out such orders the general commanding in the Philippines directed that an investigation into the claims for rent and damages be made. Such an investigation was made and information gathered, which was sent to the military division of the Philippines and later turned over and used by the board on church claims.

The board on church claims, whose award this bill proposes to approve, was convened under instructions from the Secretary of War, dated June 12, 1905, which directed that a board of officers be appointed known as the "board on church claims," to be composed of three officers, with instructions to—

Ascertain what sums appear to be due for our use and occupation of churches, convents, and for damages or injury which have been done to such buildings by troops as a consequence of such use since the occupation of the islands by the military forces of the United States. * * * The board will use the evidence collected by the military division of the Philippines * * * but will not be restricted to the information so obtained. * * * A report will be submitted through the commanding general to the Secretary of War.

Following out these orders, Messrs. J. A. Hull, lieutenant-colonel and judge-advocate; Alexander O. Brodie, lieutenant-colonel and military secretary, and Maj. William J. Gibson, general staff, later succeeded by J. W. Moore, first lieutenant, Second Cavalry, were appointed. The board commenced its sittings on August 1, 1905, and on January 15, 1906, submitted its report, which is as follows:

Four hundred and seven claims were presented, amounting to 4,885,926.26 pesos, of which is recommended for payment the following:

For rent		₱579, 598. 87
Damages		110, 093. 50
Total		689, 692. 37
In addition were added:		
For rent	₱34, 158	
Damages	2, 210	
		36, 368. 00
		726, 060. 37

Or $363,030.19.

This report is accompanied with the recommendation—

That Congress be asked to appropriate the sum of $363,030.19 United States currency, and if Congress should desire to compensate the church for the carrying away of sacred ornaments, that $40,000 additional should be paid.

THE UNITED STATES STANDS AS RESPECTING RIGHTS OF PROPERTY.

In considering the question of the advisability, justice, and propriety of paying the Roman Catholic Church these claims for rental of its churches occupied by the United States troops, it is important to see the position which the United States has placed itself in with regard to claims of this nature. In each of the official documents on the situation occurs the mention of the churches and private property and the recognition of the United States as their protector, the duties of which position can now with propriety scarcely be disregarded. The articles of capitulation of the city of Manila, dated August 14, 1898, and signed by representatives of General Merritt's army and of the Spanish army, provide:

ART. 7. This city, its inhabitants, its churches and religious worship, its educational establishments, and its private property of all descriptions are placed under the special safeguard of the faith and honor of the American Army.

While not quoted, these provisions, it is understood, were made strictly in accordance with the orders of President McKinley and bound the United States to be particularly on its guard against any violations by its soldiers of the rights of property of the people of Manila. Following out the articles of capitulation, after entering the city of Manila General Merritt, in command of the United States forces, issued a proclamation, paragraph 6 of which provided:

All churches and places devoted to religious worship and to the arts and sciences, all educational institutions, libraries, scientific collections, and museums are, so far as possible, to be protected; and all destruction or intentional defacement of such places or property, of historical monuments, archives, or works of science and art, is prohibited, save when required by urgent military necessity. Severe punishment will be meted out for all violations of this regulation.

After the cessation of hostilities, the treaty of Paris, signed December 10, 1898, by which the Philippines were ceded to the United States, set out the rights of the two nations, and in paragraph 8 provided:

And it is hereby provided that the relinquishment or cession, as the case may be, to which the preceding paragraph refers can not in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories, renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

It will be seen in all these documents that in each instance where the protection of private property is mentioned property belonging to the church is specifically included, and the latter's possessions are placed particularly under the charge and protection of the United States Government, a situation rendered especially necessary on account of the dependency and relations of that church with the previous government of the islands.

THE FINDINGS OF THE BOARD ARE JUST AND SHOULD BE SUPPORTED.

Following out the directions of the Secretary of War, the general commanding the Philippines appointed, as we have seen, men of the highest standing, who gave to the task most painstaking inquiry. The board on church claims (so styled) had before it the information gathered by the orders of the military commander, and it also investigated as much as possible the circumstances of each case. There were submitted to the board and investigated by it 466 cases, of which it made a report, recomending only about 14 per cent of the allowances claimed. In sending its report, the board states that it based its recommendations—

On the reports of officers sent to investigate and report upon the property and such other pertinent information as could be obtained from records of various offices and other sources. (Report of Board on Church Claims, p. 60.)

The board came to its conclusion only after additional instructions and adopted a conservative attitude in determining the class of claims it would allow. When it based its recommendations following legal precedent it excluded any claim for compensation for any of these four classes:

(1) Damages by insurgents;
(2) Wanton damage by soldiers of the American Army;
(3) Damages incident to military operations; and
(4) Claims for use and occupancy and damages by servants of the civil government.

The award reached by the board not only appears most reasonable upon its face and is supported by all the outward evidence which the board refers to, but it is, in addition, regarded as most conservative, both by the Secretary of War, Mr. Taft, and by Major Porter, either of whom is exceptionally qualified to form a judgment on the subject, and both of whom testified before our committee as to their belief in the reasonableness of the recommendations on which this bill is based:

(Hearing, Committee on Insular Affairs, January 20, 1898.)

The CHAIRMAN. Mr. Secretary, the aggregate of claims was approximately 4,000,000 pesos, and the award was $363,000. In your judgment, does that err on the side of extravagance as against the Government?

Secretary TAFT. No, sir; I do not think it does.

The CHAIRMAN. Do you think it is a perfectly just award?

Secretary TAFT. Yes.

(Hearing, Committee on Insular Affairs, January 21, 1898.)

Major PORTER. I think the award is extremely conservative, Mr. Chairman. That is my opinion of it. I have no interest in it one way or another; but the impression made on my mind, from what I have seen in the Philippines during the two years and a half that I was in the islands, is that the estimates are very moderate, particularly considering the difficulty of replacing the property destroyed.

THE UNITED STATES TOOK POSSESSION OF AND USED THE BUILDINGS AND SHOULD PAY THE OWNERS.

The United States took possession of these buildings against the wishes, in most instances, of those having possession of them, or, at best, without any contract with the owners. It occupied, in all fairness, no better position than an ordinary tenant, and should pay the owner a reasonable compensation for the use and occupation of his buildings, and should be held to the same responsibility to its landlord as would be an ordinary tenant under similar circumstances.

THE ROMAN CATHOLIC CHURCH A GREAT POWER FOR THE UPLIFTING OF THE PEOPLE.

Need I say that the Roman Catholic Church stands forth as one of the greatest Christianizing forces of the world? I am not myself a member of that church, but I appreciate the enormous power which it is exercising for the good of the community. The earnest seeking for the uplifting of all humanity and the lofty character of its ideals make the Roman Catholic Church a powerful force in raising the standards of all our citizens. In developing and strengthening the moral fiber of our people that church constitutes to-day, in my opinion, one of the most powerful factors for the protection of American ideals and the upholding of our institutions.

Great as is its importance as a power for good amongst our people of the United States, it occupies in the Philippines an even closer relation to the people's lives, and its work there can but hasten the day of their independence. Developed there as a part of the government, in a community where the church had an important function in the political life, it became for the inhabitants of the Philippines an essential factor in their daily affairs.

The prosperity of the people of the Philippines is desired by us all, and we look forward anxiously to that day, which for me can not arrive too soon, when absolute independence shall be granted to them. It can not be doubted that in strengthening and aiding the people of those islands the Roman Catholic Church is hastening the time when our statesmen can no longer deny to these people the right to govern themselves. As enabling the Roman Catholic Church better to carry out its work, this bill assists in speeding that time.

The Roman Catholic Church suffered great losses through this unsettled period in the Philippines, and its misfortunes in crippling its work were misfortunes not alone to the church, but the Philippine people. Many of these losses were inflicted before the occupation by the United States, or were losses incident to war, or of such a nature that they can not be compensated for, and this present bill in no wise seeks to make appropriation for them, but only for the part of the damage caused directly by the United States troops. That the misfortunes of the church are misfortunes to the people in the Philippines a glance at the testimony given before our committee will show:

The church authorities as at present constituted are our friends, and help us in the establishment and preservation of law and order in these islands, and are upholders of the authority of the United States. (Report, Board of Church Claims, p. 65.)

The truth is that one of the greatest disasters to the Philippines has been the destruction of the Roman Catholic churches. The church there is an instrument for the preservation of peace and good order. It is of the utmost governmental importance and should be sustained. I am looking at it purely from a secular standpoint. (Committee on Insular Affairs; hearing, January 7, 1907; Hon. William H. Taft, Secretary of War, p. 6.)

The churches in the islands are very essential to our plans for making the people better and educating them and elevating their moral tone, and therefore the prosperity of all the churches in the islands is very important to the government, and the Roman Catholic Church is one that exists in every village in the islands. * * * Liberality by Congress * * * would be * * * in the interests of the people of the island, not sectarian interest, but interest in favor of morality, of loyalty to the government, of peace and tranquillity in the islands. (Committee on Insular Affairs; hearing, January 20, 1908; Hon. William H. Taft, p. 75.)

I regard the church, outside of the Army, as the greatest single agency for law and order in the Philippine Islands to-day. * * * Another reason is the enormous losses—it is beyond calculation—it runs into the millions—that the Catholic Church has suffered due to our occupation of the Philippine Islands.

THE CATHOLIC CHURCH NOT NEARLY COMPENSATED FOR ITS INJURY THROUGH THE WAR.

The Roman Catholic Church in the Philippines has suffered tremendous losses, losses which its revenue there is entirely unable to repair. Commencing with the insurrection in 1896 and continuing through the insurrection of 1898 and the war with Spain, the church suffered tremendous damages and great impairment to its resources. Most of this injury was inflicted, not in the war with Spain, but in the rebellion against the United States, and under such circumstances that no return can ever be made to the church for it. A small proportion, however, comes through the occupancy by the United States troops, and it is that small part for which we are directly responsible that it is the purpose of this bill to repay.

Their work here (referring to the church authorities) has been made hard by the amount of damage that the church has suffered due to the war, and the amount awarded by the board—$363,030.10—will not begin to compensate for the loss inflicted. (Report, Board on Church Claims, p. 65.)

The United States has established a precedent for the payment of these claims as it has paid damages for many other claims of like nature in the United States. Some of these cases are as follows:

$25,000. The Kentucky University at Lexington, Ky.:
For use and occupation of their buildings by United States troops. Forty-first Congress. (16 Stats., 678.)

$18,500. East Tennessee University:
For use of its property. Forty-third Congress. (18 Stats., 604.)

46,080 acres public land. University of Alabama:
For erection of buildings for university, which was destroyed by fire during military occupation April 4, 1865, at Tuscaloosa. Forty-eighth Congress. (23 Stats., 12.)

$18,729.09. Catholic Church of St. Peter and St. Paul, Chattanooga, Tenn.:
For stone and material taken and used by military authorities during civil war. Fiftieth Congress. (25 Stats., 1188.)

$20,000. The Protestant Episcopal Theological Seminary and High School, Alexandria, Va.:
For finding by Court of Claims. Fiftieth Congress. (25 Stats., 1312.)

$3,167.67. The Baptist Female College, Lexington, Mo.:
For rent of college building while used by United States Army for four years from 1861. Fiftieth Congress. (25 Stats., 1189.)

$64,000. William and Mary College, of Virginia:
For destruction of buildings and other property, without authority, by soldiers of United States Army during civil war. Fifty-second Congress. (27 Stats., 744.)

$17,848. Washington College (Washington and Lee University), Lexington, Va.:
For injury to buildings and other property caused by troops of United States Army in civil war. Fifty-third Congress. (28 Stats., 1039.)

$288,000. Book agents Methodist Episcopal Church South:
For destruction and injury to buildings and other property by United States Army, 1864 and 1865. Fifty-fifth Congress. (30 Stats., 1401.)

$2,500. Trustees German Evangelical Church, Martinsburg, W. Va.:
Destruction church building and furniture February 17, 1863, while in possession of United States military forces. Fiftieth Congress. (32 Stats., 234, 235.)

$1,850. Trustees Methodist Episcopal Church, Martinsburg, W. Va.:
Use and occupation of church by Federal troops from March, 1862, to April, 1865. Fiftieth Congress.

$2,880. Bishop and trustees of St. Joseph's Catholic Church, Martinsburg, W. Va.:
Use and occupation of church by Army of United States during civil war. Fiftieth Congress.

$5,000. Cumberland Female College, McMinnville, Tenn.:
Use, occupancy, and consumption of property for hospital and other Army purposes by military authorities of United States during civil war. Fiftieth Congress.

$25,000. Richmond College, Richmond, Va.:
For use and occupation of buildings by United States troops for eighteen months, commencing in April, 1865, and for injury and destruction to buildings and other property by said troops.

$25,019.96. Stewart College (now Southwestern Presbyterian University), Clarksville, Tenn.:
Use and occupation of buildings and grounds, material used, and injury to buildings and other property by United States troops during civil war.

Insular Affairs, January 21, 1908. Lieutenant-Colonel Hull, p. 103.)

LOSS OF SACRED ORNAMENTS.

The item of $40,000, for the carrying away of sacred ornaments, should be included in the award as well, as the loss of those ornaments is undoubtedly directly attributable to the use and occupation of the churches by the soldiers. The amount of the award is totally insufficient to compensate the Catholic Church for its losses, and could not put the property back to its original condition, which, at the time the award was made, in 1905, was contemplated.

In the five or six years which have passed since the damage was incurred the condition of the churches has greatly deteriorated. The increase in the price of labor and supplies since the award was made has also rendered it impossible to accomplish as much with a given sum of money as was anticipated.

THE MONEY DUE SHOULD BE PAID DIRECTLY TO THE ROMAN CATHOLIC ARCHBISHOP OF MANILA.

The Roman Catholic Church, it is provided in this bill, should be paid directly the compensation which the measure provides for. Following out the circumstances which led to the damage, the appointment of the board, the justice of its findings, and finally its award, we come to the point, To whom shall it be paid? Sir, I respectfully urge that this payment be made directly to the Roman Catholic Archbishop of Manila, as representing the Roman Catholic Apostolic Church.

The Roman Catholic Church, at the time this property was used by the United States, had the right of possession, disputed by no one. The use and occupation by the troops occurred in the year 1898 and the year immediately following,

and the schism in the church which was led by Aglipay did not occur until 1902, or several years after the time for which the rent is asked. The Aglipayan Church itself has recognized this by stating that no claims will be made by it for the rent of the buildings at that time.

(Hearing, Committee on Insular Affairs, January 23, 1908.)

The CHAIRMAN. Has the Independent Catholic Church ever presented a demand for damages to any property mentioned in any of these claims?

Colonel HULL. No, sir; and there is a document on record, secured from Aglipay by an officer whose name I do not now recall, stating that no such claims were contemplated.

THE EXCLUSIVE RIGHT OF POSSESSION DECIDED BY THE COURTS TO BE IN THE ROMAN CATHOLIC CHURCH.

A question of this importance could not expect to go long without judicial construction, and we already find that the church difficulties in the Philippines have been brought before its courts. In the leading case on this question, the supreme court of the Philippines has decided the exclusive right to the possession of the churches to be in the Roman Catholic Church. In this case, Barlin *v.* Ramirez (7 Philippine Reports, 41) (which was a case arising on appeal), the supreme court decided that the Roman Catholic Church was entitled to possession as against the claim of the Philipine Independent Church and the municipality, and stated a doctrine which has been followed consistently by that court since. In that opinion, concurred in by all except one of the judges, it is stated that the churches in the Philippines were in the nature of a kind of property the distinctive characteristic of which was that it was devoted to God, and the exclusive possession and administration of which was intrusted to the Roman Catholic Church, and that—

The King of Spain was not the owner of the property in question, nor of any other property like it situated in the Philippine Islands.

Controversies of a similar nature between the local communities and the Catholic Church had arisen in various parts of the islands, and to hasten the disposition of these cases a special act was passed by the Philippine Commission (No. 1376) entitled as follows:

An act providing for the speedy disposition of controversies as to the right of administration or possession of churches, convents, cemeteries, and other church properties, and as to the ownership thereof and title thereto by vesting in the supreme court of the Philippine Islands original jurisdiction to decide such controversies, and for other purposes.

This act set out that—

Whereas controversies have arisen between the Roman Catholic Apostolic Church on the one hand and the association called "The Independent Filipino Church," certain municipalities, and other persons on the other hand, * * *

this act is for the purpose of providing that cases involving such controversies may be brought directly to the supreme court of the islands in order to avoid the delay incident to having preliminary trials in the lower court.

Under this act certain additional cases, involving the same facts, have been brought and decisions rendered. That this act is valid an examination of its objects and the cases of our Supreme Court will substantiate beyond a doubt, and the decisions on the cases arising under it establish on a firm basis the theory of the title to the churches in the Philippines. The act itself was passed under the authority given to the Philippine Commission by Congress and as an act of purely local administration will be seen to be absolutely valid. An act passed in Porto Rico for similar purposes gives to their court like powers, and its validity is supported by a recent decision of our Supreme Court. (Kent *v.* Porto Rico, 207 U. S., 113.)

The general practice of Congress in conferring full power on local assemblies of Territorial districts to legislate on matters of jurisdiction has uniformly been supported by the decisions of our courts. In American Insurance Company *v.* Canter (1 Peters, 511, p. 543) Chief Justice Marshall says:

The powers of the Territorial legislature extend to all rightful objects of legislation, subject to the restriction, that their laws shall not be "inconsistent with the laws and Constitution of the United States."

It can not be questioned that the provisions of the fourteenth amendment fail to apply to the Philippines, but even if they did, this act is not in objection to them. It merely opens another tribunal for a certain particularly important class of controversies that they may be more speedily and conveniently determined for the public good. The view of the validity of the act from this point of view is supported by United States *v.* Union Pacific Railroad Company (98 U. S., 569).

The act of July 24, 1905, could in no way affect the value of the decision of Barlin *v.* Ramirez, as that case had already been commenced and the statute itself was a law when the case was decided. The intention of this act was simply to enable cases involving the church title to be taken directly to the supreme court, and had any other intention existed it certainly would have been brought to the attention of the court and commented on in its decision. The mere fact of permission to commence an action in the supreme court does not, without other words, take away from an inferior court a jurisdiction it already possessed.

The force of the decision, however, does not rest on this one case alone. Since its decision the recent case of Harty *v.* Tarlac has been decided. The latter case was brought under the act No. 1376, and removes the objection that the decision as to title in Barlin *v.* Ramirez was but a dictum, in that it takes the language of that decision relative to title and specifically approves it. While the decision as to title may not have been necessary to the disposal of the original case, yet the court, in basing subsequent decisions on these words, gives by these later cases to their doctrine the force of a decision.

This case of Harty *v.* Tarlac, No. 3212, which is brought by virtue of the provisions of the act No. 1376 for the possession of certain lands by the Roman Catholic Church, decides in that church's favor all the objections as to jurisdiction and affirms the doctrine in Barlin *v.* Ramirez that the Roman Catholic Church had the ownership of the property. All the objections to the decision of Barlin *v.* Ramirez urged in the minority report were open to this court to consider, yet the court in deciding for the plaintiff said:

The only question presented is "whether the property in controversy is or is not owned by the government of the Philippine Islands, * * * a question which has been discussed and decided adversely in the case of Barlin *v.* Ramirez (7 Philippine Reports, 41);" and further says specifically, referring to the same case:

"It was there held that the King of Spain was not the owner of the property involved in those cases, and that the title thereto did not, therefore, pass by the treaty of Paris to the United States. It was further held that the municipalities were not the owners of such property and had no right or interest therein. Applying the principle of those cases to this case, the result is that the plaintiffs are entitled to judgment for possession as prayed for in the complaint."

And in addition to this latter affirmation, Barlin *v.* Ramirez and the doctrine of Harty *v.* Tarlac have been affirmed as well in Roman Catholic Church *v.* Santos (7 Philippine Reports, 66) and City of Manila *v.* Roman Catholic Church, decided March 25, 1907.

ROMAN CATHOLIC CHURCH A LEGAL ENTITY.

That the Roman Catholic Church is a legal entity with all the rights as such, in every way entitled to hold the church property, a study of the law of the Philippine Islands establishes beyond a doubt. In determining the legal view in the Philippines, the organic law of the islands must be considered. Our courts will always take judicial notice of the Spanish law as far as it affects our insular possessions. (Insular cases, 182 U. S., 1; Hawaii *v.* Manchichi, 192 U. S., 197; Dorn *v.* United States, 195 U. S., 138.)

In Artega *v.* Lara (202 U. S., 339) the present Chief Justice says:

By the general rule of public law, recognized by the United States, whenever political jurisdiction and legislative power over territory are transferred from one nation to another the laws of the country transferred, intended for the protection of private rights, continue in force until abrogated or changed by the new government. Of course, in case of cession to the United States the laws of the ceded country inconsistent with the Constitution and laws of the United States so far as applicable would cease to be of obligatory force, but otherwise the municipal laws of the acquired country continue.

The Roman Catholic Church under all systems of law has been accepted as a legal entity. Since the time of the Emperor Constantine the Roman Catholic Church has been recognized as possessing a legal personality and the capacity to take and acquire property. (The Code of the Emperor Justinian, Book peror Justinian, Book I, Tit. II, Par. I; Tissott, Vol. I, p. 27.)

The personality of the church is here definitely and clearly recognized by the Justinian Code, the basis of all European law, and the Spanish law in its fundamental ideas was taken from the Roman law as set out in this code. In the same manner the English law developed, the early idea being that the saint is the owner of the property, until later the bishop or abbot came to be regarded as the corporate soul. (Pollock & Maitland, 2d ed., Vol. I, p. 499; L. R., 2 Ind. App., 145.)

Commencing from the basis of Justinian and following out the theories of the Spanish and English laws, the American law itself recognizes the corporate entity of churches. Chief Justice Story, in Terett *v.* Taylor, 9 Cranch., page 43, in deciding that the State of Virginia could not authorize a person to take land granted for a church, said:

It is not in the power of the Crown to seize or assume it; not of the Parliament itself to destroy the grants, unless by the exercise of a power the most arbitrary, oppressive, and unjust and endured only because it could not be resisted.

The Spanish law in the Philippines from the earliest settlement recognized the juristic personality of the church and its right to acquire property. This position has always been recognized by the United States, which up to the time of the loss of

the temporal power by the Papacy maintained with it diplomatic relations. (Moore, Digest of International Law, Vol. I, p. 130–131.)

THE TITLE TO THE PROPERTY DOES NOT VEST IN THE TOWNS.

The contention of those who opposed the ownership by the Roman Catholic Church that the title to the property is in the towns is not legally sustainable. The land on which these buildings were erected, whether it originally came from the Crown or from the towns themselves, was donated in most instances centuries ago, and can not now be expropriated. Its donation was for a religious purpose, and the courts will always attempt to carry that out. Because the Spanish Crown, or one of its municipal agencies, chose some centuries ago to donate churches, it can scarcely now be claimed that such a gift is revocable, and that the municipality may now expropriate the property and convert it to any purpose it may desire. The mere fact that because the church may have been originally built by the people the title is in the municipality is without support either in law or in history. The United States Supreme Court said on this point, in the case of Mormon Church *v.* United States, 136 U. S. 1, 53:

> By the Spanish law, whatever was given to the service of God became incapable of private ownership, being held by the clergy as guardians or trustees; * * * when property was given for a particular object, as a church, a hospital, a convent, or a community, etc., and the object failed, the property did not revert to the donor or his heirs, but devolved to the Crown, the church, or other commune or community, etc.

The public funds employed in church building were appropriated for that purpose without any reservation by the representatives of the nation or by those of the towns. The application of the fund thus appropriated and voted by the legitimate agents of the nations or of the municipalities, constitutes, from the standpoint of law as of justice, a perfect, irrevocable gift. Moreover, this appropriation of public funds in behalf of the church was but a just and proper compensation to which the church was entitled by virtue of her renunciation of the tithes and first fruits in favor of the state and municipalities.

THE ARCHBISHOP CAN ARRANGE FOR THE DISTRIBUTION AMONG THE DIOCESES.

The payment of this money to the archbishop removes from the United States the practically impossible task of determining the distribution among the churches. It will be distributed by him who knows best where the money should be expended to bring the most benefit to the people.

(Testimony before Committee on Insular Affairs January 16, 1908.)

General EDWARDS. Any lump award would be made to the archbishop and he would reconcile the various amounts according to the dioceses under him.

VIEW OF THE MINORITY UNSOUND.

The minority in opposing this measure deny the title of the Roman Catholic Church to the property for which rent is asked. That this denial is mistaken I do not hesitate to affirm, and a consideration of the preceding argument will show the foundation of my grounds in contradicting it.

I believe that the sum of $40,000 should be included, as we have included it, in fairness to the church, and that in making payment directly to the archbishop we are acting for the best interests of the people. The fact that many just claims for the destruction of churches in the United States are awaiting action by Congress can be no argument against this bill. That injustice is being done certain claims can scarcely be urged as ground for denying justice to others equally meritorious.

The bill appropriates an amount determined by a military board after careful consideration. The United States, by all its traditions as well as by the very words in its official papers, holds itself a protector of the church and property, and plainly must pay the owner.

A legal entity, and entitled to hold property from the time of the earliest legal systems, the Roman Catholic Church should be the body to which this award should be paid. [Loud applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. HARRISON].

Mr. HARRISON. Mr. Chairman, this is an appropriation to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands for occupation of and damages to church property by our troops. Damages were assessed by a commission of United States Army officers, and the findings of that board have been approved by the Secretary of War and by the Committee on Insular Affairs of the House. The general principle of payment of these claims is based upon compensation in the form of rent for church buildings and property actually occupied either by the troops of the United States during the military occupation of the islands or when the buildings were used as prisons for the captured Spanish prisoners. Allowance has also been made for church vestments, chalices, and ornaments actually taken, but no allowance is anywhere made for mere damages or destruction purely incidental to warfare as conducted by civilized nations. The sum recommended by the committee to be paid in full settlement of all these claims is $403,030.19. I most earnestly hope that the report of the committee will be adopted.

There are many precedents in the history of our own country for the payment of claims of this nature. In the Southern States church property was occupied by the Federal Army during the war between the States, and claims for rent and occupation were subsequently paid by our Government. This is notably the case in Virginia and in Tennessee, and therefore, in my opinion, it is difficult for gentlemen from those States to assert any opposition on the ground of principle to the present claims before the House. There is no difference in principle. If the payment of damages was right then it is right now. I may add that, inasmuch as the United States in the Philippines has made every effort within its power to pacify those much-vexed islands and to promote good feelings between the inhabitants and the people of the United States, this measure will, in my opinion, go far toward insuring the loyalty of the Filipinos and will be an evidence of that good will which we profess for them.

In the brief time that is allotted to me I can hardly hope to cover all sides of this question. I address myself, therefore, briefly to the question of title. From this legal point of view, it seems to me to have been entirely disposed of by the gentleman from Massachusetts [Mr. PETERS] in his report of the most recent decision of the Philippine supreme court; but I want to establish the fact that never, so far as I have been able to ascertain, has the title in the Roman Catholic Church to its own church property been challenged before.

The gentleman from Virginia [Mr. JONES] has referred to the independent church established in the Philippines by Aglipay—a former priest, just described upon the floor to-day as a bloodthirsty revolutionist—as "another branch of the Catholic Church," adding that it "differs from that organization only in the fact that it does not acknowledge the control of the Vatican." I can hardly suppose him to be serious in that position, for anybody who has ever looked into the matter at all must know that the backbone of the Catholic faith is absolute and unqualified obedience to the authority of the Vatican, and anybody who does not acquiesce in that can not revolt and thereby set up another branch of the Roman Catholic Church. If he attempts that he goes out of the Roman Catholic Church and loses all right to the name and possessions of that church. However, inasmuch as the schism led by Aglipay occurred in 1902, or three or four years after the damages to church property for which this appropriation makes reparation, the matter can not be said to be of any particular importance or bearing in the premises.

The more interesting subject for discussion is the position taken in the minority report that the legal title to the church property in question is not in the Roman Catholic Church, but is in the municipalities or in the people of the various localities of the Philippine Islands. The reason upon which they base this argument is that these churches were originally built one-third with moneys that came out of the general treasury of Spain, one-third out of local funds, and the remaining one-third from contributions of money or labor made by the members of the church. They therefore maintain that the title to these properties passed by the treaty of Paris to the United States as heir to the King of Spain, and that the United States has the legal title, while the equitable title is in the people of the Philippines for the purposes of worship. In opposition to this argument I submit, first, that the legal title of these church properties never was in the King of Spain, but was always in the Roman Catholic Church, and secondly, that even had the title been in the King of Spain it could never have passed to the United States, because by the very elementary principles of our political existence complete separation of church and state are necessary, and the United States has no constitutional authority to hold church property as trustee for any church.

The right of the Roman Catholic Church to hold title to its own property was established as far back as the time of the Emperor Constantine, in 321 A. D., and confirmed in the Code of Justinian. It has been recognized in all of the jurisprudence of continental Europe. The successful assertion of the Catholic Church during the middle ages to own its own property gave rise in the jurisprudence of England to the whole modern idea of an artificial or corporate personality. It has been confirmed by the Kingdom of Spain in its colonization of the New World, one of the principal objects of such colonization being to Christianize the natives here, and every assistance and aid in the way of money and property was rendered to the church for that purpose. But it has been finally and once and for all

confirmed and settled in the Philippine Islands by the concordat between the Pope and the Spanish King in 1851, in which it is said: "The church's 'right of property and everything it now possesses or may hereafter acquire'" is specifically recognized. This was again confirmed in another concordat in 1859, which says:

Especially the Government of His Majesty—

Meaning the King of Spain—

again formally recognizes the full and free right of the church to acquire, retain, and enjoy in full property right and without limitation or reserve all kinds of property and values.

Now, it is true that these church properties were built partly with the money of the King of Spain and partly with the money of the locality, but those gifts were free, without reservation and without restriction, and it is ridiculous at this late day for anyone to assert that such gifts of money or labor or material are subsequently revocable. By agreement at an early date between the Pope and the King of Spain, all ecclesiastical tithes in the Indies were surrendered by the church to the King, and it thereupon became the duty of the Crown to aid in the establishment and maintenance of these churches. It is also ridiculous to assert that the United States, and through them the present Filipino government, could have obtained any right or title to this church property. To make such an assertion, in view of the express language of the concordat, in view of the specific recognition of the church property in the Spanish civil code of the Philippines and their mortgage law—in view, furthermore, of the universal customs of property rights in all civilized nations, is to deny not only the letter of the law but the very facts of history. Our system of government, moreover, specifically forbids the union of church and state, and whatever interest the King of Spain might have had in these church properties was absolved and done away with, and was confirmed to the church itself upon the conclusion of the treaty of Paris.

Cases similar to these have arisen in the courts of the United States—particularly the well-known case of Terrett *v.* Taylor, in 1815 (9 Cranch., p. 43), which held that the legislature of Virginia could not authorize any persons to take land formerly granted to the Church of England before the Revolution, and the local authorities were restrained from interfering with the church property or claiming title thereto.

Mr. Justice Story said in his opinion:

It was not in the power of the Crown to seize or assume it, nor of the Parliament itself to destroy the grants unless by the exercise of a power the most arbitrary, oppressive, and unjust, and endured only because it could not be resisted. * * * Nor are we able to perceive any sound reason why the church land escheated or devolved upon the State by the Revolution any more than the property of any other corporation created by the royal bounty or established by the legislature.

The very case in point has been adjudicated by the supreme court of the Philippines. In Barlin *v.* Ramirez, which is discussed in the report of both the majority and minority of the Committee on Insular Affairs, the proposition is clearly established that the title to the church property in the Philippines is in the Roman Catholic Church. The position of the minority as to this case is that the language in the opinion which confirms the Roman Catholic Church in the title to the property under question was merely obiter dictum. I consider that this contention has been entirely disposed of by the recent decision in the case of Harty *v.* Tarlac, in the supreme court of the Philippines, to which tribunal specific jurisdiction to decide these titles to church property was given by the act of July 24, 1905. This case affirms the words of the court in Barlin *v.* Ramirez relative to title and makes final disposition of the question. The case of Barlin *v.* Ramirez has also been affirmed in Roman Catholic Church *v.* Santos (7 Philippine Reports, p. 66) and in the City of Manila *v.* Roman Catholic Church, decided March 25, 1907.

I think it is fairly evident, therefore, that the title to these church properties is unquestionable. The teachings of history, the decisions of the courts, and the overwhelming weight of evidence make clear and indisputable the title of the Roman Catholic Church to her own properties. An attempt to cast a cloud over that title is doomed to failure. No other question which has been raised in this debate is of deep significance. The House should therefore vote this appropriation. The dictates of conscience, the promptings of common justice call upon us as representative of the American people to pay these claims. Mr. Chairman, I hope the bill will pass.

Mr. COOPER of Wisconsin. Mr. Chairman, I think the gentleman from Virginia [Mr. JONES] ought to occupy his time now.

Mr. JONES of Virginia. Mr. Chairman, I hope that, as I have only eight minutes, gentlemen will not attempt to consume my time by asking me questions. I think I have been already sufficiently liberal in that respect.

I wish to reply briefly to one or two statements made by those who have advocated the payment of this claim. My friend from Indiana [Mr. CRUMPACKER] has maintained that this claim for $40,000 for vestments is a perfectly proper one. I wish to say to him that his legal mind has undergone a very great change in the last few months. When Secretary Taft was before the Insular Affairs Committee and was being questioned as to these very claims Mr. CRUMPACKER said:

I do not believe that Congress has ever recognized claims of that character. It is one of the incidents of war, and property destroyed incidentally during the activities of war. I do not have in mind an instance where Congress has made any recompense in such a case.

This was the view once taken by the gentleman. [Great laughter.]

Mr. CRUMPACKER. It is not that proposition at all. [Renewed laughter.]

Mr. JONES of Virginia. I admit the proposition laid down by the gentleman, that the right of possession follows the right of ownership; but I deny the converse of that proposition, that the right of property necessarily follows the possession. This is a very different proposition from that advanced by the gentleman.

Now, the gentleman says that Major McIntyre, of the Bureau of Insular Affairs, said to him that the Independent Philippine Catholic Church had never numbered over a million people. I do not want to drag Major McIntyre into this controversy. He is a gentleman of high character and intelligence, but I discussed this very matter with him this morning, and I will say that he did not intimate to me that it was his opinion that there never were more than a million souls in this church at any one time.

Now, as to these vestments. I stated in my opening remarks that before the board convened by the Secretary of War had made any investigation of this matter that high official issued written instructions to this board as to how they should proceed in ascertaining the amount of damages sustained by the churches. I wish to again read to my friend from Indiana what Secretary Taft said to the board on the subject of payment for the vestments. Here is what Secretary Taft said in his instruction to this board, and I commend it to the gentleman from Indiana:

The seizure, however, of sacred vessels, of sacred vestments, presumed only by their absence at the end of the occupation by the soldiers, I should regard as of very doubtful validity, unless the evidence were direct tending to show that this course was taken by the soldiers and authorized by the officers, and especially are presumptions of this character not to be indulged in where there was previous occupation by the insurgents and where the evidence is not distinct of what the condition of the buildings was when entered and the presence of particular property when the United States entered into occupation. [I do not intend to advise the board to be technical or to be illiberal in estimating damages to property ordinarily incident to occupation by troops who are not particularly careful of the property in which they live, but do wish to advise against the allowance of large damages for the disappearance of particularly valuable vessels or vestments which were probably stolen long before the troops entered into occupation and with respect to which it is to be supposed the church authorities would exercise the utmost care in their preservation before the occupation of the property by the troops.]

It may be inferred from this language that, in Secretary Taft's opinion, it was exceedingly doubtful whether our soldiers ever removed, or even had the opportunity to remove, the vestments for which Congress is now coolly asked to pay $40,000. Colonel Hull's board found no evidence of it, and therefore recommended no payment.

Now, my friend [Mr. OVERSTREET] says that I seem to contend that there ought to be a separate suit in each one of these cases.

Mr. OVERSTREET. Does the gentleman say that I made that suggestion?

Mr. JONES of Virginia. I beg the gentleman's pardon; it was the gentleman from Pennsylvania [Mr. OLMSTED]. As I have already stated to the committee, the Philippine government, in order to avoid that very thing, prescribed by section 3 of their act how these suits should be brought. I will read section 3:

SEC. 3. It shall not be necessary to file separate petitions against each defendant alleged to be wrongfully in possession of each piece of property as above set forth; but all defendants holding several and distinct pieces of property in the same province may be embraced in one petition.

I stated this in my opening remarks, and still my friend from Pennsylvania [Mr. OLMSTED] maintains that I contended it was necessary to bring a separate suit in each case. What I contend is that it is the duty of the people who claim this property to pursue the course laid down by the Philippine government in order to establish their rights, and to do that they are not driven to bring a number of different suits. My friend from Massachusetts [Mr. PETERS] says, with great dramatic effect, that there is not a single suit pending in the Philippine Islands involving the title to this property. That is the very contention which I have always made. There has never been one decided, and

the government there has gone to the pains of providing a court and of prescribing the method of procedure, and yet these claimants who are asking Congress to recognize their title to this valuable property have never dared to present their case in the supreme court. No; there is no case pending there. They are appealing to Congress; they are appealing to you, gentlemen, and not to the tribunal the decision of which Secretary Taft said they must await—the court specifically provided by the Philippine government under authority of the Congress of the United States.

Now, Mr. Chairman, that is about all I wish to say on this subject. When the bill comes up for consideration under the five-minute rule I shall move to strike out the $40,000 incorporated for the payment for vestments, because Secretary Taft himself seems to have regarded all claims of that nature of very doubtful validity and because the Hull board rejected them as not supported by testimony.

Mr. BURLESON. What do you have to say in answer to the argument of the gentleman from New York [Mr. HARRISON] with reference to the concordat between the King of Spain and the Pope of Rome?

Mr. JONES of Virginia. I discussed that at length in my opening argument, and I alone discussed it.

Mr. COOPER of Wisconsin. I yield ten minutes to the gentleman from Massachusetts [Mr. WASHBURN].

Mr. WASHBURN. Mr. Chairman, in support of the majority report in favor of H. R. 16143, to provide for payment of claims of the Roman Catholic Church in the Philippine Islands, I do not suppose that it is necessary to spend much time in demonstrating the justness of the conclusion of the committee that there should be paid to the Archbishop of Manila, in the Philippine Islands, as the representative and trustee of the Roman Catholic Church in said islands, the sum of $403,030.19, in full satisfaction of all claims for use and occupation of the property of said church in said islands and for damages done thereto by the military forces of the United States prior to January 15, 1906. I now wish to address myself principally to the contentions contained in the minority report presented by Mr. JONES of Virginia, of which the following is, I think, a fair summary:

1. That as to where the title to the church property resides and as to who in justice and equity is entitled to its occupancy and use for religious purposes, it would be premature and improper at this time to express an opinion.
2. The disputed claim to the ownership as well as to the occupancy and possession of this property should be settled before any question as to the liability of the United States for damages done to it can be passed upon by Congress.
3. Until it is decided by the supreme court of the Philippine Islands to whom this property belongs it is manifestly improper for Congress to pass this bill.
4. That the case of Barlin *v.* Ramirez determined the right of possession of and not the title to the property involved.
5. If the title to the church property is in the Roman Catholic Apostolic Church, the recommendation of the majority report that Congress shall pay to the Archbishop of Manila $403,030.19 in settlement of the claims of the Roman Catholic Apostolic Church can not be justified.
6. This sum should not be paid to the Archbishop of Manila, for he has no power to execute a proper acquittance therefor.
7. Hundreds of claims for the use and occupation of Catholic and Protestant churches in the United States have been waiting the pleasure of Congress for more than a third of a century. Are they less meritorious than these church claims, the payment of which is now being so strenuously urged?

My first proposition is that the title to the church property referred to is in the Roman Catholic Apostolic Church and that the representative of that church is entitled to receive the sum of money provided in the bill for the purpose specified.

The corporate entity of the church and its power to acquire property is recognized as early as 321 A. D. in the Code of Justinian, the law of the Emperor Constantine. There is in the code the strictest prohibition against alienating the property of the church and the ordinary rules of prescription did not run against the church. The church was constantly recognized by the emperors in its corporate capacity. All the fundamental ideas of the Spanish law were taken from the Roman law.

The following quotation from the Partidas, the fundamental code of ancient Spanish law, compiled by Alfonzo the Wise (1252 A. D.), indicates how well recognized was the right of the churches to take and hold property:

[Translation.]

And, in addition, the churches have other privileges: That as to the estates which have been given or sold or left to them lawfully by will, even if they have not received possession of them, they get the title and right which has been given or sold or left to them, so that they can demand them for their own against whomsoever may hold them.

By the first article of the concordat of March 16, 1851, it is provided:

That the Catholic apostolic religion, to the exclusion of any other religion whatever, shall continue to be the sole religion of the Spanish nation and will always be preserved in the domains of His Catholic Majesty with all the rights and privileges which it ought to enjoy, according to the law of God and the provisions of its sacred canons.

And article 41 specifically recognizes the church's "right of property in everything it now possesses or may hereafter acquire."

In accordance with the terms of the concordat, down to the occupation by the American troops in August, 1898, amounts were regularly appropriated by the Spanish Government for the expenses of worship in Spain, Cuba, Porto Rico, and the Philippines.

At the date of the American military occupation no one questioned the legal ownership and possession by the church of all the property occupied by her.

In reply to the proposition that the Roman Catholic Church had no legal personality in the Philippine Islands, the court said, in Barlin *v.* Ramirez (Vol. VII, Philippine Reports, pp. 57–58):

It is suggested by the appellant that the Roman Catholic Church has no legal personality in the Philippine Islands. This suggestion, made with reference to an institution which antedates by almost a thousand years any other personality in Europe, and which existed "when Grecian eloquence still flourished in Antioch, and when idols were still worshiped in the temple of Mecca," does not require serious consideration.

Secretary Taft has said in referring to the Philippines:

The transfer of sovereignty and all governmental property rights and interests from the Crown of Spain to the United States in the Philippine Islands contained in the treaty of Paris was a transfer from a Government between which and the Church of Rome there had been in those islands the closest associations in property, religion, and politics, to a Government which by the law of its being is absolutely prevented from having such associations with any church. To make the transfer effectual, and at the same time just, it is obvious that the proper line of division must be drawn between what were really civil property interest of the Crown of Spain and what were religious trusts of the Catholic Church.

The claim made in behalf of the Independent Filipino Church, that because the churches may have been built by the people of the municipalities the title is in the municipality, is controverted in a case in our Supreme Court, in which it was held that—

By the Spanish law, whatever was given to the service of God became incapable of private ownership, being held by the clergy as guardians or trustees; * * * when property was given for a particular object, as a church, a hospital, a convent, or a community, etc., and the object failed, the property did not revert to the donor, or his heirs, but devolved to the Crown, the church, or other commune or community, etc. (Mormon Church *v.* U. S., 136 U. S., 1, 53.)

It appears, to quote from the majority report on this bill, that—

From the time that the American Army landed in the Philippines, in the year 1898, until the complete return of peace in the islands, the Government of the United States, through its military forces, took possession of churches, contiguous parish houses, school buildings, seminary buildings, etc., and used them as hospitals, prisons, or barracks. After the cessation of hostilities in many instances the occupation of the buildings had to be continued until suitable quarters could be constructed for the garrisons which remained in the archipelago, the entire time of the occupancy varying in individual cases from a few weeks to two years or more. The occupation by the Government wholly excluded the church authorities, preventing them from taking any measures for the protection of the property. Many of the buildings so occupied were fine structures. For example, the cathedral at Manila, a large stone building with high walls and a dome, and possessing an interior ornamented by handsome woodwork, was used at one time to imprison between 3,000 and 4,000 Spanish soldiers. Buildings thus seized and occupied were often seriously damaged, sometimes partially or wholly destroyed.

The claims for compensation for occupation of and damages to this property were considered by a board of officers called "the board on church claims," appointed under a special order of the War Department, of which Lieut. Col. John A. Hull, judge-advocate, was chairman. The award of the board carefully excluded compensation for damages done by the insurgents, for damages incident to military operations, for wanton damages by soldiers of the American Army, and for use and occupancy and damages by servants of the civil government.

The only claimant that ever asked for compensation for damages to the property was the Roman Catholic Church in the Philippine Islands. Bearing upon the question of title to this church property, Secretary Taft, in his letter written on the transport *Logan*, September 2, 1905, to Maj. Gen. Henry C. Corbin, commanding general Philippines division at Manila, expresses the following opinion:

Personally, after having looked somewhat into this matter of title, I have no doubt whatever that the cathedral and the various archbishops' palaces belong to the Roman Catholic Church. It is true they were constructed partly out of funds furnished by the Spanish Government and on land belonging to the Government, but they were constructed in accordance with the concordat in which the Spanish Government agreed to furnish the churches and other ecclesiastical buildings used for ecclesiastical purposes, and by the very act of construction and of delivery to the church authorities the title in equity passed, whether what we would call legal title passed or not. For that reason I think the rents for such buildings and the damages in use and occupation ought to be

paid by the Government of the United States to the Roman Catholic Church, and the board reporting, in cases where doubt arises, that such doubt exists, should nevertheless include in their award the amounts for the rent of such buildings and for damages in use and occupation.

In order, however, that the matter might be judicially determined, an act was passed July 24, 1905, giving to the supreme court of the Philippine Islands original jurisdiction to determine all actions which involved controversies between the Roman Catholic Apostolic Church and its representatives on the one hand, and the Independent Filipino Church and its representatives or any municipality or other person on the other hand, as to the title to any and all churches, convents, or seminaries in the Philippine Islands, and real and personal property used in connection therewith, or as to the ownership, right of administration, or possession thereof.

Prior to the passage of this act a suit had been brought in the court of the first instance of the islands, entitled "Barlin *v.* Ramirez." It appeared that Ramirez, who originally had been put in possession of a church building by the Roman Catholic Church in the town of Lagonoy, had severed his connection with the Pope at Rome and had joined the Independent Filipino Church, so called, taking his church with him; and it was to get possession of the church that this suit was brought by the legal representatives of the Roman Catholic Apostolic Church in that diocese. Much stress is laid in the minority report upon the alleged fact that the right to the possession of this particular property was the only question involved in the suit, and that the question of title and ownership of the property was not passed upon. However this may be, it remains that the majority opinion of the court maintained, among others, the following propositions:

As a matter of law, the Spanish Government at the time the treaty of peace was signed was not the owner of this property, nor of any other property like it situated in the Philippine Islands.

The truth is that from the earliest times down to the cession of the Philippines to the United States churches and other consecrated objects were considered outside of the commerce of man. They were not public property; nor could they be subjects of private property in the sense that any private person could be the owner thereof. They constituted a kind of property the distinctive characteristic of which was that it was devoted to the worship of God.

The possession of the churches, their care and custody, and the maintenance of religious worship therein were necessarily, therefore, intrusted to that body—the Roman Catholic Church. It was, by virtue of the laws of Spain, the only body which could under any circumstances have possession of or any control over any church dedicated to the worship of God. By virtue of those laws this possession and right of control were necessarily exclusive. It is not necessary or important to give any name to this right of possession and control exercised by the Roman Catholic Church in the church buildings of the Philippines prior to 1898. It is not necessary to show that the church, as a judicial person, was owner of the buildings. It is sufficient to say that this right to the exclusive possession and control of the same for the purposes of its creation existed.

It therefore follows that in 1898, and prior to the treaty of Paris, the Roman Catholic Church had by law the exclusive right to the possession of this church, and it had the legal right to administer the same for the purposes for which the building was consecrated. It was then in the full and peaceful possession of the church, with the rights aforesaid. That these rights were fully protected by the treaty of Paris is very clear. That treaty, in article 8, provides, among other things, as follows:

"And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, can not in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be."

This opinion would seem to establish fully the proposition that the right of possession and control exercised by the Roman Catholic Church prior to 1898 was complete. Indeed, the Independent Filipino Church, so called, is in no position to assert any title to these properties during the period covered by the investigation of the military board, for the reason that the Independent Filipino Church was not then in existence, it appearing from the record that the Independent Church did not come into existence until after that time.

I may perhaps digress at this point for a moment to explain that Don Gregorio Aglipay, obispo maximo of the Independent Filipino Church, was ordained priest in the Catholic Church in 1890. He took no part in the uprising against Spain in 1896, and continued in his work until Admiral Dewey destroyed the Spanish fleet May 1, 1898. It appears upon his own statement that Aglipay was urged to go to the Filipino insurgents, who were cooperating with the American soldiers. Aglipay was to offer independence to the Filipinos, and persuade them to renounce their allegiance to the American cause. This mission failed. Subsequently Aglipay was excommunicated. He took up arms against the American forces, and for several years continued in revolt. Finally he surrendered and took the oath of allegiance to the United States. He is the head of the Independent Filipino Church, which does not acknowledge the control of the Vatican, but observes all the rites, ceremonies, etc., of the Church of Rome, and in behalf of the church has made the claim that the churches were built by the Government of Spain with money obtained from the taxation of the people, that the churches and convents were the property of the Crown of Spain, and that this ownership passed to the United States by the treaty of Paris, and that the Independent Church has the right to use the church property where it is in possession.

Returning now to the proposition advanced by the minority as to the ownership of this church property, attention is called to two recent cases in which this exact question is involved.

In the first case, No. 3212, decided December 28, 1907, which is an original action brought in the supreme court of the Philippine Islands by virtue of the provisions of act No. 1376, the Roman Catholic Apostolic Church is one of the plaintiffs, certain municipalities mentioned, and Don Gregorio Aglipay, obispo maximo of the Independent Church, are among the defendants, and from this opinion I make the following quotation:

It is further adjudged and decreed that the plaintiff, the Roman Catholic Apostolic Church, is entitled to the immediate possession of the following-described property situated in the municipality of Tarlac, Province of Tarlac, to wit: The grounds of the old church of La Paz, known as the grounds of the old church and convent of La Paz; the grounds of the old cemetery of La Paz, known as the old cemetery of La Paz, and the new cemetery of La Paz, known as the new cemetery of La Paz, and that neither the municipality of Tarlac nor the defendant, Gregorio Aglipay, obispo maximo of the Independent Filipino Church, has any right, title, or interest therein.

It is further adjudged and decreed that the property last hereinbefore mentioned be returned to the plaintiffs, and that the said defendants be ousted from the possession thereof, and that such possession be awarded to the plaintiffs.

It is further adjudged and decreed that a writ of possession issue out of this court against the defendants, the municipality of Tarlac and Gregorio Aglipay, obispo maximo of the Independent Filipino Church, in the manner and form prescribed by act No. 190.

In a second case, No. 3133, decided January 2, 1908, in which the Roman Catholic Apostolic Church et al. are plaintiffs, and certain municipalities and Gregorio. Aglipay are defendants, the earlier decisions are followed, and it is held, among other things, as follows:

And it is further adjudged and decreed that a writ of possession issue out of this court against the defendant, Gregorio Aglipay, obispo maximo of the Independent Filipino Church, in the manner and form prescribed in act No. 190, for the recovery of the church, cemetery, and convent hereinbefore described as situated in the municipality of Cuyapo, and against the municipality of Cuyapo for the recovery of the possession of the convent in said municipality hereinbefore described; and against Gregorio Aglipay, obispo maximo of the Independent Filipino Church, and the municipality of Aliaga, for the recovery of the church and cemetery of Zaragoza; and against Gregorio Aglipay, obispo maximo of the Independent Filipino Church, and the municipality of Talavera, for the recovery of the cemetery in Talavera.

So that it would appear to be settled beyond doubt that the title to these properties is in the Roman Catholic Apostolic Church.

There can be no doubt but that the award made by the board is a conservative one. An examination of the cases (pp. 11 to 42 of the report) will demonstrate the care with which they were considered, each by itself.

The board acted under instructions from the Secretary of War contained in his letter written on the transport *Logan*, September 2, 1905. The total amount claimed was $2,442,963.13, and the total amount awarded was $363,030.19. Fifty-nine of the cases were reported upon adversely.

Of the $363,030.19 awarded, speaking in round numbers, $306,878 was for rent, and $56,151 was for damages. In addition to this the committee allowed $40,000 for the spoliation and carrying away of sacred ornaments, images, vestments, etc., making the total amount of the award the sum carried in the bill $403,030.19. The amount claimed for the articles of cult and ornamentation was $298,222.50.

In speaking of this item the board says in its report:

If Congress should in its liberality desire to compensate the church for the spoliation and carrying away of sacred ornaments, images, vestments, etc., we recommend that the sum of $40,000 be paid, as, in the opinion of the board, this sum will be fully ample.

That this award is a conservative one will be demonstrated by a reading of the testimony. Upon this point Colonel Hull says:

I probably have a more intimate knowledge of these claims than any other one man. I have gone over them all, and I know them intimately. I am confident that $500,000 would not be an excessive award at this time. * * * Prices have increased wonderfully from the time that I first went to the Philippines, in 1899, and I have no doubt that this has continued to go on. Five hundred thousand dollars to-day would not do any more than $363,000 would two years ago. It would do about the same.

And it should be borne in mind that the award of the board was based not on conditions at the time it was made, 1905–6,

but upon conditions at the time covered by the claim—1898–1902. Upon this same point Secretary Taft in his testimony stated:

I recommended, when it was here before, that this amount of $363,000 might well be increased to $500,000 or more on general principles of equity, and I have not changed my views on that subject at all, especially in view of the last reports. I think that $363,000 is much too low for rent and damages in occupation by our troops. It is much too low, because of the difficulty of bringing in evidence so long after the event. I think the board went through the matter with great care. But there are a great many claims filed in excess of the $363,000 that, nearer to the event, might have been proven. The burden, of course, was on the claimants; but, with the immense loss that the church suffered from war and other causes, I am quite sure that the increase of $363,000 to half a million dollars or more will be no injustice. I am speaking now of the church claims, and not the friars' claims, which are a separate matter.

And in another part of his testimony said:

My recollection is that I recommended to double the $363,000. What I thought was, that, in view of the circumstances, there ought to be an equitable allowance in addition to the exact legal finding which was made.

It should also be borne in mind that since the damage to the property occurred much deterioration has taken place. Upon this point Right Rev. Frederick L. Rooker, now deceased, made the following statement before the board December 5, 1906:

Even if the Government were to grant the claims of this diocese just as they stand, the condition of the church here would still remain very much deteriorated in comparison with what it was before the war. The sums asked for would be insufficient to put the property back to its original condition. These amounts are calculated on the basis of damages actually done. Since then, as time has passed, the deterioration to the damaged buildings has increased month by month. This subsequent deterioration has not been included in the claims which have been presented. The repairs to-day would be much more than at time of damage. For example, if the claim made for damages in the parish of Maasin (case 369) amounting to ₱2,000, had been paid at the time they were made the amount would have restored the property to its original condition; to-day that restoration would cost not less than ₱10,000.

In view of these facts the sum named in the bill can not be regarded as too large. Indeed, it might well be made larger.

The suggestion made in the minority report that because perchance Congress has been dilatory in recognizing claims of our own people this claim should be disregarded is hardly worthy of serious consideration. This obligation should be promptly met in justice to ourselves, to the church, and to the Filipino people, among whom the church is so potent an influence for good. Upon this point the board said in its report:

The church authorities as at present constituted are our friends and helpers in the establishment and preservation of law and order in these islands and are upholders of the authority of the United States. Their work here has been made hard by the amount of damage that the church has suffered due to war, and the amount awarded by the board, viz, $363,030.19, will not begin to compensate for the loss so inflicted. This amount, however, is justly due from the United States and is most urgently needed by the church in its work here.

And Secretary Taft said in his testimony before the committee in January last:

Now, I am not as familiar with the recent evidence taken as doubtless some of the members of the committee are, and certainly not as familiar with it as Colonel Hull is, and I can only say generally, as I said before, that the condition of the Roman Catholic Church in the islands is deplorable, because of the destruction of these buildings and because of the absence of money with which to conduct the church. Under the concordat the Spanish Government paid the priests and paid most of the expenses of conducting the church and furnished the buildings and the land. Now, by reason of the separation of church and state, due to the transfer of sovereignty, the money to administer the church has to come either from the outside or from the people; and it is a very difficult thing to go from one system, where the Government supports the church, to the other, where the church is supported by voluntary contributions. The churches in the islands are very essential to our plans for making the people better and educating them and elevating their moral tone, and therefore the prosperity of all the churches in the islands is very important to the Government, and the Roman Catholic Church is the one that exists in every village in the islands. Therefore I always thought, in dealing with the church, that liberality toward it was liberality toward the Government and the people themselves; and liberality by Congress in recognizing the equity of these claims, and thus assisting the church, would be, it seems to me, in the interest of the people of the islands; not sectarian interest, but an interest in favor of morality, of loyalty to the Government, of peace and tranquillity in the islands.

Mr. COOPER of Wisconsin. Mr. Chairman, I now yield to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Chairman, the bill under consideration carries an appropriation of $403,030.19 to be paid to the Archbishop of Manila, in the Philippine Islands as the legal representative of the Roman Catholic Church, in full satisfaction of all claims for use and occupation of the property of said church and damages done thereto by the military forces of the United States during the war with Spain.

It seems to me, after listening to debate upon this bill for two hours, that the sole question to determine is, whether or not the appropriation of this sum is a fair and equitable adjustment of the claim made by the Roman Catholic Church of the islands for the use of their property by the United States army, and for damages sustained incident to such occupation. I want to say in the beginning, Mr. Chairman, that I believe the amount appropriated is justly due the church, and I shall vote for the passage of the bill. It is not denied that the property of the church was used by the United States army for barracks and for sheltering troops. The churches were the only buildings in the towns suitable for the purpose, and our military forces made use of them. Anyone who has even limited knowledge of military affairs knows that such use made of a church would result in great damage. In some instances attacks were made on American forces, while occupying one of the churches, and the building practically destroyed. Many were almost entirely destroyed, while others were greatly damaged.

The bill comes before us in the way of a majority report from the Committee on Insular Affairs, recommending the payment of the amount specified in the bill, while a minority of the committee report against the payment of the claim, upon the theory that only $363,000 of the claim was proven to be due and that $40,000 is for property carried away and destroyed, for which the United States Government is not liable. It is contended by the minority that there is no precedent for the payment of a claim for ornaments and personal property stolen and destroyed during our occupation. So far as I am concerned, Mr. Chairman, I care nothing about precedent. I am more interested in justice, and I am satisfied from the evidence in this case that $40,000 is a small sum to cover this item, and I doubt if the property could be replaced for double this amount.

It is also contended in the minority report that the Archbishop of Manila is not the proper person to whom this claim should be paid. It is claimed that during the war there was a division of the Roman Catholic Church in the Philippine Islands and that that division still exists; hence there is a question as to whom this money should be paid. I have gone through both reports carefully and have read the decision of the courts touching upon this question, and I am satisfied that the position taken by the majority is a correct one and that this money should be paid as directed by the bill.

Now, Mr. Chairman, I want to consider for a few moments the merit of this claim and the method employed in reaching a decision as to what was really due. When our troops landed in the Philippine Islands in 1898 they took possession of churches, schoolhouses, parish houses, and other buildings belonging to the Roman Catholic Church and used them for barracks, hospitals, and prisons. Some of them were very excellent buildings, notable in architecture and interior adornment. They were used during the war with Spain, and after hostilities ceased our occupancy continued until suitable quarters could be erected for our army which remained on the islands. During our occupation the authorities of the church had no possible opportunity of protecting the buildings or taking care of their furnishings. Hence many of the buildings were entirely destroyed, while others were greatly damaged, and personal property was either destroyed or carried away. The authorities of the Catholic Church on the islands presented a claim to the United States Government for use, rental, and damages to property, and the War Department issued an order creating a board authorized to make an investigation and report. This board was appointed and consisted of Lieut. Col. J. A. Hull, judge-advocate; Lieut. Col. Alexander O. Brodie, military secretary, and First Lieut. J. W. Moore, Second Cavalry, all of the United States Army. This board met at the headquarters of the Philippine Division, in the city of Manila, on the 1st day of August, 1905, and took up the investigation of the claim. The report of this board shows that they made a very careful examination of all damaged property, and that their findings were made after a conscientious, intelligent, and thorough investigation lasting for about six months.

The claims filed by the Catholic Church for rent, damages, and personal property carried away amounted to $2,442,963.13. After a painstaking examination the board found that there was due the church for rental and damages to buildings the sum of $363,030.19. It was also claimed by the church that a loss had been sustained for articles of cult and ornamentation amounting to the sum of $298,222.50, but the board, after making a thorough investigation of this claim, directed that a larger amount than $40,000 would be excessive, so the bill now before us carries an appropriation of $403,030.19 to cover these two items. That the Catholic Church in the Philippines suffered tremendous losses no one will deny, and it seems to me there should be no hesitancy in passing this bill. The justice in so doing is emphasized by the position the United States has always taken in official documents touching upon such questions. An investigation will disclose the fact that the United States has at all times declared it a duty and responsibility resting

upon the Government to protect and care for church and personal property under such conditions, and we can not now afford to repudiate that position.

The articles of capitulation of the city of Manila, dated August 14, 1898, signed by representatives of General Merritt's army and of the Spanish army, provide:

ART. 7. This city, its inhabitants, its churches and religious worship, its educational establishments, and its private property of all descriptions are placed under the special safeguard of the faith and honor of the American army.

It is generally understood these provisions were made a part of the articles upon the order of President McKinley and bound the United States to protect church property against damage during its occupancy by the American army. When General Merritt, in command of the United States forces, entered the city of Manila, he issued a proclamation, paragraph 6 of which is based on article 7 of the articles of capitulation, and reads as follows:

All churches and places devoted to religious worship and to the arts and sciences, all educational institutions, libraries, scientific collections, and museums are, so far as possible, to be protected; and all destruction or intentional defacement of such places or property, of historical monuments, archives, or works of science and art is prohibited, save when required by urgent military necessity. Severe punishment will be meted out for all violations of this regulation.

After the war was over the treaty of Paris was agreed to and signed December 10, 1898, ceding to the United States the Philippine Islands. In that document the rights of the two nations were fully set out, and paragraph 8 reads as follows:

And it is hereby provided that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, can not in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories, renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

In all these documents it will be observed that the mention of private property is always followed by a mention of church property, which is placed under the protection of the United States Government, and in considering a claim of this character it is well to remember the position our Government has placed itself in with reference to such claims. It occurs to me, Mr. Chairman, that this is a very meritorious claim, and its payment should not be delayed a day longer. The destruction and damage to the property belonging to the Catholic Church in the Philippine Islands was unfortunate, not only for the church but for our Government as well.

The authorities of the church have contributed much toward the establishment and preservation of law and order on the islands and have rendered valuable service in upholding the authority of the United States. The payment of this claim will enable the Catholic Church to rebuild and repair destroyed property over the islands and furnish the people a place to worship God according to the dictates of their own conscience. While I am not a member of that creed, I recognize its power as a christianizing force in the Philippine Islands, and what it has accomplished in the way of raising the standard of life and the development of higher ideals of Christian character among the Filipinos has attracted the attention and won the admiration of all mankind. I am afraid, Mr. Chairman, we underestimate the influence for good exerted by churches of all denominations. Let us not forget that the great advancement of our nation and the rapid progress we have made as a people are due to the fact that we are a Christian nation, made so through the influence and work of the various denominations of the church. [Applause.] Christianity destroys the walls that separate class from class and nation from nation.

It drives out hatred, envy, malice, and jealousy; it calls in love, charity, benevolence, and humanity. If all men were Christian men, if all nations were Christian nations, what a splendid world this would be. The dark clouds of jealousy, bitterness, contention, and war that sometimes hover over the nations of the earth would be carried away on the wings of peace, and all differences arising between nations would be settled on Christian principles by Christian people. [Applause.] Then, my friends, let us use our power and influence in building up and maintaining churches of all denominations, that the image of God may be stamped on every soul, and that the people, the world over, may unite in the elevation and betterment of human beings everywhere. [Applause.]

I am in favor of the passage of this bill because it is a just debt, found to be such after a thorough investigation made by a board appointed by the Government. I hope the day will soon come when the people of the Philippine Islands will be given their independence, and I believe that day will be hastened by the passage of this bill, which will enable the Roman Catholic Church in the Philippine Islands to rebuild and repair their places of worship in order that they may carry on their work of educating the people up to American ideals and the upholding of our institutions. [Applause.]

Mr. COOPER of Wisconsin. I now yield, Mr. Chairman, to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, the gentleman from Virginia [Mr. JONES] in his closing remarks quoted a statement which I was supposed to have made before the Committee on Insular Affairs in relation to the law as to the allowance of a certain class of claims. The opinion I expressed there had no reference whatever to this particular class of claims. It had no reference whatever to the claim for damages for sacred ornaments and vestments that were destroyed or carried away by the American soldiers while the church property was in the possession of the United States soldiers. The observation I made at that time was that the general rule of law was that wanton damage to or destruction of property in a time of war as one of the incidents of war was not a legal claim against the Government. It had no sort of reference to this claim and involved altogether a different principle. The gentleman from Virginia ought not to have read that record without giving me the opportunity to explain it then and there.

Mr. JONES of Virginia. I think I gave the gentleman full warning.

Mr. CRUMPACKER. The gentleman gave me warning that he would not allow me to interrupt him when I wanted to explain. I think it was hardly fair to me.

Mr. COOPER of Wisconsin. I now yield to the gentleman from Illinois [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, the purpose of this bill, as I understand it, is to reimburse the Roman Catholic Church in the Philippine Islands for actual damage that was done to its property by our soldiers and sailors during the war with Spain. It is a matter of history that during that war our armies in the Philippines used the church buildings owned by the Catholic Church for barracks and for the sheltering of troops. The churches were the only buildings there that were suited for this purpose, and our soldiers and sailors promptly made use of them.

Now, Mr. Chairman, anyone knows that when a church or any other building is used for this purpose it results in great damage to the church. This occupation, so we are informed, left some of the churches in a state of ruin. Doors and windows were torn off, and some of the ornaments and decorations, many of which were very costly and so rare that it will be impossible to replace them, were carried away. On some occasions the soldiers were attacked by the enemy while they were thus quartered in these churches, and before the fighting was over many of the churches were shot to pieces.

The officers of the Catholic Church had no use whatever of their buildings while our Army was in the Philippines. These churches, being the biggest and best buildings to be found, were immediately seized by the soldiers and converted into barracks, hospitals, arsenals, and the like. Even the schools and convents were appropriated, so that the church officers, including the priests and the sisters in the convents, were driven into the streets, homeless and without shelter of any kind. Many of the priests died from exposure and from the hardships caused by having their homes taken away from them.

Immediately after the war was over the church put in a claim for more than $2,000,000 against the United States Government, and, after wrestling with a good many points of law, a commission finally was appointed to investigate the claims and to get to the bottom of the controversy. This commission met in Manila in 1905, and after a long session and the taking of evidence from thousands of reliable persons, it decided that while the church was not entitled to the amount claimed, it should be paid at least a part of the money for which it asked. This commission, in my opinion, Mr. Chairman, did not report as favorably as it should have done. At the time of the war the Roman Catholic Church had property scattered all over the islands. Hundreds of schools and parish houses and churches had been built and cared for for centuries, and these, every one of them, were more or less damaged by the soldiers.

The commission reported that the sum of $40,000 should be paid for the loss of ornaments and decorations that were taken from the church. This amount is shamefully small. In some of those churches, so I am told, were pictures and statues that were hundreds of years old. To the church they were so valuable that no amount of money could have bought them. They represented traditions and had the value of heirlooms. To an outsider, perhaps, they would not seem valuable, but to those who had collected them and who had guarded them and watched

over them for years and years they were of immense value. The amount that is proposed to pay for the loss of these things is nowhere near to what it should be.

Some of the members of the committee that has been considering these church claims were opposed to the payment of such a large amount as that asked for by the church authorities. They argued, in the first place, that the Catholic Church in the Philippine Islands had no legal existence, and that it was part of the state of Spain. But this is not good logic. The Catholic Church has had a legal existence since the days of Galieno. He was the first of the Roman Emperors to grant the church a standing as a legal entity and to declare that it had property rights before the laws of the Empire. Before the Commission that was appointed to investigate the claims that were made by the church against the Government of the United States it was conclusively shown that the church existed as a separate institution in the Philippine Islands, and that, while it wielded a certain political influence, its property rights were distinctively its own.

In the treaty that was signed at Paris ending the conflict between the United States and Spain there was recognition of the legal rights of the church. Paragraph 8 of that document reads as follows:

And it is hereby provided, That the relinquishment or cession, as the case may be, to which the preceding paragraph refers, can not in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, or provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or by private individuals, of whatsoever nationality such individuals may be.

It will be observed that the church is recognized in this document as a body having legal and separate existence. In fact, Mr. Chairman, I think it has been pretty well established on the floor here to-day that the Catholic Church in the Philippines has legal rights there, and that the United States Government is not only morally but legally bound to observe these rights.

Mr. Chairman, the Catholic Church is a great pioneer. Wherever there has been civilization there you will find the Catholic Church. In the whole history of the world it will be found that it generally was the bold and adventurous spirit of the Roman Catholic Church that led to discoveries and the opening to civilization of new and unknown continents. It was Columbus, a Roman Catholic, who pushed through the strange waters of the fierce Atlantic to the New America, and it was De Soto, another Roman Catholic, who broke the first pathway through the tangled wilderness of the South until he reached the Mississippi. The traditions of our own country are interwoven with the noble accomplishments of Roman Catholics. From the very first this church has had its imprint on our progress, and its influence always has been for the good. From the early Jesuit missionaries, who lived in their rude cabins of the North that the savage minds of the western Indians might be ventilated with the light of knowledge, to that noble priest in Denver who so recently was shot down by a wild anarchist has the Catholic influence been felt in this country.

And so it has been in all the countries of the world, and so, also, in the Philippines. Centuries before the nation of which we in this House have the honor to be sons was dreamed of those Catholic priests were at work there in the Philippines, building their churches, spreading their civilization, and preparing the islands for that civilization which we some day hope to give them.

Mr. Chairman, I have read both the majority and the minority report of the Committee on Insular Affairs, before which these claims have been pending, and I can reach but one conclusion, which is: To vote for the majority report. I believe this report is fair and just and that it offers none too much compensation for the many losses and hardships that the Catholic Church in the Philippine Islands had to put up with, and I say we ought to pay the claims of these honest men who stand in the vanguard of our civilization, breaking down the barriers of idolatry and paving the way for the new light of Christianty. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent to print in this connection Senate Document No. 11, a message from the President, recommending the payment of these claims.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to print Senate Document No. 11, Fifty-ninth Congress, second session. Is there objection?

There was no objection.

The matter referred to is as follows:

To the Senate and House of Representatives:

I herewith submit to the Congress the report of the Secretary of War and of the Judge-Advocate-General in reference to the claims presented by the representatives of the Roman Catholic Church for amounts due from the United States to the various Roman Catholic churches in the islands for use and occupation by troops of the United States, and for damages during such occupation. I cordially indorse all that is said in these reports, and earnestly hope that the amount recommended by the board will be immediately appropriated, in order to do what is really an act of substantial justice to the Roman Catholic churches of the Philippines, in accordance with the suggestion of the Secretary of War. It is not only a matter of equity that we should pay this sum, but for the reasons set forth by the Secretary of War it is very greatly to the interest of the people of the Philippine Islands that it should be paid. I have accordingly approved the action of the Secretary of War in directing that the same board be reconvened, or another convened, to report on the advisability of paying additional sums to the Roman Catholic churches in the islands in view of the damages inflicted upon them by reason of the war and by the insurrectos. I feel that this is peculiarly a case where in the interest of the Philippine people themselves it would be wise for the Congress to exercise a large liberality.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 5, 1906.*

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the bill.

Mr. HINSHAW. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In lines 4 and 5 strike out the words "four hundred and three thousand and thirty dollars and thirteen cents" and insert in lieu thereof the words "five hundred thousand dollars."

Mr. HINSHAW. Mr. Chairman, it seems to me, from the discussion that has been had here to-day and a careful perusal of this report, that the award made by the board excluded all damages done by the insurgents, all damages incident to military occupation, for wanton damages by the soldiers of the American army, for the use and occupancy of the servants of the civil government, and, further, it appears on page 3 of the report that it was the testimony of Colonel Hull and the Secretary of War, Mr. Taft, that $500,000 would be a very conservative sum for the amount of damages sustained. Now, it appears that the committee took not into consideration the deterioration resulting from the damages done. You will observe that these buildings were damaged and afterwards various causes of destructioned supervened and much deterioration of the buildings occurred, so that $57,000 of the amount given for damages was inadequate. As stated by the chairman, Mr. COOPER, $306,000 was given for rent and occupancy and only the sum of $57,000 for deterioration and damages—or rather nothing for deterioration, but $57,000 for actual damage done.

The award is several years after the damages were done, and it seems to me that it is only equity and fair justice that the sum should be increased to $500,000. There was some testimony that $700,000 would be no more than a sufficient sum for the damage done. I submit that it is only justice that this sum should be increased to $500,000.

Mr. PAYNE. The testimony of Colonel Hull was that the award of the board was based not on the value at the time it was made, but on the value at the time of the injury. Of course, there might have been deterioration of the property after the incurrence of the injury, after the troops left, and the Government of the United States is not chargeable with that. If we paid for the deterioration after the time they left the buildings, then very likely it would require the amount in this amendment. Colonel Hull says:

I am confident $500,000 would not be an excessive award at this time.

Then he says:

Prices have increased wonderfully from the time I first went to the Philippines, in 1899, and I have no doubt that this has continued to go on. Five hundred thousand dollars to-day would not do any more than $360,000 would two years ago. It would do about the same.

However, I did not rise so particularly to oppose this amendment as to present a letter which I have received to-day from Bishop Hendrick, who is now in the city, in regard to the number of the followers of Aglipay, in the islands. I shall not have time to read the letter, but I want to say Bishop Hendrick probably knows more about the number of followers of this gentleman Aglipay than any other man now living, as he, since he was appointed bishop, has been on foot over all the islands over which he has jurisdiction and visited the 2,000,000 of Catholics he has in his charge. Among those he says that the followers of Aglipay will not exceed 11,175 in all. He also gives an estimate as to the other provinces. He says there are only 11,000 out of 2,000,000, and that after personally visiting them in the last two or three years. He gives the number in the other provinces like Manila. He says they are very rapidly decreasing in those provinces. I want to say, in addition to what has been said about Bishop Hendrick, that I have know him for forty years. I knew him when he was a priest in a small church in my county twenty odd years ago, and no man was ever more devoted to his people or ever more honest in the discharge of the duties of a priest than Bishop Hendrick when he was a priest. I ask unanimous consent to print the letter in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the letter to which he refers be included in his remarks. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

GONZAGA COLLEGE,
Washington, D. C., March 5, 1908.

To the Hon. SERENO E. PAYNE.

DEAR SIR: Replying to your inquiry as to the number of Aglipayanos in the Philippines, permit me to say that the diocese of Cebu contains 2,000,000 of Christians. I have been to all the dioceses, and say that the proportion is as follows:

Cebu—700,000, Aglipayanos 1,000; Leyte—500,000, Aglipayanos 100; Bohol—250,000, Aglipayanos 75; Northern Mindanao—150,000, Aglipayanos 10,000; Siquihor—35,000, Aglipayanos none; Samar—400,000, Aglipayanos none; total—2,035,000, Aglipayanos 11,175.

The diocese of Nueva Caceres, about 850,000, Aglipayanos 8,000.

Diocese of Jaro, about 1,200,000, Aglipayanos 50,000.

Allowing 70,000 Aglipayanos in Manila and 35,000 Aglipayanos in Nueva Segovia, there appears a total of 174,175.

The dioceses of Jaro (pronounced Haro), Manila, and Vigan had a larger proportion of Aglipayanos. Say Manila, 100,000; Jaro, 75,000, and Vigan, 80,000. These figures are estimated from conversation with the bishops of these sees, and relate to the conditions four years ago. They gained adherents and money by always preaching that they were going to drive out the Americans. To do this they needed money to buy ships, arms, etc. It was absolutely not a religious, but a political movement, put under the form of a religion to protect it against the government, which had previously suppressed the same movement under the forms of labor unions and social organizations. As the people found out that the money they subscribed and paid liberally was not used for the purpose, they deserted the Aglipayano organization until now it is in a dying condition. In other words, it was purely a movement for graft. The figures given are most liberal Aglipayanism at its flood tide. Probably at the present time those willing to declare themselves Aglipayanos would not number one-fifth of the figures given.

See also Senate Document 170, Fifty-eighth Congress, second session, page 10.

T. A. HENDRICK.

Mr. JONES of Virginia. Mr. Chairman, I would like to know what the parliamentary status is now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska, which is an amendment to the committee amendment.

Mr. GARRETT. Mr. Chairman, I think it is fair to the four gentlemen who signed the minority report that it be clearly understood and again emphasized here that they are not objecting to the payment of what the board, appointed under the orders of the War Department, found to be legally and legitimately due under the rules of law laid down. The only difference of opinion between the majority and the minority is as to how that $363,000 shall be paid.

That the United States Government owes somebody three hundred and sixty-three thousand and some odd dollars and cents is not to be denied. There is a difference of opinion among lawyers, who have approached the question from a legal standpoint and in a conscientious manner, as to how that money should be paid. But, Mr. Chairman, when it comes to the proposition of advancing the findings of the board, of entering into the realm of speculation as is proposed by the amendment of the gentleman from Nebraska, I must arise, although I have kept silent during this other discussion, and protest against it. I have no objection to paying, I desire to pay, this $363,000. If gentlemen differ with the four men who have signed this minority report and wish to differ from them upon the legal question, and wish to pay, that may be done; but I undertake to say here and now, Mr. Chairman, standing in my place as a Representative, without any prejudice, either political or religious, that nowhere from the beginning of this Republic down to now can you find a precedent to justify you in adding that $100,000 to this report, as is proposed by the gentleman from Nebraska [Mr. HINSHAW]. Nowhere. This board, presided over by Lieutenant-Colonel Hull, as intelligent a witness as I ever heard testify before a committee or a court, told us how they passed upon that question, and they decided that under the rules laid down for them by the Secretary of War, Mr. Taft, who followed the practice that has been followed by the Court of Claims, by the Quartermaster-General's office, by every department of this Government from the foundation of the Republic until now, that $363,000 was due somebody.

I say to you gentlemen, now, in all seriousness that there is (whatever opinion there may be as to the $363,000) not one of you who, as a lawyer, not one of you who by taking any precedent that has ever been fixed by this Government, can find a single justification for adding to that $363,000. I think $40,000 of this amount ought to go out. If it did go out, I should not object, so far as I am concerned, to the payment of the remainder. But it is a well-determined and a well-fixed rule of law, which you have applied to all the sections of this country through all the years that are gone, that we will not pay for wanton damages. And yet the committee has added here in this bill $40,000 that are for wanton damages and the gentleman from Nebraska proposes to add $100,000 more. I undertake to say now that there is not a lawyer on this side of the House or on that side of the House who can go to the evidence that was on file in that committee room and find one single case where one single vestment was taken or one single sacred image was destroyed or one single sacred vessel in one of the churches was despoiled by an American soldier.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT. May I have three minutes more?

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent for three minutes more.

Mr. GARRETT. I say, take the action involved in this $40,000 and there is not a man here who as a lawyer, viewing it from a legal standpoint, can go to that committee room and take those papers and find a single case in which, if he were sitting as a judge between man and man, he would say the evidence would justify the finding that any single one of the items for which this payment of $40,000 was included was taken by a soldier of the Army of the United States. And not only that, but even if they were taken and wantonly destroyed, then by all the precedents this Government has never paid for such, neither when the party on this side was in power nor when the party on that side was in power. Now, gentlemen, why not march up to this question here now as lawyers and as Representatives? I am willing to pay anybody what we owe, but why should you add, how can you add, a gratuity? I hold in my hand now, Mr. Chairman, the report from the Court of Claims upon two cases down in the State of Tennessee. One of them was a school and the other was a church—little claims, involving in part use and in part destruction. They were refused by the Committee on War Claims in the House because they were Senate findings. They have been turned down by the Senate committee because the court did not make clear the distinction as to what was for use and what was for wanton destruction. Not one single item of the $40,000 that is added over this $363,000 on this claim can be made clear to be anything except wanton destruction, and the $100,000 proposed to be added is a gratuity; nothing else.

Now, that is a little school down there in Tennessee, and a little church, but the principle involved in those cases is precisely the same that is involved in the $40,000 added to the $363,000 and the extra $100,000 involved in the amendment offered by my friend from Nebraska [Mr. HINSHAW]. What are you going to do about it? That in Tennessee is not a big church, nor is the school a big one. It is a little church, a little independent organization, out in the country, out in the woods, but it is sacred to those people there. Are you going to treat people 10,000 miles from home better than you treat your own blood in your own land? If you want to do it, do it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I appreciate the situation. I read, very carefully read, the reports both of the majority and the minority upon this bill, but what difference is that?

The political necessities are great on this side of the House, but I hope they are not great enough to so far degrade this side of the House as to vote for the outrageous proposition which is now presented for a vote. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. HINSHAW] to the committee amendment.

The question was taken, and the amendment to the amendment was rejected.

Mr. JONES of Virginia. Mr. Chairman, I offer this amendment:

Strike out in lines 4 and 5 the words "four hundred and three thousand and thirty dollars and nineteen cents" and insert instead thereof the words "three hundred and sixty-three thousand and thirty dollars and nineteen cents."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In lines 4 and 5 strike out the words "four hundred and three thousand and thirty dollars and nineteen cents" and insert in lieu thereof the words "three hundred and sixty-three thousand and thirty dollars and nineteen cents."

Mr. JONES of Virginia. Mr. Chairman, I wish to say just one more word in regard to this particular proposition. You have been told that the military board, of which Colonel Hull was the chairman, excluded all claim for vestments. He did so because no such claim was ever established to his satisfaction, and because, under this instruction given him by Secretary Taft, which I shall now read for the information of the House, he had no other alternative:

The seizure, however, of sacred vessels, of sacred vestments, presumed only by their absence at the end of the occupation by the soldiers, I should regard as of very doubtful validity, unless the evidence were direct tending to show that this course was taken by the soldiers and authorized by the officers, and especially are presumptions of this character not to be indulged in where there was previous occupation by the insurgents and where the evidence is not distinct of what the condition of the buildings was when entered and the presence of

particular property when the United States entered into occupation. [I do not intend to advise the board to be technical or to be illiberal in estimating damages to property ordinarily incident to occupation by troops who are not particularly careful of the property in which they live, but I do wish to advise against the allowance of large damages for the disappearance of particularly valuable vessels or vestments which were probably stolen long before the troops entered into occupation, etc.]

As my friend and colleague on the committee [Mr. GARRETT] has said there is not one particle of testimony in this record, that there was not one word said before the Insular Affairs Committee which would justify any rational human being in believing that a single vestment of any character or description had been taken or stolen by United States soldiers. Under the rules laid down by the Secretary of War, that the board could not presume in the absence of evidence that any vestments had been taken, the board excluded them; and for this reason I ask the House now to vote for my amendment striking out the $40,000 allowed by the committee for vestments. There is no testimony in the record to show that a single particle of property of this description was ever taken by any United States soldier, and as I have already said, acting upon the explicit instructions of the Secretary of War, this board did what it was obliged to do, excluded claims of that character from consideration. It is in the power of Congress to pay $40,000, and to pay the $500,000 advocated by the gentleman from Nebraska, or indeed, the $2,000,000 or more that the church asked for. The question is whether or not, in the absence of any testimony that any such property was ever taken by any human being connected with the United States service, you are going to pay anything on this account. There is just as good reason for paying $1,000,000 as there is for paying $40,000.

Mr. CRUMPACKER. Mr. Chairman, the amount of $403,030.19 may be justified in two or three ways. When this bill was under discussion in general debate I undertook to explain to the Committee of the Whole the erroneous theory—the admittedly erroneous theory the Hull board adopted in estimating the damages.

Mr. JONES of Virginia. It was not a theory, but the instructions of the Secretary of War.

Mr. CRUMPACKER. It was an erroneous instruction; and the Judge-Advocate of the War Department, whose testimony I have here, stated that damages inflicted by soldiers and prisoners of war on property which the Government used, and was in possession of at the time, should have been allowed for. It was admitted that no estimates had been made of those damages. No damages had been allowed on account of those injuries. If they had been allowed the just claim of the church would have exceeded $500,000. Colonel Hull testified that the condition of the cathedral at Manila after the prisoners of war had vacated it showed that the grossest acts of vandalism were committed in that building by the prisoners in our charge, and nothing was allowed for that. When it came to the question of the sacred vestments the commission reported that it was difficult to secure proof of the amount that the Federal Government was responsible for. On the theory of law I suggested a moment ago, if the furniture of a church is destroyed or carried away by our occupants, when we have excluded the owner and assumed the responsibility of tenant, under every principle of law and justice the Federal Government is responsible. Now the Hull board reported the total claim for ornaments, furniture, etc., was about $280,000, and under the best estimate they could make the fair proportion chargeable to the United States would be about $40,000.

Mr. JONES of Virginia. May I ask the gentleman a question?

Mr. CRUMPACKER. Certainly.

Mr. JONES of Virginia. If you are assuming that this is a fair estimate of cost, why are you so particular in retaining the 19 cents?

Mr. CRUMPACKER. I take the ground that the Hull board reported the fair and equitable share for the Federal Government to be $40,000. The 19 cents is admitted.

Mr. PAYNE. Could not the gentleman effect a compromise upon that 19 cents? [Laughter.]

Mr. CRUMPACKER. I do not believe I will yield the 19 cents to the gentleman, either. [Laughter and applause.] I simply want the church to get what it ought to have, nothing more and nothing less. There is no justification for the exclusion of the $40,000 of this award. It is based upon the recommendation of the Hull board. That amount is mentioned by them; that amount is suggested. The committee included it and decided to recommend its payment as a fair and reasonable liability. Judge-Advocate Porter, when he came before the committee, said that it was a well-settled law that in all such cases the Federal Government would be responsible for the destruction of property in its occupation. We know that the property had been taken charge of and used by the Federal Government. I say there is abundant authority in the record, in the proof, for the payment of this $40,000 upon two theories, and we decided to allow the claim, and when we have made that payment we will fall, I repeat, drawing my inference from the report of the committee, many thousand dollars short of compensatory damages that were sustained by the Catholic Church on account of our occupancy of church and educational property and the destruction and damage we committed to it, for which in law we are clearly and legally responsible.

Mr. GAINES of West Virginia. Will the gentleman permit a question?

Mr. CRUMPACKER. I will.

Mr. GAINES of West Virginia. I wish to know whether this particular part of the award is allowed on account of the use of these vestments or their mere wanton destruction?

Mr. JONES of Virginia. There is no proof that any were taken.

Mr. CRUMPACKER. It is the destruction and carrying away of vestments. There were churches that contained furniture and vestments, and we took charge of the churches and their contents, and the furniture was destroyed and oftentimes carried away by our soldiers.

Mr. JONES of Virginia. There is no evidence of that.

Mr. CRUMPACKER. We took from the owner the power to protect the property. We assumed the responsibility. It became our duty to protect the property as the tenant and occupant of the premises.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of West Virginia. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman from Indiana whether it is the practice of this House to allow damages for the wanton destruction of such property in churches during the civil war? The purpose of my question is this: I want to vote on this proposition without reference to the church itself. If this is the sort of an allowance that we would make to a Methodist or Baptist church in Virginia or West Virginia, I want to vote for it. If it is not, I want to vote against it.

Mr. CRUMPACKER. It is the rule everywhere that where the Government takes control or possession of a property for its own use it becomes responsible for the custody and care of the property. That is the ordinary legal obligation of a tenant; and if it commits waste, it is responsible under the law for the damages that it either commits or suffers to the property. I have before me a reference to the case of the Methodist Book Concern South. Its property was located, I believe, in the State of Tennessee. The Fifty-fifth Congress allowed a claim of $288,000 for occupancy and injury to the property during the civil war, and I have been informed by men who were acquainted with the property that it was not worth to exceed $50,000 when the Federal troops went into possession of it.

Mr. GAINES of Tennessee. The gentleman does not know what he is talking about when he makes that statement. [Applause.]

Mr. HARDY. Mr. Chairman, I move to strike out the last two words. I have only a little to say. It has been objected to the amount fixed by the committee that it includes wanton damages, and the objection is on the ground that wanton damages are never allowed for. I conceive that if the United States takes possession of private property and places its soldiery in that property, and that soldiery commit wanton injury, it is right and just that the United States should pay for it, and if that kind of damage has not been paid in cases before, for other churches or for other buildings, it ought to have been paid.

Mr. CRUMPACKER. That is exactly the principle that the committee pursued in estimating the amount that should be paid in this claim.

Mr. HARDY. I think the committee did right.

Mr. GAINES of West Virginia. Will the gentleman permit me?

Mr. HARDY. Yes.

Mr. GAINES of West Virginia. I want to say to the gentleman that I am not disputing the proposition which he lays down, that when the Government does put its soldiers into a church, and they commit wanton waste in the church, the Government ought to pay; but I know that similar propositions pending, for instance from West Virginia, in this very Congress have been denied. I am not so much objecting to having the principle extended as I am objecting to having it extended in the Philippines and denied in West Virginia. [Applause.]

Mr. HARDY. I can call the gentleman's attention to a dis-

tinction. I am a new Member and not familiar with old cases; but possibly the case the gentleman has reference to is where the soldiery wantonly and without being put in possession of property by those in authority have destroyed it or burned it. I can conceive of wanton injury being committed by soldiery in war, such as burning houses or property when not under control, where the Government ought not to pay; but where military authority takes charge and control of property, quarters its troops, and those troops wantonly destroy, deface, or damage the property, by all that is right they ought to compensate the owner.

Mr. GAINES of West Virginia. The case I referred to——

Mr. HARDY. Excuse me, but I have but little time. If the gentleman is right in that, it has been held that the Federal troops may be put into a church or private property, and then, if they damage it wantonly, the Government is not responsible. That doctrine is atrocious and miserably small and unjust.

Mr. GAINES of West Virginia. The case I refer to is one in West Virginia, where the Federal troops were quartered in a college, and where, in the course of being quartered there, they set fire to the building, and the Government refused to pay for it.

Mr. HARDY. I do not doubt the gentleman's statement, but I do say that this Government is big enough to do justice now or at any time, whatever it may have done heretofore. It ought to pay for your property. The objection that the majority report makes compensation for injury wantonly done to church property by the soldiery quartered there commends the report to me, and I shall vote for it because it is just.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman from Indiana [Mr. CRUMPACKER] a moment ago said that somebody told him that the Southern Methodist Publishing House church claim, about $280,000, was only really about $50,000 upon its merits. I do not know who the gentleman's informant is, but whoever he is he is a liar. [Laughter and applause.]

Now, sir, I passed my eye over every item of that claim. I introduced the bill for its payment. Its merits were proven by people who helped to make and defend this country, to make Tennessee and Nashville and that church, from the printers, who testified to the destruction of the type and the paper, clear on through the long list of witnesses, all of truth and integrity, and yet for nearly forty years this Government refused to pay that great church its claim. I am glad, Mr. Chairman, we are to-day treating the Filipino and the savage a little better than we treat our own people in like matters. It may be that after a while we can teach ourselves that charity and justice should begin at home. [Applause.]

Mr. GILHAMS. Mr. Chairman, as I have been sitting here listening to the arguments presented to this House by the members of the Insular Committee, who have reported favorably upon this bill, and also to the leaders in behalf of the minority report, I am compelled to say that to my mind the question as to the rightful ownership of the property in question is perfectly clear.

And again, the objection that has been raised, or the plea that we are not authorizing through this bill the proper person to whom this money shall be paid, is not well taken.

The verdict of the court as to the rightful ownership of this property was so overwhelmingly in favor of the Roman Catholic Church that I can see no real cause for hesitancy in the payment of this just claim, and I shall vote for this bill to reimburse these religious and eleemosynary institutions.

Mr. COOPER of Wisconsin. Mr. Chairman, I move that all debate on the section and pending amendments be closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Virginia [Mr. JONES].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the committee amendments.

The question was taken, and the committee amendments were agreed to.

Mr. JONES of Virginia. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Strike out, in lines 6, 7, and 8, the words "the same to be paid to the Archbishop of Manila, of the Philippine Islands, as representative and trustee of the Roman Catholic Church," and insert instead thereof "the same to be paid to the bishops of the Roman Catholic Church of the five dioceses of the church in the Philippine Islands, to be expended in said dioceses."

Mr. JONES of Virginia. Mr. Chairman, if there is any title in the church——

The CHAIRMAN. Debate is not in order.

Mr. JONES of Virginia. Why is it not in order?

The CHAIRMAN. The committee has voted to close debate on the section and all amendments thereto. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and on a division (demanded by Mr. JONES of Virginia) five gentlemen rose in favor of the amendment.

The CHAIRMAN. Does the gentleman wish for the other side?

Mr. JONES of Virginia. I am perfectly willing to admit that the political necessities are too much for me. [Laughter.]

So the amendment was rejected.

Mr. COOPER of Wisconsin. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken, and on a division (demanded by Mr. JONES of Virginia) there were—ayes 182, noes 3.

So the bill was laid aside to be reported to the House with a favorable recommendation.

Mr. COOPER of Wisconsin. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. WEEKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16143, to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. COOPER of Wisconsin. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. Is a vote demanded on any particular amendment? If not, they will be considered in gross.

There was no demand for a separate vote.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time and passed.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the Members of the House be given five days in which to print speeches upon this bill.

The SPEAKER. The gentleman from Wisconsin moves that Members of the House be given five legislative days in which to print remarks upon this bill. Is there objection? [After a pause.] The Chair hears none.

INVESTIGATIONS AS TO SUBMARINES.

Mr. BOUTELL. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the select committee of which Mr. BOUTELL is the chairman be, and is hereby, authorized to employ a clerk, messenger, and stenographer, and that the said assistants be paid out of the contingent fund on vouchers approved by the said select committee; and that said committee be authorized to sit during the sessions of the House.

The SPEAKER. Is there objection?

Mr. TAWNEY. Mr. Speaker, I would ask the gentleman if it is necessary to employ stenographic assistance. We have committee stenographers, and I would like to ask whether he has inquired as to whether or not this select committee could not be served by our committee stenographers?

Mr. BOUTELL. If that can be done, it will not be necessary to employ a stenographer. However, we wish authority to do so in case we have to act speedily and should be unable to avail ourselves of their assistance.

Mr. MANN. I can say to both of the gentlemen that if the committee sits at present the committee stenographers are now all engaged and are very busy. It is, indeed, impossible to furnish the present committees——

Mr. OLMSTED. And they are bringing them from Baltimore now.

Mr. TAWNEY. I just wanted to know if the gentleman had investigated the question.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, by previous order of the House there is a special order to commence to-morrow at 2 o'clock for eulogies. I ask unanimous consent that immediately after the reading of the Journal it shall be in order until 2 o'clock to ask to take up bills on the Private Calendar, so it can be understood that the question of unanimous consent as to taking up each individual bill——

Mr. MANN. There are a very large number of bills on the Private Calendar——

The SPEAKER. The Chair fails to understand the request of the gentleman from New York. Is it to consider bills on the Private Calendar until 2 o'clock by unanimous consent, or is it that bills in order for to-day shall be in order until 2 o'clock to-morrow?

Mr. PAYNE. I will ask unanimous consent to extend to-day until 2 o'clock to-morrow.

Mr. MANN. Mr. Speaker, I have no objection if the gentleman asks unanimous consent that bills on the Private Calender to-day may be in order to-morrow unless objected to.

Mr. CARLIN. Why not extend that to bills on the Private Calendar?

The SPEAKER. The Chair understands the request of the gentleman to be that to-morrow until 2 o'clock shall be considered as to-day for the consideration of bills on the Private Calendar in order for to-day.

Mr. MANN. Mr. Speaker, if that is the form of the request, I shall have to object. I have no objection——

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 11.55 to-morrow morning.

Mr. MANN. Well, the gentleman will see that that cuts out altogether the order for to-morrow, because if we adjourn after 12 o'clock——

Mr. PAYNE. We can adjourn any time before 2 o'clock——

Mr. MANN. But if we adjourn after 12 that goes over until Monday.

Mr. PAYNE. I understand the gentleman from Illinois will not object to unanimous consent to take up bills to-morrow on the Private Calendar that would be in order to-day, not to be considered unless unanimous consent is had for their consideration.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 598. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors; and

H. R. 13102. An act to authorize the county of Elmore, Ala., to construct a bridge across Coosa River, Alabama.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3409. An act to extend the time of payments on certain homestead entries in Oklahoma; and

S. 4351. An act for the relief of the Alaska Pacific Railway and Terminal Company.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. LAFEAN was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Ambrose G. Bailey (H. R. 14732), Fifty-ninth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. DUNWELL was granted leave of absence indefinitely, on account of sickness.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to. Accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table, and referred as follows:

A letter from the Secretary of the Treasury, submitting an copy of a letter from the American minister to Portugal transmitting the acknowledgments of the Government and people of Portugal for the condolatory resolutions of the House on the occasion of the assassination of the King and Crown Prince of Portugal—to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for payment of a reward to W. H. M. Austin for services rendered the Department of Justice—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a recommendation for legislation to abolish the registry fee for sending letters forwarding naturalization fees—to the Committee on the Post-Office and Post-Roads and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 12438) extending the time limit for the completion of the lines of the East Washington Heights Traction Railroad Company, reported the same with amendment, accompanied by a report (No. 1169), which said bill and report were referred to the House Calendar.

Mr. McMILLAN, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17297) authorizing the extension of New York avenue from its present terminus near Fourth street NE. to the Bladensburg road, reported the same with amendments, accompanied by a report (No. 1170), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17305) to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1171), which said bill and report were referred to the House Calendar.

Mr McMILLAN from the Committee of the District of Columbia, to which was referred the bill of the Senate (S. 3416) to amend an act entitled "An act authorizing the extension of Meriidian place NW.," approved January 9, 1907, reported the same without amendment, accompanied by a report (No. 1172), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HALL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 14410), creating an additional land district in the State of South Dakota, reported the same without amendment, accompanied by a report (No. 1174), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 13659) to establish a biological and fish-cultural station in the Second Congressional District of the State of Iowa, reported the same with amendments, accompanied by a report (No. 1176), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HUMPHREY of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 15452) to establish two or more fish-cultural stations on Puget Sound, reported the same with amendment, accompanied by a report (No. 1177), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17510) to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland, reported the same with amendments, accompanied by a report (No. 1179), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17512) to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot, reported the same with amendments, accompanied by a report (No. 1180), which said bill and report were referred to the House Calendar.

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 3963) ratifying an act of the Arizona legislature providing for the erection of a court-house at St. Johns, in Apache County, Ariz., reported the same without amendment, accompanied by a report (No. 1181), which said bill and report were referred to the House Calendar.

Mr. HACKNEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 18617) providing for the disposal of the interests of Indian minors in real estate in Yakima Indian Reservation, Wash., reported the same

without amendment, accompanied by a report (No. 1184), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 3962) authorizing the county of Gila, Ariz., to issue bonds for the completion of the court-house and jail, reported the same with amendment, accompanied by a report (No. 1185), which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17228) to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation, reported the same with amendments, accompanied by a report (No. 1186), which said bill and report were referred to the House Calendar.

Mr. SAUNDERS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 17717) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, reported the same without amendment, accompanied by a report (No. 1187), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 5297) to complete the naval record of John Shaughnessy, reported the same with amendment, accompanied by a report (No. 1173), which said bill and report were referred to the Private Calendar.

Mr. BATES, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 7807) to place John Crowley on the retired list of the United States Navy, reported the same without amendment, accompanied by a report (No. 1175), which said bill and report were referred to the Private Calendar.

Mr. ELLIS of Oregon, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 17059) for the relief of Mate William Jenney, United States Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement, reported the same without amendment, accompanied by a report (No. 1178), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 17005) authorizing the Secretary of the Interior to issue patents in fee to the board of missions of the Protestant Episcopal Church for certain lands in the State of Idaho, reported the same without amendment, accompanied by a report (No. 1182), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17167) authorizing the Woodlawn Cemetery Association, of St. Maries, Idaho, to purchase not to exceed 40 acres of land from the United States, reported the same without amendment, accompanied by a report (No. 1183), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 7793) granting a pension to Albino Vigil—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11879) granting an increase of pension to Simon Arias—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16032) granting an increase of pension to Mary B. Douglass—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18728) granting an increase of pension to William A. Moore—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4156) granting a pension to William Lanier—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 18775) to suppress pools, trusts, and combinations in trade and to provide penalties for violations of its provisions, and for other purposes—to the Committee on the Judiciary.

By Mr. MORSE: A bill (H. R. 18776) to provide that no conveyance of lands allotted to Indians on the Stockbridge Munsee Reservation, Wis., shall be valid without the approval of the Commissioner of Indian Affairs—to the Committee on Indian Affairs.

By Mr. BRICK: A bill (H. R. 18777) to amend sections 2304 and 2305 of the Revised Statutes of 1878 of an act providing for soldiers and sailors acquiring homesteads in public lands of the United States, and deductions of military and naval service from the time required generally to perfect title—to the Committee on the Public Lands.

By Mr. LAMAR of Florida: A bill (H. R. 18778) providing for the construction of a telephone and cable line between the quarantine station, Santa Rosa Island, Florida, and Forts Pickens and Barrancas, Fla., and for exchange service from Pensacola, Fla., to said Fort Barrancas—to the Committee on Appropriations.

By Mr. STEENERSON: A bill (H. R. 18779) to permit homestead entries and final proofs upon lands in Minnesota withdrawn by act of June 21, 1906—to the Committee on the Public Lands.

By Mr. THOMAS of North Carolina: A bill (H. R. 18780) to provide for the defense of Beaufort Harbor, North Carolina, and the inland waters of the State tributary thereto—to the Committee on Appropriations.

By Mr. KEIFER: A bill (H. R. 18781) increasing the limit of cost for remodeling and to enlarge the Government building at Springfield, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. COX of Indiana: A bill (H. R. 18782) to repeal section 4216 of the Revised Statutes of the United States, being an act to permit foreign organized yacht clubs to enter or leave ports of the United States without entering or clearing at custom-houses or paying tonnage tax—to the Committee on the Merchant Marine and Fisheries.

By Mr. HOWELL of New Jersey: A bill (H. R. 18783) to provide for the enlargement of the post-office building at New Brunswick, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. MOON of Tennessee: A bill (H. R. 18784) to amend an act relating to the sale of gas in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PRAY: A bill (H. R. 18785) to provide for the purchase of a site and the erection of a public building thereon at Billings, in the State of Montana—to the Committee on Public Buildings and Grounds.

By Mr. TAWNEY: A bill (H. R. 18786) for the erection of a public building at Austin, Minn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18787) for the erection of a public building in the city of Rochester, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 18788) authorizing certain life-saving apparatus to be placed at the Farallone Islands, off the coast of California—to the Committee on Interstate and Foreign Commerce.

By Mr. OLCOTT: A bill (H. R. 18789) to provide for the appointment of an instructor to fill a vacancy in the corps of instructors in the United States Naval Academy—to the Committee on Naval Affairs.

By Mr. FRENCH: A bill (H. R. 18790) prohibiting the immigration of Japanese and Korean laborers to the United States—to the Committee on Foreign Affairs.

By Mr. HAMILTON of Michigan: A bill (H. R. 18791) increasing the limit of cost for a public building at Niles, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. HEPBURN: A bill (H. R. 18792) to further protect the public health, and imposing additional duties upon the Public Health and Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

By Mr. ENGLEBRIGHT: A bill (H. R. 18793) directing the Secretary of War to make an examination, survey, and estimate of cost of dredging the navigable channel from Eureka to Arcata, in Humboldt Bay, California—to the Committee on Rivers and Harbors.

By Mr. HEPBURN: A bill (H. R. 18794) to promote the efficiency of the Public Health and Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CARLIN: A bill (H. R. 18795) authorizing the Secretary of War to have constructed a direct road leading from the southern end of the new highway bridge across the Potomac River to the national cemetery at Arlington and Fort Myer—to the Committee on Military Affairs.

By Mr. McGUIRE: A bill (H. R. 18796) authorizing the Otoe and Missouria and the Omaha tribes of Indians to submit claims to the Court of Claims—to the Committee on Indian Affairs.

By Mr. REYNOLDS: A bill (H. R. 18797) to provide for site and public building at Tyrone, Pa.—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 18798) granting an increase of pension to Marlin V. Helton—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 18799) granting an increase of pension to John Stallard—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 18800) granting an increase of pension to John Harman—to the Committee on Invalid Pensions.

By Mr. CALE: A bill (H. R. 18801) granting an increase of pension to Sanford Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18802) granting an increase of pension to Samuel Eddy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18803) granting an increase of pension to Samuel W. Read—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 18804) granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 18805) for the relief of the legal representatives of Thomas Jett, deceased—to the Committee on Claims.

Also, a bill (H. R. 18806) for the relief of the heirs of Murray Mason, deceased—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 18807) granting an increase of pension to Henry L. Bolinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18808) granting an increase of pension to James R. Evers—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 18809) for the relief of Samuel G. Searing—to the Committee on War Claims.

Also, a bill (H. R. 18810) for the relief of Thomas R. Webb—to the Committee on War Claims.

Also, a bill (H. R. 18811) for the relief of Emily Catherine Jones—to the Committee on War Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 18812) granting an increase of pension to Joseph C. Lambert—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 18813) granting an increase of pension to Benjamin W. Adams—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 18814) for the relief of the estate of Patrick Dooling, deceased—to the Committee on War Claims.

By Mr. FASSETT: A bill (H. R. 18815) granting an increase of pension to Reuben G. Wescott—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 18816) granting a pension to Mary Baker—to the Committee on Pensions.

Also, a bill (H. R. 18817) granting an increase of pension to Michael Carney—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 18818) granting an increase of pension to David Ford Collins—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 18819) granting an increase of pension to Henry Clay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18820) granting an increase of pension to Samuel Ayers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18821) granting an increase of pension to William O. McCoy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18822) granting a pension to Sarah Bolt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18823) to correct the military record of David Horner—to the Committee on Military Affairs.

By Mr. GAINES of West Virginia: A bill (H. R. 18824) granting an increase of pension to Edmund P. Matheny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18825) granting an increase of pension to Cassius C. Wertz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18826) granting a pension to Shorten Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18827) granting a pension to Anna W. Clay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18828) granting an increase of pension to Lewis H. Halbritter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18829) for the relief of the heirs of William H. Morris, deceased—to the Committee on War Claims.

By Mr. GODWIN: A bill (H. R. 18830) granting a pension to James Laughlin—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 18831) for the relief of Simon Longnecker, of El Paso, Tex., and Albert Longnecker, of Galveston, Tex.—to the Committee on War Claims.

By Mr. HAMILTON of Michigan: A bill (H. R. 18832) granting an increase of pension to Levi Haus—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 18833) granting a pension to John Carnes—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 18834) granting an increase of pension to Isaac Hughes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18835) granting an increase of pension to Giles Otis Pearce—to the Committee on Pensions.

Also, a bill (H. R. 18836) granting an increase of pension to Benjamin P. Paull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18837) granting an increase of pension to A. W. Kelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18838) granting an increase of pension to Milton Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18839) granting an increase of pension to John Valentine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18840) granting an increase of pension to R. Milo Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18841) granting an increase of pension to Littleton Matthews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18842) for the relief of George W. Peters—to the Committee on War Claims.

By Mr. HELM: A bill (H. R. 18843) for the relief of the estate of Alexander Williams, deceased—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 18844) granting an increase of pension to John D. Lankton—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 18845) granting an increase of pension to Edward Merills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18846) granting an increase of pension to Hezekiah B. Smith, jr.—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 18847) granting a pension to Joseph P. Redman—to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 18848) granting a pension to Joseph D. Williams—to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 18849) granting a pension to Wilhelmina Campbell—to the Committee on Pensions.

Also, a bill (H. R. 18850) granting an increase of pension to Edward E. Simes— to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 18851) granting an increase of pension to Conrad G. Boehme—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18852) granting a pension to Hiram Cornell—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 18853) granting an increase of pension to Alexander Childers—to the Committee on Invalid Pensions.

By Mr. LASSITER: A bill (H. R. 18854) granting a pension to Loring L. Edwards—to the Committee on Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 18855) to correct the muster roll of William H. Nelson in the First Tennessee Volunteer Infantry and in the Fifth Tennessee Volunteer Cavalry—to the Committee on Military Affairs.

By Mr. OLCOTT: A bill (H. R. 18856) to amend an act entitled "An act providing for the adjudication of certain claims by the Court of Claims," approved January 9, 1903—to the Committee on Claims.

By Mr. PADGETT: A bill (H. R. 18857) for the relief of the estate of Mrs. Martha B. Skillern, late of Giles County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 18858) for the relief of the estate of John H. Birdsong, late of Giles County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 18859) for the relief of the estate of Daniel Foresee—to the Committee on War Claims.

By Mr. POWERS: A bill (H. R. 18860) granting an increase of pension to J. A. Clark—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 18861) granting an increase of pension to Simon B. Rothchild—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 18862) for the relief of the estate of William Thomas Lowe—to the Committee on War Claims.

Also, a bill (H. R. 18863) granting a pension to Robert Rosenthal—to the Committee on Pensions.

By Mr. SMALL: A bill (H. R. 18864) for the relief of the estate of H. H. Watters, deceased—to the Committee on War Claims.

By Mr. SMITH of Arizona: A bill (H. R. 18865) authorizing the sale of certain lands within the San Francisco Mountains Forest Reserve—to the Committee on the Public Lands.

By Mr. SMITH of Michigan: A bill (H. R. 18866) granting an increase of pension to Samuel W. Dunham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18867) granting an increase of pension to Daniel D. Mann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18868) granting an increase of pension to Charles E. Fink—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 18869) granting a pension to Chappel Q. Fossett—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 18870) granting a pension to Charles W. Freund—to the Committee on Censions.

By Mr. THISTLEWOOD: A bill (H. R. 18871) for the relief of John A. Hill—to the Committee on Military Affairs.

By Mr. THOMAS of North Carolina: A bill (H. R. 18872) for the relief of the heirs of D. W. Bell—to the Committee on War Claims.

By Mr. TOU VELLE: A bill (H. R. 18873) for the relief of George R. Gary—to the Committee on Military Affairs.

Also, a bill (H. R. 18874) granting a pension to Elizabeth E. Workman—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 18875) granting an increase of pension to William Cody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18876) granting a pension to Mary A. Winters—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 18877) for the relief of Henry L. Blake and others, complaining that their lands and other property have been taken, damaged, and destroyed in the execution of the works of the United States for the improvement of the Mississippi River—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Allied Agricultural Organizations of Pennsylvania, for Davis bill (H. R. 534)—to the Committee on Agriculture.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of M. V. Helton—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: Petition of Master Steam and Hot Water Fitters' Association of Buffalo, N. Y., against the Pearre antiinjunction bill—to the Committee on the Judiciary.

Also, petition of L. R. Skinner Lodge, No. 276, Brotherhood of Locomotive Firemen and Engineers, of Buffalo, N. Y., for S. 4260 (Clapp free-pass amendment)—to the Committee on Interstate and Foreign Commerce.

Also, petition of L. R. Skinner Lodge No. 276, Brotherhood of Locomotive Firemen and Engineers, of Buffalo, N. Y., for S. 5307 and H. R. 17036 (La Follette-Sterling employers' liability bill)—to the Committee on the Judiciary.

Also, petition of L. R. Skinner Lodge, No. 276, Brotherhood of Locomotive Firemen and Engineers, of Buffalo, N. Y., for H. R. 17137 (Rodenberg anti-injunction bill)—to the Committee on the Judiciary.

Also, petition of Deutscher Soldaten-Bund, against any prohibition or interstate liquor legislation—to the Committee on the Judiciary.

By Mr. AMES: Petition of Polish Societies of Lowell, Mass., against Polish expropriation bill by the Prussian Diet—to the Committee on Foreign Affairs.

By Mr. BOOHER: Petition of Board of Trade of St. Joseph, Mo., against H. R. 10576—to the Committee on Agriculture.

By Mr. BURKE: Petition of Pennsylvania Clay Company, of Pittsburg, Pa., opposed to passage of eight-hour bill (H. R. 15651, known as the "Gardner bill")—to the Committee on Labor.

Also, petition of Encampment No. 1, U. L. V., of Pittsburg, Pa., opposed to the removal of pension agency in that city—to the Committee on Pensions.

Also, petition of G. R. Lauman, of Pittsburg, Pa., in favor of prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of John C. Bragden, of Pittsburg, Pa., favoring passage of bill providing Federal registration of motor vehicles—to the Committee on Interstate and Foreign Commerce.

Also, petition of Allied Agricultural Organization of Pennsylvania, in support of the Davis bill (H. R. 534)—to the Committee on Agriculture.

By Mr. CALDER: Petition of United Mine Workers of America, for the McHenry bill—to the Committee on Mines and Mining.

Also, petition of United Mine Workers of America, against decision of Judge A. G. Dayton—to the Committee on the Judiciary.

Also, petition of Sons of Revolution, of New York, for appropriation to preserve the records of the Revolutionary war—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Washington Lyon—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petiton of Kent County Medical Society, of Rhode Island, for pension for widows of Doctors Lazear and Carroll—to the Committee on Pensions.

Also, petitions of Grange No. 34, of Apponaug, and Grange No. 30, Patrons of Husbandry, of Rhode Island, for creation of a national highway commission—to the Committee on Agriculture.

By Mr. CLARK of Florida: Petition of the Gadis Village Improvement Association of San Mateo, Fla., favoring H. R. 10457—to the Committee on Agriculture.

Also, petition of Woman's Club of Jacksonville, Fla., in favor of H. R. 10457—to the Committee on Agriculture.

Also, petition of mayor and town council of the town of Ormond, Fla., asking for a survey of New Smyrna Inlet, in the State of Florida—to the Committee on Rivers and Harbors.

Also, petition of Pierce Phosphate Company, to grant a register to the steamer *Eva*—to the Committee on the Merchant Marine and Fisheries.

By Mr. CURRIER: Petition of Richmond Grange, of Richmond, N. H.; Josiah Wheat and others; Vol. M. Clough and others, and Motor Car Company of Detroit, Mich., for a national highway commission—to the Committee on Agriculture.

Also, memorial of Hon. Henry W. Blair, to accompany a bill for enrollment of unenrolled descendants of enrolled members of the Choctaw and Chickasaw nations, and for other purposes—to the Committee on Indian Affairs.

By Mr. DALZELL: Petition of citizens of Wilkinsburg, Pa., for Terrill bill, prohibiting liquor selling on all Government property—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Encampment No. 1, Union Veterans' Legion, Pittsburg, Pa., against removal of pension office—to the Committee on Appropriations.

Also, petition of citizens' meeting of Wilkes-Barre, Pa., for the Littlefield or other effective original-package law—to the Committee on the Judiciary.

By Mr. DAVENPORT: Petitions of 140 citizens of Collinsville, and Local Union No. 1072, United Brotherhood of Carpenters and Joiners of America, of Muskogee, Okla., against S. 1518 (Penrose bill)—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of Cigarmakers' Local Union No. 172, of Davenport, Iowa, for battle ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. DIXON: Petition of Ed. D. Fenton and 44 other citizens of Seymour, Ind., against sale of intoxicants in District of Columbia—to the Committee on the District of Columbia.

Also, petitions of A. D. Shields and 225 other citizens, and C. H. Withoff and 60 other citizens, all of Jackson County, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of soldiers of Wyanet, Ill., for bill granting pension of $30 per month to soldiers of civil war—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Petition of Victor Herbert, for legislation to protect musical composers—to the Committee on Patents.

Also, petition of Pacific Coast Lumber Manufacturers' Association, to amend interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Sons of Revolution, for appropriation to print and preserve certain documents of the American Revolution—to the Committee on Military Affairs.

Also, petition of Washington Chapter, American Institute of Architects, against change of site of Grant Memorial—to the Committee on the Library.

By Mr. DUREY: Paper to accompany bill for relief of Elizabeth M. Gould—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of New York Sons of Revolution for appropriation for publication and preservation of certain documents of the Revolution—to the Committee on Military Affairs.

Also, petition of educators of New York City against increase of the Navy—to the Committee on Naval Affairs.

By Mr. FULLER: Petitions of C. W. Sheldon, of Rockford, Ill.,and Manufacturers' National Bank of Rockford, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Washington Chapter of American Institute of Architects, against change of site of Grant Memorial—to the Committee on the Library.

Also, petition of International Molders' conference board, for employers' liability bill—to the Committee on the Judiciary.

Also, petition of United Mine Workers of America, relative to injunction indorsement of Pearre bill—to the Committee on the Judiciary.

By Mr. FULTON: Petition of citizens of Geary, Okla., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Clarence F. Moore (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. GARDNER of Massachusetts: Resolutions from citizens of Amesbury, Mass., favoring, first, that general treaties of arbitration should be negotiated by the United States with all nations, granting jurisdiction to the international court at The Hague over as many classes of controversies as the other contracting power in each case can be induced to transfer from the field of battle to the precincts of courts of justice; second, that the United States should declare in favor of a permanent international congress, containing representatives from every nation, to assemble periodically, for the purpose of suggesting such changes in the law of nations as the current of events may make desirable and practical; third, the adoption of a progressive naval programme for the protection of our seacoast, our commerce, our distant possessions, and for the purpose of executing effectively all the just foreign policies of the nation—to the Committee on Foreign Affairs.

Also, petitions of Division No. 38, Order of Railway Telegraphers, of Springfield; Division No. 104, Order of Railway Telegraphers, of Ayer; Local No. 851, United Brotherhood of Carpenters and Joiners, of Arlington; Local No. 48, Bricklayers and Masons' International Union, of Salem; Local No. 28, Building Laborers' International Protective Union, of Taunton, all in the State of Massachusetts, for a constitutional amendment striking out the word "male"—to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of Joseph F. Cullinan, jr., against the passage of the bill H. R. 17520 (for the relief of tobacco growers)—to the Committee on Ways and Means.

Also, petition of D. R. Reynolds, favoring passage of the Kittredge and Barchfeld copyright bills now pending—to the Committee on Patents.

Also, petition of Edward C. Tyson, favoring the passage of the Davis bill (H. R. 534)—to the Committee on Agriculture.

Also, petition of P. L. Thomson, favoring the Fowler bill (H. R. 12677) and against the Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of N. N. Cunningham, of Pennsylvania Clay Company, of Pittsburg, Pa., against the Gardner eight-hour bill (H. R. 15651)—to the Committee on Labor.

Also, petition of John C. Bragden, of Pittsburg, Pa., favoring bill providing Federal registration of motor vehicles—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of Iowa: Petition of citizens of Guernsey, Iowa, for law against mail privilege for immoral publications—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Guernsey, Iowa, against gambling in Territories—to the Committee on the Territories.

Also, petition of citizens of Guernsey, Iowa, against liquor selling in Alaska—to the Committee on the Territories.

Also, petition of citizens of Guernsey, Iowa, against issuing money orders or registered letters on Sunday—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Guernsey, Iowa, for amendment of the Constitution for uniform marriage and divorce laws—to the Committee on the Judiciary.

Also, petition of citizens of Guernsey, Iowa, for an interstate anticigarette law—to the Committee on the Judiciary.

Also, petition of citizens of Guernsey, Iowa, for stronger national antigambling laws—to the Committee on the Judiciary.

Also, petition of citizens of Keota and Guernsey, Iowa, for Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of citizens of Keota and Guernsey, Iowa, for McCumber-Sperry bill against liquor on all Government property—to the Committee on Military Affairs.

Also, petition of citizens of Keota and Guernsey, Iowa, for an antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of citizens of Keota and Guernsey, Iowa, for a better District of Columbia Sunday law—to the Committee on the District of Columbia.

Also, petition of citizens of Keota and Guernsey, Iowa, against internal revenue from liquor in all guises—to the Committee on Ways and Means.

Also, petition of citizens of Keota and Guernsey, Iowa, against opium traffic in United States—to the Committee on Alcoholic Liquor Traffic.

By Mr. HAMLIN: Paper to accompany bill for relief of Fred Wakefield—to the Committee on Pensions.

Also, petition of Prof. C. E. Marston and 235 others, for the Littlefield-Hansbrough interstate-commerce bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON: Petition of New York Sons of Revolution, for appropriation to preserve reports and records of American Revolution—to the Committee on Military Affairs.

By Mr. HAYES: Petition of Pacific Coast Lumber Manufacturers' Association, for amendment to interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Shipowners' Association of Pacific Coast, against H. R. 225, 10458, and 14941, known as the "complement bill"—to the Committee on the Merchant Marine and Fisheries.

By Mr. HELM: Paper to accompany bill for relief of Alex. Williams—to the Committee on War Claims.

By Mr. HIGGINS: Petition of Woodstock Grange, of Woodstock, Conn., for H. R. 15837, for good roads—to the Committee on Agriculture.

Also, petition of citizens of Norwich, Conn., against the Penrose bill, amending section 3893 of the Revised Statutes—to the Committee on Revision of the Laws.

Also, petition of Massachusetts State Federation of Women's Clubs, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of American Association of Masters, Mates, and Pilots of New London, Conn., against H. R. 4771 (bill to remove discrimination against American sailing vessels in the coasting trade)—to the Committee on the Merchant Marine and Fisheries.

By Mr. HOWELL of Utah: Petition of citizens and business firms of Richfield, Utah, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Bingham Canyon, against S. 1518, against press censorship by the Postmaster-General—to the Committee on the Post-Office and Post-Roads.

Also, petition of Pacific Coast Lumber Men's Association, for amendment of interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. HUBBARD of Iowa: Petition of Missouri River Navigation Congress, favoring improvement of Missouri River—to the Committee on Rivers and Harbors.

By Mr. HUMPHREY of Washington: Petition of George H. Smith, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Queen Anne Church, of Seattle, Wash., against sale of liquor on all Government property—to the Committee on Alcoholic Liquor Traffic.

By Mr. KAHN: Petition of California Harbor, No. 15, of San Francisco, in favor of H. R. 15657—to the Committee on the Merchant Marine and Fisheries.

Also, petition of American Association of Masters, Mates, and Pilots of San Francisco, Cal., against H. R. 4771—to the Committee on the Merchant Marine and Fisheries.

By Mr. KÜSTERMANN: Petition of Paul H. Beaulin Post, Grand Army of the Republic, of Kaukauna, Wis., against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of members of St. John's Cantins Congregation, of Sobieski, Wis., against expropriating the Poles in Germany—to the Committee on Foreign Affairs.

Also, petition of citizens of Oconto and Shawano counties, Wis., against expropriating the Poles from their native land—to the Committee on Foreign Affairs.

By Mr. LASSITER: Petition of merchants of Farmville and Burkeville, Va., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLEFIELD: Petition of H. H. Richards and others, for a national highway commission—to the Committee on Agriculture.

By Mr. LIVINGSTON: Paper to accompany bill for relief of estate of Daniel B. Ladd—to the Committee on War Claims.

By Mr. McKINNEY: Petition of George Crook Post, No. 81, Grand Army of the Republic, of Kirkwood, Ill., for retention of pension agencies—to the Committee on Appropriations.

By Mr. MOUSER: Petition of citizens of Clyde, Ohio, and merchants of Carey, Ohio, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Albino Vigil (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. NYE: Petition of citizens of Minneapolis, in favor of the Appalachian Forest Reserve—to the Committee on the Judiciary.

Also, petition of many ministers of Minneapolis, Minn., against further enlargement of the Navy—to the Committee on Naval Affairs.

Also, petition of Brotherhood of Locomotive Engineers of Minneapolis, Minn., in favor of passage of the Rodenburg anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Brotherhood of Locomotive Engineers of Minneapolis, Minn., in favor of the passage of the La Follette-Sterling employers' liability bill—to the Committee on the Judiciary.

By Mr. OLCOTT: Petition of Edmund Wetmore and Henry Russell Drowne, directing publication of certain records of the Continental Records—to the Committee on the Library.

By Mr. PADGETT: Papers to accompany bills for relief of heirs of John H. Birdsong, estate of Martha B. Skillern, estate of Daniel Foresee, and Cynthia McGavack—to the Committee on War Claims.

Also, paper to accompany bill for relief of William D. Keely—to the Committee on Invalid Pensions.

By Mr. RIORDAN: Petition of board of managers of Sons of the Revolution, for appropriation to preserve the records and documents of the American Revolution—to the Committee on Military Affairs.

Also, petition of Pacific Coast Lumber Association, for amendment of interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of American Newspaper Publishers' Association, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. RYAN: Petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of People's Forum, of Buffalo, N. Y., against Penrose bill, granting additional powers to Postmasters-General—to the Committee on the Post-Office and Post-Roads.

Also, petition of United Mine Workers of America, against decision of Judge Dayton—to the Committee on the Judiciary.

Also, petition of United Mine Workers of America, for bureau of mines—to the Committee on Mines and Mining.

By Mr. SHEPPARD: Petition of citizens and societies in Texas, for restoration of motto "In God we trust"—to the Committee on Coinage, Weights, and Measures.

Also, paper to accompany bill for relief of Jones Sutton—to the Committee on War Claims.

By Mr. SHERMAN: Petition of Retail Druggists' Association of Rome, N. Y., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Michigan: Petition of Fred Hargreaves and 21 others, of Harbor Beach, Mich., for prohibition bill and interstate liquor bill—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petition of citizens of Spanish Fort, Montague County, Tex., against the Penrose bill aurthorizing Postmaster-General to outlaw certain newspaper publications—to the Committee on the Post-Office and Post-Roads.

By Mr. STERLING: Petition of Farmers' Club of Bloomington, Ill., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Hotel Imperial manager, favoring the Fowler bill—to the Committee on Banking and Currency.

Also, petition of Ansel E. McMurtsy, of Kansas City, for the Kittredge-Barchfeld bill—to the Committee on Patents.

Also, petition of New York Sons of Revolution, for appropriation to publish and preserve certain documents of the Revolution—to the Committee on Military Affairs.

By Mr. WEEMS: Paper to accompany bill for relief of John L. Smith—to the Committee on Invalid Pensions.

By Mr. WILEY: Petition of Board of Trade of Apalachicola, Fla., indorsing recommendations of national rivers and harbors convention held in Washington, December 4, 5, 6, 1907—to the Committee on Rivers and Harbors.

Also, petition of residents of Marlow, Ala., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of residents of Marlow, Ala., for passage of H. R. 40—to the Committee on the District of Columbia.

Also, petition of residents of Marlow, Ala., against S. 1519, against issuance of money orders, etc., on Sundays—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Pennsylvania: Petitions of C. C. Ricker and 14 others, of Clinton County; D. G. Wilson and 28 others, of Potter County; E. S. Jennings and 25 others, of Tioga County; Wallace Burdic and 31 others, of Potter County; W. E. Metzger and 37 others, of Union and Lycoming counties; J. E. Brounlee and 14 others, of Costello and Potter counties; Walter A. Palmeter and 52 others, of Potter County; A. E. Odell and 26 others, of Potter County; Charles E. Brewster and 33 others, of Tioga County; C. H. Horton and 18 others, of Tioga County, and J. B. Merrick and 35 others, of Potter County, all in the State of Pennsylvania, for S. 3152, additional protection to dairy interests—to the Committee on Agriculture.

By Mr. WOOD: Petition of Windsor (N. J.) Grange, No. 40, Patrons of Husbandry, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Frank M. Gress (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 7, 1908.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, offered the following prayer:

We thank Thee, our Father in heaven, for the beautiful custom, long since established in the Congress of the United States, of memorializing those of its Members who pass from earth to the realms beyond and rest from their labors. "The righteous shall be in everlasting remembrance and the memory of the just shall be blessed." It quickens the nobler aspirations of those who survive and emphasizes the virtues of those who have passed on. Bless the special service of the hour in memory of one who served faithfully and efficiently upon the floor of this House and left behind him a record worthy of an American statesman, who in war and in peace lived to his convictions, and died respected and beloved by all who knew him.

Let the everlasting arms be about the bereaved family to uphold and sustain them in their affliction and comfort them in the hope of a family reunion in the realms above where there shall be no more sorrow and no more tears, and Thine be the praise, through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

ELIZABETH H. OLCOTT.

Mr. LOUDENSLAGER. Mr. Speaker, I ask that the bill H. R. 2429 be taken from the Speaker's table.

The SPEAKER. The Chair lays before the House the bill H. R. 2429, entitled "An act granting an increase of pension to Elizabeth H. Olcott," with Senate amendments.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The question was taken, and the Senate amendments were agreed to.

BRIDGE ACROSS BAYOU BARTHOLOMEW AT PORTLAND.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17510) to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the county of Ashley, a corporation organized under the laws of the State of Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a steel drawbridge and approaches thereto, across the Bayou Bartholomew, at Portland, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment recommended by the committee was read, as follows:

In line 5 strike out the words "they are" and insert in lieu thereof the word "is."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

The title was amended to read as follows:

A bill to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid upon the table.

BRIDGE ACROSS BAYOU BARTHOLOMEW, AT WILMOT.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17512) to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the county of Ashley, a corporation organized under the laws of the State of Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a steel drawbridge and approaches thereto across the Bayou Bartholomew at Wilmot, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment recommended by the committee was read, as follows:

In line 5 strike out the words "they are" and insert in lieu thereof the word "is."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The title was amended to read as follows:

A bill to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid upon the table.

WITHDRAWAL OF PAPERS.

Mr. WEBB, by unanimous consent, was granted leave to withdraw from the files of the House without leaving copies the papers in the case of W. J. Roberts' pension claim, invalid pensions, Fifty-ninth Congress, no adverse report having been made thereon.

THOMAS P. MORGAN, JR.

The SPEAKER. The Clerk will report the first bill in order on the Private Calendar under the order adopted on yesterday.

The Clerk read as follows:

A bill (H. R. 1081) to pay Thomas P. Morgan, jr., amount found due him by Court of Claims.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas P. Morgan, jr., $6,357.82, in satisfaction of the findings of the Court of Claims of the United States in the case of Thomas P. Morgan, No. 692, Congressional, on the dockets of said court, said amount being the sum due said Morgan on a dredging contract in Norfolk Harbor with the Government, and for which the Government got value received.

The amendment recommended by the committee was read, as follows:

In line 8 add the word "junior" after the word "Morgan."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I want to say that the bill would take too long a time for consideration, and I think it ought not to be considered at this time. For that reason I shall have to object.

WILLIAM PARKER SEDGWICK.

The SPEAKER. The Clerk will report the title of the next bill.

The Clerk read as follows:

A bill (H. R. 1199) for the relief of William Parker Sedgwick.

The SPEAKER. Is there objection?

Mr. MANN. I object, Mr. Speaker.

WILLIAM S. SHACKLETTE.

The SPEAKER. The Clerk will report the title of the next bill.

The Clerk read as follows:

A bill (H. R. 12476) to place the name of William S. Shacklette on the retired list of the Navy as pharmacist.

Mr. CARLIN. Mr. Speaker, I desire to offer the following amendment.

Mr. HULL of Iowa. Mr. Speaker, reserving the right to object, I would like to hear what this is about.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint upon the retired list of the Navy, with the rank of pharmacist, William S. Shacklette, formerly a hospital steward on the U. S. S. Bennington, and to receive three-fourths sea pay in lieu of the $30 per month pension which he is now receiving for total disabilities incurred at the time of the explosion of the boilers of the U. S. S. Bennington in July, 1905.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I will say that the Secretary of the Navy recommended an amendment to this bill, and if the gentleman in charge of the bill is willing to put it in the bill I certainly would have no objection.

Mr. CARLIN. Mr. Speaker, I send the amendment to the Clerk's desk.

The SPEAKER. The amendment will be reported.

The Clerk read as follows:

Strike out all after the word "Navy," in line 6, down to the words "in lieu of," in line 8, and substitute therefor the following:

"As a hospital steward, William S. Shacklette, formerly a hospital steward on the U. S. S. Bennington, to receive the rank and three-fourths of the sea pay of a pharmacist in the Navy."

The SPEAKER. Is there objection to the consideration of the bill with the proposed amendment? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JAMES BEHAN.

The next business on the private Calendar was the bill (H. R. 3822), for the relief of James Behan.

The bill was read, as follows:

A bill (H. R. 3822) for the relief of James Behan.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to issue a discharge to James Behan, who served on board the U. S. S. Vermont, U. S. S. Canandaigua, and U. S. S. Pinta, of the United States Navy, under the name of Michael Behan, in his true name, in lieu of the one he received for said service.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ROMAN SCHOLTER.

The next business on the private Calendar was the bill (H. R. 6664) for the relief of Roman Scholter.

The bill was read, as follows:

A bill (H. R. 6664) for the relief of Roman Scholter.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Roman Scholter, of Oshkosh, Wis., out of any money in the Treasury not otherwise appropriated, the sum of $432, said amount having been erroneously paid by the said Roman Scholter to the United States Government as duty upon pictorial paintings on glass, being works of art imported expressly for presentation to an incorporated religious society.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GRANTING LANDS IN KNOX COUNTY, NEBR.

The next business on the Private Calendar was the bill (H. R. 10671) to authorize the Secretary of the Interior to

issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr.

The bill was read, as follows:

A bill (H. R. 10671) to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr.

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized to issue patent in fee simple to school district No. 36, Knox County, Nebr., for a tract of not exceeding 2½ acres from the lands reserved for the Santee Agency, Nebr., described as the northwest quarter of the southwest quarter of the southeast quarter of the northwest quarter of section 13, township 33 north, range 5 west, of the sixth principal meridian, Nebraska, upon such terms and conditions and under such regulations as the Secretary of the Interior may prescribe; said tract to be used for school purposes under the laws of the State of Nebraska.

Amend the title so as to read: "A bill to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to school district No. 36, in Knox County, Nebr."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

H. C. LINN AND SAMUEL POWELL.

The next business on the Private Calendar was the bill (H. R. 14000) for the relief of H. C. Linn and Samuel Powell.

The bill was read, as follows.

A bill (H. R. 14000) for the relief of H. C. Linn and Samuel Powell.

Be it enacted, etc., That H. C. Linn and Samuel Powell be, and are hereby, permitted to bring suit in the Court of Claims for whatever amount may be reasonably due them, if any, under their contract in writing, dated October 28, 1899, with J. H. Dick, as attorney for certain Cherokee Indians known as "Eastern" or "Emigrant" Cherokees. The said court is hereby given jurisdiction to entertain said suit and render final judgment therein, payable out of the amount appropriated by the act of Congress entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes," approved June 30, 1906, to pay the final judgment rendered by said court in the consolidated causes lately pending therein, Nos. 23195, 23214, and 23212. In said suit the said J. H. Dick and the said Eastern or Emigrant Cherokees, collectively, shall be named as defendants, and the court may require such other person or persons to be made parties as may to the court seem proper for the equitable adjustment of the matter in controversy and for such purposes as the court may designate. Upon the institution of such suit written notice thereof to said Eastern or Emigrant Cherokees may be given by service on the Secretary of the Interior personally, and notice of said suit to the other defendant or defendants shall be given by publication or otherwise, as the court may direct. Pending final judgment in said suit so much of the amount heretofore appropriated by the act of June 30, 1906, as aforesaid, as may be necessary to pay said judgment shall be withheld from distribution.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I object.

Mr. CAMPBELL. Mr. Speaker, I wish the gentleman would withhold his objection.

Mr. MANN. Will not the gentleman reserve his objection?

Mr. FITZGERALD. If the gentleman wishes to make a statement, I will withhold the objection for that purpose. I am familiar with these claims. I reserve the objection.

Mr. CAMPBELL. Mr. Speaker, the purpose of this bill is to give these claimants a day in court. I understand it will impose no additional burden either upon the Government or the Indians or their property. It is claimed in behalf of these claimants that they did the work that entitles some one to a fee in this case. They entered into the original contract. They performed the work under the contract, but when the case was finally closed they were not taken into consideration. I am told that a sufficient amount to pay this claim has been retained from the amount allowed as a fee in this matter. It is only a question as to whether or not these men shall receive the amount to which they were entitled as fees in the case, and it imposes no additional expense either upon the Government or upon the Indians. It is a question of the distribution of the fee, and they simply ask the court to pass upon their rights.

Mr. MANN. Will the gentleman yield to a question?

Mr. CAMPBELL. Yes.

Mr. MANN. Is the gentleman informed as to how much of this fund has alread been paid in attorney's fees?

Mr. CAMPBELL. I am not.

Mr. MANN. Is the gentleman informed as to the size of the fund?

Mr. CAMPBELL. And I am not informed as to that particular matter.

Mr. MANN. I believe the size of the fund was $5,000,000. Fifteen per cent of that fund has already been paid to one set of attorneys and now another set of attorneys want another 10 per cent. Does the gentleman think the Government of the United States—the guardian and the custodian for the Indians to pay out this Indian money—ought to pay 25 per cent of the amount awarded—$5,000,000—for attorneys' fees?.

Mr. CAMPBELL. Well, if the Government, as such trustee, paid wrongfully the 15 per cent to men who are not entitled to the whole of it, it seems to me that some steps should be taken to do justice to the men who are entitled to their portion of it.

Mr. MANN. I do not know whether the Government paid it wrongfully. It paid it by order of court, after adjudication.

Mr. CRUMPACKER. The Government ascertained the facts in the case, and the question is, What shall be done?

Mr. MANN. Not at all.

Mr. CRUMPACKER. There was an order of court made for the payment of fees. As I remember the order, this was in addition.

Mr. MANN. This is an addition. The gentleman from Kansas [Mr. CAMPBELL] was mistaken when he said that the fund was being held up for the disposition of this dispute. The original fund has not yet been distributed under the appropriation of Congress.

Mr. CAMPBELL. That was my understanding, and it was upon that that I made the statement.

Mr. MANN. But the attorney's fee has been paid, an enormous attorney's fee allowed by the court after adjudication. Now it is proposed to pay 10 per cent more—$500,000, and to these particular people $250,000.

Mr. TAWNEY. If the gentleman will permit me, in the last session of Congress, during the consideration of the general deficiency bill, which carried an appropriation of $5,000,000 for the payment of this claim, this proposition to allow these two attorneys' fees in this case was offered as an amendment to that bill, and considered by the House and voted down at that time.

Mr. FITZGERALD. Mr. Speaker, I simply wish to say this to the gentleman from Kansas: These Indians received $5,000,000. The court fixed the fees of the attorneys in that case at 15 per cent. These two men claim to have a contract, and instead of tying up the money that was allowed to the attorneys, and having the courts divide that fund among those who might be entitled to it, they ask that Congress now authorize the courts to distribute 10 per cent more of the $5,000,000 among other attorneys. Such a bill as that shall not pass by unanimous consent while I am in the House.

The SPEAKER. Objection is made. The Clerk will report the next bill.

ESTATE OF SAMUEL BEATTY, DECEASED.

The next business was the bill (H. R. 13777) for the relief of the estate of Samuel Beatty, deceased.

The bill was read.

Mr. MANN. I make the point of order that that bill is not in order at this time.

The SPEAKER. It is not in order. The Clerk will report the next bill.

ESTATE OF D. S. PHELAN.

The next business was the bill (H. R. 1815) for the relief of the estate of D. S. Phelan.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of D. S. Phelan, late of the State of Tennessee, out of any money in the Treasury not otherwise appropriated, the sum of $169.02, balance in full of account due to the said D. S. Phelan for services rendered as mail contractor on route 10195, in the State of Tennessee, from January 1 to June 30, 1861.

Mr. MANN. Mr. Speaker, that bill was originally referred to the Committee on War Claims, but was afterwards transferred to the Committee on Claims on February 3.

The SPEAKER. The bill was referred to the Committee on War Claims, but the reference seems to have been changed, for the gentleman from Mississippi [Mr. CANDLER], from the Committee on Claims, submits the report.

Mr. MANN. I investigated the matter in the Journal clerk's office, and the record there shows that the bill was transferred from the Committee on War Claims to the Committee on Claims on February 3.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read the third time, and was accordingly read the third time, and passed.

CLARENCE FREDERICK CHAPMAN.

The next business was the bill (H. R. 12499) for the relief of Clarence Frederick Chapman, United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the United States Navy be, and he is hereby, authorized and directed to restore to the roll of the Navy the name of Clarence Frederick Chapman, as ordinary seaman, and to honorably discharge said Clarence Frederick Chapman from the Navy, regardless of the findings of the court-martial held on board the

U. S. S. Kearsarge, off Provincetown, Mass., July 3, 1905, and to pay to the said Clarence Frederick Chapman the sum of $316, being the amount of pay forfeited by the findings of said court-martial.

With the following committee amendments:

In line 6 strike out the word "honorably."
Strike out all after the word "five," in line 10, and add:
"*Provided*, That no pay, bounty, or emoluments be allowed by reason of the passage of this bill."

Mr. MANN. Mr. Speaker, reserving the right to object, I want to say to my colleague [Mr. FOSTER of Illinois] that I do not know whether this bill is introduced for the purpose of getting a pension or not. A very strong case is made in the report, and apparently the Navy Department itself reports that it would have reinstated the man if it could, but the bill as amended will not warrant the payment of a pension.

Mr. FOSTER of Illinois. I desire to say to the gentleman that the purpose of this bill is not to obtain a pension, but to clear the record of this young man, who we think was unduly punished.

Mr. FITZGERALD. I call the attention of the gentleman to the fact that if this bill passes as amended this man will get a discharge without honor, which is practically of no use to him for any purpose. He will not be an honorably discharged man.

Mr. MANN. I think myself he ought to have an honorable discharge.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The question is on agreeing to the amendments.

Mr. FOSTER of Illinois. Mr. Speaker, I want to ask the consideration of the House to vote down this amendment which seeks to deny him an honorable discharge. The first amendment provides that the word "honorable" be stricken out, and I ask that that amendment be voted down.

The SPEAKER. The gentleman desires to test the sense of the House, as the Chair understands him, on agreeing to the first amendment, which proposes to strike out the word "honorable."

Mr. FOSTER of Illinois. Yes, Mr. Speaker; I ask that that amendment be voted down.

The SPEAKER. And the gentleman desires that the man receive an honorable discharge.

The question was taken on the first amendment, and the amendment was rejected.

The SPEAKER. The question is on the second amendment.

The second amendment was considered and agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time and passed.

EASTERN SALT COMPANY, OF BOSTON, MASS.

The next business on the Private Calendar in order under the rule was the bill (H. R. 14361) to reimburse the Eastern Salt Company, of Boston, Mass., for certain excess duty.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Eastern Salt Company, of Boston, Mass., the sum of $384.84, the same being the amount of money paid by them as excess duty on certain salt in bulk, said salt having been erroneously appraised on entry.

The following committee amendment was also read:

In line 8, after the word "bulk," insert "imported by the schooner Norumbega, July 2, 1900."

The SPEAKER. Is there objection?

Mr. MANN. I think we ought to have some explanation of the bill.

Mr. PAYNE. I suppose the bill properly ought to go to the Committee on Ways and Means.

Mr. MANN. That is what I thought.

Mr. PAYNE. I have gone through the report, and if the facts are as there stated there is no objection to the bill passing.

Mr. MANN. Will the gentleman from New York tell us something about it?

Mr. PAYNE. A cargo of salt was imported, and the bill of lading referred to it as so many hundred barrels of salt. Salt in bulk pays one rate of duty and salt in barrels pays double that rate. On this cargo there was levied and collected the duty on salt in barrels, because it was described in the bill of lading as salt in barrels. The evidence seems to be ample that the salt was in bulk, and the bill of lading referred to it as so many barrels as a means simply of describing the quantity of salt. Therefore I think they are entitled to have the excess of duty remitted. They furnish a plausible excuse for not discovering the discrepancy at the time. The clerk who had charge of the payment of customs duties was absent on his vacation, and they did not discover it until it was too late to file a protest.

Mr. MANN. I do not wish to enter into a tariff discussion, but I would like to ask such eminent authority as the gentleman from New York why there is this difference of duty between salt in bulk and salt in barrels?

Mr. PAYNE. I will not undertake to give the gentleman from recollection now the reasons for the difference.

Mr. OLMSTED. The difference is in order to protect the labor which makes the barrels in this country.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time and passed.

GRANT OF LAND AT FORT NIOBRARA MILITARY RESERVATION, NEBR.

The next bill on the Private Calendar under the rule was the bill (S. 1931) to grant certain land part of the Fort Niobrara Military Reservation, Nebr., to the village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby granted to the village of Valentine, a duly incorporated municipality under the statutes of the State of Nebraska, the northwest quarter and the north half of the southwest quarter of section 30, township 34 north, range 27 west, sixth principal meridian, in the State of Nebraska, the same being now a part of the Fort Niobrara Military Reservation, the property of the United States: *Provided*, That the said tract shall be used by said village in supplying water to said village and its inhabitants, and not for other purposes: *Provided further*, That if the said village of Valentine shall cease the use of said land for a site to supply the said village and its inhabitants with water, the title hereby vested in it shall immediately revert to the United States.

The following committee amendments were read:

After the word "Nebraska," in line 5, insert the words "an easement in, on, and over."
After the words "United States," in line 10, insert the words "for the purpose of supplying to said village and its inhabitants water from a stream thereon, with the privilege to erect, construct, and maintain a dam, reservoir, and other facilities proper and convenient to the enjoyment of such easement."
Strike out all after the word "purposes," in line 2, page 2, and insert in lieu thereof a period.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I do not wish to object to the consideration of the bill, but when consideration is reached I would like to ask the gentleman in reference to this bill. It was originally introduced as a straight grant and reported in as an easement in reference to water. Does the village propose to use all of this land; and if so, how? If it is to be used, what is the object in giving it an easement? If it is to be actually used, why does not the Government give it the land? It is a bill that I have not been able to understand.

Mr. KINKAID. The title to the land would be acceptable. The bill passed the Senate giving the title to the land as long as the water power was furnished for the village and its inhabitants. An objection was made to that by the House Committee on Military Affairs, and the contending parties agreed, finally, upon the bill introduced in its present form to give the village the use only for the purposes expressed, instead of granting the village title to the land to be used for the purpose expressed.

Now, it is to be used for the purpose of the erection and maintenance of a reservoir and to furnish water for the village and its inhabitants and for the transportation of water to the village across the land. It will use only such as may be necessary for the purpose expressed in the bill. That is all that is designed.

Mr. MANN. But the trouble is, Mr. Speaker, that if we grant an easement over a large piece of land what can we do with the land? If the village wants it, why don't we give the village the land? If the village does not want it, why do we reserve an easement on it so that we can not do anything else with it?

Mr. KINKAID. There is plenty of time to give the village the land in the future, if it shall be deemed expedient. If the Government wishes to part with the title, the village and private individuals will accept the title, but we are asking not for too much——

Mr. MANN. But we surely have the right to expect that some reason will be given why this is done.

Mr. PAYNE. Mr. Speaker, the reason indicated seems to be that the Government is holding a string on this land so that if the village does not wish to continue its use as a reservoir site it will revert to the Government. They simply give them an easement, and if the village discontinues the use of it the land reverts to the Government. Is not that the idea?

Mr. KINKAID. Yes.

Mr. PAYNE. Of course it originated in the Senate, and I recognize the embarrassment of my friend from Nebraska trying to explain what was meant in another body. That is the only thing I can dig out of it. The idea was evidently in the mind of the gentleman who drew the bill that if the land was

not used for a reservoir site, it would belong to the Government without any further transfer, nothing but an easement having been given.

Mr. MANN. I may say to my friend from New York [Mr. PAYNE] that I understand that most of this land is not to be used for a reservoir site, but quite the contrary. Most of it is not to be used at all by the village, but the easement is granted over all of it, so that the town is entitled to it.

Mr. PAYNE. I would like to ask the gentleman from Illinois [Mr. MANN] if he ever knew of a case of a village trying to get land that it did not try to get a little more than it needed, in order to relieve Uncle Samuel to that extent from the care of his possessions?

Mr. MANN. Well, I would not want to undertake to say that. If it was the city of Chicago, we would not ask for anything more than we needed, being of a modest disposition—not as the gentleman from Nebraska [Mr. KINKAID] is. [Laughter.]

Mr. PAYNE. Is it not a fact that Chicago is taking everything in sight, and is it not trying now to extend itself into Indiana for the same purpose?

Mr. MANN. No; Chicago does covet the friendship and good will of Indiana, and would not object if it had part of that territory, but so far from attempting to take any of it away from Indiana, it attempts to throw the blanket of its good will over into Indiana.

Mr. PAYNE. It has gone clear out into the middle of the lake in order to get a drink of water.

Mr. MANN. Well, some gentlemen go farther than that to get a drink of water. [Laughter.]

Mr. DAWSON. Mr. Speaker, as this discussion is closed, I would like to offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 5, on page 2, insert:
"*Provided further*, That this privilege shall not interfere with any existing vested rights."

Mr. KINKAID. Mr. Speaker, that amendment is acceptable.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, read the third time, and passed.

A. E. COUCH.

The next business was the bill (H. R. 12292) for the relief of A. E. Couch.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $42.85 be, and the same is, appropriated, out of any money in the Treasury not otherwise appropriated, to pay to A. E. Crouch, of Carterton, Russell County, Va., being the amount of costs deposited by the said A. E. Couch with the Hon. L. P. Summers, collector of the sixth collection district of Virginia, and inadvertently by the said collector deposited to the credit of the Treasurer of the United States, when said sum should have been deposited with the Secretary of the Treasury as an offer of compromise of a certain criminal prosecution then pending in the United States district court for the western district of Virginia, against the said A. E. Couch, the said sum having been deposited in the Treasury of the United States on the 17th day of May, 1905.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I think we ought to have some information about the bill.

Mr. SLEMP. Mr. Speaker, I will ask to have the Clerk read the report on the bill.

The SPEAKER. The Clerk will read the report in the time of the gentleman from Virginia.

The Clerk read as follows:

[Report to accompany H. R. 12292.]

The Committee on Claims, having considered the bill (H. R. 12292) for the relief of A. E. Couch, report the same favorably to the House and recommend its passage.

The facts in this case are fully set forth in the letter of the honorable the Secretary of the Treasury of date February 20, 1908, which is made a part of this report:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 20, 1908.

SIR: I have the honor to acknowledge receipt from you of H. R. 12292, being a bill for the relief of A. E. Couch, of Carterton, Russell County, Va. It proposes an appropriation of $42.85, to be returned to the said Couch as an amount deposited by him with the collector of internal revenue and by the collector deposited to the credit of the Treasurer of the United States. This Department is requested to state the facts of the case and its views upon the merits of the bill.

The records of this Department show that in the year 1905 A. E. Couch was charged with a violation of the internal-revenue laws. He sought to compromise his liability and offered and paid the sum of $232.85 to the collector of the Sixth District of Virginia, of which amount $42.85 was paid as costs which had been incurred in the criminal proceeding pending against him.

The offer in compromise having been rejected, the proponent applied for the return of the money deposited. The sum of $190 being on deposit to the credit of the Secretary of the Treasury was returned to the proponent. The sum of $42.85 having erroneously been deposited by the collector to the credit of the Treasurer of the United States, could not be returned.

The total sum deposited by the proponent as an offer in compromise of his liability—$232.85—having been offered for a specified purpose, and the offer having been rejected and $190 returned to him, the balance of $42.85 appears to be justly due him.

Respectfully,

GEO. B. CORTELYOU, *Secretary.*

The CHAIRMAN COMMITTEE ON CLAIMS,
House of Representatives.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

GEORGE H. PENROSE.

The next business on the Private Calendar under the order was the bill (H. R. 16471) for the relief of George H. Penrose.

The Clerk read as follows:

Be it enacted, etc., That the accounting officers of the Treasury be, and they are hereby, authorized and directed to credit in the accounts of Capt. George H. Penrose, Quartermaster's Department, United States Army, the sum of $5,151.90 standing against him on the books of the Treasury, the said sum having been embezzled by one McCaull through no fault of the officer.

The amendments were read, as follows:

In line 7, strike out the word "ninety," and insert in lieu thereof the word "eighty-nine," and in line 8, after the word "Treasury," insert the words "of which the sum of $3,331.48 pertains to the Quartermaster's Department, and the sum of $1,820.41 pertains to the Subsistence Department."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I think it is due to the House we have a full statement in regard to a bill of this sort, which is very unusual.

Mr. OVERSTREET. Mr. Speaker, I may say this bill is recommended by the Secretary of War and has a unanimous report from the Committee on Claims. No better explanation could be made than the reading of the brief statement which I send to the Clerk's desk and ask to be read in my time.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

WAR DEPARTMENT.

Credit in the accounts of Capt. George H. Penrose, Quartermaster's Department—

That the accounting officers of the Treasury be, and they are hereby, directed to credit in the accounts of Capt. George H. Penrose, Quartermaster's Department, the sum of $3,331.48 of funds pertaining to the Quartermaster's Department, and $1,820.41 of funds pertaining to the Subsistence Department, now standing against him on the books of the Treasury (submitted).

NOTE.—On July 1, 1901, Capt. P. H. McCaull, assistant quartermaster of volunteers, was relieved from duty as quartermaster of the transport *Egbert* by Capt. George H. Penrose, quartermaster, United States Army. The *Egbert* was then at Seattle, Wash., undergoing repairs, with a view to carry troops and stores to Alaska. Upon Captain McCaull's relief, public funds to the amount of $9,513.41 were transferred to Captain Penrose, of which the sum of $3,445.92 seems to have been disbursed by him prior to the sailing of the transport, leaving a balance unexpended of $6,067.49. The quartermaster's clerk on the *Egbert*, John McCaull, was the son of Capt. P. H. McCaull, and had served in the capacity of clerk since April 14, 1889. Upon the urgent representations of Captain McCaull as to his capacity and integrity, he was continued in service by Captain Penrose. On July 31, 1901, Clerk McCaull disappeared. The doors of the storeroom and safe were immediately broken open by Captain Penrose, and the contents of the safe were examined in the presence of Lieut. P. H. Mullay, Fourteenth Infantry. The sum of $915.60 in gold and silver was found, but funds to the amount of $5,151.89 were missing. A sealed package, shaped like a package of bills, was found, marked "Capt. P. H. McCaull, Asst. Q. M. funds, 1901, $4,060." Immediately efforts were made to apprehend the absconding clerk, and a prosecution was at once instituted at the request of the War Department, but he was never apprehended. It was found, however, that on July 29, 1901, he had deposited the sum of $4,062.02 in the Seattle National Bank, a designated depository of the United States, to the credit of his father, Captain McCaull, and that amount has been deposited in the Treasury to the credit of the appropriation for Army transportation for the fiscal year ending June 30, 1901.

It is expected that disbursing officers of the Department shall keep public funds for which they are responsible in safes or in a Government depository. Captain Penrose received the safe combination from Clerk McCaull on July 1, when he took charge of the transport; so that at the date of the embezzlement both Captain Penrose and Clerk McCaull were in possession of the combination. Captain Penrose's reasons for not changing the combination of the safe are as follows:

"First. That there was no key by which it could be changed, nor any directions showing how it could be altered, as is usual in large safes.

"Second. That while the ship was at the Bremerton Navy-Yard being repaired and outfitted there was no expert procurable who could change such locks.

"Third. That during the extremely short stay in Seattle he had not the time to secure such an expert to do the work."

In view of all the circumstances of the case, the reasons above given for not changing the combination of the safe have been accepted by the Department as satisfactory. Captain Penrose is still an officer of the Quartermaster's Department and has rendered most excellent and capable service. He is an officer of proved integrity and capacity and of unusual efficiency. He is now employed as the constructing quartermaster of the new military post in the vicinity of Indianapolis, Ind.

Inasmuch as Captain Penrose used due and reasonable diligence in safeguarding the public funds in his possession, it is believed to be just that he should be relieved from the charge by the enactment of a clause of legislation authorizing the accounting officers of the Treasury to allow him a credit for the disbursement of the sum of $5,151.89, of which $3,331.48 pertain to the Quartermaster's Department and $1,820.41 to the Subsistence Department.

JANUARY 21, 1908.

The SPEAKER. Is there objection?

Mr. MANN. There is no objection to the consideration. I would like to ask the gentleman——

Mr. OVERSTREET. I yield for an inquiry.

Mr. MANN. The report which has just been read shows the quartermaster who had been on service in Alaska had been relieved, and Mr. Penrose appointed quartermaster, retaining the clerk of the previous quartermaster who was also the son of the previous quartermaster. I think the report makes a clear case as far as that part is concerned. Now, the clerk of the new quartermaster stole the money out of the safe, went to Oregon, or somewhere else, and deposited it in the Treasury to the credit of his father, the previous quartermaster. I believe there is no way of prosecuting or holding the bondsmen of the father of the thief, because that money was turned into the Treasury.

Mr. OVERSTREET. Exactly.

Mr. MANN. It is one of these cases where we have no relief against anybody after losing the money.

Mr. OVERSTREET. And, if the gentleman will permit me, Mr. Speaker, in addition to what the gentleman from Illinois has just stated, which was quite correct, it may be said in favor of Captain Penrose that the embezzlement occurred but a very few days after he had taken charge and before it was possible for him to secure a change in the combination of the safe. He was detailed and left shortly for the Philippines. As a matter of fact the embezzlement was not discovered until he was upon the point of departure. It was no fault of his own, in the first place, that he accepted that clerk, for the reason that that clerk possessed a knowledge of the combination of the safe before Captain Penrose was given that information, and Captain Penrose received the combination of the safe from the very clerk who embezzled the money, all of which indicates that every possible care had been exercised by that officer.

Mr. MANN. This is a case that has arisen in this way without any fault on the part of the quartermaster, Captain Penrose; now, would it not suggest to the Committee on Military Affairs, or the proper committee of the House, the necessity of having these clerks under bond if they are to have access to the safe and have access to the money? In other words, can a clerk in a quartermaster's or postmaster's department of the Government carry off the funds and nobody found to be punished for it?

Mr. OVERSTREET. I really am not familiar with the law relating to the bond of clerks of that class, but it would seem to me a wise provision to oblige bonds of such clerks.

Mr. MANN. Well, Captain Penrose says that he had no opportunity to change the combination of the safe. It is perfectly apparent that the previous quartermaster gave the combination of the safe to the clerk——

Mr. OVERSTREET. Undoubtedly.

Mr. MANN. But whether it is customary for clerks to have the combination like that gentleman, I do not know. I should think it was very necessary if quartermasters' clerks have access to safes and have access to the money and can carry it off, and then we relieve the quartermaster, as in this case, it seems perfectly just we ought to have some claim against the bondsmen of the clerk. I was trying to get a rise out of somebody on the Committee on Military Affairs.

Mr. CRUMPACKER. I am not on that committee, but the theory of the law is, the quartermaster himself is responsible for the acts of the clerk.

Mr. MANN. That is the theory of the law. The gentleman from Indiana [Mr. OVERSTREET] is the distinguished chairman of the Committee on Post-Offices and Post-Roads, and his committee would not think for a moment of letting a money-order clerk handle money without giving a bond to protect the Government, although the postmaster might be responsible, as I understand it.

Mr. OVERSTREET. Certainly; but the neglect of Congress would not pay the unfortunate quartermaster who had his money embezzled by the clerk.

Mr. MANN. I understand. I am not opposing the payment of this claim.

Mr. PAYNE. May I suggest to the gentleman that the theory of the law is that the quartermaster is the man responsible to the Government, and he has to give bonds to the Government. Congress has lately relaxed that rule, so that when his subordinates have stolen the money without his fault we have been releasing the bondsmen and releasing the quartermaster, or the principal, in a great many cases. And it would seem if Congress is to go on with that policy, and which seems to be a just policy, so far as such a case as this is concerned, they ought to require the subordinate to give bonds, too, to the Government of the United States, so that the Government might locate the fault right where it is and put the embezzlement on the man that commits it and make his sureties responsible for the return of the money.

Mr. MANN. In this case, if the gentleman will permit me, the Government got the money that was in the safe, but in getting it it released the bondsmen of the quartermaster who was, in fact, the embezzler. The boy stole that money that was in the safe and turned it over to the Treasury, and it gave his father credit for it. His father was short.

Mr. PAYNE. This is a peculiar case. There is nothing like it in the history of the Government.

Mr. HOLLIDAY. I am a member of the Committee on Military Affairs, and I would like to ask the gentleman if his understanding is that that committee ought to secure the necessary legislation requiring the clerks to give bond or whether that is not a matter for the Committee on Reform in the Civil Service?

Mr. MANN. It certainly is not a matter for the Committee on the Reform of the Civil Service. It has nothing to do with the civil service, it is perfectly apparent, and a bill on that subject would not be referred to that committee. I do not say that it is the duty of the Committee on Military Affairs, but that committee—and I am not finding fault with them, the gentleman understands—are our guardians and father confessors on military subjects, and we naturally go to them for information and experience on subjects of this kind, and I have learned in the House that upon matters relating to the military I want the information of the Committee on Military Affairs.

Mr. HOLLIDAY. I want to say to the gentleman that no proposition to appoint clerks, either under military organization or anywhere else, has ever been submitted to the Committee on Military Affairs to my knowledge. If it becomes necessary to do so, if there is something wrong about it, and it is the duty of that committee to right that wrong, then of course I want to know it. The committee has always been willing to discharge any duty incumbent upon it, and if it is our duty to see that clerks do not steal the money of the Government, it is our duty to bring in those bills, and I think we will do it. But my impression was that it belonged entirely to another committee, either to the Committee on the Reform of the Civil Service or Committee on Appropriations.

Mr. MANN. Neither of those committees has any jurisdiction of the subject, as I understand it.

Mr. OVERSTREET. I understand the gentleman from Illinois [Mr. MANN] has no objection to this particular bill?

Mr. MANN. It is perfectly patent that this man ought to be paid, even if the Government loses the money. It is proper to call the attention of the distinguished Committee on Military Affairs, I think, to the necessity of guarding against matters like this in the future. The very fact that this bill ought to be paid without question is the reason why legislation ought to be enacted on the subject.

Mr. PAYNE. I want to say to the distinguished gentleman from Illinois [Mr. MANN] that the best way to focus the attention of the Committee on Military Affairs to legislation of this kind is for him to introduce a bill and refer it to that committee. Then the committee will have jurisdiction and the gentleman can follow it up and appear before that committee and urge upon them the importance of such legislation. I trust the gentleman in the multitude of his duties will find time to turn his attention to this matter and introduce such a bill in the near future, and ask the Committee on Military Affairs to act upon it.

Mr. MANN. Realizing, as I do, Mr. Speaker, that I have very little to do, and do not do very much, and have some leisure time, perhaps I will avail myself of that invitation after I have seen the Ways and Means Committee on some tariff proposition where legislation is necessary.

Mr. PAYNE. I want to say that the latter committee is always there doing business.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was read the third time and passed.

CHARLES E. MORTON.

The next business on the Private Calendar was the bill (H. R. 17056) for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry.

The bill was read, as follows:

A bill (H. R. 17056) for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Capt. Charles E. Morton, Sixteenth United States Infantry, the sum of $186, out of any money in the Treasury not otherwise appropriated, to reimburse the said Capt. Charles E. Morton for the sum of $186, United States currency, which was stolen from the said Capt. Charles E. Morton, without fault or neglect on his part, while he was first lieutenant, Sixteenth United States Infantry, and acting disbursing officer at Echague, province of Isabela, Luzon, Philippine Islands, and which said sum the said Charles E. Morton has since paid into the Treasury of the United States in discharge of his liability as such disbursing officer.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

ARCHIBALD G. STIRLING.

The next business on the Private Calendar was the House joint resolution 134, for the relief of Archibald G. Striling, recently midshipman, United States Navy.

The joint resolution was read, as follows:

House joint resolution (H. J. Res. 134) for the relief of Archibald G. Stirling, recently midshipman, United States Navy.

Resolved, etc., That the President be, and he is hereby, authorized to appoint former Midshipman Archibald G. Stirling to be an ensign in the United States Navy.

The amendment recommended by the committee was read, as follows:

Line 5, after the word "Navy," add "to take the position he is entitled to by his order of merit, as shown by his examination for final graduation."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HOLLIDAY. Mr. Speaker, I would like to have some explanation from the Committee on Naval Affairs. This seems to put a man into the Navy.

Mr. MANN. I can explain it, although I have nothing to do with the bill. This man was a midshipman, but he was unable to pass on account of his vision being 12.05, which is 2.05 below the standard required by the Department. He had had two years' service afloat, and the Department thinks he ought to go in the Navy. They want him to go into the Navy on account of the need of the service for additional men.

Mr. BUTLER. Mr. Speaker, the Department urges the passage of this bill for the benefit of the service.

The amendment recommended by the committee was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GEORGE S. PATTEN.

The next business on the Private Calendar was the bill (H. R. 17277) for the relief of George S. Patten, of Williams Coconino County, Ariz.

The bill was read, as follows:

A bill (H. R. 17277) for the relief of George S. Patten, of Williams, Coconino County, Ariz.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a deed of conveyance to George S. Patten, of Williams, Coconino County, Ariz., to the following-described lands, to wit: The northeast quarter of the northwest quarter and lots 1, 2, and 3 in section 18, township 23 north, range 6 east, Arizona.

The amendment recommended by the committee was read, as follows:

Strike out the word "Arizona" and add to the end of the bill the words "Gila and Salt River base and meridan, Arizona Territory."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN SHAUGHNESSY.

The next business on the Private Calendar was the bill (H. R. 5297) to complete the naval record of John Shaughnessy.

The bill was read, as follows:

A bill (H. R. 5297) to complete the naval record of John Shaughnessy.

Be it enacted, etc., That the Secretary of the Navy is hereby directed to so amend the naval record of John Shaughnessy, late landsman, United States Navy, on U. S. S. Brooklyn, as to show him honorably discharged, to date from October 9, 1864.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "him," strike out the word "honorably."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I will give the Naval Committee another chance. There seems to be no report with this bill from the Department.

The SPEAKER. This bill has been reported since the Calendar was made. There is a report, the Chair is informed.

Mr. MANN. If the Speaker will pardon me, there seems to be no report from the Navy Department.

Mr. BUTLER. Which bill does the gentleman refer to?

Mr. MANN. To House bill 5297, to complete the naval record of John Shaughnessy. Is it not the custom of the Naval Committee to refer bills of this sort to the Secretary of the Navy for report?

Mr. BUTLER. That bill was reported yesterday.

Mr. MANN. The report of the committee I have. There seems to be no report from the Secretary of the Navy or the Secretary of War, both of whom are referred to in this report. This bill seems never to have been sent to the Navy Department for information, and I ask the gentleman if it is the custom of the Naval Committee in bills of this character to refer them to the Navy Department for information?

Mr. BUTLER. The gentleman has been a Member of this House for twelve years and so have I. The gentleman knows we always ask the Department for advice. I did not report the bill, Mr. Speaker, and therefore I can not answer the gentleman's question whether the report of the Department is incorporated or not. Therefore, I will ask that the bill be passed without prejudice. I remember the facts very well, but do not remember the report from the Department.

Mr. MANN. I am perfectly willing for the gentleman to state the facts. They are not very fully stated in the report, although I think we ought to have a report from the Navy Department or the War Department when it is proposed to change a man's record.

Mr. BUTLER. Mr. Speaker, I agree with the gentleman that the report of the Navy Department should be on record, provided it can be obtained. I presume it could be obtained, but I can not go to the committee room for the purpose in time to move the passage of this bill at this time. It has the unanimous report of the committee. If the gentleman chooses to object, the bill can remain on the Calendar for future consideration.

Mr. MANN. I think the bill had better go over.

Mr. BUTLER. All right.

The SPEAKER. The bill will be passed over without prejudice.

JOHN CROWLEY.

The next business on the Private Calendar was the bill (H. R. 7807) to place John Crowley on the retired list of the United States Navy.

The bill was read, as follows:

A bill (H. R. 7807) to place John Crowley on the retired list of the United States Navy.

Be it enacted, etc., That in consideration of services rendered in the United States Navy during a period of thirty-two years, from April 11, 1865, to June 20, 1897, that the Secretary of the Navy be, and he is hereby, authorized and directed to place John Crowley on the retired list of the Navy with the retired pay of the rating in which he was serving at the time of his last honorable discharge.

Mr. MANN. Reserving the right to object, the gentleman from Pennsylvania was inclined to rather take offense and show feeling as though he thought I might have intended to offend his committee when I asked if it was the custom of his committee to refer bills of this kind to the Navy Department for report. Yet here are two bills in succession, neither one of which has been sent to the Navy Department, both proposing to amend the record or change the status of Navy enlisted men—a proposition to put a man on the retired list of the Navy—and yet the bill has never been sent to the Navy Department. I do not want to offend the feelings of the committee.

Mr. BUTLER. I am not finding any fault with any statement that the gentleman may make. He may object to the consideration of the bill. I have no request to make. I know nothing at all about the report from the Navy Department, and do not know positively whether any Department report was obtained in this case. I did not make the committee report.

Mr. MANN. I do not think it ever went to the Navy Department.

Mr. BUTLER. Yes; I presume it did.

The SPEAKER. Objection is heard.

MATE WILLIAM JENNEY, UNITED STATES NAVY, AND OTHERS, RETIRED.

The next business was the bill (H. R. 17059) for the relief of Mate William Jenney, United States Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

The bill was read, as follows:

Be it enacted, etc., That Mate William Jenney, United States Navy, retired, and the eight other retired mates who have been placed on the retired list of the Navy, with the rank and pay of one grade above that actually held by them at the time of retirement by reason of their creditable civil war service under the provisions of the acts of Congress approved March 3, 1899, and June 29, 1906, shall be credited with all their prior actual service either as officers or enlisted men in the Army, Navy, and Marine Corps, in computing their pay on the retired list from the date of their advancement under the provisions of said acts.

Mr. MANN. Mr. Speaker, reserving the right to object, I think there ought to be a pretty full explanation of this bill from the Naval Committee.

Mr. BURTON of Delaware. Mr. Speaker, it seems that this legislation is necessary in order to set aside an arbitrary decision of the Comptroller of the Treasury that really seems to be contrary to the act of March 3, 1899. That act provides that any officer of the Navy with a creditable record who served during the civil war shall, when retired, be retired with the rank and three-fourths of the sea pay of the next higher grade. That seems to me to be mandatory. Yet the Comptroller of the Treasury decided that they were to receive only the smallest pay.

Mr. MANN. Is the gentleman able to say how many men have been retired in the Navy and the Army who are subject to the same ruling of the Comptroller?

Mr. BURTON of Delaware. In this service there were twenty-eight originally——

Mr. MANN. Does the gentleman mean in this service or in this class?

Mr. BURTON of Delaware. The others have all got it, except eight men.

Mr. MANN. No one has got it under the original law, under this decision of the Comptroller. Mates are not the only men on the retired list of the Navy, as I understand it, under this law, and this decision of the Comptroller was not made as to this mate or these particular mates. It was a general ruling. Now, is the gentleman able to tell us how many men on the retired list of the Navy and the Army are affected by the same decision of the Comptroller?

Mr. BURTON of Delaware. I am not able to answer that question, but the passage of this act will grant relief to the eight men who are now living.

Mr. MANN. Or nine, to be more accurate; one and eight others make nine, I believe, if my arithmetic is correct. But the gentleman proposes to take a decision of the Comptroller and wipe it out as to nine men. My opinion is that it more likely applies to 900.

Mr. BURTON of Delaware. I do not think so. Has the gentleman's attention been called to a letter of the Secretary of the Navy on this subject?

Mr. MANN. I have read the report.

Mr. BURTON of Delaware. You will find that in the report, which I ask the Clerk to read.

Mr. HOLLIDAY. Pending that, I should like to ask the gentleman what is the purpose of this bill?

Mr. BURTON of Delaware. The report will give the gentleman the purpose.

The Clerk read as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 17059) for the relief of Mate William Jenney, United States Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement, submit the following report:

It appears from the Official Register of the Navy that William Jenney was a mate in the Navy March 19, 1861; acting ensign, November 27, 1863; honorably discharged January 11, 1866; appointed a mate in the Navy December 6, 1869, and retired on account of reaching the age of 62 years on September 26, 1899, under section 1444 of the Revised Statutes.

Mate Jenney was one of the twenty-eight mates in the Navy August 1, 1894, to whom the act approved on that date (28 Stat. L., 212) applies.

Section 11 of the act of March 3, 1899 (30 Stat. L., 1007) provides:

"That any officer of the Navy, with a creditable record, who served during the civil war shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade."

On September 14, 1899, Mate Jenney was notified of his retirement by the Secretary of the Navy in accordance with the provisions of section 1444 of the Revised Statutes of the United States. The act of June 29, 1906 (34 Stat. L., 554), gave a similar advancement for like reasons.

The Comptroller of the Treasury in his construction of these statutes held that the mates in question are entitled only to the lowest pay of warrant officers and not to the pay of warrant officers with the same length of service; and while it was the undoubted intention of the acts referred to to advance the retired pay of these officers, they will under this holding, as a matter of fact, get no greater pay than they previously received.

Your committee is of the opinion that the passage of this bill is necessary if these officers are to receive the relief it was intended to give them in previous legislation.

In support of this view the following letter from the Secretary of the Navy is submitted herewith and made a part of this report:

NAVY DEPARTMENT,
Washington, February 21, 1908.

SIR: I have the honor to acknowledge receipt of your letter of the 14th instant, requesting the Department's view with reference to a bill (H. R. 17059) "for the relief of Mate William Jenney, United States Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement."

Inasmuch as the Comptroller of the Treasury has held that the mates in question are entitled only to the lowest pay of warrant officers and not to the pay of warrant officers with the same length of service, the effect of the advancement provided for by the acts of March 3, 1899, and June 29, 1906, will be to give these officers no greater pay than that they previously received.

Favorable consideration of the bill (H. R. 17059) is therefore recommended, for the purpose of extending to these mates the benefits of increased compensation on advance in rank, as was obviously intended by the acts of March 3, 1899, and June 29, 1906.

Very respectfully,

V. H. METCALF, *Secretary.*

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

In view of the foregoing, your committee is of the opinion that H. R. 17059 should pass. We therefore submit it with a favorable recommendation.

Mr. HOLLIDAY. Mr. Speaker, I take it the purpose of this bill is to increase the pay that these men get on the retired list. Does the gentleman know how much they are getting now?

Mr. BURTON of Delaware. Nine hundred dollars.

Mr. HOLLIDAY. Nine hundred a year?

Mr. BURTON of Delaware. Yes.

Mr. HOLLIDAY. Are they officers or enlisted men?

Mr. BURTON of Delaware. I understand they were all officers, and one of them is as much as 80 years old.

Mr. HOLLIDAY. How much will their retired pay be increased if the bill passes?

Mr. BURTON of Delaware. As I understand, their pay will be three-fourths of $1,800 a year. That was their sea pay for the length of service rendered, and, as I understand this act, it would give them three-fourths of their sea pay.

Mr. BUTLER. It is just to equalize it as to the officers of the Army and the Navy.

Mr. BURTON of Delaware. Yes; that is the object of the bill.

Mr. HOLLIDAY. They served in the Navy until they came to their retirement?

Mr. BURTON of Delaware. Yes.

Mr. HOLLIDAY. And this simply puts them on a par with other officers who had similar service?

Mr. BURTON of Delaware. That is all.

Mr. ELLIS of Oregon. Mr. Speaker, this bill, as I understand it, is to correct what was obviously intended to be done by statute. The statute of 1899 is mandatory in character and says that this shall be done.

A subsequent statute, passed in 1905, had the same end in view, but by a holding of the Comptroller when this matter came up for consideration these nine men were excluded from the provisions of those acts; they were old soldiers who had served through the war, and by virtue of their retirement coming at a particular time the Comptroller held that they were excluded, and they are not receiving the benefit that others of their class are receiving. I think there are only nine—this man and eight others. They served with distinction through the war, and the statute intended to give them the benefit that it gave the other officers of like character. They gave them the advance in rank, but no corresponding advance in pay, as was intended by the act, for the reason that the Comptroller held that they did not come within the act. The committee, after investigating it and examining the report of the Comptroller, reached the conclusion that such a holding worked a great injustice. The report is unanimous, and is backed by a letter from the Secretary of the Navy, who says that the legislation referred to was obviously intended to benefit these men, but under the ruling they are excluded, and we only desire to correct that oversight or inequality existing under that ruling and to put these men in a position to receive what it was intended they should have.

Mr. MANN. Will the gentleman yield?

Mr. ELLIS of Oregon. I am speaking in the time of the gentleman from Delaware.

Mr. BURTON of Delaware. I will yield to the gentleman.

Mr. MANN. Just what will be accomplished by this bill?

Mr. ELLIS of Oregon. Under the statute at the present time these men are getting three-fourth of the pay which the Comptroller held they should receive—that is, three-fourths of $1,200.

Under the bill, if it becomes a law, they will get three-quarters of the pay of the rank which they retired on, which would be three-fourths of $1,800.

Mr. MANN. They were mates; they were retired with the rank and pay of what grade, warrant officers?

Mr. ELLIS of Oregon. Yes.

Mr. MANN. What is the pay of warrant officers?

Mr. ELLIS of Oregon. Eighteen hundred dollars.

Mr. MANN. Is that the lowest pay of a warrant officer?

Mr. ELLIS of Oregon. The lowest pay of the class in which they were placed.

Mr. MANN. What is the class in which they were placed? What is the lowest pay of a warrant officer? The gentleman says $1,800.

Mr. ELLIS of Oregon. Twelve hundred dollars is the lowest.

Mr. MANN. That is what I thought. That is what the law provides for, and that is what they are getting.

Mr. ELLIS of Oregon. Their rank was above that.

Mr. MANN. What does the gentleman mean by saying that "their rank was above that?" Does the gentleman mean that their rank would have been above that if they had served as warrant officers twenty or thirty years? This bill apparently proposes to give to these officers the rank and retired pay of a warrant officer if they had served as warrant officers for a great many years, which they never served at all.

Mr. BURTON of Delaware. But they did.

Mr. MANN. I beg the gentleman's pardon, they were never warrant officers. They never had the rank or pay of warrant officers until retired.

Mr. BURTON of Delaware. The act clearly says "shall when retired be retired with the rank and three-quarters pay of the next higher grade."

Mr. MANN. They were retired with that rank, but never served with that rank.

Mr. ELLIS of Oregon. Because they reached the retiring age.

Mr. MANN. They were mates; that is what the bill shows. They reached the age of retirement, and thereupon they were retired with the rank of warrant officers, but they had never served as warrant officers. Now, the proposition is not only to give them that advantage, but to give them the additional advantage of having served as warrant officers for many years. The same case arises in the Army. We have had the same proposition in other committees of the House.

Mr. BURTON of Delaware. I want the gentleman to understand that I have no special interest in this bill. This is simply a matter of justice to the men.

Mr. MANN. I understand that.

Mr. BURTON of Delaware. I believe these men have done good service, and they are entitled to more than three-quarters of $1,200 pay.

Mr. MANN. They are now getting $75 a month, which would be considered an extremely large pension to any enlisted man in the Army or in the Navy.

Mr. HOLLIDAY. I would like to ask the gentleman another question. How long did these men serve after they went into the Navy?

Mr. BURTON of Delaware. In the case of Mr. Jenney, this report shows that he was enlisted March 19 1861, and was given notice of his retirement on September 14, 1899. Now, he was discharged in 1866, and then reenlisted, and was retired in 1899. That shows a long service.

Mr. HOLLIDAY. I am not inclined to be captious about that, but the Committee on Military Affairs is fairly flooded with applications to increase the pay of men on the retired list—that is, to give them a higher rating—and it is sometimes complained to us that the Naval Committee is much more liberal than the Committee on Military Affairs. I shall not object, however.

Mr. ELLIS of Oregon. Mr. Speaker, it will be found by reference to this act of March 3, 1899, known as the "personnel act," which is mandatory, that any officer of the Navy with a creditable record shall, when retired, be retired with the rank and three-quarters of the sea pay of the next higher grade. On September 14, 1899, the same year this act was passed, Mr. Jenney was retired by the Secretary of the Navy in accordance with the provisions of law, but under the holding of the Comptroller he could not have this pay which the personnel act, in express terms, said he should have. He was not retired until after the passage of that act giving him the right to that pay, and then under that ruling he could not receive the pay.

Mr. MANN. I do not understand the gentleman is correct in his statement of the facts. I understand these officers had received and have received from the date of their retirement three-quarters of the sea pay of the next higher grade than mates. They were mates and they have received three-quarters of the sea pay of a warrant officer, which is $100 a month. Now, the gentleman proposes not only to give them an increase of pay more than is provided by the act, but to date that back to 1899. There has not been such a bill reported into this House from any other committee of the House. The Committee on Military Affairs has constantly, as I am informed, turned down these bills. The committee of which I have the honor to be one of the members has refused to recommend the passage of such a bill, and I do not believe that it receives, in the hurry of making up an appropriation bill, that due consideration which the Committee on Naval Affairs usually gives to everything which comes before it.

Mr. BURTON of Delaware. Does not the gentleman understand that these officers were getting $900 before the passage of this act?

Mr. MANN. Oh, I presume very likely. I presume they were getting $1,200.

Mr. WEEKS. I would like to ask the gentleman from Oregon a question. Are there not certain retired rear-admirals who bear the same relation to other admirals retired since the personnel act that these mates do to other mates retired since the personnel act, and is there not a bill pending in the Naval Committee for their relief at this time?

Mr. ELLIS of Oregon. I am not certain, but I think there is. I did not quite catch the question of the gentleman.

Mr. WEEKS. Are there not certain retired rear-admirals who were retired before the passage of the personnel act who bear the same relation to those retired since the personnel act that these mates do to mates who have been retired since the personnel act?

Mr. BUTLER. Yes; and, if I recollect correctly, I believe that bill was ordered yesterday to be reported favorably.

Mr. WEEKS. The case is exactly the same, is it not?

Mr. BUTLER. Yes. There are a few of these mates that have not been provided for under the personnel act of 1899, and the reason for that is stated in this report from the Department. The bill referred to by the gentleman, I believe, was ordered yesterday to be reported favorably.

Mr. WEEKS. The fact is that any mate retired since the personnel act is receiving three-quarters of $1,800.

Mr. BUTLER. Yes.

Mr. WEEKS. And these mates who were retired before the passage of the act are receiving three-quarters of $1,200, and their civil-war service was the same.

Mr. BUTLER. Their civil-war service was the same, and the personnel act of 1899, section 11, directs that they shall receive three-quarters of the sea pay of one grade above that at which they were retired.

Mr. BURTON of Delaware. Mr. Speaker, I believe this to be a just and fair measure. These mates are entitled to the advance asked for, and I hope the gentleman from Illinois [Mr. MANN] will not object.

Mr. LAWRENCE. As I understand it, the law provides that an officer going upon the retired list shall be retired at three-quarters' pay of the rank above that which he holds at the time of the retirement where he had civil-war service.

Mr. BURTON of Delaware. Yes.

Mr. LAWRENCE. These parties for whose relief this bill is proposed were not, as a matter of fact, retired at the next grade above that which they held at the time of the retirement.

Mr. BURTON of Delaware. No; they were not.

Mr. LAWRENCE. And so you seek simply to place them upon a par with mates who would to-day be retired?

Mr. BURTON of Delaware. Yes.

Mr. LAWRENCE. And who would receive three-quarters of $1,800?

Mr. BURTON of Delaware. To $1,800.

Mr. LAWRENCE. So all you seek to do for these nine men is to place them on a par with other men of equal grade.

Mr. MANN. Is it the intent of the committee, of which the gentleman is a distinguished member, to bring into the House from time to time bills to equalize the pay of all officers and enlisted men who were placed on the retired list, every time an advance in pay is made; that the officers already on the retired list shall have the benefit of the increase of pay so as to equalize their salaries?

Mr. BURTON of Delaware. This only applies to civil war veterans.

Mr. MANN. Oh, but the gentleman talks about equalizing pay and putting men on the same plane. Now, we passed an item for the increased pay of the enlisted men of the Army the other day. If I remember rightly, the Military Affairs Committee, in reporting that proposition, were very careful that the increase in pay should not apply to men already on the retired list, taking the position that when a man is lucky enough to

get on the retired list of the Army or Navy, and he is luckier than anyone else who serves the Government, that he ought to be satisfied with what he gets and not make him up into part of a lobby to constantly urge an increase of any salaries, he probably having nothing else to do.

Mr. BURTON of Delaware. Well, Mr. Speaker, I think that that is hardly applicable to this case. We only ask to have these men placed on the same plane they would have if they were retired to-day, veterans of the civil war.

Mr. BUTLER. Mr. Speaker, I will reply to the gentleman if he will listen. I will not, as a member of the Committee on Naval Affairs or as a Member of this House, vote to increase the pay of any man upon the retired list unless he served creditably and well in the civil war. We reported this bill that the pay of these eight or nine old sailors might be the same upon the retired list which their brothers who served in the civil war are now receiving. If they had not served in the civil war, I would not ask my friend to vote for their relief.

Mr. MANN. I supposed the gentleman was in favor of that proposition, possibly to put men on retired pay, but upon a much higher salary than he would have otherwise received, because he served two or three days in a clerk's office or something corresponding to that in the civil war.

Mr. BUTLER. No.

Mr. MANN. Such a man is now on the retired list, and it is a shame and disgrace to this Government that it ever put him there for that reason——

Mr. BUTLER. I do not know to whom the gentleman refers, but I am sorry to have assisted in the passage of such a measure if I did so. This man, William Jenney, was honorably discharged from the service in 1866. He enlisted March 19, 1861. He had a long and faithful as well as honorable war service, and for that reason, I assure my friend, we reported this bill favorably. We think he and the other men here provided for should have the same pay that other mates have who were more fortunate to be retired a short time after the passage of the personnel act of 1899.

Mr. MANN. Can the gentleman inform me what this means in this bill:

Shall be credited with all their prior actual service, either as officers or enlisted men in the Army, Navy, and Marine Corps, in computing their pay on the retired list from the date of their advancement under the provisions of said act.

What does that mean?

Mr. BUTLER. Mr. Speaker, I can not answer the question. I know it is the intention of the Committee on Naval Affairs that they shall not receive what is commonly known as "back pay," and inasmuch as there seems to be—I am not authorized, the gentleman from Delaware introduced the bill and the gentleman from Oregon [Mr. ELLIS] reported it, after having passed the committee unanimously—but with the consent of the two gentlemen I will ask that the bill be laid aside until the Private Calendar is reached in regular order.

The SPEAKER. The bill is under consideration now, as the Chair understands. Is there objection?

Mr. MANN. Mr. Speaker, I object.

PATENTS TO LANDS, IDAHO, TO BOARD OF MISSIONS, PROTESTANT EPISCOPAL CHURCH.

The next business on the Private Calendar, under the rule, was the bill (H. R 17005) authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho.

The Clerk read as follows:

Whereas the Protestant Episcopal Church among the Fort Hall Indians in Idaho has for about twenty years been maintaining at large expense religious and educational work among the Indians of the Fort Hall Reservation, Idaho; and

Whereas certain lands on said reservations have been by proper authority set apart for the use of said church, and said church has made valuable improvements, consisting of mission and church buildings, upon the lands so set apart: Now, therefore,

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to the Board of Missions of the Protestant Episcopal Church of the United States for the following-described lands: The southeast quarter of section 36, township 4 south, range 34 east, of Boise meridian, containing 160 acres: *Provided*, That the lands so granted shall perpetually be used for religious and educational purposes.

The amendments were read, as follows:

Amend by striking out the preamble, page 1, and strike out the proviso, lines 5 and 6, page 2.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to inquire who has charge of this bill.

Mr. BUTLER. What committee is it reported from?

Mr. MANN. From the Committee on Indian Affairs. The bill seems to be a perfectly proper bill, except they have not put an amendment in which the Department recommends and which ought to go in.

The SPEAKER. Is there objection?

Mr. DRISCOLL. I would like to ask why the last two lines were stricken out, namely:

Provided, That the lands so granted shall be perpetually used for religious and educational purposes.

Mr. MANN. I will say to the gentleman that probably the principal reason was, as appears from the report, that a similar bill without those lines in had been introduced in the Senate and reported upon by the Secretary of the Interior in favor of the passage of the bill, with an amendment which is not in here, and I suppose that the committee in the House made the two bills conform.

The SPEAKER. Does the gentleman object to the consideration of the bill?

Mr. MANN. I do not make any objection.

The SPEAKER. Does the gentleman offer an amendment?

Mr. MANN. I desire to offer an amendment.

The SPEAKER. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert at the end of the bill the following:

"*Provided*, That the said patents shall not issue until the Indians of the said reservation shall have given their consent to the grant through their business committee or council, in such manner as the Secretary of the Interior shall provide."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

WOODLAWN CEMETERY ASSOCIATION.

The next business on the Private Calendar, under the rule, was the bill (H. R. 17167), authorizing the Woodlawn Cemetery Association, of St. Maries, Idaho, to purchase not to exceed 40 acres of land from the United States, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to sell to the Woodlawn Cemetery Association, of St. Maries, Idaho, land not to exceed in area 40 acres which may be selected by the cemetery association: *Provided*, That this land shall be selected from the Coeur d'Alene Indian Reservation: *And provided further*, That the Woodlawn Cemetery Association, of St. Maries, Idaho, shall pay to the Government of the United States the appraised value of the land, the proceeds of the sale to be turned into the moneys accruing from the disposition of the unallotted Indian lands as provided in the act authorizing the opening of the Coeur d'Alene Indian Reservation.

Also the following committee amendments were read:

Amend by inserting after the word "association," in line 6, the following: "and subject to the approval of the Secretary of the Interior."

Amend the title by striking out the words "from the United States" and inserting in lieu thereof "in the Cœur d'Alene Indian Reservation in Idaho."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I move to insert on line 5, before the word "land," the word "nonmineral," so as to make it read "nonmineral land."

The SPEAKER. The question is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

On line 5, before the word "land," insert the word "nonmineral," so as to read "nonmineral land."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The title was amended to read as follows:

A bill authorizing the Woodlawn Cemetery Association, of St. Maries, Idaho, to purchase not to exceed 40 acres of land in the Cœur d'Alene Indian Reservation in Idaho.

The bill as amended was ordered to be engrossed and read a third time, was read the third time and passed.

COMMITTEE ON EXPENDITURES IN THE STATE DEPARTMENT.

Mr. WEEKS. Mr. Speaker, I offer the following resolution from the Committee on Expenditures in the State Department.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the State Department be authorized to have such printing and binding done as may be required in the transaction of its business during the Sixtieth Congress; also that the committee be authorized to sit during the sessions of the House.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Has this committee met yet?

Mr. WEEKS. It has; yes.

Mr. FITZGERALD. Are you going to hold hearings during the sessions of the House?

Mr. WEEKS. I do not know.

Mr. FITZGERALD. Then I will object to that part of the resolution, Mr. Speaker.

Mr. WEEKS. I would like to say to the gentleman from New York that similar privilege has been granted to other committees of the same character.

Mr. FITZGERALD. I have noticed that, and I have decided to object hereafter until it is shown there is some necessity for it. If every committee in the House has leave to sit during sessions there will be nobody present in the House; and unless the committee finds necessity for that privilege, I think it will be necessary for them to wait.

Mr. WEEKS. We shall not use it unless there is necessity for it.

Mr. MANN. I would like to say to my friend from Massachusetts [Mr. WEEKS] that I have served more than ten years now on one of the leading committees of the House, which never has asked, I believe, the privilege of sitting during the sessions of the House. We find it a great convenience not to have the authority, so that we may be properly on the floor of the House.

Mr. WEEKS. Mr. Speaker, I want to say that I have no disposition to sit during the sessions of the House unless it is necessary, and the privilege that is asked here is exactly what has been granted other committees within the past week.

Mr. FITZGERALD. Mr. Speaker, the rule provides that committees shall not sit during the sessions of the House without the consent of the House, and unless there is some imperative necessity the House should not grant it. I object to that portion of the resolution.

The SPEAKER. Does the gentleman modify his resolution?

Mr. WEEKS. I modify the resolution.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the State Department be authorized to have such printing and binding done as may be required in the transaction of its business during the Sixtieth Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

BUSINESS OF WAR CLAIMS COMMITTEE.

Mr. HASKINS. Mr. Speaker, I ask that we now take up the consideration of business reported from the War Claims Committee on the Calendar.

D. M. SPRAGUE AND WILLIAM TILTON.

The first business on the Private Calendar was House resolution 171.

The resolution was read, as follows:

House resolution 171.

Resolved, That the bill (H. R. 13554) for the relief of D. M. Sprague and William Tilton, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, it was not expected that business reported from the Committee on War Claims would be taken up, although it is in order. I think the gentleman ought to make an explanation of war claims bills, under the circumstances, as we go along. Here is a proposition to refer to the Court of Claims. We had a bill on the Calendar this morning that was referred to the Court of Claims in 1886 by the Committee on Claims, not by the House. The report was made by the Court of Claims in 1905 to the House, not to the committee, as the law provided. It seems to me that the committee has power to refer these claims to the Court of Claims. All that the distinguished gentleman from Vermont needs to do is to have his committee meet and present to that committee a resolution referring this bill to the Court of Claims, and to the Court of Claims it goes, and the parties have the right to file their petition there, and the Assistant Attorney-General of the United States has the right to appear for the defense, and the court makes its findings. Now, why——

Mr. HASKINS. If the gentleman will permit me. It is provided in the provisions of the Bowman Act, approved March 3, 1883, that the committee have authority to refer direct to the Court of Claims; but bills or claims presented that come under the provisions of the Tucker Act can only be referred to the Court of Claims by action of the House itself.

Mr. MANN. Ah, I understand; you can refer any bill under the Bowman Act.

Mr. HASKINS. No; the gentleman is mistaken about that.

Mr. MANN. Oh, no. The Bowman Act is as broad as it can be. Of course the claimant does not have the same rights. The Government does not waive as much under the Bowman Act as it does under the Tucker Act; but you can take the claims to the Court of Claims under the Tucker Act just as well as under the Bowman Act.

Mr. HASKINS. Mr. Speaker, the distinguished gentleman from Illinois can consume a great deal of time if he wishes. If he will allow me to answer him concerning this bill, I will state that the claimant in this case alleges that he was under a contract with the United States Government to furnish corn at $1.35 a bushel, hay at $35 per ton, and oats at $1.10 per bushel; that he furnished 2,243 bushels of corn, 256 bushels of oats, and 28 tons of hay, and when he was paid by the Government he was paid at the rate of $1.05 a bushel for the corn, 78 cents a bushel for the oats, and $29 per ton for the hay. Now, this bill has been reported before. It was reported at the first session of the Fiftieth Congress for a direct appropriation for this balance. Again, at the second session of the Fiftieth Congress it was again reported favorably. At the first session of the Fifty-first Congress no less distinguished gentleman than General Grosvenor, of Ohio, reported from the War Claims Committee in favor of the passage of the bill and a direct appropriation for the balance which this claimant now claims. But I have some little question about it; the committee have; and therefore they ask to have it sent to the Court of Claims and let him try his case out there. The claim has been three times reported favorably—once by General Grosvenor——

Mr. MANN. The gentleman seems to take exception to the fact that I asked a question about the bill.

Mr. HASKINS. Not at all.

Mr. MANN. Perhaps it is embarrassing to him to say why he did not refer this to the Court of Claims from his committee instead of coming into the House for the purpose of having it referred. I do not want to embarrass the gentleman in any way.

Mr. HASKINS. There is nothing that the gentleman from Illinois can say that will embarrass me in the least.

Mr. MANN. I trust that is true.

Mr. HASKINS. He had so much to say in the beginning that I had not time until after he had attempted to embarrass me, and of course I followed his statement.

Mr. MANN. The gentleman still has not told the House why this claim can not be referred directly from his committee to the Court of Claims instead of bringing the resolution into the House.

Mr. HASKINS. Because there is no provision whatever in the Tucker Act authorizing any committee to refer a claim from the committee directly to the Court of Claims.

Mr. MANN. No; but there is in the Bowman Act.

Mr. HASKINS. There is in the Bowman Act, but this is a case that does not come within the provisions of the Bowman Act at all.

Mr. MANN. The Bowman Act authorizes these bills to be referred to the Court of Claims.

Mr. CHANEY. The Bowman Act authorizes a committee of the House of Representatives to send to the Court of Claims a claim which has before that time been presented either to the Southern Claims Commission or to an Executive Department for consideration. Unless that has been done, it is not referable to the Court of Claims under the Bowman Act. This is a claim, as I understand, which has never been referred to the Southern Claims Commission, and it was never referred to an Executive Department for consideration. It is therefore not referable to the Court of Claims but by resolution under the Tucker Act. The gentleman is therefore proceeding in the only way that he can ever get to the Court of Claims with this case.

Mr. HASKINS. And in addition, as I understand it, the Bowman Act gives the Court of Claims jurisdiction over the property taken by the Federal Army in an insurrectionary State. This is a claim of a citizen of a loyal State. It does not come within the provisions of the Bowman Act at all. It is only under the provisions of the Tucker Act. This man was a resident of a loyal State, and made his contract with the Quartermaster of the Army.

Mr. MANN. I do not understand that that distinction exists as to the Bowman Act at all.

Mr. HASKINS. It certainly does.

Mr. MANN. You can refer any kind of a claim under the Bowman Act. The Bowman Act does provide, however (and

that is just what I wanted the gentleman to state, which he would not do), that in order to get a finding in a case, a man must in some way have prosecuted his claim. He must have called attention to the fact that he had a claim, before thirty or forty years had passed. It might have been filed with the Department or with the Southern Claims Commission. If that was not done, then the Court of Claims could not make a finding in the case. A man who has a claim against the Government and makes no effort to prosecute it for twenty, thirty, or forty years has not much standing in my opinion.

Mr. HASKINS. This has been pending in a good many Congresses before. Claims for private property taken from citizens of loyal States are first presented to the Quartermaster-General under the law for adjudication. This was presented to the Quartermaster-General.

Mr. MANN. And hence could be referred under the Bowman Act.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

J. E. CALDWELL.

The next business was House resolution 172.

The resolution was read, as follows:

Resolved, That the bill (H. R. 4554) for the relief of J. E. Caldwell, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the "Tucker Act."

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

CHESTER BETHELL.

The next business was House resolution 173.

The resolution was read, as follows:

Resolved, That the bill (H. R. 9629) for the relief of Chester Bethell, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the "Tucker Act."

The SPEAKER. Is there objection.

There was no objection.

The resolution was agreed to.

LIEUT. COMMANDER KENNETH M'ALPINE.

The SPEAKER. The Chair desires to state that there was one bill in order from the Committee on Naval Affairs, as the Chair is informed. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Lieut. Commander Kenneth McAlpine, United States Navy, a commander in the Navy on the active list, subject to examination, to take rank next after Gustav Kaemmerling, as originally borne on the Navy Register from 1886 to 1903.

SEC. 2. That the said Kenneth McAlpine shall be considered to have been continuously in the naval service from the date of his appointment on September 13, 1877, but that he shall receive no pay or emolument for the period from July 17, 1903, to March 3, 1905; and that he shall be additional to the number of officers prescribed by law for the grade of commander in the Navy, and to any grade to which he may thereafter be promoted.

SEC. 3. That the said Kenneth McAlpine shall perform engineering duty only, on shore only.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, has this bill been reported?

The SPEAKER. The Chair is informed that this bill was reported, presumably this morning. It is not upon the Calendar.

Mr. MANN. Reserving the right to object, let us have an explanation to the bill.

Mr. MAYNARD. Mr. Speaker, in 1903, Lieut. Kenneth McAlpine, an engineer officer in the United States Navy, was ordered up for examination for promotion. He went up for examination before a board of four, three of whom found him professionally, morally, and mentally qualified for promotion, one member of the board dissenting. The findings went back to the Secretary of the Navy, were reviewed by the Judge-Advocate-General's office, were sent back to the examining board for reconsideration, with the practical instruction to the board to find against Lieutenant McAlpine. In pursuance of that recommendation Lieutenant McAlpine was dropped from the Navy with one year's pay. I introduced at the succeeding Congress a bill reinstating him in the Navy. The bill was referred to the then Secretary of the Navy, Paul Morton, who investigated the matter and reported back to the Committee on Naval Affairs that a great injustice had been done this officer and that he should be at once restored to the service.

On March 3, 1905, this House passed a bill which had the unanimous recommendation of the Committee on Naval Affairs to reinstate Lieutenant McAlpine in the service. That bill, introduced by me, put him at the head of the list of lieutenants, because it looked to be the line of least resistance. Had the bill been introduced to put him in the service where he would have been except for this unfortunate circumstance, the bill would have passed the House as introduced. The fault was in drawing the bill that he did not get his old place.

Mr. MANN. Will the gentleman have read the letter of the Secretary of the Navy?

Mr. MAYNARD. Paul Morton? I do not think that is here. That was when they put him back into the Navy.

Mr. MANN. Is he in the Navy now?

Mr. MAYNARD. Yes.

Mr. MANN. Then what is he kicking about?

Mr. MAYNARD. Because he has lost eighty numbers.

Mr. MANN. Well, he is in great luck to be in the Navy, any way. What is he now?

Mr. MAYNARD. A lieutenant-commander.

Mr. MANN. At what salary?

Mr. MAYNARD. At the salary of lieutenant-commander.

Mr. MANN. But that varies.

Mr. MAYNARD. I would like to have read the letter of Admiral Rae, Chief of the Bureau of Engineers. This gentleman has been selected by the Bureau of Navigation——

The SPEAKER. The letter can not be read in less than two minutes, and that is the time set for the special order of the House. Is there objection?

Mr. MANN. We can not pass bills here, Mr. Speaker, without a proper report.

The SPEAKER. Objection is made.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I desire to make the announcement that at the close of the consideration of the post-office appropriation bill I will call up for consideration the pension appropriation bill.

LEAVE OF ABSENCE.

Mr. SABATH, by unanimous consent, was granted leave of absence for one week, on account of death in the family.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1574. An act to create the Calaveras Big Tree National Forest, and for other purposes—to the Committee on the Public Lands.

S. 4797. An act for the care and preservation of the Hermitage—to the Committee on the Library.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 3923. An act to fix the limitation applicable in certain cases;

H. R. 6195. An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.; and

H. R. 15247. An act to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River, near the city of Coeur d'Alene, Idaho.

EULOGIES ON THE LATE REPRESENTATIVE CAMPBELL SLEMP OF VIRGINIA.

The SPEAKER. The hour of 2 o'clock having arrived the Clerk will read the special order.

The Clerk read as follows:

On motion of Mr. JONES of Virginia, by unanimous consent,

Ordered, That at the hour of 2 o'clock p. m., on Saturday, March 7, legislative duties be suspended and eulogies on the life, character, and public services of the Hon. CAMPBELL SLEMP, late a Representative from Virginia, shall be in order.

Mr. JONES of Virginia. Mr. Speaker, I offer the following resolutions.

The Clerk read as follows:

Resolved, That as a mark of respect to the Hon. CAMPBELL SLEMP, late a Member of this House from the State of Virginia, and in pursuance of the order heretofore made, the business of the House be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore (Mr. LANGLEY). The question is on agreeing to the resolutions.

The question was taken and the resolutions were unanimously agreed to.

Mr. JONES of Virginia. Mr. Speaker, it becomes our duty to pause for a brief moment amid the busy scenes and active legislative work of this House to pay fitting tribute to the life and character of a departed colleague. Nothing has impressed me so painfully during my somewhat extended service in this body as the appalling frequency with which we are called upon to mourn the death of our Congressional associates, friends, and daily companions. Even before they had taken their seats, and entered upon the active duties of this Congress, two most distinguished and widely known Senators, each bearing a commission from the State of Alabama, passed serenely to their final rest, full of honors and of years. And scarcely had the grave closed over the mortal remains of another honored son of our beloved Southland, a distinguished Senator of the State of South Carolina, when, only three short days ago, the entire country was startled by the announcement that Senator REDFIELD PROCTOR, of Vermont, long a conspicuous figure in the councils of the nation, had suddenly been summoned to that "undiscovered country from whose bourne no traveler returns." And although the visitations of death during this session have been less frequent in this Hall than in the other Chamber of Congress, two of its members, GEORGE W. SMITH, of Illinois, and CAMPBELL SLEMP, of Virginia, have answered their last earthly roll call and passed into the great beyond.

Of all the States of this Union none, within my personal knowledge of the membership of Congress, has been so stricken by the hand of death as has Virginia. Since the beginning of the first session of the Fifty-second Congress fourteen of those who at one time or another served that State in Congress have laid down the honors conferred upon them, as well as the cares and burdens of this life, and gone the way which those of us who for the time being are left behind must sooner or later travel.

Of these, Lee, who had been reelected, passed away before taking his seat in the Fifty-second Congress; but Barbour, Epes, Otey, Richard A. Wise, and Rixey died in the midst of their legislative duties and with the harness still on, whilst Edmonds, Meredith, Turner, Lawson, Walker, O'Ferrall, and George D. Wise lived to witness the termination of their Congressional careers and surrendered up their lives amid the peaceful scenes and quiet environments of their Virginia homes.

Such has been the mortality in the comparatively small delegation from the State of Virginia during the period in which I have, in part, had the honor to serve it here. The bare recital of stern realities so strikingly impressive as these can but serve to admonish the strongest and most heedless among us that life at best is beset by snares and full of uncertainties, and that "Death rides upon every passing breeze."

On Sunday, October 13, 1907, Col. CAMPBELL SLEMP, late a Representative from the Ninth Virginia District, died at his home at Big Stone Gap. His death was very sudden and came as a distinct shock to his many friends throughout Virginia and elsewhere.

My personal acquaintance with Colonel SLEMP began with the opening of the Fifty-eighth Congress, although I had long known of him as prominent in the politics of my State. Our homes were separated by the extreme length of the State, a distance of more than 500 miles. For these reasons I have been obliged to rely to a very large extent upon those whose fortune it was to know him longer and more intimately for most of the facts connected with his long and somewhat eventful life, which I shall now briefly present.

Colonel SLEMP's father, Sebastian Smith Slemp, was one of the foremost men of his section and a striking figure in his community. His mother, before her marriage, was Margaret Reasor, a member of one of the most prominent and well-known families in southwestern Virginia. Lee County is that extreme southwest section of the State running like a wedge for a number of miles between the State of Kentucky on the north and that of Tennessee on the south. Mountains rich with coal and ore there alternate with fertile valleys. Although to-day this county is justly regarded as one of the richest and most prosperous in the Commonwealth, conditions there were far different half a century ago. Then the railroads which now traverse every section of the county had not penetrated its fastnesses. Its inhabitants were cut off from the markets of the world, and the cattle for which that section of Virginia is now so widely famed were marketed in Baltimore, being driven many miles across the ranges of the Allegheny Mountains and up the Shenandoah Valley. Cattle raising and farming were the chief industries, and naturally the utter lack of transportation facilities and the almost inaccessibility of markets were not conducive to the rapid development of material wealth. What such environments and conditions did develop was something infinitely better—a strong, hardy, self-reliant, and thoroughly independent manhood, and this doubtless largely accounts for the untiring energy, indomitable will, perfect self-reliance, and strong, practical common sense which in after life contributed no little to the business successes and the political achievements of Colonel SLEMP.

The educational facilities of Lee County were very limited in those days, and so it was that his parents sent the subject of my remarks at an early age to Emory and Henry College, in Washington County, where most of the young men of that day and section were educated. Here young SLEMP applied himself assiduously to his studies; but the death of his father necessitated his return to his home three months before graduation. He was not permitted to remain there long, for the great conflict between the States was rapidly approaching, and having decided to cast his fortunes with those of his native State, although scarcely of age, he proceeded to raise a company, which was soon thereafter mustered into the service of the State and of the Confederacy. Whilst guarding the mountain passes leading from Kentucky into Virginia, Captain SLEMP's command was opposed to that of Colonel Garfield, afterwards the martyr President of the United States. Later he served with his command in Kentucky. On his return to Virginia he organized the Sixty-fourth Virginia Regiment, of which he became the commanding officer, serving with it in southwestern Virginia, East Tennessee, and East Kentucky. Under General Marshall he participated in the raid through eastern Kentucky, and later he was ordered with his command to Chickamauga, but before his preparations had been completed the order was countermanded. His military services practically ended at Cumberland Gap, where the entire command of General Frasier, of which his regiment formed a part, was surrendered to the Union forces.

The war ended, Colonel SLEMP returned to his home in Lee County. He had married Miss Nancy Brittain Cawood, of Owsley County, Ky., in the year 1864, whilst serving in that State, and having arranged to purchase the old Slemp homestead, he resolutely set to work to earn a livelihood for himself and family and to lay the foundations for the handsome competency which he later accumulated. There was still small opportunity for the accumulation of wealth in that isolated section, but by perseverance and industry and the exercise of that intelligence and fine business instinct which characterized his entire career as a man of affairs, he soon won for himself a commanding position in the industrial life of his section.

In 1878 Colonel SLEMP was elected to the house of delegates of Virginia, where he became an ardent advocate of the readjustment of the State's indebtedness, and where he numbered among his intimate friends such prominent leaders of that then popular movement as Gen. William Mahone, Senator H. H. Riddleberger, and Hon. John E. Massie. He was reelected to the house of delegates by a largely increased majority in 1880. Up to this time Colonel SLEMP was a Democrat in politics, but he subsequently, along with General Mahone and other prominent readjusters, became affiliated with the Republican party, to which political organization he ever afterwards gave his allegiance.

In 1883 he was a candidate for the State senate, but was defeated by a small majority, since many of his old friends and supporters among the readjusters—that issue having been settled—returned to the Democratic fold.

In 1890 he received the Republican nomination for lieutenant-governor on the unsuccessful ticket headed by General Mahone. The canvass which he made, however, brought him into State prominence, and thereafter he was frequently honored by his party, having more than once occupied the position of elector on its Presidential tickets.

In 1902 he was elected a Representative in Congress from the Ninth Congressional District, and he was twice thereafter reelected by increased majorities, but in each of these three contests he was vigorously opposed, and only succeeded in winning the election after a bitterly contested campaign. It is safe, therefore, to affirm that the Ninth District has never witnessed harder fought political battles than the three from which Colonel SLEMP emerged as victor.

As the sole Representative of his party in Congress from Virginia, he was selected by President Roosevelt as the Republican referee for the entire State, and thus it was that his time became largely occupied in dispensing Federal patronage. That he could under circumstances such as these give any considerable attention to his official and public duties is really to be wondered at, and yet at least one of his committee assignments demanded of him constant application and untiring work. He laid no claims to the graces and gifts of oratory and he made no speeches in Congress, but he was a laborious worker, and his intensely practical mind and strong powers of application enabled him to accomplish much in the way of legislation.

It is no small tribute to Colonel SLEMP's tactfulness as a man and to his skill and ability as a political leader that his absolute supremacy was never seriously contested by his party associates and that his party leadership was universally recognized and generally accepted throughout the State of Virginia, as well as in the district of which he was the actual Representative in Congress. That, as the sole dispenser of great Federal patronage in his State, he did not incite bitter opposition to his leadership in his party is also a high tribute to his political sagacity and to his adroitness as a leader of men.

Colonel SLEMP was preeminently a man of action. In business, as in politics, he was ever aggressive, and in both was exceptionally successful. It is said of him that he fought for everything in life which he obtained that was worth the having, and that he owed the eminence which he attained in politics to constant effort and persistent warfare.

For forty years he was a member of the Methodist Episcopal Church South and a firm believer in its teachings, and, I am told, always a liberal contributor toward its support.

That he was steadfast and loyal to his friends and unflinchingly firm in his convictions is the judgment of those who knew him well, and I can bear cheerful and willing testimony that in all his relations to his colleagues he was uniformly courteous and ever regardful of their feelings. His bearing toward them was both unostentatious and unassuming, and in his intercourse with his fellow Members he was at all times genial and open-hearted. Politically, he and I were very far apart, and as to most of the great public questions now before the country we differed widely and radically, but personally our relations were most cordial and friendly and therefore it is that I have availed myself of this opportunity to speak of his life and achievements and to pay an humble tribute of respect to his memory.

To the keeping of those who loved him in life, and by whom his memory will ever be cherished, has been surrendered the record of his long, earnest life—a life full of effort and achievement. To them that record will ever remain a priceless inheritance and a sacred possession.

Mr. GAINES of West Virginia. Mr. Speaker, those men whose lives are spent in a struggle to advance the principles in which they believe, against their own personal interests, at a sacrifice of their own comfort and with scant hope of success, must always command not merely our respect, but our intense admiration.

The difference in our ages precluded any very intimate acquaintance and association between Colonel SLEMP and myself. My personal acquaintance with him was limited to the Fifty-eighth Congress and Fifty-ninth Congress, during which we were both Members of this House. It falls therefore more properly to others than to me to review his career minutely. His entire history, however, was one of unselfish devotion to principle and indomitable determination to fight for his opinions, without regard to his interests. Taking first the company of which he was captain, then the regiment of which he was colonel, into the service of the Confederacy, a service which could appeal to no property interest of himself or of his mountaineer neighbors who followed him, he gave, when scarce more than a boy, an example of his capacity for leadership and his devotion to what he deemed to be right, characteristic not only of his life, but marking him unmistakably as a type of his section. Emerging from the poverty in which the war left him, by the avocations of the school-teacher and farmer he again presents himself as typical of the class and section to which he belonged. No one less responsive to the demands of duty, no one less obedient to the dictates of conscience, no one less disposed to disregard his own interests, his own ease and comfort at the call of conviction could by any possibility have lived such a life as his.

Knowing something in a large way of his history, and having known many men of his type in my own State, I was prepared to understand him perhaps better than most Members of this House. And so, not knowing him very well personally, I still took a deep interest in his career, recognizing in him a conspicuous type of a section and a people whose history has not yet been written.

Casting his lot as a young man with the Confederacy, on the side of the State against the great majority of his country, because he deemed his duty to be that way, he allied himself during his mature years to that political party which did not meet with the concurrence of the majority of the people of his State. The proprieties and my disposition on such an occasion prevent my saying anything partisan or political in its nature. But our admiration for courage, for determination, for devotion to a cause without regard to success, compel equal admiration for the men possessing those qualities whether they be Confederates at Appomattox or Republicans in the South. It is a part of his history that when the troops of which his regiment was a part were to be surrendered, he secured the permission of the general commanding to take his regiment and attempt their escape. Dividing what was left of his regiment into groups of seven, they made their way along the mountain side from Cumberland Gap to a place of safety, Colonel SLEMP and his immediate friends being the last to escape, and so were beyond the Union lines when the Confederate troops were surrendered. When the war was over, he and his regiment ceased to fight, but they had not surrendered.

The same spirit characterized him as a party leader. From every standpoint of interest, business and social, such a political fight as he made was not easy. No man becomes or can become a leader in such a movement who consults either his fears or his love of ease. It is a leadership which belongs only to those men cast in such a mold that they can fight for their principles without reference to the result. Under such conditions those who count the cost either do not enter the controversy or enter it upon another side. There must have been many times during his long party leadership when Colonel SLEMP longed for the greater ease he had known amidst the failing fortunes of the Confederacy.

But mere blind courage, however admirable, will not suffice for such leadership. Sound judgment, untiring energy, infinite patience, and tact are alike necessary. No man can accomplish anything in such a controversy unless he possesses also those qualities which inspire the highest personal devotion and friendship. Such devotion and friendship are found only by those who in turn are true to their friends; and it is perhaps this trait of Colonel SLEMP's character of which those who knew him will most frequently think as they recall his memory. And this conspicuous loyalty of friends and to friends is the only compensation for a life of such struggle at all commensurate with the labor required and the sacrifices entailed. The ardent devotion of his followers was to Colonel SLEMP, as death terminated his long fight for his principles, the chief recompense for his efforts in a cause in which leadership is at once a martyrdom and a triumph.

Mr. FLOOD. Mr. Speaker, Hon. CAMPBELL SLEMP was born in Lee County, Va., on December 2, 1839.

He was educated in the common schools of Virginia of that day and at the Emory and Henry College, where most of the young men of southwest Virginia completed their education at that period.

With the hardy, virile, and independent spirit characteristic of mountain environment, and with the advantages of a somewhat extensive academic training, the inference would be natural that his career would be exceptional; and so it proved.

He entered the Confederate army in 1861, when just of age, as captain, and was subsequently promoted to lieutenant-colonel and colonel.

He was a Democrat until 1879, when the debt question split the party of the State. The issue was upon what was the just and equitable indebtedness of Virginia upon the debt contracted many years before the war for internal improvements.

While there was room for honest differences of opinion as to the right and equities in the case, the controversy was a most unhappy one for Virginia, especially so coming as it did at a period when the State was still crippled by the disasters and impoverishment of a long and devastating war and still agitated and unsettled by the dark problem of reconstruction.

Gen. William Mahone, who was afterwards United States Senator, was the leader of the section of the Democratic party in favor of readjusting the debt, which section acquired the title of "Readjuster party." Colonel SLEMP cast his fortunes with this party and was elected as its representative to the house of delegates in 1879, and again in 1881. In 1880 he supported the Mahone-Hancock-English presidential ticket, and subsequently went with General Mahone into the Republican party, and in 1883 was the candidate of this party for the State senate, but was defeated.

In 1889 he was nominated by the Republican party of the State for lieutenant-governor upon the ticket headed by General Mahone for governor. This ticket was overwhelmingly defeated by the Democratic ticket led by Governor Philip W. McKinney.

Mr. SLEMP was not again a candidate for an office until 1902, when he was nominated by the Republicans of the Ninth Virginia district for Congress and was elected.

This district has from time to time been an uncertain and fluctuating political quantity—now Republican, now Democratic.

But in 1894 the powerful figure of Gen. James A. Walker, the last commander of the Stonewall Brigade, loomed up as the leader of the Republican party in the district. He was a man of commanding ability, of strong personality, of undaunted courage, and of overbearing will. In 1894 and 1896 he swept all opposition before him and carried the district by large majorities.

In 1898 the Democrats nominated a man who was of forceful and aggressive personality. His intellect was as strong, his will as imperious, and his courage as dauntless as were those of James A. Walker. The entire State watched the issue expectantly, for it was known that it would be "Greek meets Greek" when James A. Walker and William F. Rhea tried conclusions upon the hustings.

It was the custom in Virginia, in districts that were at all close, for the candidates of the respective parties to engage in joint discussions. Such discussions were arranged between Rhea and Walker. They proved to be intensely dramatic and interesting, and, at times, reached the danger point. The general opinion was that Rhea got the better of his opponent in these discussions, and he was elected, and again in 1900 he overthrew the same antagonist.

In 1902 the Republicans nominated Colonel SLEMP. He conducted a still-hunt campaign against Congressman Rhea, and succeeded in defeating him by a majority of 218. The defeat of such a man as Rhea reveals, without the telling, the fact of Colonel SLEMP's popularity, influence, and power in his district.

Colonel SLEMP was reelected in 1904 over Hon. J. C. Wysor, one of the ablest lawyers and most brilliant orators in Virginia, by a majority of over 4,000; and was again elected in 1906, defeating ex-State Senator Robert P. Bruce, a splendid young Democrat, by a large majority.

As a Member of this House he made many friends by his genial manners and his kindly sympathies. His career here was quiet and unobtrusive; yet it was signalized by such untiring industry and eminent good sense that it redounded not only to the benefit of his district, but to the aggrandizement of the Republican party in the entire State.

Mr. Speaker, to the reflective mind there is an element of pathos in every life. However, the candidate for earth's honors and ambitions may gird himself with the panoply of preparation, how eagerly soever he may stand expectant for the steed of opportunity; how exultantly soever he may vault into the saddle and ride in triumph to the coveted goal, yet in every case "does black care ride behind."

This is the dispensation to universal humanity; and I can pay no higher tribute to this House than in recalling that its generous and tender usage has always been to bury all memories of strife and contention in the grave of a colleague. We all look forward to this; and we shall not be disappointed.

"There is no pocket in a shroud." There are no politics in the tomb.

Those who have sat with us in this Chamber, and are gone from among men, we remember with chastened and kindly hearts.

And so of our departed colleague we all unite in saying, "Honor to his memory; peace to his ashes."

Mr. LASSITER. Mr. Speaker, I did not have the honor of serving in this House with our deceased colleague, nor did I have the privilege of the personal acquaintance of Colonel SLEMP. Our residences have been in widely separated parts of the State. Yet I can bear testimony that for many years his name echoed loudly in the Commonwealth and his activities have been notable in the recent history of Virginia.

I shall leave to my colleagues and to his more intimate political associates a proper survey of his public services and personal merits.

That he was a brave and masterful man is evident not only from his local achievements, but from the confidence reposed in him by the Federal Administration.

In an hour like this, when the divine mystery of death overshadows human ambition and shames the animosities of men, it is reassuring to those who love our country to recognize the high qualities of mind or heart which have always characterized the representatives of the American people.

The regard which I entertain for the son and successor of our late colleague, as well as the honor due to a gentleman who has borne the mandate of a Virginian constituency to represent its wishes in this Hall, impels me to say a word of personal sympathy to the living and respect to the memory of the dead.

Mr. CAMPBELL. Mr. Speaker, Colonel SLEMP was one of almost 10,000 representative Americans who have given conspicuous service to their country in this House. His services here were not distinguished upon the floor. He was not a debater, but one acquainted with the duties of a Member of this House well knows that much arduous work is done here that is not evidenced upon the floor. Colonel SLEMP was referee for all the political patronage of the State of Virginia. That of itself is a sufficient burden for the shoulders of any man, however great. That he did this work and did it well is evidenced by the fact that he was returned to this House one session after another for three consecutive terms, at a time when he had at his disposal all the Federal patronage within his State. In addition to all of this, Colonel SLEMP had the work of a Member of this body that is required in the Departments here, and everyone who has had service in this House knows how arduous that service is and how burdensome it sometimes becomes. A visit to two or three Departments a day, keeping up the enormous correspondence that is necessary, requires a degree of industry that is not required of men in the average walks of life. He was a man of patient industry and did his work faithfully and well. My acquaintance with Colonel SLEMP began in the work of one of the busiest committees in the House, that on the District of Columbia. The work there is similar to the work that is required of the common council of a city of the size of Washington. Mr. SLEMP was always at his post. He was wise as a counselor on civic affairs, always ready to devote himself to duty, and never shrank from a single responsibility. He lived the life of a busy man. He was born to a life of struggle and contention. He endured the trials of war and reconstruction in his younger manhood. Virginia had problems after Appomattox. Colonel SLEMP took them up and assisted in adjusting them all. He met and was equal to every responsibility that rested upon him as a citizen. He did his duty as he saw it. No man can do more, and no higher tribute can be paid to a citizen of this country or to a Member of this House than to say of him that he did his duty faithfully as he saw it.

Colonel SLEMP has experimented with the problem of life and has solved the great mystery of death. He, like all the innumerable multitude who have preceded him to the grave, was cheered with the hope of victory and depressed with the fear of defeat; he was able to gratify a lofty ambition and win in many of life's notable conflicts, but when the great summons came he yielded, as all men must. To that summons no man can say nay. Life, with its hopes, with its fears, with its ambitions, with its conquests, and its defeats, must end. 'Tis the fate of all. Every man, whatever his hopes, may look forward to the time when he, too, shall answer to the summons that calls to the grave. Position, place, and power are not a defense. Ambition, achievement, and responsibility are not a bar. From the cradle to the grave life is a conflict with death. The infant struggles for life in its beginning, and finds it a struggle throughout to the end, when the mystery of death solves the last problem of life—

E'en silent night proclaims my soul immortal;
E'en silent night proclaims eternal day.

In this hope death loses its sting and the grave its victory.

Mr. LAMB. Mr. Speaker, for the fifth time in twice as many years the Virginia Representatives in this House are called upon to pay tribute to the character and public services of a deceased colleague. The death of one-half of their number in a decade suggests the old, old thought that "in the midst of life we are in death." These deaths have come to the young and middle-aged as well as to the old. They are solemn and stern reminders that the youngest and strongest may be called away at any hour, and that the oldest among us would do well to so carry ourselves in life that our goods and chattels may be packed and ready for the departure we must soon make.

These frequent deaths remind us of a passage in one of Thackeray's letters. He was referring to a friend who had died, and he wrote:

He was ready, I suppose, and had his passport made out for his journey. Next comes our little turn to pack up and depart. To stay is well enough, but shall we be very sorry to go? What more is there in life that we haven't tried? What that we have tried is so very much worth repetition or endurance? I have just come from a beefsteak and potatoes and a bottle of claret, both excellent of their kind, but we can part from them without a very severe pang, and note that we shall get no greater pleasures than these from this time till the end of our days. What is a greater pleasure? Gratified ambition? Accumulation of money? What?

We have the answer in a Latin maxim: "Vanitas, vanitatem;" or, from the theologian's standpoint—

Vanity of vanities, saith the preacher; all is vanity.

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